- 1. Provide by Wednesday (5/2/18) at 10pm any amendments, additions, removals of code language you plan for action taken during our CodeNEXT deliberations.
- 2. Mark a simple "x" in the column labeled "A" if you have no exceptions, minor (such as wordsmithing or something you believe is in line with Draft 3 but only slight differentation) or major (departure from Draft 3 intent or character). I recognize this is somewhat subjective between minor and major, such as suggesting a small height or setback change that may be small in number that in actuality may be viewed by some as major change. All will be discussed regardless and this is simply an initial organizational tool.

3. Mark an "x" under your name in column "B".

- 4. Under "C", include the most simple identification that can organize code discussions during our deliberations. For Example, "Parking, Compatibility, Environment, ADU, Form, Admin, Mapping, Flooding, Uses,
- 5. If you need staff available related your questions, concerns, proposed amendments that authored related code text, please mark a YES/NO under column "D" so that I can notify Director Guernsey provide necessary

6. Under column "E", if your proposed comments, questions, concerns are general or broad in nature, mark an "x" in the "General" column. However, it is critical for our efforts to identify, as specifically as possible, which section of code you are addressing with your comments. If you must identify the whole division that is understandable, however as we organize any potential motions using specific code sections will be most beneficial to our efforts. In doing so, you will allow the opportunity to see if there are similar offerings for consideration. In addition, you will give me better support to organize our deliberation efforts most efficiently. There may be instances where potential draft changes extend to other sections of code or are contingent upon specific information included in other sections. Please utilize the Notes column as much as needed to describe your intentions. This can help fellow commissioners understand your suggested changes or questions and thereby reduce additional discussion time during our deliberations.

7. Utilize column "F" for specific draft code you propose related to that section.

8. This spreadsheet format has been left editable. Obviously there will be the need to add rows between Divisions so that multiple sections can be addressed within the respective Division. It was not feasible to add all the sections within each division. Add as many rows between divisions as you need to address your full list. I will combine them together.

Consent	
New Item (as of Monday 5/14/16)	
Motion Reviewed/ Taken Action On	
· ·	
Motion Tabled	
See Table Addendum for more information	

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CHAPTER ARTICLE	TITLE	DESIRED PROPOSED CHANGES TO D3	INIT	TIATED B	Y COMMSS	IONER	E	X OFFICIO	TOPIC AREA	REQ. ADD'L STAFF FEEDBACK	АМЕ	NDMENT TYPE	SUBSTITUTE LANGUAGE	COMMISSIONER NOTES		
051150.11		NAME AND AND A	ANDERSON HART KAZI KENNY	MCGRAW	OLIVER SCHISSLER SFEGER	SHIEH	WHITE	MENDOZA		vec hip	GENERAL	SPECIFIC SECTION			YES/NEUTRAL /NO	STAFF RESPONSE
GENERAL	All Non 23-4	NONE MINOR MAJOR		<del></del>	Isol	т т		1 1	_	YES/NO	Y		REDUCE LENGTH OF NON 23-4 SECTIONS BY 20%. CodeNEXT text is			
	Divisions				30				FORMAT		^		overly verbose, consistently difficult to understand. Master Editor should identify measures in Non 23-4 chapters to reduce extreme length to assist in achieving CodeNEXT goal for code simplicity.			
	: Introduction le 23-1A General Provisions	NONE MINOR MAJOR								YES/NO	YES/NO					
1 Artic	Division 23-1A-1 Title, Purpose, and Scope		ППП	Т		П	ПП	Т								-
1.3	Division 23-1A-2 Authority	C x			JSc				Admin & Procedures		2:	3-14-2030	(A) Effect of Land Development Code. The standards and procedures applicable to development of property within the City limits and within the City's extraterritorial jurisdiction are stated in the land Development Code (LDC) or technical criteria manuals as adopted per the provisions of the LDC, which shall control in the event of a conflict with a representation made by a City official or employee, either orally or in writing, or via a policy manual, summarizing, paraphrasing, or otherwise interpreting the that summarizes, paraphrases, or otherwise interprets the standards and procedures applicable to development.	This clarifies that the technical criteria manuals supercede the statements of city officials or employees.	Neutral	
1.4	Division 23-1A-3 Classification of Application and Decisions															-
2.6	Division 23-1A-4 Classification of Application and Decisions				JSc				Admin & Procedures		(0	3-1A-3020 C)Administative ecisions (1)(b)	Move 23-1A-3020(C)(2)(c) to 23-1A-3020(B)(2)(e) and revise 23-1A3020(C)(1) (b) The authority to make administrative decisions is delegated to City departments and to boards and commissions, as provided in Article 23-1B (Responsibility for Administration). A publichearing is required for an administrative decision by a board orcommission.	Section 23-2A-2010(A)(2) (c )has subdivisions as quasi-juducial approval, conflicts with 32-1A-3020(C) as administrative decision		
1.5	Division 23-1A-4 Consistency with Comprehensive Plan	С														-
1.7	Division 23-1A-5 Rules of Interpretation	C ×			JSc				Admin & Procedures		2:	3-1A-5020 (b) (1)	Wherever possible, the <u>Director shall have the authority to interpret this</u> Title in a manner that gives effect to all provisions <u>and wherever possible</u> , <u>shall</u> avoid interpretations that render a provision of this Title in conflict with one or more other provisions.	Conflicts should be avoided whenever possible inside the LDC. This new language gives the director the authority to interpret the LDC to avoid any potential conflicts wherever possible.	Neutral	
2 Artic	le 23-1B Responsibility for Administration															
2.1	Division 23-18-1 City Council  Division 23-18-2 Boards and Commissions	С				+		++-								
2.2	Division 23-18-3 Administration	С			$\vdash$	++-	$\vdash$	++-								-
2.4	Division 23-18-4 Neighborhood Planning	С														
2.5	Division 23-18-4 Neighborhood Planning			КМ					Contact Teams		2:	3-1B-4010	Neighbrohood Contact Teams may submit plan amendments.	This should not be removed.		
2.7	Division 23-18-4 Neighborhood Planning					ΤL			Neighborhood Plans		Yes		When PC first sees a new Neighborhood plan, or small area plan, etc., it is on the dias (or perhaps at SAP) where we are expected to give an up or down vote. There is no method for additional nighborhood feedback other than public hearing. The process should go to PC much sooner so we can provide early feedback.			
	: Administration and Procedures	NONE MINOR MAJOR								YES/NO	YES/NO					
A.3.0.1	GENERAL Administration & Procedures	Х					TW		Admin		Х					
3.1	Division 23-2A-1 Purpose and Applicability															-

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3.2	Division 23-2A-2 Development Process		₹ ±		Σz	<u> </u>	<del>"                                    </del>	<u>≯                                    </u>	<u> </u>			GENERAL	SPECIFIC SECTION				STAFF RESPONSE
3.3	Division 23-2A-2					+		+++	++			No	23-2A-2010 (2) Quasi-	(2) Quasi-judicial approvals:	A business requiring a Conditional use Permit (CUP) and a rezoning should be	No	CUPs are quasi-judicial approvals
													Judicial approvals	(a) Zoning variances and special exceptions; (b) Environmental variances;	allowed to submit concurrently. Allowing for concurrent submittals would provide a more transparent process and more certainty to the applicant and interested		
										Admin & Procedures				(c) Subdivisions and subdivision variances; and	parties. In addition, there is a concern that this section, along with 23-2A-2020,		
										Troccuures				— (d) Conditional use permits.	gives the Director discretionary authority over concurrent applications. Language in existing code (25-1-61) is preferable for this provision which would allow for		
	Development Process	х					JT				No				applications to be submitted and reviewed concurrently.		
3.4 3.5	Division 23-2A-3 Residential Development Regulations						+	TC	++			-	23-2A-3030 One to Two-	A)2) Residential development that is subject to this section must	Clearer language	No	- Agree that we need to clarify which chapters not currently listed still
3.3								13		One-Two Unit	NO		Unit Residential	comply with the regulations of this Title specified under this section.	Clearer ranguage	No	apply to 1-6 units (e.g., transportation, utilities). However, different
	23-2A-3030 One to Two-Unit Residential	x								Residential							language is needed than what the substitute language proposed.
3.6 3.7	Division 23-2A-3 23-2A-3040 Three to Six Unit Residential						ICI:							Annual Control Control	And the state of t		-
3./							JSn						engineers letter	Amendment: Replace language.	too costly, and spending money on things that do not may not make much difference		
														(2) An engineer's certification that any changes to existing drainage patterns will not negatively impact adjacent property if the			
														construction, remodel, or expansion:			
														a. Is more than 300 square feet; and b. Located on an unplatted tract or within a residential subdivision			
														approved more than five years before the building permit application			
														was submitted WITH			
														(2) Provide acceptable drainage improvements on site to preserve			
														OR IMPROVE existing drainage patterns if the construction, remodel or expansion:			
														A. Is more than 750 square feet; and			
														B. in an area subject to localized flooding, as determined by the Watershed Protection Department on an annual basis.			
3.8														C. Located on an unplatted tract or within a residential subdivision		No	From a review perspective, staff is opposed to revisions to this
														approved more than five years before the building permit application was submitted			section that would result in a needed increase in the resources required for review.
														Acceptable drainage improvements include,			
														An engineer's certification that any changes to existing drainage patterns will not adversely impact adjacent properties			
														2. swales, grading, gutters, rain gardens, rainwater harvesting systems			
														or other methods on site to preserve OR IMPROVE existing drainage patterns as calculated by:			
														i. grading plan			
														ii. per Table X-X-XX (gallons per sf of impervious cover and grade changes+12")			
														iii. a fee in lieu is available at the director's discretion if a water			
														mitigation project has been identified in the area to be implemented within 12 months.			
3.9	Division 23-2A-3030 Residential House-Scale Zones & 3040 (B)	x	x									NO	23-2A-3030 & 3040 (B)	An engineer's certification that any changes to existing drainage patterns will not negatively impact adjacent property if the	This section incurs high cost along with liability and enforcement concerns for both engineer and homeowner. V3 language shifts liability from the owner of the		
														construction, remodel, or expansion:	property to the engineer, which no engineer would ever agree to without obscene		
														Is more than 300 square feet; and Located on an unplatted tract or within a residential subdivision	fees. At first blush, The cost is estimated at \$3000 in site work plus \$5000 for the letter. Est \$8000 per house for over 5100+ permits last year fitting the		
														approved more than five years before the building permit application	requirements = over \$40 million additional cost citywide.		
															Furthermore, "Negative Impact" is vague & subjective. The term does not allow		
										residential and affordability	NO			(2) Install acceptable drainage improvements, such as swales, grading, gutters, rain gardens, rainwater harvesting systems or other methods	for pre-existing deficient conditions on adjacent properties. Drainage calculations are necessary for engineer review and are known to be inaccurate on small tracts.		
														on site to preserve existing drainage patterns if the construction,			
														remodel or expansion: Is more than 750 square feet; and Located on an unplatted tract or			
														within a residential subdivision approved more than five years before			
														the building permit application was submitted.  And in an area subject to localized flooding, as determined by the			
	lotte of an immed			+ + +	$\Box$	$\bot \bot$	$\bot \bot$	$\sqcup \sqcup$	+				22 24 2020 8 2222 (7)	Watershed Protection Department on an annual basis.			
	letter of no impact	×											23-2A-3030 & 3040 (B)	please see Exhibit TW Additional language	Comment: This section incurs high cost along with liability and enforcement concerns for both engineer and homeowner. V3 language shifts liability from the		
															owner of the property to the engineer. "Negative Impact" is vague & subjective. It does not allow for pre-existing deficient conditions on adjacent properties.		
										water mitigation	х				Drainage calculations are necessary for engineer review and are known to be inaccurate on small tracts. The cost is estimated at \$3000 in site work plus \$5000		
															for the letter. Est \$8000 per house for over 5100+ permits last year fitting the		
															requirements = over \$40 million additional cost.		
4	Article 23-2B Application Review and Fees			1 1 1			1 1										
4.1	Division 23-2B-1 Application Requirements																-
4.3	Division 23-2B-1 Application Requirements	х				JSc	+								This would create certainty that applications that meet all requirements of	No	This is very similar language to today's code. This draft language
										Admin &				and not rejected as incomplete in 45 days shall be automatically approved under this section.	completeness will be accepted		says that an application is deemed complete after 10 days if rejection comments aren't provided. The PC addition of #4 would
										Procedures							move that to 45 days, which would not be helpful to the applicant.

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4.4	Division 23-2B-1 Application Requirements	х				JSc							23-2B-1010 (b)	Replace with: The responsible director may adopt application requirements under this Section by administrative rule <del>or by policy.</del>	This clarifies that directors are empowered to adopt application requirements and deadlines only through an administrative rule process, and not via policy memo.		Developing application packages and forms and incorporating content into an application should not be in the rules process.
														memo, and shall post required application forms and all relevant rules	The administrative rule process provides due process for all residents and stakeholders.		Establishing the minimum information required for a complete application might be an appropriate use of rules (or ordinances);
										Admin & Procedures				on the City's website.			however, the actual design of forms should not be held to the rules review process since the form or application should only be a
										Frocedures							reflection of requirements already established. The use of policy
																	memos allows staff to make quick administrative decisions when required.
4.5	Division 23-2B-1 Application Requirements	х		+		JSc							23-2B-1030 Application	Add (4): An application that has been submitted and not rejected as	This would create certainty that applications that meet all requirements of		
										Admin & Procedures			Completeness (A)(4)(New)	incomplete in 45 days shall be automatically approved under this section.	completeness will be accepted		
4.6	Division 23-2B-1 Application Requirements	X				ISc			-				23-2B-1040 Update and	Add new (D) "(D) If an applicant has submitted an application and	If, after 3 rounds of comments, there is still conflict between departments, a	Yes	
										Admin &			Expiration (D)(New)	subsequent updates but is unable to resolve outstanding comments after the third submittal, the City Manager shall require a meeting of	meeting will help resolve and expedite the process for everyone, limiting staff time and developer costs		
										Procedures				all reviewers and the applicant to take place within 2 weeks following	and developer costs		
														the third set of comments such that conflicting issues can be resolved in a timely manner"			
4.7	Division 23-28-1 Application Requirements	X				JSc				Admin &			23-2B- 1050(B)(1)(d)(New)	Add (d): (d) the application is being delayed due to review by the legal department.	This section lists different reasons that a delay shoudln't lead to an application expiring. A common delay that isn't on this list is legal review. Because legal		
										Procedures					review is outside the control of the applicant, it makes sense to not having an application expire when the city legal department is reviewing it.		
4.8	Division 23-2B-1 Application Requirements	X				JSc							23-2B-1060	Remove entire section (23-2B-1060) If an application expires, all other	There's no reason to have all other items expire when one does - effectively		
										Admin & Procedures				unapproved applications for that development, which are listed below- the expired application under Section 23-2A-2010 (Order of Process).	resetting something back to zero. Other applications may still be going through a normal due process.		
4.0	Division 23-28-2 Review Procedures			$\bot \bot \downarrow$						Troccuures				also expire.	,		
4.9 4.10	Division 23-28-2 Review Procedures  Division 23-28-2 Review Procedures	Х				JSc							23-2B-2010 (A)	(A) The responsible director shall-establish standards for complete	This would add certainty to the development review process and ensure staff is	No	Review turnaround times are impacted by application volume and
														staff review and comment <u>within 21 days of the initial submission of</u> pending applications, <u>and within seven days for an updated</u>	meeting timely deadlines. The director should not be responsible for setting his/her own deadlines.		available resources. While turnaround times need to be established by a process that is vetted with stakeholders, these administrative
										Admin &				application, including deadlines for issuing comments on pending applications for purposes of determining when an application expires-			issues were removed from Title 25 and moved into the criteria manuals to be adopted via the rules process. Adopting review times
										Procedures				under Division 23-28-1 (Application Requirements)			by rules preserves the stakeholder engagement component and provides staff with the flexibility to make adjustments based on the
																	previously identified factors without having to initiate a code amendment.
4.13	Division 23-2B-3 Fees and Fiscal Surety	-				++											
4.14	Division 23-28-3 Fees and Fiscal Surety	x				JSc				Admin &			23-2b-2030(C)	Add (3) the improvements for which the fiscal surety esd posted are	This is current policy for improvements such as transportaton improvements.		
										Procedures				not constructed within ten years			
4.12	Division 23-2B-2 Review Procedures					JSc							23-2B-2050	"Add (E) All development assessments shall have an expiration dated 2 years after issuance of development assessment by City of Austin.	Uncertainty drives complexity and project cost, and having an upfront development assessment will significantly improve outcomes.		
										Admin &				(F) Determinations or Code interpretations made at the time of a			
										Procedures				Development Assessment shall be upheld through the application review process for all project development applications so long as the			
														initial application for development is submitted prior to expiration of			
5	Article 23-2C Notice													the development assessment."			
5.1	Division 23-2C-1 General Provisions  Division 23-2C-2 Notice Requirements	С															•
5.3	Division 23-2C-3 Notice Requirements  Division 23-2C-3 General Notice Procedures	С															-
5.4	Division 23-2C-4 Notice of Public Hearings	С															•
5.5	Division 23-2C-5 Notice of Applications and Administrative Decisions			$\Box$													-
5.6	Division 23-2C-5 Notice of Applications and Administrative Decisions							TS		Notice of	NO		23-2C-5010 (D)	(D) Action on Application. Unless otherwise provided by this Title, the responsible director may not approve an application for which notice is	Change to 30 days. 14 days is not enough time after notice issued for impacted parties to receive notice and respond. [This is process required by MUPs]	No	Staff is supportive of retaining the 14 days
		l x								Application	NO			required under this section sooner than 14 30 days after the date that notice is provided.			
6 6.1	Article 23-2D Public Hearings Division 23-2D-1 Conduct of Public Hearings																-
6.2	Division 23-2D-1 Conduct of Public Hearings	x			км			TS		Public Hearing	NO		23-2D-1010	Add: (A)(6) With approval of the chair, the order of presentation of	23-2D-1020: Suggest alternating between those opposed and supporting instead of allowing all supporting presentations to go first.		
6.3	Division 23-2D-2 Timing and Location of Public Hearing									Order				those supporting and opposing the application or proposal may be modified to accommodate those present.			
7	Article 23-2E Legislative Amendments	С															
7.1	Division 23-2E-1 Text Amendments	С															
7.2 7.3	Division 23-2E-2 Plan and Map Amendments  Division 23-2E-2 2030 -Neighborhood Plan Amendment	×		++	++	++	$\vdash \vdash \vdash$	TS					2030 -Neighborhood	ADD: (L) CONVERSION OF NEIGHBORHOOD PLANS FUTURE LAND USE	Where there are conflicts with approved neighborhood plan and new zoning	<del>                                     </del>	
										Neighborhood			Plan Amendment	MAPS (FLUMs) No Neighborhood Plan Amendments will be amended until such time as the Land Use Department Director has converted	requirements, which takes precedent when and individual or entity requests an amendment?		
										Plan Amendments	NO			Chapter 25 zones to new Chapter 23 zones within the land use classifications identified in the Neighborhood Plan FLUM.			
														cossilications rectained in the recignormout Fight Low.			

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CHAPTER	ITLE	DESIRED PROPOSED CHANGES TO D3		INITIATEI	O BY COMN	ASSIONER		EX OFFICIO	TOPIC AREA	REQ. ADD'L STAFF FEEDBACK	AMENDMENT TYPE	SUBSTITUTE LANGUAGE	COMMISSIONER NOTES	
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7.4	Division 23-2E-2 2030 -Neighborhood Plan Amendment	X	AN H	WC KE	S G N	I SE	NH SHA	MEN TEIC			GENERAL SPECIFIC SECTION 23-2E-2030	  "()	In this minor amendment to neighborhood plans, neighborhood contact teams	STAFF RESPONSE
1.54					130				Admin & Procedures		25-25-2030	(B) Applicability  (1) Individual Property. A neighborhood plan amendment regarding an individual property may be initiated by:  (a) The owner of the subject property; (b) The council; (c) The Planning Commission; or (d) The responsible director; or (e) The neighborhood plan contact team for the planning area inwhich the property is located () (D) Meetings, Hearings, and Notice ()	should not be allowed to initiate the down zoning of specific parcels.	
75	Division 23-2E-2 Plan and Map Amendments				16.0						22.5.200.00	(5) Responsibility for Cost of Notice (a) Individual Property (i) For a neighborhood plan amendment regarding an individual property, the applicant is responsible for the cost of notice, unless the applicant is a neighborhood plan contact team if the applicant is the owner of the subject property.  (ii) If the applicant is a neighborhood plan contact team, the City-is-responsible for the cost of notice."		
7.5		X			150				Admin & Procedures		23-2E-2030 (K)	designating the area of the City for which a neighborhood plan- amendment must be submitted in February and the area for which an- application must be submitted in July.	In this minor amendment to neighborhood plans, amendments may be submitted at any time, and not just one time per year. This once per year regulation creates an unnecessary burden on amending neighborhood plans.	
7.6	Division 23-2E-2 2030 -Neighborhood Plan Amendment	x	Ш				TS		Neighborhood Plan Amendments	NO	2030 - Neighborhood Plan Amendment (H)	(H) Director's Recommendation. The responsible director may recommend approval of the neighborhood plan amendment only if the applicant meets all of the following requirements: demonstrates that:		
7.7	2030 (E) Pre-application Meeting			KM								Application to amend a Neighborhood Plan or for a zoning change where a FLUM was not created but a neighborhood plan was adopted.	Some NP's do not have FLUMS and therefore are not currently entitled to a Pre- application meeting for a zoning change. The meeting is important especially when changing zoning to a more intense zone.	
8 8.1	Article 23-2F Quasi-Judicial and Administrative Relief  Division 23-2F-1 Variances and Special Exceptions													
8.2	Division 23-2F-1 Variances and Special Exceptions  Division 23-2F-2 Administrative Relief Procedures	х			JSc				Public Hearing and Notification	No	23-2F-1040(C)	(C) An administrative modification granted under Section 23-2F-2040 does not need a public hearing or public notification.	This proposed language clarifies that a public hearing and public notification is not needed for administrative variances since administrative variances are determined by the land use official, not the board of adjustments.	
8.3 8.4	2040			KM	+				Administrative		23-2F-2040 (B) (1) (a) (b)	9.1	Condones large errors. Designers should build in room for minor construction	
3.8	Division 23-2F-2 Administrative Relief Procedures	×					т		Nonconformity	No	23-2F-2030 Exempt Residental Uses and Structures	residential housing opportunities available to Austin residents and reduce the costs to homeowners associated with remedying longstanding code violations which do not threaten public health and safety.  (3) This section further seeks to minimize the costs to the City associated with enforcing residential code violations that predate the advent and implementation of electronic property records and tracking methods and that do not nose a threat to public health health.	errors.  This section is a major shift from the current Land Development Code Amnesty Certificate of Occupancy (CO) provisions that will potentially have major impact. By restricting and limiting the exemptions for CO to only residential uses, many people will be unable to get certificates of occupancy for older commercial structures and thus will be unable to get financing to continue with the project (which requires a CO through the Annesty program currently in place). The effect is that commercial properties will have to come into compliance with current code to get a CO, to do upgrades, tenant improvements, etc. This will be time consuming and expensive. Further, this could cause defaults under many financing documents.	
8.9	Division 23-2F-2 Administrative Relief Procedures	×					т		Nonconformity	No	23-2F-2030 Exempt Residental Uses and Structures	(D) Status of Affected Properties. If the building official approves a certificate of occupancy under this section:(1) The structure becomes a nonconforming structure under Article 23-26 (Nonconformity), if the structure does not comply with applicable site development-regulations on the date if receives the certificate of occupancy; and (2) The use becomes a nonconforming use under Article 23-26 (Nonconformity) if it is unpermitted in the applicable base zone on the date the structure in which the use or occupancy is located receives the certificate of occupancy.	noncompliance with zoning regulations. However, issues of nonconformity frequently arise in other contexts as well, such as where a structure does not meet current watershed or drainage regulations but did meet the regulations applicable at the time it was constructed. This section relates back to Article 23-G and this is another issue. By extending the concept of nonconformity to other site development regulations of the Land Development Code, besides just zoning district regulations, Article 23-2G clarifies staff's authority to limit modifications that increase the degree of nonconformity with other kinds of City regulations.	
8.10					TN						23-2F-2040(c)(2)	In Table 23-4F-2040(A), delete "Decrease in minimum open space adjacent to bus rapid transit (BRT) stations."	Imagine Austin calls for complete communities. Complete communities need open space near BRT stops, so don't allow it to be eliminated.	
8.11	Division 23-2F-3 Limited Adjustments													

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APTER	N O										REQ. ADD'L STAFF						
ARTIC	TITLE	DESIRED PROPOSED CHANGES TO D3		INITIA	ATED BY (	COMMSSIC	NER	EX	OFFICIO	TOPIC AREA	FEEDBACK	А	MENDMENT TYPE	SUBSTITUTE LANGUAGE	COMMISSIONER NOTES		
			SON		N S⊒	¥	SON	TOT	ΑZC							YES/NEUTRAL /NO	
			A F	Z ZI	CGR/	HISSI	THE THE	JRKA I	END FI				CDECIFIC CECTION			/100	CTAST DESDONES
8.5	Division 23-2F-2 2050 - Alternative Equivalent Compliance	x	₹ Ì	<u> </u>	ΣŽ	<u> </u>	<u>\$</u>	TS E	2 =			GENERAL	SPECIFIC SECTION  2050 - Alternative	(C) Modification Thresholds	Protection of natural site features and heritage trees is required. This will result in		STAFF RESPONSE
									ш				Equivalent Compliance	(1) If the director finds that a request for an alternative equivalent compliance meets the criteria in Subsection (D), the numeric standard	abuse.		
									ш	Alternative			(6)	for the design feature listed in Table (A) (Types of Alternative			
									ш	Equivalent Compliance	NO			Equivalent Compliance Allowed) may be modified by: (a)Up to 10 percent, for any design purpose;			
									ш					(b)Up to 20 percent, if necessary to protect an existing natural site			
		$\square$												feature; or (c)Any amount, if necessary to preserve a heritage tree.			
8.6	2050 - Alternative Equivalent Compliance	x						TS	ш				2050 - Alternative Equivalent Compliance;	Remove from Table: Decrease in the minimum distance between a building and installed utilities, Modification of internal circulation	Too broad. Remove all items that are not specific enough to know affect of 10% reduction or that should be decided in consult with other departments.		
									ш				Table 23-2F-2040(A)	routes, Decrease in minimum drive-through circulation lane width, Modification of building design standards, Modification of building			
									ш	Alternative Equivalent	NO			articulation requirements, Modification of building entrance			
									ш	Compliance				requirements, Modification of entryway spacing and location, Increase of the portion of open space above ground level that may be counted			
									ш					towards compliance, Decrease in minimum open space adjacent to bus rapid transit (BRT) stations			
8.7	Division 23-2F-2 Administrative Relief Procedures	x			++	JSc	++						23-2F-2050(A)(2)	(2) Alternative equivalent compliance may only be used for	This proposed language allows alternative equivalent compliance in any zone. The		
									ш	Alternative				development located in <del>Mixed-Use, Main Street, Regional Center, or Commercial and Industrial Zones</del> any <u>Zone</u> as authorized in this	City should support alternative equivalent compliance where apporipriate as it encourages creative and original design and accommodates developments where		
									ш	Equivalent Compliance	No			section, and may not be used to vary or modify zone regulations, such	particular site conditions or the nature of a proposed use prevent strict compliance with the code and therefore should be allowed in all zones		
									ш					as height, setbacks, impervious cover, building coverage, or floor area ratio.			
<b>9</b> 9.1	Article 23-2G Nonconformity Division 23-2G-1 General Provisions																-
9.4	Division 23-2G-1	x		СК					ш			in this		TK from staff	This amendment ensures that any current single-family residential property owner		
									ш	Rezoned	Yes - Brent	division			who is rezoned under CodeNEXT does not have a reduction in available entitlements. They maintain their non-conforming (allowed, though not in		
									ш	Residential Non- Conforming	Lloyd is				compliance) and are not subject to the loss of their status through the usual mechanisms (vacancy, etc.). They are also able to maintain and even expand their		
									ш	structures	working on it				structures as long as it meets F25 compatibility for their pre-CodeNEXT zoning.  They do lose their status if they make an alteration either to the new, conforming		
		$\overline{}$							Ш						use, or to a different non-conforming use.		
9.6	Division 23-2G-1 General Provisions					JSc			ш				23-2G-1010 Purpose, Applicability, and	(B) Applicability. This article applies to:	This section needs to be reviewed and rewritten. This states that any nonconforming uses under the extended definition of "nonconforming" must be in		
									ш				Review Authority	(1) A use, structure, or lot within the zoning jurisdiction that is nonconforming to land use or site development regulations under-	effect reviewed by the Planning Director and will ultimately go to BOA.		
									ш					Chapter 23-4 (Zoning) or a separately adopted zoning ordinance; and			
									ш					(2) A structure or lot within the planning jurisdiction that is- nonconforming to other applicable regulations of this Title.			
									ш								
9.11	Division 23-2G-1 General Provisions										Yes		23-2G-1010 Purpose, Applicability, and		This section needs to be reviewed and rewritten. This states that any nonconforming uses under the extended definition of "nonconforming" must be in		
		<sub>x</sub>					JΤ		ш	Nonconformity			Review Authority		effect reviewed by the Planning Director and will ultimately go to BOA.		
9.14	1010- Purpose, Applicability and Review Authority												1010 (A) (2)	Delete	Too onerous		
	Authority								ш	Non-conformity	NO						
0.7	Division 23-2G-1	х				10.		TS					22.20.4020	(D) Norwer francisco Chambarra	This said and a housing of a decision of the said and a said and a said and a said and a said		
9.7	UNSIGH 25°20°1					JSc							23-2G-1020 Nonconforming Status	(B) Nonconforming Structures (1) A building, structure, or developed area, including a parking or	This section needs to be reviewed and rewritten. This states that any nonconforming uses under the extended definition of "nonconforming" must be in		
														loading area, that does not comply with site development regulations- applicable under this Title, or a separately adopted zoning ordinance,	effect reviewed by the Planning Director and will ultimately go to BOA.		
														is a nonconforming structure if it existed lawfully, in conformance or legal nonconformance with applicable site development regulations, at			
									ш		Yes			the time it was constructed.			
									ш					(2) A building, structure, or developed area that is not a- nonconforming structure is in violation of this Title if it does not-			
														comply with applicable site development regulations.			
9.12	Division 23-2G-1 General Provisions	$\vdash$				+							23-2G-1020		This section needs to be reviewed and rewritten. This states that any		
J.1E	5.00.00013									Nonconformity	Yes		Nonconforming Status		nonconforming uses under the extended definition of "nonconforming" must be in		
0.5	Division 22 2G 4 General Bravisian	x	$\sqcup$	FIL	$\perp$	$\bot \bot$	JT	+					22.26.4050/5	Add costing (C) Conversion to Conversion the size A conversion	effect reviewed by the Planning Director and will ultimately go to BOA.		
9.5	Division 23-2G-1 General Provisions	×		FK									23-2G-1050 (B)	use operating within a multifamily building may be replaced by	Coops work and must be allowed wherever possible		
														Cooperative Housing and allowed to expand or extend beyond the floor area that is occupied on the date it became a nonconforming use			
										Nonconformity	Yes			if: a) Cooperative Housing is allowed or conditional use within the			
														zoning district. b) The responsible director determines that the new use meets the definition of Cooperative Housing in 23-13A-2030.			
			Ш										1				

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			RSON .	≥ :	KAW (OLS	SLER	MPSΟΙ	V	5 _						YES/NEUTRAL /NO	
			ANDE	KAZI	NUC	SCHIS	THON WHIT	SHAV	A E			GENERAL SPECIFIC SECTION				STAFF RESPONSE
9.10	Division 23-2G-1 General Provisions	х				JSc						23-2G-1050(B)(3) and	4) (3) Conversion to Other Nonconforming Use Prohibited. A nonconforming use may not be established or replaced by another	This proposed language deletes Section 23-2G-1050(B)(3) and clarifies that nonconforming uses in any building can be replaced with another comparable or	No	Not necessary- nonconforming can already change to a permitted used in the zone
			ш										nonconforming use, except as provided in Subsection (B)(4).	lesser intensity use. The city should allow a lesser non-conforming use be allowed anywhere, as it reduces intensity of the existing use while preserving the existing		
			ш										(4) Conversion of Nonconforming Uses in Residential Buildings. A	building.		
			ш							Continuation of	No		nonconforming use operating within-a single- or multi-family- any building may be replaced by another nonconforming use if:			
			ш							Nonconformity	NO		(a) The responsible director determines that the requested use is of			
			ш										comparable or lesser intensity to the original nonconforming use; and			
			ш										(b) The original use was not abandoned under Section 23-2G-1060			
													(Termination of Nonconforming Use).			
9.2	Division 23-2G-1 General Provisions	x	ш			JSc						23-2G-1050(B)(6)	(6) Conversion to Cooperative Housing. A nonconforming use operating within a multifamily building may be replaced by	This proposed language allows a nonconforming use to be converted into a cooperative housing. The City should support cooperative housing wherever		
													Cooperative Housing and allowed to expand or extend beyond the floor area that is occupied on the date it became a nonconforming use.	possible and avoid burdening the development and expansion of cooperatives.		
			ш							Combinue di un of			if:			
			ш							Continuation of Nonconformity	No		a) Cooperative Housing is allowed or conditional use within the zoning			
			ш										district.			
			ш										b) The responsible director determines that the new use meets the definition of Cooperative Housing in 23-13A-2030.			
9.3	Division 23-2G-1 General Provisions	x					TW	<del>                                     </del>		-		23-2G-1060-D-1		single family homes on more intense zoning appear all over our poorer	-	
										Uses	v		requirements of 23-2G-1080-D	neighborhoods as a legacy of previous spot zoning. I don't think we should continue to punish them by not alllowing them to repair their home if there's		
										Uses	^			damage. This same type of protection is afforded to non-conforming structures under 23-2G-1080-D		
9.8	Division 23-2G-1	x	н			JSc	++					23-2G-1060 Terminat	n (D) Termination by Destruction	A damaged structure used for a nonconforming use may be repaired and the		
												of Nonconforming Us	(1) A damaged structure used for a nonconforming use may be repaired and the nonconforming use continued only if the building	nonconforming use continued only if the building official determines that the cost of repair does not exceed 50 percent of the value of the structure immediately		
													official determines that the cost of repair does not exceed 50 90 percent of the value of the structure immediately before the damage,	before the damage, as determined by a licensed appraiser in a manner approved by the building official. If it costs more than this (even if you don't do all of the		
													as determined by a licensed appraiser in a manner approved by the	repairs) you lose the use. Current Land Development Code Sec. 25-2-944 allows 90%. This change in Draft 3.0 is problematic for financing and for insurance		
9.13	Division 23-2G-1 General Provisions	<del>                                     </del>										23-2G-1060	building official.	This section needs to be reviewed and rewritten. A damaged structure used for a		
			ш											nonconforming use may be repaired and the nonconforming use continued only if the building official determines that the cost of repair does not exceed 50 percent		
			ш							Continuation of	Yes			of the value of the structure immediately before the damage, as determined by a licensed appraiser in a manner approved by the building official. If it costs more		
			ш							Noncomormity				than this (even if you don't do all of the repairs) you lose the use. Current Land Development Code allows 90%. This change in Draft 3.0 is problematic for		
		x	ш				JT							financing and for insurance purposes.		
9.15 9.9	Division 23-2G-2 Specific Types of Nonconformity  Division 23-2G-2 Specific Types of Nonconformity	x		FK		JSc						22.26.2020/C\/2\) and	3) (2) If a nonconforming lot is used with one or more contiguous lots for	This proposed language deletes two section to clarify that all lots that are legally		-
5.5	Situation 23 23 2 Specime Types of Notice information		ш	rk		130						23-2G-2020(C)(2) and	a single use or unified development, the standards of this Title apply to	platted and meet the definition in the prior Section 23-2G-2020(C)(1), which has a minimum lot size of 2,500 sq.ft., a frontage of 25 ft. should be allowed to be		
			ш							Nonconforming	No		the aggregation of lots as if the aggregation were a single lot.	developed. The City should honor existing legally platted lots and allow them to be		
			ш							Lots			(3) A nonconforming lot that is aggregated with other property to form a site may not be disaggregated to form a site that is smaller than the	deveoped. Currently one house can sit on two or three legally platted lots which locks up the land from being used as it was platted for.		
			ш										minimum lot area required by this Title.			
A-9.16.1	Division 23-2G-2 General													Brent Lloyd's language with EXHIBIT simplicity & housing blueprint goals Is this Kenny's amendment as well?		
				СК												
	Article 23-2H Construction Management and Certificates			?			TW									
10.1 10.2	Division 23-2H-1 General Provisions  Division 23-2H-1 General Provisions	C				ISC						23-2H-1020(B)	No later than seven THREE days	This is standard construction note that three days notice is adequate.		
10.2	Schedi Hovisions	^				130				Timeline	No	Z3-ZH-10Z0(D)	no later trian seven rince days	nus is standard construction note that three days notice is adequate.		
10.3	Division 23-2H-2 Subdivision Construction	С														
10.4	Division 23-2H-4 Sertificates of Compliance and Occupancy	С														
10.5	Division 23-2H-4 Certificates of Compliance and Occupancy  Article 23-2I Appeals															
11.1	Division 23-2I-1 General Provisions  Division 23-2I-2 Initiation and Processing of Appeals															
11.3	Division 23-21-2 Initiation and Processing of Appeals  Division 23-21-3 Notification and Conducte of Public Hearing	С														
11.4	Division 23-2I-4 Action on Appeal															
12 12.1	Article 23-2J Enforcement Division 23-2J-1 General Provisions															
12.2	Division 23-2J-2 Suspension and Revocation	С														
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				RSON	>	SAW OLS	SLER R	- IPSON	ARDT	NOZA							YES/NEUTRAL /NO	
				ANDE	KAZI	MCGR	SCHIS	SHIEH	SHAW	MEND			GENERAL	SPECIFIC SECTION				STAFF RESPONSE
12.3	Division 23-2J-3 Enforcement Orders	С																
12.4 13	Division 23-2J-4 Appeal Procedures  Article 23-2K Vested Rights																	
13.1	Division 23-2K-1 Petition and Review Procedures  VALID PETITION RIGHTS	С																
13.2	VALID PETITION RIGHTS								W	ш	PROCESS	x	X		add a section outlining the valid petition process	valid petitions should be allowed for both MUP & CUP including a specific sectionon this would help empower people to participate in the democratic		
			х			$\perp$										process, it shouldn't be a secret and having it right here in the code is transparent and effective		
13.5	Division 23-2K-2 Vested Rights Determinations  Division 23-2K-3 Expiration	С		$\vdash$	$\vdash$	$+\!+$	++	++	+	$\vdash$								
14	Article 23-2L Miscellaneous Provisions				Ш													
14.1	Division 23-2L-1 Interlocal Development Agreements  Division 23-2L-2 General Development Agreement	С				+												
14.3	Division 23-2L-3 Closed Municipal Landfills	С																
Chapter 23-	3: General Planning Requirements Article 23-3A Purpose and Applicability	NONE MINO	R MAJOR									YES/NO	YES/NO					
15.1	Division 23-3A-1 Purpose and Applicability	С																-
16 16.1	Article 23-3B Parkland Dedication  Division 23-3B-1 Parkland Dedication				ПП	П	П		П									-
16.2	Division 23-38-1 General Provisions	x					JSc							23-3B-1010(A)(1)	(1) The City of Austin has determined that recreational areas in the form of public parks and open spaces within 1/4 mile walk of each	This proposed language provides clarity to the purpose section of the parkland dedication section of the code. The original language in Draft 3 is too broad and		Staff proposes the following to better track Imagain Austin language: (1) The city of Austin has determined that recreational
											Purpose and Applicability	No			resident are necessary for the well-being of the City's residents, and a network of greenways and trails promote a compact and connected	should be clarified.		areas in the form of public parks and open spaces publicly accessible parks and green spaces are necessary for the well-being of the City's
16.5	Division 23-3B-2 Dedication														rity			residents. (3) (b) Establishes a fair method for determing the PARD agrees and is already sharing impervious cover by stating the
										ш								agreed upon park IC on plats and site plans. PARD recommends changing the word parcel to site plan to make the concept clearer.
										ш								PARD recommends also adding language so that future amenities built on dedicated land are not subject to the same site plan. (4)
										ш								Future recreation development on parkland dedicated in the site plan does not alter the non-dedicated area of the site plan.
										ш								plan does not after the non-dedicated area of the site plan.
16.6	Division 23-3B-2 Dedication		х	GA										23-3B-2010	Remove references to 15% and change to 10%. Add new (6) The 10	Imagine Austin calls for "Increase dense, compact family-friendly housing in the		PARD does not agree with this substantive change due to the prior
										ш	Parkland Dedication	No			percent parkland dedication shall be calculated as a net site area	urban core". In many instances, sites within the urban core will be required to dedicate at or near the 15 percent cap which severely limits the density in the		negotiations that created 23-3B in 2016. The insertion of a 15 percent cap was made at the very end of the negotiation as a
16.7						$\perp$	ICa							23-3B-2010 Dedication	(A) Dedication Required. An applicant for subdivision or site plan	urban core and along the major corridors.  Applicants must be able to predict during their due diligence period what may be		compromise for an agreed upon "Parkland Dedication Urban Core."  The parkland dedication calculation for land is based on a current  See also 16.9 and 16.18. PARD does not support the (b) addition, but
10.7							JSC			ш				of Parkland (A)	(A) Dedication Required. An applicant for subdivision or site plan approval must provide for the parkland needs of the residents by the	required for parkland dedication. Our recommendation in (A)(1) and (A)(1)(a) is		does support the concept of explaining and naming the Early Determination process in Code. PARD believes this concept is
										ш				Dedication Required (1)[NEW]	dedication of suitable land for park and recreational purposes under this article or by payment of a fee in-lieu of dedication under Section	taken directly from the existing Parkland Dedication Operating Procedures (PDOP). Leaving such important procedures to be defined and determined outside of the revised LDC process and in the PDOP does not provide clear guidance and		already in current code in 23-3B-3010 ( C) Review Procedure. But
										ш					23-3B-3010 (Fee In-Lieu of Parkland Dedication).	predictability. In addition, limiting the maximum required dedication would allow		supports changing the (C)'s title from: Review Procedure. to Early <u>Determination</u> . PARD supports clarifying existing practice that a
										ш					(1) An applicant may request a binding determination from PARD regarding whether total land dedication for all types of open space,	for density to continue and support the principles in Imagine Austin for compact development.		determination is valid through approval of a subdivision or site plan application by changing 23-38-2010 ( C) to: A determination issued
										ш					including but not limited to parkland, common open space, civic open space, private open space, payment of fee in-lieu in land or a			under this Subsection is valid for <del>a period of one year from the date- of issuance</del> <u>any subdivision or site plan filed within one-year of the</u>
										ш					combination of fee and land will be required.			determination, provided that the number of units used to make the determination does not ibncrease by more than 10 percent.
										ш					(a)A binding determination issued under this section shall apply to any development application submitted within 1-year from the date the			PARD does not agree with the proposed (b)
										ш					determination is issued, provided that the number of units has not changed by more than 10% from the number of units originally			
										ш					provided by the applicant and relied upon by PARD to make the determination. A binding determination expires if no subdivision, site			
										ш					plan or building permit application is submitted within one-year from the date the determination was issued.			
										ш					(b)The combined total area between open space and parkland, shall not exceed 15% of site.			
16.8	Division 23-3B-2 Dedication	×		GA			JSc							23-3B-2010 (C)(3)	(3) Parkland dedication that complies with this section shall be	This proposed language codifies existing policy that is already outlined in the parkland procedures.		PARD agrees. See 16.5
										ш	Site Plan Dedication	No			included in the gross site area for the parcel dedicating land. Zoning entitlements including but not limited to impervious cover and FAR	parkianu procedures.		
16.9	Division 23-3B-2 Dedication	x			+++	++	JSc		+					23-3B-2010 (I) and (J)	shall be calculated on the gross site area prior to the parkland  (I) As authorized by the Parkland Dedication Ordinance, City Code § 25-	This proposed language codifies the early determination process that is currently		See also 16.7 and 16.18. PARD does not support the (b) addition, but
-														(1) 3110 (2)	1-605, an applicant may request a binding determination from PARD regarding whether total land dedication; payment of a fee in-lieu in.	in the Parkland Dedication Operating Procedures and clarifies that the early determination includes all types of open space. This proposed language provides		does support the concept of explaining and naming the Early Determination process in Code. PARD believes this concept is
															land or a combination of fee and land will be required.	regulatory certainty while also ensuring parkland is dedicated throughout Austin.		already in current code in 23-38-3010 ( C) Review Procedure. But supports changing the (C)'s title from: Review Procedure. to Early
											Dedication of				(J) A binding determination issued under this section shall apply to any			Determination. PARD supports clarifying existing practice that a determination is valid through approval of a subdivision or site plan
											Parkland	No			development application submitted within 1-year from the date the determination is issued, provided that the number of units has not			application by changing 23-3B-2010 ( C) to: A determination issued
															changed by more than 10% from the number of units originally provided by the applicant and relied upon by PARD to make the			under this Subsection is valid for a period of one year from the date- of issuance any subdivision or site plan filed within one-year of the
															determination. A binding determination expires if no subdivision, site plan, or building permit application is submitted within one-year from			determination, provided that the number of units used to make the determination does not ibncrease by more than 10 percent.
															the date the determination was issued.			

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			P DER	NN ZI	CGRA	HISSL	E ON E	A KA	E PDC	- 1					/NO	
16.10	Division 23-3B-2 Dedication	   v	¥ ₹	2 2	Šžō	1 S S	<u>₹ ₹ ३</u>	동물	<u> </u>			GENERAL SPECIFIC SECTION  23-3B-2010 (H)	(H) 15 Percent <del>Urban Core</del> Cap. The amount of parkland, civic open	This proposed language applies the 15 percent parkland dedication cap to the		STAFF RESPONSE  PARD does not agree with this substantive change due to the prior
												15 55 2525 (1.1)	space, and common open space required to be dedicated or provided	entire city, not just the urban core. The City's current requirement to dedicate		negotiations that created this section in 2016. The insertion of a 15
													of gross site area for the development required to provide the	more than 15% has a major impact on acheiving the goals established in the City's Housing Blueprint. This proposed language does not change the Parks Director's		percent cap was made at the very end of the negotiation as a compromise for an agreed upon "Parkland Dedication Urban Core."
										Dedication of Parkland	No		dedication except upon consent of the applicant or as authorized under this subsection.	ability to go to the land use commission to exceed that cap if conditions warrant.  The Cap is a "soft cap" because the land use commission can raise or lower it on		The parkland dedication calculation for land acreage is based on a current level of service of local Austin parks of 9.4 acres per 1,000
													under this subsection.	appeal of the applicant or director. In addition, the cap will now apply to the new requirements for civic open space and common open space introduced in		persons. If only 15% of that amount is dedicated in every case across the City we will be effectively lowering the calculation for
														CodeNEXT.		development to a service level of 1.4 acres per 1,000 persons. That
16.11	Division 23-3B-2 Dedication	x				JSc						23-3B-2010 (J)	(J) Sites Fronting Corridors.	This proposed language clarifies when parkland may be required to be dedicated		PARD does not agree with this substantive change due to the prior
													(1) An applicant seeking a Subdivision or Site Plan for a site that is ten	for sites that front an Imagine Austin Corridor. The proposed language provides the park director the ability to request for the dedication by approval of the land		negotiations that created this section in 2016. Parks make high density more liveable. Properties on the corridor are often the only
													acres or less and fronts an Imagine Austin Corridor shall not be	use commission. Imagine Austin calls for transit-supportive corridors, which in turn require population and job densities along our corridors. Parkland requirements		re-development in the area and present the only opportunity in a Deficient Area for parkland. Residents along major corridors should
										Dedication of Parkland	No		required to dedicate parkland onsite and instead shall be required to payment in lieu of dedication.	that limit unit yield should not limit or prevent housing along our corridors.		have parks within %-mile of residents to meet Comprehensive Plan goals of locating units within walking distance of parks (1/4-mile in
													(2) An applicant seeking a Subdivision or Site Plan for a site that is			the urban core and ½-mile outside the urban core). (Imagine Austin,
													more than ten acres and fronts an Imagine Austin Corridor shall not be			Page 196) PARD tracks this metric every five years.
16.12						ISO	+	+	+	_			required to dedicate parkland fronting the corridor.			PARD does not agree with this substantive change due to the prior
10:12						130							(3) The director may request that the Land Use Commission approve onsite dedication for a site that fronts an Imagine Austin Corridor, up			negotiations that created this section in 2016. Parks make high
													to the amount required under Subsection (E), if doing so is necessary to address a critical shortage of parkland for an area identified in the			density more liveable. Properties on the corridor are often the only re-development in the area and present the only opportunity in a
													Deficient Parkland Area Map or provide connectivity with existing or			Deficient Area for parkland. Residents along major corridors should have parks within ¼-mile of residents to meet Comprehensive Plan
													planned parks or recreational amenities.			goals of locating units within walking distance of parks (1/4-mile in the urban core and ½-mile outside the urban core). (Imagine Austin,
													(a) Before the Land Use Commission considers a request under this subsection for approval, the director shall present the request to the			Page 196) PARD tracks this metric every five years.
													Parks Board for a recommendation.			
													(b) In considering a request from the director under this subsection,			
									ш				the Land Use Commission may:			
			ш						ш				(i) Deny the director's request; or			
													(ii) Approve the director's request for the full amount requested or a			
													portion of the amount the Land Use Commission finds to be necessary based on the criteria in code and the parkland dedication operating			
													procedures.			
16.15	Division 23-3B-2	х	GA							Parkland		23-3B-2010	Remove references to 15% and change to 10%. Add new (6) The 10 percent parkland dedication shall be calculated as a net site area	Imagine Austin calls for "Increase dense, compact family-friendly housing in the urban core". In many instances, sites within the urban core will be required to		PARD does not agree with this substantive change due to the prior negotiations that created this section in 2016. The insertion of a 15
										Dedication	No		percent parmana dedication share of calculated as a net site area	dedicate at or near the 15 percent cap which severely limits the density in the		percent cap was made at the very end of the negotiation as a
16.16	Division 23-3B-2	x	GA		+	++	+	+				23-3B-2010	An applicant seeking a Subdivision or Site Plan for a site that fronts an	urban core and along the major corridors.  Dedication of Parkland - specify that onsite parkland dedication is not required on		compromise for an agreed upon "Parkland Dedication Urban Core."  PARD does not agree with this substantive change due to the prior
										Parkland			Imagine Austin Corridor shall not be required to dedicate parkland on site.	an Imagine Austin Corridor. Imagine Austin calls for transit-supportive corridors, which in turn require population and job densities along our corridors. Parkland		negotiations that created this section in 2016. Parks make high density more liveable. Properties on the corridor are often the only
										Dedication	No			requirements that limit unit yield, while important in other parts of Austin city,		re-development in the area and present the only opportunity in a Deficient Area for parkland. Residents along major corridors should
														should stymie housing along our corridors		have parks within ¼-mile of residents to meet Comprehensive Plan
16.18	Division 23-38-2 Dedication						JT				No	23-3B-2010 Dedication of Parkland (A)	(A) Dedication Required. An applicant for subdivision or site plan approval must provide for the parkland needs of the residents by the	Applicants must be able to predict during their due diligence period what may be required for parkland dedication. Additions in (A)(1) and (A)(1)(a) are taken directly		See also 16.7 and 16.9. PARD does not support the (b) addition, but does support the concept of explaining and naming the Early
												Dedication Required (1)[NEW]	dedication of suitable land for park and recreational purposes under this article or by payment of a fee in-lieu of dedication under Section	from the existing Parkland Dedication Operating Procedures (PDOP). Leaving such important procedures to be defined and determined outside of the revised LDC		Determination process in Code. PARD believes this concept is already in current code in 23-3B-3010 ( C) Review Procedure. But
												(-/[*]	23-3B-3010 (Fee In-Lieu of Parkland Dedication).	process and in the PDOP does not provide clear guidance and predictability. In addition, limiting the maximum required dedication would allow for density to		supports changing the (C )'s title from: Review Procedure. to Early  Determination. PARD supports clarifying existing practice that a
													(1) An applicant may request a binding determination from PARD	continue and support the principles in Imagine Austin for compact development.		determination is valid through approval of a subdivision or site plan
													regarding whether total land dedication for all types of open space,			application by changing 23-3B-2010 ( C) to: A determination issued under this Subsection is valid for a period of one year from the date
													including but not limited to parkland, common open space, civic open space, private open space, payment of fee in-lieu in land or a			of issuance any subdivision or site plan filed within one-year of the determination, provided that the number of units used to make the
										Process			combination of fee and land will be required.  (a)A binding determination issued under this section shall apply to any			determination does not ibncrease by more than 10 percent.
													development application submitted within 1-year from the date the			PARD does not agree with the proposed (b).
													determination is issued, provided that the number of units has not changed by more than 10% from the number of units originally			
													provided by the applicant and relied upon by PARD to make the determination. A binding determination expires if no subdivision, site			
													plan or building permit application is submitted within one-year from			
													the date the determination was issued. (b)The combined total area between open space and parkland, shall			
16.3	Division 23-38-1 General Provisions	x		+++	++	JSc	++	+++	+			23-3B-1020(C)(1)	not exceed % of site (1) A <del>Deficient Park Area Map</del> Proximity to Park Area Map illustrating		No	PARD does not agree with this substantive change due to the prior
										Davie			shortages in parkland that shows only required connections to			negotiations that created this section in 2016. The map in the code
										Review Authority	No		greenways and trails and areas of the City that are more than a one quarter (1/4) mile walk of an existing park or a school playground or			is a Deficiency Map, not a Proximity Map, That term Proximity does not match the concept. The City has deficient and non-deficient
													other applicible open space that is at least one acre and is accessible to			areas. Further, school playgrounds are not permanent and are not open to te public unless the City has established an interest in them
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16.4	Division 23-3B-1 General Provisions	x				JSc							23-3B-1020(D)	(D) Before the director may adopt or amend a rule under this Article, the director shall present the rule to the Parks Board and Planning	This proposed language adds a requirement that any new rule or change to an existing rule must be reviewed by the Parks Board and Planning Commission for	No	PARD does not agree with this substantive change due to the prior negotiations that created this section in 2016. The Parkland
										Review				Commission for consideration and recommendation to City Council	consideration and recommendation to the City Council. The proposed language also requires the City Council to approve, modify, or disaprove any proposed rule		Dedication Operating Procedures (PDOP) is part of the Building Criteria Manual amended by the City's rules processes that require
										Authority	No			and the City Council will approve, modify, or disapprove the proposed rule.	or rule change. This proposed requirement is almost the exact language used for rules related to Solid Wate Services in Section 15-6-3 of our City Code.		public notice, staff review by all departments, public comment submittal and response and, finally, adoption. This process is the
															Thies related to solid water services in section 15 of 50 our city code.		same for all technical Criteria Manuals in the City.
16.13	Division 23-38-2 Dedication	x		111		JSc							23-3B-2020 (E)	(E) The director shall approve the inclusion of additional features that	This proposed language would allow other regulatory requirements that impact	No	PARD disagrees with this language. Water quality/detention
										Standards for				satisfy other regulatory requirements, such as Water Quality features, drainage features, detention features, trails, or other features if they	the development of a full site's area to be included in parkland dedicated to the city so long as they do not disrupt the primary purpose of the dedication.		features must be built as an amenity to count as parkland. To require the director to approve ("shall") does not ensure that the
										Dedication of Parkland	No			do not disrupt the primary purpose of the dedication.			credited acreage will be built as an amenity. The PDOP 14.3.8 already covers this concept. PARD and Watershed Departments are
				$\perp \perp \perp$													writing a section of the Environmental Criteria Manual to assist with this option for parkland dedication credit.
16.14	Division 23-3B-2 Dedication	×				JSc				Standards for			23-3B-2020 (F)	(F) Gazebos, pavilions, and other open air structures are permitted.	This proposed language clarifyles that gazebos, pavilions, or other open air structures are allowed in parkland that is dedicated.		PARD disagrees with this language, the code does not prevent such structures in dedicated parkland. Many dedications include gazebos
										Dedication of Parkland	No						and pavilions. We cannot single out these two types of amenities when there are a myriad of acceptable amenities.
A-16.14.1	Division 23-3B-2 Dedication	Х						TW				Х		??	It's unclear whether 23-3B-2030 intends for up to 100% of on-site dedication of		The Parkland Dedication Operating Procedures allows for off-site
															privately-owned, publicly-accessible parkland to satisfy the requirements, or if privately-owned, publicly-accessible parkland outside of the development can		dedication within 1/4-mile of the development. In practice this would apply to private parkland with an easement as well. PARD
											Х				satisfy requirements in the same way public parks would. This section has not changed, and its still recommended that the director update the Deficient Park		could propose rule changes to make this more apparent.
															Area Map to include this new wave of privately-owned, publicly-accessible parks.		
16.17	Division 23-3B-2 2010- Dedication of Parkland							TS					2010 (G)	(G) PUD Parkland Requirements. Development within a Planned Unit Development (PUD) Zone may, if required by the ordinance adopting	(H) Add that 15% cap does not apply to PUD's. The rules are already administered this way.		This is in the Parkland Dedication Operating Procedures, OK to add but some non-residential PUDs do not owe parkland so at the end of
										Dedication of	NO			the PUD, be subject to additional parkland requirements and may be entitled to count dedicated parkland towards meeting open space			Shaw's proposal add: for <u>Parkland superiority determinations.</u>
										Parkland				requirements under Section 23-4D-8130 (Planned Unit Development			
16.10	Division 23-3B-2 2020 - Standard for Dedication of Parkland-	х		+++						-			2020 - Chandard Car	Zone). Therefore, the 15% cap limit provisions in 23-3B-2010 (H) do not apply to PUD zones.	(AVQ) Day DADDI, and the second supplies the first of FOO.	V	DADD is OX with this shape. To assure the sweeting Year hath of
16.19	Division 25-38-2 2020 - Standard for Dedication of Parkianti-							15					2020 - Standard for Dedication of Parkland-	ADD: E) Dedicated Parkland shall meet site condition requirements within the Parkland Dedication Operating Procedures	(A)(3) Does PARD's operating procedures have requirements for min. of 50% meet active play and <10% slope requirements? If not, these need to be added to		PARD is OK with this change. To answer the question: Yes, both of these requirements are in the PDOP. The 50% active play
										Park Standards	NO				dedication reaquirements. (C) 50% is to large amount of 100 yr. floodplain to count as parkland as these areas are not accessible for public use many times		requirement ensures that enough useable land is dedicated even if part of it is floodplain.
16.20	Division 23-38-3 Fees	X													during the year.		-
16.24	Division 23-3B-3 Fees	x				JSc							23-3B-3010(A)	(A) Fee In-Lieu Authorized. The director may require or allow a subdivision or site plan applicant to deposit with the City a fee in-lieu	This proposed language allows a fee in lieu to be used any time the normal standards are met, without regard to total size of the subdivision or site plan. This	No	PARD does not agree with this substantive change. Currently, a project over 376 units generates a requirement for 6 acres and
														of parkland dedication under Section 23-3B-2010 (Dedication of Parkland) if:	allows more flexibility for both PARD and the applicant.		greater of parkland. The 15% cap limits the amount of parkland to only 15% of the site, which, in the urban core, generally creates
														(1) The director determines that payment of a fee in-lieu of dedication			about a half-acre to one-acre park. Due to the cost in the urban core being more than \$1 million an acre, PARD believes that it will be
										Fee In-Lieu of				is justified under the criteria in Subsection (B); and			difficult as the City grows to purchase the land needed to serve all these residents and meet Imagine Austin goals for health and green
										Parkland Dedication	No			(2) The following additional requirements are met:			infrastructure without this requirement.
														(a) Less than six acres is required to be dedicated under Section 23-3B-			
														2010 (Dedication of Parkland); or			
														(b) The land available for dedication does not comply with the standards for dedication under Section 23-38-2020 (Standards for			
16.22	3010 - Fee in Lieu of Dedication							TS		Fee in Lieu of			3010 (A)(2)	ADD: (c) the director determines that land is available in the service areas being considered so as to assure that City will able to utilize the	PARD commented that they have difficulty finding land for parks especially in urban core. In general, all fee-in-lieu of options for developers should be		This could be used by applicants to negate 2 (a)?
										Dedication	NO			fees per 23-3B-3030.	predicated on the City's ability to utilize the fees. If it is more difficult for the city to provide the benefits than the developer.		
16.21	3010 - Fee in Lieu of Dedication	×		111				TS	++-				3010 (A)(2)(a)	(a) Less than 6.1 acre is required to be dedicated under Section 23-3B-	6 acres is a very large threshhold amount of Parkland to be able to be considered for exemption from dedication requirements with fee-in-lieu. This will ensure that		The 6-acre threshold has been in the parkland dedication ordinance
										Fee in Lieu of Dedication	NO			2010 (Dedication of Parkland); or	even small parcels of dedicated park are made available to serve needs if increased number of residents and developer has option to pay remainder as fee-		since 1985. It was chosen because it is the average size of a neighborhood park. It has ensured that projects that owe large acreages are required to give some land. Currently, it is triggered on
										Dedication					in-lieu.		a SF project of about 250 or more units and on a MF project of 375
16.25	Division 23-38-3 Fees	x x		† † †		JSc							23-3B-3010 (C) Fee-in-	, ,	The language as written does not provide clarity on how gross site areas may be		Units or more. This is referring to 23-3B-2010 ( C ), not 3010. PARD agrees with the
													Lieu of Parkland Dedication	to be dedicated must be shown on the site plan as "Parkland Dedicated to the City of Austin" and in a deed to the City. The	calculated. A major concern is that if the area is calculated after the parkland dedication, the result is that the developable parcel will have less entitlements,		concept. See 16.5.
														applicant shall dedicate the parkland required by this article to the City by deed before the site plan is released, except that dedication may be	including FAR and Impervious Cover. This recommendation would calculate the gross site area before the dedication and allow for better density on sites,		
														deferred until issuance of a certificate of occupancy if construction of amenities is authorized under Section 23-38-3010 (Fee In-Lieu of	including ones along major corridors		
										Fee In-Lieu of Parkland				Parkland Dedication) or Section 23-38-3020 (Parkland Development Fee). (2) In negotiating a deed under this section, the director may			
										Dedication				require that a reasonable portion of the total impervious cover			
														permitted on the site be allocated to the dedicated parkland to allow for construction of parkland amenities without unduly impacting			
														development of the proposed site plan. (3) Parkland dedication that complies with this section shall be included in the gross site area for			
														the parcel dedicating land. Zoning entitlements including but not limited to impervious cover and FAR shall be calculated on the gross			
				111			1							cite area prior to the parkland dedication			

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16.26	Division 23-38-3 Fees	x				JSc	<u>,                                    </u>						23-3B-3010(E)(1)		This proposed language allows fee-in-lieu to be used on the construction of on-site	No	PARD does not agree with this change due to fees in lieu of land
														construct recreational amenities on public or private parkland, if applicable, in-lieu of paying the dedication fee required by this section.	recreational facilities. This will incentivize the construction of on-site facilities and lower the City's burden on exisitng parks.		needing to be spent to purchase land if it is available. The development fee may be used to construct items on existing
														In order to utilize this option, the applicant must:			parkland in lieu of payment 23-3B-3020 (C).
														(a) Post fiscal surety in an amount equal to the development fee; and			
														(b) If a dedication of land is required, construct recreational amenities			
														prior to the dedication in a manner consistent with the parkland dedication operating procedures; and			
														(c) Document the required amenities concurrent with subsection or			
														site plan approval, in a manner consistent with the parkland dedication			
16.27	Division 23-38-3 Fees	×			+	ISc	++						23-3B-3010(F) and (H)	operating procedures.  (F) A Fee in lieu for parkland dedication shall be allowed by right on			PARD does not agree with this substantive change due to the prior
														corridors and within 1/2 mile walk of high frequency transit stops.			negotiations that created this section in 2016. Residents along major corridors should have parks within ¼-mile of residents to
														(F <u>H</u> ) Appeal. If the director rejects a request to pay a fee in-lieu of			meet Comprehensive Plan goals of locating units within walking
										Fee In-Lieu of Parkland	No			dedication under Subsection (B), the applicant may appeal the director's decision to the Land Use Commission consistent with the			distance of parks (1/4-mile in the urban core and ½-mile outside the urban core). (Imagine Austin, Page 196) PARD tracks this metric
										Dedication				procedures in Article 23-2I (Appeals). Before the Land Use Commission considers the appeal, the director shall present the case to the Parks			every five years. Also, parkland should be located in conjunction with BRT stops to attract more riders and provide a pleasant and
														Board for a recommendation, but failure by the Parks Board to act			safe area around stops.
														shall not prohibit the Land Use Commission from considering the appeal.			
16.28	Division 23-3B-3 Fees	x				JSc							23-3B-3010(G)	(G) A dedication determination issued under this Subsection is valid for a period of one year from the date of issuance and will not expire if a	Initial parkland dedication determination should continue through the site plan process.	Yes	Agree, but see comment in 16.7 to put in 23-3B-3010 ( C). This is clarification of existing practice.
														site plan application is filed within one year from the date of issuance.			
16.23	3030 - Fee Payment and Expenditure							TS					3030 (C)	The City shall expend a fee collected under this article within five years from the date the fees are appropriated for expenditure by the	PARD should have a way to request extension for use of funds when there are ssues with land availability etc.		According to (D) (1), the fees refundable within five years are only for unbuilt units that are not providing a park impact.
										Fee Payment	NO			director. This period is extended by five years if, at the end of the	·		
										Expenditure				initial five-year period: 1) less than 50 percent of the residential units within a subdivision or site plan have been constructed, or 2) City			
-	Article 23-3C Urban Forest Protection and Replenishment	х												demonstrates hardship in availability of land to purchase for parkland.			
17.1	Division 23-3C-1 General Provisions																-
17.2	Division 23-3C-1 General Provisions	X				JSc							23-3C-1020 (C)	(C) The city arborist shall adopt administrative rules, in accordance with the administrative rules process, to implement this article and, in	This proposed language clarifies that the rules must be adopted by the administrative rules process. Rules adopted by this department should follow	Neutral	Staff has no objections
										Review Authority	No			consultation with the Public Works Director, additional rules to implement Division 23-9F-5 (Sidewalks, Urban Trails, and Street Trees).	administrative rules procedures		
										,				Rules adopted under this article shall include:			
17.3	Division 23-3C-1 General Provisions	х				JSc							23-3C-1030 (B)		This proposed language clarifies that only tree species listed in code can qualify as	Yes	Staff concurs wit the change
														the size requirements listed in Subsection (A) and qualify as one of the following species or as an additional heritage tree species listed in the	a heritage tree. The list of Heritage Tree Species should be approved by City Council and listed in code; the list should not be subject to administrative change		
														Environmental Criteria Manual:	by a criteria manual.		
														(1) Texas Ash; (2) Bald Cypress;			
										Tree Designations	No			(3) American Elm;			
										Designations				(4) Cedar Elm; (5) Texas Madrone;			
														(6) Bigtooth Maple; (7) All oaks;			
														(8) Pecan; (9) Arizona Walnut; and			
														(10) Eastern Black Walnut.			
17.4					TN								23-3C-1030	Ensure that PC recommends what is in the Addenda re: Young Public Trees 2-7.9' and Keystone Trees 8-18.9.	Imagine Austin calls for "complete communities." Complete communities need a healthy tree canopy.	Yes	Staff concurs with the draft in the addendum
17.5				++	++	ISc	17	++	+				23-3C-1040 (A) Tree	(A) Tree Requirements for Site Plans. An application for site plan	Removing conflict. Requiring a plan to preserve existing trees 8 inches or above	-	warrants further discussion
1						,350	"						Requirements for Site	approval must:	exceeds code requirements. Trees less than 19 inches have an option for	l	
													Plan (2)	(1) Include a grading and tree protection plan, as prescribed by the Environmental Criteria Manual and other applicable rules; and	mitigation.		
														(2) Demonstrate that the design will preserve the existing natural character of the landscape, including the retention or mitigation of		l	
17.6	Division 23-3C-1 General Provisions			+	++	IC-	++		+				22-2C-1040 (P)	trees eight inches or larger in diameter to the extent feasible.	This proposed language still provides the city arbedist the suthesity to assure that		warrants further discussion
17.6	S. Haloli 23 30-1 General revisions	×				120							23-3C-1040 (B)	a proposed site plan will remove a keystone tree, the city arborist may	This proposed language still provides the city arborist the authority to ensure that an applicant satisfies code but simply moves his ability to withould a site plan to		warrants further discussion
										Application and Review	No			require mitigation, including the planting of replacement trees. The city arborist may <del>not release the site plan</del> <u>withhold the building permit</u>	the ability to withhold the building permit or certificate of occupancy. The requirement of mitigation prior to SDP approval is cart before the horse and		
										Procedures				or certificate of occupancy until the applicant satisfies the condition or posts fiscal surety to ensure performance of the condition.	seems unnecessary as staff can ensure the trees are planted prior to acceptance of		
															a building/CO.		

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17.7	Division 23-3C-1 General Provisions	×				JSc				Application and Review Procedures	No		23-3C-1040 (C)	(B) Restrictions on Removal of Protected Trees. For an application for preliminary plan, final plat, building permit or site plan approval that proposed the removal of a protected tree, the city arborist must teview the application and make a recommendation before the application is administratively approved or presented to the Land Use- Commission or city Council.	Protected tree trmoval should not need Land Use Commissionor city Council approval.	Yes	There is an appeal process that provides the applicant due process to appeal the staff decision. That appeal terminates at PC/ZAP. Staff concurs with omitting council as that is not a permitting pathway.
17.8	Division 23-3C-1 General Provisions	х				JSc				Review by City Arborist	No		23-3C-1050 (B)	(B) Mitigation Requirements. If a regulated tree is permitted for removal, the city arborist shall require reasonable mitigation, consistent with the applicable requirements of this article and the Environment Criteria Manual. Compliance with required mitigation measures, which may include planting replace trees, must occur before the Development Services Director may approve the application-issue a certificate of occupancy:	This proposed language still provides the city arborist the authority to ensure that an applicant satisfies code but simply moves his ability to withould approval of an application to withhold the certificate of occupancy. The requirement of mitigation prior to SDP approval is cart before the horse and unachievable; Request to post fiscal surety for tree mitigation is a large cost and seems unnecessary as staff can ensure the trees are planted prior to acceptance of a building/CO.	No	Fiscal is not psted for mitigation when mitigation is shown on development plans
17.9	Division 23-3C-1 General Provisions	×				JSc				Review by City Arborist	No		23-3C-1060	"(A) The city arborist may request that a city department waive or modify a policy, rule, or design standard, other than a regulation of this Title, if the waiver provides an opportunity for a tree to be preserved. The city department shall make best efforts to preserve the tree, and any conflicts between the city arborist and the city department shall be resolved by the City Manager within 30 days of the initial request for waiver, enforcement will result in removal of a regulated tree under Section 23 3C 1030 (Tree Designations).  (B) At the city arborist's request, a responsible director may waive or modify the applicable policy, rule, or design standard, other than a regulation of this Title, if the director determines that a waiver or modification will not pose a threat to public safety.	Make this authority more explicit, and allow for bonuses.		Staff does not concur with the 30 day limit to resolution. Applicant should identify these issues during the due diligence and 30,60,90 plan developmet process and seek staff input via predevelopment consultations
17.10						JSc								(C) The city arborist shall have the administrative authority to grant the following additional entitlements that exceed zoning criteria or waive specific regulations to encourage the preservation of a protected or heritage tree. These entitlements are:  (1) Additional FAR; (2) Articulation requirements; (3) Parking siting requirements; (4) Minimum parking requirements; (5) Additional height; and (6) Smaller front, side, and rear setbacks (while maintaining fire code fire rating requirements); and (7) other non-zoning regulations.  (D) The city arborist shall develop using the administrativerulemaking process described 23-2C-1020 to implement procedures for granting these entitlements."		Neutral	
17.11	Division 23-3C-2 Young Public, Keystone, and Protected Trees																PARD is concerned that 23-3C-2010 ( C) will be onerous for park development. PARD should receive same exemptions as other departments.
A-17.11.1	Division 23-3C-2 Young Public, Keystone, and Protected Trees  Division 23-3C-3 Heritage Trees	x				JSc				Residential Uses	No		23-3c-2020 (B)	or impact a keystone tree located on one or two unit residential scale (1 - 10 unit) development (2) Keystone strees may be used to fulfill mitigation requirements	Keystone trees should not require a permit for residential scale development. Addendum text only exempts one or two family uses from keystone tree permit requirement, which essentially protects them like 19"+ trees. Residential scale housing that does not require a full site plan (1-10 units) should not be subject to commercial site plan requirements governing removal of keystone trees. The intent of residential heavy permits was to reduce the site plan requirements and expenses like this.		are personal data.
17.12 17.13	Division 23-3C-3 Heritage Trees			+++	++	++	JT	++					23-3C-3030 Land Use	(B) A variance request under this section is subject to the application	Due to many of the new requirements under Chapter 23-4 to push parking	No	Staff does not concur with the metrics used to determine
18	Article 23-3D Water Quality												Commission Variance	requirements in Section 23-2F-1030 (Application Requirements) and the public notice and hearing requirements in Section 23-2F-1040. (Public Hearing and Notification). (B): If a property is unreasonably encumbered by the location and/or quantity of heritage trees, the Land Use Commission shall consider a variance under this section to allow appropriate development of the property in accordance with Chapter 23-4.  Definition: unreasonably encumbered-50% or more of the site is undevelopable or more than 10% of the potential unit yield is lost.	towards the back of the property, impervious cover limitations, new setbacks, landscape buffers, etc. It is now more likely that some sites will be undevelopable due to the prevalence of heritage trees. Adding (8) and renumbering this section would allow the land use commission to take into consideration whether or not the development of a site is being unreasonably encumbered by the heritage trees on the site.		ureasonableness.
18.1	Division 23-3D-1 General Provisions	С															
18.2	Division 23-3D-2 Exceptions and Variances																

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			ANDERSON HART KAZI KAZI KENNY MCGRAW NUCKOLS OLIVER SEEGER SHEIBH THOMPSON WHITE	BURKARDT MENDOZA TEICH			GENERAL	SPECIFIC SECTION			YES/NEUTRAL /NO	STAFF RESPONSE
18.3	Division 23-30-2 Exceptions and Variances	x	JSc JSc		edevelopment Exception in Urban and Suburban Watersheds	No	2	23-3D-2030(B)	apply to redevelopment of property under this section if the redevelopment:	This propose language removes language that is not germane to redevelopment exceptions and should be removed. Redevelopment exceptions allow impervious cover to be reduced in the watershed, so non-water quality requirements should be removed		The requirement for Council approval if the project meets certain non-water quality-related criteria stems from stakeholder discussions for the Redevelopment Exception adopted in 2000 and the Barton Springs Zone Redevelopment Exception adopted in 2007. Watershed staff defer to PAZ, ATD, and DSD staff for potential modifications to the non-water quality related criteria. Note: Changes to the BSZ Redevelopment Exception will need approval from a supermajority of Council.
18.4			JSc JSc						(53) Does not increase non-compliance, if any, with Section 23-3D-4040 (Critical Water Quality Zone Development), Section 23-3D-4050 (Critical Water Quality Zone Street, Driveway, and Trail Crossings), Section 23-3D-5030 (Critical Environmental Features), or Section 23-3D-5040 (Wetland Protection); and  (64) Does not place redevelopment within the Erosion Hazard Zone, unless protective works are provided as prescribed in the Drainage Criteria Manual.		Neutral	See comment above.
18.5	Division 23-3D-2 Exceptions and Variances	х	JSC JSC		edevelopment Exception in the Barton Springs Zone	No	2	23-3D-2040 (D) (1)	(D) Council Approval. (1) Applicability. Council approval of redevelopment under this section is required if the redevelopment: (a) Includes more than 25 dwelling units; (b) Is located outside the City's zoning jurisdiction; (c) Is proposed on property with an existing industrial or civic use; (d) Is inconsistent with a neighborhood plan; or (e) Will generate more than 2,000 vehicle trips a day above the estimated traffic level based on the most recent authorized use on the property.	Extensive water quality rules are appropriate in this zone, but there's no need to take the items to a vote at Council for non-water quality items. Requiring this to go to Council adds additional costs to the overall development	Neutral	See comment above.
18.6	Division 23-3D-2		JSc JSc				2	23-3D-2050 ©	(C) Requirements for Redevelopment Exception. The requirements of this article do not apply to the redevelopment of property under this section if the redevelopment meets all of the following conditions:  (4) The water quality controls for the redeveloped areas or an equivalent area on the site must provide a level of water quality treatment that is equal to or greater than that which was previously provided. At a minimum, the site must provide water quality controls-sedimentation/filtration ponds for the areas of increased impervious cover or an equivalent area on the site.	Clarifies the area on a site subject to this regulation and establishes a minimum type of acceptable water quality controls.		
18.7			JSc				2	23-3D-2070 ©	(e) Necessary to allow reasonable development of the property according to the level of development allowed under 23-4.	This amendment requires Watershed to consider the reasonable amount of		
18.8	Division 23-30-2 Exceptions and Variances	х	JSc JSc		Water Quality Control Measures	No			"23-3D-2090 Residential Construction of three to ten units on one acre or less with Increased Water Quality Control Measures  [A) An applicant seeking to construct three to ten units on one acre or less may increase, up to 65%, the amount of impervious cover on the site above the impervious cover amounts in the base zone listed in 23-4, provided that the applicant comply with all of Article 23-3D (Water Quality), 23-10E (Drainage), and Division 23-2A-3 (Residential Development Regulations)."	This is necessary to allow missing middle to fit on a property, in some cases, but forces the developer to opt in to water quality and drainage rules that apply to commercial property	No	This proposal should be located in 23-2A-3 (Residential Development Regulations). In addition, since the early 1980s, water quality and drainage infrastructure in residential subdivisions has been sized assuming 45% impervious cover across the subdivision. Earlier subdivisions often have inadequate drainage infrastructure. Allowing additional impervious cover is likely to create drainage problems in modern subdivisions and exacerbate problems in older subdivisions. Watershed Protection Department staff would recommend additional water quality and drainage requirements on individual lots if impervious cover limits were increased beyond
18.9	Division 23-3D-3 Impervious Cover		JSC JSC					23-3C-3030 Land Use Commission Variance	(B) A variance request under this section is subject to the application requirements in Section 23-2F-1030 (Application Requirements) and the public notice and hearing requirements in Section 23-2F-1040. (Public Hearing and Notification). (B): If a property is unreasonably encumbered by the location and/or quantity of heritage trees, the Land Use Commission shall consider a variance under this section to allow appropriate development of the property in accordance with Chapter 23-4.  Definition: unreasonably encumbered-50% or more of the site is undevelopable or more than 10% of the potential unit yield is lost.	Due to many of the new requirements under Chapter 23-4 to push parking towards the back of the property, impervious cover limitations, new setbacks, landscape buffers, etc. It is now more likely that some sites will be undevelopable due to the prevalence of heritage trees. Adding (8) and renumbering this section would allow the land use commission to take into consideration whether or not the development of a site is being unreasonably encumbered by the heritage trees on the site.		-

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18.14	Division 23-3D-3 Impervious Cover	x	₹ <u>∓</u>	3 2	≥ z c	JSc S	# F ≥	<u> </u>	≥ # I				23-3D-3040(C)	(C) Impervious cover calculations exclude:	This proposed language removes the exclusion of subsurface infracture.		STAFF RESPONSE
			ш											(1) Sidewalks in a public right-of-way or public easement; (2) Multi-use trails open to the public and located on public land or in a-	Subsurface water quality controls and subsurface cisterns should not count towards impervious cover.		
			ш											public easement;			
			ш											(3) Water quality controls, excluding subsurface water quality controls; (4) Detention basins, excluding subsurface detention basins;			
			ш											(5) Ground level rainwater harvesting cisterns, excluding subsurface-			
			ш											cisterns; (6) Drainage swales and conveyances;			
			ш							Impervious	No			(7) The water surface area of ground level pools, fountains, and ponds;			
			ш							Cover Calculations	NO			(8) Areas with gravel placed over pervious surfaces that are used only for landscaping or by pedestrians and are not constructed with			
			ш											compacted base; (9) Porous pavement designed under the Environmental Criteria			
			ш											Manual, limited to only pedestrian walkways and multi-use trails, and			
			ш											located outside the Edwards Aquifer recharge zone; (10) Fire lanes designed as prescribed in the Environmental Criteria			
			ш											Manual, that consist of interlocking pavers, and are restricted from			
			ш											routine vehicle access;			
18.12	Division 23-3D-3 Impervious Cover	x .			++	JSc	++	++		Impervious		2	23-3D-3070(B)(2)(d)	(d) Impervious cover for a commercial, <u>mixed use</u> , civic, or industrial	Mixed use should be permitted the same IC as commercial.	No	This recommedation represents a change from existing policy.
			ш							Cover Limits for	No		N. N.	use may not exceed:			Significant revisions were made to the water quality and drainage
			ш							Suburban Watersheds							regulations during the Watershed Protection Ordinance process in 2013. The intent was to encourage the actual provision of a mixture
18.13	Division 23-3D-3 Impervious Cover	x	ш			JSc						2	23-3D-3070(B)(2)(e)	(e) Impervious cover for mixed use may not exceed:	With the proposed language for 23-3D-3070(B)(2)(d) this section is no longer	No	See comment above.
			ш							Impervious				(i) The limits in Subsection (B)(1)(c) for the portion of the ground floor that is multi-family residential;	necessary.		
			ш							Cover Limits for Suburban	No			(ii) The limits in Subsection (B)(1)(d) for the portion of the ground floor-			
			ш							Watersheds				that is commercial, civic, or industrial; and (iii) Impervious cover for the entire site is based on the ratios			
			Ш						Ш					determined on the ground floor.			
18.15 18.16	Division 23-3D-4 Waterway and Floodplain Protection  Division 23-3D-4 Waterway and Floodplain Protection	x			+	ISc		+-				2	23-3D-4020(B)(6)	(6) Zone boundaries may be reduced based on hydrology analysis or	The proposed language would allows the director to use hydrology analalysis to	No	The Critical Water Quality Zone for Suburban watersheds does not
10.10			ш			330				Critical Water Quality Zones	No		23-30-4020(0)(0)	floodplain model as approved by the director.	reduce water quality boundaries on a case by case basis.	i i i	incorporate the floodplain. However, the applicant may
18.17	Division 23-3D-4 Waterway and Floodplain Protection	x	$\vdash$		+	ISO	$\perp$	-		Established		2	23-3D-4040(E)(4)	(E) A utility line, including a storm drain is prohibited in the critical	The amendment clarifies that the department/person requiring the alignment of a	No	demonstrate a change in the drainage area threshold as part of an  This recommedation represents a change from existing policy.
10.17	Division 23-30-4 Water way and Hoodplain Frotection	*	ш			JSC							23-3D-4040(E)(4)	(E) A utility line, including a storm drain, is prohibited in the critical water quality zone, except as provided in Subsection (E) or for a	utility parallel to and within a critical water quality zone is responsible for the	NO	Significant revisions were made to the water quality and drainage
			ш											necessary crossing. A necessary utility crossing may cross into or through a critical water quality zone only if:	payment.		regulations during the Watershed Protection Ordinance process in 2013. WPD is not proposing additional changes as part of CodeNEXT.
			ш														
			ш							Critical Water Quality Zone	No			(1) The utility line follows the most direct path into or across the critical water quality zone to minimize disturbance;			
			ш							Development				(2) The depth of the utility line and location of associated access shafts			
			ш											are not located within an erosion hazard zone, unless protective works			
			ш											are provided as prescribed in the Drainage Criteria Manual; and			
			ш											(3) In the Barton Springs Zone, is approved by the Watershed Director.			
18.18	Division 23-3D-4					JSc						2	23-3D-4070	(A)All <u>natural</u> floodplain modification within a critical water quality	Clarifies that floodplain must be naturally occurring.		
														zone is prohibited except as allowed under Section 23-3D-4040 (Critical Water Quality Zone Development). (B) All <u>natural</u> floodplain		1	
														modification outside a critical water quality zone is allowed only if the modification proposed:(C) All <u>natural floodplain modifications must</u> :		1	
																l	
18.19	Division 23-3D-5 Protection for Special Features					$\bot$											-
18.20	Division 23-3D-5 Protection for Special Features	x	ш			JSc						2	23-3D-5010(A)	(A) An applicant must shall file an environmental resource inventory with the director for proposed development located on a tract that	Clarifies that a environmental resource inventory only applies to developments where any of these features may be disturbed, as it would be a severe cost to the	No	The intent of the ERI is to locate sensitive features that are common to these areas. Without the ERI, it would be impossible to
			ш											may cause disturbance to:	applicant to do this for every site. In addition, the clarification for (6) allows for		determine whether these features may be disturbed by the
			ш												flexibility when working with larger sites which may have varying types of typography.		development.
			ш							Environmental	N-			(2) Within the Drinking Water Protection Zone;			
			ш							Resource Inventory	No			(3) Containing a water quality transition zone; (4) Containing a critical water quality zone;			
			ш											( <del>5)</del> Containing a floodplain; or (6 <u>5</u> ) With a gradient of more than 15 percent. <u>For applications with a</u>			
														tract containing a gradient of more than 15 percent the environmental			
														resource inventory shall be required for the portion of the site within 150 linear feet from the slope over 15 percent.		l	
18.21	Division 23-3D-6 Water Quality Control and Green																
18.22			ПП		TN							2	23-3D-6010(B)(3)	Delete "8,000" and substitute "5,000."	Nationwide, best practices for exemptions from undertaking water quality control measures is 5,000 sf, not 8,000 sf. Imagine Austin calls for "complete"		
															communities." Complete communities need water quality controls.	l	
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			AND HAR KAZ KEN MCC	OLIV SCH SEEC SHIE THO	BUR			GENERAL SPECIFIC SECTION				STAFF RESPONSE
18.23	Division 23-3D-6 Water Quality Control and Green Infrastructure Standards	x		JSc				23-3D-6050 (B)	(B) Instead of providing the water quality controls required by Section 23-3D-6010 (Applicability of Water Quality Control Standards), in a		No	CodeNEXT extended the option for water quality payment-in-lieu to small, infill subdivisions in Suburban watersheds that are less than 2
									Suburban watershed an applicant may request approval to deposit			acres in size and do not trigger a preliminary plan. Allowing payment-
									with the City a nonrefundable cash payment. The director shall review			in-lieu for small site plans in watersheds outside of the urban core would likely result in water quality degradation given the prevalence
									the request and approve or disapprove the request based on the standards in the Environmental Criteria Manual. To be eligible to			of small sites and the greater availability of undeveloped land. Sites
						Optional Payment			request the optional payment, the development must:			outside of the urban core will have more pervious area available since watershed regulations limit impervious cover. These sites
						Instead of			(1) Be located within the zoning jurisdiction;			should be able to integrate green stormwater infrastructure
						Structural Controls in	No		(2) Be			solutions into their landscape and open space to reduce costs and overall footprint.
						Suburban			(a) a residential subdivision less than two acres in size (b) a commercial property with less than an acre of the site that is			
						Watersheds			requesting optional payment; or			
									(c) a vertical commercial, residential, or mixed-use development with structured parking below the primary building, up to three acres in			
									size.; and			
									(3) Demonstrate exemption from the preliminary plan standard as determined by Section 23-58-2010 (Preliminary Plan Requirement).			
18.24				JSc					(3) Demonstrate exemption from the preliminary plan standard as			-
									determined by Section 23-5B-2010 (Preliminary Plan Requirement).			
18.25	Division 23-3D-6 Water Quality Control and Green Infrastructure Standards	x		JSc				23-3D-6080(C)	(C) The Watershed Director shall <u>use the administrative rules process</u>		No	Criteria are not approved by Council. The status of the fund is
	illi astructure station us								to propose rules that administer the fund, calculate the fee, collect the fee and allocate the fund for appropriate projects, and report annually			reported to the Environmental Commission and the City Council through the annual budget.
						Dedicated Fund	No		to the Council regarding the status of the fund and the monitoring and			
						Dedicated Fund	NO		maintenance program described in this section. The proposed rules should be presented the Environmental Commission for a			
									recommendation to Council. The Council shall approve the proposed			
									rules, reject them, or approve them with modifications.			
18.26	23-D-6010 - Applicablility of Water Control Standards			TS	1			6010(B)(3)	(B)(3)If the total of new and redeveloped impervious cover exceeds 5,000 8,000 square feet.	Per Environmental Commission.	Yes	5,000 square feet was the staff recommendation in the 2013 Watershed Protection Ordinance. However, Council adjusted the
						Water Quality Controls	NO		3,000 3410.0 000.			threshold to 8,000 square feet on the dais. Staff would support
		x										changing the threshold back to 5,000 square feet.
18.27	Division 23-3D-7 Erosion and Sedimentation Control	c										L.
		C										
18.28	Division 23-3D-8 Additional Standards in All Watersheds	x		PS								-
18.29	Division 23-3D-9 Save Our Springs Initiative	C		PS								-
		x		PS TW				23-3E-1030 (G)	The affordable units should have the same finishes features and	do not allow designated affordable units to encourage the affordable units to be		-
18.29 19	Division 23-3D-9 Save Our Springs Initiative  Article 23-3E Affordable Housing	x		PS		AHDB		23-3E-1030 (G)	The affordable units should have the same finishes features and appliances as the market rate units.	do not allow designated affordable units to encourage the affordable units to be equal to the market rate units in both finishes and sf. This discourages discrimination and allows for the affordable units to be throughout the project		-
18.29 19	Division 23-3D-9 Save Our Springs Initiative  Article 23-3E Affordable Housing	x		PS		AHDB		23-3E-1030 (G)		equal to the market rate units in both finishes and sf. This discourages		-
18.29 19	Division 23-3D-9 Save Our Springs Initiative  Article 23-3E Affordable Housing	C x		PS						equal to the market rate units in both finishes and sf. This discourages discrimination and allows for the affordable units to be throughout the project		-
18.29 19 19.2	Division 23-3D-9 Save Our Springs Initiative  Article 23-3E Affordable Housing  Division 23-3E-1 Design Standards	x		Tw		AHDB AHDB AHDB		23-3E-1030 (G)  X X		equal to the market rate units in both finishes and sf. This discourages discrimination and allows for the affordable units to be throughout the project and for availability even if units are under repair or renovation.		-
18.29 19 19.2 19.3 19.4 19.5	Division 23-3D-9 Save Our Springs Initiative  Article 23-3E Affordable Housing Division 23-3E-1 Design Standards  Division 23-3E-1 Small scale density bonus for R1 zones Division 23-3E-1 Small scale density bonus for R2 zones Division 23-3E-1 AHBP for MS2 Zones	X X		TW		AHDB		x x x		equal to the market rate units in both finishes and sf. This discourages discrimination and allows for the affordable units to be throughout the project and for availability even if units are under repair or renovation.  add R1 zone bonus to include an additional ADU if it's 50% MFI add R2 zone bonus to include an additional ADU if it's 50% MFI		-
18.29 19 19.2 19.3 19.4	Division 23-3E-1 Design Standards  Division 23-3E-1 Design Standards  Division 23-3E-1 Small scale density bonus for R1 zones  Division 23-3E-1 Small scale density bonus for R2 zones	X X		Tw Tw Tw		AHDB AHDB		x x	appliances as the market rate units.	equal to the market rate units in both finishes and sf. This discourages discrimination and allows for the affordable units to be throughout the project and for availability even if units are under repair or renovation.  add R1 zone bonus to include an additional ADU if it's 50% MFI add R2 zone bonus to include an additional ADU if it's 50% MFI these should be defined and added to the arsenal so that we can use them as part		-
18.29 19 19.2 19.3 19.4 19.5	Division 23-3D-9 Save Our Springs Initiative  Article 23-3E Affordable Housing Division 23-3E-1 Design Standards  Division 23-3E-1 Small scale density bonus for R1 zones Division 23-3E-1 Small scale density bonus for R2 zones Division 23-3E-1 AHBP for MS2 Zones	X X		Tw Tw Tw		AHDB AHDB		x x x	appliances as the market rate units.	equal to the market rate units in both finishes and sf. This discourages discrimination and allows for the affordable units to be throughout the project and for availability even if units are under repair or renovation.  add R1 zone bonus to include an additional ADU if it's 50% MFI add R2 zone bonus to include an additional ADU if it's 50% MFI these should be defined and added to the arsenal so that we can use them as part of the affordability programs. Ordoes this live somewhere else? NHCD is supportive of land trusts but unsure of how to put thiem into the code since the		-
18.29 19 19.2 19.3 19.4 19.5 19.6	Division 23-3D-9 Save Our Springs Initiative  Article 23-3E Affordable Housing Division 23-3E-1 Design Standards  Division 23-3E-1 Small scale density bonus for R1 zones Division 23-3E-1 Small scale density bonus for R2 zones Division 23-3E-1 AHBP for MS2 Zones	X X		Tw Tw Tw		AHDB AHDB		x x x	appliances as the market rate units.  allow MS2b to take part in AHBP if along IA corridor	equal to the market rate units in both finishes and sf. This discourages discrimination and allows for the affordable units to be throughout the project and for availability even if units are under repair or renovation.  add R1 zone bonus to include an additional ADU if it's 50% MFI add R2 zone bonus to include an additional ADU if it's 50% MFI these should be defined and added to the arsenal so that we can use them as part of the affordability programs. Ordoes this live somewhere else? NHCD is supportive of land trusts but unsure of how to put thiem into the code since the code doesn't discuss ownership models.		-
18.29 19.2 19.3 19.4 19.5	Division 23-3D-9 Save Our Springs Initiative  Article 23-3E Affordable Housing Division 23-3E-1 Design Standards  Division 23-3E-1 Small scale density bonus for R1 zones Division 23-3E-1 Small scale density bonus for R2 zones Division 23-3E-1 AHBP for MS2 Zones	X X	CK	Tw Tw Tw		AHDB AHDB		x x x	appliances as the market rate units.	equal to the market rate units in both finishes and sf. This discourages discrimination and allows for the affordable units to be throughout the project and for availability even if units are under repair or renovation.  add R1 zone bonus to include an additional ADU if it's 50% MFI add R2 zone bonus to include an additional ADU if it's 50% MFI these should be defined and added to the arsenal so that we can use them as part of the affordability programs. Ordoes this live somewhere else? NHCD is supportive of land trusts but unsure of how to put thiem into the code since the		-
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18.29 19.19.2 19.3 19.4 19.5 19.6	Division 23-3D-9 Save Our Springs Initiative  Article 23-3E Affordable Housing Division 23-3E-1 Design Standards  Division 23-3E-1 Small scale density bonus for R1 zones Division 23-3E-1 Small scale density bonus for R2 zones Division 23-3E-1 AHBP for MS2 Zones	X X	CK	Tw Tw Tw		AHDB AHDB AHDB AHDB	Yes	x x x x x x x x x x x x x x x x x x x	allow MS2b to take part in AHBP if along IA corridor  Add to purpose and intent section- 23-3E-1010(B):  (4) Meet the annual affordable housing goals set forth by the City Council.  (5) Encourage denser development via the AHBP program by providing a quantifiable incentive to a project measurable by an increase in project yield on cost.  Add NEW section – suggest between Applicability (23-3E-1020) and General Provisions (23-3E-1030)  23-3E-1025: Affordable Housing Goals & Performance Requirements Goals  A goal for a minimum affordable housing units developed using the Citywide Affordable Housing Bonus program shall be set by City Council on an annual basis. The goals shall be proposed by Neighborhood Housing and Community Development based on the Strategic Housing Plan and other available or procured data that establishes demand for affordable housing the City of Austin.  Individual housing goals shall be established for each area within the AHDB program, including Downtown subdistricts. Goals shall include a total number of units in each area, including a breakdown of units by type (ownership v. rental) and unit count.  (NEW) (1) In all zones, a site that participates in the citywide affordable housing program and has at least 50% of the dwelling units per acre are restricted. FAR, parking requirements, and dwelling units per acre are	equal to the market rate units in both finishes and sf. This discourages discrimination and allows for the affordable units to be throughout the project and for availability even if units are under repair or renovation.  add R1 zone bonus to include an additional ADU if it's 50% MFI add R2 zone bonus to include an additional ADU if it's 50% MFI these should be defined and added to the arsenal so that we can use them as part of the affordability programs. Ordoes this live somewhere else? NHCD is supportive of land trusts but unsure of how to put thiem into the code since the code doesn't discuss ownership models.  This requires an annual assessment of the affordable bonus program with established goals.		
19.2 19.3 19.4 19.5 19.6	Division 23-3D-9 Save Our Springs Initiative  Article 23-3E Affordable Housing Division 23-3E-1 Design Standards  Division 23-3E-1 Small scale density bonus for R1 zones Division 23-3E-1 Small scale density bonus for R2 zones Division 23-3E-1 AHBP for MS2 Zones	X X	CK	Tw Tw Tw		AHDB AHDB AHDB AHDB Super	Yes	x x x x x x x x x x x x x x x x x x x	allow MS2b to take part in AHBP if along IA corridor  Add to purpose and intent section- 23-3E-1010(B):  (4) Meet the annual affordable housing goals set forth by the City Council.  (5) Encourage denser development via the AHBP program by providing a quantifiable incentive to a project measurable by an increase in project yield on cost.  Add NEW section – suggest between Applicability (23-3E-1020) and General Provisions (23-3E-1030)  23-3E-1025: Affordable Housing Goals & Performance Requirements Goals  A goal for a minimum affordable housing units developed using the Citywide Affordable Housing Bonus program shall be set by City Council on an annual basis. The goals shall be proposed by Neighborhood Housing and Community Development based on the Strategic Housing Plan and other available or procured data that establishes demand for affordable housing the City of Austin.  Individual housing goals shall be established for each area within the AHDB program, including Downtown subdistricts.  Goals shall include a total number of units in each area, including a breakdown of units by type (ownership v. rental) and unit count.  (NEW) (i) In all zones, a site that participates in the citywide affordable housing program and has at least 50% of the dwelling units as income:	equal to the market rate units in both finishes and sf. This discourages discrimination and allows for the affordable units to be throughout the project and for availability even if units are under repair or renovation.  add R1 zone bonus to include an additional ADU if it's 50% MFI  add R2 zone bonus to include an additional ADU if it's 50% MFI  these should be defined and added to the arsenal so that we can use them as part of the affordability programs. Ordoes this live somewhere else? NHCD is supportive of land trusts but unsure of how to put thiem into the code since the code doesn't discuss ownership models.  This requires an annual assessment of the affordable bonus program with established goals.  This is a super-affordable bonus. It essentially gives free height if 100% of the additional height goes to affordable housing units, up to twice the base entitled		

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ARI	NIG II	CHANGES TO D3	-	INITI	ATED BY	COMMSS	IONER	E	X OFFICIO	TOPIC AREA	FEEDBACK	AMENDMENT TYPE	SUBSTITUTE LANGUAGE	COMMISSIONER NOTES	-	
			Z C		> 4	æ	Z Q	l,	5 5						YES/NEUTRAL	
			IDERS	Z Z	CGRAV	IVEK HISSLE EGER	IEH OMPS	HITE	KKAK ENDO2 ICH						/NO	
19.8			¥ ₹	<u>\$</u> ₩	ŽŽ	<u> </u>	; <u>₹</u>	> ₹ 8	<u> </u>			GENERAL SPECIFIC SECTIO  23-3E-1030		Mimic's "people's plan"		STAFF RESPONSE
19.10		х		CK						Right of Return	Yes	23-3E-1010(B) and a	people who have been displaced due to rising rents or property taxes.  d Measurement	This requires an annual assessment of the affordable bonus program with	-	
13.10			ш									new 23-3E-1025		established goals.		
			ш										the AHDB program as required to annually measure the goals as established in 23-3E-1025.			
			ш										An annual report shall be prepared to document each areas progress			
			ш										towards annual goals. The annual report shall include, but is not limited to, the following:			
			ш										Number of total affordable housing units permitted, by unit type and number of bedrooms			
			ш										Number of affordable housing units built, by unit type and number of bedrooms.			
			ш							Calibration	Yes		iii. Value of Fee in Lieu collected in lieu of commercial bonus area iv. Value of Fee in Lieu collected in lieu of on-site affordable housing			
			ш										units, and equivalent unit count  v. Average size of affordable housing units permitted, separated by			
			ш										bedroom count.  vi. Average size of affordable housing units built, separated by			
			ш										bedroom count.  vii. A summary of feedback from all applicants to the AHDB program.			
			ш										viii. An assessment of the income levels in this Title and whether they could be adjusted to better acheive the goals of the Strategic Housing			
			ш										Plan.			
19.11		x	Н	СК	++			+						This requires an annual assessment of the affordable bonus program with	-	
			ш										reasoning behind the failure to achieve the goals.  An annual calibration of all area AHDB programs shall be done to	established goals.		
			ш										ensure the AHBP encourages use of the program by providing an increase in project yield on cost. The calibration shall include a review			
			ш										of the number of units required (by %), bedroom counts, or any other requirements associated with the use of the bonus.			
			ш										The AHBP shall be modified when: i. In any year that the annual report shows that the annual goal is not			
			ш										met by more than 10%, the AHBP shall be adjusted to lower the requirement for utilizing the bonus, either by reducing the number,			
			ш										size or bedroom count of units, or by reducing the fee-in-lieu. A calibration study shall be done to confirm the adjustments made to the			
			ш										AHBP result in an increase in yield on cost to the project.  ii. In any year the annual report shows that based on current market			
			ш										data, including but not limited to rent rates, construction costs, land and tax values, interest rates, or operating expenses, the AHBP no			
			ш										longer results in an increase in yield on cost to a project, the AHBP shall be adiusted per item (i) above.'			
19.12 19.13		<del>                                     </del>	H	x	$\forall \exists$	++		+				new division	Mandate that all city departments involved in site plan review, permit	Re-instates skip-the-line for affordable housing program projects.		-
										Skip the line for affordable			review, or other development services immediately priortize projects participating in the affordable housing program over all projects that			
10.14		x								projects		22.25.4050 (-)(2)	do not have an affordable program participation.	This allows a survey of a said facile live foodback with a fit which have		
19.14				×						Fee-in-lieu	Yes	23-3E-1050 (c)(2)	append at the end of the section "except that an applicant may pay the fee in lieu on partial units with the proportional fee in lieu per unit, with a minimum fee-in-lieu of 20% of the per-unit fee in lieu.	This allows payment of partial fee in lieu for the citywide affordable bonus program.		
19.15	Division 23-3E-1 Citywide Affordable Housing Bonus Program	x x	АН					$\perp$				No <b>23-3E-1010</b>	"(A) The purpose of this division is to establish general requirements		Neutral	Needs slight revision
15.15	Sinason 25 SE 2 Citymae miorataile notating solitos noglatin											23-31-1010	and procedures for the submittal and review of an application for the Citywide Affordable Housing Bonus Program (AHBP), which is a		Neutrai	neces signification
			ш										voluntary, incentive-based density bonus program that provides enhanced development potential for projects that increase the supply			
													of moderate to lower-cost housing consistent with the requirements of this division.			
										Affordability	No		(B) The intent of the AHBP is to financially incentivize new development to include affordable homes or pay fees-in-lieu for			
													affordable homes to:  (1) Implement the goals and policies of the Austin Comprehensive Plan			
													and the Austin Strategic Housing Blueprint;  (2) Increase housing supply, diversity, and affordability while			
													(2) increase nousing supply, diversity, and arrordability while preserving and enhancing the unique character of the City's neighborhoods;			
													(3) Actively desegregate Austin's neighborhoods and dismantle			

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			ANDERSON	HAKI KAZI KENNY	MCGRAW NUCKOLS	SCHISSLER SEEGER	SHIEH THOMPSON WHITE	SHAW BURKARDT MENDOZA	EICH			GENERAL	SPECIFIC SECTION			YES/NEUTRAL /NO	STAFF RESPONSE
19.16	Division 23-3E-1 Citywide Affordable Housing Bonus Program	x	A	AH					Aff	ffordability	No	No	23-3E-1020 (A)	(A) Applicability (1) The AHBP applies citywide, except in the following zones: (a) Downtown Zones. A density bonus request in the Downtown Core (DC) Zone and Commercial Center (CC) Zone must meet the requirements of Division 23-3E-2 (Downtown Density Bonus Program). (b) University Neighborhood Overlay Zone. A density bonus request in the University Neighborhood Overlay (UNO) Zone must meet the requirements of Section 23-4D-9130 (University Neighborhood Overlay Zone). (c) Planned Unit Development (PUD) Zone. A density bonus request in the Planned Unit Development (PUD) Zone must meet the requirements of Section 23-4D-8130 (Planned Unit Development	A substantial number of lots are zoned F25. We need to allow F25 participation in our AHBP.		
19.17	Division 23-3E-1		A	АН										(d) Former Title 25. A density bonus request in the Former 25 (F25) Zone, established in Section 23.4D-8100 (Former 25 Zone), shall be subject to the requirements and density bonus incentives, if any, as available under Former Title 25.  (2) Requirements for participation in the AHBP are determined based on the zone in which the development is proposed, as provided under Article 23-4D (Specific to Zones). For Former Title 25 (F25) Zone, the Director shall determine which zone in 25-4D most appropriately matches the zoning of former Title 25, and designate by rule which AHBP-zone requirements match the F25 zoning.		No	AHBP Not calibrated to F25 zones
19.18	floating units						TW						23-3E-1030( E)		add language to ensure that the affordable unit occupancy rate is at least similar to the market rate occupancy of that building. And the owner should alert the city to it's vacancy		
19.19	Division 23-3E-1 Citywide Affordable Housing Bonus Program	x	A	AH					Aff	ffordability	No	No	23-3E-1080 (E)	(E) The Director shall provide a process for a potential applicant to seek out and receive an early determination for AHBP compliance. Such a determination shall be made by the Director within thirty days of the submission of a complete determination request. If the approved application matches the information submitted in the early determination request, then the determination shall be binding for	An early determination decreases the risk that an applicant may face and lowers the cost of providing affordable homes.	No	
19.20 19.24	Division 23-3E-2 Downtown Density Bonus Program  Division 23-3E-2 Downtown Density Bonus Program			+		ICa		+++				Vac	22.25.2020 (0)(6)	NUCC Diseases should not be able to adjust without a proper third	23-3E-1070 gives NHCD Director authority to recommend FIL or % units to City	No	-
19.24	Uvision 23 2 2 Downtown Density Bollos ( Ografii	X				150				pplication Review	Yes	Yes	23-3E-2030 (B)(6)	NHCD Director should not be able to adjust without a proper, third- party calibration study. Applying some sort of index does not accurately reflect market conditions.	Council annually.  23-3E-2030 (B) (6) states that downtown fees may vary by use and district (ok).  Claims nine districts, but unclear what those are.	NO	
19.25	Division 23-3E-2 Downtown Density Bonus Program	x	Ш			JSc			Den Ga	owntown nsity Bonus atekeeper quirements	No		23-3E-2040 (A)(2)	(2) The Design-Commission shall evaluate and make recommendations- regarding whether the development is in substantial compliance with- the City's Urban Design Guidelines and the director shall consider- comments and recommendations of the Design-Commission.	The Design Commission oversight for compliance with the Urban Design Guidelines was always intended to be an interim solution until design standards were codified, as they will be in CodeNEXT.	No	
19.26	Division 23-3E-2 Downtown Density Bonus Program	x				JSc			Den Ga	owntown nsity Bonus atekeeper quirements	No		23-4E-2040 (B)	(B) Appeal.  (1) An applicant may appeal to the city council the director's determination that the gatekeeper requirements have not been met.  (2) An applicant must appeal the determination within 30 days from the date of the director's denial  (3) An appeal is subject to the procedures set forth in Section 23-2D-1 Conduct of Public Hearings.	Current code allows applicant to appeal to the City Council if director determines that the gatekeeper requirements have not been met. This proposed language replicate ability to appeal in the current LDC 25-2-586 (J) (1 - 3)	Neutral	
19.23	Division 23-3E-2 Downtown Density Bonus Program	x	GA						Do	Downtown	No		23-3E-2060(B)	If the applicant chooses to achieve 100 percent of the density bonus by providing community benefits described in Subsection (C) through (strike E and insert) (F), the director may approve the density bonus administratively.	With Amendment this would match current LDC. Does not appear to require "designated review group" for downtown, but does not indicate how projects receive approval for using codified community benefits other than 100% affordable housing. This seems to be an oversight since downtown projects can currently earn density via a menu of options, as long as at least 50% of the bonus area is earned through providing housing on site or paying a fee in lieu.  The only instance that should require PC/Council approval is outlined in section G, in which a project's developer proposes to provide a unique set of community benefits not outlined in code.		if the policy is to encourage housing, the procedural incentive to providing housing should remain. Approval of a bonus by right for other benefit (i.e. daycare) doesn't align with housing goals
19.27	Division 23-3E-2 Downtown Density Bonus Program	x	GA A	АН		JSc				ommunity Benefits	No		23-3E-2060 (B)	Administrative Approval. If the applicant chooses to achieve 100 percent of the density bonus by providing community benefits described in Subsection (C) through (strike E and insert) (F), the director may approve the density bonus administratively.	This proposed language replaces the phrase "(C) through (E)" with "C through F." The density bonus program provides alternatives for community benefits including affordable housing, green roofs, music/cultural spaces, provision of day care, etc. This allows administrative approval for any of the community benefits listed in this section to not discourage some kinds of benefits over others. By allowing adminsitrative approval, the need to go to Council and Planning Commission to approve something allowed by code is eliminated, simplifying the process.		if the policy is to encourage housing, the procedural incentive to providing housing should remain. Approval of a bonus by right for other benefit (i.e. daycare) doesn't align with housing goals
19.21	Division 23-3E-2	x					тw			AHDB	х		23-3E-2060-E-1-c	A unit is affordable for purchse if the maximum sales price for the unit does not exceed three times the annual income for a household at 120 percent of the MFIThe maximum sales price can be up to 3.5 times the annual income for a household at 120 80 MFI if a household member has completed a City- approved homebuyeer counseling of education class.	I think we can do better. 3.5x 120MFI for a one bedroom is \$239,400; 3.5x 80MFI is \$159,600 for a one bedroom; this is comparable to a teacher's salary		

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			RSON	> 8	OLS R	SLER R	PSOF	ARDT	OZA						YES/NEUTRAL /NO	
			ANDE	KAZI	NUCK	SCHIS	SHIEH THON	SHAW	MENE			GENERAL SPECIFIC SECTION				STAFF RESPONSE
19.22	Division 23-3E-2 Downtown Density Bonus Program		ΗĪ				, T	w	ĒΠ			23-3E-2060-E-2-c	A unit is affordable for rent if the maximum monthly rent for the unit	I think the price of units downtown should be able to handle a little more affordability	Yes	
			ш						Ш	AHDB	х		does not exceed 30% of the average gross monthly income for a household at <del>80</del> 60 percent of the MFI.	anordavinty		
19.29	Division 23-3E-2 Downtown Density Bonus Program	X X	AH			JSc			Н			23-3E-2070 (B) (1)		The proposed language amends this section to keep current standards. To achieve		keep bedroom mix as part of policy to encourage larger 'family
			ш						Ш				foot height limit Subsection 23-4D-9140(F)(7)(iii) and achieve a floor area ratio of up to 8:1 if at least five percent of the square footage of	density above 40 up to 8:1 FAR, support continuing the on-site affordable housing requirement. Support reverting to the on-site requirements in place before 2014,		units'
										Rainey Street			the dwelling units developed within that floor area ratio of 8:1 is	5% of the number of bonus units (as opposed to 5% of the bonus square footage) be designated affordable to 80% Median Family Income.		
			ш						Ш	Subdistrict Bonus	No		below the MFI HOME Limits, as amended per household size, and as			
													defined by the U.S. Department of Housing and Urban Development for the Austin-Round Rock Metropolitan Statistical Area. The Housing			
									Ш				Director conducts the income determination.			
19.30	Division 23-3E-2 Downtown Density Bonus Program	×				JSc						23-3E-2070 (B) (6)	Strike 23-3E-2070 (B) (6)	affordable unit mix to match the unit mix of the building, make downtown		if the policy is to encourage housing, the procedural incentive to providing housing should remain. Approval of a bonus by right for
										Rainey Street Subdistrict	No			residential with on-site affordable housing infeasible. Except for those that were already entitled and therefore exempt, only one new residential projects has been		other benefit (i.e. daycare) doesn't align with housing goals
										Bonus				proposed on Rainey Street after this requirement was imposed in 2014, and they declined to build any 3-bedroom units in order to make this new provision		
19.33	Division 23-3E-3 Tenant Notification and Relocation													feasible.		
19.34	Division 23-3E-4 S.M.A.R.T. Housing	С														-
19.35	Division 23-3E-4 S.M.A.R.T. Housing	х	GA						Ш			23-3E-4010 - 4090	SEE EXHIBIT ANDERSON-1	SMART housing needs to be strong. These adjustments come from Mark Rogers at		
														GNDC and Nicole Joslin spent a lot of time going over them with me. They are better than what we have today.		
			ш						Ш							
										SMART	No					
			ш						Ш							
			ш						Ш							
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19.36	Division 23-3E-4 S.M.A.R.T. Housing		GA					++	Н							-
										SMART	No					
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19.37	Division 23-3E-4 S.M.A.R.T. Housing		GA					++	Н							-
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										SMART	No					
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19.38	Division 23-3E-4 S.M.A.R.T. Housing		GA													-
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			DERSON	ZI	GRAW	VER HISSLER GER	EH OMPSOI	AW AW RKARDT	MEN DO ZA TEICH		ш					YES/NEUTRAL /NO	
19.39	Division 23-3E-4 S.M.A.R.T. Housing		GA E	KE KA	<u> </u>		<u> </u>	<u> </u>	H ME			GENERAL	SPECIFIC SECTION				STAFF RESPONSE
										SMART							
										SWART							
19.40	Division 23-3E-4 S.M.A.R.T. Housing		GA		+		+										-
										SMART							
19.41	Division 23-3E-4 S.M.A.R.T. Housing		GA							SMART							-
19.42	Division 23-3E-4 S.M.A.R.T. Housing		GA		+		+										-
										SMART							
19.43	Division 23-3E-4 S.M.A.R.T. Housing		GA														-
										SMART							
19.44	Division 23-3E-4 S.M.A.R.T. Housing		GA														-
										SMART							
			Ш	Ш					Ш								
A-19.44.1	Division 23-3E-4 S.M.A.R.T. Housing	х					T	w		SMART		Х		please see Exhibits TW SMART HOUSING and TW SIMPLICITY HOUSING BLUEPRINT GOALS	There are a number of general and specific changes outlined in the exhibit		
19.45 19.46	Division 23-3E-5 Additional Affordable Housing Incentives  Division 23-3E-5 23-3E-5010 Additional Affordable Housing Incentives				++		+	TS					5010 (A)	(A) An applicant who provides income restricted affordable units, as-	This does not have any specifics as to the limits that parking can be adjusted.  Delete section.	No	-
										AH Incentives	NO			verified by the Housing Director, may request a parking adjustment from the Planning Director before the site plan is approved under Article 23-4D (Specific to Zones).	Delice Section.		
		X												THE TICHE 25-40 (SPECIAL TO ZOHES).			

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			SON		AW	LER ~	PSON	RDT	OZA							YES/NEUTRAL /NO	
			NDEF	CAZI	ACGR.	CHISS	HEH	WHITE SURKA	MEND			GENERAL	SPECIFIC SECTION				STAFF RESPONSE
19.47	Division 23-3E-5 23-3E-5010 Additional Affordable Housing Incentives			ĬΪ				TS					010(B)(3)(a), (b), (c)		B)3) grants benefits for providing reasonably priced units. What does this mean? I	Neutral	
	incentives													are <u>equal to or less than 80% MFI reasonably-priced</u> , the maximum cost is reduced by the percentage of affordable units;	propose following but should be discussed		
										AH Incentives	NO			(b) If at least 20 percent, but less than 50 percent, of the dwelling units are equal to or less than 80% MFIreasonably priced, the maximum cost			
														is reduced by 50 percent; and (c) If at least 50 percent of the dwelling units are equal to or less than			
19.48	Division 23-3E-6 Affordability Impact Statements	C												80% MEL-reasonably priced no mitigation may be required			-
19.49	23-3F Art, Music, and Culture		GA					rw				23	3-3F	please see Exhibit WHITE_EXHIBIT-ART, MUSIC CULTURE Proposed	This is the Live Music Capital of the World and we are not doing nearly enough for		
														Future CodeNEXT Article 23-3F: Art, Music, and Culture	our artists! We should also consider a density bonus for music venues.		
														Both the Imagine Austin Comprehensive Plan and the Code			
														Prescription on Household Affordability reference the need for regulations to sustain and strengthen the music and arts industries and			
														communities. To this end, the CAG recommends developing a future code section that would provide city-wide regulations to promote arts,			
										Art, Music, and				music, and culture with the goals of: protecting existing assets and promote new ones in areas deficient of art, music, and cultural assets,			
										Culture	No			and supporting housing and jobs for musicians and artists, and			
														sustaining these important elements of Austin's economy.			
														Proposed Code Additions:  1. Add arts, music culture to the Purpose Statement of General			
														Planning Standards. The current draft of the new Land Development Code for Austin, dubbed CodeNEXT contains the following purpose			
														statement in Chapter 23-3: General Planning Standards for All [1]. The			
		х												red underlined clause below would add reference to a to-be-written section governing arts, music and culture.			
19.50														This Chapter provides standards and regulations for the following purposes: to provide parkland; to provide for the protection and			
														replenishment of urban forest resources; to provide for the protection of water quality and protection from flooding; to encourage the			
														creation and preservation of affordable housing; and to sustain the			
														local arts, music, and culture communities and industries. These aspects are all essential to the development of a healthy, sustainable			
														and desirable city environment. The interests of the community and the goals of the Comprehensive Plan and Zoning Code are further			
														ensured through the application of this Chapter. 23-3A-1020 Applicability			
														This Chapter applies to all development within the City of Austin and			
														the ETJ.  2. Working with appropriate city boards and stakeholders, develop a			
														new code section to be numbered 23-3F. Provisions for consideration, several of which are already supported by City of Austin Economic			
														Development Department and the City's Arts Commission and Music Commission, are outlined below.			
														23-3F-1010 Purpose and Intent			
														(A) The purpose of this division is establish general requirements and procedures to sustain the local arts, music, and culture communities			
														and industries and to guarantee that arts, music, and cultural lad uses are distributed across the city in an appropriate manner within			
														neighborhoods, along activity corridors, and within neighborhood, town, and regional centers.			
19.51														, regional centers.			
														23-3F-1020 Artist Live/Work and Live/Work/Sell (A) Allow artists to sell finished goods from their live/work home			
														studios. Specify in which districts a live/work artist may "sell",			
														including performance art. This is an important distinction as multidisciplinary spaces are becoming increasingly common – where			
														both object-based art and experience-based art are being created (i.e. "work") and offered to the public within a single building envelope.			
														23-3F-1030 Density Bonus Provisions for Art and Music (A) In designated town/regional centers and activity corridors allow			
														density bonus rules to trade greater building entitlements for including			
														art galleries, studio space, live theater, dance performance space, live music venues, or other forms of performance art on the first floor or			
														for preserving an existing an iconic venue on the tract (e.g., Broken Spoke).			
														23-3F-1040 Art Districts			
														(A) Describe the basis for designating arts districts (similar to that provided for historic districts) in neighborhood plans, neighborhood			
														centers, town centers, and regional centers, and target one or more			
														arts districts per Council District.			
														23-3F-1050 Theater and Art Venue Scale (A) In establishing capacity rating for theater or arts venue consider			
														how the venue is used in addition to overall size.			

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19.52			S S S S S S S S S S S S S S S S S S S		$\vdash$		GENERAL	SPECIFIC SECTION			STAFF RESPONSE
									23-3F-1060 Art, Music, and Culture Nomenclature and Definitions		
									(A) Add explicit definitions that clearly distinguish types of arts/music spaces for flexible and hybrid uses in city ordinances and other		
									regulation (i.e. distinguish terms "gallery", "theater", "studio", "live music venue," etc.).		
									(B) Live Music Venue Use		
									An establishment where live music programming is the principal function of the business and/or the business is a live music destination,		
									and where the venue clearly establishes the ability of an artist to receive payment for work by percentage of sales, guarantee or other		
									mutually beneficial formal agreement.		
									A live music venue is a destination for live music consumers, and its music programming is the primary driver of its business as indicated by		
									the presence of at least five (5) of the following:  • defined performance and audience space;		
									mixing desk, PA system, and lighting rig;     back line (e.g., sound amplification or video equipment for		
									performers on or behind the stage);		
									<ul> <li>at least two of: sound engineer, booker, promoter, stage manager, security personnel;</li> </ul>		
									applies cover charge to some music performance through ticketing or front door entrance fee;		
									marketing of specific acts through show listings in printed and electronic publications;		
19.53									23-3F-1070 Codify of Agent of Change Principle.		
13.33											
									Imagine Austin and Code Prescriptions Support New Code Section Justification for the proposed new code section comes from the		
									Imagine Austin Comprehensive Plan and more recent work done in developing the CodeNEXT draft. Priority Program 5 (among 8 Priority		
									Programs) in the 2012 Imagine Austin Comprehensive Plan is "Grow		
									and invest in Austin's creative economy." A short term (1-3 years) work program		
									item is: "Explore and reimagine existing City development tools, such as incentives, regulations, and financing options, with a focus on		
									creative industries' facility needs. Expand access to affordable and functional studio, exhibition, performance space, museums, libraries,		
									music venues, and office space."		
									The proposed new section is also supported by the following policies and priority actions in the Imagine Austin Comprehensive Plan:		
									Develop regulations to mitigate the sound from live music venues		
									through a collaborative process that includes the City of Austin, musicians, venue operators, property owners, and residents.		
									Create incentives and programs to preserve iconic and established music venues and performance spaces throughout Austin and its		
									extraterritorial jurisdiction (ETJ).		
									Expand access to affordable and functional studio, exhibition, performance, and office space for arts organizations, artists, and		
19.54									Explore existing City policies, processes, and regulations regarding		
									the arts to determine what changes can be made to coordinate these with other goals, such as historic preservation, affordable housing, and		
									high-density development.  • Incorporate the arts and cultural preservation themes and elements		
									into small area plans, such as neighborhood and corridor plans.  • Create incentives, and programs to promote the inclusion of public		
									art into new development. • Encourage artists and other creative		
									individuals by promoting the creation of live/work spaces and creative industry hubs, districts, and clusters as retail, community, or		
									neighborhood anchors and activity generators to attract and support other economic and community enterprises.		
									Establish incentives and regulations to promote the creation of		
									artists' live/work space in residential areas that allow for limited gallery space.Further, the Code Prescription on Household		
									Affordability written in 2016 in response to the CodeNEXT consultant's Code Diagnosis, specifically addressed affordability impacts to small		
									businesses and the cultural arts in the following three prescriptions:		
									Allow for compatible retail and commercial uses by right including arts, culture and creative uses such as rehearsal, gallery, studio,		
									performance or exhibit spaces and offices in areas where form-based zones have been applied and a diversity of uses is desired. This		
									includes adequate commercial space allowances in corridors, centers,		
			•						and in between these areas and neighborhoods.		

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			HAF KAZ KEN MOU OULY SCH THC				GENERAL SPECIFIC SECTION				STAFF RESPONSE
19.55								<ul> <li>Revise the density bonus program in targeted areas such as cultural districts by adding the preservation or creation of an existing creative</li> </ul>			
								venue or business as a Community Benefit. Density bonus fee-in-lieu requirements will be evaluated for 501(c)(3)s to promote emerging			
								small non-profits. The existing density bonus provisions will be			
								evaluated to determine if they can incorporate preservation or development of a music or creative venue that will be used for			
								rehearsal, gallery, studio, performance, or exhibit spaces and offices.			
								<ul> <li>The opportunity to expand live/work units will be found in all form- based code districts in order to promote the opportunity for the small</li> </ul>			
								businesses, including artists to be able to work where they live. The allowance of live/work units will be both within the uses regulated by			
								the different form-based code districts but also in the regulation of			
								building types to ensure the proper form to allow for live-work units.			
								[1] see https://codenext.civicomment.org/chapter-23-3-general-			
19.56								planning-standards-all  The New Flex Industrial zoning may cover this			
								In 23-3F and in 23-2M In Division 23-4D-7: Commercial and Industrial Zones			
								Accessory Use as a Theater or Art Gallery (as would be in 25-2-865, for example			
								A) This section applies to the following uses and zoning districts:			
								<ol> <li>LIGHT MANUFACTURING use with IP, MI, LI, CS, MU zoning district</li> <li>LIMITED WAREHOUSE AND DISTRIBUTION use with IP, MI, LI, CS,</li> </ol>			
								MU zoning district			
								<ol> <li>GENERAL WAREHOUSE AND DISTRIBUTION use with IP, MI, LI, CS, MU zoning district</li> </ol>			
								4) ART WORKSHOP use with IP, MI, LI, CS, MU zoning district			
								B) The use of the space as ART GALLERY and THEATER:			
								<ol> <li>is a permitted accessory use</li> <li>shall not exceed 33 percent or 5,000 square feet of the total floor</li> </ol>			
								area of the principal developed use, whichever is less			
								C) During the Permitting Process the Council on appeal or Planning			
								Commission may increase the square footage allowed under subsection B.			
								Subsection 5.			
19.57								D) On-site parking is required according to Schedule A of Appendix A			
								(TABLES OF OFF-STREET PARKING AND LOADING REQUIREMENTS). PART 2. City Code Chapter 25-6, Appendix A (TABLES OF OFF-STREET			
								PARKING AND LOADING REQUIREMENTS) is amended to amend			
								Schedule A to read:			
								SCHEDULE A			
								The minimum off-street parking requirement for a use is the sum of the parking requirements for the activities on the site, in accordance			
								with the following table:			
								Activity Requirement Accessory Use as a Theater or Art Gallery			
								<2.500 sq. ft 1 space for each 275 sq. ft. 2,500-10,000 so. ft 1 space for each 100 sq. ft.			
								> 10,000 sq. ft 1 space for each 50 sq. ft.			
								Office or administrative activity 1 space for each 275 sq. ft. Indoor sales, service, or display 1 space for each 500 sq. ft.			
								Outdoor sales, services, or display 1 space for each 750 sq. ft. Indoor storage, warehousing, equipment servicing, or			
								Manufacturing 1 space for each 1,000 sq. ft.			
								Outdoor storage, equipment servicing, or manufacturing 1 space for each 2,000 sq. ft.			
								Commercial off-street parking requires one bike parking space for			
Chamber 22	1. Zoning Code	NONE MINOR MAJOR				YES/NO	YES/NO	every 10 motor vehicle parking spaces.			
20	Article 23-4A Introduction	NOIL WINTOK WAGOK				TES/NU	123/110				
20.1	Division 23-4A-1 Purpose Division 23-4A-1 Purpose	x	JSc				23-4A-1010	This chapter protects and promotes the public health, safety, and	Implies a hierarchy of code that was not established in Imagine Austin Plan.	No C	an bring forward language from 23-1A-1020
		"					25 2010	general welfare of the public; and implements the Comprehensive	, , , , , , , , , , , , , , , , , , , ,		5
								Plan. This chapter establishes the land use and building form requirements that are intended to promote compatible land patterns			
								that address the social and environmental values described in 23-1A-			
20.3	Division 23-4A-2 Establishment of Zones	N									
20.4	Overlay Zones		KM KM				23-4A-2020(H)	Insert Neighborhood Plan Combining Districts and Neighborhood Cobnservation Combining Districts	NP and NCCD are tools that need to be here to support existing districts and allow for new districts.		taff is not recommending carrying forward NCCDs because new ones are improving current standards
20.5	Division 23-4A-2 Establishment of Zones	х	л		Overlays	No	23-4A-2020(H)	Eliminate the Downtown Plan overlay until Small area plan can be			taff does not support this without Council directive
20.6	Division 23-4A-3 Zoning Map							completed with funding assistance provided by DAA.		-	
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				ERSOL	NY IRAW	KOLS ER SSLER	# <sub>=</sub>	MPSO	W KARD	F 1							/NO	
				AND HAR	KEN	SCH OUR	SEE	울	BUR	HE A			GENERAL	SPECIFIC SECTION				STAFF RESPONSE
20.7	Division 23-4A-3 2020								TS		Residential	NO		2020 A)1)	detached homes, single-family-attached, duplexes, small multiplexes,	Add other house types.	Yes	
		x								Н	lousing Types	140			cottages, row houses, <u>townhouses</u> , and <u>accessory dwelling units</u> (garage apartments or granny flats).			
20.8	Division 23-4A-4 How to Use the Zoning Code	С																-
21.1	Article 23-4B Zoning Administration and Procedures  Division 23-4B-1 Land Use Approvals			ш	Ш	Ш		Ш										-
21.3	Division 23-4B-1 1020 - Conditional Use Permit								TS	Co	onditional Use Permit	NO		1020 Conditional Use Permit (F)(1)	Delete (F)(1)	F)1) Land Use Commission may impose conditions such as limits on FAR, setbacks etc. This seems to purpetuate zoning classes with additional conditions like we	No	Intent of text is correct
21.4	Division 23-4B-1 1020 - Conditional Use Permit		Х		+	+			TS	+	Termit		1	1020 Conditional Use	(2) Late Hours Permit	have now.  Reword to require all bars, nightclubs and restaurants w/ alcohol that have late	Yes	Language already included in 23-4E-6310 Restaurant; staff would
														Permit (F)(2)	(a) If the Land Use Commission approves a conditional use permit for a bar, nightclub, or restaurant with a late-hours permit or with out-door	night hours and/or outdoor seeting that are close to neighborhoods to obtain a CUP. F) 2) Late Hours Permit - This minimum distance should be included in the		support adding specfic to use language for Bars/Nighclub
											onditional Use				seating, the having a parking area associated with the use must be a minimum of less than 200 feet from a Residential House-Scale Zone is	Division 23-4E-6: Specific to Use section for Bars/NightClubs and Restaurants.		
											Permit	NO			required to obtain approval of a conditional use permit., unless the			
															use is located within an enclosed shopping center. (b) The Land Use Commission may waive the 200-foot restriction if it			
			x												finds that the effects of a parking area are sufficiently mitigated based on the criteria in Subsection (E).			
21.5	Conditional Use Permits		х					TW			CUPs		2	23-4B-1020	please see Exhibit TW Conditional Use Permits	There are a number of general and specific changes outlined in the exhibit		
21.6	Division 23-48-1 1030 - Minor Use Permit								TS					1030 - Minor Use Permit (C )(1)	C) Administrative Review Process     (1) Notice of Application. The director shall provide notice of an	C) (1)Admin Review- requires a 14 day public comment period. 30 days is needed.	No	Staff believes timeline is appropriate
											Minor Use Permit	NO			application for a minor use permit under Section 23-2C-5010 (Notice of Application) and allow parties to submit comments on the application			
		х													for a period of at least 14 30 days.			
21.7	Division 23-4B-1 1030 - Minor Use Permit  Division 23-4B-1 1030 - Minor Use Permit								TS				1	1030 - Minor Use Permit	Delete (E )	E) Allows Director to impose conditions same as Conditional Use Permit. Land	No	Staff supports this disgression
											Minor Use Permit	NO	(	(E )		Use Commission may impose conditions such as limits on FAR, setbacks etc. This seems to purpetuate zoning classes with additional conditions like we have now.		
21.9	Division 23-4B-2 Code Interpretations and Use Determinations		х															-
21.10	Division 23-4B-2 Code Interpretations and Use Determinations					JSo	С	JT					2	23-4B-2030 Use	(A) Purposes and Applicability. This section establishes procedures for	This section needs to be explained and possibly rewritten or deleted. We seek		
														Determinations	obtaining a determination by the director regarding:(1) The appropriate classification of an existing or proposed land use or-	clarification and understanding of why we need this section included for classified zoning uses and when this determination would come into play. The existing LDC		
															activity under Article 23-4D (Specific to Zones); or (2) Whether an existing use or structure is non-conforming under Article 23-2G	section is for use determinations not particularly defined or classified within the zoning code. Further, Article 23-2G states that a property that is legally		
															(Nonconformity).	nonconforming is appealable to the BOA. The property owner is required to prove a lot of information that they may not have in order to avail itself to the legally		
																nonconforming provisions of CodeNEXT 3.0. This will be costly and in a lot of instances, just not possible, as the information may not be available.		
21.11						IS								23-4B-2040	(A) <b>Project Interpretations.</b> A project code interpretation or use	Section 23-48-2040 Administrative Appeal states that a decision by the		
21.11														Administrative Appeal	determination issued under this division for a particular development	Development Services Director or another responsible director to approve or disapprove a development application may be appealed to the BOA under Article		
															application may be appealed to the Board of Adjustment under Article 23-2I (Appeals). If the code interpretation or use determination is not	Usapprove a vereignment application may be appeared to the Box mater white 23-21 (Appeals). This is broader than just site development standards under the Zoning Code. This Section should be limited. A development permit that is issued		
															appealed, or is upheld by the Board on appeal, a subsequent decision by the director to approve or disapprove a development application	should only be appealable because of non-compliance with the zoning code and		
															associated with the interpretation or determination may not be appealed under this section.	the provision of the code not correctly interpreted was the zoning code (not building, fire, electric, etc.).		
															(B) Non-project Interpretations. A non-project code interpretation or use determination issued under this division may be appealed to the			
															Board of Adjustment under Article 23-2I (Appeals). (C) Permitting Decisions. Except as provided in Subsection (A), a			
															decision by the Development Services Director or another responsible			
															director to approve or disapprove a development application because of non-compliance with the zoning code may be appealed to the Board			
21.12	Division 23-4B-3 Zoning Map Designations and Amendments														of Adjustment under Article 23-2I (Appeals).			-
21.13	3100 - Requirement for Approval from 3/4 of Council -								TS					3100 - Requirement for	(2)The assignment of a Planned Unit Development zoning designation	(A)(2) is the recent Council decision to require disapproval by 3/4 of the Land Use	Neutral	
											Requirement			Approval from 3/4 of Council (A) (2)	to previously unzoned property if the Land Use Commission recommends denial of the application; or	Commission to trigger requirement for approval by 3/4 of Council for PUDs on unzoned property which is a higher bar than PUDs on zoned properties. This was and a graded by Council during the Council Sub-Council Descriptor.		
											for Approval from 3/4 of	NO				a rule created by Council during the Grove at Shoal Creek PUD hearings and needs to be reconsidered. There is no justification for PUD's related to unzoned		
			.,								Council -					properties to be handled any differently than zoned properties. Suggest that this section be deleted so that requirements for all PUDs are equal.		
21.14	Division 23-4B-3 Zoning Map Designations and Amendments	х	Х			JSo	С						2	23-4B-3040 (D)	(1) A zoning map amendment regarding a Historic District Overlay		Neutral	
															Zone may be initiated by:			
															(a) The Historic Landmark Commission; (b) A petition of the <del>applicants</del> owners of at least 51 percent of the			
															land, measured by land area, in the proposed zone or at least 51 percent of the applicants owners of individual properties in the			
															proposed zone; or			
21.15	Division 23-4B-4 Criteria for Variances and Special Exemptions			Ш														-

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			RSON	× × ×	OLS R SLER	e _ 5	2	ARDT 202A						YES/NEUTRAL /NO	
			ANDE	KAZI	NUCK OLIVE SCHIS	SHIEH	WHIT	BURK MEND TEICH			GENERAL SPECIFIC SECTION				STAFF RESPONSE
21.16	Division 23-48-4 Criteria for Variances and Special Exemptions				JSc	J	Т				23-4B-4010 Purpose and		The current Land Development Code uses the term "regulations" as it relates to the zoning district. Regulations are laws and are codified. The use of "standards"	Neutral	
											Applicability (A) and (B)	with the standards regulations of this Title and Chapter 211 (Municipal	is problematic because these are not codified law. Standards provide for		
												Zoning Authority) of the Texas Local Government Code.  (B) An application for a variance or special exception authorized under	guidelines, with which compliance is not mandatory. The current language suggests that the BOA would look outside of the zoning code regarding		
												this division is subject to the application, notification, and other standards regulations established under Division 23-2F-1 (Variances	development regulations, which is not consistent with the current Code or State law.		
												and Special Exceptions).			
21.17					JSc	J	т				23-4B-4020(B)(1)(c)(iii)	(B) General Findings	The current Land Development Code, Section 25-2-474(A)(3), uses the term		
												(1) The Board of Adjustment may grant a variance from a site development standard adopted under this chapter if the Board	"regulations" as it relates to the zoning district. The sentence in (iii) of Draft 3.0 is problematic because it uses the word "standards" and these are not codified law.		
												determines that:	The use of the phrase "impair the purposes of the standards of the zone" in this section could possibly result in a subjective determination by the BOA to not grant		
												(a) The requirement does not allow for a reasonable use of property; (b) The hardship for which the variance is requested is unique to the	a variance. The use of standards is not consistent with the current Code or State law regarding development regulations.		
												property and is not generally characteristic of the area in which the property is located; and	law regarding development regulations.		
												(c) Development in compliance with the variance does not: (i) Alter the character of the area adjacent to the property;			
												(ii) Impair the use of adjacent property that is developed in compliance			
												with the City requirements; or (iii) Impair the purposes of the standards regulations of the zone in			
24.40					16.		_				23-4B-4030 (C) Special	which the property is located.	The word (the Wisconseph word is the lead Davidson at Code Costin 25.2		
21.18					130		'				Exceptions Required	(C) Required Findings. The Board of Adjustment may shall approve a special exception in compliance with this section if the Board finds	The word "shall" is currently used in the Land Development Code, Section 25-2-476 pertaining to special exceptions and this is a change to "may" in Draft 3.0. The		
											Findings	that:	wording of "may" in Draft 3.0 infers that the BOA determines that the special exception meets the findings set forth in this section and has discretion to grant a		
													special exception or not and this is not consistent with the currently accepted general practice. Using the word "shall" in this instance is consistent with a quasi-		
													judicial decision that is only appealable to a court. If the wording changes to "may" as it is in this current draft 3.0, and it is discretionary for BOA to grant a		
													special exception, then there is virtually no way to appeal the decision to a court.		
<b>22</b> 22.1	Article 23-4C General to all Development  Division 23-4C-1 Large Site Requirements													l	-
22.2	Division 23-4C-1	x				JSh							whats article 23-9H connectivity? Cant find		Addendum removes this reference.
22.3	Division 23-4C-1 1010 - Applicability						TS				1010 Applicability (C )	(C) A site that is more than one acre-but less than four shall comply with Section 23-4C-1030 (Common Open Space).(B) A site that is one	ADDENDA Common Open Space - A site that is two or more acres shall comply with Section 23-4C-1030 (Common Open Space). Draft 3 reduced the threshhold		PARD does not have an opinion on 1 acre vs 2 acre theshold. It does not review common open space. Current code for Subchapter E is a
												or more acres shall comply with Section 23-4C-1030 (Common Open Space).	for compliance from 2 acres to 1 acre based on PARD recommendations. PARD also recommended rewording in ADDENDA so that common open space required		2-acre threshold.
									Common Open Space	YES		space).	for all development greater than an acre. PARD did not recommend changing threshold back to 2 acres in latest addenda. This section conflicts with Article 23-		
													4D: Specific to Zones/Table J-Open Space as several zones do not require Common Open Space. PARD contact - Marilyn Lamenesdorf.		
		x											Open Space. PARD contact - Marilyn Lamenesdori.		
22.4	Division 23-4C-1						TS						REFERENCE FOR DISCUSSION; OPEN SPACE		Commentary
													CIVIC. Open space that is available for use by the public, and includes, but is not limited to, a plaza, square, park, playground, greenbelt, or similar area.		
													2. COMMON. A privately-owned outdoor or unenclosed area intended for use by		
													the residents, employees, or visitors to a development.  3. PERSONAL. A privately-owned outdoor or unenclosed area intended for use		
													solely by the individual. Commonly associated with open space required for residents of a multi-family dwelling unit.		
22.5	Division 23-4C-1 Large Site Requirements	x X			JSc						23-4C-1010	(B) Open Space.	Minor update - not every zone requires open space	Yes	agree with clarification of applicability
												(1) Common. Sites two acres or larger and that have a zone that			
									Parkland and			requires it must comply with the Common Open Space			
									Open Space			requirements of Section 23-4C-1050 (Common Open Space); and			
												(2) Civic. Sites four acres or larger <u>and that have a zone that requires it</u> must comply with Civic Open Space requirements of			
												Section 23-4C-1060 (Civic Open Space)."			
												Delete 1020(M)(2)	Demiser additional acceptable and the second and the second are second as a se		
22.6	Division 23-4C-1 1020 - Internal Circulation	x					TS				1020 - Internal Circulation (M)(2)		Requires additional connetivity measures when exceeding over 125 % of parking required. Planning Staff have said that they are only establishing minimum	No	Staff supports multi-modal offset with more automobile parking
22.6	Division 23-4C-1 1020 - Internal Circulation	x					TS		Reduced Parking	NO	Circulation (M)(2)		required. Planning Staff have said that they are only establishing minimum parking requirements, but developers are allowed to provide parking at levels that	No	Staff supports multi-modal offset with more automobile parking
22.6	Division 23-4C-1 1020 - Internal Circulation	x					TS		Reduced Parking	NO			required. Planning Staff have said that they are only establishing minimum	No	Staff supports multi-modal offset with more automobile parking
22.6	Division 23-4C-1 1020 - Internal Circulation  Division 23-4C-1 1030 - Common Open Space	х					TS			NO	Circulation (M)(2)  1030 - Common Open	ADD AND RENUMBER (A) General (1) An applicant for a site plan or	required. Planning Staff have said that they are only establishing minimum parking requirements, but developers are allowed to provide parking at levels that is established by market. If this is the approach, we should not make it more	No Neutral	Staff supports multi-modal offset with more automobile parking
		x					TS			NO	Circulation (M)(2)	ADD AND RENUMBER (A) General (1) An applicant for a site plan or subdivision must designate common open space that complies with the requirements 23-4C-1030,	required. Planning Staff have said that they are only establishing minimum parking requirements, but developers are allowed to provide parking at levels that is established by market. If this is the approach, we should not make it more costly for developers to provide parking they need.		Staff supports multi-modal offset with more automobile parking
		x					TS		Parking  Common Open	NO NO	Circulation (M)(2)  1030 - Common Open	subdivision must designate common open space that complies with the requirements 23-4C-1030,	required. Planning Staff have said that they are only establishing minimum parking requirements, but developers are allowed to provide parking at levels that is established by market. If this is the approach, we should not make it more costly for developers to provide parking they need.		Staff supports multi-modal offset with more automobile parking
		x					TS		Parking		Circulation (M)(2)  1030 - Common Open	subdivision must designate common open space that complies with the requirements 23-4C-1030,  (2) An exemption described in this Section does not exempt the development from any applicable parkland dedication required by	required. Planning Staff have said that they are only establishing minimum parking requirements, but developers are allowed to provide parking at levels that is established by market. If this is the approach, we should not make it more costly for developers to provide parking they need.		Staff supports multi-modal offset with more automobile parking
		x					TS		Parking  Common Open		Circulation (M)(2)  1030 - Common Open	subdivision must designate common open space that complies with the requirements 23-4C-1030.  (2) An exemption described in this Section does not exempt the	required. Planning Staff have said that they are only establishing minimum parking requirements, but developers are allowed to provide parking at levels that is established by market. If this is the approach, we should not make it more costly for developers to provide parking they need.		Staff supports multi-modal offset with more automobile parking

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PART	NG E	CHANGES TO D3	INITIATED BY COMMSSIONER E	X OFFICIO TOPIC ARE	FEEDBACK	AMENDMENT TYPE	SUBSTITUTE LANGUAGE	COMMISSIONER NOTES		
			R AW OLS ILER R R R R R R R R R R R R R R R R R R	OZA OZA					YES/NEUTRAL /NO	
			ANDEI ANDEI KAZI KAZI MCGR MCGR NUCK OLIVE SCHISS SEEGE THOM WHITE	MEND		GENERAL SPECIFIC SECTION				STAFF RESPONSE
22.8	Division 23-4C-1 1030 - Common Open Space		TS	Common O <sub>f</sub> Space	n NO	1030 - Common Open Space (B)	common open space that complies with the requirements established in Table 23-4C-1030(A) Open Space and Amenities) and the remaining requirements of 24-4C-1030. A site partially complies with thissection, if-Credit for Common Open Space can be given with approval by Parks Dirctory on no greater than an acre for acre basis, if (1) The site provides civic open space that complies with Division 23-4C-2 (Civic Open Space) excluding fee-in-lieu; or (2) The land dedicated in a recreation easement to the City for parkland dedication complies with Article 23-3B (Parkland Dedication)	The term partially complies is subjective. This allows actual dedicated parkland and civic space to count toward the common space requirements as approved by PARD Director (This may also require Planning Director approval)		No to suggested language but staff agrees that "partially complies" needs to be further defined
22.9	Division 23-4C-1 1030 - Common Open Space	x	TS	Common Op Space	en NO	1030 - Common Open Space (C )(5)	excluding fee-in-lieu.  (5) A site that is located outside inside within the Downtown Core (DC) zones and is more than one acre, must provide at least 150 square feet, plus an additional 100 square feet for, each acre of open space. The amount of open space required may not to exceed 1,000	Apply this requirement for lower amounts of common open space to DC zones.		Staff agrees that this language needs further clarification though do not agree with amendment
22.10	Division 23-4C-1 1030 - Common Open Space	x	TS	Common Op Space	en NO	1030 - Common Open Space (C )	square feet.  ADD: 1030(C) (6) A site that is located outside within the Downtown Core (DC) zones and is more than one acre, must provide at least 5% of the gross site area as common nopen space.	This will align with the 5% of gross site area in Article 23-4D: Specific to Zones/Table J-Open Space and requires all development greater than an acre to provide common open space in all zones 5% of gross site area.		Staff agrees with the current text and does not support adding this paragraph
21.2	Division 23-4C-1 1030 - Common Open Space	x	АН	Common Op Spac	en No	No <b>23-4C-1010</b>	(D) Civic open space that complies with this division may be used to satisfy Section 23-4C-1030 (Common Open Space) if the civic open-space is publicly accessible.	Strike this section as it conflicts with the requirements of section 23-4C-1010 as common open space and civic open space are triggered by size of the site and not required at the same time.		See addendum
22.11	Division 23-4C-1 Large Site Requirements	х	JSc JSc	Parkland a Open Spa		23-4C-1030 Common Open Space	Remove section	Common open space is a requirement to provide an amenity. For the market to deliver moderate income housing, sometimes amenities will need to be cut. Amenities onsite shouldn't be a requirement of the zoning code.		Staff does not have policy requirement to remove common open space requirements
22,12	Division 23-4C-1 Large Site Requirements	x	JSC JSC	Parkland a Open Spa		23-4C-1030 (B)	B) Amenity Required. A site that is one acre or more shall provide common open space that complies with the requirements established in Table 23-4C-1030(A) Open Space and Amenities). A site partially complies with this section, if (1) The site provides civic open space that complies with Division 23-4C-2 (Civic Open Space); or (2) The land dedicated in a recreation easement to the City for parkland dedication-complies with Article 23-3B (Parkland Dedication). (1) The land dedicated in a recreation easement to the City for parkland dedication complies with Article 23-3B (Parkland Dedication), or (2) The land is privately owned and maintained as a park complies with Article 23-3B (Parkland Dedication).	As written, there is no incentive to encourage on-site amenities which may be privately maintained. This recommendation encourages private amenity space which lowers the overall burden placed on public facilities and allows for partial credit towards the open space requirement.		Other open space types apply toward parkland dedication if they are open to the public and meet design standards for their section and for 23-38
22.13	Division 23-4C-1 Large Site Requirements	х	JSc	Parkland a Open Spa		23-4C-1030 (B)	B) Amenity Required. A site that is one acre or more, and is not on an Imagine Austin Corridor or within an Imagine Austin Center, shall provide	Onerous requirements along Imagine Austin corridors and centers will decrease the developable area, impacting rents, affordability and transit-supportive density. This amendment would exempt these areas from requirements of this section.	No	common open space types described in table 23-4C-1030(A) are compatible in urban environments
22.14	Division 23-4C-1 Large Site Requirements	Х	JSc JSc	Parkland a Open Spa		23-4C-1030 (C) (5)	(5) A site that is located outside of the Downtown Core (DC) zones and is more than one acre, must provide at least 150 square feet, plus an additional 100 square feet for, each acre of open space. The amount of open space required may not to exceed 1,000 square feet.	This is an additional ask of land triggered by land already being dedicated for open space and is excessive.	Pending	text needs clarification
22.15	Division 23-4C-1 Large Site Requirements	x	JSC JSC	Parkland a Open Spa		Delete 23-4C-1030 (E) (4) & (5)	(E) Design Criteria. An area used for common open space shall comply the requirements of this subsection: (1) Unless the land includes sensitive natural resources, a common open space area must be readily accessible and usable. (2) A common open space area must be compact and contiguous unless the common open space is used as a continuation of an adjacent or adjoining trail, connection to a transit station, or specific or unique topographic features that require a different configuration. (3) The surface of the common open space must be suitable for outdoor activities, such as lawn or asphalt for designated recreation areas. (4) Not more than 30 percent of the required common open space may be located on a roof, balcony, or other area above ground level, except as otherwise provided in this section. Required common open space cannot include areas occupied by mechanical equipment or structures not associated with designated recreation areas. (5) Up to 50 percent of the required common open space may be located on a roof, balcony, or other area above ground level, if a minimum of 50 percent of the common open space is located on the roof, balcony, or other area above ground level is designed as a	Sites need to maintain flexibility on where the open space is provided. Removing these sections would allow for it to be on a balcony, roof, or other above ground area.	Neutral	
22.16	Division 23-4C-1 Large Site Requirements	х	JSc	Parkland a		23-4C-1030 ADD (I)	(I) 100% of the square feet of on-site parkland or on-site Civic Open Space shall be credited toward the requirement for Common Open	Common Open Space shouldn't be required in addition to Civic Open Space and Parkland. Our understanding is that this is the staff intent.	Neutral	Need to revisit "partially complies" language in 23-4C-1030
22.17	1040 Civic Open Space	x	TS	Civic Ope Space		1040 Civic Open Space (B) (3)	Space (3) An application for a site plan or subdivision is not required to provide Civic open space when the site is i) less than two acres, ii) located within one-quarter mile of a safe pedestrian travel distance of an existing and developed dedicated parkland that is at least one acre, measured from the boundary of the site to the nearest public entrance of the park, and iii) not located in a Park Deficient Area as determined by the Parks and Recreation Department.	There is very litle development at the scale of 8 acres. Therefore, this large threshold is too large and will not allow for the code to meet the intent of this section which is to increase the amount of parks and open space from non-residential development. To align with 4)a) should be worded "and each residential lot is within 1/4 mile" Need to change "park" to "dedicated parkland." How to measure distance of 1/4 mile? The basis for 1/4 mile must defined in terms of connectivity and be safe and walkable. Refer to section Division 23-4E-6: Specific to Use/6240- Multi-Family. This needs to take into consideration park deficient areas. If there is not a safe route to the Civic Space, then the excemption should not be allowed.		For i), PARD supports the existing 4-acre threshold for civic space, instead of the two acres proposed. PARD supports ii). PARD does not agree with iii). Civic space is not part of the park deficiency map unless it is dedicated as parkland; and is, therefore NOT permanent open space. Civic space provides a design criteria for open spaces on a property. If it is not not parkland, it may go away when the site is redeveloped.

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			NOS NOS		<b>&gt;</b>	SJ E		O.	ZA Z						YES/NEUTRAL /NO	
			DER	VRT ZI	NNY	JCKO JVER HISSL	EGER	HITE	ICH ICH						/NO	
22.18	Division 23-4C-1 1040 Civic Open Space		¥	<u> </u>	ਝੁਣ	<u> </u>	<u> </u>	= ≥ ₺ ITS				GENERAL SPECIFIC SECTION  1040 Civic Open Space	(4) An applicant shall locate each residential lot within: (a) one-	Again, the 1/4 mile must be defined as the distance of a safe and walkable route.	No	STAFF RESPONSE  no definition for safe pedestrian travel distance or means of
												(B) (4) (a) and (b)	quarter mile of a safe pedestrian travel distance from existing proposed civic open space if the development is located within the	Remove "existing" as this for new civic space.		measurement
											NO		urban core; and (b) a half mile of a safe pedestrian travel distance			
		x											from-existing proposed civic open space if the development is located outside of the urban core			
22.19	Division 23-4C-1 1040 Civic Open Space	х						TS			NO	1040 Civic Open Space	at least a quarter acre	missing unit	Yes	erratta
22.20	Division 23-4C-1 Large Site Requirements	х				JSc						23-4C-1040	Strike 23-4C-1040 AND all of 23-4C-2	Civic Open Space is a new requirement that heavily overlaps with parkland		Civic space is a design standard that requires a publicly accessible
										Parkland and				dedication. For proof, just look at the kinds of civic open space mentioned in the next division: It includes things called parks! Requiring an entirely new on-site		location and well-designed open space. It does not require a public easement unless the land is counted for 23-3B.
										Open Space				parkland dedication requirement when Austin already has one of the strongest parkland ordinances in the state is totally uncessary.		
22.21	Division 23-4C-1 Large Site Requirements	X	+			JSc						23-4C-1040 (A)	(A) General (1) An applicant for a site plan or subdivision that results in	This would not require civic open space on parcels less than 4 acres and would	No	the purpose is to work with projects at 4 acres or larger
										Parkland and			one or more parcels greater than 4 acres, must designate civic open	allow for better use of density on smaller parcels.		
										Open Space			space that complies with the requirements of Division 23-4C-2 (Civic Open Space).			
22.22	Division 23-4C-1 Large Site Requirements	х				JSc						23-4C-1040 (B)	(B) Civic Open Space Amounts and Locations(1) Land dedicated to the	This clarifies that civic open space does count towards parkland dedication	Yes/No	Staff agrees that "may" needs review and will need to coordinate
													City to meet the applicable parkland dedication requirements in Article 23-3B (Parkland Dedication)—may-shall contribute to satisfying the	requirements and redefines the net development acreage as the portion of land where the development actually occurs.		with legal. Staff does not agree with added language and change of net
													requirements of this section. (2) Except as provided in Subsection			development acreage
										Parkland and Open Space			(B)(3), an applicant for a site plan or subdivision shall designate at least 10 percent of the net development acreage as civic open space. The			
													net development acreage <del>does not</del> includes: street rights-of-way, pubic sidewalks, required landscaping areas, parkland dedication, land			
													located between the property line and a building setback, water			
22.23	Division 23-4C-1 Large Site Requirements		44			ICa						22.45.1040 (P) (2)	quality features, and detention areas not located within buildings.	This section provides how much of the land that sixts appropriate until take away	No	staff agrees with 10%
22.23	Division 25-40-1 Large site nequirements	X				130						23-4C-1040 (B) (2)	(2) Except as provided in Subsection (B)(3), an applicant for a site plan or subdivision shall designate at least 5 10 percent of the net	This section provides how much of the land that civic open space will take away from providing the primary purpose of the site.	INO	stall agrees with 10%
										Parkland and Open Space			development acreage as civic open space. The net development acreage does include street rights-of-way, water-quality and detention			
										Орен зрасе			features not located in a building, sidewalks, and other features			
22.24	Division 23-4C-2 Civic Open Space		-			JSc							located inside the development acreage.			-
22.25	Division 23-4C-2 Civic Open Space	X	-			ISc						STRIKE 23-4C-2	STRIKE DIVISION	Civic Open Space is a new requirement that heavily overlaps with parkland		Civic space is a design standard that requires a publicly accessible
												5111112 25 10 Z		dedication. For proof, just look at the kinds of civic open space mentioned in this		location and well-designed open space. It does not require a public
										Parking				division: It includes things called parks! Requiring an entirely new on-site parkland dedication requirement when Austin already has one of the strongest parkland		easement unless the land is counted for 23-3B.
			Ш											ordinances in the state is totally uncessary.		
22.26	Division 23-4C-2 2010- Purpose							TS				2010- Purpose	Purpose - This division sets the requirements for a wide range of civic open space types that are appropriate for the City. Civic Open Space	Lamensdorf stated that intent of Civic Spaces is to provide the additional open		PARD has no issue with the revised Purpose for Civic Space. It is intended to be a site design guideline for quality open space and will
										Purpose	NO		aligns with Imagine Austin Priority "Use green infrastructure to protect			assist with parkland dedication design if the land doubles for parkland dedication.
													environmentally sensitive areas and integrate nature into the city" and will ensure adequate open spaces are incorporated into mixed use			
22.27	Division 23-4C-2	х	4					TC				2020 - Applicability and	developments creating complete communities.  (B) A required civic open space shall comply with the requirements in	The tables for Onen Space in the 23-AD sections are incorrect and recommend	No	reference to civic open space in zoning is helpful, not sure how it is
22.27										Civic space relationship to		Conflict (B)	this division <del>, Article 23-4D (Specific to Zones)</del> and Division 23-4C-1	that the civic space section is deleted from each zone table. This along with 2020		incorrect
										parks and	YES PARD		(Large Site Requirements).	(C) will allow residential and mixed use developments to satisfy the residential unit requirements for parkland through 23-3B and provide additional civic space		
	2020 - Applicability and Conflict	х								common space				for commercial development through this section.		
22.28	Division 23-4C-2							TS		Civic space		2020 - Applicability and Conflict (C)	(C) parkland dedicated per 23-3B can be used to satisfy the requirements of this division on no more than an acre for acre basis as	The language was not specific enough.	No	staff supports current language
										relationship to parks and	YES PARD	. ,	approved by the Parks and Recreation Department.			PARD recommends the following clarification: <u>Civic open space that</u> complies with this division and is dedicated to the City via a deed or
	2020 - Applicability and Conflict									common space						an easement may be used to satisfy Section 23-3B (Parkland
22.29	2020 - Applicability and Conflict  Division 23-4C-2 Civic Open Space	X				JSc						23-4C-2020 Applicability		Strike this section as it conflicts with the requirements of section 23-4C-1010 as		Dedication    Other open space types apply toward parkland dedication if they
										Process		and Conflict (D)	satisfy Section 23-4C-1030 (Common Open Space) if the civic open- space is publicly accessible.	common open space and civic open space are triggered by size of the site and not required at the same time.		are open to the public and meet design standards for their section and for 23-3B
22.30	Division 23-4C-2 2050 - Civic Open Space Standards	х	+					T				No 2050 - Civic Open Space		Civic Open Space should comply with PARD Oeprating Procecures and final park	No	PARD has discretion over parkland dedication
22.30								13				Standards	open space type provided based on park and open space needs in the	typology should have PARD approval.		
											NO		area and Civic Open Space shall comply with Parks and Recreation Department Operating Procedures.			PARD will only review other open space types if they are being used for parkland dedication. Otherwise DSD will review. This is current
22.31	Division 23-4C-2 Civic Open Space	X X			+ + +	JSc		т				23-4C-2050 (D) Parking	(D) Parking. The director shall require a specific number of parking.			practice.  PARD does not require parking spaces for Pocket and Neighborhood
												Requirements	spaces for a civic open space that is more than five acres			parks. PARD and DSD have a parking agreement related to Recreation Uses. Therefore, this reference could be deleted to
																default to the Recreation use parking requirements in the 23-4D
										Parking						tables. However, Residential House Scale and Residential Multi-Unit tables 23-4D-2040 (A) and 23-4D-3040 (A) need to be changed to
																Recreation: As determined by the Planning Director. Entertainment:
		x														<u>1 per 100 sf.</u>
	<del></del>											·				

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					NO		N S	Æ	NOS		ZA AZ							YES/NEUTRAL	
					INDERS	AZI	ACGRA	CHISSL	HIEH	VHITE	URKAF			GENERAL	SPECIFIC SECTION			/NO	STAFF RESPONSE
22.32	Division 23-4C-2	050 - Civic Open Space Standards			I I	Ĭ	2 2		T	TS				GENERAL	2050 - Civic Open Space Standards (D)	(D) Parking. The minimum parking requirements shall comply with 23-40-8040.	This excludes parking from all of the Civic Open Space Types. It is unlikely that any of the parks will be greater than 5 acres given that this would require a 50		See above comment for 22.31
													NO		Standards (D)	40-8040.	acre development to yield this amount of open space (10% required). The parking should only be exempted when there is other public parking included in the		
													No				development. 23-4D-8040 is the parking section for parks and specified that the Director will determine parking levels.		
22.33	Division 23-4C-2 C	ivic Open Space		х											23-4C-2050 E				Shade is preferred and could be awnings, shade structures and/or
22.34		arking Reduction Matrix	х	х	GA				JT	•		Shade		No		Delete (No required shade)  Include reductions in car parking for items including but not limited to:	Shade for football fields? Community Gardens?  If we are ever going to have a viable transit system then we must allow for	No	trees. Staff recommends keeping off street parking adjustments per 23-4E-
	(NEW)															Meeting TDM requirements: 15% exceeding TDM requirements by 50%: 20%	developments that look to utilize such modes of transit. We have tools such as parking management districts and residential parking permits to address parking		3060
																providing indoor bike storage for half of jobs/residents: 5% providing bike maintenance facilities for residential uses: 2%	in areas where we look to do so.		
																contributing 1/2 cost to a bike share dock (if their coverage area): 3% providing bus passes for residents in a 20 yr agreement: 20%			
																X% affordable housing: (X)%. being within a 1/4 mile of a corridor: 15%			
																1/4 mile of a corridor with a rapid bus; 20% 1/2 mile of a train station or planned train station: 10%			
												Parking	No			1/4 mile of a TOD: 25%, 1 mile from downtown: 5%			
												Reduction				fronting a corridor: 20% fronting a corridor with a rapid bus: 30%			
																1/4 mile of a train station or planned train station: 100% in a parking management district: 15%			
																Adjacent to a parking benefit district: 15% Adjacemt to resident permit parking 20%			
																bar, cocktail, or other alcohol permit use: 30% showers for bikers or pedestrians: 15%			
																near under capacity public parking garage: 15%, electric bike charging for 5% of bike parking: 20%			
																within the UNO or south central waterfront overlays, within downtown: 100%			
<b>23</b> 23.1	Article 23-4D Specific to	o Zones ieneral		х		x			TT	П		Live Music		Yes	All zone allowed use	Insert "Live Music Venue" as a use with the same NP/CUP/MUP/P		Yes	Staff can support the inclusion of Live Music Venue use
												Venue Use	Yes		tables	categories as a Performance Venue/Theater, with the same breakdowns for indoor and outdoor, and square footage, in all zones.	alcohol sales to below 50%, which is not consistent with the business model of most music venues. This is the use activation for a definition submitted by Comm.		
23.2	G	ieneral		х		х						Compatibility	Yes	Yes	All zone allowed use tables	In all zones, all instances of properties across alleys must state that the trigger line is based on the Zone of the property across the alley.	Right now D3 reads that compatibility stepbacks may start on the property line of the impacted property, not the triggering property. This reverses that clearly.	Yes	language needs to be added that calrifiies this point
22.0		II Zanas susant DC		Ш	Ш							Companionity							
23.9	A	Il Zones except RC		x	Ш				S			Compatibility			Restore existing Compatibily Standards		CodeNEXT eliminated protections given to neighborhoods from encroachments of nearby businesses. Restore existing compatibility standards citywide.	No	staff supports the new compatability standard as they are integrated into zoning for D3
23.20	Division 23-4D-4 M	Nixed Use Zones			GA		$\vdash$				++			Yes	General	In all the Compatability Setback sections, add "width of alley should be		Yes	See response on line 23.2
				x	Ш							Compatibility	No			subtracted from the compatiblity setback"			
23.211	6	060-6080; CC, UC, DC		х	Ш					TS		Compatibility	NO		Table 23-4D-XXXX(B)- Building Placement	tbd	Review setback requirements related to compatibility with Residential House Scale	N/A	comment
A-23.211.1							TN									See Compatibility Exhibits 1-3: "Within 45' of the property line of any zone or use of R4C or lower, a use higher than R4C shall establish a	If there is a "third rail" of Austin zoning politics that is dangerous for anyone (especially elected Council members) to touch, it's probably compatibility. PC	No	Staff recommends maintaining D3 recommendations on compatability
																vegetative buffer complying with the Environmental Criteria Manual. Within 25' and 50' of the property line of any zone or use of R4C or	needs to have the courage to address compatibility, as well as all other aspects of CodeNext, head on. The bottom line is this: Imagine Austin said our city will both		
																lower, the height of buildings is restricted to 25', notwithstanding any other provision of this code.	increase density and preserve neighborhood character. Those who argue against either extreme now are just re-litigating IA, which just wastes PC's time. Neither		
																Within 50' and 150' of the property line of any zone or use of R4C or lower, the height of buildings is restricted to 45', notwithstanding any	density advocates nor neighborhood character advocates won all they wanted when IA was adopted. So both sides need to stop trying to take a second bit at the apple and so litigate IA. Density advocates Vall lost because IA source to processes.		
																other provision of this code. Within 150' and 225' of the property line of any zone or use of R4C or	apple and re-litigate IA. Density advocates? Y'all lost because IA says to preserve neighborhood character. Neighborhood character advocates? Y'all lost because IA says to add density. The only option that makes sense is for CodeNext to balance		
																lances which a labor of he light and a second stand of API and a laborate discussion.	hetween the two. This proposal does exactly that It's time for everyone to ston		
																to 65' based on the affordable housing density bonus program. Within 225' and 360' of the property line of any zone or use of R4C or			
																lower, the height of buildings is restricted to 65', notwithstanding any other provision of this code. However, building heights may reach up			
																to 85' based on the affordable housing density bonus program."			
23.133	Division 23-4D A	Il zones with compatibility setbacks				СК		$\prod$						No	All zones with compatibility	built next door to a 50-foot-wide lot; (35' height at 25' distance; 50'	This bases compatibility on the view of a 5-foot-tall person standing in the middle of their backyard, that would be no more restrictive than their view if a 35' tall	No	
												Adjust	No			distance; 2) for compatibility imposed on a project utilizing an	single family home was built next door. The compatibility for affordable housing projects is similar, but with a 45' tall home built next door.		
												compatibility				affordable bonus, the compatibility is based on a 45 foot single family home built next door to a 50-foot-wide lot (45' height at 25' distance;			
				х												65' height at 50' distance; 85' height at 75' distance; 105' height at 100'			

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					AND	KAZI KENI	MCG	OLIV SCHI SEEG	SHE	SHA	MEN			GENERAL	SPECIFIC SECTION				STAFF RESPONSE
23.3	Division 23-4D	All Subsections	х		AH	ł FK								Yes	23-4D	Change Cooperative Housing to P in R1, R2B-E, R3B-C, R4C, RR and	Cooperative Housing would still have to apply with applicable zoning regulations -	Yes/No	4 unrelated adults may reside in a house built since 2014 and 6
												Affordable	No			MH; Change Cooperative Housing to P in zones R4A-C, RM1A-B; Change Cooperative Housing to P in MH, MS1A, MU3B, MU4	it's a model that everyone should support.		unrelated adults may reside in a house built before 2014 which is the reason for not recommending P in R zones;
												Housing							Staff agrees that it can be allowed in MU3B and MU4
23.4	Division 23-4D	Use Tables 23-4D-2030(A, B, C)	x			FK									23-4D	Change Day Cares <20 to P in all R zones. Change commercial daycares	Need daycares close to families being served and increase affordability of daycare	Yes/No	<20 fine with MUP in in R zones - MUP and CUP in D3 due to
												Day Cares	No			to MUP in R2B and above, and to CUP below.	by removing obstacles		amount of COs currently restricting day cares; keep Commercial as
23.5	Division 23-4D-1	Purpose																	COP III residentiai zone
23.6				х	GA										23-4D-1-8	Allow cooperatives by MUP in R1, R2B, R2C, R2D, R2E, R3B, R3C, RR;		Yes/No	4 unrelated adults may reside in a house built since 2014 and 6
												Coops	No			Allow cooperatives by right in zones R4A, R4B, R4C, RM1A, RM1B, MH, MS1A, MU3B, and MU4			unrelated adults may reside in a house built before 2014 which is the reason for not recommending P in R zones;
																			Staff agrees that it can be allowed in MU3B and MU4
23.14	Division 23-4D-2	2 23-4D-2030 Use Tables		х		FK				$\pm$	+				x	Make coops MUP in R2B and up. And make Daycares 7-20 MUP in all R		No/Yes	Related to Co-Ops: See response on line 23.6
																zones			Staff supports daycares 7-20 having an MUP in residential zoning
												Coops and Daycare							
												,,,,,							
23.7		All Zones		×				DC			+						Require a CUP for bars, night clubs, brew pubs and distilleries within 1,000' of	No	Add specific to use language for Bars/Nightclubs with same
23.7		THE LONG							1			Alcohol Sales on-site					residential properties.		language as Restaurants when referring to distance and CUPs
												consumption							
23.8									JSh						ALL R ZONES	Update each district to max height of "35' from top of slab to top of roof" and limit slab height above finished grade"slab height is limited	Building Height is defined as height from top of slab to top of roof.  Slab Height is defined as height from ???? grade to top of slab.	Yes/No	Okay with 35' overall due to consistency but disagree with other suggestions
																to a maximum of 5' above finished grade and a maximum of 12" above	Maximum building height is 35' from top of slab to top of roof.		Suppositions
																highest finished grade"	In McMansion Zones:  Maximum building height is 22' at 5' from the side lot line.		
																	Max Building Height increases by 1' for every 1' past 5' from the side lot line. So		
																	23' at 6' from the side lot line and so on, up to the 35' max height limit.  Max Slab Height: 5' above finished grade at any point.		
																	Max Slab Height can be no more than 12" above the highest finished grade, Pier		
												height					and beam foundations are not subject to this limit.  Max Slab Height does not apply to portion(s) of building footprint over 10%		
																	or greater slope of natural grade The same Height Encroachments/Exemptions apply to this as apply to current		
																	McMansion tent.		
																	Multiple pages: 4D-2 pg. 60		
																	23-4D-2070 through 23-4D-2210: R1-R4 Maximum Height Limit Amendment: Amend maximum height limit.		
23.10						FK			JSh	TW		EV IIII C			ALL R ZONES	delete frontyard impervious regulation	N .	No	purpose is to prevent full front yard pavement - if removed from D3,
									ICh			FY Imp Cov						Vos	it will be removing a NP subset from some mcmansion areas, can
23.11									JSN			pools fountains			ALL R ZONES	Encroachment table for Pools and Fountains  • Side street match interior side		Yes	Make pool encroahments same as fountains in all Residential house scale zones
22.42									let.						ALL D TONES	Front match rear		No	In death 2 who are recorded to
23.12									JSh						ALL R ZONES	25-4D-XX Articulation All R zones  Recommend articulation requirements removed due to affordability. If		No	In draft 3 where mcmansion already applies
																motion does not pass, then modify as below			
												articulation				Articulation is required for interior lot side walls on additions or new construction that have taller than 15' plate and located within 9' of the			
																side lot line			
																Administrative variance to dimensions allowed to meet unique lot			
22.42	Division 22 47 2	Desidential Hause Cools 7														configurations to accommodate trees, slopes, or adjacency issues.			W. 1911 1 1975 ( )
23.13	Division 23-4D-2	Residential House-Scale Zones																	HLC: ADU up to 1375sf when retaining house
23.16	Division 23-4D-2	2 23-4D 2151		x		FK		++	++-	+	+	Small Lot				Add small lot in R3 and R4 of 2,000SF		No	staff supports the current proposal
23.17	Division 23-4D-2	2	х						JSh								front parking areas are too limited and forms will create nonconforming to many	N/A	commentary
																	neighborhood types, add front imp. And more problems, alley only access parking is limiting for multi unit, landscaping "may" be required ???? SEE RESIDENTIAL		
																	WORKGROUP COMMENTS!! (ARTICULATION, HEIGHT, USE, FORMS, LOT SIZES,		
23.18	Division 22-4D 2	Residential House-Scale Zones				CV								No	The "Lot Size and	Strike the line with the maximum FAR and square feetage in "Cinete	ETC) dont want to duplicate  This updates the McMansion ordinance and extends it to all R zones, limiting the	No	this is change in current policy
23.10	DIVISION 25*4D*2	nesidential nouse-scale 2011es				L CK						McMansion ordinance	No	No	Intensity" table in all R	Strike the line with the maximum FAR and square footage in "Single Family" use (where it exists) and add "0.3 FAR or 1,800 sf".	FAR on all single family use to 0.3 FAR. The unlimited or 0.4 FAR for other uses	INO	this is change in current policy
				×								update			zones		remains.		

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			,			z		. II							YES/NEUTRAL	
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			AND HAR	MCG	SE SE	불물	SHA	AEIC MEN			GENERAL	SPECIFIC SECTION				STAFF RESPONSE
23.21				СК								23-4D-2, 23-4E-6170, Specific to Use - Duplex;	Throughout 23-4D-2, remove references in text and rows in tables referring to Single-Family Attached.		no	does not recommend combining sf attached with duplex or changing language
												and 23-13A-2, Land Uses - Duplex	In 23-4E-6170(C), change the following: "A duplex must comply with			
									R-Zones:				the requirements in this subsection. (1) The two units must be attached or no greater than 12 feet apart;			
									Remove SF- Attached and	Yes			and (2) At least one of the two units must have a front entry that faces the			
								a	Illow detached Duplexes				front thoroughfare except each unit located on a corner lot must each			
													have a front entry that faces a separate thoroughfare."			
													In 23-13A-2, change the following: "DUPLEX. <u>Two dwelling units on a single lot that are either attached or separated by no more than 12</u>			
23.22		х		СК							No	23-4D-2 (the "Lot Size	feet A residential building containing two attached dwelling units on a Add a row to the bottom of the table: "Residential Citywide Affordable	This is a new, income-restricted, affordable ADU bonus for all R1-3 zones.	No	staff believes in truth in numbers, to do this in R2 then name R2 into
												and Intensity" table in all R1-R3 Zones); 23-3E-	Accessory Dewlling Unit Incentive: When participating in Affordable Housing Bonus Program, in addition to base entitlements, an	Add an affordable bonus that grants the following entitlements when adding a		R3
									Residential			1040 (Affordable	additional, income-restricted Accessory Dwelling Unit may be built and	single, income-restricted ADU: ADU does not count towards FAR or unit limit, square footage of income-restricted ADU is also added to FAR limit for non-income		
								l l	Citywide Affordable ADU	Yes		Housing Bonus Calculation)	the size does not count toward FAR limit and the principal use's FAR limit is increased by the size of the income-restricted Accessory	restricted unit total on a 1-for-1 basis. Affordability income levels are same as other zone affordable unit bonuses, but affordability periods are 20 years for		
									Bonus				Dwelling Unit."	ownership, 10 years for rental.		
													Remove the following line from the table in RR, LA, R1A, R1B, and R1C: "Accessory Dewlling Unit allowed only when participating in Affordable			
23.23		x		СК							Yes	23-4D-2 (the "Lot Size		This makes the bonus pencil out.	No	other site requirements affect building size and parking capabilities
									R4 bonus adjustment	Yes		and Intensity" table in all R4 zones.)	and AHBP Bonus FAR increased from .8 FAR to 2 FAR			too much to make this situation pencil out
23.24		X		СК					Increase		Yes	Applicable zones	Adopt the bonus entitlements recommended by the affordable bonus	More bonus entitlements got us from 6,000 affordable units to 13,500.		
									affordable bonus	No			working group. (See attached table.)			
23.25	Division 23-4D-2	x		СК				+H	entitlements		No	The "Lot Size and	Add an affordable bonus that grants the following entitlements when	This is a new, income-restricted, affordable ADU bonus for all R zones.	Neutral	using this will lessen th viability of the preservation incentive
									Residential			Intensity" table in all R	adding a single, income-restricted ADU: ADU does not count towards FAR or unit limit, square footage of income-restricted ADU is also			, .
								l l	Citywide Affordable ADU	No		zones	added to FAR limit for non-income restricted unit total on a 1-for-1			
									Bonus				basis. Affordability income levels are same as other zone affordable unit bonuses, but affordability periods are 20 years for ownership, 10			
23.26	Division 23-4D-2	х		СК							No	The "Lot Size and	years for rental. The ADU may be external or internal.  Add an affordable bonus that grants the following entitlements when	This is a new, income-restricted, affordable DOUBLE ADU bonus for all R zones.	No	See response in line 23.22
									Corridor			Intensity" table in all R zones	adding a single, income-restricted ADU: ADU does not count towards FAR or unit limit, square footage of income-restricted ADU is also			
									Transition Accessory	No			added to FAR limit for non-income restricted unit total on a 2-for-1 bonus basis. A second ADU is also added that does not count against			
									Dwelling Unit Incentive				the FAR or unit limits. Affordability income levels are same as other			
		x											zone affordable unit bonuses, but affordability periods are 20 years for ownership, 10 years for rental. The ADU may be external or internal.			
23.27							TS		<2500 SF Uses	NO	х			Within Specific to Zones 23-4 parking requirements, remove all references to parking required that allow for use in zone to exclude off-street parking if <2500	?	
		х							w/o Parking	NO				SF.		
23.28							TS		Bars and	NO		Table 23-4D-XXXX Allowed Uses	Table 23-4D-XXXX allowed Uses - Restaurants and Bars - Bars and Nightclubs Level 2 within 200' of Residential House-Scale Zone - CUP	For all zones that allow Bars and Nightclubs- Level 2, add requirement for a CUP.	yes	See response on line 23.7
23.30	Division 23-4D-2 Residential House-Scale Zones	х			DC				Restaurants			23-4B-1030 Minor Use	[Where currently P or MUP] Remove Section 23-4B-1030	Minor Use Permits (MUP) give staff too much discretion over granting uses that	no	
23.30	2. South and the second				PS				Minor Use			Permits General.	TREMOVE SECTION 25-40-1030	are not minor. This process denies citizens the opportunity of a public hearing.		
									Permits					Remove the MUP process and apply 23-48-1020 CUP process. Revisit the MUP permit and associated uses after CodeNext approved.		
23.31		х			DC							Zones R1B-R2C, R3B-R3D		Restore 5,750 sq. ft. lots and 50' width	No	5000' brings 7000 lots into conformity
		x							Lot Size					·		
A-23.31.1					PS							23-4E-6200 Home Occupations	23-4E-6200(D) & 23-4E-6200 (F) add "excluding R1A-R3D residential zones."	neighborhoods especially parking and traffic congestion. The Live/Work zone	N/A	Addressed in Addendum. No on-site sales, and employees are limited to one. Max of 4 trips
									Uses					allows up to 2 employees by-right and up to 3 with an CUP. Interesting that a CUP is required for 3 employees in a Live/Work zonewhile only an MUP in R zones		
23.33	Division 23-4D-2	х				TIA					Х	Lot Size & Intensity	Street Scale Incentive: Accessory Dwelling Unit does not count toward	(residential).  The intention was to preserve the street scale. The word preservation is not	Neutral	HLC has asked for a definition of "preservation";
23.33						IW						Table; R1C, R2A, R2C,	FAR limit when existing house (at least 10 years old) is conserved.	defined in D3. The HLC has recommended against this incentive because the word preserve conjurs up the National Register's Standards. I don't think the intention		Staff support using a different term than "preservation"
												R2E,R3A,R3B,R3C,R3D,R 4A,R4B,R4C,		was to preserve the street scale and to reduce the # of demolitions. These		
	Preservation Incentive								ADU	X				changes eliminate the word confusion and go hand in hand with a definition of		
														conserve that promotes the conservation of the existing homes street presence. This also further clarifies where you can use the additional FAR that you're		
A-23.33.1	Preservation Incentive	х				TW	,	+H	ADU		Х	All R zone	extend Preservation Incentive to all R zones	granted.  we heard a lot of positive feedback regarding this incentive	Neutral	Staff does not object to conservation instead of preservation
		Х														

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22.25	Division 22 4D 2			_	A H	KEN KEN	2 5	ᇫᄦ	불 물	SHA N	MEN			GENERAL	SPECIFIC SECTION				STAFF RESPONSE
23.35	Division 23-4D-2					KN	л 								23-4D-2 simplify uses maintain; minimum lot	Remove single-family attached, duplex and ADU  Maintain current lot sizes (minimum 5,750) and minimum width (50')	Remove these uses in favor of only referencing dwelling units without respect to their attachment or not per zoning - only per Buildign code. FAR is permitted for	No	See response on line 23.31
															sizes in some zones	in R1B, R1C, R2A, R2C, R3C, R4A (6,000 - 60' width)	any dwelling unit on the lot with the only limitation being 550 SF on the second floor of the rear 1/3 of the lot. per current ADU code.		
																	Smaller lot sizes may be incorporated into zones intended to be used in greenfield areas and as		
		Residential House-Scale Zones															implementation for use via the Small Area Planning Process with full public participation.		
																	These include R2B, R2D, R2E, R3C, R3D  This amendment provides balance required to achieve the Austin Bargain to allow		
																	neighborhoods to maintain existing current zoning while creating new zones for greenfield, areas		
																	where the new regulations match current development and for sites identified in a Small Area Planning		
																	process.		
23.36	23-4D-2					KN	Λ								23-4D FAR	Maintain .4:1 FAR for most zones while these R3D, R4B and R4C may be up to .6:1. Eliminate the default FAR provisions (2,300 for 5,000 SF	Dfault FAR skews the market to remove modest homes on small lots.		2300 is currently institued for nonconforming lots through variance process, so changing the size from 2300 to 2000 will make more
		Residential House Scale Zones														lots)			houses noncomforming; brings 7000 lots into conformance with same entitlements they would have today
23.37	Division 23-4D-2								Т	w				Х	Lot Size & Intensity	replace 5000 with 5750	This reduction inadvertently allows an additional 39,469 lots (lots in this zoning	No	Staff supports reducing nonconforming lots with 5000 square foot
		Lot size minimum		x								Lot Sizes			Table; R1B-R2C		category between 11.5k-10k) to be subdivided leading to increased demolitions and reducing the amount of existing affordable units		lot; the 39,469number is erroneous and the correct number is closer to 14,700
23.38	Division 23-4D-2	Residential House-Scale Zones			GA AH				JT					no	23-4D-2010	This division establishes the land use and building form requirements for property zoned residential house-scale. The requirements are	The goals of the Title should guide the goals of this Division. The purpose of zoning should be to implement the adopted Imagine Austin Comprehensive Plan.	Neutral	if one purpose statement is changed, then others may need to be changed also
																intended to implement the Comprehensive Plan and address the social and environmental values described in 23-1A-1020, are intended to			
												Residential	no			ensure that proposed development is compatible with existing and future development on neighboring properties. Additionally, the-			
																requirements are intended to produce an environment of desirable			
				x												character, consistent with the Comprehensive Plan and any applicable- area plan.			
23.39	Division 23-4D-2	Residential House-Scale Zones			АН										23-4D-20XX	Table 23-4D-20XX (F) Impervious Cover (2) Frontyard Impervious Cover – Paragraph (2)(e)	Comment: The current city requirements are adequate with gravel being an acceptable parking space material.	No	Gravel has issues with clogging storm drains, acts as impervious cover, and by removing E parking would be allowed on grass
												residential				Amendment: This requirement should be deleted for parking on paved areas only.			
																(e) A motor vehicle may only be parked or stored on driveway or			
23.40	Division 23-4D-2	Residential House-Scale Zones	х												22 4D 20VV	paved parking space.	Demoning this section does not alter the total impensions cover limit on the site.	No	See response on line 23.1
23.40	DIVISION 25-40-2	Nesidendal House-Scale Zones			Ап										23-4D-20XX	Table 23-4D-20XX (H) Impervious Cover (2) Front yard Impervious Cover	Removing this section does not alter the total impervious cover limit on the site. Targets low income / high occupancy tenants, where more vehicles are common. It adds \$1000 cost for preparation of site plan and survey. It can't accommodate	NO	See response on line 25.1
												Residential				Amendment: Delete Frontyard Impervious Cover in every zone.	site conditions like trees, triggering routine variances. 40% IC limit does not allow more than a single car driveway on a 50' lot.		
23.41	Division 23-4D-2	Residential House-Scale Zones	X									Residential Uses				Remove the following uses and replace with "residence":			
23.42	Division 23-4D-2	Use		х					JT T	rw		Uses	No v	Yes	23-4D-2030	ADU, Duplex, Single-Family, Single-Family Attached replace duplex, single family attached, secondary, ADU; with two	Agree with Residential Working Group reduce the number of uses to reduce the confusion perpetuated by this code. Rely		Staff supports maintaining use separation as listed in D3 see response on line 23.41
23.43	23-4D-2	U3E		Х	x							USC3	^	no	Table 23-4D-2030 C	family, mulitfamily  Allow triplex as a residential use in R3S - R4C and amend the tables in	on the definition of dwelling unit to support the zones.  This is a logical house scaled use in this zone that is compatible with existing uses.	Yes	R3 staff is open to allowing triplexes, however they would not be
		Residential House-Scale Zones		х								Residential	No			each zone accordingly			allowed to have ADUs; and R4 already allows triplexes through multifamily regulations
23.44	Division 23-4D-2	2030- Allowed Land Uses and Permit Requirements								TS		Single Family			Table 23-4D-2030(C) Allowed Uses in	CHANGE: Single-Family Attached status from "P" to "-"in R2A, R2B, R2C, R3A, R3B.	Change permit status of Single-Family Attached in Specific Zones to not allowed.		Staff does not aggree with reducing SF attached permissions in D3 as it will be reducing entitlements currently allowed today
				×								Attached	NO		Residential House-Scale Zones				
23.45	Division 23-4D-2	Parking Standards							Т	w		Parking	110		Table 23-4D-2040-A-1	Home Occupations 1 if clients come to the site, otherwise none required		No	Home Occupation specific to use limits trips to 4, also addendum prohibits retail sales
23.46	Division 23-4D-2	STR-2							Т	rw		uses	x		all use tables	why are we including this as a permitted use If we're in the process of fading these out over the next 5 years??			STR type 2 is still a permitted use for 5 more years that the code will be implemented
23.47	Division 23-4D-2	Residential House-Scale Zones	х	х		FK			+						23-4D-2 & 23-4D-3: R2C		36' min width for R2C prevents flag lot resubs of 50' lots. Reduced Building Size	No	R2D and R2E are the small lot zones, a new use seems redundant
															Zone	Allowed Uses" to table of uses. min. lot size: 2500sf.	from 2300 to 1500sf. Zero side yard setback when adjacent to other small lot uses eliminates need for SF-Attached. The proposed minimum lot size of 2500 sf for		
																max lot size: 4999sf min. lot width: 36'	small lots is still larger than minimum of 2000 sf in Dallas and would improve affordability outcomes through the city. Reducing minimum lot size extends the		
																Building Size (max) for all Small Lot uses: the greater of .4 FAR or 1500sf	current code's by right SF-3 Urban and Cottage Lots. Historically, large minimum lot sizes are a product of Jim Crow laws and should be reduced or wholly		
												residential				Table 4D-2120(B) Building Placement add Small Lot Setbacks: Front 15', Side St. 10', Side 3.5', Rear 10'.	eliminated. Small lots allow fee simple ownership instead of requiring a condo regime, which is better for owners and for the city.		
																Table 4D-2120(C) Building Form (1) Building Articulation New			
																Construction add "Building Articulation is not required for Small Lot uses."			
																Table 4D-21020(G) Impervious Cover add "(2) Small Lot Impervious Cover 65% max, 55% building cover max			
23.48	Division 23-4D-2	2030- Allowed Land Uses and Permit Requirements								TS		2030- Allowed					Co-op Housing - R3A now allowed with CUP, R4A and R4B changed from P to MUP. ADDENDA -now not allowed in R2 where previously was CUP.	N/A	comment
												Permit	NO						
			х									Requirements							

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ART	VIG TH	CHANGES TO D3	-		INITIATED	BY COMIV	ISSIONER	R	EX OF	FICIO TOPIC	REA I	FEEDBACK	AM	IENDMENT TYPE	SUBSTITUTE LANGUAGE	COMMISSIONER NOTES	-	
				Z O	>	v #		N O	 	5	-1	- 1					YES/NEUTRAL	
				NDERS ART AZI	:NNY CGRA	UCKOL LIVER CHISSLE	EGER	HITE	JRKAR	5	-1	- 1		SPECIFIC SECTION			/NO	CTASE DECEMBE
23.49	Division 23-4D-2 2030- Allowed Land Uses and Permit			<u> </u>	<u>₹</u> ≥	<u> </u>	35 45	<b>₽</b> ≥	TS E	2030- A	owed		GENERAL	SPECIFIC SECTION		Group Home Removed.	N/A	STAFF RESPONSE comment
	nequirents									Land Us Per Require	it	NO						
23.50	Division 23-4D-2 2030- Allowed Land Uses and Permit Requirements								TS	2030- A Land Us						Addenda - allowed cottage court in R4C and removed Townhouses from R4A and R4B.	N/A	comment
		x								Per Require	iit	NO						
23.51	Division 23-4D-2 2040- Parking Requirements (Residentail House Scale)								TS	2040- F Require				2040 (B) Maximum Number of Parking	Delete section 2040 (B)	This conflicts with statements from Planning and Zoning Department that the "market" will determine number of parking spaces even though minimums are	Yes	Staff agrees with only deleting this language in the Residential House Scale zones; and staff supports changing language in
			.							(Resid	ntail	NO		Spaces		established and that developers are allowed to put in as many parking spots as they want.		Residntial Multi-Unit zones to only apply to non-residential zones
23.52	Division 23-4D-2 2040- Parking Requirements (Residentail House Scale)								TS	2040- F Require	nents	NO		2040 (2)(a) and (b)		Definition for Building Façade is different than the one in 23-13. Parking Structure definition in this section is not found in 23-13.		Staff agrees with only deleting this language in the Residential House Scale zones; and staff supports changing language in
		х								(Resid House								Residntial Multi-Unit zones to only apply to non-residential zones
23.53	Division 23-4D-2 2040- Parking Requirements (Residentail House Scale)								15					Table 23-4D-2040(A) (1) Residential Accessory	CHANGE: Accessory Dwelling Unit - Residential (Existing or new construction with existing dwelling unit) None Required ADD:	Table 23-4D-2040(A) - ADU's do not require parking. ADUs allow 3 unrelated adults and it is incomprehensible that none of these adults would require parking. This should changed to conform to 23-4E-3020 which requires parking for ADUS	NO	staff supports not requiring parking for ADUs as incentive and furthering affordability capability
			,									NO		Dwelling Unit - Residential	Accessory Dwelling Unit - Residential (new construction and no existing dwelling unit) - 1 per unit.	unless there is an existing unit.		
23.54	Division 23-4D-2 2040- Parking Requirements (Residentail House Scale)	x	x						TS					Table 23-4D-2040(A) (1) Residential	ADD: RR, LA, R1, R2, and any Residential House-Scale Zone adjacent to Public School - 2 per unit	Reduce parking in zones that are intended for areas that are accessible to mixed use and main street zones by walking or biking. Maintain parking levels in other	No	staff does not support requiring more parking near schools
												NO				resiential zones to prevent off-street parking and maintain safe streets for walking and biking. Furthermore, the occupancy limits for residential dwelling units can		
																be from 4-6 unrelated adults. Condider variance if sidewalks in neighborhood. Request from Public schools to maintain parking adjacent to schools.		
23.55	Division 23-4D-2 2040- Parking Requirements (Residentail House Scale)	x	×						TS					Table 23-4D-2040(A) (1)	ADD: All other Residential House-Scale Zones - 1 per unit	Reduce parking in zones that are intended for areas that are accessible to mixed use and main street zones by walking or biking. Maintain parking levels in other	N/A	see above
												NO		nesideritiai		resiential zones to prevent off-street parking and maintain safe streets for walking and biking.		
23.56	Division 23-4D-2 2040- Parking Requirements (Residentail House Scale)	x	x						TS	Residen	aluco		-	Table 23-4D-2040(A)	Bed and Breakfast - 1 plus <del>0.8</del> 1-per bedroom Cooperative Housing - 1 plus 1 per every 4 2 bedrooms	ADDENDA: Adds Group Homes, B&B's, and Co-op Housing. Need to restore to reasonable levels for residential neighborhoods	No	staff supports the parking recommendations in D3 addendum
										parl		NO			Group Residential - 1 plus 1 per every 3 2 bedrooms			
23.57	Division 23-4D-2 2100 - 2140; R2A-R2E	x	×						TS			NO	-	Table 23-4D-2040(A)	Change Co-operatives and Group Residential to 1 + 1 per every 2 bedrooms	Addenda reduces parking for Group Homes, B&B's, and Co-op Housing. Need to restore to reasonable levels.	No	staff supports the parking recommendations in D3 addendum
23.58	Division 23-4D-2 Residential House-Scale Zones					JSc								23-4D-2040(C)(3)(a) Parking requirements	Delete 23-4D-2040(C)(3)(a) & Delete similiar text in every zone	Will make thousands of existing homes nonconforming. Limitations on parking locations remove flexibility to accommodate site conditions, such as trees. Rule	No	Incoporated into CodeNEXT from neighborhood plan tool. Suggest changing applicability rather than removing completely.
													f	for R1-R3		would require additional IC to get spaces deeper into lot. Pushing parking back into structure leaves less area for units, restricting unit yield. Trades parking for		
23.59		X	x				JS						;	23-4D-2040	Parking requirements	additional units.	No	Parking structure regulations are different than Frontyard IC limits.
							h								<ol> <li>B and C is described again in each zone. (at least in R3's This is confusing. Pick a spot, otherwise its inconsistent)</li> </ol>			Staff does not recommend changing parking.
										parl	ng				OFFSTREET HOUSE SCALE TABLE:			
															ADU - should require 1 if more than 1 bedroom HOME OCCUPATION - should require 1 space for commercial vehicle			
															<ol> <li>B and C is described again in each zone. (at least in R3's This is confusing. Pick a spot, otherwise its inconsistent)</li> </ol>			
23.60							JS h								OFFSTREET HOUSE SCALE TABLE: ADU - should require 1 if more than 1 bedroom		No	staff supports the parking recommendations in D3 addendum
															HOME OCCUPATION - should require 1 space for commercial vehicle OFFSTREET HOUSE SCALE TABLE:			
										parl	ng				ADU - should require 1 if more than 1 bedroom HOME OCCUPATION - should require 1 space for commercial vehicle			
															OFFSTREET HOUSE SCALE TABLE: ADU - should require 1 if more than 1 bedroom			
22.425	Division 22 4D 2 Desidential III - Cold 7														HOME OCCUPATION - should require 1 space for commercial vehicle			
23.127 23.61	Division 23-4D-2 Residential House-Scale Zones  Division 23-4D-2 Residential House-Scale Zones	x	x			JSc		)I		Pari	ng	No		23-4D-2040 23-4D-2040 R1-R3	Do not require parking in Residential Zones (e) A motor vehicle may only be parked or stored on driveway or-	Gravel is an accepted parking space material in code. While counted as IC, it is	No No	See response on line 23.39
										Parl	ng			Zones: Table 23-4D-21x) (F) Impervious Cover (2)	paved parking space.	more pervious than concrete and less expensive. Not a problem under current code.		
		х												Frontyard Impervious Cover - paragraph (2)(e)				
23.62	Division 23-4D-2				CK					Lot : Bracke ADUs	s for	No		Table 23-4D-2050(A), "Lot Size and Intensity"	Strike the entire row of the table starting with "Accessory Dwelling Unit" and replace with the three rows that begin "Accessory Dwelling Unit" in Table 23-4D-2120(A) (R2C Zone)	There is no reason to not have the standard three ADU size brackets in all zones that allow ADUs.	No	Lot size must be one acre in Rural Residential. Smaller lots are not allowed.
23.63	Division 23-4D-2 Residential House-Scale Zones	X	^	FK						Ru Resid	ıl			23-4D-2050	Strike Accessory Dwelling Unit allowed only when participating in- Affordable Housing Bonus Program.	Allowing ADUs in RR by right meets the objectives of the Planning Commission - it's unlikely that ADUs will be built in RR with an affordability requirement.		NHCD supports accepting in-lieu fee as opposed to on-site affordability.
23.64	Division 23-4D-2				СК					Lot	ze			Table 23-4D-2060(A), "Lot Size and Intensity"	Strike the entire row of the table starting with "Accessory Dwelling	There is no reason to not have the standard three ADU size brackets in all zones that allow ADUs.	No	Lot size must be one acre in Rural Residential. Smaller lots are not allowed.
		x	x							Bracke ADUs		No		Lot size and intensity"	Unit" and replace with the three rows that begin "Accessory Dwelling Unit" in Table 23-4D-2120(A) (R2C Zone)			

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CHAPTER	TITLE	DESIRED PROPOSED CHANGES TO D3	L	INI	TIATED B	y commss	ONER		EX OFFICIO	TOPIC AREA	REQ. ADD'L STAFF FEEDBACK	AMENDMENT TYPE	SUBSTITUTE LANGUAGE	COMMISSIONER NOTES		
			NDERSON	AZI ENNY	ICGRAW IUCKOLS	LIVER CHISSLER FFGFR	HIEH HOMPSON	инте наw	URKARDT AEN DOZA EICH			GENERAL SPECIFIC SECTION			YES/NEUTRAL /NO	STAFF RESPONSE
23.65	Division 23-4D-2 Residential House-Scale Zones	х		FK			I I	> %	<u> </u>	Lake Austin		23-4D-2060	Strike Accessory Dwelling Unit allowed only when participating in- Affordable Housing Bonus Program.	Allowing ADUs in LA by right meets the objectives of the Planning Commission - it's unlikely that ADUs will be built in LA with an affordability requirement.	No	NHCD supports accepting in-lieu fee as opposed to on-site affordability.
23.66	Division 23-40-2	x		CH	К					Lot Size Brackets for ADUs in R1 zones	No	No Table 23-4D-2070(A), 23- 4D-2080(A), and 23-4D- 2090(A), "Lot Size and Intensity" in R1A, R1B, and R1C, respectively.	Strike the entire row of the table starting with "Accessory Dwelling Unit" and replace with the three rows that begin "Accessory Dwelling Unit" in Table 23-4D-2120(A) (R2C Zone)	There is no reason to not have the standard three ADU size brackets in all zones that allow ADUs.	No	ADU not allowed on lots smaller than 15,000 sf, therefore the largest ADU is allowed.
23.67	Division 23-4D-2 Residential House-Scale Zones	х		FK						R1A		23-4D-2070	Strike Accessory Dwelling Unit allowed only when participating in Affordable Housing Bonus Program.	Allowing ADUs in R1A by right meets the objectives of the Planning Commission - it's unlikely that ADUs will be built in R1A with an affordability requirement. R1 already proposes allowing ADUs for very large lots that are 15,000 sqft. This just strikes the bonus requirement.	No	NHCD supports accepting in-lieu fee as opposed to on-site affordability.
23.68	Division 23-4D-2 Residential House-Scale Zones	x	A	АН						residential		23-4D-2070 through 23- 4D-2210: R1-R4 Maximum Height Limit	Update each district to max height of "35' from top of slab to top of roof" and limit slab height above finished grade "slab height is limited to a maximum of 6' above finished grade and a maximum of 12" above highest finished grade"	32' to top of roof is too low to accommodate three stories along with roof pitch, etc. 35' max to top of roof is very similar to current code limit of 32' max to average roofline. 35' is limit in non-McMansion zones in v3. Common standard reduces cost and time for regulatory compliance, allows more flexibility for site conditions, and allows enough slab exposure for adequate drainage - identified as a concern by staff under current McMansion tent.	Yes/No	Ok with 35' due to difference in height measurement. Do not support other provisions.
23.69	Division 23-4D-2 Residential House-Scale Zones	x		FK						R1B		23-4D-2080	Strike Accessory Dwelling Unit allowed only when participating in Affordable Housing Bonus Program.	Allowing ADUs in R1B by right meets the objectives of the Planning Commission - it's unlikely that ADUs will be built in R1B with an affordability requirement. R1 already proposes allowing ADUs for very large lots that are 15,000 sqft. This just strikes the bonus requirement.	No	NHCD supports accepting in-lieu fee as opposed to on-site affordability.
23.70	Division 23-4D-2 2050- 2090; RR, LA,R1A, R1B, R1C	x						TS			NO	2050- 2090; RR, LA,R1A, R1B, R1C	ADD R1D which is the same as R1C but without and ADU	Keeps at least on zone for single family residence. Currently all R1 zones allow 2 units.	No	staff supports current proposal and R1 only allows an ADU on lots over 15,000 square feet and it must be affordable
23.71	Division 23-4D-2	x						TS			NO	2050- 2090; RR, LA,R1A, R1B, R1C Table 23-4D- XXXX(A)	Width (min.) = 50', Area (min.) = 5750'	R1B and R1C reduced lot with 45' and lot size 5000 SF needs to revert back to 50' and 5750'. These lots are outside of urban core and should be larger.	No	see response in line 23.31
23.72	Division 23-4D-2	×						TS			NO	2050- 2090; RR, LA,R1A, R1B, R1C Table 23-4D-	Remove "Other Allowed Uses"	What is the purpse of the new use called "other allowed uses." It is not defined and not explained what it will be used for.	No	"Other allowed uses" includes all uses allowed in the zone for previously listed in the parking table.
23.73	Division 23-4D-2 2050- 2090; RR, LA,R1A, R1B, R1C	x						TS		Front Yard Impervious Cover	YES	XXXX(A) 2050- 2090; RR, LA,R1A, R1B, R1C Table 23-4D- XXXX (F) or (G)	DELETE: (2) Front Yard Impervious Cover	Not clear on reason for this.	No	see response on line 23.1
23.74	Division 23-4D-2 2050- 2090; RR, LA,R1A, R1B, R1C	х						TS		Common and Civic Open Space	YES	2050- 2090; RR, LA,R1A, R1B, R1C Table 23-4D- XXXX (G) or (H)	DELETE: Common Open Space and Civic Open Space	Common and Civic Open Space requirements are not correct in Table and are addressed throroughly in 23-4C-1 and 23-4C-2 with previous revisions recommended.	No	Reference in zoning is helpful. See addendum change for applicability.
23.75	Division 23-40-2 Residential House-Scale Zones	X	A	AH FK						residential			Maximum building height is 35' from top of slab to top of roof. In McMansion Zones:  Maximum building height is 22' at 5' from the side lot line.  Max Building Height increases by 1' for every 1' past 5' from the side lot line. So 23' at 6' from the side lot line and so on, up to the 35' max height limit.  Max Slab Height: 5' above finished grade at any point.  Max Slab Height can be no more than 12" above the highest finished grade, Pier and beam foundations are not subject to this limit.  Max Slab Height does not apply to portion(s) of building footprint over 10%  or greater slope of natural grade  The same Height Encroachments/Exemptions apply to this as apply to current McMansion tent.	22' limit restricted all McMansion R2-R4 zones to 2 stories, substantially limiting unit yield and reducing entitlements below current code. Current code "tent" is very complicated and costly to administer and enforce. Amendment is easy to administer, uses one base measurement (max height) and creates the same building envelope without tent sections, can be verified by form boards on site and allows three stories within tent. 35' to top of roof better replicates the average roofline height calc under current code, allowing most existing homes under McMansion to conform. 35' to top of roof as proposed is not an increase in overall height vs today, even including the slab height measurement, due to change from average roofline to top of roof. 32' to top of roof (in v3) does not allow enough room for a third story with much of a pitch on the roof, increasing massing and eliminating finished attics above a second floor on most lots. Three stories, which are allowed under current SF-3 code, are essential to achieving R3 and R4 unit yields while accommodating impervious cover and off street parking.	Yes/No	Ok with 35' due to difference in height measurement. Do not support other provisions.
23.76	Division 23-4D-2 2100 - 2140; R2A-R2E	x						TS			NO	2100 - 2140; R2A-R2E Table 23-4D-XXXX(A)	CHANGES: 1) Remove Single-Attached and Other Allowed Uses, 2) Restore lot size to 5750 SF, 3) Restore width to 50',	R2 Zones have already been reduced from 7000 s.f. to 5,750 s.f. and now with draft 3 to 5,000 s.f. with an option to subdivide every lot to 2,500 s.f. This will dramatically change the number of units allowed an negatively alter most single family neighborhoods. This version has included small lots with attached housing. The purpose and overview for for R2A, R2B and R2C ( previously in Draft 2 matched current single family SF2/SF3) does not mention small lots just duplexes and single family with ADU, but in lot size and intensity permits small lots and attached single family. If allowed, the small lot and attached single family. If allowed, the small lot and attached single family should be relagated to the R2D and R2E which are specifically for small lot. With large enough lot size, single family attached subdivisions would allow 4 units where there is one; a dramatic increase in density for most neighborhoods, encouraging tear downs and increasing on street parking which will make our neighborhoods unsafe. Single family attached do not comply with the side setback requirements and 23-4E-7070 does not provide for exemptions.	No	see response on line 23.31
23.77	Division 23-4D-2 Residential House-Scale Zones	х	GA	FK						residential		Table 23-4D-2100 to 2210(A)	Amendment: Apply Preservation Incentive to every R zone. Preservation Incentive: Accessory Dwelling Unit size does not count toward FAR limit when existing house (at least 10 years old) is preserved.	Not counting ADU toward FAR if on a lot with an existing home that is older than 10 years is a good incentive. Preservation Incentive should apply in every R-type zone.	No	Not all R Zones have an FAR limit.

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			- 1	Z	>	2 (0	œ	Z O		₹							YES/NEUTRAL	
			- 1	IDERS	NNY Sera	JCKOL	HISSLE	OMPS	HITE AW IRKARI	EN DOZ							/NO	
23.78	Division 23-4D-2 Residential House-Scale Zones		х	¥ ₹	<u>정 발 호</u> FK	i z d		<u>₹</u>	> 품 품	≅ ⊭			GENERAL	SPECIFIC SECTION 23-4D-2 & 23-4D-3: All	Table (A) Add "Small Lot Single Family Use" and "Small Lot Other	Zero side setback when adjacent to other Small Lots eliminates need for SF-	No	STAFF RESPONSE see response on line 23.47
														R3 & R4 Zones, RM1A and RM1B Zones	Allowed Uses" to table of uses. min. lot size: 2500sf.	Attached. The proposed minimum lot size of 2500 sf for small lots is still larger than minimum of 2000 sf in Dallas and would improve affordability outcomes		
															max lot size: 4999sf min. lot width: 25'	through the city. Reducing minimum lot size extends the current code's by right SF- 3 Urban and Cottage Lots. Historically, large minimum lot sizes are a product of		
															Building Size (max) for all Small Lot uses: the greater of .4 FAR or 1500sf	Jim Crow laws and should be reduced or wholly eliminated. Small lots allow fee simple ownership instead of requiring a condo regime, which is better for owners		
											residential				Table 4D-2120(B) Building Placement add Small Lot Setbacks: Front	and for the city.		
															15', Side St. 10', Side 3.5' or 0 when adjacent to Small Lot Uses, Rear 10'.			
															Table 4D-2120(C) Building Form (1) Building Articulation New Construction add "Building Articulation is not required for Small Lot			
															uses." Table 4D-21020(G) Impervious Cover add "(2) Small Lot Impervious			
23.79	Division 23-4D-2 Residential House-Scale Zones		х		FK									23-4D-2 & 23-4D-3: All	Cover 65% max, 55% building cover max  Table (A) Delete SF-Attached Use	Small Lot Use replaces SF-Attached Use.	No	see response on line 23.44
			- 1							Ш	residential			R3 & R4 Zones, RM1A and RM1B Zones				
23.80	Division 23-4D-2				СК						Lot Size Brackets for	No	No	Tables 23-4D-2100(A) and 23-4D-2110(A)	Strike the entire rows of the table starting with "Accessory Dwelling Unit" and replace with the three rows that begin "Accessory Dwelling	R2A should have the same standard three ADU size brackets in R2A, which is missing the 3500-5000 sq ft. bracket.	No	Appropriate rows listed in table.
			x								ADUs in R2A and R2B	NO			Unit" in Table 23-4D-2120(A) (R2C Zone)			
23.81	Division 23-4D-2 2100 - 2140; R2A-R2E		х						TS					2100 Table 23-4D- 2100(A), 2110 Table 23-	1) RESTORE Single Family and Duplex - min. width from 45' to 50' , min. Area from 5000' to 5750' 2) DELETE: Single-Attached, Other Allowed	R2 Zones have already been reduced from 7000 s.f. to 5,750 s.f. and now with Draft 3 to 5,000 s.f. with an option to subdivide every lot to 2,500 s.f. This will	No	se response on line 23.31
											Changes to			4D-2110(A), 2120 Table 23-4D-2120(A)	Uses	dramatically change the number of units, from one to four, allowed and negatively alter most single family neighborhoods. 2500' small lot and attached single family		
											R2A, R2B, and R2C Table A	NO				should be relagated to the R2D and R2E which are specifically for this purpose.  This will encourage tear downs and increase on- street parking which will make		
																our neighborhoods unsafe. Single family attached do not comply with the side setback requirements and 23-4E-7070 does not provide for exemptions.		
23.82	Division 23-4D-2 2100 - 2140; R2A-R2E		x		++			+	TS		Single Family		X	2100 - 2140; R2A-R2E	Add design criteria in 23-4E-6	Single family attached should not be in R2 zones. There are also no design criteria	No	see response on line 23.44
											Attached Side Setback	YES	^	Table 23-4D-XXXX(A)	ad design enterior in 25 12 0	for this house form which will lead to abuse.		
23.83	Division 23-4D-2 2100 - 2140; R2A-R2E		×						TS		Single Family Attached	NO		2100 - 2140; R2A-R2E Table 23-4D-XXXX(A)		If Single-Family Attached remains as option for R2, ADUs should not be allowed on these smaller subdivided lots.	No	ADUs only allowed on 5000' lot
23.84	Division 23-4D-2 2100 - 2140; R2A-R2E		х						TS		Design Front Yard	NO		2100 - 2140; R2A-R2E Table 23-4D-XXXX(G)	DELETE: (2) Front Yard Impervious Cover	Not clear on reason for this.	No	see response on line 23.1
22.05	0.000		_	Ш						Ш	Impervious Cover	NO						11. 20.71
23.85	Division 23-4D-2 2100 - 2140; R2A-R2E		×						TS	Ш	Common and Civic Open	NO		2100 - 2140; R2A-R2E Table 23-4D-XXXX(H)	DELETE: Common Open Space and Civic Open Space	Common and Civic Open Space requirements are not correct in Table and are addressed throroughly in 23-4C-1 and 23-4C-2 with previous revisions recommended.	No	see response on line 23.74
23.86	Division 23-4D-2 2150-2180; R3A-R3D		х	Н	++				TS	Н	Space			2150 Table 23-4D-	DELETE: Single-Attached and Other Allowed Uses	Keep single-family attached with R3 used adjacent to corridors. What is the	no	
			- 1							Ш	R3A and R3B Uses	NO		2150A), 2160Table 23- 4D-2160(A),		purpose of the new use called "other allowed uses." It is not defined and not explained what it will be used for.		
23.87	Division 23-4D-2 2150-2180; R3A-R3D	х							TS		Side St.			2150-2180; R3A-R3D		Single family attached and do not comply with the side setback requirements and		Need to add footnote on side setbacks for uses with zero lot lines
											Setbacks	NO		Table 23-4D -XXXX (B)		23-4E-7070 does not provide for exemptions. Add exception to 23-4E-7070.	-	including single family attached and townhomes.
23.88	Division 23-4D-2 Residential House-Scale Zones		x	GA							residential	no	no	23-4D-2150 to 2200 Table(A)	For R2-R4 "McMansion" Zones add Note "FAR includes Covered Porches or Balconies above ground level"	Loophole in D3 FAR allows two stories of porches under a finished attic per Chris Allen's drawing. Count 2nd floor porches toward FAR, as they are in current code, to limit attic space, as it is in current code.	No	Changed to simplify McMansion regulations and administration.
23.89	Division 23-4D-2 Residential House-Scale Zones		x	GA							residential	no	no	23-4D-2150 to 2200 Table (A)	For R2-R4 "McMansion" Zones add Note for Single Family and Duplex Uses "+150sf for each three bedroom unit within 500' of public		No	suggest remapping instead of altering zones
23.90	Division 23-4D-2 Residential House-Scale Zones		х	GA	FK									23-4D-2150, 2160, 2170:	school."	Despite the three-unit capacity, yields will not improve due to FAR limit which is	Neutral	Allowing more FAR for a duplex or single family with an ADU would
25.50	South the second		^		<u> </u>					$\  \cdot \ $				All R3 Zones	above Single Family Use	the same as one or two units. Keeping the same FAR for 1 units as for 2 or 3 units does not incentivize building more units. The same .4 FAR for 1, 2 or 3 units is a		align these uses with the .6 FAR allowed for cottage court. Would have impact on preservation incentive.
			- 1							Ш						direct disincentive to build more units versus larger single homes. Current code exemplifies this - 70% demos still 1-1 ratio, not 1-2 despite it being allowed by		induction preservation incentive.
			- 1							Ш	residential					code. FAR should be increased to encourage more units on the lot. If you have the same FAR for more units, it increases the cost to produce those units (more per		
			- 1							Ш						unit for taps, etc.) versus single family of same size, while raising cost per unit. A small step up would encourage more Missing Middle housing creation.		
23.91	Division 23-4D-2 Residential House-Scale Zones		x	GA	$\perp$		$\Box$	+		Ш			no	23-4D-2150 to 2200	For R2-R4 Zones: within 500' of public school, use RM2B entitlements if		No	ruggest remaining instead of altering some
23.31	The state of the s										residential	no	no	Table (A, B, C, D, E)	50% of the units are "family-friendly" (1000+ sf and 3+ BR)	predict student enrollment decreases we need family frienly housing near schools.		suggest remapping instead of altering zones
23.92	Division 23-4D-2 2150-2180; R3A-R3D		х	<del>                                     </del>	++	+	+++	+	TS	<del>     </del>	Front Yard			2150-2180; R3A-R3D	DELETE: (2) Front Yard Impervious Cover	Not clear on reason for this.	No	see response on line 23.1
											Impervious Cover	NO		Table 23-4D-XXXX(F) or (H)				
23.93	Division 23-4D-2 2150-2180; R3A-R3D		×	$  \   \  $			$  \   \  $		TS	$\  \cdot \ $	Common and Civic Open	NO		2150-2180; R3A-R3D Table 23-4D-XXXX(G) or	DELETE: Common Open Space and Civic Open Space	Common and Civic Open Space requirements are not correct in Table and are addressed throroughly in 23-4C-1 and 23-4C-2 with previous revisions	No	see response on line 23.74
23.94	23-4D-2150 R3A			+++	KI	M	+++	+	++	+ + +	Space			(1)	Minimum Lot Size should be 7,000 w/ width of 60'	recommended. Likely existing duplex lots.	no	see response on line 23.31
				Ш														
23.95	Division 23-4D-2 2150-2180; R3A-R3D		×	▎∏					TS		R3B Lot Size	NO		2160Table 23-4D- 2160(A),	RESTORE Single Family and Duplex - min. width from 45' to 50' , min. Area from 5000' to 5750'	Smaller R3 lots used adjacent to corridors.	no	see response on line 23.31

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23.96	Division 23-4D-2 2150-2180; R3A-R3D			HAR	KEN KAZ	N N	<u> </u>	<u> </u>	SH WH	MEN BUR			GENERAL SPECIFIC SECTION	DELETE - Other Allewed Hee	What is the purpose of the new use called "other allowed uses." It is not defined		STAFF RESPONSE
23.96	DIVISION 25*40*2 2130*2100, N3A*N3D		*						13		R3C and R3D	NO	2170 Table 23-4D- 2170A), 2180Table 23- 4D-2180(A),	DELETE: Other Allowed Uses	and not explained what it will be used for.		
23.97	Division 23-4D-2 2190 - 2210 R4A- R4D	х	+	+				+	TS	+	l	NO	2190 - 2210 R4A- R4D;		ADDENDA: Removed Townhouses. Keep the same as shown in Draft 3.	N/A	comment
23.98	Division 23-4D-2 2190 - 2210 R4A- R4D	x	_				+	++	TC	++	Townhouses	NO	Table 23-4D -XXXX (A) 2190 - 2210 R4A- R4D;		Single family attached and townhouses do not comply with the side setback	Vas	Need to add side setback exception.
23.56	5.1.36.1.25 45 2 2226 1.00 1.10								13		Side St. Setbacks	NO	Table 23-4D -XXXX (B)		requirements and 23-4E-7070 does not provide for exemptions. Add exception to 23-4E-7070.	les	Need to add side setback exception.
23.99	Division 23-4D-2 2150-2180; R3A-R3D	:	х	+			+	++	TS	++			2190 - 2210 R4A- R4D;	Remove reference to Common Open Space and Civic Open Space as	Common and Civic Open Space requirements conflict between special section and	No	see response in line 23.74
												NO	Table 23-4D-XXXX(H)	these are already covered in section specific sections	Table H		
23.100								JSh			IC		23-4D-2190 -2210	R4 Zones - 55% impervious cover allowed with Watershed Review (this is to allow parking requirements to work, building cover is still		Pending	
23.101	Division 23-4D-2 Residential House-Scale Zones		х		FK			++		++			23-4D-2190, 2200, 2210	40% so the increase in IC doesn't get abused for more BC)  Table (A) Lot Size and Intensity - add footnote " +.1 FAR for every unit	If you have the same FAR for more units, it increases the cost to produce those	No	FAR bonues included in zone.
													All R4 Zones	above Single Family Use	units (taps, etc.) versus single family of same size, while raising cost per unit. It is a direct disincentive to build more units. Current code exemplifies this - 70% demos		
											residential				with the continued 1-1 ratio, not 1-2. A small step up would encourage more Missing Middle housing creation, other regulations keep it from being any more		
23.102	Division 23-4D-2 Residential House-Scale Zones			AH			JSc	++		++			23-4D-2150 through	Edit Parking Table (G) (3) in all R3 & R4 zones to read: 10' max 12' max	massive than current McMansion limits.  Allow 12' max curb cuts (current code) for driveways serving a single unit and up	Neutral	
											Dankina		2210 (G) (3): Parking Driveway	for single unit driveway 20' max for shared driveway	to 20' max curb cut for shared driveways that are not fire lanes. Multiple curb cuts are allowed on any street frontage of a lot. A 10' curb cut is too narrow to		
											Parking				accommodate multiple vehicles to park; Shared driveways should provide two car access where site conditions allow. 12' is the current code minimum requirement.		
23.103	Division 23-4D-2 Residential House-Scale Zones	Х	+	АН			JSc	++		++			23-4D-2150 through	Delete Parking Table (G)(3) Parking Driveway "When lot has adjacent-	There is already an incentive to park from an alley - better use of IC, better access		Add exception for existing curb cuts to be continued to be used.
											Parking		2210 (G) (3): Parking Driveway	alley with a right-of-way width of 20' or greater, parking must be accessed only from the alley."	for ADU parking, etc. so requirement is not necessary. Would require homeowners to pave the alley per staff, with major negative impact on feasibility. 3 or 4 units		Need to coordinate with public works on allwy improvements.
															can't all park from alley (possibly 6+ spaces on 50' lot). Corner lots with three sides Right Of Way are still required to only park off of the alley in v3.		
23.104	Division 23-4D-2 Residential House-Scale Zones	X	1	АН						##	residential		23-4D-2150 through 2210(G)	Amendment: Required parking space(s) must not be located in front of the front facade of the building, forcing parking to rear of lot	Delete language because it effectively requires two tandem spaces and the resulting impervious cover to comply - the required space behind the setback, and	Neutral	If parking setback reduced, recommend adding frontyard IC to R4 Zones.
23.107	Division 23-4D-2 Residential House-Scale Zones	Х		AH			+	++		++			23-4D-2170, 23-4D-2180,	Table 23-4D-2170 (G) Parking	the space on the driveway leading up to it. While not "required", it is a space	Neutral	If parking setback reduced, recommend adding frontyard IC to R4
													23-4D-2190, 23-4D-2200, 23-4D-2210 (G) Parking	(1) Parking Requirements  (2) Setback – Front 30', Side St. 20', Side 2', Rear 5'	and drainage, particularly when combined with other parking regulations, limiting unit yield and increasing cost. They have the same effect as "required parking		Zones. Consider exceptions for trees.
											residential		(2) Setback	- (部) Parking Driveway	behind the front facade", in that two tandem spaces are required to meet the minimum one required space. Adds unnecessary IC to multi-unit sites, where IC is		
		х													already tight. Required parking cannot be within the setback, but additional parking can.		
23.108	Division 23-4D-2 Residential House-Scale Zones			АН									23-4D-2100, 2120, 2140 Table (C) Building Form		Articulation adds expense, causes drainage problems (U-shape captures water) and can't accommodate trees and site conditions. It should be deleted entirely, but if it must stay for R2, the 4x10 dimension is too prescriptive. Net area allows	No	See above
											residential			8' and Articulation depth (min.) to 2'.  Add note "Articulation not required for a net building area of less than	for more flexibility for trees and drainage, etc.		
23.109	Division 23-4D-2 Residential House-Scale Zones	<del>                                     </del>	Х	АН				+		+			23-4D-2150 to 2200		Articulation requirement inherently causes drainage problems due to "U" shape.	No	"U" shape does not cause drainage problems.
											dantal		Table(C) Building Form	adjacent to (list R2A, R2C, R2E ie McMansion zones) for adjacent side	McMansion rules were intended for 1-2 unit uses. Articulation on interior lots makes it more difficult to accommodate environmental considerations (e.g. trees		
											residential			walls on additions or new construction"	and drainage). Trees would require routine variances for R3-R4. It is a very prescriptive design standard that has no impact on the public domain. Will preserve neighborhood character in R2 zones, while allowing for additional units		
23.110	Division 23-4D-2 Residential House-Scale Zones		х	ΔН						+			23-4D-2100(G) to	Impervious cover R2 to R4: Delete Footnote. The maximum impervious	The Impervious Cover footnote is not in the current code and only serves to	No	The footnote does not inherently reduce impervious cover.
25.210				7							residential		2210(G)	cover may not be attainable due to unique site characteristics, such as- trees, waterways, and steep slopes. Where necessary, the project	reduce flexibility to account for trees, waterways, and steep slopes. Authorizes further reductions in buildable area on site without justification, possibly removing		The sociate does not innerently reduce imperious core.
			, II											must reduce the impervious cover to comply with other requirements of this Title.	ability to apply for a variance.		
23.111	Division 23-4D-2 Residential House-Scale Zones			АН							residential		Table 23-4D-2100 to 2210(A)	Amendment: Apply Preservation Incentive to every R zone. Preservation Incentive: Accessory Dwelling Unit size does not count	Not counting ADU toward FAR if on a lot with an existing home that is older than 10 years is a good incentive. Preservation Incentive should apply in every R-type	No	Not all R Zones have an FAR limit.
23.112	Division 23-4D-2 Residential House-Scale Zones		х	АН									23-4D-2100 to 2210	toward FAR limit when existing house (at least 10 years old) is Amendment: Amend the accessory structure height to 15'.	zone.	Yes	
													Accessory Structure Height		Accessory structures in rear, like garages, are encouraged in v3, yet this seems to be an arbitrary limit inconsistently applied. R2C has no Accessory Structure Height		
											residential				Maximum, only a conflicting footnote allowing 15' accessory structures, for example. "The rear setback is five feet for an accessory structure with a maximum		
															height of fifteen feet." At 12' max height, a 20' wide two car garage roof pitch would be less than the minimum slope for shingles. This requires a lower plate and different coefficial than page here. There is no least baseful to represe of		
		1	х												different roofline than main house. There is no clear benefit or purpose of regulation.		
23.113	Division 23-4D-2 Residential House-Scale Zones			АН							residential		23-4D-2100: R2A Zones	Amendment: Delete section.	R2A zone should be deleted entirely because it provides no appreciable increase in unit yield, and there is no equivalent under current code.	No	R2A zone matches existing conditions of duplexes on corners within neighborhoods, allows for consistent mapping, and encourages infill
		;	х														through ADUs within neighborhoods.

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			ANDERSON	KAZI	MCGRAW	NUCKOLS	SCHISSLER	SHIEH THOMPSON	WHITE	BURKARDI MENDOZA TEICH			GENERAL SPECIFIC SECTION			YES/NEUTRAL /NO	STAFF RESPONSE
23.114	Division 23-4D-2 Residential House-Scale Zones	x	A	AH .							residential		23-4D-21xx: R2C, All R3 & R4 Zones, RM1A and RM1B Zones	Table (A) Add "Small Lot Single Family Use" and "Small Lot Other Allowed Uses" to table of uses. min. lot size: 2500sf.  max lot size: 2500sf.  max lot size: 4999sf min. lot width: 25' Building Size (max) for all Small Lot uses: the greater of .4 FAR or 1850sf Table 4D-2120(B) Building Placement add Small Lot Setbacks: Front 15', Side St. 10', Side 3.5', Rear 10'. Table 4D-2120(C) Building Form (1) Building Articulation New Construction add "Building Articulation is not required for Small Lot uses." Table 4D-21020(G) Impervious Cover add "(2) Small Lot Impervious Cover 65% max, 55% building cover max	The proposed minimum lot size of 2500 sf for small lots is still larger than minimum of 2000 sf in Dallas and would dramatically improve affordability outcomes through the city. Reducing minimum lot size extends the current code's by right SF-3 Urban and Cottage Lots. Historically, large minimum lot sizes are a product of Jim Crow laws and should be reduced or wholly eliminated. Small lots allow fee simple ownership instead of requiring a condo regime, which is better for owners and for the city.		Staff supports proposed R2D ,R2E, R4 small lot zones.
23.115	Division 23-4D-2 Residential House-Scale Zones	x		АН							residential		23-4D-2140: R2E Zones	R2E Zones	R2E is not needed when combined with R2C. R2E Zone should be deleted in its entirety due to the amendment above regarding Small Lot Uses. R2D, however, must remain to allow new small lot subdivisions.	No	See above
23.116	Division 23-4D-2 Residential House-Scale Zones	x		АН							residential		23-4D-2150: R3A Zones	(A) Purpose Residential 3A (R3A) zone is intended for areas that are accessible to mixed use and main street zones by walking or biking within a half mile.	The R3A zone is a residential zone that provides detached housing and duplexes with accessory dwelling units on lots that are wider than those in R3B and R3C. Accessible range needs to further defined in a measurable amount. R3A zone is meant for areas with access to mixed-use and main street zones within walking or biking distance, which is generally accepted to be half a mile. There is no equivalent zoning for R2A 60' lot widths which requires more land for fewer units. R3A is duplicative and thus should be deleted.	No	R3A matches lot size pattern of existing neighborhoods and can be mapped through future small area plans.
23.117	Division 23-4D-2 Residential House-Scale Zones	x	A	АН							residential		23-4D-2150, 2160, 2170: All R3 Zones	Table (A) Lot Size and Intensity - add footnote +.1 FAR for every unit above Single Family Use	Despite the three-unit capacity, yields will not improve due to FAR limit which is the same as one or two units. Keeping the same FAR for 1 units as for 2 or 3 units does not incentivize building more units. The same .4 FAR for 1, 2 or 3 units is a direct disincentive to build more units versus larger single homes. Current code exemplifies this - 70% demos still 1-1 ratio, not 1-2 despite it being allowed by code. FAR should be increased to encourage more units on the lot. If you have the same FAR for more units, it increases the cost to produce those units (more per unit for taps, etc.) versus single family of same size, while raising cost per unit. A small step up would encourage more Missing Middle housing creation.	Neutral	See above
23.118	Division 23-4D-2 Residential House-Scale Zones	x		АН							residential		23-4D-2150, 2160, 2170, 2190, 2200, 2210: Side Street Encroachment	Table 23-4D-2xxx (E) Encroachments Encroachment Type Porch, Stoop, Uncovered Steps Side Street (max.)	An 8' side street encroachment for a porch, stoop, or uncovered steps on corner lots in all zones should be allowed within all zones. It provides the same benefit as required porches in front, more pedestrian friendly, and better articulation along the street.	Neutral	
23.119	Division 23-4D-2 Residential House-Scale Zones		A	АН							residential		23-4D-2150, 2160, 2170, 2190, 2200, 2210: Grade Limit Encroachment	Table 23 4D - 2xxx (E) Encroachments	In all R-type zones, 3' height above grade limit on an encroachment for porch, stoop or uncovered steps cannot accommodate sloping lots, so the requirement should be deleted.	Yes	Footnote unclear. 3' limit should only apply to uncovered steps. Reccommended languauge: Uncovered Steps may not exceed 3' above ground.
23.120	Division 23-4D-2 Residential House-Scale Zones	x	A	АН							residential		23-4D-2190, 2200, 2210	above Single Family Use	If you have the same FAR for more units, it increases the cost to produce those units (taps, etc.) versus single family of same size, while raising cost per unit. It is a direct disincentive to build more units. Current code exemplifies this - 70% demos with the continued 1-1 ratio, not 1-2. A small step up would encourage more Missing Middle housing creation, other regulations keep it from being any more massive than current McMansion limits.	No	Bonus available in R4.
23.121	Division 23-4D-2 Residential House-Scale Zones	x	A	АН							residential		23-4D-2190, 2200, 2210: Building Envelope for R4A and R4B	Table 23-4D-2190(C) Building Form (1) Overall Building Envelope Width (max.) <u>80</u> ′ <del>60</del> ′	Change maximum building width to 80' under all R4 zones for consistency and simplicity. Building width is only difference between R4A&B and R4C. Limiting building width limits unit yield. 60' building width maximum is too narrow for wider lots.	No	R4C allows townhomes and therefore wider building.
23.122	Division 23-4D-2 Residential House-Scale Zones	x	A	АН							residential		23-4D-2210: R4C Zone		There is not an R4 Zone that does not have McMansion limitations, limiting capacity for newly platted R4 lots. The only difference between Draft 3 R4C and R4A is 15' setback and 80' building width. As proposed here, R4A has 25' front setback with McMansion, R4B has 15' front setback with McMansion, R4C has 15' front setback without McMansion. R4C should not have front porch requirement as it is not intended to be compatible with McMansion neighborhoods.	No	R4 Zones are designed to be compatible with R2 and R3 in the urban core.
23.123	Division 23-4D-2 Residential House-Scale Zones	x	A	АН							residential		23-4D-2190, 2200, 2210: R4 Cottage Courts		Adjusting the minimum lot width and Base Standards units encourages small scale homes over multiplex buildings. These changes allow cottage courts under R4 to have 4 units for 50' minimum width and 8 units for 100' minimum width lots, as is the intent of the zone is to increase unit yield above three per lot. This encourages small scale homes to be built over multiplex buildings.		Unlikely to fit 4 or 8 units of the smallest lots sizes respectivley.
23.124	Division 23-4D-2 Residential House-Scale Zones	x		АН							residential		23-4D-2210: R4C Articulation Diagram	Building Articulation Table	Comment: There is a typo within the Articulation Diagram, so there needs to be an update to match wording.	Yes	
23.126	Division 23-4D-2 Residential House-Scale Zones	x		АН							residential		23-4D-3	Table 23-4D-3xxx Lot Size and Intensity  Ept: Principal dwelling units per acre	There needs to be a deletion of dwelling units per acre for all multi-unit zones. It is a duplicative regulation, given that the scale is already regulated.	?	If refering to RM1A, table corrected in addendum.
23.128	Division 23-4D-3 Residential Mult-Unit Zones																UTC: Exempt from Compatibiliy Standards w/in 1/4 mile of transit/IA corridors

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	<u> </u>		ANDERSON HART KAZI	KENNY MCGRAW	NUCKOLS DLIVER SCHISSLER	SEEGER SHIEH THOMPSON	WHITE	VEN DOZA TEICH			GENERAL	SPECIFIC SECTION			YES/NEUTRAL /NO	STAFF RESPONSE
23.129									New, more flexible RM1 zones			23-4D-3xxx	Add three new zones: RM1C has base RM1A entitlements, but has a bonus equal to RM1B bonus with a 45' overall height and no eve/parapet height.  RM1D has base RM1A entitlements, but has a bonus equal to the RM2B bonus entitlements with 60' of overall height and no eve/parapet height.  RM1E has base RM1A entitlements, but has a bonus equal to the	These new zones give flexibility for mapping with entitlements allowing a remapping of R-scale zones with no increase in base height/setback entitlements but high affordable bonus entitlements.	No	RM1A intended to be small scale multifamily or townhouse development.
23.130	Division 23-4D-3 Residential Mult-Unit Zones	x	H	x KM					Н	Yes	No	23-4D-3	Minimum lot sizes for RM1A and RM1B should be 5,750 with 50' width	To allow conversion of existing MF districts in neighborhoods. Currently the minimu lot isze is 8,000 SF	No	
23.131	Division 23-4D-3 Residential Mult-Unit Zones			СК					Remove existing single family as a non- conforming use in RM	No	Yes	Entire section	Add a footnote that any existing single family home on a lot zoned RM as of 6/1/2018 will not be considered as a non-conforming use. Vacancy and other mechanisms that require redevelopment are not applicable in this case.	If a single family use is on a lot zoned as RM, that building will not become considered non-conforming. However, no new non-conforming single family housing may be built.	No No	Consider mapping change to R4 or RM1A.
23.132	Division 23-4D All RM, MS, MU zones			СК					Increase affordable bonus	No	Yes	Applicable zones	Adopt the bonus entitlements recommended by the affordable bonus working group	More bonus entitlements got us from 6,000 affordable units to 13,500.	?	Need more detail.
23.134	Division 23-4D-3 Residential Mult-Unit Zones	X	F						residential			Add RM1C Zone	Uses up to 14 units per acre. 4 FAR limit for entire site. R2C height limits, building form (mcmansion) and setback tables, 1 space per unit with additional proposed parking matrix reductions, Add Note to Table A: minimum 10' separation between buildings. No compatibility setbacks.	Map existing % to 1 acre tracts to a new "residential scale" RM zone that allows units per acre rather than a fixed unit count is the most efficient and cost effective way to utilize existing "developable" capacity within neighborhoods, removing the need to resubdivide or rezone. A common objection to upzoning is the risk of change in housing type, so multiplex use is excluded. This new zone is intended for infill tracts within the neighborhood as a "resubdivision/rezoning replacement", not for transition zones. It trades off lower density and residential house form vs increased "mappability", increased capacity and reduced regulatory burden under CodeNext. 14 units per acre is limited by 10' separation and .4 FAR, forcing much smaller units to get to the max units/acre.	No	
23.135	Division 23-4D-3 Residential Mult-Unit Zones		GA AH F						Multi-Family	No	No	23-4D-3		Dwelling units per acre is a duplicative regulation, given that scale is already regulated through height, IC, FAR, etc. Also, it is a regulation that is wholly internal to the building and doesn't affect the public domain. LDC should regulate the built environment, not those who live within it. Unit caps impose a de facto tax on small, affordable homes.	No	Density bonus program calibrated to du/acre.
23.136	Division 23-4D-3 3030 - Land Use and Permits	x	П				TS		3030 - Land Use and Permits	NO		Table 23-4D-3030(A) Allowed Uses in Residential Multi-Unit Zones		ADDENDA added duplexes in RM1A and RM1B.		commentary
23.125	Division 23-4D-2 Residential House-Scale Zones	x	АН						residential				construction, remodel, or expansion: Is more than 300 square feet; and Located on an unplatted tract or within a residential subdivision- approved more than five years before the building permit application- was submitted.  (2) Install acceptable drainage improvements, such as swales, grading, gutters, rain gardens, rainwater harvesting systems or other methods on site to preserve existing drainage patterns if the construction, remodel or expansion: Is more than 750 square feet; and Located on an unplatted tract or within a residential subdivision approved more than five years before the building permit application was submitted. And in an area subject to localized flooding, as determined by the Watershed Protection Department on an annual basis.	This section incurs high cost along with liability and enforcement concerns for both engineer and homeowner. V3 language shifts liability from the owner of the property to the engineer. "Negative Impact" is vague & subjective. It does not allow for pre-existing deficient conditions on adjacent properties. Drainage calculations are necessary for engineer review and are known to be inaccurate on small tracts. The cost is estimated at \$3000 in site work plus \$5000 for the letter. Est \$8000 per house for over \$100+ permits last year fitting the requirements = over \$40 million additional cost.	Pending	
23.137	Division 23-4D-3 3040- Parking Requirements (Residentail House Scale)	x					TS		Maximum Number of Parking Spaces	NO		3040 (B) Maximum Number of Parking Spaces	Delete section 3040 (B)	This conflicts with statements from Planning and Zoning Department that the "market" will determine number of parking spaces even though minimums are established and that developers are allowed to put in as many parking spots as they want.	Neutral	Suggest replacing "double" with 2.5" for this zone category
23.138	Division 23-4D-3 3040- Parking Requirements (Residentail House Scale)	x					TS		Parking Limitations	NO		3040 (C ) Parking Limitations		This conflicts with statements from Planning and Zoning Department that the "market" will determine number of parking spaces even though minimums are established and that developers are allowed to put in as many parking spots as they want.	Yes	Duplication. Subsection should be deleted, refer to (C).

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23.139			₹ Ĭ	CK CK	<u> </u>	<u> </u>	<u> </u>	<u> </u>	≥ F			Yes	All RM zone uses	Allow "Parking Facility" as a CUP use in all RM zones with the following	This allows corridor-fronting MS and MU properties to aquire and jointly develop	No	STAFF RESPUNSE
			ш											design requirements specific to this use: (A) Screening: All areas used for parking, storage, waste receptacles or mechanical equipment shall	an adjacent RM property to better accommodate parking. The parking must be fully screened and there cannot be an exit to the parking within 100 feet of a		
														be screened from a triggering property. Such screening may be a	triggering property. The idea is to allow the structure to cross the lot line but not have it be externally perceivable or impact nearby residential properties.		
														fence, berm or vegetation and shall be maintained by the property owner. Fences shall not exceed six feet in height.	Conditional Use Permit required to provide review of compliance with these		
														(B) Lighting: Exterior lighting shall be hooded or shielded so that it is not visible from a triggering property.	requirements.		
														(C) Noise: The noise level of mechanical equipment shall not exceed 70			
										Limited				db at the property line of a triggering property.  (D) Waste: Waste receptacles, including dumpsters, shall not be			
			ш							commercial parking use for	Yes			located within 20 (or 50) feet of a triggering property. The City shall review and approve the location of and access to each waste			
										RM				receptacle. Collection of such receptacles shall be prohibited between			
														10 pm and 7 am. (E) From a parking structure facing and located within 100 feet of a			
			ш											triggering property: (1) Vehicle headlights shall not be directly visible;			
			ш											(2) Parked vehicles shall be screened from the view of any public right of way; and			
			ш											(3) All interior lighting shall be screened from the view of a triggering			
		<sub>x</sub>	ш											property. (F) No vehicle entrances or exits from parking accessible to a MS or			
23.140							JSh `			IC			23-4D-3050	60% impervious cover allowed in RM1A for "Other Use" (more than		No	
23.141	Division 23-4D-3 Residential Mult-Unit Zones		АН							Compatibility	No	No	23-4D-3050	"Option 1: Eliminate compatibility setback within 1/10 of a mile of an Imagine Austin corridor or Core Transit Corridor."	Multiple pages: 4D-2 pg. 91	No	
23.142	Division 23-4D-3 Residential Mult-Unit Zones	×	АН									No	23-4D-3050	Require R-Zone Table (D) (1) Primary and Accessory Building and Table	Small RM tracts under RM1A/RM1B would still be undevelopable under CodeNEXT		Support removal of compatibility setbacks but height would need
			ш							Multi-Family	No			(E) (2) Height Encroachment to apply in lieu of compatibility restrictions.	like they are today due to compatiblity. Maintains current code standards and provides flexibility to increase unit capacity while maintaining neighborhood		further discussion.
		х	ш												character and scale.		
23.143	Division 23-4D-3 Residential Mult-Unit Zones		AH									No	23-4D-3050	"Option 1: Eliminate compatibility setback, consider changing landscape buffer to semi-opaque. Option 2:	Compatibility is one of the key drivers of the reduction of housing yield.		Option 1 not reccommended. Option 2, reducing setback to 15' and requiring more intense buffer, open to discussion (Option 2.2).
			ш											Eliminate additional setback if Intermittent Visual Obstruction Buffer (20 ft) is kept			
			ш							Multi-Family	No			2. Reduce landscape buffer height to 23-4E-4100 (Semi Opaque Buffer,			
			ш											6 ft) and reduce setback to 15 feet on side and rear  3. Eliminate additional setbacks and just have Semi-Opaque Buffer			
			ш											4. Change which residential house scale zones trigger compatibility - ie R4A & R4B with MF allowed should not trigger compatibility for other			
22.444	Division 23-4D-3 Residential Mult-Unit Zones	х				+						No.	22 40 2050	MF"	Multiple control 2 and 40	No	
23.144	Division 25-40-5 Residential Multi-Unit Zones		<b>x</b>									No	23-4D-3050	Eliminate compatibility setback within 1/10 of a mile of an Imagine Austin corridor or Core Transit Corridor when an affordable housing	Multiple pages: 4D-2 pg. 91	No	
			ш											bonus program is sought.			
			ш							Compatibility	No						
			ш														
			ш														
23.145	Division 23-4D-3 3050 - 3090; RM1A-RM5B	х	ш			+		TC					2050 2410 DM44	(a) Whose a postion of a building is access an allow less than 20 feet in	Cimplify compatibility requirements. Desulted from 7AD/DC Compatability working	Vos	Ctaff supports massurement from triggering expects line
23.145	DIVISIUII 25-40-5 3030 - 3030, RIVITA-RIVISB		ш					13					3050 - 3110; RM1A- RM3B; Table 23-4D-	width-from a property zoned Residential House-Scale; or is adjacent to	Simplify compatibility requirements. Resulted from ZAP/PC Compatability working group.		Staff supports measurement from triggering property line. Reccommend 30 ft instead of 25 ft.
			ш							Compatibility Setbacks	NO		XXXX(B)(3)(a)	a property zoned Residential House-Scale. Then, all structures shall be set back at least 25 feet from a triggering property. minimum setbacks			
			ш											shall be provided along the alley or shared lot line that comply with subsections (b) and (c).			
23.146	Division 23-4D-3 3050 - 3090; RM1A-RM5B	×	Н			+++	+	TS					3050 - 3110; RM1A-		Simplify compatibility requirements. Need to renumber (3)(c ). Simplify	No	
			ш							Compatibility Setbacks	NO		RM3B; Table 23-4D- XXXX(B)(3)(b)		compatibility requirements. Resulted from ZAP/PC Compatability working group.		
		x				$\perp \perp \mid$				Jewacks							
23.147	Division 23-4D-3 3050 - 3090; RM1A-RM5B							TS		Common and			3050 - 3090; RM1A- RM3B; Table 23-4D-	DELETE: Common Open Space and Civic Open Space	Common and Civic Open Space requirements are not correct in Table and are addressed throroughly in 23-4C-1 and 23-4C-2 with previous revisions	No	See adenddum
										Civic Open Space	NO		XXXX(G), (H) or (I)		recommended.		
23.148	Division 23-4D-3 Parking and Loading	×	GA			$\dagger \dagger \dagger$						no	Section 23-4E-3060 A	(2) Minimum off-street parking requirements shall be further reduced	Same language appears in current code but was dropped from latest draft.	No	Removed intentionally.
										Parking	No			as follows: (a) One space for each on-street parking space located adjacent to the site on a public street, including spaces on Internal			
22.442	Division 32 4D 4 Darkins and Londing	х			$\perp \! \! \perp$	+ + +	$\perp \downarrow \downarrow$						0	Circulation Routes that meet public street standards.		No	Positive district would be set to the set of
23.149	Division 23-4D-4 Parking and Loading		GA							Double	No	no	Section 23-4E-3060 A		generally be available when need. The council approvled this language on first	NO	Parking districts would best implement this reduction.
										Parking	INO			distance to the nearest principal entrance of the site.	reading on 12/11/14 (Resolution 20131024-058)		
		1 1 X						1 1									

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HAPTER	N Si O N	DESIRED PROPOSED									REQ. ADD'L STAFF						
ART	VIQ ##	CHANGES TO D3	-	IN	IITIATED B	Y COMMSS	SIONER	E	X OFFICIO	TOPIC AREA	FEEDBACK	AI	MENDMENT TYPE	SUBSTITUTE LANGUAGE	COMMISSIONER NOTES		
			Į		_	~	z	l,	- 4							YES/NEUTRAL	
			DERSO	<b>₽</b> = ₹	INY GRAW CKOLS	VER IISSLEI	EH SMPS(	ITE W	NDOZ							/NO	
23,150	Division 23-4D-3 Residential Mult-Unit Zones		Ā	₹ <u>₹</u> ₹	N N N	<u> </u>	<del>┇</del> ┋┋	¥ /HS				GENERAL No	SPECIFIC SECTION 23-4D-3070	Either, eliminate setback, eliminate landscape buffer, or eliminate	In this zone the height is limited to 40 feet and there is a 20 tall landscape buffer,	No	STAFF RESPONSE
23.130	Sission S & S Residential man Cine Edites			An						Multi-Family	No	NO	23-40-3070	stepback. It's the combination that makes no sense. These clauses need to be looked at together.	so limiting the building to 2 stories or less than the buffer makes no sense, especially since the height is limited to 2 stories for 25 feet from property line but the setback is 20 ft from side lot and 30 from rear, so you can't even use that.		
23.151	Division 23-4D-3 Residential Mult-Unit Zones			АН						Multi-Family	No	No	23-4D-3070	Either, eliminate setback, eliminate landscape buffer, or eliminate stepback. It's the combination that makes no sense. These clauses need to be looked at together.	Max height is 40 feet, yet limited to 35 feet until 50 feet from property line and then up to 40. Seems silly given that you can probably get three stories in 35 feet and there is a 20 foot buffer. This is only 5 feet higher than the adjacent SF.	No	
23.152	Division 23-4D-3 Residential Mult-Unit Zones	*		АН						Multi-Family	No	No	23-4D-3070	Either, eliminate setback, eliminate landscape buffer, or eliminate stepback. It's the combination that makes no sense. These clauses	Same issue of previous section as the graduated height went up to 100 feet from property line. APplicable to RM2B, RM3A, MU3A&B, MU4A, MS3A, MS3B.	No	
23.153	Division 23-4D-3 Residential Mult-Unit Zones	×		АН						Multi-Family	No	No	23-4D-3070	need to be looked at together.  Either, eliminate setback, eliminate landscape buffer, or eliminate stepback. It's the combination that makes no sense. These clauses need to be looked at together.	Same issue of previous section as the graduated height went up to 50 feet from property line for both MU2A&B and MS2A-C.	No	
23.154	Division 23-4D-3 3050 - 3090; RM1A-RM5B	x						TS		RM2A, RM2B, RM3A, RM4A, and RM5A Compatibility	NO		3070 - 3110; RM2A- RM5A; Table 23-4D- XXXXX- Height (4)	RELOCATE AND MODIFY: Table 23-4D-XXXX ()- Height (4) Compatibility Height Stepback to new 23-4E-6 Compatibility	Consolidate compatibility requirements. Simplify compatibility requirements.  Resulted from ZAP/PC Compatability working group.	No	Staff supports information within each zone.
23.155	Division 23-4D-4 Mixed-Use Zones	×								Height Stepbacks			Compatibility Height Stepback				UTC: Exempt fromComp Std w/in 1/4 mile of transit/IA cooridors
23.156	Division 23-4D4 Mixed-Use Zones		+	EV					+++				23-4D-4 All MU Zones	Jacrosco quarell height maximume in all MS zonos:	In order to properly absorb density along our corridors, we must increase overall	No	ore. Exempt from complication by the control of the state
23.130	Shiston 23 40 4 mixed ose Lones	x								Corridor and Centers	No		23-40-4 All MU Zones	Increase overall height maximums in all MS zones: MU1A, MU1B: 32' to 52' MU1C, MU1D, MU2A: 45' to 65' MU2B, MU3A, MU3B: 60' to 80' MU4A, MU4B: 60' to 80', 120' with AHBP Bonus MU5A: 100'	height maximums in proposed corridor and center zoning types	NO	
23.157				C	СК					Adjust compability and height for MU1	No	No	MU1A-MU1D	The setback when adjacent to an R zone property is changed to 10 ft for all MU zones. The height is restored to 40'. Stepback heights 10'-20' from lot line are 25', 20'-25' from lot line is 35', and full height is allowed at 30'.	This restores compatibility to more closely mimic a legal single family home next door, restores the entitled height under current zoning, and removes articulation requirements from walls hidden behind a required vegetative screen.	Yes/No	Support reducing setback in MU1A/B which have the same height restrictions as Rzones. In MU1C/D, open to reducing side setbacks.
23.158	Division 23-4D-4 4030 - Allowed Uses and Permitting Requirements	x						TS		Uses	NO		Table 23-4D-4030(A)		ADDENDA: Added Townhouses as permitted use to zones MU3, MU4 and MU5		Commentary
23.159	Division 23-4D-4 4030 - Allowed Uses and Permitting Requirements	×						TS		Uses	NO		Table 23-4D-4030(A)	Assess Criteria for permitting requirements within zones for uses: Bars and Nightclubs, Restaurants w/ alcohol sales, and Restaurants w/ Late Night Operations	See Attached Table Rest&Bars to dicuss changes to P, CUP, MUP permitting and Specific to Use Requirements that should be added. Review Attached Adult Entertainment for Adult Uses in MU4B and MU5B zones.		Commentary
23.160	Division 23-4D-4 4030 - Allowed Uses and Permitting Requirements							TS		Bars and Nighclubs, Restaurants Uses	YES		Table 23-4D-4030(A)	Assess Criteria for permitting requirements within zones for uses: Bars and Nightclubs, Restaurants w/ alcohol sales, and Restaurants w/ Late Night Operations	See Attached Table Rest&Bars to dicuss changes to P, CUP, MUP permitting and Specific to Use Requirements that should be added.		Commentary
23.161	Division 23-4D-4 4030 - Allowed Uses and Permitting Requirements							TS		Adult Entertainment	NO		Table 23-4D-4030(A)(6)	Change MU4B and MU5B permitting to CUP only	23-4E-6060 permitted adutl entertainment other than an adult lounge	No	Specific to use standards clarifies when use if P vs. CUP.
23.162	Allowed Uses	х						TW		uses			Table 23-4D-4030 (A)		Allow Senior/ Retirement housing in MU zones; see exhibit Table 23-4D-4030 (A) for more clarity	No	Zones are designed for small buildings.
23.163	Allowed Uses	x						TW		uses			Table 23-4D-4030 (A)	Micro-Brewery/Micro-Distillery/Winery to CUP in MU1B; MU1D MUP IN MU2B	Micro-Brewery/Micro-Distillery/Winery change to CUP & MUP see exhibit Table 23-4D-4030 (A) for more clarity	Neutral	
23.164	Division 23-4D-4 Mixed-Use Zones	x		AH FK						Corridor and Centers	No	No	23-4D-4030 (A)	Allow by right (P) Residential Care Facilities, Senior/Retirement Housing, Work/Live, Library, Museum, or Public Art Gallery, Meeting Facility, Bar/Nightclub, Mobile Food Sales, General Retail Under 5,000 SF, Performance Venue/Theater, Indoor Recreation (all sizes), Cooperative Housing, Group Residential, Manufacured Home, and all sizes of Day Cares to be built within all MU and MS districts.	Permitted uses in MU and MS zones don't seem to have any true methodology governing them.	No	
23.165	Division 23-4D-4 4040 - Parking Requirements	x						TS		Parking	NO		Table 23-4D-4040(A) (4) Office, General (non- medical)	1 per 500 sf <del>after first 2,500 sf</del>	If cars are expected to travel and park related to use, then parking should be provided. ADDENDA has this shown this way.	Yes	Addendum matches suggestion
23.166	Division 23-4D-4 4040 - Parking Requirements	x x						TS		Parking	NO		Table 23-4D-4040(A) (5) Civic and Public Assembly	Public/Private Secondary- 1 space per staff member, plus 1 space for each 3 students enrolled in grades 11 and 12	ADDENDA Changed parking for Public and Private Seconday Schools. Keep at levels in Draft 3.	Yes	Addendum makes parking requirements consistent for schools.
23.167	Division 23-4D-5 Parking and Loading	х	x							Parking	No	no	Table 23-4D-4040 A	Provide a 2500 sf exemption in MU similar to exemption in MS zones.	Encourge small businesses in mixed use areas.	No	MS zones intended for more walkable develpoment.
23.168	Division 23-4D-4 Mixed-Use Zones	x				JSc	Τι			Process	No	No	23-4D-4050 General to Mixed-Use Zones (3)(a)(ii)	of-way without a license agreement <u>, encroachment agreement</u> , or other appropriate legal document.	Agreements to encroach within a public right-of-way may come in several different forms. The recommended language clarifies that any legal document that authorizes the extension of certain features into public right-of-way, providing any appropriate legal document is presented.	Pending	Needs law review
23.169	Division 23-4D-4 Mixed-Use Zones	x				JSc	ΤL			Process	No		23-4D-4060 Mixed-Use 1A (E) Encroachments	Encroachments are not allowed within a right-of-way, public easement, or utility easement <u>, unless a license agreement</u> , encroachment agreement, or other appropriate legal document is in place.	Agreements to encroach within a public right-of-way may come in several different forms. The recommended language clarifies that any legal document that authorizes the extension of certain features into public right-of-way, providing any appropriate legal document is presented.	Pending	Needs law review

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CHAPTER	TITLE	DESIRED PROPOSED CHANGES TO D3		INITIAI	TED BY C	OMMSSIC	ONER	E	X OFFICIO	TOPIC AREA	REQ. ADD'L STAFF FEEDBACK	A	MENDMENT TYPE	SUBSTITUTE LANGUAGE	COMMISSIONER NOTES		
	<u> </u>						7										
			IDERSON	ZI NNY GRAW	CKOLS IVER	HISSLER EGER	IEH OMPSOI	AW RKARDT	INDOZA ICH							YES/NEUTRAL /NO	
23.170	Division 23-4D-4 4060-4160; MU1A - MU5A		A H	Z Z		3 3 3	<u>₹</u>	<u>≯ ₹ a</u>		Compatibility Setbacks	NO	GENERAL	SPECIFIC SECTION  4060 - 4160; MU1A- MU5A; Table 23-4D- XXXX(B)(3)(a)	width-from a property zoned Residential House-Scale; or is adjacent to a property zoned Residential House-Scale.—Then, all structures shall be set back at least 25 feet from a triggering property. minimum setbacks- shall be provided along the alley or shared lot line that comply with		No	see above
23.171	Division 23-4D-4 4060-4160; MU1A - MU5A	x	П					TS		Compatibility Setbacks	NO		4060 - 4160; MU1A- MU5A; Table 23-4D- XXXX(B)(3)(b)	subsections (b) and (c).  DELETE: Table 23-4D-XXXX(B)(3)(b) Compatibility Standards	Simplify compatibility requirements. Need to renumber (3)(c ). Simplify compatibility requirements. Resulted from ZAP/PC Compatability working group.	No	see above
23.172	Division 23-4D-4 4060-4160; MU1A - MU5A	X						TS		MU2A, MU2B, MU3A,MU3B, MU4A, MU4B, MU5A Compatibility Height Stepbacks	NO		4100 - 4160; MU2A- MU5A; Table 23-4D- XXXX(D)(2)	RELOCATE AND MODIFY: Table 23-4D-XXXX ()- Height (4) Compatibility Height Stepback to new 23-4E-6 Compatibility	Consolidate compatibility requirements. Simplify compatibility requirements.  Resulted from ZAP/PC Compatability working group.	No	see above
23.173	Division 23-4D-4 Mixed-Use Zones	×	П	СК						Add Microbrewery and Live Music Venue as permitted use in all MU zones	No	No	All sections	Expands the allowed zones for microbreweries and adds the new live music venue use to all MU zones.	More live music and brewpubs throughout the city.	No	
23.174		x	П	СК						Adjust compability for MU1	No	No	MU1A-MU1D	Adjust the setbacks and compatibility in all MU1 to mimic R zones; adjust height back to 40', remove articulation when behind a vegetative buffer.	Draft 3 breaks MU1 as a viable zone. This would restore it.	Yes/No	Support reducing setback in MU1A/B which have the same height restrictions as Rzones. In MU1C/D, open to reducing side setbacks.
23.175	Division 23-4D-5 Main Street Zones																UTC: Exempt fromComp Std w/in 1/4 mile of transit/IA cooridors
23.176	Division 23-4D-5 Main Street Zones		П	FK						Corridor and Centers	No		23-4D-5 All MS Zones	Eliminate building articulation requirements. E.g. Table 23-4D-5060(C)(2)	Main street buildings are universally placed side-by-side and take up the entire property width to create an active pedestrian experience. Articulation should be eliminated in all MS zones.	No	Articulation requirements were calibrate for the Main Street zones
23.177	Division 23-4D-5 Main Street Zones	x		FK						Corridor and Centers	No		23-4D-5 All MS Zones	Example: Table 23-4D-5060(C) Building Form  1) Setback(Distance from ROW / Lot Line) [Maximum and minimum front setbacks should be 0']	MS setback requirements currently range from 5-10°. As every foot counts in a pedestrian environment, all MS setbacks should be 0°, in line with near universal practice around the world.	No	5' is the minimum required from the utility departments. The intent is still for buildings to be placed at the back of sidewalks
23.178	Division 23-4D-5 Main Street Zones	×		FK						Corridor and Centers	No		23-4D-5 All MS Zones	Increase overall height maximums in all MS zones: MS1A, MS1B: 35' to 55' MS2A, MS2B, MS2C: 45' to 65' MS3A, MS3B: 60' to 80', 120' with AHBP Bonus	In order to properly absorb density along our corridors, we must increase overall height maximums in proposed corridor and center zoning types	No	The proposed heights would go against the intent of the MS1 and MS2 zones. If there is a desire for a taller MS zone district this is a possibility.
23.179			П	СК						Adjust compability and height for MS1	No	No	All MS1 zones	The setback when adjacent to an R zone property is changed to 10 ft for all MU zones. The height is restored to 40'. Stepback heights 10'-20' from lot line are 25', 20'-25' from lot line is 35', and full height is allowed at 30'.	This restores compatibility to more closely mimic a legal single family home next door, restores the entitled height under current zoning, and removes articulation requirements from walls hidden behind a required vegetative screen.	No	
23.180		x		СК						Create MS3C, MS4A, and MS5A zones	Yes	No	New sections	Create new MS3C, MS4A, and MS5A zones with 60' of base height bonuses 180' of height, 275', and uncapped, respectfully, with bonus IC/BC of 95/90, uncapped units, and uncapped FAR.	If the CC zone is going to be restricted to downtown, we need MS zoning that goes very high as an option for mapping.	?	Proposed MS zones with taller heights should be limited to IA centers, alternative would be to allow UC in all Imagine Austin centers, noit just Imagien Austin regional centers
23.181	Division 23-4D-5 Main Street Zones		АН							Corridor and Centers	No	No	23-4D-5 All MS Zones	E.g. Table 23-4D-5060(C)(2)	On every main street in the world, main street buildings are placed side-by-side and expand to the entire envelope of the lot, creating an active pedestrian experience. This is best practice. As such, articulation should be eliminated in all MS zones.	No	
23.182	Division 23-4D-5 Main Street Zones	Ŷ	АН							Corridor and Centers	No	No	23-4D-5 All MS Zones		MS setback requirements currently range from 5-10'. As every foot counts in a pedestrian environment, all MS setbacks should be 0', in line with near universal practice around the world.	No	5' is the minimum required from the utility departments. The intent is still for buildings to be placed at the back of sidewalks
23.183	Division 23-4D-5 Main Street Zones	x		FK						Corridor and Centers	No		23-4D-5030	Allow by right (P) Residential Care Facilities, Senior/Retirement Housing, Work/Live, Library, Museum, or Public Art Gallery, Meeting Facility, Bar/Nightclub, Mobile Food Sales, General Retail Under 5,000 SF, Performance Venue/Theater, Indoor Recreation (all sizes), Cooperative Housing, Group Residential, Manufacured Home, and all sizes of Day Cares to be built within all MU and MS districts.	Permitted uses in MU and MS zones don't seem to have any true methodology governing them.	No	Uses in MS zones stagger based on integrating Cos
23.184	Division 23-4D-5 Main Street Zones	x				PS				Parking All Zones except RC			23-4D-2040, 23-4D-3040, 23-4D-404023-4D-5040 Parking		Reduced parking citywide will create safety and welfare problems. Applying a citywide rule will damage our neighborhoods and the areas surrounding public/private schools. The neighborhood's welfare damage is from no parking requirements for the first 2,500 sq. ft. adjacent to Main Street uses. AISD has repeatedly requested COA to reinstate Chapter 25 parking requirements around schools for the safety of children. A one-size parking scheme does not work in residential areas outside the City Core with no alternative transportation modes just automobiles. Reevaluate parking requirements.	No	
23.185	allowable uses	x						TW		uses			23-4D-5030(A)	Level 1 Night club & Restaurant w/alcohol sales CUP in MS1B; MS2B; MS2C	see exhibit Table 23-4D-5030 (A) for more clarity	Neutral	
23.186	allowable uses	x						TW		uses			23-4D-5030(A)	Micro-Brewery/Micro-Distillery/Winery CUP in MS1B; MUP in MS2B; MS2C	see exhibit Table 23-4D-5030 (A) for more clarity	Neutral	
23.187	allowable uses	x	LT		$\prod$			TW		uses			23-4D-5030(A)	General Retail>5000 & <10,000 & w/onsite production MUP in MS1B; MS2B; MS2C	see exhibit Table 23-4D-5030 (A) for more clarity	Neutral	
23.188	allowable uses	x						TW		uses			23-4D-5030(A)	Outdoor Formal CUP in MS1A; MS1B; MS2A MS2B; MS2C	Outdoor Formal includes shooting ranges, paintball courses, batting cages etc. see exhibit Table 23-40-5030 (A) for more clarity	Neutral	

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CHAPTER	DIVISION	DESIRED PROPOSED CHANGES TO D3		INITI	ATED BY	COMMSS	IONER	E	( OFFICIO	TOPIC AREA	REQ. ADD'L STAFF FEEDBACK	Al	MENDMENT TYPE	SUBSTITUTE LANGUAGE	COMMISSIONER NOTES		
			NO		× s	æ	NOS	T	ZA							YES/NEUTRAL	
			ANDERS	(AZI (EN NY	MCGRA	OLIVER SCHISSL SEFGER	SHIEH	WHITE SHAW	MENDO			GENERAL	SPECIFIC SECTION			/NO	STAFF RESPONSE
23.189	allowable uses							TW		uses			23-4D-5030(A)	Community Agriculture P in MS1A; MS1B; MS2A MS2B; MS2C	I understand having a MUP for the higher intensity MS zones but why would we discourage a community garden if that's what the owners feel is appropriate for the site; see exhibit Table 23-40-5030 (A) for more clarity	Neutral	
23.190			GA											The parking requirements for MS zones include a 2,500sf exemption for most uses. (Table 23-4D-5040(A), Parking requirements for MS1A–MS3B.)	Solution: Incorporate the 2500sf exemption for MS into MU zones.	No	
		x	ı							Parking Reqs	No			The parking requirements for Mixed Use zones do not, except for offices. (Table 23-4D-4040(A) Off-street Parking Requirements for Mixed-Use Zones.)			
23.191	5030 - Allowed Uses and Permitting Requirements							TS		Bars and Nighclubs, Restaurants Uses	YES		Table 23-4D-5030(A)	Assess Criteria for permitting requirements within zones for uses: Bars and Nightclubs, Restaurants w/ alcohol sales, and Restaurants w/ Late Night Operations	See Attached Table Rest&Bars to dicuss changes to P, CUP, MUP permitting and Specific to Use Requirements that should be added.	3	
23.192	5040 - Parking Requirements							TS		Parking	NO		Table 23-4D-5040(A)	For (3) Services-Other Allowed Uses, (4) Office-Office General (non-medical), (5) Civic and Public Assembly -Library, Museum, or Public Gallery, (6) Bars and Nightclubs, (7) Retail, (8) Entertainment and Recreation - add parking requirements back for first 2,500 SF; 1 per 500 SF after first 2,500 SF, none-required if <2,500 SF	If cars are expected to travel and park related to use, then parking should be provided. ADDENDA has others that will need to be altered.	No	
A.23.192.1	Parking Requirements	x						TW		Parking			23-4D-5040 (D)	(D) Parking Buffer. A 200' parking buffer is required when adjacent to R & RM zones	See exhibit Conditional Uses Permits	Neutral	Addressed by PC Motion 23.28
23.193	5060-5120; MS1A-MS3B							TS		Compatibility Setbacks	NO		5060 - 5120; M51A- M53B; Table 23-4D- XXXX(B)(3)(a)	(a) Where a portion of a building is across an alley less than 20 feet in width from a property zoned Residential House-Scale; or is adjacent to a property zoned Residential House-Scale. Then, all structures shall be set back at least 25 feet from a triggering property. minimum setbacks shall be provided along the alley or shared lot line that comply with subsections (b) and (c).		No	see aboive
23.194	5060-5120; MS1A-MS3B							TS		Compatibility Setbacks	NO		5060 - 5120; MS1A- MS3B; Table 23-4D- XXXX(B)(3)(b)	DELETE: Table 23-4D-XXXX(B)(3)(b) Compatibility Standards	Simplify compatibility requirements. Need to renumber (3)(c ). Simplify compatibility requirements. Resulted from ZAP/PC Compatability working group.	No	
23.195	5060-5120; MS1A-MS3B							TS		Common and Civic Open Space	NO		5060 - 5120; MS1A- MS3B; Table 23-4D- XXXX(I)	DELETE: Common Open Space and Civic Open Space	Common and Civic Open Space requirements are not correct in Table and are addressed throroughly in 23-4C-1 and 23-4C-2 with previous revisions recommended.	No	see above
23.196	5060-5120; MS1A-MS3B	X						TS		MS2, MS3 Compatibility Height Stepbacks	NO		5080 - 5120; MS2A, MS2B, MS3A, MS3B; Table 23-4D-XXXX(D)(2)		Consolidate compatibility requirements. Simplify compatibility requirements. Resulted from ZAP/PC Compatability working group.	No	
23.197	Division 23-4D-5 Main Street Zones	×	АН	1						Corridor and Centers	No	No	23-4D-5080/90 (B)(D)	"For each of the sections (a), strike Residential House Scale and add in R1, R2, and R3 into text instead."	Allow missing middle transition zones that don't trigger compatibility corridors.	?	
23.198	Division 23-4D-5 Main Street Zones	x		СК						Add Microbrewery and Live Music Venue as permitted use in all MS zones	No	No	All sections	Expands the allowed zones for microbreweries and adds the new live music venue use to all MU zones.	More live music and brewpubs throughout the city.	No	
23.199		x		СК						Adjust compability for MS1	No		All MS1 zones	Adjust the setbacks and compatibility in all MS1 to mimic R zones; adjust height back to 40', remove articulation when behind a vegetative buffer.	Draft 3 breaks MS1 as a viable zone. This would restore it.	No	
23.200	Division 23-4D-6 Regional Center Zones	x x		СК						Create MS3C, MS4A, and MS5A zones	Yes	No	New sections	Create new MS3C, MS4A, and MS5A zones with 60' of base height and increasing bonus height to 275'.	If the CC zone is going to be restricted to downtown, we need MS zoning that goes very high as an option for mapping.	,	Proposed MS zones with taller heights should be limited to IA centers, alternative would be to allow UC in all Imagine Austin centers, noit just Imagien Austin regional centers  Dtwn Comm: 6070(A)(2) Allow Transitional Housuing Supportive
																	housing as permitted uses, 6050(B) 0" setbacks, 6050(B) allow 100% IC, Increase DC FAR to 12:1 and 6080 2-Star Grn Bldg min.
23.202	Division 23-4D-6 Regional Center Zones	x	GA							Parking Reqs	No		Division 23-4D-6	parking.  (B) Decoupling required for residential leases. In a multi-unit dwelling, a parking space must be leased separately from a dwelling unit.	Decoupling in UNO already exists. Helps to allow folks who don't need a car to go without parking. Seattle just passed a similar law city wide where apartments with 10 or more units are required to decouple	Yes	ATD is supportive of such a motion
23.206	23-4D-6 Regional Center Zones				КМ				$\coprod$	Downtown			23-4D-6000	Maintain all provisions of the Downtown Plan as it relates to the Judges HIII District	This adopted plan should be respected.	Yes	Draft 3 implements the Downtown Plan

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A-23.206.1		x						TW .		design standards	х	X		Revise CC zones to allow 100% impervious cover and remove minimum setbacks.	Revise the zoning map to rezone many of the downtown CC120 sites to DC, especially those along the Waller Creek corridor and north and east of the Capitol. Many of these sites are already limited by Capitol View Corridors and other overlays, and should not be subject to additional height restrictions that limit downtown density. Revise CC zones to allow 100% impervious cover and remove minimum setbacks. The new CC zoning is intended to carry forward the entitlements of current DMU zoning. However, CC reduces impervious cover maximums to 95% and requires minimum building setbacks of at least 5ft. DMU allows for 100% impervious cover and no building setbacks.		The mapping is following the Downtown Plan. This change would require an amendment to the Downtown Plan. However, staff would support the change to 100% impervious cover for CC zones. Staff does not support removal of 5' setback due to utility infastructure/ conflicts.
A-23.206.2	СС	x						TW		design standards		х		Revise CC zones to allow exceptions for small sites downtown.	Create exceptions for small sites downtown. DC and CC zones are required to have a minimum of 60% (or 75% on designated streets per the Downtown Plan Overlay Zone) of their street frontage in approved active commercial or civic uses. Active frontage requirements are very difficult to achieve on small sites due to the amount of space taken up by parking and loading access, utilities and egress. If the intent is to provide more active pedestrian frontage, consider reducing the amount of required frontage, creating an exception for small sites, or allowing building support spaces (AE vault, fire pump, etc.) to be located directly on the ROW.		Staff would support with an amendment to the Downtown Plan to accomodate for small sites under a quarter of a block.
A-23.206.3	сс	x						TW		design standards		х		Revise CC zones to increase heights & FAR.	Increase CC sub-zone height limits and FAR maximums to better match or exceed allowable density under existing code. Consider adjusting height limits to better accommodate common floor-to-floor heights: 40ft to 50ft (4 floors); 60ft to 75ft (6 floors), 80ft to 90ft. Height limits proposed do not align with common building heights based on standard floor-to-floor heights plus taller retail spaces on first floor. Regulating maximum number of floors may be more flexible to limiting building height without penalizing buildings providing generous floor-to-floor heights	Neutral	Staff would support with an amendment to the Downtown Plan.
23.207	6030 - Allowed Uses and Permitting Requirements	x						TS		Bars/Restauran ts	NO		Table 23-4D-6030(A)(6)	Assess Criteria for permitting requirements within zones for uses: Bars and Nightclubs, Restaurants w/ alcohol sales, and Restaurants w/ Late Night Operations	See Attached Table Rest&Bars to dicuss changes to P, CUP, MUP permitting and Specific to Use Requirements that should be added.	?	
23.208	Division 23-4D-6 6030 - Allowed Uses and Permitting Requirements							TS		Adult Entertainment	NO		Table 23-4D-6030(A)(8)	Change CC and DC permitting to CUP only	23-4E-6060 permitted (P) adult entertainment other than an adult lounge	No	Specific to Use clarifies P and CUP
23.209	Division 23-4D-6 6030 - Allowed Uses and Permitting Requirements							TS		Adult Entertainment	NO		Table 23-4D-6030(A)(8)	Change IF, IG, and IH permitting to CUP	23-4E-6060 permitted (P) adult entertainment other than an adult lounge	No	Specific to Use clarifies P and CUP
23.203	Division 23-4E-5 Specific to Use	x	x							ADUs	No		Section 23-4D-6030	After "Max 550 sf on a second floor," add "unless located within the primary structure."	Size limited was intened to promote accessibility in new, exterior buildings, not to excisting homes. This change would allow homeowners to remain downtstairs in tehir homes and rent out upstairs to provide for aging in place options.	Yes	
23.204	Division 23-4D-6 Regional Center Zones	x				JSc				Downtown	YES		23-4D-6030 Allowed Uses and Permit Requirements	Clarify if parking facility is a defined term in the code and provide the definition. It is not defined in Article 23-3M Definitions and Measurements. Parking facility should not include surface parking lots.	At Table (A)(11) Automobile Related, Parking Facility is listed as an allowed use by Conditional Use Permit. However, as referenced in (A)(2), the term parking facility is not defined in Article 23-3M Definitions and Measurements. Consider prohibiting surface parking lots as an allowed use in the Regional Center Zones.		Parking Facility is defined in 23-3M page 13A-2 pg. 10. Do not recommend changing definition
23.205	Division 23-4D-6 Regional Center Zones	x				JSc				Downtown			23-4D-6040 Parking Requirements	At (e): Increase driveway width maximum to 30' to allow for 3 lanes of traffic flow.	Limiting driveways to 25 feet in width will be difficult to achieve on projects that require three parking access lanes and/or on projects which combine loading with their driveway access points. Consider increasing driveway width maximum to 30'.	Neutral	Alternative is to allow up to 30 feet in particular situations but not all.
23.210	Division 23-4D-6 6040 - Parking Requirements							TS		Parking	NO		Table 23-4D-6040(A)		No parking required. Isn't this where we would want parking maximums?	No	If we create a maximum then we need to state a clear maximum, pick a number or reference other zones like main street
23.212	Division 23-4D-6	x				P	s			Parking			23-4D-6040		Retain no parking requirements in RC zones	N/A	comment
23.213	Division 23-4D-6 23-4D-6060(A) Lot Size and Intensity	x	GA	FK		JSc				Downtown	NO		23-4D-6060(A)		exceed allowable density under existing code. There are lots in the Northwest district of downtown, designated as CC-40 and CC-60 with FAR limitations of 1.0 and 2.0 respectively, that are not eligible for density bonuses. Consider applying the principles of the Downtown Austin Plan for this area: maintain compatibility with the two and three-story pattern of development. Also in the Downtown Austin Plan is a stated goal of Northwest District to incentivize housing over office/commercial. In reviewing sites in this area, it is apparent that allowing max FAR of 5:1 for all CC zones would make residential a more viable use, and removing the density bonus exemption could result in more affordable housing. Consider increasing the maximum density on these sites as part of an expanded density bonus, while maintaining the height limits that promote compatibility. It is recognized that a separate planning effort may be necessary for the consideration of these changes.		Will need discussion about the effects on potential density bonus ramifications
23.214	Division 23-4D-6 Regional Center Zones	x				JSc				Downtown	YES		23-4D-6060(B): Overview (2)	Clarify the contradictions between Overview (2) and Table 23-40-6060(B) Note 1 and the paragraph above it about ROW and utility easements.	(2) conflicts with Table 23-4D-6060(B) Note 1 and the paragraph above it about ROW and utility easements.	No	23-4D-6060(B) refers to compatibilty setbacks

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			ANDERSON HART	CAZI CENNY MCGRAW	NUCKOLS DLIVER SCHISSLER	SEEGER SHIEH THOMPSON	WHITE SHAW	3URKARDT MENDOZA TEICH			GENERAL SPECIFIC SECTIC			YES/NEUTRAL /NO	STAFF RESPONSE
23.215	Division 23-4D-6 23-4D-6060(B) Building Placement	x	GA						Downtown	NO	23-4D-6060(B)	Remove all minimum setbacks for all CC zones. Clarify reference to easements. Note 1 section referenced is Industrial Flex Zones and mus be incorrect.	The CC zone establishes a minimum setback of 5 feet on all sites, but the map in the Downtown Plan Overlay Zone described (22-40-9080 as taken directly from the Downtown Austin Plan) has many streets with 0' setbacks. To simplify and clarify, consider removing the 5-foot minimum setback. This setback can create a significant impediment to development on small sites and does not allow downtown to achieve the density needed for regional centers, as stated in Imagine Austin. DMU zoning, which CC is meant to replace in the new code, does not require any setbacks. Therefore, this new regulation is effectively downzoning (reducing entitlements) as compared to the existing code. Also, Regarding "Additional setback and/or easement may be required where street right of way or utilities easement is required" - where is this addressed in the code? And, at Note 1: section referenced is Industrial Flex Zones and must be incorrect.	Yes	Clarification regarding setbacks in CC zones and Downtown Plan Overlay have been addressed in the addendum.
23.216	Division 23-4D-6 Regional Center Zones	x	GA		JSc				Downtown		23-4D-6060(C) Sub- Zones	CC subzones should allow for these height maximums: Replace CC40 with CC50; Replace CC60 with CC75; Replace CC80 with CC90.	Consider adjusting height limits to better accommodate common floor-to-floor heights. Consider adjusting 40' to 50' (4 floors); 60' to 75' (6 floors), 80' to 90'. Or, consider providing a height limit OR a floor limit. Height limits proposed do not align with common building heights based on standard floor-to-floor heights plus taller retail spaces on first floor. Providing maximum number of floors may be more flexible to limiting building height without penalizing buildings providing generous floor-to-floor heights.	Neutral	Will require a recalibration of the downtownd density bonus program and a change to the DAP.
23.217	Division 23-4D-6 Regional Center Zones	x	GA		JSc				Downtown		23-4D-6060(D) Heig (1) All Buildings	At (1) All Buildings: Replace CC40 with CC50 (50' overall max height); Replace CC60 with CC75 (75' overall max height); Replace CC80 with CC90 (90' overall max height).	At All Buildings: Consider adjusting height limits to better accommodate common floor-to-floor heights. Consider adjusting 40' to 50' (4 floors); 60' to 75' (6 floors), 80' to 90'. Or, consider providing a height limit OR a floor limit. Height limits proposed do not align with common building heights based on standard floor-to-floor heights plus taller retail spaces on first floor. Providing maximum number of floors may be more flexible to limiting building height without penalizing buildings providing generous floor-to-floor heights.	Neutral	Will require a recalibration of the downtownd density bonus program and a change to the DAP.
23.218	Division 23-4D-6 Regional Center Zones	x	Ш		JSc				Downtown		23-4D-6060(E) Encroachments	Provide reference to the section that describes the process for "Encroachments within a right-of-way, public easement, or utility easement require a license agreement or encroachment agreement."		No	Process for license agreement resides outside of the LDC.
23.220	Division 23-4D-6 Regional Center Zones	×	GA		JSc				Downtown		23-4D-6060(G): Frontages	Create exception for <1/2 block sites. Either significantly reduce the % gross frontage requirement or change requirement to "net" frontage or only require one block face of the site to comply. Or remove requirement in CC base zone and allow for a district planning process to dictate which streets and which uses are appropriate. And reduce requirements for many building support spaces (AE vault, fire pump, etc.) that must be located directly on ROW.	This requirement (in DC and CC zones and in the Downtown Plan Overlay Zone) is only appropriate for full-block sites. Many, if not most downtown sites, will be unable to comply with the frontage requirements unless all building lobbies are allowed to count towards Commercial Group A compliance. It too restrictive and prescriptive to allow viable development on <1/2 block sites and should be eliminated or relaxed. There is confusion with the frontage requirements.	Neutral	staff would support a motion to reduce maximum for smaller sites
23.221	Division 23-4D-6 Regional Center Zones		АН						Corridor and Centers	No	No 23-4D-6060 (G)	"Table G: For commercial buildings greater than or equal to one-half block width:  Except for building support spaces (including as Austin Energy vault, fire pump), entries must be oriented to the street and located at sidewalk level  No ramps or stairs allowed within public right- of-way or front setback For commercial buildings less than one-half block width:  The primary entry must be oriented to the street and located at the sidewalk level.  Prior Notes for Clarity: Create exception for <1/2 block sites. Either significantly reduce the % requirement or only require one block face of the site to comply. Or remove requirement in CC base zone and allow for a district planning process to dictate which streets and which uses are appropriate. And reduce requirements for many building		Neutral	staff would support exception
23.222	Division 23-4D-6 Regional Center Zones	x			JSc				Downtown		23-4D-6060(H) Impervious Cover	Increase impervious cover and building cover maximums to 100%.	Bring entitlement back to match existing code	Yes	Staff supports aligning CC with current code IC and BC standards
23.223	Division 23-4D-6 Regional Center Zones	X		FK	JSc				Downtown			Ze Change DC zone FAR max to 12:1.			Will require a recalibration of the downtownd density bonus program and a change to the DAP.
23.224	Division 23-4D-6 Regional Center Zones	x	Ш		JSc				Downtown		23-4D-6080(B) Build Placement	Clarify reference to easements. Note 1 section referenced is Industrial Flex Zones and must be incorrect.	Regarding "Additional setback and/or easement may be required where street right of way or utilities easement is required" - where is this addressed in the code? And, at Note 1: section referenced is Industrial Flex Zones and must be incorrect.	Yes	language referencing IF has been updated to reference the Downtown Overlay 23-4D-9070; full development standards may not be attainable due to the need for additional utility or right of way easements
23.225	Division 23-4D-6 Regional Center Zones	x			JSc				Downtown		23-4D-6080(G): Frontages	Create exception for <1/2 block sites. Either significantly reduce the % gross frontage requirement or change requirement to "net." frontage or only require one block face of the site to comply. Or remove requirement in DC base zone and allow for a district planning process to dictate which streets and which uses are appropriate. And reduce requirements for many building support spaces (AE vault, fire pump, etc.) that must be located directly on ROW. The definition of active commercial uses (Commercial Group A in the Downtown Plan Overlay Zone) needs to be clarified or refined to allow for ground level office of multi-family lobbies. Additionally, revise the requirement that prohibits stairs/ramps in required setbacks to allow them in required		Neutral	see line 23.220
23.226	Division 23-4D-6 Regional Center Zones	х			JSc	$  \   \  ^{-}$			Downtown		23-4D-6080(J) Addir Standards	Add "or at least the minimum level LEED Certification as a substitute for Austin Energy Green Building rating."	Consider allowing LEED certification as a substitute for Austin Energy Green Building rating.	No	Coordination with AE would be required.
23.227	Division 23-4D-6 Regional Center Zones	х			JSc				Downtown		23-4D-6080(K) Additional Compat	Add "except for additional setbacks or height stepbacks."	To better align this with 23-4D-6080(B)(2), add "except for additional setbacks or height stepbacks.	No	Section 23-40-6080(B)(2) has been corrected in the addendum to reflect Downtown Plan Overlay Zone additional setback standards

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23.228	Division 23-4D-7 Commercial and Industrial Zones		¥	1 2 5	<u> </u>	1   N	<u> </u>	> 꿈 됨	≅ ⊭			GENERAL	SPECIFIC SECTION				STAFF RESPONSE -
23.229	Division 23-4D-7 Commercial and Industrial Zones				СК					Breweries	Yes	Yes	Applicable zones	5,000 barrels per year of production. Breweries with more production should be allowed in all industrial zones, but should not have a cap on	This right-sizes brew pubs for the city, but allows breweries to continue to operate without arbitrary production caps that exist in D3.		The staff recommendation of 15,000 barrels for microbreweries falls within national standards for microbreweries/ brewpubs. Large scale breweries are only permitted within the higher intensity industrial zones and are not capped on production
23.230	Division 23-4D-7 Commercial and Industrial Zones	×	-						$\sqcup \sqcup$	-				their production.			
23.231	Division 23-13A-2 Commercial and Industrial Zones, Land Uses (Land Uses), Division 23-40-7 (Commercial and Industrial Zones), Division 23-13A-2 (Land Uses)	Y	GA	d	CK					Breweries and Microbreweries	Yes - if there arey any issues we should be aware of with these changes.		23-4D-7030	it from "Manufacturing and Storage - Restricted" to "Manufacturing and Storage - General".  Table 23-4D-7030(A), "Allowed Uses in Commercial and Industrial Zones," change Manufacturing and Storage - General from not allowed	This addresses a problem in Draft 3 that incorrectly distinguishes between microbreweries and breweries and is then overly prescriptive for microbreweries. The break between microbreweries and production breweries is about 5,000 barrels per year. This amendment changes the break from 15,000 to 5,000. It restores breweries as an allowed use in Industrial Flex, which is where at least one Austin brewery is today but was left out of the zone. It also removes restrictions on micro-breweries with tasting rooms that far exceed bars or restaurants that serve alcohol, and replaces the restrictions with a reference to the city ordinance that governs distance requirements for alcohol sales and restaurants that serve alcohol.	No	See row 23.299
23.232			GA		CK					Breweries and Microbreweries	Yes - if there arey any issues we should be aware of with these changes.		23-4D-7030	(a) Is an allowed use, if the use is at least 540 feet from any single-family residential use, as measured from lot line to lot line; (b) Is a conditional use, if the use is less than 540 feet from any Residential House Scale Zone, as measured from lot line to lot line; and (c) Except as provided in Subsection (B)(2), must not exceed the lesser of 33 percent or 5,000 square feet of the total floor area of the principal developed use. (2) On-site Consumption Area (a) During a tour, on-site consumption is allowed in an area that exceeds the lesser of 33 percent or 5,000 square feet of the total floor area of the principal developed use. (b) If the use is located in Airport Overlay Zones AO-1, AO-2, or AO-3, on-site consumption is allowed in an area that exceeds the lesser of 33 percent or 5,000 square feet of the total floor area of the principal developed use. (3) Increased Square Footage. During the conditional use permit approval process, the Planning Commission or city council may increase the square footage allowed under Subsection (B)(1)(c).	restores breweries as an allowed use in Industrial Flex, which is where at least one Austin brewery is today but was left out of the zone. It also removes restrictions on micro-breweries with tasting rooms that far exceed bars or restaurants that serve alcohol, and replaces the restrictions with a reference to the city ordinance that governs distance requirements for alcohol sales and restaurants that serve alcohol.	No	See row 23.299
23.233	7030 - Allowed Uses and Permitting Requirements							TS		Bars and Nightclubs	NO		Table 23-4D-7030(A)(6)		Bars and Nighclubs not permitted in commercial and industrial zones	N/A	comment
23.234	7040 - Parking Requirements	X						TS		Parking	NO		Table 23-4D-7040(A)	Remove language "after first XXXX SF"	If cars are expected to travel and park related to use, then parking should be provided.	Yes	Removed in addendum.
23.235	7050-7100; CR, CW, IF, IG, IH, RD	x						TS		Compatibility	NO		Table 23-4D-XXXX(D) Height	RELOCATE AND MODIFY: Table 23-4D-XXXX ()- Height (4) Compatibility Height Stepback to new 23-4E-6 Compatibility	Consolidate compatibility requirements. Simplify compatibility requirements. Resulted from ZAP/PC Compatability working group.	No	Staff supports information within each zone.
23.236 23.237	Division 23-4D-8 Other Zones  Division 23-4D-8 Other Zones	x	x							Parking in F-25	No		Division 23-4D-8	(A) Parking.  (1) Except as provided in subsections (A)(2) and (A)(3), the director shall determine the minimum off-street motor vehicle parking requirement and minimum off-street loading requirement for a use allowed in a zone included in this division. In making a determination, the director shall consider the requirements applicable to similar uses, the location and characteristics of the use, and appropriate traffic engineering and planning data.  (2) For a property owned by the City, the off-street parking requirement for each use allowed in a zone is determined by the director.  (3) A property zoned Former Title 25 shall comply with the parking-requirements established in the applicable ordinances and agreements adopted prior to the effective date of this Title. For a property zoned Former Title 25, off-street motor vehicle parking requirements are			Staff is not recommending adding new regulations to F25. However, because current parking regulations are outside of Title 25, staff recommends referencing current parking standards in the F25 Section.

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			ANDE	KAZI	MCGF NUCK OLIVE	SCHIS	SHEH THON	SHAW	MEN	- 1		GENERAL SPECIFIC SECTION				STAFF RESPONSE
23.238	Division 23-4D-8 Other Zones		x									23-4D-8040 (A)(3)		F25 areas should be allowed to get the same parking reductions as Chapter 23	No	Staff is not recommending adding new regulations to F25 as any F25 property has standards already set by F25
			Ш										requirements established in the applicable ordinances and agreements adopted prior to the effective date of this Title. For a property zoned	areas. Otherwise, they will have abiliornially high parking regs		property rias standards arready set by 123
			ш							Parking			Former Title 25, off-street motor vehicle parking requirements are subject to adjustment under section 23-4E-3060, Off-Street Motor			
		<sub>x</sub>	ш										Vehicle Parking Adjustments.			
23.239	Division 23-4D-8 Other Zones		GA									Division 23-4D-8	(A) Parking.		No	See 23.237
			ш										(1) Except as provided in subsections (A)(2) and (A)(3), the director shall determine the minimum off-street motor vehicle parking			
			ш										requirement and minimum off-street loading requirement for a use allowed in a zone included in this division. In making a determination,			
			ш										the director shall consider the requirements applicable to similar uses,			
			ш										the location and characteristics of the use, and appropriate traffic engineering and planning data.			
			ш							Parking in F-25	No		(2) For a property owned by the City, the off-street parking requirement for each use allowed in a zone is determined by the			
			ш										director.			
			ш										(3) A property zoned Former Title 25 shall comply with the parking requirements established in the applicable ordinances and agreements			
			ш										adopted prior to the effective date of this Title. For a property zoned Former Title 25, off-street motor vehicle parking requirements are			
			ш										subject to adjustment under section 23-4E-3060, Off-Street Motor			
	2010	х	Ш										Vehicle Parking Adjustments.			
23.240	Division 23-4D-8 Other Zones		AH			JSc						No 23-4D-8080 (D)(2)(a)	Delete 23-4D-8080 (D)(2)(a): <del>(2) F25 Compatibility Standards.</del>	Use based compatibility can trigger compatibility restrictions long after Council has rezoned a property. This eliminates the desired outcome of rezoning,	No	for the fairness of residential properties in F25 staff supports allowing F25 compatability to exist
			ш							All Zones	No		(a) Properties within the F25 Zone are subject to the compatibility regulations established under former Chapter 25-2, Subchapter C,	especially along corridors.		
			ш										Article 10 (Compatibility), which limit the scale and intensity of			
		x	Ш										development based on the existing use and zoning of adjacent- properties.			
23.241	Division 23-4D-8 Other Zones		x									23-4D-8080 (d)(new)	(A) Purpose and Applicability (1) The purpose of the former title 25 (F25) zone is to incorporate	This brings the language back to what we had in Draft III and was eliminated in the Errata with no reason. F25 is old as stated in Imagine in Austin we need a new	No	for the fairness of residential properties in F25 staff supports allowing F25 compatability to exist
			ш										within the Land Development Code certain specially negotiated	land development code.		
			ш										regulatory ordinances and agreements applicable prior to the effective date of this Title, but which continue to serve important			
			ш										purposes.			
			ш										(D) F25 Rezoning Policy. In order to achieve compliance with current			
			ш							F25	No		regulations of this Title and minimize reliance on prior regulations, the City's preferred policy is to:			
			ш										(1) Rezone properties within the F25 zone to current zones established in this Title and gradually eliminate Plannded Development			
			ш										Agreements (PDAs), Neighborhood Combining and Conservation			
			ш										District (NCCDs); and conditional overlays (COs); and (2) Rezone properties within an F25 Planned Unit Development (PUD)			
			ш										zoning district or an F25 small-area regulating plan by adopting update PUD zoning ordinances and small-area plans consistent with			
			ш										requirements of this Title.			
23.242	Division 23-4D-8 Other Zones				+		IT.			F25	No	23-4D-8080 Yes	Delete all parking requirements from F25	If F25 isn't deleted as recomemnded, at remove parking.	No	Any amendments to F25 would have to be made before adoption of
23.243	Division 23-4D-8 Other Zones		AH	++	+	++	11		+		No	No 23-4D-8080	Delete F25.	"1) No neighborhood should be exempt from affordability bonuses or the policies	No	Title 23 since it is the continuation of Title 25 F25 is used for highly specific regulating plans, PUDs, PDAs, NCCDs
														in CodeNEXT.  2) F25 is clearly inconsistent with Imagine Austin, so designating areas F25 will		and Conditional Overlays (COs). Giving new Title 23 zones to these properties would result in significant changes to entitlements.
										Corridor and Centers	No			open the city to lawsuits challenging F25 zoning. Zoning regulations must be consistent with the comprehensive plan, per state law. F25 was developed prior to		
			ш											the adoption of Imagine Austin so is not permitted.		
23.245		×		СК	++	+++	++	++	+			No In 23-4D-8080 (c)(2)	In 23-4D-8080 (c)(2):	Will cause endless headache and confusion."  This makes clear that it is zoning, not use, in F25 that triggers compatibility on	No	Staff is not recommending adding new regulations to F25 as any F25
												1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1		CodeNEXT zones.		property has standards already set by Title 25
										F25 compatibility	Yes		Replace (C)(2)(c): Properties within the F25 Zone that are zoned RR, LA, SF1, SF2, SF3, or SF4 shall be treated as Residential House-Scale			
										trigger			Zones and trigger the compatibility regulations estaablished in this Title for properties within Zones established in this Title."		l	
23.246	Division 23-4D-2			СК	十十		$\top$					No 23-4D-8080	Add new	The affordable ADU bonus should be available in all residential zoning citywide,	No	Staff is not recommending adding new regulations to F25 as any F25
													(including NCCDs and F25 zones):	including in SF zoning left in place through CodeNEXT. This change would not alter setbacks, height, or other requirements, but only the FAR and unit counts.		property has standards already set by Title 25
													(1) The bonus available as "Citywide Affordable Accessory Dwelling Unit Incentive" available in zone R2C is also available with the same			
										Residential ADU Affordable			terms (regarding allowable FAR and units) in all Single Family zones		l	
										Bonus available in F25 single	No		(SF1-SF6), including within Neighborhood Combining and Conservation Districts, in former chapter 25.		l	
										family zones			(2) The bonus available as "Corridor Transition Affordable Accessory			
													Dwelling Unit Incentive" available in zone R2C is also available with the same terms (regarding allowable FAR and units) in all Single Family			
													zones (SF1-SF6), including within Neighborhood Combining and Conservation Districts, in former chapter 25.		l	
		х											The state of the s			

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			IART AZI EENNY	ACGRAW AUCKOLS AUCKOLS CHISSLER EEGER HIEH HOMPSON WHITE	IURKARDT AENDOZA EICH			GENERAL SPECIFIC SECTION			YES/NEUTRAL /NO	STAFF RESPONSE
23.247	Division 23-4D-8 Other Zones		AH FK	T T T T T T T T T T T T T T T T T T T		All Zones	No	23-4D-8080	"Add new  [E] Regardless of the requirements of the former chapter 25 (including NCCDs and F25 zones):  [1) one ADU that meets the base zoning requirements of R2 is allowed per residential lot that that meets the standards of R2 or greater, including but not limited to, placement, height, impervious cover, FAR, and setbacks;  [2) the minimum lot size is 2,500 square feet; and [3] Parking requirements are determined by the roughly equivalent requirements from this Title, as determined by the Director.	If F25 isn't deleted as recomemnded, at least ADUs and small lots should be allowed as supprted by previous unanimous PC vote	No	Staff is not recommending adding new regulations to F25 as any F25 property has standards already set by Title 25
23.248	Division 23-4D-8 Other Zones	x	AH FK			Public Zoning	No	No 23-4D-8090	(4) The Director of Neighborhood Housing must determine if a roughly equivalent zone has an AHBP that should apply to an F25 zoned  "(A) Purpose. Public (P) zone is intended for areas that are government owned civic, public institutions, or public or affordable housing, indoor or outdoor active recreation uses.  (B) Additional Requirements (1) Residential Uses. if a residential use is for ten or more dwelling units, then a site plan is required, is allowed in Table 23-4D-7040(A), the site development requirements are the same as the most-comparable residential zone.  (2) Non-Residential Uses (a) If the site is less than one acre, the site development requirements of the zone on the adjacent property applies. A property owned by the City is not subject to minimum lot size requirements.  (b) If a site is larger than one acre, then a conditional use permit and site plan are required."		No	Site plan required for 6 or more units (3 or more in some cases) in other zones. Site development requirements need to be defined.
23.249	Division 23-40-8   8110 - Planned Unit Development					PUD		8110 - Planned Unit Development		A) Purpose and Overview section rewritten and is more thorough. C) Added back in requirement for establishing baseline zoning.		EV Comm: 8110(GF) Tier 1 must exceed landscape req., 8100(G)(2)(c) delete if not GSI superior, 8100(G0(2)(m) replace with preserve 75% all native caliper inches.
23.250	Division 23-4D-8 8110 - Planned Unit Development	x		TS		PUD Tier 1		NO (F) Tier One Requirements	INSERT AND RENUMBER: (F)(8) exceed the minimum landscaping requirements of the City Code.	Add back from current code that all PUDs must exceed the minimum lanscaping requirements of the code. Environmental Commission Recommendation.	No	
23.251	Division 23-4D-8 8110 - Planned Unit Development			TS		PUD		NO 8110 (G)(2)(c)	DELETE: (c.) Uses green water quality controls as described in the Environmental Criteria Manual to treat at least 50 percent of the water quality volume required by this Title.	Environmental Commission recommendation. No longer superior compared to CodeNext,	No	
23.252	Division 23-40-8 8110 - Planned Unit Development	х		TS		PUD-Tree Protection		NO 8110 (G)(2)(m )	(m) Preserves all heritage trees; preserves 75 percent of the caliper- inches associated with native protected size trees; and preserves 75 percent of all of the native caliper inches.	Environmental Commission recommendation.	No	
23.253 23.254	Division 23-4D-9 Overlay Zones Division 23-4D-9 Overlay Zones					Downtown		Yes 23-4D-9080	Remove things like exemption from TIA etc from DD and DC zones and	Assuming other regional centers that have less supporting infrastructure than	No	-
	ŕ					Overlay			place in overlay	downtown, put these exemptions here.		
23.255	Division 23-40-9 Overlay Zones	x		JSc		Capitol Dominance Overlay Zone		23-4D-9050	Strike section 23-4D-9050 or make it not effective to the west (Because it impacts a portion of the Guadalupe corridor)	This is overlaps with state law that already regulates protecting Capitol views. Having a height limitation 1/4 of a mile from the Capitol could significantly impacts density.	No	Included in code for ease of use and alignment with State regulations.
23.256	Division 23-4D-9 Overlay Zones	x		JSc		Capitol View Corridors		23-4D-9060	CVC regulations)	This is overlaps with state law that already regulates protecting Capitol views. Having a height limitation 1/4 of a mile from the Capitol could significantly impacts density.		This section is not redundant with State regulations. The City zoning code establishes Capitol View Corridors that are independent of the State View Corridors. These corridors are enforced as zoning restrictions.
23.257	Division 23-4D-9 Overlay Zones	x		JSc		Downtown		23-4D-9080(C) Ground Floor Use Requirements	Office, residential, and mixed use building lobbies should be specifically added to the Commercial Group A list to include lobbies as an allowed use.	More restrictive/downzoning: LDC does not require ground floor requirements.	Neutral	Standard described as frontage requirement in DAP, however it is not clear in draft code if this is refering to frontage or total square footage of the ground floor.
23.258	Division 23-4D-9 Overlay Zones	x		JSc		Downtown		23-4D-9080(D)(1) Development Standards: Driveways, Curb Cuts, and Porte Cocheres	Add Refer to Figure 23-4D-9080(1) Pedestrian Activity Street. Add "exception for corner sites that have frontage on two Pedestrian Activity Streets. These sites will be allowed either a driveway or curb onto the street determined to be secondary of the two streets at the site, or during review process."	More restrictive than LDC. There are no such requirements in existing code.		Standard from the Downtown Austin Plan. However, small sites that only front Pedestrian Activity Streets may require this exception.
23.259	Division 23-4D-9 Overlay Zones	x		JSc		Downtown	YES	23-4D-9080(D)(2) Treatment of Commercial Building	Clarify if the definition of commercial building in this context includes multi-family residential uses.	More restrictive than LDC. There are no such requirements in existing code.	No	Per Chapter 23-13 (Definitions and Measurements) Commercial is a term defining office, service, restaurant, entertainment, or retail uses collectively.
23.260	Division 23-4D-9 Overlay Zones	x		JSc		Downtown		Fronts 23-4D-9080(D)(2) Treatment of Commercial Building Fronts	At Note 3: Add "street trees are an acceptable shade device if they provide shade in front of the required area."	More restrictive than LDC. There are no such requirements in existing code.	Neutral	Standard from the Downtown Austin Plan.
23.261	Division 23-4D-9 Overlay Zones	x		JSc JSc		Downtown		23-4D-9080(D)(2) Treatment of Commercial Building Fronts	At (a) Minimum Shade Note 3: This requirement will likely force a project to seek a license agreement from the City because they will not want to push the building back to accommodate an awning or canopy. License agreements will incur additional costs and time.		No	Standard from the Downtown Austin Plan.
23.262	Division 23-4D-9 Overlay Zones	x		JSc JSc		Downtown		23-4D-9080(D)(2) Treatment of Commercial Building Fronts	At (a) Front Setbacks (i) and Figure 23-4D-9080(2) Minimum Front Setback Requirements: Remove setbacks greater than 5' except when a site is within a block with existing greater setbacks. Or At (a) Front Setbacks (i) change to "Minimum front setback is 5' or equal to existing adjacent block front setback when site is within a block with existing greater setbacks" and delete the Figure (2) map until an updated map developed during a district planning process can be codified.		Yes	Clarification regarding setbacks in CC zones and Downtown Plan Overlay have been addressed in the addendum.

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			ANDERSON	KAZI KEN NY	MCGRAW	OLIVER SCHISSLER SEEGER	SHIEH THOMPSOI	SHAW BURKARDT	MEN DO ZA TEICH			GENERAL	SPECIFIC SECTION			YES/NEUTRAL /NO	STAFF RESPONSE
23.263	Division 23-4D-9 Overlay Zones	x	П			JSc				Downtown			23-4D-9080(E) Compatibility	Remove this section. Use base zoning compatibility and the mapping of the zones to achieve the intent of the Downtown Austin Plan. If more restrictive requirements are necessary, use a new district planning process to create additional requirements.	At (2) Additional Screening Requirements for a Parking Structure: These requirements will likely be covered in the Criteria Manual for parking garages. If so, remove them from this section to avoid redundancy.	No	Compatibility based on Downtown Austin Plan. Compatibility affects height bonus, cannot be accopmplished solely through base zoning.
23.264	Division 23-4D-9 Overlay Zones	x				JSc				Downtown			23-4D-9080(F) (2) Screening	If these requirements will be covered in the Criteria Manual for parking garages, remove them from this section to avoid redundancy.	At (2) Additional Screening Requirements for a Parking Structure: These requirements will likely be covered in the Criteria Manual for parking garages. If so, remove them from this section to avoid redundancy.	No	Recommendation in Downtown Austin Plan.
23.265	Division 23-4D-9 Overlay Zones	x				JSc				Downtown			23-4D-9080(F) (3) Screening	At (3) Surface Parking Facility: Confirm that surface parking facilities are an allowed use in the affected base zones. See 23-4D-6030 Allowed Uses and Permit Requirements	At (3) Surface Parking Facility: Confirm that surface parking facilities are an allowed use in the affected base zones. See 23-4D-6030 Allowed Uses and Permit Requirements		Parking Facility (which includes surface parking) is CUP per 23-4D-6030.
23.266	Division 23-4D-9 Overlay Zones		l			PS				Small Area Plans, NCCDs, Overlays and Neighborhood Plans.					Keep all plans in place through adoption & implementation of CodeNEXT. Then review plans for appropriatness in CodeNEXT context.		
23.267		x	П	СК						Add Coops to UNO overlay	No	No	23-4D-9130		Coops seem to have been forgotten in the university overlay. This adds them in wherever group residential is included.	Yes	Staff supports listing "cooperative housing" as an allowed separate use in list due to the changes in use definitions in the draft code.
23.268	Division 23-4D All RM, MS, MU zones		П	СК						Increase affordable bonus entitlements	No	Yes	Applicable zones	Adopt the bonus entitlements recommended by the affordable bonus working group. (See attached table.)	More bonus entitlements got us from 6,000 affordable units to 13,500.		need attachment
23.269	Division 23-4D-9 Overlay Zones		GA							UNO University Neighborhood Overlay			23-4D-9130	For the figure 23-4D-9130(1):  1) increase the max height in the area currently labeled 175' to 275'.  2) for the area UNO area from 26th st to the North, San Antonio to the West, Martin Luther King Ir to the South, and the eastern boundary of the UNO overlay to the East, increase the max height to 275' feet.  3) for the cyan area south of 28th, east of Rio Grande, north of 26th, and west of Guadalupe, increase the max height to 175'  4) for the green area to the north and west of the cyan area, increase the max height to 175'  5) For the 90' area, increase the max height to 120'  6) For the remainder of the current UNO area, increase the max height to 70' with the exception of the pink and the yellow areas which stay the same.		No	Staff not reccommending changes to the UNO overlay.
23.270	23-40-9130	X	GA							UNO University Neighborhood Overlay			Section 23-4D-9130	(E) Requirements for Specific Uses in an UNO zone (1) Multi-Family Residential Use (g) No parking spaces are required. —The minimum off-street parking requirement is 40 percent of required minimum parking if the multi-family residential use: (i) Includes a car sharing program that complies with the program-requirements established by administrative rule; or (ii) In addition to Subsection (I), for at least 15 years from the date the certificate of occupancy is issued, sets aside at least 10 percent of the dwelling units on the site to house persons whose household income is less than 50 percent of the median income in the Austin statistical-metropolitan area.	We know where they're going. Rideshare services. Project team meetings, utilizatoin of campus nights and weekends. This will help with affordability as well as allowing more parcels to be developable.	No	Staff not reccommending changes to the UNO overlay.
23.271	Division 23-4D-9 Overlay Zones	x	П	СК						Add Coops to UNO overlay	No	No	UNO overlay	Add cooperative housing use to every place where group housing is an allowable use	Coops seem to have been left out of the UNO overlay provisions.	Yes	Staff supports listing "cooperative housing" as an allowed separate use in list due to the changes in use definitions in the draft code.
23.272	Division 23-4D-9 Overlay Zones		П					TS		Overlay Zones	NO	X			MOTION: In that the Planning Commission has so many issues to address with draft 3 of code, I propose that we do not make changes to current overlay zones.		
23,273	7090 - Neighborhood Plan Overlay Zone [Removed in Draft 2]	x						тѕ			NO	x	7090 - Neighborhood Plan Overlay Zone (Removed in Draft 2)		The Neighborhood Plan Overlay found in 23-4D-7090 in the first draft has been eliminated. [This is despite a commitment from the CodeNext Team to Council Member Pool to her question #23 posted on-line on 6/24/2017 that "Neighborhood Plans will remain as overlay districts."] Neighborhoods have spent hundreds of hours creating Neighborhood Plans to reflect the values and character of its residents. The latest CN maps disregard many of the elements of the approved Neighborhood Plans and with the removal of the Neighborhood Plan Overlay, these plans will no longer take precedent over the base zoning requirements in CN. In fact, Article 23-2E, Section 2030 Neighborhood Plan Amendments, (H)(7) Director's Recommendation allows the Land Use Director and Land Use Commission to recommend approval of an amendment based on its compliance with the base zoning alone. Furthermore, City Staff's answer to Pool's question #24 as to the future of Neighborhood Plans indicates that the Neighborhood Planning process and within the Zucker Report. City Staff's answer clearly puts future and pending neighborhood planning efforts into question.		Adopted NPs will still continue to be used as a reference for administering zoning changes and visions in the neighborhoods they cover. Since the plans are visionary and not technically regulatory, they are not overlays to be added into the LDC.

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23.274	ALL USE TABLES		-   4	<u> </u>	<u> </u>	2 0 7		TV	N B	2 F I			X	SPECIFIC SECTION	Require a CUP for all alcohol uses in or near residential zoning		No	Dtwn Comm: 9080(B) include lobby and other mandated uses.
																		It's unicear how 'in or near' is defined, but many zones limit the sales and consumption of alcohol sales and use. This may be better
											alcohol							as a mapping change than a blanket use chart change.
23.275	Note to all COMMERCIAL USE TABLES	х						TV	A.				Х		"Regardless of base zoning, state and local laws do not allow alcohol	For clarity and predictability, add a note to all Use Tables stating:	No	Staff could support adding notation to specific to use
25.275	Note to all Colvilviencial USE LABLES								~		foot notes		^		sales within 300' of a public school, church or public hospital without a	roi cianty and predictability, and a note to an ose Tables stating.	NO	Stan could support adding notation to specific to use
		х													City Council waiver."			
23.244					СК								No	New section E	(E): In addition to any affordable housing incentives available for zones SF1, SF2, and SF3, lots with those zonings are eliglible for the	This adds an affordable ADU to every SF1, SF2, and SF3 lot left in F25.	No	Staff does not recommending adding regulations regarding F25.
															Residential Citywide Affordable Accessory Dwelling Unit Incentive:			
															(1) In addition to base entitlements, an additional, income-restricted			
															Accessory Dwelling Unit may be built and the size does not count toward FAR limit and the principal use's FAR limit is increased by the			
															size of the income-restricted Accessory Dwelling Unit. When adding an			
											Add Affordable ADU bonuses	Yes			Accessory Dwelling Unit under this incentive, the total dwelling units per lot may not exceed 4.			
											to F25				(2) In taking the incentive, an applicant shall agree to:			
															(a) Continued affordability of all affordable rental units for 10 years,			
															with the affordability period for rental projects begins on the issuance of the last final certificate of occupancy for the development; or			
															(2) Continued affordability of all affordable ownership units for 20 years. The affordability period for ownership units begins on the date			
															of sale for each affordable ownership unit to an eligible buyer.			
24	Article 23-4E Supplemental to Zones	, x							<u> </u>									
24.1 24.2	Division 23-4E-1 Private Frontages						JS	h								confusing diagram, fence heights, porch descriptions, too prescriptive, paths	N/A	comment
24.3	Division 23-4E-1 Private Frontages	x		AH		+	++	++					No	23-4E-1040 and 1060	Delete "Stoop"; revise "Porch: Projecting" to stoop minimum	The differentiation between stoops and porches seems arbitrary and unnecessarily	Neutral	Porch is intended for areas with front yards while stoops are
											All Zones	No			dimensions of 5' width (clear) and 5' depth (clear); maintain other	complicates the code.		intended for more urban areas
24.4	Division 23-4E-1 Private Frontages	x		AH	+	+	++	++	+				No	23-4E-1040 (A)	porch regulations  Delete "furniture areas" and" clear path" of travel mandates in Table	Overly prescriptive furniture area dimensions; does not allow for flexibility to work	Yes	Okay as long as other deminsions are maintained
											All Zones	No			23-4E-1040(A)	around various site conditions like trees. For example, stair leading up a porch to the front door would not be allowed, as the required "furniture area" forces the		, ,
		x														porch to be offset.		
24.5							JS	h			fences			23-4E-1040 - 1080	C fence that does not exceed <b>FOUR</b> feet	3' is too short for privacy, safety, and can cause conflicts between codes this is fence not a handrail - change to 4'	Neutral	3' is to ensure an aesthetic fence, but staff could be okay with 4' if it's the desire of a front fence to provide more safety
A-24.5.1	porches							TV	N				Х			Allow Engaged Porches open only on one side. The restriction that an Engaged		
																Porch must be open on two sides prohibits an architectural strategy to recess the porch entirely in the front façade, with interior spaces projecting on either side		
											porches					(similar to the Stoop frontage). This architectural strategy is not incompatible with		
																other frontages in residential zones and maintains a similar street frontage.  Therefore, this type of porch should be allowed. The code should not dictate		
		х														architectural style.		
24.6	Division 23-4E-2 Outdoor Lighting	С							76									-
A-24.6.1									12		Light Pollution	NO	Х			Environmental Commission recommendation that staff draft provisions to address light pollution.		
24.7	Division 23-4E-3 Parking and Loading	X																-
24.8	Division 23-4E-3 Parking and Loading							JT		1			Yes		Remove all parking minimums	Places as diverse as Mexico City and Buffalo NY are dropping parking requirements. Just like downtown Austin (where there are no requirements) it	No	maintaining parking minimum is part of the Austin Bargain
																doesn't mean parking doesn't get built. Just that developers let the market		
A-24.8.1	Parking and Loading							TV	N				Х			determine how many to build.  Consider scalable Parking Lot Landscaping standards. The Parking Lot Landscaping		
																standards, particularly the Tree Island frequency standard, are too restrictive for small-scale, low-intensity Mixed-Use and Main Street zones. For these smaller		
																lots, a parking lot may only need nine or ten spaces, but the Tree Island frequency		
											parking	х				requirment of every 8 parking spaces may result in the loss of area for a parking space within the width of the lot. At this scale, the loss of even one parking space		
																can be detrimental to development, and the addition of Impervious Cover for the drive-aisle to access spaces further away is significant. Moreover, developments		
																of this scale are most often in well-developed neighborhoods where mature trees exist along the side property lines. A proximity standard may be more appropriate.		
24.0	3020 - Applicability	х							TC					2020 (4)(4)				commont
24.9	3020 - Аррисавинцу								13		ADU Parking	NO		3020 (A)(4)		New development where there is not an existing dwelling, would have to provide parking for ADU. New code is going to allow for multiple units including cottage	IN/A	comment
		х								Ш						courts.		

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CHAPTER	ITLE	DESIRED PROPOSED CHANGES TO D3	INITIATED BY COMMSSIONER E	EX OFFICIO	TOPIC AREA	REQ. ADD'L STAFF FEEDBACK	AMENDMENT TYPE	SUBSTITUTE LANGUAGE	COMMISSIONER NOTES	
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24.10	Division 23-4E-3 Parking and Loading	x	4 ± 2 ± 2 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0	M 1	ADA Parking	No	GENERAL SPECIFIC SECTION  23-4E-3050	Add the following language from current code on CBD/DMU Parking: Except for a use occupying a designated historic landmark or an existing building in a designated historic district, off-street motor vehicle parking for persons with disabilities must be provided for a use that occupies 6,000 square feet or more of floor space under the requirements of this paragraph. (a) The following requirements apply if no parking is provided for a use, other than parking for persons with disabilities: (i) the minimum number of accessible parking spaces is calculated by taking 20 percent of the parking required for the use under Appendix A (Tables of Off-Street Parking and Loading Requirements) and using that result to determine the number of accessible spaces required under the Building Code. The accessible spaces may be provided on- or off-site, within 250 feet of the use. (ii) The director may waive or reduce the number of accessible spaces required under Paragraph (2)(a)(i) if the applicant pays a fee in-lieu to be used by the city to construct and maintain accessible parking in the vicinity of the use.	This is from current code. Require ADA parking if any parking is provided or if loading facility is provided.	STAFF RESPONSE
24.11			л					The availability of this option is contingent on the establishment of a fee by separate ordinance and the adoption of a program by the director to administer the fee and establish eligibility criteria. A decision by the director that a use is ineligible for a fee in-lieu is final. (iii) The director may waive or reduce the number of accessible spaces required if no accessible spaces can be provided consistent with the requirements of Paragraph (2)(a)(i) and the use is ineligible for participation in the fee in-lieu program under Paragraph (2)(a)(ii). (iv) An off-site or on-street parking space designated for persons with disabilities that is located within 250 feet of a use may be counted towards the number of parking spaces the use is required to provide		
24.12	3050		JSh		disability parking for single family		23-4E-3050	Parking for Persons with Disabilities A. A NON-RESIDENTIAL site must have B. This references single family and duplex, but if we change ramp requirements then can we eliminate this part? Visitability relation to parking is per the ramp. There is not such a thing residential parking space requirements		
24.13	Division 23-4E-3 Parking for Persons with Disabilities	х	TW		parking		23-4E-3050 -A	A non-residential site must have	leaving it as just a site is too vague and could be interpreted to inclue residential projects	No Residential sites are not exempt from visitability requirements, unless staff is misinterpreting the motion
24.14	Division 23-4E-3 Parking for Persons with Disabilities		Tw		parking	×	23-4E-3050-A-3	the number of accessible parking spaces required by the Building Code or one whichever is greater.	We heard very clearly that our community needs accessible parking spaces	
24.15			JSh		parking		23-4E-3060	(B) 2. References 100% reduction in parking. There should never be a full 100% reduction in parking. Handicap parking, car share parking needs to be considered.		HLC:waiver or reduce pkng for maintaining old bldg. UTC:reduc pkng particularily on high tranist/IA activity corridors
24.17	3060 - Off- Street Motor Vehicle Parking Adjustments	x	TS		Max. Parking Ajustment	NO		5%, DELETE OR QUANTIFY - Preservation of Trees., CHANGE Car Share -	The table provides too great of and adjustment compared to the requirement and many of the requirements are vague and are not quantified. This is especially the case with the AHBP bonus, which should only be allowed when affordable units are actually provided above some threshold.	HLC:waiver or reduce pkng for maintaining old bidg. UTC:reduc pkng particularily on high tranist/IA activity corridors
24.18	Division 23-4E-3	х	JSh						if business have no parking, off street load should be required, parking for disabilty, home occupation ADA, ada for residential vs commercial, parking	HLC:waiver or reduce pkng for maintaining old bldg. UTC:reduc pkng particularily on high tranist/IA activity corridors
24.16	3060 - Off- Street Motor Vehicle Parking Adjustments	x	TS		Max. Parking Ajustment	NO	3060 (B)	(B) Maximum Parking Adjustment. (1) Unless the site is part of a TDM program that allows multiple parking adjustments, the maximum cumulative parking reduction is 60% 20%. (2) The maximum cumulative parking adjustment for a site that is part of a TDM program that allows multiple parking adjustments is 100%—	reduction too much  Rervert back to draft 2 levels but allow for reasonable increase for TDM. 100% reduction is not practicle. TDM programs have not been demonstrated to work at 100% reduction. Consider developments with high levels of affordable housing receiving up to 60%.	HLC:waiver or reduce pkng for maintaining old bldg. UTC:reduc pkng particularily on high tranist/IA activity corridors
24.19	Division 23-4E-3 Off-Street Motor Vehicle Parking Adjustments	x	TW		parking			Unless the site is part of a TDM program that allows multiple parking adjustments, the maximum cumlative parking reduction is 60%-20%     3-The maximum cumlative parking adjustment for a site with more then 4 deeply		No Parking reductions up to 60% is carried forward from current co (needs confirmation).
A-24.19.1	23-9 General (or maybe 23-4E-3060 - Off- Street Motor Vehicle Parking Adjustments?)	х	СК		School parking	Yes		may at their discretion craete a school parking permit district that restricts parking from 6:30AM to 8:30AM and 2:30PM to 5:00PM on		
A-24.19.2	23-9 General (or maybe 23-4E-3060 - Off- Street Motor Vehicle Parking Adjustments?)	х	СК		Residential parking permits	Yes		Residential permit parking districts may not be imposed on both sides of a street.	This addresses parking permit districts around town that provide no spaces for the public on publicly financed and maintined streets.	

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			INDERSON	AZI ENNY	ACGRAW	OLIVER CHISSLER	EEGER HIEH HOMPSON	VНІТЕ НАW	IURKARDT AENDOZA EICH			GENERAL				YES/NEUTRAL /NO	STAFF RESPONSE
24.20	residential parking process	x					8 8 1	TW		parking		X	3. 13	MS & MU can receive residential parking requirements	The reduction of the parking by 50% for commercial projects alone will not discourage people from driving. We see this all over South Congress and on E. 6th. I think we should discourage street parking for enviornmental reasons (actual driving reduction). & for safety reasons (street parking is dangerous for pedestrians and bicylist). Let's take this one step further and really mean it when we say we want people to drive less. Open to suggestions on how best to incorporate this aspect into the code	No	Staff does not recommend incorporating the RPP program into code.
24.21	Division 23-4E-3 Parking and Loading	X	GA							On Street Parking	No		23-4E-3060	23-4E-3060 Off-Street Motor Vehicle Parking Adjustments (A) Simple Parking Adjustments. (1) Table (A) (Simple Parking Adjustments) establishes the adjustments allowed when a site meets the requirements described in the table. (2) Minimum off-street parking requirements shall be further reduced as follows: (a) One space for each on-street parking space located adjacent to the site on a public street, including spaces on Internal Circulation Routes that meet public street standards.	It's in today's code and we need to keep this § 25-6-478 - MOTOR VEHICLE REDUCTIONS GENERAL.  (E) Except for development that does not require a site plan under Section 25-5-2 (Site Plan Exemptions), the minimum off-street parking requirement is reduced by the following amounts:  (1) One space for each on-street parking space located adjacent to the site on a public street, including spaces on Internal Circulation Routes that meet public street standards;	No	Parking districts would best implement this reduction.
24.22	Division 23-4E-4 Parking and Loading	х	GA							On Street Parking	No		23-4E-3060	(A) Simple Parking Adjustments.  (1) Table (A) (Simple Parking Adjustments) establishes the adjustments allowed when a site meets the requirements described in the table.  (2) Minimum off-street parking requirements shall be further reduced as follows: One space for each on-street metered parking space located within 250 feet of the site, measured as the shortest practical and legal walking distance to the nearest principal entrance of the site. Metered parking spaces may not be counted towards the minimum off-street parking required for residential uses;		No	Parking districts would best implement this reduction.
24.23	Division 23-4E-3 Parking and Loading				км									Eliminate all parking reductions beyond those already in place	Note AISD requests to maintain parking regulations near schools. Note: 2500 SF bars & restaurants near homes w/o parking is not compatible Using street parking to count for bars is unfair to other businesses and residents. Code Lready allows extensive reductions in parking that are not enforced. Tandem parking results in many cars already on the streets. Vistors and emergency responders have no place to parkINg when streets are crowded. This also impacts trash and bicyclists.	No	
24.24 24.25	Division 23-4E4 Landscape Division 23-4E4 Landscape	х					JSh								is landscape regs more onerous and difficult to comply and review? Also says foundtion buffer regd all zones. CC and DC zones currently has no setback No we have to do landscaping with the new setbacks? Does it all have to have landscape architect? what about small projects? maybe req only for 10k sqft or more projects.		landscape requirements are more straightforward and specific to site plan elements being propose, e.g., each element such as front yard planting, surface parking, compatibility buffers, etc., have clear requirements when applicable as opposed to general landscape (streetyard) requirements for every site. Green Stormwater
24.26							JS h			parking			23-4E-3070	(B) up to 10,000sqft, no off street loading required DOES NOT WORK WHEN THERE IS NO PARKING REQRD for small businesses. In instances where there is no general parking available, then should require at least 1			
A-24.26.1	Front yard Planting reqs	х						T W		landscape	х	Х		Reduce the Front Yard Planting Requirements.	The draft requires significantly more trees than existing Street yard code requirements. There is concern for over-planting and the health of the new trees that are planted if they are spaced too closely together, especially for small lots. Reduce, or make scalable, the Front Yard Planting Requirements.		
24.27							JS h			landscape			23-4E-4020	A-1-C single family, duplex, and other residential house scale buildings			Staff concurs: A-1-C. Change to single family, duplex, and other residential house scale buildings
24.28							JS h			landscape			23-4E-4040	B. This section applies to commercial or non-house scale multi-family development that is located adjacent to a public right of way.			23-2A-3040 for 3 to 6 units and under 45% are exempt from site plan.
24.30	Division 23-4E4 Landscape	х				JSc				Downtown			23-4E-4040 Landscaping	Exempt CC and DC zones (and any other urban zones) from this section as written (and it is recommended that CC does not require any minimum setback).	Currently no landscape requirements downtown to maximize density, Great Street trees are required.		per table23-E-4E-4040(A) Front Yard Planting Requirements, there are no Front Yard Planting Requirements. No Change needed
A-24.30.1	Division 23-4E-4 Landscape	х				JSc				Landscaping			Table 23-4E-4040(A)	Reduce Front Yard Landscaping to 25%	Architects do not design buildings for them to be hidden by landscaping, current requiement is 20%.		
24.29							JS h			landscape			23-4E-4050	C. This section applies to <b>commercial</b> zones (says all zones)		Yes	staff agrees: replace "all" with "commercial"
24.31	Division 23-4E-3 Landscape	х				JSc				Landscaping			23-4E-4050	Remove Foundation Buffer because some areas should not have landscaping next to the slabs. Soils engineers are against this on larger buildings.	Architects do not design buildings for them to be hidden, would destabilize soil conditions around foundation, conflicts with AFD Requirements for clear zone for ladders around building		Landscape requirements include shrubs, grasses, groundcover, and small trees. These are meant to enhance the architecture of the building and not required as a solid planting against the entire length of the façade, nor directly against the foundation.

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24.32	Division 23-4E-4 Landscape	X				JSc				Landscaping		23-4	IE-4060(D)	Remove island every 8 spaces and make it every 10 spaces	Landscape islands at 10 spaces has been standard for decades, onerous and will make redevelopment costly to retrofit parking lots		There is no requirement for landscape island at 10 spaces in the current code. The current code requires each parking space to be within 50' of a tree and the tree doesnt have to be within an island. New code requires a maximum of 8 consecutive spaces before a parking tree island is required. This ensures parking lots will have adequate shade from trees spread uniformly throughout the parking lot thereby reducing the Urban Heat Island Effect and fostering more hospitable human conditions within parking lots.
24.33	Division 23-4E-4 Landscape	х				JSc				Landscaping		23-41	E-4060(F)(2)	Modify the 10' landscape islands and make them 9'	Landscape islands have been 9 for decades, 8 is minimum for planting zones, no need to change.		Proposed code increases the minimum width for landscaped Islands, medians or peninsulas which contain new trees from eight (8) feet to ten (10) feet, measured from the inside of the curb, to help accomodate new minimum soil volume requirements and to provide significant space for the growth of trees planted within these areas.
A-24.33.1	Street Tree Requirements	х				P	s			Street Trees				·	Reinstate, as written in Draft 2 23-9E-5050 (b)(1, ) which states "the width requirements for street tree planting shall apply regardless of the available right-of way: the street planting area shall extend onto private property, within a public access easement, to fullfill the width requirement when sufficient right-of-way is not available"		
A-24.33.2	Landscape - General	x				P!	5			Landscape general					Recommends that the proposed landscaping requirements be approved, with the following revisions: (1) direct Staff to develop a program to apply the Functional Green scoring system to allandscapes, regardless of impervious cover, to ensure that we are maximizing the benefits to be achieved via landscaping requirements and to ensure simplicity and consistency (2) Revise the width of landscape buffers for compatibility setbacks as follows: (a) Intermittent visual obstruction: 15 feet (b) semi-opaque: 15 feet (c) opaque: 15 feet; (3) remove details regarding plant quantities from the draft code and move to Criteria Manual (4) Coordinate with the Water First Task Force to incorporate recommendations that further incentivize requirements for auxiliary water use and beneficial reuse of stormwater for irrigation, with consideration for the need to use potable water during dry periods, especially to help establish new or young vegetation.		
A-24.33.3	Division 23-4E-4 Landscape	х				JSc				Landscaping		23-48	E-4070(A)	A landscape median seperates <u>every other</u> parking run on the interior portion of a parking lot.	Current requirements have already redued the requirement from every third bay to every other bay.		
24.34	Division 23-4E-4 Landscape	х				1Sc				Nonzoning	YES		n Requirements.	Requirements of application of Function Green shall be codified including:  What sites are required to comply?  To what % are sites required to comply?  Which team has review authority over decisions?  What is allowed to overlap (trees, water quality, other) and what is not?  What land can be used for compliance (private land only, parkland, ROW, easements, etc)?			Following Funcitional Green regulations are codified:  *Applicability: 23-4E4120(C): applies to all sites that proposed an impervious cover total exceeding 80 percent.  *Overlap: 23-4E-4120(D): FG landscape plan is required to: 1) comply with all applicable landscape and buffer types; and 2) reach the target score (in ECM).  *ROW use: 23-4E-4120(G): Landscape elements may be planted in the ROW. (All plantings on-site can count, Following Functional green rules are in criteria:  *Scoresheet  *Landscape element list, with directions on how to apply Review by EV Reviewers.
24.35		С															-
24.36 24.37	Division 23-4E-6 Specific to Use  6030 - Accessory Dwelling Unit- Residential	x						TS		ADU Placement	NO	6030 6030	' '	Placement (1) If detached, minimum 6 <sup>1</sup> 10' to the front, rear, or side of the primary structure or above a detached garage; may be connected to the primary structure with a covered walkway;	Restore 10' distance between structures equal to setbacks between adjacent single family units.		HLC: limit bldg size as % of lot or existing bldg.
24.38	6060 - Adult Entertainment	x						TS		Adult Entertainment Use	NO	6060		(D) Allowed- Except as provided in Subsection (E) (1)-An adult entertainment use-other than-including an adult lounge: (a) -s allowed in a MU4B, or MU5A Zone, DC or CC Zone; and (b) Is allowed with a conditional use permit in the MU4B, MU5A, DC or CC Zones; and (2) An adult lounge is allowed with a conditional use permit in a MU4B, MU5A, DC or CC Zone.	Require CUP for all adult entertainment.		
24.39	6070- Alcohol Sales	x						TS		Alcohol Sales	YES	6070		CORRECT; Section 4-9-4 (Minimum Distance from Certain Uses.	Added Section 4-9-4 (min. distance from certain uses). This reference number is incorrect-does not exist. As ALCOHOL SALES are defined as <b>The retail sale of alcoholic beverages for off-premises consumption,</b> are distances from certain residential uses required?		Section 4-9-4 is the correct reference for the section of the Austin City Code (not part of the Land Development Code or CodeNEXT) governing alcohol sales and City zoning approval of Alcoholic Beverage Licenses by the TABC. City of Austin regulations mirror minimum distance requirements of State Law and prescribe minimum separation from churches, public schools, day care facilities, and hospitals. There is no minimum separation from residential uses. 23-4E-6070 just reiterates that a business selling alcohol must comply with state law and local regulations governing the approval of alcoholic beverage licenses.

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24.40	Add New Bar/NightClub Section (there is a def. for Bar/NightClub)	x						TS		Bars and Nightclubs	YES	23-4E-6 Specific to U	ADD AND RENUMBER: 6090 Bars and Nightclubs- (A) Location Restrictions. A use that includes the sale of alcohol must comply with Section 4-9-4 (Minimum Distance from Certain Uses).  (B) Late-Hours Permit. A restaurant operating late at with a late-hours permit from the Texas Alcoholic Beverage Commission requires a conditional use permit if it is located within 200 feet of a Residential House Scale Zone. The distance is measured to the lot line. (C) Bar or Nightclub with outdoor seating must be a minimum of 200 feet from a Residential House-Scale Zone, unless the use is located within an enclosed shopping center.  (D) Live Entertainment. Live entertainment is allowed if the amplified sound does not exceed 70 "A"-weighted decibels, measured at the property line of the licensed premises. In this subsection, "premises" has the meaning ascribed to it in the Texas Alcoholic Beverage Code.	Include same requirements for restaraunts serving alcohol w/ late hours for bars and nightclubs. Need correct reference for 4-9-4		Staff has agreed the Specific to Use article needs a Bar/Night Club section that includes the same language regarding CUPs and distance from certain uses, same as Restaurant currently has
24.41	Coperative Housing	х						TS		Co-operative Housing	Yes	23-4E-6 Specific to U		Need standards for co-operative housing.		spefic language is needed for staff to review on whether we agree or disagree
24.42	G160 - Duplex	x						TS		Duplex design requirements	NO	6160	ADD:(D) Duplex units are subject to the following requirements: (1) The two units must have a common floor and ceiling or a common wall, which may be a common garage wall, that: (a) extends for at least 50 percent of the maximum depth of the building, as measured from the front to the rear of the lot; and (b) maintains a straight line for a minimum of four foot intervals or segments. (2) The two units must have a common roof. (3) At least one of the two units must have a front porch that faces the front street and an entry to the dwelling unit, except that units located on a corner lot must each have a front porch that faces a separate street and an entry to the dwelling unit. (4) The two units may not be separated by a breezeway, carport, or other open building element. (5) On a lot less than 10,000 square feet the use	Add back design requirements and limit on bedrooms to no more than 6 for lots $<$ 10,000 SF.	No	staff supports reducing too presecriptive duplex design standards from today's code to continue with concept of simplicity
24.43		x		СК						Remove max ADU size on second floor	No	No Table 23-4E-6030(A)	Strike the entire row of the table starting with "Floor Area".	There is no good reason to limit ADUs on a second floor to 550 sq ft.	No	Staff does not support complete removal but does support adding language suggested on line xxx that removes this standard from internal or attached ADUs; staff can also support exempting ADUs not in the back of the lot from this standard
24.44	6200 - Home Occupations		П	KN	1								Eliminate all new entitlements proposed for Home Occupations Including prohibit Signage associated with home occupations in residential house scale zones.	These new entitlements for additional employees, sales, parkiing and signs are invasive to peaceful neighborhoods. Live/Work and other mixed use and commercial areas allow for offices.	No	signs allowed in residential house scale is limited and staff does not believe they will disrupt the fabric of a neighborhood
24.45	6210 - 6280 - 6390			KN	1								Townhouse Use and Live/Work uses require at minimum at least one blockface. Prohibit Signage associated with Live-Work in residential house scale zones.	These uses are not compatible with stand alone houses and should only exist in a cohesive development.		block sizes differ among neighborhoods and areas of town, so there are times when it is appropriate for townhomes to only cover a portion of a block or live on the same street as a single house
24.46							JS h			Home Occupation		23-4E-6200	C. why is "medical" office referenced if it is a prohibited use either eliminate it from K or C  I Off street storage of the commercial vehicle is in addition to requirement of the dwelling unit.  L. COMPLIANCE TO ADA? Ramps? Etc??? Help!			
24.47							JS h			livework		23-4E-6210	(7) Parking is requiredper (does this mean it can not be deemed as NO parking?) I would assume that since it is a dwelling unit, there is at least one parking (8) Landscaping MAY be required and should comply with (small projects shouldnt require)	if live work, one parking space per unit, but because to 2500sqft commercial exemption, then no parking? But what it there is a commercall vehicle? Need to require.		Live/Work is only permitted in Multi-unit Residential and Main Street zones. In both zones, 1 space per unit is required. Live/Work is a residential use, and does not recieve the 2500 sf parking reduction that is permitted for MS commercial uses Staff supports requiring landscaping for all projects that meet the criteria stated in 23-4E-4 (landscaping). If the project does not meet the applicability requirements, it would be excempt.
24.48		х				PS				Uses		23-4E-6200 Home Occupations	23-4E-6200(D) & 23-4E-6200 (F) add "excluding R1A-R3D residential zones."	The addition of 3 employees and limited retail sales is a burden in residential neighborhoods especially parking and traffic congestion. The Live/Work zone allows up to 2 employees by-right and up to 3 with an CUP. Interesting that a CUP is required for 3 employees in a Live/Work zonewhile only an MUP in R zones (residential).		In the addendum, Item D relating to three employees was eliminated, and item F was modified to "The sale of merchandise directly to a customer on the premisis is prohibited." Addiditionally another provision was added that limits home occupation to generating no more than 4 vehicular trips each day (which includes trips to and from the site, essentially limiting customers to 2).
24.49	Group Residential	х						TS		Co-operative Housing	Yes	23-4E-6 Specific to U		Need standards for co-operative housing.		same motion as line 24.41
24.50	6240- Multi-Family	x						TS		Multi-Family Open Space	YES	6240		Common Open Space is already covered based on zones. This adds confusion as to when common space is required. 23-4C-1030 required common open space for sites greater than one acre in levels of 5% of gross site area. This is based on 10 unit threshold. Also, Personal Open space requirements in (B)(3) are covered in the open space table for each zone requilation. Perhaps this is meant for zones that are not required to have common open space either by zone type or size.		
24.51	6310 -Restaurant Late Night Operation	x						15		Restaurant Late Night Operation	NO	6310(A((4)	CORRECTION NEEDED: Section 4-9-4	No section 4-9-4 can be found.	No	This refers to City code Chapter 4-9-4 Minimum Distance From Certain Uses, not house inside the LDC

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24.52	6310 -Restaurant Late Night Operation		A A	<u>Ā</u>	N N	S S S	<u> </u>	¥ ¥				GENERAL SPECIFIC SECTION	(C) Line Telephone Line extention cat is allowed if the condition	Are there have that this should apply? Should this limit ha in all space?	No	STAFF RESPONSE
24.52	oszo-nestaurant Late Night Operation	X						15		Restaurant Late Night Operation	YES	6310(C)	(C) Live Entertainment. Live entertainment is allowed if the amplified sound does not exceed 70 "A"-weighted decibels from the hours of to , measured at the property line of the licensed premises. In this subsection, "premises" has the meaning ascribed to it in the Texas Alcoholic Beverage Code.	Are there hours that this should apply? Should this limit be in all zones?	No	Restaurants wit Late Night Operations are regulated through the Use Charts in 23-4D
24.53	23-4E-6340 Short Term Rentals			1	км							23-4E-6340	Eliminate Short Term Rental as a legal use	In order to make existing housing stock available to serve Austin's "dire housing shortage"	No	not sure if we can legally do this
24.54	23-4E-6340 Single-Family Attached	x						TS		Single-Family Attached	YES	Add new section	ADD RELEVANT SECTIONS OF 6160 AND (D) Single Family Attached units are subject to the following requirements: (1) The two units must have a common floor and ceiling or a common wall, which may be a common garage wall, that: (a) extends for at least 50 percent of the maximum depth of the building, as measured from the front to the rear of the lot; and (b) maintains a straight line for a minimum of four foot intervals or segments. (2) The two units must have a common roof. (3) At least one of the two units must have a front porch that faces the front street and an entry to the dwelling unit, except that units located on a corner lot must each have a front porch that faces a separate street and an entry to the dwelling unit. (4) The two units may not be separated by a breezeway, carport, or other open building element. (5) On a lot less than 10,000 square feet the use must not exceed 6 bedrooms.	Need design standards for new single family attached. 23-5C-2060 includes Convenants, Conditions and Restrictions.		Code Citations:  • Current code: 25-4-233 "Single-Family Attached Residential Subdivision"  • Code Next: 23-5C-2060 "Single-Family Attached Lots" The concept of the "small lot subdivision" is no longer applicable. Instead, the minimum lot size varies by zone and the subdivision chapter does not regulate lot size, except in the ETJ. In the same manner, if the applicable base zone allows single-family attached dwellings, the subdivision chapter should not impede the creation of those type of lots. The applicable zone will also regulate the lot size, setbacks and impervious cover standards. Those standards are no longer in the subdivision chapter.  The definition of Single-Family Attached is located in 23-13A 2030 "Land Uses". There is no definition for "small lot" because that term is no longer used.
24.55	Division 23-4E-6 Specific to Use	x		FK						Affordability	No	23-4E-6	"(A) Purpose: This section established the requirements to develop cooperative housing units and to reuse existing residential buildings to accommodate cooperative housing opportunities. (B) Occupancy Requirement. The bedrooms and residential space within a Cooperative Housing unit on a site must be occupied by residents who have shares if the cooperative corporation sells shares. Bedrooms and residential space may be occupied by residents undergoing a trial period of defined duration for membership in the nonprofit or cooperative corporation. (C) Operation. A Cooperative Housing unit must be operated by a cooperative or nonprofit corporation whose members reside on the site. (D) Additional Requirements for Cooperative Housing in a RR, R1-R4, RM, MS, MU Zone. The requirements of the base zone apply, unless modified by Table A."	Allow housing cooperatives in R zones to have more flexible site development standards to encourage their efficient and effective development.	Neutral	this appears to be language added to Specific to Use that pertains to Cooperatives, need to be sure it does not conflict with definition of cooperative housing
24.56	Division 23-4E-6 Specific to Use	x		FK						Affordability	No	23-4E-6	(E) Additional requirements for Cooperative Housing organized as a Cottage Court. a. A housing cooperative may follow the design requirements for Cottage Courts if the Cottage Court type is allowed in the base zone. 2. A housing cooperative organized as a Cottage Court shall follow the Development Requirements established in Section 23-4E-6150 of this Titl. 3. A housing cooperative organized as a Cottage Court shall be eligible for 4 additional bonus units when participating in the Affordable Housing Bonus Program. (F) Combining Lot and Open Space Requirements. Lot area and open space requirements may be combined and shared among cooperative housing units with conditional use approval provided that the overall density remains consistent with standards defined in this Section. (G) Alternative Site Design Compliance. If a multifamily use is converted to a cooperative housing use and participates in the Affordable Housing Density Bonus Program, it may be expanded or altered without requiring related to building placement, open space placement, parking placement, and	Allow housing cooperatives in R zones to have more flexible site development standards to encourage their efficient and effective development.		This is going to require coordination with NHCD on adressing the AHBP aspects, ramification, and necessary language of the motion
24.57	Division 23-4E-6	х					JSh							cottage ct diagram wrong, internal drive thru allowed?, Home occupation ADA and parking? Some uses should be allowed, 550sqft adu second floor exempt internal	?	
24.58	Division 23-4E-6 Specific to Use	x	АН							Residential		23-4E-6150 (A)	Remove depth minimum. Table 4E-6150 (A) Cottage Court Requirements  Bepth Minimum 20' clear, min.	ADU if primary  Depth minimums are too prescriptive and cannot fit around site conditions, smaller lots or corner lot	Neutral	Depth solidifies the size of the open space but staff can support only having one deminsion, so long as we maintain some form of open area requirement
24.59	Division 23-4E-6 Specific to Use	X	АН							Residential		23-4E-6150 (A)	Table 4E-6150 (A) Cottage Court Requirements <b>Brea</b> 3,000 sf. Min. total <b>Z</b> 000 sf/unit min.	There is already a per unit minimum area spelled out in code. Total minimum area needs to be adjusted to account for 3 unit cottage courts. Total is too large relative to lot size.		need more clarification on where the language is that this motion refers to, also clarity on how the motion defines the adjustment for 3 unit cottage courts
24.60	Division 23-4E-6 Specific to Use	х	АН							Residential		23-4E-6150 (A)	Amendment: Change open space width minimum.  Replace open space width minimum to 20' clear minimum <u>on lots over</u> 100' wide, and 10' clear minimum on lots less than 100' wide	The 20' width does not fit on lots less than 100' wide.	yes	to allow for more flexibility and for cottage courts to be a viable product, staff can support a 10' minimum on thinner lots
24.61	Division 23-4E-6 Specific to Use	х	АН							Residential		23-4E-6150 (A)	Open space requirements cannot be met with open space that is provided in a required front or side-street setback on lots that are 100' or greater in width	Requirement cannot be met on lots less than 100' wide.		see above
24.62	Division 23-4E-6 Specific to Use	х	АН							Residential		23-4E-6150 (A)	The main entrance to the court from the front street.	This does not allow enough flexibility for corner lots.	No	this language can be clarified to say that on corner lots the pedestrian main entrance needs to be accessible from at least one front street, though the concept of the open space is to have pedestrian access and it seems reasonable that a corner lot would have some kind of path or access from both streets
24.63	Division 23-4E-6 Specific to Use	х	АН							Residential		23-4E-6150 (A)	On a corner lot, the units adjacent to the side street must front both the court and the street.	If unit is on corner, they should have access from either main or side street.	Neutral	

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			z			~	Z	Ι,	= 4							YES/NEUTRAL	
			DERSO	_ ≥	GRAW	/ER ISSLEF	EH	E &	NDOZ							/NO	
24.64	Division 23-4E-6 Specific to Use		A H	<u>K</u> K	Ď Ž	9 3 4	<u> </u>	NH SH				GENERAL	SPECIFIC SECTION 23-4E-6150 (A)	Drivers and analysis areas much be consend from the common south	Cofety issue parking in ferred/serenged area gury from recidence at night.	1105	STAFF RESPONSE  to make development more viable and keep costs down
24.04	Division 23 42 o specific to ose	X	Ап							Residential			23-4E-0150 (A)	Driveway and parking areas must be screened from the common court- by buildings, fence, or wall.	Parking close to unit is considered a market standard nationwide. Develop regulations to encourage this building type rather than preventing its use.	yes	to make development more viable and keep costs down
24.65	Division 23-4E-6 Specific to Use	x	АН									No	23-4E-6	"(A) Purpose: This section established the requirements to develop cooperative housing units and to reuse existing residential buildings to	Allow housing cooperatives in R zones to have more flexible site development standards to encourage their efficient and effective development.		same motion as line 24.55
			ш											accommodate cooperative housing opportunities. (B) Occupancy Requirement. The bedrooms and residential space within a			
			ш											Cooperative Housing unit on a site must be occupied by residents who			
			ш							Affordability	No			have shares if the cooperative corporation sells shares. Bedrooms and residential space may be occupied by residents undergoing a trial			
			ш											period of defined duration for membership in the nonprofit or cooperative corporation. (C) Operation. A Cooperative Housing unit			
			ш											must be operated by a cooperative or nonprofit corporation whose members reside on the site. (D) Additional Requirements for			
			ш											Cooperative Housing in a RR, R1-R4, RM, MS, MU Zone. The requirements of the base zone apply, unless modified by Table A."			
24.66	Division 23-4E-6 Specific to Use	x	АН									No	23-4E-6	(E) Additional requirements for Cooperative Housing organized as a Cottage Court. a. A housing cooperative may follow the design	Allow housing cooperatives in R zones to have more flexible site development standards to encourage their efficient and effective development.		same motion as line 24.56
			ш											requirements for Cottage Courts if the Cottage Court type is allowed in the base zone. 2. A housing cooperative organized as a Cottage Court			
			ш											shall follow the Development Requirements established in Section 23- 4E-6150 of this Titl. 3. A housing cooperative organized as a Cottage			
			ш											Court shall be eligible for 4 additional bonus units when participating in the Affordable Housing Bonus Program. (F) Combining Lot and Open			
			ш							Affordability	No			Space Requirements. Lot area and open space requirements may be combined and shared among cooperative housing units with			
			ш											conditional use approval provided that the overall density remains			
			ш											consistent with standards defined in this Section. (G) Alternative Site Design Compliance. If a multifamily use is converted to a cooperative			
			ш											housing use and participates in the Affordable Housing Density Bonus Program, it may be expanded or altered without requiring related to			
A-24.66.1	Schools	X						TW				X		building placement, open space placement, parking placement, and state of the state	Amend Section 23-4E-6320 School to incorporate corrections submitted		
														by Susan Moffat as vetted by the law department. Please see exhibit	by Susan Moffat as vetted by the law department. Please see exhibit		
										schools	х						
24.67	Division 23-4E-6 Specific to Use	x		СК						Remove max ADU size on	No	No	Table 23-4E-6030(A)	Strike the entire row of the table starting with "Floor Area".	There is no good reason to limit ADUs on a second floor to 550 sq ft.		same motion as line 24.43
			ш							second floor							
A-24.67.1 24.68	23-4E-6  Division 23-4E-7 Additional General Standards	×				P:	S			Definitions			23-4E- 6xxx	Add definition for Cooperative Housing	Need to understand and define difference between group residential and coops.		HLC: Use Front Yard setback of block, add new language to match
			ш														bkldg height with neighborhood, add 15 setback for new story addition and 15' stepback or 1/3% of existing build for old buildings
24.69	Division 23-4E-7 Additional General Standards	x		FK			++	++	++				23-4E-7040		If another amendment changes the overall occupancy for all zones, this can still	Neutral	Not limiting the cooperative occupany to 4 would allow them to be
														family residential or duplex and in Subsection (D)(4) for a cooperative use, not more than four unrelated adults may reside in a structure, in	work in narmony with it because its a larger limit for co-ops.		more feasible, <u>NEED TO DISCUSS</u>
			ш							Affordability	No			the following zones:; (D)(4) The requirements of this subsection do not apply if a site has			
			ш											a Cooperative Housing land use designation.; 23-4E-7040 (G) Maximum Occupancy for a Site with Cooperative Housing. Not more			
			ш											than fifteen unrelated adults may reside in each dwelling unit of Cooperative Housing.			
24.70	Division 23-4E-7 Additional General Standards						JSh			Dwelling Unit Occupancy Limit			23-4E-7040		increase duplex occupany allowance under same allowance as SF homes	Neutral	
24.71	Division 23-4E-7 Additional General Standards	x					JSh								max occupany duplex up 10 total "if", land use commission able to allow more under CUP - hey Co-ops! Do we allow more occupany for coops? Fences are too		commentary
															restrictive compared to today we are okay 4-5' on front property line, and on the property line, intersections okay. Ramp encroachment says allowed only 3' on		
															side, for corner lot more can be allowed		
24.72	Division 23-4E-7 Additional General Standards	х	GA AH										23-4E-7040	23-4E-7040 (D)(1) Except as provided in Subsection (D)(2) for a single-family residential or duplex and in Subsection (D)(4) for a	Allowing cooperatives but limiting occupancy to 4-6 unrelated individuals does not allow sufficient residency to make a cooperative viable	Neutral	Not limiting the cooperative occupany to 4 would allow them to be more feasible, <b>NEED TO DISCUSS</b>
														cooperative housing use, not more than four unrelated adults may reside in a structure, in the following zones 23-4E-7040 (D)(4) The	,,		Staff suggested language adjustment: Cooperative Housing use, not land use designation
										Coops	No			requirements of this subsection do not apply if a site has a Cooperative			
														Housing land use designation. 23-\$e-7040 (G) Maximum Occupancy for a Site with Cooperative Housing. Not more than two unreleated adults			
														times the number of bedrooms in a Cooperative Housing unit.			

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			RSON	>	SAW	SLER	- IPSOI	ARDT	DOZA							YES/NEUTRAL /NO	
			ANDE	KAZI KENN	MCGI	SCHIS	SHE THO	SHAV	MEN			GENERAL	SPECIFIC SECTION				STAFF RESPONSE
24.73	Division 23-4E-7 Additional General Standards	x	GA AH										23-4E-7040	(A) Maximum Occupancy. Except as otherwise provided, not more- than six unrelated adults may reside in a dwelling unit. The maximum	Per NHCD's own affordability impact statement the limit as it stands today at four unrelated adults unnecissarily drives up the cost of housing for people who need	Neutral	Need to discuss
										Affordability	No			occupancy for a dwelling unit shall be the greater of six unrelated	to share space. This is also supported by the Austin Housing Coalition and Austin Tenants Council		
			ш											adults, the specifications of (B) through (E) below, or two unrelated adults times the number of bedrooms in the dwelling unit.	Tenuns council		
24.76	7040 Dwelling Occupancy Limits	х						TS					7040	C) Maximum Occupancy in a Duplex and Single Family Attached. Not	Simplify occupancy limits. Check with staff on provisions to see of there were		in a housing crisis it is not staff's opinion to further restrict
														more than three unrelated adults may reside in each unit of a duplex, unless:	gransfathering requirements.		occupancy limits
														(1)Before June 5, 2003: (a)A building permit for the duplex structure was issued; or			
														(b)The use was established; and			
														(2)After June 5, 2003, the gross floor area in the duplex structure does- not increase more than 69 square feet unless to complete construction-			
														authorized before that date or to comply with the American- Disabilities Act.			
										Dwelling Occupancy	YES			(D) Occupancy Limits in-Certain Zones (1) Except as provided in Subsection (D)(2) for a single-family			
										Limits				residential- or duplex use, not more than four unrelated adults may			
														reside in a unit -structure, in the following zones: (a)Lake Austin Residence (LA) Zone;			
														(b)Rural Residential (RR) Zone; (c)Residential House Scale 1C (R1C) Zone;			
														(d)Residential House Scale 2A (R2A) Zone; (e)Residential House Scale 2C (R2C) Zone;			
														(f)Residential House-Scale 2E (R2E) Zone;			
														(g)Residential House-Scale 3A (R3A) Zone; (h)Residential House-Scale 3C (R3C) Zone; and			
24.77					+			TS						(i)Residential House-Scale 4C (R4C) Zone. (2)The requirements of this subsection do not apply if:		no	there are grandfathering rights that are associated with these dates
			ш											(a)Before March 31, 2014 a building permit was issued for the unit or the use was established; and			(need confirmation)
														(b)After March 31, 2014:			
														(i)The gross floor area does not increase more than 69 square feet, except to complete construction authorized before March 31, 2014 or			
														to comply with the American with Disabilities Act, or (ii)Any interior remodel that requires a building permit does not result			
														in additional sleeping rooms.(3)			
			ш											A structure located on a site exempt from these standards under Subsection (D)(2) that is partially or totally destroyed by a natural			
														disaster, act of god, or fire does not become subject to this subsection, if a building permit to repair or reconstruct the structure is applied for			
														within one year of the date of the partial or total destruction.  (E)Maximum Occupancy for a Site with an Accessory Dwelling Unit.			
														Not more than two unrelated adults may reside in the accessory			
														dwelling unit, <del>unless</del> <del>(1)The use was established before November 18, 2004; or</del>			
			ш											(2)A building permit was received before November 18, 2004; and (3)After November 18, 2004, the unit was not remodeled to increase			
														gross floor area more than 69 square feet, unless to finish construction			
														authorized before that date or to comply with the American Disabilities Act.			
24.78	Division 23-4E-7 Additional General Standards	х	АН										23-4E-7060	(5) Fences of any kind, any height, in any zone are prohibited within 20- feet (as measured from the property line) of the intersection of: (a) A			need to discuss
										Residential				driveway and a street or alley; or (b) Two streets; or (c) A street and an			
														<del>alley.</del>			
24.79							JSh						23-4E-7060	B 1. 4' to 5' max for sloped lots in front setback or building line-	fence regulations are considerably more restritive Should restore current regulations of modify D3 to our proposal		need to discuss
														whichever is less, 6' with administrative variance			
														2. 6' at rear and side property lines (7' max on sloped lots), 8' with administrative variance			
24.80	Division 23-4E-7 Additional General Standards	x	АН	]						Residential			23-4E-7070	(D) Side Setback Exemption for Attached Townhouses. Attached townhouses are not subject to side setback requirements.		yes	townhouse needs same clarification as single family attached on zero lot line setback requirements
24.01					+	+	ICh	$\bot \bot$					22.45.7000	A. Add ADUs		,,,,,	
24.81							15II						23-4E-7080	3B. Ramp must not encroach more that 3 feet into a interior side		yes	
														setback			
24.82	Division 23-4E-8 Building Design Standards				+	+		$\bot$									
27.02																	-
Chapter 23-	5: Subdivision	NONE MINOR MAJOR									YES/NO	YES/NO					
25 25.1	Article 23-5A Introduction Division 23-5A-1 General Provisions				<del>-</del>												-

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			ANDERSON	KAZI	MCGRAW	OLIVER SCHISSLER	SEEGER SHIEH THOMPSON	WHITE SHAW	BURKARDT MENDOZA	HEICH			GENERAL	SPECIFIC SECTION			YES/NEUTRAL /NO	STAFF RESPONSE
25.2	1010				км										add Item 13) Ensure to the greatest extent legal that additions and subdivisions result in complete communities.		neutral	
															subdivisions result in complete communities.			
26 26.1	Article 23-5B Subdivision Procedures Division 23-5B-1 General Requirements																	-
26.2	1050 - Variance Determination	x						TS		Larg Residenti PUD pla requirer	al and tting	NO	1	1.050	(B) Variance Criteria for Specially Approved Development.(1) If a preliminary plan or final plat is associated with a mass housing project, a planned unit development, or a similar specially approved development, the Land Use Commission may grant a variance from a requirement of Article 23-5C (Platting Requirements) if the Land Use Commission determines that:	remove special variance for PUDs. PUDs should demonstrate criteria in 1050 (A) for variance.	neutral	This is from the current code. The itent is to remove impediments to affordble housing projects.
A-26.2.1							JSh							23-5B-	Consent disapprovals for subdivisions may be set to either land use commission for review and action.			
A-26.2.2	1100 5	x						TS		Plat No	ites	NO		23-5B-1100 Plat Notes	(B) General Standards. City of Austin Land Development Code   Draft 3 February 2018 58-1 pg. 7 General Requirements 23-58-1100 (1) The director may not require a notation on a plat unless the note is directly related to the subdivision of land and necessary to ensure compliance with the requirements of this Title. A plat may not containnotations other than those required or allowed by the director- (2) Other than engineering notes, topographical information, and other required technical information, plat notations required by the City shall be limited to the dedication of easements, parkland, and common areas and to the provision of facilities and other infrastructure to serve development within the plat. (3) If a regulation imposes a buffer or similar non-dedicatory limitation on development within the plat, the director may require building setback lines and an informational plat note describing the general nature of the requirement and referencing the appropriate City department or other official resource for more detailed information. (C)Parkland Dedication. (1) In approving a subdivision that is required to dedicate parkland under Article 23-38 (Parkland Dedication), the director must may require a notation on the plat indicating that land has been dedicated or a fee in-lieu paid as required by that article.	23-5B-1100 Plat Notes Delete the last sentence, "A plat note may not contain notations other than those required or allowed by the director."  Reason: Could create unnecessary delay for the applicant. Subsequent subsections in the plat notes contain plat note requirements.  23-5B-1100 (2) Add topographical information and restrictive covenants between "engineering notes" and "other requirements."  Reason: Topographical information is critical to drainage calculation.  23-5B-1100 (3) Add building setback lines.  23-5B-1100 Change "may" to "must."  Reason: The local government code 212.004 requires that the dimensions of parkland be noted on the final plat.  23-5B-2080 D Add the word "residential" between the words a change in land use for up to 25% of the land area included in a preliminary plan.		
K-20.2.3								13							(2) In an application for a presidential development that is exempt from parkland dedication under Section 23-3B-1010(Purpose and Applicability), the director must may require a plat notation stating that any subsequent residential development within the subdivision may be required to dedicate parkland or make payment in-lieu of dedication as required by Article 23-3B (Parkland Dedication) or other applicable ordinance.  (3) If a plat note prohibiting residential uses was required by the City of Austin in order to document an exemption from parkland dedication for a non-residential subdivision on or after July 25, 1985, the applicant must may amend the plat in order to conform the notation authorized by this subsection.			
26.3	Division 23-5B-2 Preliminary Subdivision Plan	С				Ш												-
26.4 26.5	Division 23-58-3 Final Subdivision Plat  Division 23-58-4 Changes to Recorded Plats	С		+	+	+++	++	+ + +	+									-
26.6	Division 23-5B-5 Subdivision Construction Plan			+	+	+++	++	+ + +	+									1-
<b>27</b> 27.1	Article 23-5C Platting Requirements  Division 23-5C-1 Property Markers, Easements, and Alleys				<u> </u>				11									-
27.2	Division 23-5C-1 Property Markers, Easements, and Alleys	х				JSc				Easemen Alle		No	2	23-5C-1020	Easements for public utilities and drainage ways shall be retained in all subdivisions in the widths and locations determined necessary by the director. All easements as defined by the criteria manual shall be dedicated to public use for the named purpose and shall be aligned to minimize construction and future maintenance costs.	This clarifies the section	neutral	
27.3	Division 23-5C-2 Lots																	[*

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			DERSC	Z I	CGRAV	IVER	EGER IEH OMPS	AW	ENDO2							/NO	
27.4	2040 Flag Lots		A 3	<u> </u>	KM	<u> </u>	<u>₩ ₩ ₽</u>	≥ ₹ 8				GENERAL	SPECIFIC SECTION	Eliminate all entitlements to create Flag Lots inside the city as well as	Flag lots set up new intrusive patterns in existing neighborhoods and require	no	STAFF RESPONSE Flag lots are an important tool to address affordability, encourage
														in the ETJ.	special agreements in greenfield development . These configurations crowd trash and traffic on to narrow flag poles. Small lot entitlements in certain zones can		infill and fight sprawl.  The current code allows flag lots by-right for unplatted land, but
															accommodate the desired density without intrusions to existing neighboorhods.  Some areas have deed restrictions that are being ignored.		requires a variance for platted lots when resubdividing. This is not a best practice.
																	Staff's recommendation is to remove the variance requirement, but retain all other current standards. The following standards will remain:
																	Driveway/utility plan for residential lots.     Minimum lot width (20') with option for narrower width (15') with
																	shared access.  • Addresses for flag lots posted at closest point to street access.
																	The flag portion must meet minimum requirements of the applicable zone (size, width, etc). The pole does not count toward
27.5	Division 23-5C-2 Lots	х	A	AH FK		JSc							23-5C-2020 (B)(1)	Lower the minimum lot size to 2,500 sq ft and 3,000 sq ft on a corner	The cost of land is a driving factor in household unaffordability.	neutral	lot size. This is only applicable in the ETJ of Williamson, Hays and Bastrop
										Lot Size	No			lot			Counties. Lot sizes in those areas are more commonly determined by county requirements for septic systems and wells.
27.6	Division 23-5C-2 Lots	x	A	AH FK		JSc				Lot Size Affordaibility	No		23-5C-2020	DELETE section 23-5C-2020	The cost of land is a driving factor in household unaffordability.	neutral	refer to comments on Item 27.5
27.7	Division 23-5C-2 2040- Flag Lots	х						TS		Flag Lots			2040	[See RWG recommendations]	Flag lot requirements provided. No variance required. This is identified as a way to remove barriers to missing middle housing. Flag lots should require an MUP at a minimum.	no	An MUP can not be used to create a lot. It can only be used to allow a use on a platted lot. Refer to 23-
27.8							JSh			flag lots			23-5C-2040	D. REINSTATE THAT IT REQUIRES VARIANCE FROM LAND USE COMMISSION	minimum.	no	refer to comments on item 27.4
A-27.8.1	2040 Flag Lots	х					PS						23-5C-2040	Restore Variance requirement to all Flag Lots	Add Variance requirement for Flag Lots back into code. Originally initiated from ZAP to assist certain neighborhoods in core Austin voice public opinion about		
										Flag Lot Variance					therequest to subdivide lots that did not meet lot width standards . Variance allows public discussion of the subdivision in the appropriate context. Reason		
27.9	2060-Single Family Attached				KM									Delete this use	given by staff: adds expense to the applicant.  This was called Small Lots in Version 2 and it was not clear what zones is this	no	The concept of the "small lot subdivision" is no longer applicable.
27.5	2000 Single Falliny / Alderied				Kivi									Defete this use	allowed? The name has been changed to single-family attached lots. What comments to version 2 drove the need to add this to the code?		Instead, the minimum lot size varies by zone and the subdivision chapter will not regulate lot size, except in the ETJ.
																	In the same manner, if the applicable base zone allows single-family attached dwellings, the subdivision chapter should not impede the
																	creation of those type of lots. The applicable zone will also regulate the lot size, setbacks and impervious cover standards. Those
																	standards are no longer in the subdivision chapter.  The definition of Single-Family Attached is located in 23-13A 2030  "Land Uses". There is no definition for "small lot" because that term
27.40							ICI						22.56.2050		C CCDC assessed by City Advances and Landahar regions and assessed	neutral	is no longer used.
27.10							JSn			Single Family Attached			23-5C-2060		C CCRS approved by City Attorney spell out the requirements need general language about operations and maintenance possibly HOA creationwe call out the technical parts but that is it	lieutrai	
A-27.10.1	2080	х						TS					23-5B-2080 D	(D) Changes Approved by Commission. For a preliminary plan approved on	23-5B-2080 D Add the word "residential" between the words a change in land use for up to 25%		
										Changes to				Commission approve a <u>residential</u> change in land use for up to 25	of the land area included in a preliminary plan.		
										Approved Preliminary	NO			percent of the land area included in the preliminary plan. The Commission may approve the request if it finds that the change would	Reason: This requirement was put in to make it easier for an applicant to change single-family residential lots to small lot single-family residential lots. To avoid interpretation questions, the word "residential" should be added.		
										Plan				not significantly increase the amount of right-of-way required to be dedicated or otherwise impair the orderly planning of roads, utilities,	interpretation questions, the word residential should be duded.		
TS 27.11	Division 23-5C-3 Utilities													drainage, and other public facilities.			
27.11	Sitisfon 25 3C 3 Cultica	С															
27.12	Division 23-5C-3 3099 - TRASH				KM								New section	PROVIDE FOR TRASH COLLECTION AND UTILITY SERVICES FOR EVERY	The city never requires provision for trash services in any subdivision. The	neutral	General comments: Each lot has frontage to a public ROW, and the ROW is used for trash collection. The utility providers determine the
														LOT THAT ARE CONSISTENT IN LOCATION ALONG THE SAME PUBLIC ROW FOR ADJACENT LOTS IN ANY SUBDIVISION OR RESUBDIVISION	rpreponderence of small lots and flag lots requires that this be accounted for. Many central city resubs result in utilities and trash not in locations consistent with adjacent properties. we need to do a better job of planning as we chop up		location of utilities, in accordance with state statutes, city code, and criteria manuals.
															the city into smaller pieces.		
27.13	Division 23-5C-4 Trees for Residential Subdivision																Residential Tree Standards were added to the subdivison chapter in error. Their correct location is in a criteria manual, and a reference
						Ш											to the criteria manual will be added to Article 23-3C: "Urban Forest Protection and Replenishment"
A-27.13.1 A-27.13.2							JSh JSh						23-5C-2020 B1 23-5C-2060	Revise area values with what is presented in zones  B - ADD - 1) zero lot line is allowed only on one side and not allowed			
														on a front, or street-side lot line			

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PTER	N O											REQ. ADD'L STAFF						
ARTIC	DIVIS	DESIRED PROPOSED CHANGES TO D3			INITIATE	D BY CON	MSSIONE	R	EX	OFFICIO	TOPIC AREA	FEEDBACK	,	AMENDMENT TYPE	SUBSTITUTE LANGUAGE	COMMISSIONER NOTES		
			Z	į	>	S	E,	SON	ξŌ	۶,							YES/NEUTRAL /NO	
			NO ER	ART Z	CGR,	UCKO	HEGER HEGER	J J	JRKA	END END				SPECIFIC SECTION			/110	STAFF RESPONSE
A-27.13.3			4	<u>                                     </u>	<u> </u>	20	ISI S	F	<u> </u>	≥FI			GENERAL	23-5C-2060		needs city legal to clariy what is in the CCR's. Condo regiem duplex has		STAFF RESPONSE
															provided for utilities including water meters and wastewater cleanouts (OR DELETE THIS IF THIS IS COVERED IN SECTION C	agreements this should too		
															C) ADD: Standard regarding site alterations and IC			
															Maintenance responsibilities Limitations of City liabilities			
A-27.13.4							JSł	1						5C-2040	Refeneces SF4a			
A-27.13.5							JSł	ין וי						23-5c-4020	C) Trees preserved REMOVE - A tree requiredAND USE Trees required	this is to allow large preserved caliper trees to suffice for site requirement Heritage and protected trees can already have a huge canopy		
															C. Trees of species and caliper inches described in Protected and Heritage trees			
								ш							nertage trees			
A-27.13.6		x							TS		Trees in Res, Sub	YES		Division 23-5C-4		Ask City Arborist if they reviewed.		
Chapter 23- 28	6: Site Plan Article 23-6A: Purpose and Applicability	NONE MINOR MA	AJOR									YES/NO	YES/NO					
28.1	Division 23-6A-1: Purpose and Applicability	С																-
28.2 28.3	Division 23-6A-2: Exemptions Division 23-6A-2: Exemptions	x	-	FK	ĸ		ISc	<del>-</del>	++					Table 23-6A-2010 (A)	Construction or alteration of a single-family residential structure,			-
														Site Plan Exemptions	single-family attached, duplex residential structure, accessory dwelling			The language as proposed, "Structure quantity does not exceed the
											Exemptions	Yes			unit, or an accessory structure (1) -No more than two residential structures are constructed on a legal lot or tract Structure quantity			quantity allowed in the applicable zoning category" has unintended consequences, and will prevent staff from being able to enforce
20.4			_											22.54.2	does not exceed the quantity allowed in the applicable zoning	Lucio Auticalla for Caralla and Caralla an	No	applicable regulations.
28.4						IN								23-6A-2	In Table 23-6A-2010(A), amend "Construction and change less than 1,000 square feet and the limits of construction is less than 3000	Imagine Austin calls for "complete communities." Complete communities need a healthy tree canopy.		
															square feet.", to add the following: "(5) If existing impervious cover is removed and trees are planted and perpetually maintained thre, the			
															impervious cover removed does not count toward the 1,000 or 3,000 square feet limit."			This was discussed by staff in the context of removing impervious cover in existing paved parking/vehicle circulation areas in support of bringing
															square reet mint.			noncompliant parking into better compliance with current parking lot landscaping/tree requirements.
28.5	Division 23-6A-2: Exemptions	х		FK	ĸ	ı	JSc							Table 23-6A-2010 (A)	Residential construction of three to six ten units - Provided the project	Missing middle housing shouldn't have to go through a complete site plan - otherwise you'll only get six units and rarely ever seven to ten units.	,	
											Exemptions	Yes		Site Plan Exemptions	complies with the requirements of Division 23-2A-3 (Residential Development Regulations).	otherwise you if only get six units and rarely ever seven to terrunits.		
1 20 5 4	8:32.22.51.2							<u> </u>										
A-28.5.1	Division 23-6A-2: Exemptions		*					IV	v				×		direct staff to crete a site plan light for missing middle housing between 6-12 units.	We want to lower the barrier for missing middle; the threshold of 6 for triggering a site plan is a step in the right direction. But we'd like to see more in the way of		
												х				reducing the number of hurrdles for the 6-10 units as well. Site plan light would include watershed review but not necessarily all departments.		
<b>29</b> 29.1	Article 23-6B: Site Plan Review and Filing Requirements Division 23-6B-1: Application Review and Approval													1				
29.2	Division 23-6B-1: Application Review and Approval	,	х			ı	JSc							23-6B-1010 (D)(1)(a)	(a) For a site plan required due to a use change triggering a conditional			
											Application Requirements	Yes			use site plan that otherwise meets the criteria under 23-6A-2; Exemptions for Site Plan Review, compliance with requirements of a			This language reflects how most staff understand code. However,
															development or construction site does not apply.		Yes	current code is not clear, and there is conflict in review. This language provides clarification; DSD supports this addition
29.3 29.4	Division 23-6B-2: Submittal Waivers  Division 23-6B-3: Release			$\Box$					$\Box$									-
30	Article 23-6C: Expiration																	-
30.1		C C	Downite	For Him	torie St	Letures						VES/NO	YES/NO					-
31	7: Building, Demolition, and Relocation Permits; Sp Article 23-7A: General Provisions	eciai Requirement I	Permits	For Hist	toric Stri	uctures		,				YES/NO	YES/NO					
31.1 31.2	Division 23-7A-1: General Provisions  Division 23-7A-1: General Provisions	X	-	++	++		JSc	$\vdash$	++					23-7A-1020	Historic Properties and Buildings 45-50 or More Years Old	The national standard for historic protection is 50 years.	_	
															(A) The building official must notify the historic preservation officer before issuing a building, demolition, or relocation permit for a	i '		
											Historic				building-45 50 or more years old.			
											Zoning				(B) The building official may not issue a building, demolition, or relocation permit for a property described in Subsection (D) unless all			
				$\perp \perp$	$\perp \perp \mid$				$\perp \perp$	$\coprod$					applicable requirements of Division 23-7D have been satisfied.			
31.3	Division 23-7A-1: General Provisions	'	×				JSc							23-7A-1050	HISTORIC PROPERTY INVENTORY. A list of all properties across the city's zoning jurisdiction that either are historically zones or might	This will provide regulatory certainty and identify properties that are not currently protected but should be.	1	
															qualify for historic zoning protection. The historic preservation officer shall develop this list no later than January 1, 2024 and update it			
															thereafter from time to time. The list should include a mix of		l	
											Historic				commercial and residential properties, be spread geographically throughout the zoning jurisdiction, identify the reasons that the		1	
											Zoning				property might be historic, and include no more than one percent of the land area of the zoning jurisdiction. When developing this list, the		l	
															historic preservation officer shall evaluate properties that are		1	
															currently zoned historic for delisting. The list should provide sufficient detail for the City Manager to determine the amount of tax waivers			
				<u></u>						Ш					are associated with the protections.		L	
															<del></del>			

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HAPT	JOISI	<u> </u>	DESIRED PR	OPOSED									STAFF						
AR C	20	E .	CHANGES	TO D3		INITIA	TED BY C	OMMSSIC	NER	EX C	OFFICIO	TOPIC AREA	FEEDBACK	A	MENDMENT TYPE	SUBSTITUTE LANGUAGE	COMMISSIONER NOTES		
					N N	3	rs is	Œ,	SON	ΤŒ	ΥZ							YES/NEUTRAL /NO	
					F GE	IZ A	CKO VER	HSSI GER	E OM	₹ Z	S 공							/NO	
1 24 2 4		22 7A Historia			¥ ¥	<u> </u>	<u> </u>	S	<u>중 후 홍</u>	동물	Σμ			GENERAL					STAFF RESPONSE
A-31.3.1		23-7A Historic		X				PS							23-7	Include Historic Landmark Commission recommendations 20180423	Include HLC changes recommended changes (1) encourage ADUs as a tool to retain older, historic-age residential buildings, 50+ years, while increasing density		
												Historic					(2) Maintain the historic street pattern, (3) preserve the built form of low-rise		
												Preservation					residential neighborhoods and commercial corridors via context-sensitive form- based zoning (4) discourage demolitoons of older commercial and residential		
																	buildings (compressd recommendations)		
A-31.3.2		23-7A-1020 Historic		х				PS				Historic			23-7A-1020	Change 45 back to 50 years	Why is there a change of age from National Histoic guidelines of 50+ years. Change		
												Preservation					back to standard.		
32 32.1	Article 23-7B: Buildin Division 23-7B-1:	g Demolition and Permits Building and Demolition Permits	С			П	<del> </del>												
32.2		Permit Applications	C			<del>                                     </del>	+	+											
32.3	Division 23-7B-3:						11												
32.4	Division 23-7B-3:	Demolition Permit Expiration and Extension						JSc							23-7D-3010	Review for Buildings 45-50 or More Years Old Without Historic	50 is the national standard		
																Designation (A) This section applies to a building, structure, or site that is:			
																(1) 45 50 or more years old; and			
																(2) Does not have historic designation of any kind.			
33 33.1	Article 23-7C: Relocate Division 23-7C-1:	Relocation Permits					1 1	ТП	<u> </u>	1 1 1					1				
33.2	Division 23-7C-1:	Relocation Permits		х				JSc				Historic			23-7D-1020	Article 23-7D: Special Requirements for Historic Properties and	50 is the national standard		
33.3	Division 23-7C-2:	Relocation Requirements				+++	++	+				Zoning				Buildings-45-50 or More Years Old			
34	Article 23-7D: Special	Permit Requirements for Historic Properties and	d Buildings 45 or Mo	ore Years Old															
34.1 34.2	Division 23-7D-1: Division 23-7D-2:						++	+		$\sqcup$	+								
34.3	Division 23-7D-3:					+++	++	+											
34.4	Division 23-7D-3:	Properties without Historic Designation		х		1 1 1		JSc							23-7D-3010	Review for Buildings 45 50 or More Years Old Without Historic			
												Historic				Designation (A) This section applies to a building, structure, or site that is:			
												Zoning				(1) <del>45-</del> 50 or more years old; and			
	D: 100 - 22 7D 4	Description of the Control of the Co				$\sqcup \sqcup \bot$										(2) Does not have historic designation of any kind.			
34.5 34.6	Division 23-7D-4:	Pending Historic Designations  Appeal	_			+++		+											
35	Article 23-7E: Mainte	nance Requirements																	
35.1 36	Article 23-7F: Enforce	ement and Penalties																	
36.1	Division 23-7F-1:	Demolition by Neglect and New Construction																	
Chapter 23-		In the second	NONE MINO	R MAJOR									YES/NO	YES/NO					
37.1	Article 23-8A: General Division 23-8A-1:	Pollicy and Administration	С																_
37.2	Division 23-8A-2:	Sign Permit and Registration	С				11												
38		tions Applicable to All Signs				1 1 1													
38.1 38.2		General Requirements  On-Premise Signs Allowed Without a Permit	С				++	+		$\sqcup$	+								-
		, and the second														(C)(A)(A) the later of little to the later of the later o	Down and the control of the control		-
38.3	DIVISION 23-8B-2:	On-Premise Signs Allowed Without a Permit				KI	М									(C)(1)(c) should read "the total area of signs does not exceed 9 square feet" (instead of 36) (C)(1)(d) should read "the maximum height does	Do we really want signs on houses?		The 36-sf area and 8-ft height limit comes directly from current code,
																not exceed 6 feet above grade" (instead of 8)			Section 25-10-101(C). Further limiting the area or height will create a conflict with 23-8B-2030(G) Temporary Signs for Elections.
38.4	Division 23-8B-3:	Prohibited Signs				$\Box$	$T^{L}$	+	+	<del>     </del>					<del>                                     </del>			INO	-
38.5		Non-conforming Signs						Ш		Ш									
<b>39</b> 39.1	Division 23-8B-1:	Regulations by Sign Districts and Sign Types	С																
39.2		Regulations by Sign Type	С	+ -		+++	++	+ + +	+	+++									-
39.3		Regulations for Non-Standard Signs	C	+		+++	++	+	++	+++									-
40	Article 23-8D: Enforce	ement and Relief Procedures																	
40.1	Division 23-8D-1:		С					$\bot \bot \bot$	$\perp \downarrow \perp$	$\sqcup \sqcup \sqcup$									-
40.2		Variances and Appeals	C											VERT					-
Chapter 23- 41	-9: Transportatio Article 23-9A: Genera		NONE MINO	OR MAJOR									YES/NO	YES/NO					
41.1	Division 23-9A-1:	Policy and Administration						Ш	$\Box$										
41.2	Division 23-9A-1:	Policy and Administration		x	GA										23-9A-1030	(4) Proportionality determinations required under Division 23 9A-2 (Proportionality of Transportation Infrastructure Requirements),	This section states that standards for important transportation matters such as Rough Proportionality standards should be set forth in a Transportation Criteria		
												Rough	No			including standardized procedures for making determinations and	Manual that the public has not seen or had the ability to review and provide input.		
												Proportionality	No			criteria for identifying required improvements with an essential nexus- to the impacts of proposed development;	Leaving such important standards to be determined outside of the revised LDC process and in a criteria manual written in the future does not provide clear		
																, and a property	guidance and predictability. This should be in code.		
			1																

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CHAPTER	DIVISION	DESIRED PROPOSED CHANGES TO D3		INITIA	TED BY CO	OMMSSION	NER	EX (	OFFICIO	TOPIC AREA	REQ. ADD'L STAFF FEEDBACK	AMENDMENT TYPE	SUBSTITUTE LANGUAGE	COMMISSIONER NOTES		
			ANDERSON HART	KAZI KENNY	NUCKOLS OLIVER	SCHISSLER SEEGER	SHIEH THOMPSON WHITE	SHAW	MENDOZA TEICH			GENERAL SPECIFIC SECTION			YES/NEUTRAL /NO	STAFF RESPONSE
41.3	Division 23-9A-1: Policy and Administration	x	GA							Rough Proportionality	No	23-9A-1050	MUNICIPAL TRANSPORTATION INFRASTRUCTURE IMPROVEMENTS or TRANSPORTATION INFRASTRUCTURE IMPROVEMENTS. A transportation improvement that mitigate the impacts of development on the City's transportation system, including the construction or funding of system improvements and the dedication or improvement of right-of-way beyond the boundaries of a development or in excess of that required by generally applicable design standards. The term does not include dedications or improvements to directly serve a development under generally applicable development regulations.	This definition needs modification and is important as it relates to offsets with rough proportionality requirements. The last sentence in this definition should be deleted. This sentence is problematic because it is unclear what types of improvements would be excluded and could be interpreted in many different ways. rough prop should be allowed for land onsite.		
41.4	Division 23-9A-1: Policy and Administration	х				JSc				Transportation Criteria	Yes	23-9A-1030 (B) (4)	(Proportionality of Transportation Infrastructure Requirements), including standardized procedures for making determinations and criteria for identifying required improvements with an essential nexusto the impacts of proposed development;	Rough proportionality should be defined in code, not criteria manuals. This section states that standards for important transportation matters such as Rough Proportionality standards should be set forth in a Transportation Criteria Manual that the public has not seen or had the ability to review and provide input. Leaving such important standards to be determined outside of the revised LDC process and in a criteria manual written in the future does not provide clear guidance and predictability.		
41.5	Division 23-9A-1: Policy and Administration	x				15c				Municipal Transportation Infrastructure	Yes	23-9A-1050	TRANSPORTATION INFRASTRUCTURE IMPROVELMENTS. A transportation improvement that mitigate the impacts of development on the City's transportation system, including the construction or	This definition needs modification and is important as it relates to offsets with rough proportionality requirements. The last sentence in this definition should be deleted. This sentence is problematic because it is unclear what types of improvements would be excluded and could be interpreted in many different ways.		
41.6	Division 23-9A-2: Proportionality of Transportation Infrastructure Requirements															
41.8	Division 23-9A-2: Proportionality of Transportation Infrastructure Requirements	X				JSc				Codify policies	Yes	23-9A-2		Policies regarding what is considered part of a project rough proportionality shall be included in code, not criteria manual. This includes definition of "Municipal transportation infrastructure improvements" (23-9A-1050)		
41.10						JSc							(D) To aid in making a proportionality determination and identifying required infrastructure improvements, the director may: (1) Adopt administrative guidelines setting forth assumptions, procedures, formulas, and development principles used in making a proportionality determination; and (2) If an applicant contests the director's-proportionality determination, require an analysis under Article 23-9C (Transportation Review and Analysis) that would otherwise not be required or other information related to traffic and safety impacts-Proposed modifications to the rough proportionality procedures shall be adopted only via modification to this code section as approved and adopted by City Council.	Cont'd		
41.11	Division 23-9A-2: Proportionality of Transportation Infrastructure Requirements	х				JSc				Proportionality Determination	Yes	23-9A-2020 (B)	Strike the following language in item (B): ",-prior to approval of an- application for which dedication of right of way or other construction or funding of system transportation improvements is required." and replace with "within 60 days of submission of a TIA, TDM, or other traffic study for the project."			
41.14	Division 23-9A-2: Proportionality of Transportation infrastructure Requirements	x	GA			JSC				Rough Proportionality	No	23-9A-2020 B	roughly proportionate share of transportation infrastructure costs attributable to a proposed development prior to approval of an application for which dedication of right-of-way or the construction or funding of system transportation improvements is required. A determination issued under this section:  (1) Need not be made to a mathematical certainty, but is intended to be used as a tool to fairly assess the roughly proportionate impacts of a development based on the level of transportation demand created by a proposed development relative to the capacity of existing public infrastructure; (2) Shall be completed in compliance with generally recognized and approved measurements, assumptions, procedures, formulas, and development principles; and	A clearly defined Rough Proportionality (RP) review process, including standardized procedures for making determinations, needs to be established. There is no specific process defined in current code nor in Draft 3. The RP review process should be written in a manner that is predictable.		
41.12	Division 23-9A-2: Proportionality of Transportation infrastructure Requirements	х				150				Proportionality Determination	Yes	23-9A-2020 (B) (3)	(3) Shall state the roughly proportionate share attributable to the property owner for the dedication and construction of transportation-related improvements necessary to ensure an effective and safe transportation system that is sufficient to accommodate the trafficgenerated by a proposed development, that will improve the transportation system immediately affected by the development to best mitigate the increased traffic caused by the development, as much as can be achieved considering physical and financial constraints. This statement shall not be intended as a measure to lessen density or deny development permit approvals along transportation ways that are in poor operating condition prior to proposed new development			

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			AND TAR	KAZI	MCG	SCHIS	SHE	SHAV	MEN			GENERAL	SPECIFIC SECTION				STAFF RESPONSE
41.15						JSc		T						(4) Within 30 days of submission, must provide a list of	Continued from above		
														included/qualified rough proportionality imrprovements and estimated costs.			
														(5) The Director shall develop rules using the admistrative rule process			
										Rough Proportionality	No			to develop a process for submital and review of rough proportionality evaluations, and the timing them in relation to TIAs, TDMs, other other			
										,				traffic study reviews. These rules shall be presented to the Planning			
														Commission for a recommendation to Council. Council shall approve			
						$\perp$								the rules, reject them, or approve them with modifications.			
41.9	Division 23-9A-2: Proportionality of Transportation Infrastructure Requirements	X				JSc							23-9A-2020 (C) & (D)	(C) If a proposed development is subject to a proportionality determination under this section, the director shall identify in writing	RP requirements and inclusions should be determined prior to adoption of code and listed within Code.		
														all transportation infrastructure improvements required in conjunction			
														with approval of the development application. The infrastructure- improvements may include right-of-way dedication, the construction-			
														or funding of system improvements, or any combination thereof, in an-			
										RP				amount not to exceed the total roughly proportionate share as			
										Infrastructure	Yes			established by the proportionality determination. RP definition shall include: (1) The land value (as determined by appraisal) of all			
														dedicated ROW within or adjacent to a property as required by the			
														City, (2) the hard cost of all transportation improvements associated with a project or required of a project by the City except for those			
														associated with private on-site drives and parking, (3) the design and			
														permitting "soft" costs associated with any required transportation improvements determined via a TIA or otherwise required by the City.			
	Di tri 22 04 2 Daniel II (Tanana II)					1		$\perp$									
41.13	Division 23-9A-2: Proportionality of Transportation Infrastructure Requirements	×				JSc							23-9A-2020 NEW SECTION (E)	A rough proportionality determination made on a project shall be made with an initial project application and shall be grandfathered			
										Proportionality			, ,	through future applications so long as the project has not (1) let any			
										Determination	Yes			project application expire, (2) been in default of any application, or (3) changed the intended use and/or density in a manner that will			
														increase the traffic generated by the project build out.			
42 42	Article 23-9B: Right-Of-Way Dedication and Reservation																
42.1 42.2	Division 23-98-1: General Provisions  Division 23-98-1: General Provisions	X				ISC		++-					23-9B-1030 (A)	If a development application requires approval by the Land Use	The language in this section suggests that only an applicant whose development		
42.2	Division 25-38-1. General Provisions	^				130							23-3B-1030 (A)		application requires approval by the Land Use Commission or city council is		
										Dight of May				this section from a requirement to dedicate, reserve, or improve right-	qualified to request a ROW variance. Section 25-6-86 in the current LDC does not limit an applicant who is seeking a ROW variance. The ability to seek a ROW		
										Right-of-Way Variance	Yes			of-way. The purpose of the variance procedure authorized by this section is to provide for consideration of unique impacts that	variance should be allowed by all types of development applications, regardless of		
														requirements of this chapter may have on property relative to the	application type.		
														transportation needs generated by proposed development.			
42.3	Division 23-9B-1: General Provisions	х				JSc							23-9B-1030 (B)	(B) Application Requirements. A request for a variance under this- section must be: (1) Submitted in a manner approved by the director-	The application requirements need clarification and are too broad. The variance request application submittal requirements give too much discretion to the		
														and include any information required by the director to evaluate the	director for approval. The application process is not predictable for an applicant.		
										Right-of-Way Variance	Yes			variance request; and (2) Associated with a pending development			
														application, unless the director determines that the amount of public- right of way that would be required for dedication is 15 percent or			
				$\bot \bot \bot$				$\perp \perp$						more of a project site's total land area.			
42.4	Division 23-9B-2: Right-Of-Way Dedication and Improvement			$\perp \perp \rfloor$				$\perp \perp$									
42.5	Division 23-9B-2: Right-Of-Way Dedication and Improvement	x				JSc							23-9B-2010 (A)	Right-of-Way Dedication. A landowner shall dedicate all public right-of- way required to adequately serve the transportation needs of	Delete with the purpose of re-writing. This section is problematic as it can be interpreted to required dedication of land that the landowner may not own. There		
										Dedication of				proposed development consistent with the standards of this Title. The-	is also nothing defined in the code that clarifies what is considered "adequate".		
										right of way and	Yes			amount, location, and alignment of right-of-way to be dedicated shall-	We suggest clarification and an edit to this section to ensure that this requirement for right-of-way dedication by the landowner is not required outside of a site plan		
										construction of				conform to the Transportation Plan, an approved collector plan, or an approved capital improvement project and may be required within.	boundary.		
										improvements				adjacent to, or outside the boundaries of a proposed development.			
42.6	Division 23-9B-2: Right-Of-Way Dedication and Improvement	х		+++	+	JSc		++		Adjacent	V		23-9B-2010 (B) (1) (C)	(c) the likelihood that adjoining property will develop in a timely			
				$\bot \bot \bot$		1		$\bot\bot$		roadway	Yes			manner.			
42.7	Division 23-9B-2: Right-Of-Way Dedication and Improvement	x				JSc				Dedication of right of way			23-9B-2010 (A) (2)	Construction of all required street improvements and transportation facilities, consistent with the applicable standards of this Title, is			
										and	Yes			required within public right-of-way needed to directly serve a			
										construction of improvements				proposed development.			
42.8		x		+++	$\dashv \dagger$	JSc		++					23-9B-2010 (B)(2)	(2) Right-of-Way Improvements. Construction of all required street	This section mandates improvements or dedications related to state, federal, or		
										Dedication of			Frontage Roads	improvements and transportation facilities, consistent with the	other sole municipality managed transportation networks which is outside of the City's purview. The language in this section is too general and open-ended. This		
										right of way				needed to directly serve a proposed development.	code section should be removed as it creates an unnecessary mandate and		
										and construction of					additional layer upon the landowner where an existing process is already in place. For example, every project that is adjacent to State right-of-way is currently		
										improvements					required to go through TxDOT process for review and approval relating to		
															necessary dedication and improvements.		
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CHAP	TLE	DESIRED PROPOSED			ATED DV		NED	57.6		TOPIC AREA	STAFF FEEDBACK			SUBSTITUTE LANGUAGE	COMMISSIONIST MOTES		
<u> </u>	ōF	CHANGES TO D3		INITIA	ATED BY	COMMSSIO	NEK	EXC	OFFICIO	TOPIC AREA	TEEDDACK	AIV	MENDMENT TYPE	SUBSTITUTE LANGUAGE	COMMISSIONER NOTES		
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			A GE	Z Z	S S S	HISS		₩ K	吕필	- 1							
42.9	Division 23-9B-2: Right-Of-Way Dedication and Improvement	X	II ₹ ₹	<u> </u>	Σž		<u>☆ ⊨ ≥</u>	- 호 =	Σμ			GENERAL	SPECIFIC SECTION 23-9B-2020 (A)(2)(B)	(b) Approval of the rezone would <del>substantially increase the intensity of</del>			STAFF RESPONSE
42.3	Sitison 25 55 21 highe of vital pedication and improvement	^				130			- 1				23-96-2020 (A)(2)(B)	development allowed on the property to the extent that right-of-way			
										Determination				needs may be reasonably assessed without a site plan, subdivision, or			
										of Right of Way Dedication and	Yes			other development application. increase the anticipated traffic generated on the site more than 25% what is allowed under current			
										mprovements				zoning at maximum build out. A traffic engineer should provide			
									- 1					clarification via a signed and sealed letter of the traffic generated by the modified zoning compared with the traffic generated by the			
42.10	Division 23-9B-2: Right-Of-Way Dedication and Improvement	X		+++	-	IC.	+	+++	_				23-9B-2040 (B)(2)(c) (ii)	existing zoning			
42.10	Division 23-36-2. Right-of-way Dedication and Improvement	^				130				Standards for establishing			23-96-2040 (B)(2)(C) (II)	(ii) if the centerline of the street is proposed to be shifted from its present alignment, such shift shall be shown in a published/approved			
									- 1	right of way	Yes			transportation plan, the proposed right-of-way centerline; or			
_										alignment							
42.11	Division 23-9B-3: Right-Of-Way Reservation	С															
<b>43</b> 43.1	Article 23-9C: Transportation Review and Analysis  Division 23-9C-1: General Provisions	<del>                                     </del>		T I I			$\top$	1 1 1									
A-43.1.1	Division 23-9C-1: General Provisions	х				х							23-9C-1010	Proposed new language "If a proposed development does not require	The mitigation language needs to be restated in such a way that a development		
														transportation analysis under Section 23-9C-2020 (Transportation Impact Analysis Required) or Section 23-9C-2040 (Neighborhood	approval and/or permit is not contingent upon development funding and/or building transportation infrastructure improvements to mitigate traffic caused by		
									т	Transportation				Transportation Analysis Required), the applicable Director may	the development. To accomplish the goals of Imagine Austin, we recommend that		
										Review				condition approval of the application on funding system improvements	this language is modified to allow for a prioritization of density in urban zones (cbd and corridors).		
														or construction of some or all proposed improvements at applicant's discretion, not to exceed the value of the project street impact fee, as	and composity.		
														described in this section."			
43.2	Division 23-9C-1: General Provisions						JT		- 1			Yes		Per UTC recommendation, "Specifically remove Level of Service (LOS) as a metric and include VMT as a replacement."			
				$\sqcup \sqcup \sqcup$				$\bot$	$\perp$					· ·			
43.3	Division 23-9C-1: General Provisions	x				JSc			- 1				23-9C-1010(A)(2)	(A) This article establishes procedures for analyzing and mitigating the impacts of new development on the transportation system by: (1)	The mitigation language needs to be restated in such a way that a development approval and/or permit is not contingent upon development funding and/or		
									- 1					Determining the extent to which streets and other municipal	building transportation infrastructure improvements to mitigate traffic caused by		
									- 1					transportation infrastructure are impacted by new development; and (2) Requiring new development to provide transportation	the development. To accomplish the goals of Imagine Austin, we recommend that this language is modified to allow for a prioritization of density in urban zones (cbd		
									т	ransportation				infrastructure improvements and other mitigation necessary to	and corridors).		
									- 1	Review				address the impacts of new development. and (2) Require new			
									- 1					development to provide payment for or improvements to transportation infrastructure improvements and/or other mitigation to			
									- 1					best address the impacts of new development, as is feasible given			
														physical constraints of the transportation network and projects			
43.4	Division 23-9C-1: General Provisions	x				JSc			- 1				23-9C-1010 (A)	This article establishes procedures for analyzing and mitigating the impacts of new development on the transportation system by:	Language should be modified as mitigation is not always an option for new development in urban environments – language needs to allow for infill		
										Purpose and Applicability	Yes			impacts of new development on the transportation system by.	development on congested streets that increases transit ridership over time.		
															Language shall be crafted such that infill development is not restricted.		
43.5	Division 23-9C-1: General Provisions	x				JSc							23-9C-1010 (B)(1)		RECA: The lowered TIA threshold of 1,000 trips/day and application of said		
									- 1	Purpose and	Voc			level of transportation review and applies to new development anticipated to generate impacts of at least 1,000 2,000 vehicle trips	requirement to downtown discourages density in the urban core and along our corridors. To encourage Imagine Austin density goals and create a critical mass for		
									- 1	Applicability	Yes			per day <del>or 100 peak hour trips;</del>	transit, as well as expedite increased housing supply, the threshold for TIA requirements should be reevaluated.		
															requirements should be reevaluated.		
43.6	Division 23-9C-1: General Provisions	×   _				JSc							23-9C-1020 (b)	(B) To determine a street's existing trip count, the director shall rely on most recent data or establish a current trip count based on generally		I	
									T	rip Calculation	Yes			accepted guidelines regulations within this code or the Transportation			
														Criteria Manual and utilizing the federally accepted measures for			
43.7	Division 23-9C-1: General Provisions	x		+++	++	Isc	++	+ + +					23-9c-1030 (B)	calculating vehicle trips.  Add "If an affordable development does not require an analysis" and			
		^				,30			Т	Transportation			_0.50-1030 (B)	Delete language: Under(B) (1)-(3), "reasonably priced" because it is			
_										Review				too vague and undefined.			
43.8	Division 23-9C-2: Comprehensive Transportation Review					$\cup$							Π				Dtwn Comm: 2010 exempt TIAs and allow TDMs in CC & DC zones
						$\perp \downarrow \downarrow \downarrow$	$\perp \downarrow \downarrow$										
43.9	Division 23-9C-2: Comprehensive Transportation Review					JSc							23-9C-2010 Purpose and Applicability (B)	(B) Compliance with this division is required if a proposed- development is anticipated to generate impacts of at least 1,000-	This section needs to be evaluated. In addition to the suggested modification, consider including a threshold based on alternate methodology that aligns with		
									- 1			ľ	Аррисавниу (в)	vehicle trips per day or 100 peak hour trips, after deducting any trip	method of study and determination of impact at intersections (such as peak hour		
									- 1					reductions approved by the director under Section 23-9D-2030	analysis) to provide more certainty and predictability.		
														(Transportation Demand Management). A Comprehensive Transportation Plan is required when both a TIA and a TDM are			
														required (per section 23-9C-2020 and 2030) and refers to the			
														combined report containing information found in both a typical TIA and TDM.			
43.10	Division 23-9C-2: Comprehensive Transportation Review	x		+++	++	JSc	++	+++					23-9C-2020	(B) Contents. A transportation impact analysis must be consistent with			
													Transportation Impact	the scope approved by the director under Subsection (A) and must			
										Franchortation			Analysis (B)(1)(c)(d)	comply with the requirements described in this subsection.(1) A transportation impact analysis must be prepared in accordance with			
										Transportation				the Transportation Criteria Manual and must establish: (c) the capacity			
														of affected streets intersections before and after the proposed development; (d) deficient streets intersections; and			
				1										development, (a) dendent <del>streets</del> intersections; and			

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43.11	Division 23-9C-2: Comprehensive Transportation Review	х	I Q I	TŤŤ		JSc S		y SIB					3-9C-2020	Do not require TIAs at zoning and make it clear to both City Council			3774.1 1125.3 3.132
													ansportation Impact nalysis (B)(1)(c)(d)	and others that a TIA will be performed at the same time of site plan submittal. (a) must be submitted with an application for a site plan or			
										Transportation				subdivision. or planned unit development zoning district; and (b) may be submitted, at the applicant's discretion, or as required by			
														the city council, for a zoning application other than a planned unit			
43.12						ISc		+		-		23.	-9C-2020	development. (C) Timing of Submittal.	The conflicting timing concepts between (C)(1)(a) and (C)(1)(b) should be removed.		
13.12						130						Tra	ansportation Impact	(1) Initial TIA. If a proposed development meets the trip threshold	TIA submittal requirements should be clear and predictable. Current draft		
												Ana	nalysis (C)(1)(b)	established in Section23-9D-2010 (Purpose and Applicability), an initial transportation impact analysis:	language suggests that City Council can ask for a TIA even when it is not initially required, which could add 6-9 months to the development process.		
														(a) must be submitted with an application for a site plan or subdivision. or planned unit development zoning district; and			
														(b) may be submitted, at the applicant's discretion, or as required by			
														the city council, for a zoning application other than a planned unit- development.			
43.13	Division 23-9C-2: Comprehensive Transportation Review	х				JSc				Turning		23-	-9C-2030 (B)	Need to see TCM draft and vet along with proposed code language	Need more information on trip reduction measures before this section of code can		
43.14	Division 23-9C-2: Comprehensive Transportation Review	x				ISc				Transportation		23-	-9C-2030(C)	(C) Timing of Submittal. (1) Concurrent with TIA. Except as provided in	be adopted  TDM submittal requirements, procedures and timelines are unclear and appear to		
													30 2000(0)	Subsection (B)(2), a TDM plan that meets the requirements of this	be inefficient by requiring multiple studies to be reviewed concurrently. The timing of TDM submittal could be simplified. Whether a TDM plan should be		
														section must be submitted concurrent with a transportation impact analysis required under Section 23-9C-2020 (Transportation Impact	submitted in lieu of a TIA and/or concurrent with a TIA needs to be clarified. To be		
										Transportation				Analysis). A TDM review shall be submitted with a formal application for zoning, subdivision, preliminary plan, or site plan review. A TDM	more clear and predictable, we suggest that the timing of a TDM submittal becomes part of a predevelopment meeting and the predevelopment summary		
														shall be reviewed and approval provided with formal comment report	identifies any and all studies required for the applicant.		
														on the application. If the TDM reduces trips below the TIA threshold, the TDM shall serve to replace a TIA and a TIA shall not be required.			
43.15						JSc		+						(2) In Lieu of TIA. (a) The director may allow submittal of a proposed	CONT'D		
														TDM plan in lieu of a transportation impact analysis if the director- finds that implementing the TDM plan is sufficient to reduce vehicle			
														trips generated by a proposed development to a level below the threshold established in Section 23-9C-2010 (Purpose and			
			ш											Applicability). (b) The director shall allow submittal of a proposed TDM			
														plan in lieu of transportation impact analysis if a proposed- development is anticipated to generate less than 2,000 trips per day. A-			
														TDM plan submitted under this paragraph shall be limited to- reasonable design enhancements and other cost-effective strategies			
														that can be efficiently integrated into project design. (c) Compliance			
														with a TDM plan approved under Paragraphs (B)(2)(a) (b) shall be required as a condition to approval of a development application			
														under Division 23-9C-4 (Development Conditions and Mitigation) and may be subject to conditions under Section 23-9C-1030 (Waiver of			
43.16	Division 23-9C-2: Comprehensive Transportation Review	x				JSc						23-	-9C-2030(D)	Change text in (d) by removing the following "and includes	TDM submittal requirements, procedures and timelines are unclear and appear to		
														reasonable strategies for reducing transportation demand based on the layout, location, and context of a proposed development."	be inefficient by requiring multiple studies to be reviewed concurrently. The timing of TDM submittal could be simplified. Whether a TDM plan should be		
										Transportation					submitted in lieu of a TIA and/or concurrent with a TIA needs to be clarified. To be more clear and predictable, we suggest that the timing of a TDM submittal		
															becomes part of a predevelopment meeting and the predevelopment summary identifies any and all studies required for the applicant.		
43.17	Division 23-9C-3: Neighborhood Transportation Impact Analysis				++	++		++	HH				-				
43.18	Division 23-9C-3: Neighborhood Transportation Impact Analysis	х		+++	++	JSc	+++	++	+++				ection 23-9C-3020	Provide clear definition of "multimodal level of service" to better	The definition of multi-modal transportation is unclear. In order to create a		
												(A)	)(1)	understand implications of this requirement	predictable process, multi-modal transportation concepts should be clear and defined in code. The code should include a list of allowable and approved "modes"		
										Transportation	Yes				and specific goals of mode split for purpose of implementing code policies regarding redirecting traffic to other modes.		
															1-00		
43.19	Division 23-9C-3: Neighborhood Transportation Impact Analysis					JSc						23-	-9C-3020	Clear definition is needed of multi-modal level of service – Code should include list of allowed/approved "modes" and goals regarding			
										Transportation			- 1	mode split for purpose of implementing code policies regarding redirecting traffic to other modes			
44	Article 23-9D: Development Conditions and Mitigation													<b>U</b>			
44.1 44.2	Division 23-9D-1: Action on Development Application  Division 23-9D-1: Action on Development Application	X				JSc											
44.2	Division 23-9D-1: Action on Development Application  Division 23-9D-1: Action on Development Application	X		HH	$\Box$	JSc	+++	++	+++			23-	i-9D-1030 (B)	Application Approval will be addressed after the Street Impact Fee			
										Nonzoning			- 1	regulations are finalized and once the new method of reviewing street impacts is considered.			
					$\sqcup \sqcup$			$\perp \perp$	$\Box$					·			
44.4	Division 23-9D-1: Action on Development Application	×				JSc						23-	-9D-1030 (B)(1)	(1) Delaying or phasing development until construction of municipal transportation infrastructure required to accommodate vehicle trips			
										Nonzoning			- 1	generated by the development or other transportation improvements necessary to directly serve the development; or			
														necessary to uncerty serve the development, or			

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44.5	Division 23-9D-1: Action on Development Application	×	x				JSc							23-9D-1030 (B)(2)	(2) Reducing the density or intensity of the development, to the extent- necessary to ensure that the capacity of the street network is			
											Nonzoning				sufficient to accommodate vehicle trips generated by the proposed-			
44.6	Division 23-9D-1: Action on Development Application	x	х				JSc							23-9D-1030 (C)	development. Update section (C) to read as follows: "To the extend authorized under	Need to clarify that application cannot be conditioned based on request		
															division 23-9D-2 (transportation INfrastructure IMprovements), and within limits of a projects approved Rough Proportionality	over/above RP value.		
															Determination per section 23-9-XX, the director may condition			
											Transportation				development approval on the construction, dedication or funding of			
															municipal transportation infrastructure improvements that would benefit the transportation system immediately adjacent to the			
															development and assist in mitigating the effects of newly generated			
44.7	Division 23-9D-2: Transportation Infrastructure Improvements																	
44.8	Division 23-9D-2: Transportation Infrastructure Improvements	х					JSc							23-9D-2010(B)		23-9D-2010(B): Requirement of Comp Transpo Plan here creates conflict with		
											Transportation				Plan is required when both a TIA and a TDM are require (per section 23- 9C-2020 and 2030) and refers to the combined report containing	requirement for 1DW per 23-0C-2030(A)(2)		
															information found in both a typical TIA and TDM."			
44.9	Division 23-9D-2: Transportation Infrastructure Improvements	×	х		++		JSc	+	+++					23-9D-2020(B)(1)	Add item (3) as follows "Identified improvements shall be funded by	Requirements for offsite improvements should not be required and rather		
															the applicant based on an estimated cost of the system improvement or, at the discretion of the applicant, may be built by the applicant	incentivized (similar to 2010(B) language)		
											Transportation				conditioned on a cost reimbursement from the City of Austin equal to			
															at least 20% of the estimate cost of the improvement."			
44.10	Division 23-9D-2: Transportation Infrastructure Improvements	×	х		++		JSc	+	+++					23-9D-2030(B)(2)	Update item (2) to replace "or refund the fee at the request of the	The City shall automatically refund these funds if not used; The City is responsible		
											Transportation				applicant who paid the fee" to say "automatically upon expiration of	for managing funds and improvements so this is a way to keep them accountable.		
															the 10 year period to the applicant who paid the fee."			
44.11	Division 23-9D-2: Transportation Infrastructure Improvements	x	х				JSc							23-9D-2040	Update item (A) to replace " certified under Division 23-3E-4 (SMART	Reduced transportation mitigation should be applied to all affordable housing		
															Housing)." to read " proposing any number of affordable housing units or affordable square footage for commercial use based on the	projects regardless of whether they follow the City SMART housing proposal as they serve to benefit all affordable renters		
											Transportation				percentage of affordable units/square footage (commercial) against			
															the total units/square footage (commercial) of the project."			
45	Article 23-9E: Right-Of-Way Construction																	
45.1	Division 23-9E-1: General Provisions	С																
45.2	Division 23-9E-2: Construction License	С																
45.3	Division 23-9E-3: Right-Of-Way Permit	С																
45.4	Division 23-9E-4: General Design and Maintenance Requirements	С																
45.5 45.6	Division 23-9E-5: Drivways and Alleys  Division 23-9E-6 Sidewalks, Urban Trails, Street Trees				+-				++									
45.7	Division 23-9E-6													23-9E-6040(B)	Add "If public right-of-way adjacent to the development is of	Imagine Austin calls for "complete communities." Complete communities need a		
															insufficient width for the planting of street trees, street trees shall be planted on the applicant's property."	healthy tree canopy.		
46	Article 23-9F: Street Design	1 1		<u> </u>	1 1	1 1 1			<u> </u>						pranted on the applicant a property.			
46.1	Division 23-9F-1: General Provisions																	The requirements for access streets, street alignment, dead end
																		streets and block length have been moved out of the Subdivision chapter and into the Transportation chapter. The maximum block
																		length varies by zone, so the street layout will be context sensitive.
46.2	Division 23-9F-2: Access to Major Streets		-	+	++	+++		+	+++								N/A	Refer to Table 23-9F-3050(A).
46.3	Division 23-9F-3: Street Layout																	
<b>47</b> 47.1	Article 23-9G: Road Utility Districts  Division 23-9G-1: Transportation Demand Management	С																
47.2	Division 23-9G-2: Construction of Facilities	C	-	++	++	+++	$\vdash \vdash \vdash$	+	+++									
	10: Infrastructure	NONE MINOR MAJ	AJOR									YES/NO	YES/NO					
<b>48</b> 48.1	Article 23-10A: Austin Water Service Division 23-10A-1: General Provisions			11	T		11	TT										
48.2	Division 23-10A-2: Extension of Service, General Provisions	<del>                                     </del>	-	++	++	+ + +	++	++	+++									_
48.3	Division 23-10A-3: Extension of Service, Cost Participation																	- Disagree will the Comment.
48.4	Division 23-10A-3: Extension of Service, Cost Participation	×	х				JSc							23-10A-3040 (D)		In many cases the City may deny cost participation due to lack of funding and will still require the developer to build out the new infrastructure or increase the pipe		Based upon case law, if the City requires the oversizing of
											Nonzoning					size to serve adjacent properties at the applicant's cost. By limiting it only to		infrastructure it must pay its proportionate share of costs. If the City has no funds to pay for its proportionate share, it cannot require an
																servicing the proposed property and proposed development on that site it will limit potential abuse of overreach by AWU.		oversizing of the infrastructure. It should be noted that the City may
48.5	Division 23-10A-4: Tap Permits			+	++	+++	$\vdash$	+	+++								INO	require a developer to upsize an existing line, but that would only
48.6	Division 23-10A-4: Tap Permits	х					JSc								Strike "before the expiration date of the permit" because it should			
											Nonzoning			Tap Permit Fee (B)	allow a request for a refund to be made at any time		Yes	The deletion is acceptable.
49	Article 23-10B: Water Districts	1 1			1 1	1 1 1		++	<u> </u>									me deletion is acceptable.
49.1	Division 23-10B-1: General Provisions				111												I .	-

Appendix of the control of the con				Α				-	В				С	D		E	F	G		н
The content of the	TER	Z																		
March   Marc	CHAI	SIVIS	11.16				INITIA	ATED BY (	COMMSSIC	ONER	EX C	FFICIO	TOPIC AREA		AMEN	NDMENT TYPE	SUBSTITUTE LANGUAGE	COMMISSIONER NOTES		
The content of the			, <sub>F</sub>	CHARGEST	0.00										71112					
Company   Comp						z			œ	N O	5	<							YES/NEUTRAL	
Comparison						ERSC T	_ ≥	KOLS	ER ISSLE SER	M M	× KARI	E 50							/NO	
Service of the control of the contro						AND	KAZI	NUC NUC	SCHI SEE	SHIE THO	SHA	MEN			GENERAL	SPECIFIC SECTION				STAFF RESPONSE
Miles   Mile	A-49.1.1	Division 23-10C-1	1: General Provisions	х					JSc						23	3-10C-1030 (C)				Capital Recovery Fees are designated for growth-related projects in
March   Marc													Nonzoning							project. As such, Austin Water adjusts its capital spending plan
March   Marc													g							
Second Continue of Continue		D1 111 - 22 400 0	2 2 2 2 2 2 2 2 2 2 2 2 2 2 2 2 2 2 2 2														within 10 years of a deposit, it may be reinibursed to the payee.		No	fees every five years, in accordance with State law, to ensure that
Part   Control						ш				$\vdash$	$\perp$									-
Part			Creation of District			ш				$\vdash$	$\perp$									-
Company   Comp						ш				$\vdash$									_	-
March   19   19   19   19   19   19   19   1			Agreement with a Water District	С		ш				$\vdash$	$\perp$									-
Secretary Secretary Control Co				С		ш														-
December 2012 In the Annexe Act of the Section 1 of the Section 2 of the Section 1 of the Section 2 of the S	50.1	Division 23-10C-1	1: General Provisions																	-
Security of the control of the contr						ш			16.	$\vdash$	$\perp$				22	400 2050 (4)(4)	(A) F	This can be able to the first of the later and the distribution of the desired Assets of		-
Part Sections of Grant State State  Part Sections of State State State  Part Section of State Stat	50.3	DIVISION 23-10C-2	2. Fee Established	*		ш			120						23	3-10C-2050 (A)(1)				
Manus 2 MAX - CALCENTRIAN FOR STATE AND ACCOUNTS TO A CALCENS TO A CAL						ш							Nonzoning							
Section 2 Section and Adjustments Committee Co						ш													V	The delating is acceptable
Section 2006. Suprement and supplies of supplies of suprement and supplies of supplies of supplies of supplies of supplies	50.4	Division 23-10C-3	3: Determination of Service Units	С		ш													res	The deletion is acceptable.
## Application Move C    The composition of the com	50.5	Division 23-10C-4	4: Exemptions			ш														_
19.1 Outcome State Of Light Control State Co	50.6	Division 23-10C-5	5: Discounts and Adjustments	С		ш														-
Accordance of the contraction of																				
2.1 Overance 2018.1 Command from the consequence of				С		ш														-
Noting Polished and protection in a waterway of impress essentent used to ask properties of processing decreases the processing processing the distriction would gause impact to the conveyance. The distriction would gause impact to the conveyance of the additional processing processing processing the processing pro	52.1	Division 23-10E-1	1: General Provisions																	-
Nonconing	52.2	Division 23-10E-1	1: General Provisions		x	ш			JSc											
23.0 Dission 23.05.4 Dissipator of the saterway or cliningse essement.  24.10.1000 Distry to Maintain Uninobstructed Wileyame Same Same Same Same Same Same Same S						ш							Nonzoning				placed, an obstruction in a waterway or drainage easement used for			
23.05.1860 Duty 10 Whintake Unbothvetted Weterways Weterways between the prompting prompter Conf. Office and interest to the past divide prompter of the promp						ш														
Maintain Ubmodstructed Waterways  Assist. The person is control of person in control of perso	52.3	Division 23-10E-1	1:		х	Н			JSc	+++	+				23	3-10E-1060 Duty to		This clarification eliminates the instances where a property owner would be	No	accessibility for maintenance.
Nonzoning						ш									M	aintain Ubnobstructed	drainage easement of any type shall be maintained by the City of	required to remove the obstruction in a City owned easement as a result of an		
Nonzoning						ш									W:	aterways		obstruction (tree or tree branch, etc.) ending up there due to conveyance.		
Montoning    Nontoning   Nonto						ш											drainage easement i accordance with 23-10E-1050 and shall be			
Removal of naturally occurring obstructions is the responsibility of the City of Natural Court of State PEC (In product of the director, does not require certification by an expinent of Fig. 1 (A)   51   175   Certain For Approval of Engineer Required for Court of Engineer Requi						ш							Nonzoning							
the valestrivary is the responsibility of the party is the response of the valence of the v						ш														
A-52.3.1 Division 23-10-5: 23-10E-3010 Criteria for Approval of Development Applications    A-52.3.1						ш														
A-52.3.1 Division 23-10E-3010 Criteria For Approval of Development Applications  A-52.3.1 Division 23-10E-3010 Criteria For Approval of Development Applications  A-52.3.1 Division 23-10E-3010 Criteria For Approval of Development Applications  A-52.3.1 Division 23-10E-3010 Criteria For Approval of Development Applications  A-52.3.1 Division 23-10E-3010 Criteria For Approval of Development Applications  A-52.3.1 Division 23-10E-3010 Criteria For Approval of Development Applications  A-52.3.1 Division 23-10E-3010 Criteria For Approval of Development Applications  A-52.3.1 Division 23-10E-3010 Criteria For Approval of Development Applications  A-52.3.1 Division 23-10E-3010 Criteria For Approval of Development Applications  A-52.3.1 Division 23-10E-3010 Criteria For Approval of Development Applications  A-52.3.1 Division 23-10E-3010 Criteria For Approval of Development Applications and Increase of Applications on Probability the director from accepting a subdivisions.  A-52.4 Division 23-10E-3010 Criteria For Approval of Development Applications and Increase of Applications on Probability the director from accepting a subdivisions.  A-52.4 Division 23-10E-3010 Criteria For Approval of Development Applications and Increase of Applications on Probability the director from accepting a subdivisions.  A-52.5 Division 23-10E-3010 Criteria Manual Increase of Approval of Critical Operation of Increase of Application Applica						ш														The person in control of real property traversed by a waterway must
A-52.3.1 Division 23-10E-310E-310E-310E-310E-310E-310E-310E						ш														keep the waterway free from an obstruction that is not authorized
The addendum clarifies that this applies to site plans and subdivisions.    Delicette to exhibits. 3.In W 2.X and 3.In W 2.X and 3.In W	A-52.3.1	Division 23-10E-3		х							TS		Drainagecritie		yes <b>23</b>	3-10E-3010 (A)(5)(b)		(A)(5) (f) reduces the post-development peak flow rate of discharge to match the		-,
Subdivisions.    Subdivision 23-10E-2:   Division 23-10E-2:   Division 23-10E-2:   Fee Established   X   Division 23-10E-2:   Division 23-10E-2:   Fee Established   X   Division 23-10E-2:   Div			Development Applications														(refer to exhibits: SHAW EXHIBIT WS-1, SHAW WS-2, and SHAW WS -			The addendum clarifies that this applies to site plans and
Certain Alterations and Improvements    Certain Alterations and Improvements   Plan or specification for a minor alteration or improvement that, in the judgment of the director, does not require certification by an engineer.    Solution 23-10-2: Drainage Studies; Erosion Hazard Analyis; Floodolain Delineation   Floodola			2020 Cartificate of Engineer Required for								TC		redeveloped Certificate of		20	220	DELETT (D)Subscatter (A) does not an hibitable disease from sometime.	Director should not be allowed to signify on the D.E. Dules		
52.5 Division 23-10E-2: Drainage Studies; Erosion Hazard Analyis; Floodplain Delineation Floodplain Delineation Floodplain Delineation Studies (Provided by Section 23-10C-2050 (A)(1) (A) Except as provided by Section 23-10C-2060 (Installment Payment This ensures that the impact fee being paid is directly related to the unit that is			Certain Alterations and			ш					15				30	)2U -		Director should not be allowed to circumvent State P.E. Rules.		
52.5 Division 23-10E-2: Drainage Studies; Erosion Hazard Analyis; Floodolain Delineation Floodolain			improvements														judgment of the director, does not require certification by an engineer.			Engineer is now defined in General Terms as "a person licensed to engage in the practice of engineering in the State of Texas."
52.6 Division 23-10C-25 fee Established X J JSc J School (A) (A) Except as provided by Section 23-10C-2060 (Installment Payment This ensures that the impact fee being paid is directly related to the unit that is	52.5	Division 23-10E-2									$\Box$		CCItalli							
Of Impact Fee). or by a contract with a wholesale customer or with performing the impact.	52.6	Division 23-10C-2		х					JSc		$\dashv$				23			= 1		
													Nonzerina				Of Impact Fee), or by a contract with a wholesale customer or with another political subdivision, the impact fee due for new development	performing the impact.		
shall be collected: (1) At the time the City of Austin approves a-site-													Nonzoning				shall be collected: (1) At the time the City of Austin approves a site			
plan or building plan review; or						ш				$\Box$		$\perp \downarrow \downarrow$					<del>plan or </del> building plan review; or			
52.7 Division 23-10E-3: Standards for Approval	52.7	Division 23-10E-3	3: Standards for Approval			ш														

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PTER	Z O										REQ. ADD'L						
GA A	ITLE	DESIRED PROPOSED CHANGES TO D3		INITIA	ATED BY C	OMMSSIO	NER	EX	OFFICIO	TOPIC AREA	STAFF FEEDBACK		AMENDMENT TYPE	SUBSTITUTE LANGUAGE	COMMISSIONER NOTES		
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			ERS _	<b>≱</b> å	RAW KOLS	SSLEI	H NPS(	S N E	D0Z		1 1					/NO	
			AND	KEN	MCG NUC	SCH	SHE	SHA	MEN		1 1	GENERAL	SPECIFIC SECTION				STAFF RESPONSE
52.8	Division 23-10E-3: Standards for Approval	Х	П			JSc							23-10E-3010	Proposal would include the following alternative options for site in an	Provide alternative options. Potential options listed here		
														urban/suburban watershed that are also along a corridor, within ½ mile of transit or within a TOD:			
														Option to develop to existing site impervious cover with 75% water quality volume compliance and detention required up to the 10 year			Staff feels that these proposals would provide significantly less flood
														storm for the full impervious cover.			risk reduction benefits compared to the current CodeNEXT draft language. Staff does recognize the need for redevelopment
										Nonzoning				Option to develop to reduce existing impervious cover by 10% with			flexibility. The RSMP program provides the off-site compliance
														75% water quality volume compliance and no detention required.			opportunities in the form of downstream conveyance or collection system improvements or detention off-site. Also, since participation
														Option to develop above existing site impervious (if allowed by			is based on a "no additional adverse impact" standard, there is some additional flexibility in participation for sites with minimal to
														zoning/watershed code) with full water quality compliance and			no increase in impervious cover. Staff is considering offering an
														detention of new impervious to 100 year storm and existing impervious cover to 25 year storm.			RSMP participation by-right option for small projects that would be comparable to the provisions for water quality payment-in-lieu.
														, ,		No	These provisions would increase development flexibility for small
52.9	Division 23-10E-3: Standards for Approval	х				JSc			ш				23-10E-3020 Regional	(C) The director may approve additional reductions to participation in	This amendment incentivizes the developer to participate in drainage studies or	NO	projects. Drainage studies do not count towards the fee in lieu for the RSMP
										Nonzoning			Stormwater management Program	the Regional Stormwater Management Program if: (1) The applicant contributes towards the cost of drainage studies for the watershed (2)	construct off-site improvements that benefit the whole watershed.		program. Off-site improvements as well as the engineering to produce final plans for infrastructure can be included as RSMP
													(C) [NEW]	The applicant constructs off-site improvements in lieu of payment		No	participation. Staff recommends that these options for RSMP participation continue to be housed in the Drainage Criteria Manual.
52.10	Division 23-10E-3: 23-10E-3010 Criteria For Approval of									Drainage			23-10E-3010 (A)(5)(b)		(A)(5) (f) reduces the post-development peak flow rate of discharge to match the	140	portecipation continue to be noused in the brainage criteria wandar.
	Development Applications									critieria for				3 (refer to exhibits: SHAW EXHIBIT WS-1, SHAW WS-2, and SHAW WS -	peak flow rate discharge for undeveloped conditions as prescribed on the Drainage Criteria Manual.		
										new and redeveloped				J.			The addendum clarifies that this applies to site plans and
									Ш	sites							subdivisions.
52.11	Division 23-10E-3: 3020 - Certificate of Engineer Required for Certain Alterations and	x						TS		Certificate of			3020 -	DELETE:(B)Subsection (A) does not prohibit the director from accepting a plan or specification for a minor alteration or improvement that, in	Director should not be allowed to circumvent State P.E. Rules.		
	Improvements									Engineer Required for				the judgment of the director, does not require certification by an			
										Certain				engineer.			This allowance for minor alterations was part of the original 1974
										Alterations and							Waterway Ordinance. However, our staff don't have any knowledge
										Improvements							of the director ever waiving the requirements of a PE seal for minor alterations or improvements.
52.12 52.13	Division 23-10E-5: Responsibilities of Applicant or Owner  Division 23-10E-5: Responsibilities of Applicant or Owner	x	-			ISC		++	ш				23-10E-5020 Dedication	(B) An easement or right-of-way required by Subsection 23-10-5020	The former B & C are unnecessary with the amendment which clarifies the		-
						,,,,							of Easemetns and Rights-	(A) must be of sufficient width to provide continuous access for the	intentions of both.		
													of-Way	operation, maintenance, or repair of a drainage facility, as prescribed in the Drainage Criteria Manual.(C) The applicant must dedicate any			
										RSMP and				additional easement or right-of-way that is necessary to allow			
										Downstream Conveyance				continuous access for the operation, maintenance, or rehabilitation of a drainage facility.(B) The applicant shall allow access through the			
														project site as necessary to allow City operation, maintenance, or			The conditions are also as a second s
														rehabilitation of a drainage facility; such access shall be described in the easement terms for the facility, but shall not be required to be			The applicant cannot guarantee that access through a project site will be available at all times. Drainage facilities must be fully
Chapter 23-	11: Technical Codes (TBD)	NONE MINOR MAJOR									YES/NO	YES/NO		dedicated as an easement		No	accessible at all times to perform corrective maintenance.
53	Article 23-11A: Introduction Article 23-11B: Technical Codes																
54.1	Division 23-11B-1: Building Code																
54.2	Division 23-11B-2: Food Establishments	$\vdash$	-														
54.3 54.4	Division 23-11B-3: Reserved  Division 23-11B-4: Electrical Code	<del>                                     </del>			+	+++	+		H								
54.5	Division 23-11B-5: Mechanical Code				吐	Ш	吐	止	ш								
54.6	Division 23-11B-6: Plumbing Code		$+\Gamma$		$\bot \Box$	$+\square$	$\bot$	$+\Gamma$									
54.7 54.8	Division 23-118-7: Fire Code  Division 23-118-8: Solar Energy Code	<del>         </del>		++	+	+++	+	++	++				-				
54.9	Division 23-11B-9: Property Maintenance Code				++	+++	+	++									
54.10	Division 23-11B-10: Reserved					Ш											
54.11 54.12	Division 23-11B-11: Residential Code  Division 23-11B-12: Energy Code	<del>                                     </del>			+	+ + +	+	+	+++								
55	Article 23-11C: Administration of Technical Codes	•															
Chapter 23-	12: Airport Hazard and Compatible Land Use Article 23-12A: General Provisions	NONE MINOR MAJOR									YES/NO	YES/NO					
56.1	Division 23-12A-1: Height Limits and Airport Hazards	С															
56.2	Division 23-12A-2: Compatible Land Uses	С															
56.3	Division 23-12A-3: Nonconforming Uses, Structures, and Objects; Marking and Lighting	С															
56.4	Division 23-12A-4: Permits	С															
Chapter 23-	13: Definitions and Measurements	NONE MINOR MAJOR									YES/NO	YES/NO					
<b>57</b> 57.1	Article 23-13A: Definitions and Measurements  Division 23-13A-1: Terms and Measurements		T		T	1 1 1	J I	T									-
57.2	Division 23-13A-1: Attached	х					Τ\	w					13a-1 pg 3	ATTACHED-When used with reference to two or more buildings units,			
										DEFINITIONS				means having one or more common walls or being joined by a roof; covered porch or covered passageway measuered 20' in depth from			
														the front lot line to rear.		No.	
							1 1	1					1	·		1.10	<u> </u>

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APTER	SION E	DESIRED PROPOSED									REQ. ADD'L STAFF					
Ö	A III	CHANGES TO D3		INITIA	ATED BY C	COMMSSIC	NER	EX	OFFICIO	TOPIC AREA	FEEDBACK	AMENDMENT TYPE	SUBSTITUTE LANGUAGE	COMMISSIONER NOTES		
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			AND HAR	KEN	S N N	SCHI	불	SHA	MEN TEIC			GENERAL SPECIFIC SECTION				STAFF RESPONSE
57.3	Division 23-13A-1: Conserve	x						TW					Conserve: to maintain the height, footprint and roof line of an existing building for the first 25' as measured from the building line toward the			
										DEFINITIONS			rear lot line		No	
57.4	Division 23-13A-1: Gross (GFA)	х						TW				13A-1 pg.11	GROSS (GFA) The total enclosed area of all floors in a building with a	The intention with this change is to reduce the amount of exemptions toreduce the cost of projects by making it easier to calculate the FAR and easier to review. It	110	
			ш							DEFINITIONS			the exterior walls. The term excludes loading docks, 1st floor porches,	would also reduce the number of unintentional violations of FAR limits by homeowners who turn exempted space into habitable space. This change would		
			ш										stoops, basements, attics, stories below grade plane, parking facilities, driveways, and enclosed loading berths and off-street manuvering	go hand in hand with an .05 increase to the allowable FAR in all residential	No	
57.5	Division 23-13A-1: Small Area Plan		ш					TW	Ш		х		Small Area Plan (MISSING). <u>Please add.</u>	Small Area Plan (MISSING). Please add. Small area plans are a major city planning tool and are referenced in Draft 3, yet not defined here.	140	
57.6	Division 23-13A-1: Stepback	<del>                                     </del>	Н					TW	Ш				Stepback (MISSING). <u>Please add.</u>	Stepback (MISSING). Please add. The term 'stepback' is used in throughout 23-4D,	Yes	
			ш								х			but is not defined. The current draft does define setback, but that is not the same thing.	Ves	
57.7	Division 23-13A-1: Urban Core						1	TW					Urban Core (MISSING). <u>Please add.</u>	Urban Core (MISSING). Please add. 'Urban Core' is used throughout Draft 3 to describe geographical areas where certain zoning requirements apply so this	163	
			ш											needs a clear definition, ideally with live link to map. The draft currently defines it only in the context of Parkland Dedication		
57.8	Division 23-13A-1: Valid Petitions		н		+			TW	Н				please add a definition for Valid Petitions, including applicability,	In the interest of fairness, please add a definition for Valid Petitions, including	No	not needed. Remove from use
			ш								х		procedures, etc., similar to what the draft provides for Vested Rights Petitions in 23-K-2	applicability, procedures, etc., similar to what the draft provides for Vested Rights Petitions in 23-K-2		
57.9			ш				JS		ш			23-13A-1030	When used with reference to two or more buildings	this will be tweak by workging group		
			ш				h			Attached			ADD - When used with reference to duplex or single family dwellings with dual same street frontage, means being joined by a roof of 20'			
57.10	Division 23-13A-1: Terms and Measurements	x	ш		44	ISO			Ш			23-13A-1030	minimum measured perpendicular to the street frontage.  Delete Deficient Park Area Map definition and replace with "Proximity."	Delete Deficient Park Area Map definition and replace with "Proximity to Park		
37.10	Division 23-13A-1. Terms and measurements	^	ш			130						25-15A-1050	to Park Area Map": "A map depicting areas that the Parks Director has	Area Map"		PARD does not agree with this substantive change due to the prior
			ш										by rule determined lack sufficient parkland based on the criteria in 23- 3B-1 and 23-3B-2"			negotiations that created this section in 2016. The map in the code is a Deficiency Map, not a Proximity Map. That term Proximity does
			ш													not match the concept.Changing this concept would require extensive staff time to change the Deficiency Map created over the
			ш							Definitions						last 10 years from recommendations from the City's Families and Children Task Force. For reference, here is the definition in the
			ш													current code and DRAFT 3: PARK DEFIENCY MAP A map depicting areas that the Parks Director has determined lack sufficient
			ш													parkland based on locational criteria established by the Parkland Dedication Operating Procedures Article 23-3B (Parkland
57.11	Division 23-13A-1: Terms and Measurements	x x	Н		-	ISC			$\square$			23-13A-1030	HEIGHT, ACCESSORY STRUCTURE. Height, for the purpose of	Provides much needed clarity - height requirements interpretations shouldn't be a		Dedication) and the parkland policies of the Comprehensive Plan.
37.11	Chison 25 23/12 (chisono incostrements		ш			330						23-13A-1030	establishing required setbacks, shall be defined for every point within	subject for debate.		
			ш							Definitions			the footprint area of an accessory structure, including a tree house, as the vertical distance between <u>finished grad</u> e and the highest part of			
			ш										the structure directly above. Height in all cases shall include, but is not limited to, any slab, platform, pad, mound or similar elevated base			
57.12	Division 23-13A-1: Terms and Measurements	x		-  -  -		JSc			$\Box$			23-13A-1030	above pre-existing grade.  UNIFIED DEVELOPMENT AGREEMENT. An agreement approved at the	UDA's are currently not allowed on residential sites. UDAs facilitate aggregation	Neutral	
			ш											that is often required to achieve unit yields per AIA Charrettes. Allows more		
			ш							Definitions			regulations of the Land Development Code, including sites zoned for			
57.13	Preservation				(M	+		TW	++				residential use.  Preservation is defined as the act or process of applying measures	Per secretary of Interior - proposed by HLC	Neutral	
21.125									$  \   \  $				neces- sary to sustain the existing form, integrity, and materials of an historic property. Work, including preliminary measures to protect and			
									$  \   \  $				stabilize the property, generally focuses upon the ongoing			
									$  \   \  $				maintenance and repair of historic materials and features rather than extensive replacement and new construction. The limited and sensitive			
													upgrading of mechanical, elec- trical, and plumbing systems and other code-required work to make prop- erties functional is appropriate			
													within a preservation project. However, new exterior additions are not within the scope of this treatment. The Standards for Preservation			
E7.44	Division 23-130.1: Terms and Massuran ant			$\perp \downarrow \downarrow$			<u> </u>		$\sqcup \sqcup$				require retention of the greatest amount of historic fabric along with	Day III C recommendation from Days of the site		HLC: 1030 Define Preservation
57.14	Division 23-13A-1: Terms and Measurements						JT						Preservation is defined as the act or process of applying measures necessary to sustain the existing form, integrity, and materials of an	Per HLC recommendation, from Dept of Interior.		
													historic property. Work, including preliminary measures to protect and stabilize the property, generally focuses upon the ongoing			
			ш							DEFINITIONS			maintenance and repair of historic materials and features rather than extensive replacement and new construction. New exterior additions			
									$  \   \  $				are not within the scope of this treatment; however, the limited and sensitive upgrading of mechanical, electrical, and plumbing systems			
													and other code-required work to make properties functional is appropriate within a preservation project.]			HLC: 1030 Define Preservation
A-57.14.1		х						TS		Large Site	YES	Division 23-4C-1	Add definition to 23-13 Defintions and Measurements	Large sites is a new term and needs to be defined in 23-2M-1030 Terms.		
57.15					(M					Definition	120	23-13A-1030	REWRITE PER EXISTING MCMANSION CODE	This should say NATURAL grade NOT FINISHED GRADE		
										Definitions		25 253 255				

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			- 1	z		_	~	Z		- 4							YES/NEUTRAL	
			- 1	DERSO RT	_ }	GRAW	VER IISSLEF Ger	EH	ITE WV	NDOZ							/NO	
A-57.15.1	neighborhood plans			A A	Z W	ΣŽ	<u> </u>	<u> </u>	¥ \$ 8	TE ME			GENERAL	SPECIFIC SECTION	Add a definition			STAFF RESPONSE
									w		definitions				Add a definition			
57.16 57.17	Division 23-13A-2: Land Uses Division 23-13A-2: Land Uses	x		GA	FK		JSc		+					23-13A-2030(C)	Cooperative Housing: A housing use operated by a cooperative (under	Amend Language		-
											Definitions				Section 251.002 of Texas Business Organizations Code), or a nonprofit or other entity in which residents are entitled equal voting rights, and			
57.18	Division 23-13A-2: Land Uses	x	_		FK	_			$\perp$					23-13A-2030-A	equal ownership shares if the cooperative sells shares.  ACCESSORY DWELLING UNIT	Tiny homes provide simple options for families and should be allowed.	Yes	
37.16	Division 23-13A-2. Cana oses				rk									25-15A-2050-A	RESIDENTIAL. A subordinate dwelling unit added to, created within,	Tiny nonies provide simple options for families and should be allowed.		
															or detached from a primary residential structure that provides basic requirements for independent living, sleeping, eating, cooking, and			
															sanitation for one or more persons and which is located on the same lot as the primary structure. A tiny home, Manufactured Home or			
											Definitions				Recreational Vehicle that does not have a motor may be used as a residential accessory dwelling unit.			
															COMMERCIAL. A subordinate dwelling unit added to, created within, or detached from a primary commercial structure that provides basic			
															requirements for independent living, sleeping, eating, cooking, and sanitation for one or more persons and which is located on the same			
57.19									TW						lot as the primary structure.  High Opportunity Area (INACCURATE, POTENTIALLY OFFENSIVE).	High Opportunity Area - a metric needs to be added to mandate how often this		
												х			Please replace with "Qualifying area" and strengthen the definition to require an area to provide at least three or more of the listed	area will be redefined		
	High Opportunity Area														conditions to qualify			
57.20									TW						Please add definition of Multi-Unit.	Please add definition of <b>Multi-Unit</b> . While Draft 3 still contains a few references to Multi-Family, it replaces this term with Multi-Unit throughout 23-4D. Please		
57.21	Multi-Unit								TW			X			Affordable Housing (INCOMPLETE). Please replace or augment current	provide a definition for both terms.	No	not needed, multi-unit is not a use, it's a zone category
57.22	Affordable Housing						++		TW	++				specific definition	definition with: "See Article 23-3E: Affordable Housing." remove work/live definition	this is redundant with the definition for live work. I don't see how this simplyfies		
	live/work & work/live	x									definitions	х				anything and I think it'll end up being subjective which is which.	No	all land uses shall be defined
A-57.22.1								JSh								REINSTATE accessory apartment "USE" ALLOWED IN ALL R ZONES 23-4D-2030 LAND USE TABLE - ADD USE		
																23-4D-6050 ACCESSORY USES - ADD SECTION 23-13A-2030 LAND USES - ADD DEFINITION		
																25-2-901 - ACCESSORY APARTMENTS.  A An accessory apartment is a separate dwelling unit that is contained within the		
																principal structure of a single-family residence, and that is occupied by at least one person who is 60 years of age or older or physically disabled.		
											accessory					B. If space within a principal structure is converted to an accessory apartment, the		
											apartment					accessory apartment may not include:		
																converted garage space; or     a new entrance visible from a street.		
																REMOVE SECTION C BELOW		
																C. The building official may not issue a building permit for construction or remodeling of an accessory apartment unless the applicant delivers to the building		
																official an affidavit verifying that one of the proposed occupants of the accessory apartment is 60 years of age or older or physically disabled.		
A-57.22.2								JSh								Accessory Apartment Allowed Use - Reincorporated and allowed use. Internal to an existing home - adaptive reuse		
																Internal to main house, http://www.plgrove.org/documents/faq-accessory-apartments.pdf		
																Should firewall separation be required between the AA and the main dwelling?		
																No. This is required for a duplex, but not normally required for Accessory apartments. It is a substantial cost that would need to be required for most		
																existing situations that might cause difficulties for compliance. An accessory apartment is considered a part of the same home and structure, and normally the		
											accessory apartment					main dwelling unit is required to have access to it.		
																proposed definition as refined over the years is:		
																Attached: A subordinate dwelling, which has its own eating, sleeping, and sanitation facilities, within or		
																attached to a single family residential building; or Detached: Within a detached accessory structure associated with a single Family		
																dwelling.		
A-57.22.3									TW							https://extension2.missouri.edu/gg14 Mention costs to do an arcessory anathent - very VERY affordable vs adu Clearly define <b>Designated Review Group</b> . Draft 3 repeatedly references a		
31.22.3																"Designated Review Group," which it invests with significant authority, but fails to provide any definition, including how review group members will be		
											missing defs	х				selected and by whom, qualifications for membership, terms of service,		
	Designated Review Group															and whether the group is subject to the Open Meetings Act. Please revise to provide clear standards for this group		
	Designated Review Group	Х																

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CHAPTER ARTICLE	TITLE	DESIRED PROPOSED CHANGES TO D3	INITIATED BY COMMSSIONER	EX OFFICIO	TOPIC AREA	REQ. ADD'L STAFF FEEDBACK	AMENDMENT TYPE	SUBSTITUTE LANGUAGE	COMMISSIONER NOTES	
			ANDERSON HART KAZI KENNY MCGRAW NUCKOLS OLIVER SEEGER SHIEH THOMPSON WHITE	BURKARDT MEN DOZA TEICH			GENERAL SPECIFIC SECTION			YES/NEUTRAL /NO STAFF RESPONSE
A-57.22.4	micro units, modular,mobile homes	x			missing defs	х		Please add definitions	let's discuss why these aren't included as definitions or uses in our new code?	
57.23	micro units, modular,mobile homes	x	Tw		missing defs	х		Please add definitions	let's discuss why these aren't included as definitions or uses in our new code?	No only define uses.