

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 differentiation) 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

CHAPTER ARTICLE	DIVISION TITLE	A			B										C	D	E		F	G		H											
		DESIRED PROPOSED CHANGES TO D3			INITIATED BY COMMSIONER										EX OFFICIO	TOPIC AREA	REQ. ADD'L STAFF FEEDBACK	AMENDMENT TYPE		SUBSTITUTE LANGUAGE		COMMISSIONER NOTES											
					ANDERSON	HART	KAZI	KENNY	MCGRAW	NUCKOLS	OLIVER	SCHISLER	SEGER	SHIEH	THOMPSON	WHITE	SHAW	BURKARDT	MENDOZA	TEICH			GENERAL	SPECIFIC SECTION			YES/NEUTRAL /NO	STAFF RESPONSE					
GENERAL		NONE	MINOR	MAJOR							SO											FORMAT	YES/NO			REDUCE LENGTH OF NON 23-4 SECTIONS BY 20%. CodeNEXT text is 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.							
	All Non 23-4 Divisions		X	X																				X									
Chapter 23-1: Introduction		NONE	MINOR	MAJOR																		YES/NO	YES/NO										
1 Article 23-1A General Provisions																																	
1.1	Division 23-1A-1	Title, Purpose, and Scope																										-					
1.3	Division 23-1A-2	Authority	C	X								JSc										Admin & Procedures			23-1A-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			23-1A-3020 (C)Administrative Decisions (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 public hearing is required for an administrative decision by a board or commission.	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	C																									-					
1.7	Division 23-1A-5	Rules of Interpretation	C	X								JSc										Admin & Procedures			23-1A-5020 (b) (1)	Wherever possible, the Director shall have the authority to interpret this Title in a manner that gives effect to all provisions and wherever possible, shall 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 Article 23-1B Responsibility for Administration																																	
2.1	Division 23-1B-1	City Council	C																									-					
2.2	Division 23-1B-2	Boards and Commissions	C																									-					
2.3	Division 23-1B-3	Administration	C																									-					
2.4	Division 23-1B-4	Neighborhood Planning																										-					
2.5	Division 23-1B-4	Neighborhood Planning										KM										Contact Teams			23-1B-4010	Neighbrohood Contact Teams may submit plan amendments.	This should not be removed.						
2.7	Division 23-1B-4	Neighborhood Planning																				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 neighborhood feedback other than public hearing. The process should go to PC much sooner so we can provide early feedback.							
Chapter 23-2: Administration and Procedures		NONE	MINOR	MAJOR																		YES/NO	YES/NO										
A.3.0.1	GENERAL	Administration & Procedures		X																		Admin			X								
3 Article 23-2A Purpose and Applicability																																	
3.1	Division 23-2A-1	Purpose and Applicability																										-					

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						ANDERSON	HART	KOZI	KENNY	MCGRAW	NUCKOLS	OLIVER	SCHISLER	SEGER	SHIEH	THOMPSON	WHITE	SHAW	BURKARDT	MENDOZA	TEICH			GENERAL	SPECIFIC SECTION					YES/NEUTRAL /NO
3.2		Division 23-2A-2 Development Process																												-
3.3		Division 23-2A-2 Development Process			x																	Admin & Procedures	No	No	23-2A-2010 (2) Quasi-Judicial approvals	(2) Quasi-judicial approvals: (a) Zoning variances and special exceptions; (b) Environmental variances; (c) Subdivisions and subdivision variances; and (d) Conditional use permits.	A business requiring a Conditional use Permit (CUP) and a rezoning should be allowed to submit concurrently. Allowing for concurrent submittals would provide a more transparent process and more certainty to the applicant and interested parties. In addition, there is a concern that this section, along with 23-2A-2020, gives the Director discretionary authority over concurrent applications. Language in existing code (25-1-61) is preferable for this provision which would allow for applications to be submitted and reviewed concurrently.	No	CUPs are quasi-judicial approvals	
3.4		Division 23-2A-3 Residential Development Regulations																											-	
3.5		23-2A-3030 One to Two-Unit Residential			X												TS					One-Two Unit Residential	NO		23-2A-3030 One to Two-Unit Residential	A)2) Residential development that is subject to this section must comply with the regulations of this Title specified under this section.	Clearer language	No	Agree that we need to clarify which chapters not currently listed still apply to 1-6 units (e.g., transportation, utilities). However, different language is needed than what the substitute language proposed.	
3.6		Division 23-2A-3 23-2A-3040 Three to Six Unit Residential																											-	
3.7																JSh									engineers letter	Amendment: Replace language. (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.	too costly, and spending money on things that do not may not make much difference			
3.8																										C. Located on an unplatted tract or within a residential subdivision approved more than five years before the building permit application was submitted 1. Acceptable drainage improvements include, 1. 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.		No	From a review perspective, staff is opposed to revisions to this section that would result in a needed increase in the resources required for review.	
3.9		Division 23-2A-3030 & 3040 (B) Residential House-Scale Zones			X	X																residential and affordability	NO	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 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, which no engineer would ever agree to without obscene 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 requirements = over \$40 million additional cost citywide. Furthermore, "Negative Impact" is vague & subjective. The term 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.			
		letter of no impact			X																	water mitigation	X		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. 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																													
4.1		Division 23-2B-1 Application Requirements																												-
4.3		Division 23-2B-1 Application Requirements			x									JSc								Admin & Procedures				Add new (A)(4) that states (4): An application that has been submitted and not rejected as incomplete in 45 days shall be automatically approved under this section.	This would create certainty that applications that meet all requirements of completeness will be accepted	No	This is very similar language to today's code. This draft language says that an application is deemed complete after 10 days if rejection comments aren't provided. The PC addition of #4 would 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		X							JSc												Admin & Procedures				23-2B-1010 (b)	Replace with: The responsible director may adopt application requirements under this Section by administrative rule or by policy memo, and shall post required application forms and all relevant rules on the City's website.	This clarifies that directors are empowered to adopt application requirements and deadlines only through an administrative rule process, and not via policy memo. The administrative rule process provides due process for all residents and stakeholders.	No	Developing application packages and forms and incorporating content into an application should not be in the rules process. Establishing the minimum information required for a complete application might be an appropriate use of rules (or ordinances); however, the actual design of forms should not be held to the rules review process since the form or application should only be a 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			X						JSc												Admin & Procedures				23-2B-1030 Application Completeness (A)(4)(New)	Add (4): An application that has been submitted and not rejected as incomplete in 45 days shall be automatically approved under this section.	This would create certainty that applications that meet all requirements of completeness will be accepted			
4.6		Division 23-2B-1	Application Requirements			X						JSc												Admin & Procedures				23-2B-1040 Update and Expiration (D)(New)	Add new (D) "(D) If an applicant has submitted an application and subsequent updates but is unable to resolve outstanding comments after the third submittal, the City Manager shall require a meeting of all reviewers and the applicant to take place within 2 weeks following the third set of comments such that conflicting issues can be resolved in a timely manner"	If, after 3 rounds of comments, there is still conflict between departments, a meeting will help resolve and expedite the process for everyone, limiting staff time and developer costs	Yes		
4.7		Division 23-2B-1	Application Requirements			X						JSc												Admin & Procedures				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 shouldn't lead to an application expiring. A common delay that isn't on this list is legal review. Because legal 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												Admin & Procedures				23-2B-1060	Remove entire section (23-2B-1060) if an application expires, all other unapproved applications for that development, which are listed below the expired application under Section 23-2A-2010 (Order of Process), also expire.	There's no reason to have all other items expire when one does - effectively resetting something back to zero. Other applications may still be going through a normal due process.			
4.9		Division 23-2B-2	Review Procedures																														-
4.10		Division 23-2B-2	Review Procedures			X						JSc												Admin & Procedures				23-2B-2010 (A)	(A) The responsible director shall establish standards for complete staff review and comment within 21 days of the initial submission of pending applications, and within seven days for an updated application, including deadlines for issuing comments on pending applications for purposes of determining when an application expires under Division 23-2B-1 (Application Requirements)	This would add certainty to the development review process and ensure staff is meeting timely deadlines. The director should not be responsible for setting his/her own deadlines.	No	Review turnaround times are impacted by application volume and available resources. While turnaround times need to be established by a process that is vetted with stakeholders, these administrative issues were removed from Title 25 and moved into the criteria manuals to be adopted via the rules process. Adopting review times 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 23-2B-3	Fees and Fiscal Surety			X						JSc												Admin & Procedures				23-2b-2030(C)	Add (3) the improvements for which the fiscal surety esd posted are not constructed within ten years	This is current policy for improvements such as transportatoin improvements.			
4.12		Division 23-2B-2	Review Procedures			X						JSc												Admin & Procedures				23-2B-2050	"Add (E) All development assessments shall have an expiration dated 2 years after issuance of development assessment by City of Austin. (F) Determinations or Code interpretations made at the time of a 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 the development assessment."	Uncertainty drives complexity and project cost, and having an upfront development assessment will significantly improve outcomes.			
5 Article 23-2C Notice																																	
5.1		Division 23-2C-1	General Provisions		C																												-
5.2		Division 23-2C-2	Notice Requirements																														-
5.3		Division 23-2C-3	General Notice Procedures		C																												-
5.4		Division 23-2C-4	Notice of Public Hearings		C																												-
5.5		Division 23-2C-5	Notice of Applications and Administrative Decisions																														-
5.6		Division 23-2C-5	Notice of Applications and Administrative Decisions															TS			Notice of Application	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 required under this section sooner than 14 30 days after the date that notice is provided.	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		
6 Article 23-2D Public Hearings																																	
6.1		Division 23-2D-1	Conduct of Public Hearings																														-
6.2		Division 23-2D-1	Conduct of Public Hearings			x						KM						TS						Public Hearing Order	NO			23-2D-1010	Add: (A)(6) With approval of the chair, the order of presentation of those supporting and opposing the application or proposal may be modified to accommodate those present.	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		C																												-
7 Article 23-2E Legislative Amendments																																	
7.1		Division 23-2E-1	Text Amendments		C																												
7.2		Division 23-2E-2	Plan and Map Amendments																														
7.3		Division 23-2E-2	2030 -Neighborhood Plan Amendment				x											TS						Neighborhood Plan Amendments	NO			2030 -Neighborhood Plan Amendment	ADD: (L) CONVERSION OF NEIGHBORHOOD PLANS FUTURE LAND USE MAPS (FLUMs) No Neighborhood Plan Amendments will be amended until such time as the Land Use Department Director has converted Chapter 25 zones to new Chapter 23 zones within the land use classifications identified in the Neighborhood Plan FLUM.	Where there are conflicts with approved neighborhood plan and new zoning requirements, which takes precedent when and individual or entity requests an amendment?			

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7.4		Division 23-2E-2	2030 -Neighborhood Plan Amendment		X							JSc																								
7.5		Division 23-2E-2	Plan and Map Amendments		X							JSc																								
7.6		Division 23-2E-2	2030 -Neighborhood Plan Amendment		x													TS																		
7.7			2030 (E) Pre-application Meeting								KM																									
8 Article 23-2F Quasi-Judicial and Administrative Relief																																				
8.1		Division 23-2F-1	Variances and Special Exceptions																																	
8.2		Division 23-2F-1	Variances and Special Exceptions		x							JSc																								
8.3		Division 23-2F-2	Administrative Relief Procedures																																	
8.4			2040								KM																									
8.8		Division 23-2F-2	Administrative Relief Procedures																																	
8.9		Division 23-2F-2	Administrative Relief Procedures																																	
8.10																																				
8.11		Division 23-2F-3	Limited Adjustments																																	

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8.5		Division 23-2F-2	2050 - Alternative Equivalent Compliance			x													TS					Alternative Equivalent Compliance	NO		2050 - Alternative Equivalent Compliance (C)	(C) Modification Thresholds (1) If the director finds that a request for an alternative equivalent compliance meets the criteria in Subsection (D), the numeric standard for the design feature listed in Table (A) (Types of Alternative Equivalent Compliance Allowed) may be modified by: (a)Up to 10 percent, for any design purpose; (b)Up to 20 percent, if necessary to protect an existing natural site feature; or (c)Any amount, if necessary to preserve a heritage tree.	Protection of natural site features and heritage trees is required. This will result in abuse.		
8.6			2050 - Alternative Equivalent Compliance			x													TS				Alternative Equivalent Compliance	NO		2050 - Alternative Equivalent Compliance; Table 23-2F-2040(A)	Remove from Table: Decrease in the minimum distance between a building and installed utilities, Modification of internal circulation routes, Decrease in minimum drive-through circulation lane width, Modification of building design standards, Modification of building articulation requirements, Modification of building entrance requirements, Modification of entryway spacing and location, Increase of the portion of open space above ground level that may be counted towards compliance, Decrease in minimum open space adjacent to bus rapid transit (BRT) stations	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.			
8.7		Division 23-2F-2	Administrative Relief Procedures		x								JSc										Alternative Equivalent Compliance	No		23-2F-2050(A)(2)	(2) Alternative equivalent compliance may <u>only</u> be used for development located in <u>Mixed-Use, Main Street, Regional Center, or Commercial and Industrial Zones</u> any Zone as authorized in this section, and may not be used to vary or modify zone regulations, such as height, setbacks, impervious cover, building coverage, or floor area ratio.	This proposed language allows alternative equivalent compliance in any zone. The City should support alternative equivalent compliance where apporriate as it encourages creative and original design and accommodates developments where particular site conditions or the nature of a proposed use prevent strict compliance with the code and therefore should be allowed in all zones			
9 Article 23-2G Nonconformity																															
9.1		Division 23-2G-1	General Provisions																											-	
9.4		Division 23-2G-1				x					CK												Rezoned Residential Non-Conforming structures	Yes - Brent Lloyd is working on it	in this division			TK from staff	This amendment ensures that any current single-family residential property owner who is rezoned under CodeNEXT does not have a reduction in available entitlements. They maintain their non-conforming (allowed, though not in 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 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 use, or to a different non-conforming use.		
9.6		Division 23-2G-1	General Provisions										JSc													23-2G-1010 Purpose, Applicability, and Review Authority	(B) Applicability. This article applies to: (1) A use, structure, or lot within the zoning jurisdiction that is nonconforming to land use or site development regulations under Chapter 23-4 (Zoning) or a separately adopted zoning ordinance; and (2) A structure or lot within the planning jurisdiction that is nonconforming to other applicable regulations of this Title.	This section needs to be reviewed and rewritten. This states that any nonconforming uses under the extended definition of “nonconforming” must be in effect reviewed by the Planning Director and will ultimately go to BOA.			
9.11		Division 23-2G-1	General Provisions			x											JT						Nonconformity	Yes		23-2G-1010 Purpose, Applicability, and Review Authority		This section needs to be reviewed and rewritten. This states that any nonconforming uses under the extended definition of “nonconforming” must be in effect reviewed by the Planning Director and will ultimately go to BOA.			
9.14			1010- Purpose, Applicability and Review Authority																				Non-conformity	NO		1010 (A) (2)	Delete	Too onerous			
9.7		Division 23-2G-1				x							JSc						TS							23-2G-1020 Nonconforming Status	(B) Nonconforming Structures (1) A building, structure, or developed area, including a parking or loading area, that does not comply with site development regulations applicable under this Title, or a separately adopted zoning ordinance, is a nonconforming structure if it existed lawfully, in conformance or legal nonconformance with applicable site development regulations, at the time it was constructed. (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.	This section needs to be reviewed and rewritten. This states that any nonconforming uses under the extended definition of “nonconforming” must be in effect reviewed by the Planning Director and will ultimately go to BOA.			
9.12		Division 23-2G-1	General Provisions														JT						Nonconformity	Yes		23-2G-1020 Nonconforming Status		This section needs to be reviewed and rewritten. This states that any nonconforming uses under the extended definition of “nonconforming” must be in effect reviewed by the Planning Director and will ultimately go to BOA.			
9.5		Division 23-2G-1	General Provisions			x				FK														Nonconformity	Yes		23-2G-1050 (B)	Add section: (6) Conversion to Cooperative Housing. A nonconforming use operating within a multifamily building may be replaced by Cooperative Housing and allowed to expand or extend beyond the floor area that is occupied on the date it became a nonconforming use (f. 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.	Coops work and must be allowed wherever possible		

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9.10		Division 23-2G-1	General Provisions		X							JSc										Continuation of Nonconformity	No			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 nonconforming use, except as provided in Subsection (B)(4). (4) Conversion of Nonconforming Uses in Residential Buildings. A nonconforming use operating within a single or multi-family any building may be replaced by another nonconforming use if: (a) The responsible director determines that the requested use is of comparable or lesser intensity to the original nonconforming use; and (b) The original use was not abandoned under Section 23-2G-1060 (Termination of Nonconforming Use).	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 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 building.	No	Not necessary- nonconforming can already change to a permitted used in the zone	
9.2		Division 23-2G-1	General Provisions		X							JSc										Continuation of Nonconformity	No			23-2G-1050(B)(6)	(6) Conversion to Cooperative Housing. A nonconforming use operating within a multifamily building may be replaced by Cooperative Housing and allowed to expand or extend beyond the floor area that is occupied on the date it became a nonconforming use 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.	This proposed language allows a nonconforming use to be converted into a cooperative housing. The City should support cooperative housing wherever possible and avoid burdening the development and expansion of cooperatives.			
9.3		Division 23-2G-1	General Provisions		X												TW					Uses	X			23-2G-1060-D-1	23-2G-1060-D-1-a except a single family home which is subject to the requirements of 23-2G-1080-D	single family homes on more intense zoning appear all over our poorer neighborhoods as a legacy of previous spot zoning. I don't think we should continue to punish them by not allowing them to repair their home if there's damage. This same type of protection is afforded to non-conforming structures under 23-2G-1080-D			
9.8		Division 23-2G-1			x							JSc														23-2G-1060 Termination of Nonconforming Use	(D) Termination by Destruction (1) A damaged structure used for a 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 90 percent of the value of the structure immediately before the damage, as determined by a licensed appraiser in a manner approved by the building official.	A damaged structure used for a 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 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 than this (even if you don't do all of 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																			Continuation of Nonconformity	Yes			23-2G-1060		This section needs to be reviewed and rewritten. A damaged structure used for a 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 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 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 financing and for insurance purposes.			
9.15		Division 23-2G-2	Specific Types of Nonconformity																												
9.9		Division 23-2G-2	Specific Types of Nonconformity		x							FK					JSc										23-2G-2020(C)(2) and (3)	(2) If a nonconforming lot is used with one or more contiguous lots for a single use or unified development, the standards of this Title apply to the aggregation of lots as if the aggregation were a single lot. (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 minimum lot area required by this Title.	This proposed language deletes two section to clarify that all lots that are legally 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 developed. The City should honor existing legally platted lots and allow them to be 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.		-
A-9.16.1		Division 23-2G-2	General									CK ?																			Brent Lloyd's language with EXHIBIT simplicity & housing blueprint goals Is this Kenny's amendment as well?
10	Article 23-2H Construction Management and Certificates																														
10.1		Division 23-2H-1	General Provisions			C																									
10.2		Division 23-2H-1	General Provisions			X								JSc													23-2H-1020(B)	No later than seven THREE days	This is standard construction note that three days notice is adequate.		
																						Timeline	No								
10.3		Division 23-2H-2	Subdivision Construction			C																									
10.4		Division 23-2H-3	Site Construction and Inspection			C																									
10.5		Division 23-2H-4	Certificates of Compliance and Occupancy																												
11	Article 23-2I Appeals																														
11.1		Division 23-2I-1	General Provisions																												
11.2		Division 23-2I-2	Initiation and Processing of Appeals																												
11.3		Division 23-2I-3	Notification and Conducte of Public Hearing			C																									
11.4		Division 23-2I-4	Action on Appeal																												
12	Article 23-2J Enforcement																														
12.1		Division 23-2J-1	General Provisions																												
12.2		Division 23-2J-2	Suspension and Revocation			C																									

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12.3		Division 23-2J-3	Enforcement Orders	C																									
12.4		Division 23-2J-4	Appeal Procedures																										
13 Article 23-2K Vested Rights																													
13.1		Division 23-2K-1	Petition and Review Procedures	C																									
13.2			VALID PETITION RIGHTS																										
						X																							
13.3		Division 23-2K-2	Vested Rights Determinations	C																									
13.5		Division 23-2K-3	Expiration	C																									
14 Article 23-2L Miscellaneous Provisions																													
14.1		Division 23-2L-1	Interlocal Development Agreements	C																									
14.2		Division 23-2L-2	General Development Agreement	C																									
14.3		Division 23-2L-3	Closed Municipal Landfills																										
Chapter 23-3: General Planning Requirements				NONE	MINOR	MAJOR																							
15 Article 23-3A Purpose and Applicability																													
15.1		Division 23-3A-1	Purpose and Applicability	C																									
16 Article 23-3B Parkland Dedication																													
16.1		Division 23-3B-1	Parkland Dedication																										
16.2		Division 23-3B-1	General Provisions			x									Jsc														
16.5		Division 23-3B-2	Dedication																										
16.6		Division 23-3B-2	Dedication				X		GA																				
16.7															Jsc														
16.8		Division 23-3B-2	Dedication			x			GA						Jsc														
16.9		Division 23-3B-2	Dedication			x									Jsc														

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16.10		Division 23-3B-2 Dedication			x							JSc												Dedication of Parkland	No		23-3B-2010 (H)	(H) 15 Percent Urban Core Cap. The amount of parkland, <u>civic open space, and common open space</u> required to be dedicated <u>or provided within the Parkland Dedication Urban Core</u> may not exceed 15 percent of gross site area for the development required to provide the dedication except upon consent of the applicant or as authorized under this subsection.	This proposed language applies the 15 percent parkland dedication cap to the entire city, not just the urban core. The City's current requirement to dedicate 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 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 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 CodeNEXT.		PARD does not agree with this substantive change due to the prior negotiations that created this section in 2016. The insertion of a 15 percent cap was made at the very end of the negotiation as a compromise for an agreed upon "Parkland Dedication Urban Core." 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 persons. If only 15% of that amount is dedicated in every case across the City we will be effectively lowering the calculation for development to a service level of 1.4 acres per 1,000 persons. That is very crowded parkland and the Austin level of service and its		
16.11		Division 23-3B-2 Dedication			x							JSc												Dedication of Parkland	No		23-3B-2010 (I)	<u>(I) Sites Fronting Corridors.</u> <u>(1) An applicant seeking a Subdivision or Site Plan for a site that is ten acres or less and fronts an Imagine Austin Corridor shall not be required to dedicate parkland onsite and instead shall be required to payment in lieu of dedication.</u> <u>(2) An applicant seeking a Subdivision or Site Plan for a site that is more than ten acres and fronts an Imagine Austin Corridor shall not be required to dedicate parkland fronting the corridor.</u>	This proposed language clarifies when parkland may be required to be dedicated 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 use commission. Imagine Austin calls for transit-supportive corridors, which in turn require population and job densities along our corridors. Parkland requirements that limit unit yield should not limit or prevent housing along our corridors.		PARD does not agree with this substantive change due to the prior negotiations that created this section in 2016. Parks make high density more liveable. Properties on the corridor are often the only re-development in the area and present the only opportunity in a Deficient Area for parkland. Residents along major corridors should have parks within ¼-mile of residents to meet Comprehensive Plan 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, Page 196) PARD tracks this metric every five years.		
16.12												JSc																<u>(3) The director may request that the Land Use Commission approve onsite dedication for a site that fronts an Imagine Austin Corridor, up 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 Deficient Parkland Area Map or provide connectivity with existing or planned parks or recreational amenities.</u> <u>(a) Before the Land Use Commission considers a request under this subsection for approval, the director shall present the request to the Parks Board for a recommendation.</u> <u>(b) In considering a request from the director under this subsection, the Land Use Commission may:</u> <u>(i) Deny the director's request; or</u> <u>(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.</u>		PARD does not agree with this substantive change due to the prior negotiations that created this section in 2016. Parks make high density more liveable. Properties on the corridor are often the only re-development in the area and present the only opportunity in a Deficient Area for parkland. Residents along major corridors should have parks within ¼-mile of residents to meet Comprehensive Plan 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, Page 196) PARD tracks this metric every five years.			
16.15		Division 23-3B-2				X	GA																	Parkland Dedication	No		23-3B-2010	<u>Remove references to 15% and change to 10%. Add new (6) The 10 percent parkland dedication shall be calculated as a net site area</u>	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 dedicate at or near the 15 percent cap which severely limits the density in the urban core and along the major corridors.		PARD does not agree with this substantive change due to the prior negotiations that created this section in 2016. The insertion of a 15 percent cap was made at the very end of the negotiation as a compromise for an agreed upon "Parkland Dedication Urban Core."		
16.16		Division 23-3B-2				X	GA																	Parkland Dedication	No		23-3B-2010	<u>An applicant seeking a Subdivision or Site Plan for a site that fronts an Imagine Austin Corridor shall not be required to dedicate parkland on site.</u>	Dedication of Parkland - specify that onsite parkland dedication is not required on an Imagine Austin Corridor. Imagine Austin calls for transit-supportive corridors, which in turn require population and job densities along our corridors. Parkland requirements that limit unit yield, while important in other parts of Austin city, should stymie housing along our corridors		PARD does not agree with this substantive change due to the prior negotiations that created this section in 2016. Parks make high density more liveable. Properties on the corridor are often the only re-development in the area and present the only opportunity in a Deficient Area for parkland. Residents along major corridors should have parks within ¼-mile of residents to meet Comprehensive Plan		
16.18		Division 23-3B-2 Dedication				x										JT										No	23-3B-2010 Dedication of Parkland (A) Dedication Required (1)[NEW]	(A) Dedication Required. An applicant for subdivision or site plan approval must provide for the parkland needs of the residents by the dedication of suitable land for park and recreational purposes under this article or by payment of a fee in-lieu of dedication under Section 23-3B-3010 (Fee In-Lieu of Parkland Dedication). (1) An applicant may request a binding determination from PARD regarding whether total land dedication for all types of open space, including but not limited to parkland, common open space, civic open space, private open space, payment of fee in-lieu in land or a combination of fee and land will be required. (a)A binding determination issued under this section shall apply to any development application submitted within 1-year from the date the 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 not exceed % of site	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 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 predictability. In addition, limiting the maximum required dedication would allow for density to continue and support the principles in Imagine Austin for compact development.		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 Determination process in Code. PARD believes this concept is already in current code in 23-3B-3010 (C) Review Procedure. But supports changing the (C)'s title from: <u>Review Procedure</u> to <u>Early Determination</u> . PARD supports clarifying existing practice that a determination is valid through approval of a subdivision or site plan application by changing 23-3B-2010 (C) to: A determination issued under this Subsection is valid for <u>a period of one year from the date of issuance</u> any subdivision or site plan filed within one-year of the determination, provided that the number of units used to make the determination does not increase by more than 10 percent.		
16.3		Division 23-3B-1 General Provisions				x						JSc														Review Authority	No		23-3B-1020(C)(1)	<u>(1) A Deficient Park Area Map Proximity to Park Area Map illustrating shortages in parkland that shows only required connections to 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 other applicable open space that is at least one acre and is accessible to the public; and</u>		No	PARD does not agree with this substantive change due to the prior negotiations that created this section in 2016. The map in the code is a Deficiency Map, not a Proximity Map, That term Proximity does not match the concept. The City has deficient and non-deficient 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 Commission for consideration and recommendation to City Council and the City Council will approve, modify, or disapprove the proposed rule.	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 consideration and recommendation to the City Council. The proposed language also requires the City Council to approve, modify, or disapprove any 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.	No	PARD does not agree with this substantive change due to the prior negotiations that created this section in 2016. The Parkland Dedication Operating Procedures (PDOP) is part of the Building Criteria Manual amended by the City's rules processes that require public notice, staff review by all departments, public comment submittal and response and, finally, adoption. This process is the same for all technical Criteria Manuals in the City.	
16.13	Division 23-3B-2	Dedication		x							JSC													23-3B-2020 (E)	(E) The director shall approve the inclusion of additional features that satisfy other regulatory requirements, such as Water Quality features, drainage features, detention features, trails, or other features if they do not disrupt the primary purpose of the dedication.	This proposed language would allow other regulatory requirements that impact 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.	No	PARD disagrees with this language. Water quality/detention features must be built as an amenity to count as parkland. To require the director to approve ("shall") does not ensure that the credited acreage will be built as an amenity. The PDOP 14.3.8 already covers this concept. PARD and Watershed Departments are writing a section of the Environmental Criteria Manual to assist with this option for parkland dedication credit.	
16.14	Division 23-3B-2	Dedication		x							JSC													23-3B-2020 (F)	(F) Gazebos, pavilions, and other open air structures are permitted.	This proposed language clarifies that gazebos, pavilions, or other open air structures are allowed in parkland that is dedicated.	No	PARD disagrees with this language, the code does not prevent such structures in dedicated parkland. Many dedications include gazebos 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			X											TW							X		??	It's unclear whether 23-3B-2030 intends for up to 100% of on-site dedication of privately-owned, publicly-accessible parkland to satisfy the requirements, or if privately-owned, publicly-accessible parkland outside of the development can 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 Area Map to include this new wave of privately-owned, publicly-accessible parks.		The Parkland Dedication Operating Procedures allows for off-site dedication within 1/4-mile of the development. In practice this would apply to private parkland with an easement as well. PARD could propose rule changes to make this more apparent.	
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 the PUD, be subject to additional parkland requirements and may be entitled to count dedicated parkland towards meeting open space requirements under Section 23-4D-8130 (Planned Unit Development Zone). Therefore, the 15% cap limit provisions in 23-3B-2010 (H) do not apply to PUD zones.	(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 Shaw's proposal add: for <u>Parkland superiority determinations</u> .	
16.19	Division 23-3B-2	2020 - Standard for Dedication of Parkland-			X												TS							2020 - Standard for Dedication of Parkland-	ADD: <u>E) Dedicated Parkland shall meet site condition requirements within the Parkland Dedication Operating Procedures</u>	(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 dedication requirements. (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 during the year.	Yes	PARD is OK with this change. To answer the question: Yes, both of these requirements are in the PDOP. The 50% active play requirement ensures that enough useable land is dedicated even if part of it is floodplain.	
16.20	Division 23-3B-3	Fees			x																							-	
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 of parkland dedication under Section 23-3B-2010 (Dedication of Parkland) if: (1) The director determines that payment of a fee in-lieu of dedication is justified under the criteria in Subsection (B); and (2) The following additional requirements are met: (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 23-3B-2020 (Standards for	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 allows more flexibility for both PARD and the applicant.	No	PARD does not agree with this substantive change. Currently, a project over 376 units generates a requirement for 6 acres and greater of parkland. The 15% cap limits the amount of parkland to only 15% of the site, which, in the urban core, generally creates 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 difficult as the City grows to purchase the land needed to serve all these residents and meet Imagine Austin goals for health and green infrastructure without this requirement.
16.22		3010 - Fee in Lieu of Dedication															TS								3010 (A)(2)	ADD: <u>(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 fees per 23-3B-3030.</u>	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 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.		This could be used by applicants to negate 2 (a)?
16.21		3010 - Fee in Lieu of Dedication				x											TS								3010 (A)(2)(a)	(a) Less than 6 1 acre is required to be dedicated under Section 23-3B-2010 (Dedication of Parkland); or	6 acres is a very large threshold amount of Parkland to be able to be considered for exemption from dedication requirements with fee-in-lieu. This will ensure that 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-in-lieu.		The 6-acre threshold has been in the parkland dedication ordinance 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 a SF project of about 250 or more units and on a MF project of 375 units or more.
16.25	Division 23-3B-3	Fees			x						JSC														23-3B-3010 (C) Fee-in-Lieu of Parkland Dedication	(C) Site Plan Dedication. (1) For dedication made at site plan the area 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 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 deferred until issuance of a certificate of occupancy if construction of amenities is authorized under Section 23-3B-3010 (Fee In-Lieu of Parkland Dedication) or Section 23-3B-3020 (Parkland Development Fee). (2) In negotiating a deed under this section, the director may 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) <u>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 site area prior to the parkland dedication.</u>	The language as written does not provide clarity on how gross site areas may be 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, including FAR and Impervious Cover. This recommendation would calculate the gross site area before the dedication and allow for better density on sites, including ones along major corridors		This is referring to 23-3B-2010 (C), not 3010. PARD agrees with the concept. See 16.5.

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16.26		Division 23-3B-3	Fees			x							JSc																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																								

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17.7		Division 23-3C-1 General Provisions		X							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 Commissioner 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		X							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 withhold 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			x						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.	No	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 administrative rulemaking 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		x							JSc											Residential Uses	No		23-3c-2020 (B)	"(B) Single Family Residential Scale (1) No permit is required to remove 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 for one or two-unit single family residential scale development if Protected Trees and Heritage trees are approved for removal or impact, or to satisfy planting requirements. The city arborist shall review keystone trees proposed for full mitigationonn or planting requirements during review of the building permit to ensure the keystone trees are identified prior to construction.	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.			
17.12		Division 23-3C-3 Heritage Trees																											-	
17.13		Division 23-3C-3 Heritage Trees												JT											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 undevelopnable 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 (B) 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.	No	Staff does not concur with the metrics used to determine ureasonableness.	
18	Article 23-3D Water Quality																													
18.1		Division 23-3D-1 General Provisions		C																									-	
18.2		Division 23-3D-2 Exceptions and Variances																											-	

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18.14	Division 23-3D-3	Impervious Cover		x							JSc			JT							Impervious Cover Calculations	No		23-3D-3040(C)	(c) Impervious cover calculations exclude: (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 public easement; (3) Water quality controls, excluding subsurface water quality controls; (4) Detention basins, excluding subsurface detention basins; (5) Ground level rainwater harvesting cisterns, excluding subsurface cisterns; (6) Drainage swales and conveyances; (7) The water surface area of ground level pools, fountains, and ponds; (8) Areas with gravel placed over pervious surfaces that are used only for landscaping or by pedestrians and are not constructed with compacted base; (9) Porous pavement designed under the Environmental Criteria Manual, limited to only pedestrian walkways and multi-use trails, and located outside the Edwards Aquifer recharge zone; (10) Fire lanes designed as prescribed in the Environmental Criteria Manual, that consist of interlocking pavers, and are restricted from routine vehicle access;	This proposed language removes the exclusion of subsurface infracture. Subsurface water quality controls and subsurface cisterns should not count towards impervious cover.			
18.12	Division 23-3D-3	Impervious Cover		x							JSc										Impervious Cover Limits for Suburban Watersheds	No		23-3D-3070(B)(2)(d)	(d) Impervious cover for a commercial, <u>mixed use</u> , civic, or industrial use may not exceed:	Mixed use should be permitted the same IC as commercial.	No	This recommendation represents a change from existing policy. Significant revisions were made to the water quality and drainage regulations during the Watershed Protection Ordinance process in 2013. The intent was to encourage the actual provision of a mixture of commercial and residential and not solely multifamily.	
18.13	Division 23-3D-3	Impervious Cover		x							JSc										Impervious Cover Limits for Suburban Watersheds	No		23-3D-3070(B)(2)(e)	(e) Impervious cover for mixed use may not exceed: (i) The limits in Subsection (B)(1)(c) for the portion of the ground floor that is multi-family residential; (ii) The limits in Subsection (B)(1)(d) for the portion of the ground floor that is commercial, civic, or industrial; and (iii) Impervious cover for the entire site is based on the ratios determined on the ground floor.	With the proposed language for 23-3D-3070(B)(2)(d) this section is no longer necessary.	No	See comment above.	
18.15	Division 23-3D-4	Waterway and Floodplain Protection																											-
18.16	Division 23-3D-4	Waterway and Floodplain Protection		x							JSc										Critical Water Quality Zones Established	No		23-3D-4020(B)(6)	(6) <u>Zone boundaries may be reduced based on hydrology analysis or floodplain model as approved by the director.</u>	The proposed language would allows the director to use hydrology analalysis to reduce water quality boundaries on a case by case basis.	No	The Critical Water Quality Zone for Suburban watersheds does not incorporate the floodplain. However, the applicant may demonstrate a change in the drainage area threshold as part of an application .	
18.17	Division 23-3D-4	Waterway and Floodplain Protection		x							JSc										Critical Water Quality Zone Development	No		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 necessary crossing. A necessary utility crossing may cross into or through a critical water quality zone only if: (1) The utility line follows the most direct path into or across the critical water quality zone to minimize disturbance; (2) The depth of the utility line and location of associated access shafts are not located within an erosion hazard zone, unless protective works are provided as prescribed in the Drainage Criteria Manual; and (3) In the Barton Springs Zone, is approved by the Watershed Director.	The amendment clarifies that the department/person requiring the alignment of a utility parallel to and within a critical water quality zone is responsible for the payment.	No	This recommendation represents a change from existing policy. Significant revisions were made to the water quality and drainage regulations during the Watershed Protection Ordinance process in 2013. WPD is not proposing additional changes as part of CodeNEXT.	
18.18	Division 23-3D-4										JSc													23-3D-4070	(A) All <u>natural</u> floodplain modification within a critical water quality zone is prohibited except as allowed under Section 23-3D-4040 (Critical Water Quality Zone Development). (B) All <u>natural</u> floodplain modification outside a critical water quality zone is allowed only if the modification proposed:(C) All <u>natural</u> floodplain modifications must :	Clarifies that floodplain must be naturally occurring.			
18.19	Division 23-3D-5	Protection for Special Features																											-
18.20	Division 23-3D-5	Protection for Special Features		x							JSc										Environmental Resource Inventory	No		23-3D-5010(A)	(A) An applicant must <u>shall</u> file an environmental resource inventory with the director for proposed development located on a tract that may cause disturbance to: (1) Within the Edwards Aquifer recharge or contributing zone; (2) Within the Drinking Water Protection Zone; (3) Containing a water quality transition zone; (4) Containing a critical water quality zone; (5) Containing a floodplain; or (6) With a gradient of more than 15 percent. For applications with a 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.	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 applicant to do this for every site. In addition, the clarification for (6) allows for flexibility when working with larger sites which may have varying types of typography.	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 determine whether these features may be disturbed by the development.	
18.21	Division 23-3D-6	Water Quality Control and Green Infrastructure Standards																											-
18.22											TN													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.			

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19.8					x				CK												Right of Return	Yes		23-3E-1030	Establish a priority for city-administered affordable housing units for people who have been displaced due to rising rents or property taxes.	Mimic's "people's plan"						
19.10									CK												Calibration	Yes		23-3E-1010(B) and add new 23-3E-1025	Measurement Neighborhood Housing and Community Development shall keep records of the number of affordable units permitted and developed via the AHDB program as required to annually measure the goals as established in 23-3E-1025. An annual report shall be prepared to document each areas progress towards annual goals. The annual report shall include, but is not limited to, the following: i. Number of total affordable housing units permitted, by unit type and number of bedrooms ii. Number of affordable housing units built, by unit type and number of bedrooms. 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 units, and equivalent unit count v. Average size of affordable housing units permitted, separated by bedroom count. vi. Average size of affordable housing units built, separated by bedroom count. vii. A summary of feedback from all applicants to the AHDB program. 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 Plan.	This requires an annual assessment of the affordable bonus program with established goals.						
19.11					x				CK																viii. If any goal shortcomings are noticed, the report shall assess the reasoning behind the failure to achieve the goals. An annual calibration of all area AHDB programs shall be done to ensure the AHBP encourages use of the program by providing an increase in project yield on cost. The calibration shall include a review of the number of units required (by %), bedroom counts, or any other requirements associated with the use of the bonus. The AHBP shall be modified when: i. In any year that the annual report shows that the annual goal is not met by more than 10%, the AHBP shall be adjusted to lower the requirement for utilizing the bonus, either by reducing the number, 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 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 data, including but not limited to rent rates, construction costs, land and tax values, interest rates, or operating expenses, the AHBP no longer results in an increase in yield on cost to a project, the AHBP shall be adjusted per item (i) above.'	This requires an annual assessment of the affordable bonus program with established goals.						
19.12																													-			
19.13									x												Skip the line for affordable projects			new division	Mandate that all city departments involved in site plan review, permit review, or other development services immediately priortize projects participating in the affordable housing program over all projects that do not have an affordable program participation.	Re-instates skip-the-line for affordable housing program projects.						
19.14					x				x												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					AH												Affordability	No	No	23-3E-1010	"(A) The purpose of this division is to establish general requirements and procedures for the submittal and review of an application for the Citywide Affordable Housing Bonus Program (AHBP), which is a 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. (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 preserving and enhancing the unique character of the City's neighborhoods; (3) Actively desegregate Austin's neighborhoods and dismantle	Neutral	Needs slight revision					

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19.16	Division 23-3E-1	Citywide Affordable Housing Bonus Program			x		AH															Affordability	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						AH																		—(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		AH															Affordability	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	Division 23-3E-2	Downtown Density Bonus Program																										-	
19.24	Division 23-3E-2	Downtown Density Bonus Program			X							JSc										Application 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.	23-3E-1070 gives NHCD Director authority to recommend FIL or % units to City 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							JSc										Downtown Density Bonus Gatekeeper Requirements	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										Downtown Density Bonus Gatekeeper Requirements	No		23-4E-2040 (B)	<u>(B) Appeal.</u> <u>(1) An applicant may appeal to the city council the director's determination that the gatekeeper requirements have not been met.</u> <u>(2) An applicant must appeal the determination within 30 days from the date of the director's denial</u> <u>(3) An appeal is subject to the procedures set forth in Section 23-2D-1 Conduct of Public Hearings and 23-2D-2 Timing and Location of Public Hearings.</u>	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															Downtown	No		23-3E-2060(B)	<u>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.</u>	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.	No	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	AH				JSc										Community 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 administrative approval, the need to go to Council and Planning Commission to approve something allowed by code is eliminated, simplifying the process.	No	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											TW						AHDB	x		23-3E-2060-E-1-c	A unit is affordable for purchase if the maximum sales price for the unit does not exceed three times the annual income for a household at 120 percent of the MFI...The 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		

CHAPTER	ARTICLE	DIVISION TITLE	A			B												C	D	E		F	G		H						
			DESIRED PROPOSED CHANGES TO D3			INITIATED BY COMMISSONER												EX OFFICIO	TOPIC AREA	REQ. ADD'L STAFF FEEDBACK	AMENDMENT TYPE	SUBSTITUTE LANGUAGE	COMMISSIONER NOTES								
						ANDERSON	HART	KAZI	KENNY	MCGRAW	NUCKOLS	OLIVER	SCHIUSSLER	SEEGER	SHIEH	THOMPSON	WHITE	SHAW	BURKARDT	MENDOZA	TEICH			GENERAL	SPECIFIC SECTION			YES/NEUTRAL /NO	STAFF RESPONSE		
19.22		Division 23-3E-2 Downtown Density Bonus Program			X												TW							AHDB	x		23-3E-2060-E-2-c	A unit is affordable for rent if the maximum monthly rent for the unit does not exceed 30% of the average gross monthly income for a household at 60 percent of the MFI.	I think the price of units downtown should be able to handle a little more affordability	Yes	
19.29		Division 23-3E-2 Downtown Density Bonus Program			x		AH						JSc											Rainey Street Subdistrict Bonus	No		23-3E-2070 (B) (1)	(1) A development in the Rainey Street Subdistrict may exceed the 40 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 the dwelling units developed within that floor area ratio of 8:1 is available to house persons whose household income is 80 percent or 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 Director conducts the income determination.	The proposed language amends this section to keep current standards. To achieve 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, 5% of the number of bonus units (as opposed to 5% of the bonus square footage) be designated affordable to 80% Median Family Income.	No	keep bedroom mix as part of policy to encourage larger 'family units'
19.30		Division 23-3E-2 Downtown Density Bonus Program			X								JSc											Rainey Street Subdistrict Bonus	No		23-3E-2070 (B) (6)	Strike 23-3E-2070 (B) (6)	Requiring a percentage of bonus area units to be affordable, AND requiring the affordable unit mix to match the unit mix of the building, make downtown residential with on-site affordable housing infeasible. Except for those that were already entitled and therefore exempt, only one new residential projects has been 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 feasible.	No	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
19.33		Division 23-3E-3 Tenant Notification and Relocation	C																												-
19.34		Division 23-3E-4 S.M.A.R.T. Housing																													-
19.35		Division 23-3E-4 S.M.A.R.T. Housing			X	GA																					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.		
19.36		Division 23-3E-4 S.M.A.R.T. Housing				GA																									-
19.37		Division 23-3E-4 S.M.A.R.T. Housing				GA																									-
19.38		Division 23-3E-4 S.M.A.R.T. Housing				GA																									-

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19.39		Division 23-3E-4 S.M.A.R.T. Housing				GA																SMART								
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								
A-19.44.1		Division 23-3E-4 S.M.A.R.T. Housing			X												TW					SMART		X		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		Division 23-3E-5 Additional Affordable Housing Incentives																												
19.46		Division 23-3E-5 23-3E-5010 Additional Affordable Housing Incentives															TS					AH Incentives		NO		5010 (A)	(A) An applicant who provides income-restricted affordable units, as 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).	This does not have any specifics as to the limits that parking can be adjusted. Delete section.	No	

Prepared by Stephen Oliver
City of Austin, Planning Commission | Chair

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19.52																									
19.53																									
19.54																									

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		DESIRED PROPOSED CHANGES TO D3			INITIATED BY COMMISSIONER										EX OFFICIO	TOPIC AREA	REQ. ADD'L STAFF FEEDBACK	AMENDMENT TYPE		SUBSTITUTE LANGUAGE	COMMISSIONER NOTES												
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19.55																									<div>• Revise the density bonus program in targeted areas such as cultural districts by adding the preservation or creation of an existing creative 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.</div> <div>• 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 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.</div> <div>[1] see https://codenext.civiccomment.org/chapter-23-3-general-planning-standards-all</div> <div>The New Flex Industrial zoning may cover this....</div> <div>In 23-3F and in 23-2M</div> <div>In Division 23-4D-7: Commercial and Industrial Zones</div> <div>Accessory Use as a Theater or Art Gallery (as would be in 25-2-865, for example</div> <div>A) This section applies to the following uses and zoning districts:</div> <div>1) LIGHT MANUFACTURING use with IP, MI, LI, CS, MU zoning district</div> <div>2) LIMITED WAREHOUSE AND DISTRIBUTION use with IP, MI, LI, CS, MU zoning district</div> <div>3) GENERAL WAREHOUSE AND DISTRIBUTION use with IP, MI, LI, CS, MU zoning district</div> <div>4) ART WORKSHOP use with IP, MI, LI, CS, MU zoning district</div> <div>B) The use of the space as ART GALLERY and THEATER:</div> <div>1. is a permitted accessory use</div> <div>2. shall not exceed 33 percent or 5,000 square feet of the total floor area of the principal developed use, whichever is less</div> <div>C) During the Permitting Process the Council on appeal or Planning Commission may increase the square footage allowed under subsection B.</div> <div>D) On-site parking is required according to Schedule A of Appendix A (TABLES OF OFF-STREET PARKING AND LOADING REQUIREMENTS).</div> <div>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:</div> <div>SCHEDULE A</div> <div>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:</div> <div>Activity Requirement</div> <div>Accessory Use as a Theater or Art Gallery</div> <div><2,500 sq. ft. - 1 space for each 275 sq. ft.</div> <div>2,500-10,000 so. ft. - 1 space for each 100 sq. ft.</div> <div>> 10,000 sq. ft. - 1 space for each 50 sq. ft.</div> <div>Office or administrative activity 1 space for each 275 sq. ft.</div> <div>Indoor sales, service, or display 1 space for each 500 sq. ft.</div> <div>Outdoor sales, services, or display 1 space for each 750 sq. ft.</div> <div>Indoor storage, warehousing, equipment servicing, or Manufacturing 1 space for each 1,000 sq. ft.</div> <div>Outdoor storage, equipment servicing, or manufacturing 1 space for each 2,000 sq. ft.</div> <div>Commercial off-street parking requires one bike parking space for every 10 motor vehicle parking spaces.</div>								
19.56																																	
19.57																																	
Chapter 23-4: Zoning Code			NONE	MINOR	MAJOR	YES/NO																	YES/NO										
20	Article 23-4A Introduction																																
20.1	Division 23-4A-1	Purpose																											-				
20.2	Division 23-4A-1	Purpose		x									JSc											23-4A-1010	This chapter protects and promotes the public health, safety, and general welfare of the public; and implements the Comprehensive 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-	Implies a hierarchy of code that was not established in Imagine Austin Plan.	No	Can bring forward language from 23-1A-1020					
20.3	Division 23-4A-2	Establishment of Zones	N																														
20.4		Overlay Zones								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.	No	Staff is not recommending carrying forward NCCDs because new zones are improving current standards					
20.5	Division 23-4A-2	Establishment of Zones			x										JT							Overlays	No	23-4A-2020(H)	Eliminate the Downtown Plan overlay until Small area plan can be completed with funding assistance provided by DAA.		No	Staff does not support this without Council directive					
20.6	Division 23-4A-3	Zoning Map																											-				

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20.7		Division 23-4A-3	2020			X													TS					Residential Housing Types	NO		2020 A)1)	Residential house-scale (R) zone category includes single-family detached homes, <u>single-family-attached</u> , duplexes, small multiplexes, cottages, row houses, <u>townhouses</u> , and <u>accessory dwelling units</u> (garage apartments or granny flats).	Add other house types.	Yes						
20.8		Division 23-4A-4	How to Use the Zoning Code	C																												-				
21	Article 23-4B Zoning Administration and Procedures																																			
21.1		Division 23-4B-1	Land Use Approvals																													-				
21.3		Division 23-4B-1	1020 - Conditional Use Permit			X													TS					Conditional 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 perpetuate zoning classes with additional conditions like we have now.	No	Intent of text is correct					
21.4		Division 23-4B-1	1020 - Conditional Use Permit																TS					Conditional Use Permit	NO		1020 Conditional Use Permit (F)(2)	(2) Late Hours Permit (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 seating, the having a parking area associated with the use <u>must be a minimum of</u> less than 200 feet from a Residential House-Scale Zone <u>is required to obtain approval of a conditional use permit</u> , unless the use is located within an enclosed shopping center. (b) The Land Use Commission may waive the 200-foot restriction if it finds that the effects of a parking area are sufficiently mitigated based on the criteria in Subsection (E).	Reword to require all bars,nightclubs andrestaurants w/ alcohol that have late night hours and/or outdoor seating that are close to neighborhoods to obtain a CUP. F) 2) Late Hours Permit - This minimum distance should be included in the Division 23-4E-6: Specific to Use section for Bars/NightClubs and Restaurants.	Yes	Language already included in 23-4E-6310 Restaurant; staff would support adding specific to use language for Bars/Nighclub					
21.5			Conditional Use Permits			X													TW				CUPs			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 23-4B-1	1030 - Minor Use Permit																TS				Minor Use Permit	NO		1030 - Minor Use Permit (C)(1)	C) Administrative Review Process (1) Notice of Application. The director shall provide notice of an application for a minor use permit under Section 23-2C-5010 (Notice of Application) and allow parties to submit comments on the application for a period of at least 14 30 days.	C) (1)Admin Review- requires a 14 day public comment period. 30 days is needed.	No	Staff believes timeline is appropriate						
21.7		Division 23-4B-1	1030 - Minor Use Permit			X																										-				
21.8		Division 23-4B-1	1030 - Minor Use Permit																TS				Minor Use Permit	NO		1030 - Minor Use Permit (E)	Delete (E)	E) Allows Director to impose conditions same as Conditional Use Permit. Land Use Commission may impose conditions such as limits on FAR, setbacks etc. This seems to perpetuate zoning classes with additional conditions like we have now.	No	Staff supports this disgression						
21.9		Division 23-4B-2	Code Interpretations and Use Determinations			X																										-				
21.10		Division 23-4B-2	Code Interpretations and Use Determinations										JSc				JT									23-4B-2030 Use Determinations	(A) Purposes and Applicability. This section establishes procedures for obtaining a determination by the director regarding: (1) The appropriate classification of an existing or proposed land use or activity under Article 23-4D (Specific to Zones); or (2) Whether an existing use or structure is non-conforming under Article 23-2G- (Nonconformity).	This section needs to be explained and possibly rewritten or deleted. We seek 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 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 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													JSc													23-4B-2040 Administrative Appeal	(A) Project Interpretations. A project code interpretation or use determination issued under this division for a particular development application may be appealed to the Board of Adjustment under Article 23-2I (Appeals). If the code interpretation or use determination is not appealed, or is upheld by the Board on appeal, a subsequent decision by the director to approve or disapprove a development application associated with the interpretation or determination may not be appealed under this section. (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 of Adjustment under Article 23-2I (Appeals).	Section 23-4B-2040 Administrative Appeal states that a decision by the Development Services Director or another responsible director to approve or disapprove a development application may be appealed to the BOA under Article 23-2I (Appeals). This is broader than just site development standards under the Zoning Code. This Section should be limited. A development permit that is issued should only be appealable because of non-compliance with the zoning code and the provision of the code not correctly interpreted was the zoning code (not building, fire, electric, etc.).								
21.12		Division 23-4B-3	Zoning Map Designations and Amendments																													-				
21.13			3100 - Requirement for Approval from 3/4 of Council -																TS				Requirement for Approval from 3/4 of Council -	NO		3100 - Requirement for Approval from 3/4 of Council (A) (2)	(2)The assignment of a Planned Unit Development zoning designation to previously unzoned property if the Land Use Commission recommends denial of the application; or	(A)(2) is the recent Council decision to require disapproval by 3/4 of the Land Use 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 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 properties to be handled any differently than zoned properties. Suggest that this section be deleted so that requirements for all PUDs are equal.	Neutral							
21.14		Division 23-4B-3	Zoning Map Designations and Amendments		x	X							JSc													23-4B-3040 (D)	(1) A zoning map amendment regarding a Historic District Overlay Zone may be initiated by: (a) The Historic Landmark Commission; (b) A petition of the applicants 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		Neutral							
21.15		Division 23-4B-4	Criteria for Variances and Special Exemptions																													-				

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21.16		Division 23-4B-4	Criteria for Variances and Special Exemptions										JSc			JT																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																							</

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22.8		Division 23-4C-1	1030 - Common Open Space																						Common Open Space	NO		1030 - Common Open Space (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) and the remaining requirements of 24-4C-1030. A site partially complies with this section, 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) excluding fee-in-lieu.	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	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																						Common Open Space	NO		1030 - Common Open Space (C)(5)	(5) A site that is located outside <u>inside</u> 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 square feet.	Apply this requirement for lower amounts of common open space to DC zones.	No	Staff agrees that this language needs further clarification though do not agree with amendment																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																													
22.10		Division 23-4C-1	1030 - Common Open Space																						Common Open Space	NO		1030 - Common Open Space (C)	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.	No	Staff agrees with the current text and does not support adding this paragraph																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																													
21.2		Division 23-4C-1	1030 - Common Open Space	x																					Common Open Spac	No	No	23-4C-1010	(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																						Parkland and Open Space			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.	No	Staff does not have policy requirement to remove common open space requirements																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																													
22.12		Division 23-4C-1	Large Site Requirements																						Parkland and Open Space			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 23-3B																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																													
22.13		Division 23-4C-1	Large Site Requirements																						Parkland and Open Space			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																						Parkland and Open Space			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																						Parkland and Open Space			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																						Parkland and Open Space			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 Space	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																						Civic Open Space	NO		1040 Civic Open Space (B) (3)	(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 little 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 4ja) 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 exemption 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 parkland, it may go away when the site is redeveloped.																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																													

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22.18		Division 23-4C-1 1040 Civic Open Space			x													TS					NO		1040 Civic Open Space (B) (4) (a) and (b)	(4) An applicant shall locate each residential lot within: (a) one-quarter mile of a safe pedestrian travel distance from existing proposed civic open space if the development is located within the urban core; and (b) a half mile of a safe pedestrian travel distance from existing proposed civic open space if the development is located outside of the urban core	Again, the 1/4 mile must be defined as the distance of a safe and walkable route. Remove "existing" as this for new civic space.	No	no definition for safe pedestrian travel distance or means of measurement
22.19		Division 23-4C-1 1040 Civic Open Space		X														TS				NO		1040 Civic Open Space (B) (5)	...at least a quarter acre	missing unit	Yes	erratta	
22.20		Division 23-4C-1 Large Site Requirements			X								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 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 parkland dedication requirement when Austin already has one of the strongest parkland ordinances in the state is totally unnecessary.		Civic space is a design standard that requires a publicly accessible location and well-designed open space. It does not require a public easement unless the land is counted for 23-3B.
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 <u>that results in one or more parcels greater than 4 acres</u> , must designate civic open space that complies with the requirements of Division 23-4C-2 (Civic Open Space).	This would not require civic open space on parcels less than 4 acres and would allow for better use of density on smaller parcels.	No	the purpose is to work with projects at 4 acres or larger
22.22		Division 23-4C-1 Large Site Requirements		X									JSc												23-4C-1040 (B)	(B) Civic Open Space Amounts and Locations(1) Land dedicated to the City to meet the applicable parkland dedication requirements in Article 23-3B (Parkland Dedication) may shall contribute to satisfying the requirements of this section. (2) Except as provided in Subsection (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 does not includes: street rights-of-way, <u>pubic sidewalks, required landscaping areas, parkland dedication, land located between the property line and a building setback, water quality features, and detention areas not located within buildings.</u>	This clarifies that civic open space does count towards parkland dedication requirements and redefines the net development acreage as the portion of land where the development actually occurs.	Yes/No	Staff agrees that "may" needs review and will need to coordinate with legal. Staff does not agree with added language and change of net development acreage
22.23		Division 23-4C-1 Large Site Requirements		X									JSc												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 to 10 percent of the net development acreage as civic open space. <u>The net development acreage does include street rights-of-way, water quality and detention features not located in a building, sidewalks, and other features located inside the development acreage.</u>	This section provides how much of the land that civic open space will take away from providing the primary purpose of the site.	No	staff agrees with 10%
22.24		Division 23-4C-2 Civic Open Space											JSc																-
22.25		Division 23-4C-2 Civic Open Space			X								JSc												STRIKE 23-4C-2	STRIKE DIVISION	Civic Open Space is a new requirement that heavily overlaps with parkland dedication. For proof, just look at the kinds of civic open space mentioned in this division: It includes things called parks! Requiring an entirely new on-site parkland dedication requirement when Austin already has one of the strongest parkland ordinances in the state is totally unnecessary.		Civic space is a design standard that requires a publicly accessible location and well-designed open space. It does not require a public easement unless the land is counted for 23-3B.
22.26		Division 23-4C-2 2010- Purpose																TS				NO			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 aligns with Imagine Austin Priority "Use green infrastructure to protect environmentally sensitive areas and integrate nature into the city" and will ensure adequate open spaces are incorporated into mixed use developments creating complete communities.	Revise Purpose Section to show alignment with IA priorities. . Marilyn Lamensdorf stated that intent of Civic Spaces is to provide the additional open space needs for commercial development.		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 assist with parkland dedication design if the land doubles for parkland dedication.
22.27		Division 23-4C-2 2020 - Applicability and Conflict			x													TS				YES PARD			2020 - Applicability and Conflict (B)	(B) A required civic open space shall comply with the requirements in this division; Article 23-4B (Specific to Zones) and Division 23-4C-1 (Large Site Requirements).	The tables for Open Space in the 23-4D sections are incorrect and recommend that the civic space section is deleted from each zone table. This along with 2020 (C) will allow residential and mixed use developments to satisfy the residential unit requirements for parkland through 23-3B and provide additional civic space for commercial development through this section.	No	reference to civic open space in zoning is helpful, not sure how it is incorrect
22.28		Division 23-4C-2 2020 - Applicability and Conflict			x													TS				YES PARD			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 approved by the Parks and Recreation Department.	The language was not specific enough.	No	staff supports current language PARD recommends the following clarification: <u>Civic open space that complies with this division and is dedicated to the City via a deed or an easement may be used to satisfy Section 23-3B (Parkland Dedication)</u>
22.29		Division 23-4C-2 Civic Open Space											JSc											No	23-4C-2020 Applicability and Conflict (D)	(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.		Other open space types apply toward parkland dedication if they are open to the public and meet design standards for their section and for 23-3B
22.30		Division 23-4C-2 2050 - Civic Open Space Standards			x													TS				NO			2050 - Civic Open Space Standards	ADD (F) Parks and Recreation Department shall approve final civic open space type provided based on park and open space needs in the area and Civic Open Space shall comply with Parks and Recreation Department Operating Procedures.	Civic Open Space should comply with PARD Oeprating Procecures and final park typology should have PARD approval.	No	PARD has discretion over parkland dedication PARD will only review other open space types if they are being used for parkland dedication. Otherwise DSD will review. This is current practice.
22.31		Division 23-4C-2 Civic Open Space			X								JSc		JT										23-4C-2050 (D) Parking Requirements	(D) Parking. The director shall require a specific number of parking spaces for a civic open space that is more than five acres			PARD does not require parking spaces for Pocket and Neighborhood 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 tables. However, Residential House Scale and Residential Multi-Unit tables 23-4D-2040 (A) and 23-4D-3040 (A) need to be changed to <u>Recreation: As determined by the Planning Director. Entertainment: 1 per 100 sf.</u>
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22.32		Division 23-4C-2	2050 - Civic Open Space Standards																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																			</

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23.3		Division 23-4D All Subsections	x				AH	FK														Affordable Housing	No	Yes	23-4D	Change Cooperative Housing to P in R1, R2B-E, R3B-C, R4C, RR and MH; Change Cooperative Housing to P in zones R4A-C, RM1A-B; Change Cooperative Housing to P in MH, MS1A, MU3B, MU4	Cooperative Housing would still have to apply with applicable zoning regulations - It's a model that everyone should support.	Yes/No	4 unrelated adults may reside in a house built since 2014 and 6 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	
23.4		Division 23-4D Use Tables 23-4D-2030(A, B, C)		x				FK														Day Cares	No		23-4D	Change Day Cares <20 to P in all R zones. Change commercial daycares to MUP in R2B and above, and to CUP below.	Need daycares close to families being served and increase affordability of daycare by removing obstacles	Yes/No	<20 fine with MUP in in R zones - MUP and CUP in D3 due to amount of COs currently restricting day cares; keep Commercial as CUP in residential zone	
23.5		Division 23-4D-1 Purpose																												
23.6					X		GA															Coops	No		23-4D-1-8	Allow cooperatives by MUP in R1, R2B, R2C, R2D, R2E, R3B, R3C, RR; Allow cooperatives by right in zones R4A, R4B, R4C, RM1A, RM1B, MH, MS1A, MU3B, and MU4		Yes/No	4 unrelated adults may reside in a house built since 2014 and 6 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 23-4D-2030 Use Tables			x			FK														Coops and Daycare			x	Make coops MUP in R2B and up. And make Daycares 7-20 MUP in all R zones		No/Yes	Related to Co-Ops: See response on line 23.6 Staff supports daycares 7-20 having an MUP in residential zoning	
23.7		All Zones			x							PS										Alcohol Sales on-site consumption					Require a CUP for bars, night clubs, brew pubs and distilleries within 1,000' of residential properties.	No	Add specific to use language for Bars/Nightclubs with same language as Restaurants when referring to distance and CUPs	
23.8													JSh									height			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 to a maximum of 5' above finished grade and a maximum of 12" above highest finished grade" 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. 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. Multiple pages: 4D-2 pg. 60 23-4D-2070 through 23-4D-2210: R1-R4 Maximum Height Limit Amendment: Amend maximum height limit.	Yes/No	Okay with 35' overall due to consistency but disagree with other suggestions		
23.10								FK					JSh			TW						FY Imp Cov			ALL R ZONES	delete frontyard impervious regulation		No	purpose is to prevent full front yard pavement - if removed from D3, it will be removing a NP subset from some mcmansion areas, can	
23.11													JSh									pools fountains			ALL R ZONES	Encroachment table for Pools and Fountains • Side street match interior side • Front match rear		Yes	Make pool encroahments same as fountains in all Residential house scale zones	
23.12													JSh									articulation			ALL R ZONES	25-4D-XX Articulation All R zones Recommend articulation requirements removed due to affordability. If motion does not pass, then modify as below 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 configurations to accommodate trees, slopes, or adjacency issues.		No	In draft 3 where mcmansion already applies	
23.13		Division 23-4D-2 Residential House-Scale Zones																											HLC: ADU up to 1375sf when retaining house	
23.16		Division 23-4D-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		x									JSh													front parking areas are too limited and forms will create nonconforming to many 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, ETC) dont want to duplicate	N/A		commentary	
23.18		Division 23-4D-2 Residential House-Scale Zones			x			CK														McMansion ordinance update	No	No	The "Lot Size and Intensity" table in all R zones	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".	This updates the McMansion ordinance and extends it to all R zones, limiting the FAR on all single family use to 0.3 FAR. The unlimited or 0.4 FAR for other uses remains.	No	this is change in current policy	

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				DESIRED PROPOSED CHANGES TO D3			INITIATED BY COMMISSIONER												EX OFFICIO	TOPIC AREA	REQ. ADD'L STAFF FEEDBACK	AMENDMENT TYPE		SUBSTITUTE LANGUAGE		COMMISSIONER NOTES			
							ANDERSON	HART	KAZI	KENNY	MCGRAW	NUCKOLS	OLIVER	SCHISLER	SEEGER	SHIEH	THOMPSON	WHITE	SHAW	BURKARDT	MENDOZA	TEICH			GENERAL	SPECIFIC SECTION			YES/NEUTRAL /NO
23.21																							No	23-4D-2, 23-4E-6170, Specific to Use - Duplex; and 23-13A-2, Land Uses - Duplex	Throughout 23-4D-2, remove references in text and rows in tables referring to Single-Family Attached. In 23-4E-6170(C), change the following: "A duplex must comply with the requirements in this subsection. (1) The two units must be attached <u>or no greater than 12 feet apart;</u> and (2) At least one of the two units must have a front entry that faces the 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 feet</u> A residential building containing two attached dwelling units on a		no	does not recommend combining sf attached with duplex or changing language	
23.22																							No	23-4D-2 (the "Lot Size and Intensity" table in all R1-R3 Zones); 23-3E-1040 (Affordable Housing Bonus Calculation)	Add a row to the bottom of the table: " <u>Residential Citywide Affordable Accessory Dewlling Unit Incentive: When participating in Affordable Housing Bonus Program, 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.</u> " Remove the following line from the table in RR, LA, R1A, R1B, and R1C: "Accessory Dewlling Unit allowed only when participating in Affordable Housing Bonus Program"	This is a new, income-restricted, affordable ADU bonus for all R1-3 zones. Add an affordable bonus that grants the following entitlements when adding a 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 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 ownership, 10 years for rental.	No	staff believes in truth in numbers, to do this in R2 then name R2 into R3	
23.23																						Yes	23-4D-2 (the "Lot Size and Intensity" table in all R4 zones.)	For all R4 zones: Table (A) AHBP Bonus Units increased from +4 to +6 and AHBP Bonus FAR increased from .8 FAR to 2 FAR	This makes the bonus pencil out.	No	other site requirements affect building size and parking capabilities too much to make this situation pencil out		
23.24																						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.			
23.25		Division 23-4D-2																				No	The "Lot Size and Intensity" table in all R zones	Add an affordable bonus that grants the following entitlements when adding a 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 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 ownership, 10 years for rental. The ADU may be external or internal.	This is a new, income-restricted, affordable ADU bonus for all R zones.	Neutral	using this will lessen th viability of the preservation incentive		
23.26		Division 23-4D-2																				No	The "Lot Size and Intensity" table in all R zones	Add an affordable bonus that grants the following entitlements when adding a 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 restricted unit total on a 2-for-1 bonus basis. A second ADU is also added that does not count against the FAR or unit limits. Affordability income levels are same as other zone affordable unit bonuses, but affordability periods are 20 years for ownership, 10 years for rental. The ADU may be external or internal.	This is a new, income-restricted, affordable DOUBLE ADU bonus for all R zones.	No	See response in line 23.22		
23.27																		TS				NO	X			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 Sf.	?		
23.28																		TS				NO	X	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 [Where currently P or MUP]	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																						23-4B-1030 Minor Use Permits General.	Remove Section 23-4B-1030	Minor Use Permits (MUP) give staff too much discretion over granting uses that are not minor. This process denies citizens the opportunity of a public hearing. Remove the MUP process and apply 23-4B-1020 CUP process. Revisit the MUP permit and associated uses after CodeNext approved.	no	
23.31																									Zones R1B-R2C, R3B-R3D		Restore 5,750 sq. ft. lots and 50' width	No	5000' brings 7000 lots into conformity
A-23.31.1																									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).	N/A	Addressed in Addendum. No on-site sales, and employees are limited to one. Max of 4 trips
23.33		Division 23-4D-2	Preservation Incentive															TW					X	X	Lot Size & Intensity Table; R1C, R2A, R2C, R2E,R3A,R3B,R3C,R3D,R 4A,R4B,R4C,	Street Scale Incentive: Accessory Dwelling Unit does not count toward FAR limit when existing house (at least 10 years old) is conserved.	The intention was to preserve the street scale. The word preservation is not 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 was to subject homewoners to these standards and additional expenses, I think it was to preserve the street scale and to reduce the # of demolitions. These 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 granted.	Neutral	HLC has asked for a definition of "preservation"; Staff support using a different term than "preservation"
A-23.33.1			Preservation Incentive			X												TW					X	X	All R zone	extend Preservation Incentive to all R zones	we heard a lot of positive feedback regarding this incentive	Neutral	Staff does not object to conservation instead of preservation

Prepared by Stephen Oliver
City of Austin, Planning Commission | Chair

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							ANDERSON	HART	KAZI	KENNY	MCGRAW	NUCKOLS	OLIVER	SCHISLER	SEEGER	SHIEH	THOMPSON	WHITE	SHAW	BURKARDT	MENDOZA	TEICH			GENERAL	SPECIFIC SECTION			YES/NEUTRAL /NO	STAFF RESPONSE		
23.49		Division 23-4D-2	2030- Allowed Land Uses and Permit Requirements																TS						2030- Allowed Land Uses and Permit Requirements	NO				Group Home Removed.	N/A	comment
23.50		Division 23-4D-2	2030- Allowed Land Uses and Permit Requirements																TS						2030- Allowed Land Uses and Permit Requirements	NO				Addenda - allowed cottage court in R4C and removed Townhouses from R4A and R4B.	N/A	comment
23.51		Division 23-4D-2	2040- Parking Requirements (Residentail House Scale)																TS						2040 (B) Maximum Number of Parking Spaces	NO		2040 (B)	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 established and that developers are allowed to put in as many parking spots as they want.	Yes	Staff agrees with only deleting this language in the Residential House Scale zones; and staff supports changing language in 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- Parking Requirements (Residentail House Scale)	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.	Yes	Staff agrees with only deleting this language in the Residential House Scale zones; and staff supports changing language in Residential Multi-Unit zones to only apply to non-residential zones
23.53		Division 23-4D-2	2040- Parking Requirements (Residentail House Scale)																TS						Table 23-4D-2040(A) (1) Residential Accessory Dwelling Unit - Residential	NO		CHANGE: Accessory Dwelling Unit - Residential (Existing or new construction with existing dwelling unit).--None Required ADD: Accessory Dwelling Unit - Residential (new construction and no existing dwelling unit) - 1 per unit.	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 be changed to conform to 23-4E-3020 which requires parking for ADUs unless there is an existing unit.	No	staff supports not requiring parking for ADUs as incentive and furthering affordability capability	
23.54		Division 23-4D-2	2040- Parking Requirements (Residentail House Scale)																TS						Table 23-4D-2040(A) (1) Residential	NO		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 residential 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. Condidner variance if sidewalks in neighborhood. Request from Public schools to maintain parking adjacent to schools.	No	staff does not support requiring more parking near schools	
23.55		Division 23-4D-2	2040- Parking Requirements (Residentail House Scale)																TS						Table 23-4D-2040(A) (1) Residential	NO		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 residential zones to prevent off-street parking and maintain safe streets for walking and biking.	N/A	see above	
23.56		Division 23-4D-2	2040- Parking Requirements (Residentail House Scale)																TS						Table 23-4D-2040(A)	NO		Bed and Breakfast - 1 plus 0-8 1-per bedroom Cooperative Housing - 1 plus 1 per every 4 2 bedrooms Group Residential - 1 plus 1 per every 3 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	
23.57		Division 23-4D-2	2100 - 2140; R2A-R2E																TS						Table 23-4D-2040(A)	NO		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 for R1-R3			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 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 additional units.	No	Incorporated into CodeNEXT from neighborhood plan tool. Suggest changing applicability rather than removing completely.	
23.59																JS h									parking			23-4D-2040	Parking requirements 3. B and C is described again in each zone. (at least in R3's This is confusing. Pick a spot, otherwise its inconsistent) OFFSTREET HOUSE SCALE TABLE: ADU - should require 1 if more than 1 bedroom HOME OCCUPATION - should require 1 space for commercial vehicle 3. B and C is described again in each zone. (at least in R3's This is confusing. Pick a spot, otherwise its inconsistent)		No	Parking structure regulations are different than Frontyard IC limits. Staff does not recommend changing parking.
23.60																JS h									parking				OFFSTREET HOUSE SCALE TABLE: 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 HOME OCCUPATION - should require 1 space for commercial vehicle OFFSTREET HOUSE SCALE TABLE: ADU - should require 1 if more than 1 bedroom HOME OCCUPATION - should require 1 space for commercial vehicle		No	staff supports the parking recommendations in D3 addendum
23.127		Division 23-4D-2	Residential House-Scale Zones														JT								Parking	No	Yes	23-4D-2040	Do not require parking in Residential Zones		No	
23.61		Division 23-4D-2	Residential House-Scale Zones											JSc											parking			23-4D-2040 R1-R3 Zones: Table 23-4D-21x) (F) Impervious Cover (2) Frontyard Impervious Cover - paragraph (2)(e)	(e) A motor vehicle may only be parked or stored on driveway or paved parking space.	Gravel is an accepted parking space material in code. While counted as IC, it is more pervious than concrete and less expensive. Not a problem under current code.	No	See response on line 23.39
23.62		Division 23-4D-2									CK														Lot Size Brackets for ADUs in RR	No	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								FK														Rural Residential			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.	No	NHCD supports accepting in-lieu fee as opposed to on-site affordability.
23.64		Division 23-4D-2									CK														Lot Size Brackets for ADUs in LA	No	No	Table 23-4D-2060(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.

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23.65	Division 23-4D-2	Residential House-Scale Zones		X					FK																					
23.66	Division 23-4D-2								CK																					
23.67	Division 23-4D-2	Residential House-Scale Zones		X					FK																					
23.68	Division 23-4D-2	Residential House-Scale Zones							AH																					
23.69	Division 23-4D-2	Residential House-Scale Zones		X					FK																					
23.70	Division 23-4D-2	2050- 2090; RR, LA,R1A, R1B, R1C																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																	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-XXXX(A)	Remove "Other Allowed Uses"	What is the purpose 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																TS			YES				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																TS			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 thoroughly 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 23-4D-2	Residential House-Scale Zones							AH	FK																23-4D-2100, 2120, 2140 Table (D) Height	For All R-type Zones: Building Height is defined as height from top of slab to top of roof. Slab Height is defined as height from finished grade to top of slab. 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																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 should be relegated 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							GA	FK																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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23.96		Division 23-4D-2 2150-2180; R3A-R3D			x												TS						DELETE : Other Allowed Uses	What is the purpose of the new use called "other allowed uses." It is not defined and not explained what it will be used for.		
23.97		Division 23-4D-2 2190 - 2210 R4A- R4D	x														TS					2190 - 2210 R4A- R4D; Table 23-4D -XXXX (A)		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														TS					2190 - 2210 R4A- R4D; Table 23-4D -XXXX (B)		Single family attached and townhouses do not comply with the side setback requirements and 23-4E-7070 does not provide for exemptions. Add exception to 23-4E-7070.	Yes	Need to add side setback exception.
23.99		Division 23-4D-2 2150-2180; R3A-R3D			x												TS					2190 - 2210 R4A- R4D; Table 23-4D-XXXX(H)	Remove reference to Common Open Space and Civic Open Space as these are already covered in section specific sections	Common and Civic Open Space requirements conflict between special section and Table H	No	see response in line 23.74
23.100															JSh							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 40% so the increase in IC doesn't get abused for more BC)		Pending	
23.101		Division 23-4D-2 Residential House-Scale Zones			x			FK														23-4D-2190, 2200, 2210 All R4 Zones	Table (A) Lot Size and Intensity - add footnote " +.1 FAR for every unit 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	FAR bonuses included in zone.
23.102		Division 23-4D-2 Residential House-Scale Zones						AH					JSc									23-4D-2150 through 2210 (G) (3): Parking Driveway	Edit Parking Table (G) (3) in all R3 & R4 zones to read: 10' max 12' max for single unit driveway 20' max for shared driveway	Allow 12' max curb cuts (current code) for driveways serving a single unit and up 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 accommodate multiple vehicles to park; Shared driveways should provide two car access where site conditions allow. 12' is the current code minimum requirement.	Neutral	
23.103		Division 23-4D-2 Residential House-Scale Zones		X				AH					JSc									23-4D-2150 through 2210 (G) (3): Parking Driveway	Delete Parking Table (G)(3) Parking Driveway " When lot has adjacent alley with a right-of-way width of 20' or greater, parking must be accessed only from the alley. "	There is already an incentive to park from an alley - better use of IC, better access 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 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.	No	Add exception for existing curb cuts to be continued to be used. Need to coordinate with public works on alley improvements.
23.104		Division 23-4D-2 Residential House-Scale Zones		X				AH														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 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 Zones.
23.107		Division 23-4D-2 Residential House-Scale Zones		X				AH														23-4D-2170, 23-4D-2180, 23-4D-2190, 23-4D-2200, 23-4D-2210 (G) Parking (2) Setback	Table 23-4D-2170 (G) Parking (1) Parking Requirements (2) Setback – Front 30', Side St. 20', Side 2', Rear 5' (3) Parking Driveway	Parking setbacks do not allow enough flexibility for site conditions, such as trees and drainage, particularly when combined with other parking regulations, limiting unit yield and increasing cost. They have the same effect as "required parking 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 already tight. Required parking cannot be within the setback, but additional parking can.	Neutral	If parking setback reduced, recommend adding frontyard IC to R4 Zones. Consider exceptions for trees.
23.108		Division 23-4D-2 Residential House-Scale Zones			X			AH														23-4D-2100, 2120, 2140 Table (C) Building Form	(C) Building Form (2) Facade(s) All Stories: Add "Articulation, Net Area 40 sf", Change Articulation length (min.) to 8' and Articulation depth (min.) to 2'. Add note "Articulation not required for a net building area of less than 2000sf."	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 for more flexibility for trees and drainage, etc.	No	See above
23.109		Division 23-4D-2 Residential House-Scale Zones			X			AH														23-4D-2150 to 2200 Table(C) Building Form	For R3-R4 "McMansion" Zones Table 24-4D (C) has Building Form (1) Building Articulation New Construction "Articulation is required when adjacent to (list R2A, R2C, R2E ie McMansion zones) for adjacent side walls on additions or new construction ..."	Articulation requirement inherently causes drainage problems due to "U" shape. McMansion rules were intended for 1-2 unit uses. Articulation on interior lots makes it more difficult to accommodate environmental considerations (e.g. trees 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 to be built in R3 and R4 zones.	No	"U" shape does not cause drainage problems.
23.110		Division 23-4D-2 Residential House-Scale Zones			X			AH														23-4D-2100(G) to 2210(G)	Impervious cover R2 to R4: Delete Footnote. The maximum impervious cover may not be attainable due to unique site characteristics, such as trees, waterways, and steep slopes. Where necessary, the project must reduce the impervious cover to comply with other requirements of this Title.	The Impervious Cover footnote is not in the current code and only serves to reduce flexibility to account for trees, waterways, and steep slopes. Authorizes further reductions in buildable area on site without justification, possibly removing ability to apply for a variance.	No	The footnote does not inherently reduce impervious cover.
23.111		Division 23-4D-2 Residential House-Scale Zones			X			AH														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	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.
23.112		Division 23-4D-2 Residential House-Scale Zones			X			AH														23-4D-2100 to 2210 Accessory Structure Height	Amendment: Amend the accessory structure height to 15'.	Comment: Accessory structure max height is too low at 12' to top of roof. 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 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 roofline than main house. There is no clear benefit or purpose of regulation.	Yes	
23.113		Division 23-4D-2 Residential House-Scale Zones			X			AH														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 through ADUs within neighborhoods.

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23.114		Division 23-4D-2	Residential House-Scale Zones			X		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: 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.	No	Staff supports proposed R2D ,R2E, R4 small lot zones.
23.115		Division 23-4D-2	Residential House-Scale Zones			X		AH														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		AH														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		AH														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		AH														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			X		AH														residential				23-4D-2150, 2160, 2170, 2190, 2200, 2210: Grade Limit Encroachment	Table 23-4D-2xxx (E) Encroachments Porch, Stoop or Uncovered steps	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. Recommended language: Uncovered Steps may not exceed 3' above ground.
23.120		Division 23-4D-2	Residential House-Scale Zones			X		AH														residential				23-4D-2190, 2200, 2210	Table (A) Lot Size and Intensity - add footnote " +.1 FAR for every unit 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		AH														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.) 80' 60'	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		AH														residential				23-4D-2210: R4C Zone	R4C: Table (C) (2) Building Articulation and (C) (3) Facade(s), Table (D) (1) Primary and Accessory Building, Table (E) (2) Height Encroachment, Table (F) (1) Private Frontage Type	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, and 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		AH														residential				23-4D-2190, 2200, 2210: R4 Cottage Courts	All R4 Zones: Table (A) Lot Size and Intensity: Cottage Court: Minimum 50' lot width Base Standard 4 3 units. i. Minimum 100' lot width Base Standard 8 6 units	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.	Neutral	Unlikely to fit 4 or 8 units of the smallest lots sizes respectivley.
23.124		Division 23-4D-2	Residential House-Scale Zones			X		AH														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		AH														residential				23-4D-3	Table 23-4D-3xxx Lot Size and Intensity Bot. 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 referring to RM1A, table corrected in addendum.
23.128		Division 23-4D-3	Residential Multi-Unit Zones																											UTC: Exempt from Compatibility Standards w/in 1/4 mile of transit/IA corridors

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23.132		Division 23-4D	All RM, MS, MU zones																													
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23.136		Division 23-4D-3	3030 - Land Use and Permits																													
23.125		Division 23-4D-2	Residential House-Scale Zones																													
23.137		Division 23-4D-3	3040- Parking Requirements (Residential House Scale)																													
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23.150		Division 23-4D-3 Residential Multi-Unit Zones			x		AH															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.	In this zone the height is limited to 40 feet and there is a 20 tall landscape buffer, 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.	No	
23.151		Division 23-4D-3 Residential Multi-Unit Zones			x		AH															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 Multi-Unit Zones			x		AH															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.	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 Multi-Unit Zones			x		AH															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.	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 Height Stepbacks	NO		3070 - 3110; RM2A-RM5A; Table 23-4D-XXXX- Height (4) Compatibility Height Stepback	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																											UTC: Exempt fromComp Std w/in 1/4 mile of transit/IA cooridors
23.156		Division 23-4D-4 Mixed-Use Zones			x			FK														Corridor and Centers	No		23-4D-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'	In order to properly absorb density along our corridors, we must increase overall height maximums in proposed corridor and center zoning types	No	
23.157					x				CK													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			x												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			x												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			x												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		x													TW					uses			Table 23-4D-4030 (A)	Senior Housing <12 P & Senior > 12 MUP in MU1A; MU1B; MU1C; MU1D	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, WWork/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, Manufactured 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 after first 2,500 sf	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												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			X	x	X															Parking	No	no	Table 23-4D-4040 A	Provide a 2500 sf exemption in MU similar to exemption in MS zones.	Encourage small businesses in mixed use areas.	No	MS zones intended for more walkable development.
23.168		Division 23-4D-4 Mixed-Use Zones			x								JSC			JT						Process	No	No	23-4D-4050 General to Mixed-Use Zones (3)(a)(ii)	(ii) Balconies, pedestrian walkways, porches, accessible ramps, and stoops; provided that no such feature shall extend into the public right-of-way without a license agreement, encroachment agreement, 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			JT						Process	No	No	23-4D-4060 Mixed-Use 1A (E) Encroachments	Encroachments are not allowed within a right-of-way, public easement, or utility easement, unless a license agreement, 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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				DESIRED PROPOSED CHANGES TO D3			INITIATED BY COMMISSIONER												EX OFFICIO	TOPIC AREA	REQ. ADD'L STAFF FEEDBACK	AMENDMENT TYPE		SUBSTITUTE LANGUAGE		COMMISSIONER NOTES				
							ANDERSON	HART	KAZI	KENNY	MCGRAW	NUCKOLS	OLIVER	SCHISLER	SEEGER	SHIEH	THOMPSON	WHITE	SHAW	BURKARDT	MENDOZA	TEICH			GENERAL	SPECIFIC SECTION			YES/NEUTRAL /NO	STAFF RESPONSE
23.170		Division 23-4D-4	4060-4160; MU1A - MU5A														TS						Compatibility Setbacks	NO		4060 - 4160; MU1A-MU5A; 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).	Simplify compatibility requirements. Resulted from ZAP/PC Compatability working group.	No	see above
23.171		Division 23-4D-4	4060-4160; MU1A - MU5A			x											TS						Compatibility Setbacks	NO		4060 - 4160; MU1A-MU5A; 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	see above
23.172		Division 23-4D-4	4060-4160; MU1A - MU5A														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							CK													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										CK													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							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							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										CK													Adjust compatibility 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										CK													Create MS3C, MS4A, and MSSA zones	Yes	No	New sections	Create new MS3C, MS4A, and MSSA 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							AH													Corridor and Centers	No	No	23-4D-5 All MS Zones	Eliminate building articulation requirements. 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							AH													Corridor and Centers	No	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
23.183		Division 23-4D-5	Main Street Zones							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													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															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															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															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 23-4D-5030 (A) for more clarity	Neutral	

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						ANDERSON	HART	KAZI	KENNY	MCGRAW	NUCKOLS	OLIVER	SCHISLER	SEGER	SHIEH	THOMPSON	WHITE	SHAW	BURKARDT	MENDOZA	TEICH			GENERAL	SPECIFIC SECTION			YES/NEUTRAL /NO
23.189		allowable uses																										
23.190				x		GA																						
23.191		5030 - Allowed Uses and Permitting Requirements			x												TS											
23.192		5040 - Parking Requirements															TS											
A.23.192.1		Parking Requirements			x												TW											
23.193		5060-5120; MS1A-MS3B															TS											
23.194		5060-5120; MS1A-MS3B			x												TS											
23.195		5060-5120; MS1A-MS3B															TS											
23.196		5060-5120; MS1A-MS3B			x												TS											
23.197	Division 23-4D-5	Main Street Zones			x		AH																					
23.198	Division 23-4D-5	Main Street Zones						CK																				
23.199					x			CK																				
23.200								CK																				
23.201	Division 23-4D-6	Regional Center Zones			x																							
23.202	Division 23-4D-6	Regional Center Zones				GA																						
23.206	23-4D-6	Regional Center Zones							KM																			

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		DESIRED PROPOSED CHANGES TO D3			INITIATED BY COMMSIONER												EX OFFICIO	TOPIC AREA	REQ. ADD'L STAFF FEEDBACK	AMENDMENT TYPE		SUBSTITUTE LANGUAGE			COMMISSIONER NOTES					
					ANDERSON	HART	KAZI	KENNY	MCGRAW	NUCKOLS	OLIVER	SCHISLER	SEGER	SHIEH	THOMPSON	WHITE	SHAW	BURKARDT	MENDOZA	TEICH			GENERAL	SPECIFIC SECTION					YES/NEUTRAL /NO	STAFF RESPONSE
23.215	Division 23-4D-6	23-4D-6060(B) Building Placement				X	GA																							
23.216	Division 23-4D-6	Regional Center Zones				X	GA							JSc																
23.217	Division 23-4D-6	Regional Center Zones				X	GA							JSc																
23.218	Division 23-4D-6	Regional Center Zones												JSc																
						X																								
23.220	Division 23-4D-6	Regional Center Zones					GA							JSc																
23.221	Division 23-4D-6	Regional Center Zones																												
23.222	Division 23-4D-6	Regional Center Zones												JSc																
23.223	Division 23-4D-6	Regional Center Zones												JSc																
23.224	Division 23-4D-6	Regional Center Zones												JSc																
23.225	Division 23-4D-6	Regional Center Zones												JSc																
23.226	Division 23-4D-6	Regional Center Zones												JSc																
23.227	Division 23-4D-6	Regional Center Zones												JSc																

Prepared by Stephen Oliver
City of Austin, Planning Commission | Chair

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		DESIRED PROPOSED CHANGES TO D3			INITIATED BY COMMISSIONER												EX OFFICIO	TOPIC AREA	REQ. ADD'L STAFF FEEDBACK	AMENDMENT TYPE		SUBSTITUTE LANGUAGE			COMMISSIONER NOTES						
					ANDERSON	HART	KAZI	KENNY	MCGRAW	NUCKOLS	OLIVER	SCHISLER	SEEGER	SHIEH	THOMPSON	WHITE	SHAW	BURKARDT	MENDOZA	TEICH			GENERAL	SPECIFIC SECTION					YES/NEUTRAL /NO	STAFF RESPONSE	
23.238	Division 23-4D-8	Other Zones				X																		Parking			23-4D-8040 (A)(3)	(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 subject to adjustment under section 23-4E-3060, Off-Street Motor Vehicle Parking Adjustments.	F25 areas should be allowed to get the same parking reductions as Chapter 23 areas. Otherwise, they will have abnormally high parking reqs	No	Staff is not recommending adding new regulations to F25 as any F25 property has standards already set by F25
23.239	Division 23-4D-8	Other Zones				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 subject to adjustment under section 23-4E-3060, Off-Street Motor Vehicle Parking Adjustments.		No	See 23.237
23.240	Division 23-4D-8	Other Zones				X																		All Zones	No	No	23-4D-8080 (D)(2)(a)	Delete 23-4D-8080 (D)(2)(a): (2) F25 Compatibility Standards. (a) Properties within the F25 Zone are subject to the compatibility regulations established under former Chapter 25-2, Subchapter C, Article 10 (Compatibility), which limit the scale and intensity of development based on the existing use and zoning of adjacent properties.	Use based compatibility can trigger compatibility restrictions long after Council has rezoned a property. This eliminates the desired outcome of rezoning, especially along corridors.	No	for the fairness of residential properties in F25 staff supports allowing F25 compatability to exist
23.241	Division 23-4D-8	Other Zones				X																		F25	No		23-4D-8080 (d)(new)	(A) Purpose and Applicability (1) The purpose of the former title 25 (F25) zone is to incorporate within the Land Development Code certain specially negotiated regulatory ordinances and agreements applicable prior to the effective date of this Title, but which continue to serve important purposes. (...) (D) <u>F25 Rezoning Policy. In order to achieve compliance with current regulations of this Title and minimize reliance on prior regulations, the City's preferred policy is to:</u> <u>(1) Rezone properties within the F25 zone to current zones established in this Title and gradually eliminate Plannded Development Agreements (PDAs), Neighborhood Combining and Conservation District (NCCDs); and conditional overlays (COs); and</u> <u>(2) Rezone properties within an F25 Planned Unit Development (PUD) zoning district or an F25 small-area regulating plan by adopting update PUD zoning ordinances and small-area plans consistent with requirements of this Title.</u>	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 land development code.	No	for the fairness of residential properties in F25 staff supports allowing F25 compatability to exist
23.242	Division 23-4D-8	Other Zones				X																		F25	No	Yes	23-4D-8080	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 Title 23 since it is the continuation of Title 25
23.243	Division 23-4D-8	Other Zones				X																		Corridor and Centers	No	No	23-4D-8080	Delete F25.	"1) No neighborhood should be exempt from affordability bonuses or the policies in CodeNEXT. 2) F25 is clearly inconsistent with Imagine Austin, so designating areas F25 will 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 the adoption of Imagine Austin so is not permitted. 3) Will cause endless headache and confusion."	No	F25 is used for highly specific regulating plans, PUDs, PDAs, NCCDs and Conditional Overlays (COs). Giving new Title 23 zones to these properties would result in significant changes to entitlements.
23.245						X																		F25 compatibility trigger	Yes	No	In 23-4D-8080 (c)(2)	In 23-4D-8080 (c)(2): 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 Zones and trigger the compatibility regulations established in this Title for properties within Zones established in this Title."	This makes clear that it is zoning, not use, in F25 that triggers compatibility on CodeNEXT zones.	No	Staff is not recommending adding new regulations to F25 as any F25 property has standards already set by Title 25
23.246	Division 23-4D-2					X																		Residential ADU Affordable Bonus available in F25 single family zones	No	No	23-4D-8080	Add new "(E) Regardless of the requirements of the former chapter 25 (including NCCDs and F25 zones): (1) The bonus available as "Citywide 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. (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.	The affordable ADU bonus should be available in all residential zoning citywide, 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.	No	Staff is not recommending adding new regulations to F25 as any F25 property has standards already set by Title 25
						X																									

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					ANDERSON	HART	KAZI	KENNY	MCGRAW	NUCKOLS	OLIVER	SCHISLER	SEGER	SHIEH	THOMPSON	WHITE				SHAW	BURKARDT						MENDOZA	TEICH
																					YES/NEUTRAL /NO	STAFF RESPONSE						
23.247	Division 23-4D-8 Other Zones			x		AH	FK								JT						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. (4) The Director of Neighborhood Housing must determine if a roughly equivalent zone has an AHBP that should apply to an F25 zoned.	If F25 isn't deleted as recomemded, 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		23-4D-8090	"(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."	Allow greater flexibility for housing on publicly owned land.	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 23-4D-8 8110 - Planned Unit Development			x													TS				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			NO	PUD Tier 1			(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			x													TS			NO	PUD			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 23-4D-8 8110 - Planned Unit Development			x													TS			NO	PUD-Tree Protection			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	Division 23-4D-9 Overlay Zones																											-
23.254	Division 23-4D-9 Overlay Zones																			Yes	Downtown Overlay			23-4D-9080	Remove things like exemption from TIA, etc from DD and DC zones and place in overlay	Assuming other regional centers that have less supporting infrastructure than downtown, put these exemptions here.	No	
23.255	Division 23-4D-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	Strike this section and 23-4D-9150(A) (which describes the details of 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.	No	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 referring 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.	Neutral	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 Fronts	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			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								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								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.	More restrictive than LDC. There are no such requirements in existing code.	Yes	Clarification regarding setbacks in CC zones and Downtown Plan Overlay have been addressed in the addendum.

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					ANDERSON	HART	KAZI	KENNY	MCGRAW	NUCKOLS	OLIVER	SCHISLER	SEEGER	SHIEH	THOMPSON	WHITE	SHAW	BURKARDT	MENDOZA	TEICH			GENERAL	SPECIFIC SECTION			YES/NEUTRAL /NO	STAFF RESPONSE
				X							JSc																	
23.263	Division 23-4D-9	Overlay Zones			X						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 accomplished 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			X						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				CK												Add Coops to UNO overlay	No	No	23-4D-9130	Change "group residential use" to "group residential or cooperative housing use" in divisions (D)(1)(d), (H)(1), (H)(1)(b), (H)(1)(b)(iii), (I)(1), (I)(2), and (I)(5).	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			X				CK												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			X	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 Jr 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 recommending changes to the UNO overlay.
23.270		23-4D-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 recommending changes to the UNO overlay.
23.271	Division 23-4D-9	Overlay Zones			X				CK												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			X												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														TS						X	7090 - Neighborhood Plan Overlay Zone [Removed in Draft 2]	Add Neighborhood Plans back as an overlay	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 will be overhauled due to concerns in an audit of the planning process and within the Zucker Report. City Staff's answer clearly puts future and pending neighborhood planning efforts into question.	No	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.
				X																								

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							ANDERSON	HART	KAZI	KENNY	MCGRAW	NUCKOLS	OLIVER	SCHISLER	SEEGER	SHIEH	THOMPSON	WHITE	SHAW	BURKARDT	MENDOZA	TEICH			GENERAL	SPECIFIC SECTION			YES/NEUTRAL /NO	STAFF RESPONSE		
23.274			ALL USE TABLES																							X		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 unclear how 'in or near' is defined, but many zones limit the sales and consumption of alcohol sales and use. This may be better as a mapping change than a blanket use chart change.	
23.275			Note to all COMMERCIAL USE TABLES			X																				X		"Regardless of base zoning, state and local laws do not allow alcohol sales within 300' of a public school, church or public hospital without a City Council waiver."	For clarity and predictability, add a note to all Use Tables stating:	No	Staff could support adding notation to specific to use	
23.244						X						CK														No	New section E	(E): In addition to any affordable housing incentives available for zones SF1, SF2, and SF3, lots with those zonings are eligible for the 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 Accessory Dwelling Unit under this incentive, the total dwelling units per lot may not exceed 4. (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.	This adds an affordable ADU to every SF1, SF2, and SF3 lot left in F25.	No	Staff does not recommending adding regulations regarding F25.	
24	Article 23-4E Supplemental to Zones																															
24.1	Division 23-4E-1	Private Frontages																													-	
24.2						X										JSh														confusing diagram, fence heights, porch descriptions, too prescriptive, paths	N/A	comment
24.3	Division 23-4E-1	Private Frontages										AH															No	23-4E-1040 and 1060	Delete "Stoop"; revise "Porch: Projecting" to stoop minimum dimensions of 5' width (clear) and 5' depth (clear); maintain other porch regulations	The differentiation between stoops and porches seems arbitrary and unnecessarily complicates the code.	Neutral	Porch is intended for areas with front yards while stoops are intended for more urban areas
24.4	Division 23-4E-1	Private Frontages										AH															No	23-4E-1040 (A)	Delete "furniture areas" and" clear path" of travel mandates in Table 23-4E-1040(A)	Overly prescriptive furniture area dimensions; does not allow for flexibility to work 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 porch to be offset.	Yes	Okay as long as other deminsions are maintained
24.5						X										JSh												23-4E-1040 - 1080	C. ... fence that does not exceed FOUR 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																									X			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 (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 architectural style.		
24.6	Division 23-4E-2	Outdoor Lighting				C																										-
A-24.6.1						X																					X			Environmental Commission recommendation that staff draft provisions to address light pollution.		
24.7	Division 23-4E-3	Parking and Loading																														-
24.8	Division 23-4E-3	Parking and Loading															JT										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 doesn't mean parking doesn't get built. Just that developers let the market determine how many to build.	No	maintaining parking minimum is part of the Austin Bargain
A-24.8.1		Parking and Loading																									X			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 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.		
24.9		3020 - Applicability																										3020 (A)(4)	(4) new residential units, except for accessory dwelling, on the same lot as an existing dwelling; or	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 courts.	N/A	comment

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							ANDERSON	HART	KAZI	KENNY	MCGRAW	NUCKOLS	OLIVER	SCHISLER	SEEGER	SHIEH	THOMPSON	WHITE	SHAW	BURKARDT	MENDOZA	TEICH			GENERAL	SPECIFIC SECTION			YES/NEUTRAL /NO
24.10		Division 23-4E-3	Parking and Loading			x									JT							ADA Parking	No		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.		
24.11															JT										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		X											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	X			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 pkgng for maintaining old bldg. UTC:reduce pkgng particularly on high tranist/IA activity corridors
24.17			3060 - Off- Street Motor Vehicle Parking Adjustments			X											TS				Max. Parking Ajustment	NO			Table 23-4E-3060(A)	CHANGES: Transit Corridor 1/4 mile - 10%, Transit Corridor 1/2 mile - 5%, DELETE OR QUANTIFY - Preservation of Trees,, CHANGE Car Share 3 spaces per car share, Buildings Providing Showers - 5%, Affordable Housing Program - Stagger depending on participation 10%, 20%, 30%, 40%	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 pkgng for maintaining old bldg. UTC:reduce pkgng particularly on high tranist/IA activity corridors
24.18		Division 23-4E-3			X									JSh													if business have no parking, off street load should be required, parking for disability, home occupation ADA, ada for residential vs commercial, parking reduction too much		HLC:waiver or reduce pkgng for maintaining old bldg. UTC:reduce pkgng particularly 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%.	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 pkgng for maintaining old bldg. UTC:reduce pkgng particularly on high tranist/IA activity corridors
24.19		Division 23-4E-3	Off-Street Motor Vehicle Parking Adjustments		X											TW					parking				23-4E-3060-B	1- Unless the site is part of a TDM program that allows multiple parking adjustments, the maximum cumulative parking reduction is 60% 20% 3-The maximum cumulative parking adjustment for a site with more then 4 deeply		No	Parking reductions up to 60% is carried forward from current code (needs confirmation).
A-24.19.1			23-9 General (or maybe 23-4E-3060 - Off-Street Motor Vehicle Parking Adjustments?)			x				CK												School parking	Yes	Yes		Within 1/8 mile of a public K-12 school, the director of transportation 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 weekdays to 15 minutes, except for permit holders. Permits may be issued to any school district employee who works at the campus triggering the parking permit zone, and to residents at the rate of one per residential unit with a cap of one per 50 feet of frontage for that property. The director must determine that there is a parking shortage during pickup/drop-off times for that campus before creating a district under this section.	This creates space for faculty and staff to park at schools by 1) restricting parking to 15 minutes during school begin and end times except for permit holders; and 2) limiting permit holders to campus staff and faculty and to 1 per residential unit with a cap of one per 50 feet of street frontage.		
A-24.19.2			23-9 General (or maybe 23-4E-3060 - Off-Street Motor Vehicle Parking Adjustments?)			x				CK											Residential parking permits	Yes	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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		DESIRED PROPOSED CHANGES TO D3			INITIATED BY COMMISSIONER										EX OFFICIO	TOPIC AREA	REQ. ADD'L STAFF FEEDBACK	AMENDMENT TYPE		SUBSTITUTE LANGUAGE	COMMISSIONER NOTES								
					ANDERSON	HART	KAZI	KENNY	MCGRAW	NUCKOLS	OLIVER	SCHISLER	SEEGER	SHIEH	THOMPSON	WHITE	SHAW	BURKARDT	MENDOZA	TEICH			GENERAL	SPECIFIC SECTION			YES/NEUTRAL /NO	STAFF RESPONSE	
															TW														
24.20		residential parking process																					X		allow for an easier process by which neighborhoods and streets near 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		X	GA																	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) <u>Minimum off-street parking requirements shall be further reduced as follows:</u> (a) <u>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.</u>	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			X	GA																		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) <u>Minimum off-street parking requirements shall be further reduced as follows:</u> <u>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;</u>		No	Parking districts would best implement this reduction.	
24.23	Division 23-4E-3	Parking and Loading								KM																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	Division 23-4E-4	Landscape																										-	
24.25	Division 23-4E4	Landscape		X									JSh													is landscape reqs more onerous and difficult to comply and review? Also says foundation buffer reqd 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.	No	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													JSh											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		X											TW								X		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													JSh												23-4E-4020	A-1-C. single family, duplex, and other residential house scale buildings		Yes	Staff concurs: A-1-C. Change to single family, duplex, and other residential house scale buildings
24.28													JSh												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			X							JSc													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.	Yes	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		X								JSc													Table 23-4E-4040(A)	Reduce Front Yard Landscaping to 25%	Architects do not design buildings for them to be hidden by landscaping, current requiemint is 20%.		
24.29													JSh												23-4E-4050	C. This section applies to commercial zones (says all zones)		Yes	staff agrees: replace "all" with "commercial"
24.31	Division 23-4E-3	Landscape			X							JSc													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	No	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.

Prepared by Stephen Oliver
City of Austin, Planning Commission | Chair

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						ANDERSON	HART	KAZI	KENNY	MCGRAW	NUCKOLS	OLIVER	SCHISLER	SEEGER	SHIEH	THOMPSON	WHITE	SHAW	BURKARDT	MENDOZA	TEICH			GENERAL	SPECIFIC SECTION					YES/NEUTRAL /NO	STAFF RESPONSE
					X												TS							Bars and Nightclubs	YES		23-4E-6 Specific to Use	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	Yes	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			X												TS						Co-operative Housing	Yes		23-4E-6 Specific to Use		Need standards for co-operative housing.		specif language is needed for staff to review on whether we agree or disagree	
24.42		6160 - 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 must not exceed 6 bedrooms.	Add back design requirements and limit on bedrooms to no more than 6 for lots < 10,000 SF.	No	staff supports reducing too prescriptive duplex design standards from today's code to continue with concept of simplicity	
24.43					X				CK														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							KM																		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, parking 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							KM																		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.	No	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 required....per... (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 commercail vehicle? Need to require.	Yes/ No	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 exempt.
24.48					X									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).	Yes	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." Additionally 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			X												TS						Co-operative Housing	Yes		23-4E-6 Specific to Use		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	DELETE: (B) Required Open Space	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 regulation. 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													TS						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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						ANDERSON	HART	KAZI	KENNY	MCGRAW	NUCKOLS	OLIVER	SCHISLER	SEGER	SHIEH	THOMPSON	WHITE	SHAW	BURKARDT	MENDOZA	TEICH			GENERAL	SPECIFIC SECTION				
24.52		6310 -Restaurant Late Night Operation		X													TS							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						KM																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							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 Covenants, 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																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																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			X									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 ADU if primary	?	
24.58		Division 23-4E-6 Specific to Use		X			AH																	23-4E-6150 (A)	Remove depth minimum. Table 4E-6150 (A) Cottage Court Requirements §Depth Minimum 20' clear, min.	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 deminision, so long as we maintain some form of open area requirement	
24.59		Division 23-4E-6 Specific to Use		X			AH																	23-4E-6150 (A)	Table 4E-6150 (A) Cottage Court Requirements Area 1,000 sf. Min. total 200 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		X			AH																	23-4E-6150 (A)	Amendment: Change open space width minimum. Replace open space width minimum to 20' clear minimum on lots over 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		X			AH																	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		X			AH																	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		X			AH																	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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					X			AH													Residential				23-4E-6150 (A)	Driveway and parking areas must be screened from the common court by buildings, fence, or wall.	Safety issue parking in fenced/screened area away from residence at night; 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		AH													Affordability	No	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.		same motion as line 24.55	
24.66		Division 23-4E-6	Specific to Use			x		AH													Affordability	No	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 setbacks.	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	
A-24.66.1			Schools		X													TW			schools	X	X		Amend Section 23-4E-6320 School to incorporate corrections submitted by Susan Moffat as vetted by the law department. Please see exhibit	Amend Section 23-4E-6320 School to incorporate corrections submitted by Susan Moffat as vetted by the law department. Please see exhibit			
24.67		Division 23-4E-6	Specific to Use			x				CK											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.		same motion as line 24.43	
A-24.67.1			23-4E-6			x								PS						Definitions				23-4E- 6xxx	Add definition for Cooperative Housing	Need to understand and define difference between group residential and coops.			
24.68		Division 23-4E-7	Additional General Standards																									HLC: Use Front Yard setback of block, add new language to match bldg 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												Affordability	No		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 cooperative use, not more than four unrelated adults may reside in a structure, in the following zones:...; (D)(4) The requirements of this subsection do not apply if a site has a Cooperative Housing land use designation.; 23-4E-7040 (G) Maximum Occupancy for a Site with Cooperative Housing. Not more than fifteen unrelated adults may reside in each dwelling unit of Cooperative Housing.	If another amendment changes the overall occupancy for all zones, this can still work in harmony with it because its a larger limit for co-ops.	Neutral	Not limiting the cooperative occupancy to 4 would allow them to be more feasible, <u>NEED TO DISCUSS</u>	
24.70		Division 23-4E-7	Additional General Standards													JSh					Dwelling Unit Occupancy Limit			23-4E-7040	C. Max occupancy of a duplex not more than 3 per unit or 5 per unit if meets criteria of B1,2,3	increase duplex occupancy allowance under same allowance as SF homes	Neutral		
24.71		Division 23-4E-7	Additional General Standards			x										JSh											max occupancy duplex up 10 total "if", land use commission able to allow more under CUP - hey Co-ops! Do we allow more occupancy for coops? Fences are too 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	commentary	
24.72		Division 23-4E-7	Additional General Standards			X	GA	AH													Coops	No		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 cooperative housing use, not more than four unrelated adults may reside in a structure, in the following zones:... 23-4E-7040 (D)(4) The requirements of this subsection do not apply if a site has a Cooperative Housing land use designation. 23-5e-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.	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 occupancy to 4 would allow them to be more feasible, <u>NEED TO DISCUSS</u> Staff suggested language adjustment: Cooperative Housing use, not land use designation	

CHAPTER	ARTICLE	DIVISION TITLE	A			B												C	D	E		F	G			H																						
			DESIRED PROPOSED CHANGES TO D3			INITIATED BY COMMSIONER												EX OFFICIO	TOPIC AREA	REQ. ADD'L STAFF FEEDBACK	AMENDMENT TYPE		SUBSTITUTE LANGUAGE			COMMISSIONER NOTES																						
						ANDERSON	HART	KAZI	KENNY	MCGRAW	NUCKOLS	OLIVER	SCHISLER	SEGER	SHIEH	THOMPSON	WHITE	SHAW	BURKARDT	MENDOZA	TEICH			GENERAL	SPECIFIC SECTION					YES/NEUTRAL /NO	STAFF RESPONSE																	
24.73		Division 23-4E-7 Additional General Standards			X	GA	AH															Affordability	No		23-4E-7040	(A) Maximum Occupancy. Except as otherwise provided, not more than six unrelated adults may reside in a dwelling unit. The maximum occupancy for a dwelling unit shall be the greater of six unrelated adults, the specifications of (B) through (E) below, or two unrelated adults times the number of bedrooms in the dwelling unit.	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 to share space. This is also supported by the Austin Housing Coalition and Austin Tenants Council	Neutral	Need to discuss																			
24.76		7040 Dwelling Occupancy Limits			X												TS					Dwelling Occupancy Limits	YES		7040	C) Maximum Occupancy in a Duplex and Single Family Attached. Not more than three unrelated adults may reside in each unit of a duplex, unless; (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; (D) Occupancy Limits in Certain Zones (1) Except as provided in Subsection (D)(2) for a single-family 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 (i)Residential House Scale 4C (R4C) Zone.	Simplify occupancy limits. Check with staff on provisions to see of there were gransfathering requirements.	no	in a housing crisis it is not staff's opinion to further restrict occupancy limits																			
24.77																	TS								(2)The requirements of this subsection do not apply if: (a)Before March 31, 2014 a building permit was issued for the unit or the use was established; and (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.(2) 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, unless (1)The use was established before November 18, 2004; or (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.		no	there are grandfathering rights that are associated with these dates (need confirmation)																				
24.78		Division 23-4E-7 Additional General Standards			X		AH															Residential				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 driveway and a street or alley; or (b) Two streets; or (c) A street and an alley.			need to discuss																		
24.79														JSh												23-4E-7060	B 1- 4' to 5' max for sloped lots in front setback or building line, whichever is less, 6' with administrative variance 2- 6' at rear and side property lines (7' max on sloped lots); 8' with administrative variance	fence regulations are considerably more restritive.... Should restore current regulations of modify D3 to our proposal		need to discuss																		
24.80		Division 23-4E-7 Additional General Standards			X		AH															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																		
24.81														JSh												23-4E-7080	A- Add ADUs — 3B- Ramp must not encroach more than 3 feet into a interior side setback		yes																			
24.82		Division 23-4E-8 Building Design Standards																												-																		
Chapter 23-5: Subdivision			NONE	MINOR	MAJOR																			YES/NO	YES/NO																							
25	Article 23-5A Introduction																																															
25.1	Division 23-5A-1	General Provisions																												-																		

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				DESIRED PROPOSED CHANGES TO D3			INITIATED BY COMMSIONER										EX OFFICIO	TOPIC AREA	REQ. ADD'L STAFF FEEDBACK	AMENDMENT TYPE		SUBSTITUTE LANGUAGE	COMMISSIONER NOTES									
							ANDERSON	HART	KAZI	KENNY	MCGRAW	NUCKOLS	OLIVER	SCHISLER	SEGER	SHIEH	THOMPSON	WHITE	SHAW	BURKARDT	MENDOZA	TEICH			GENERAL	SPECIFIC SECTION				YES/NEUTRAL /NO	STAFF RESPONSE	
A-27.13.3																JSh										23-5C-2060	4) PER TECHNICAL CODES, appropriate and adequate space must be provided for utilities including water meters and wastewater cleanouts (OR DELETE THIS IF THIS IS COVERED IN SECTION C C) ADD: Standard regarding site alterations and IC Maintenance responsibilities Limitations of City liabilities	needs city legal to clariy what is in the CCR's. Condo regiem duplex has agreements this should too				
A-27.13.4																JSh										5C-2040	Refeneces SF4a					
A-27.13.5																JSh										23-5c-4020	C) Trees preserved REMOVE - A tree required....AND USE... Trees required.... C. Trees of species and caliper inches described in Protected and Heritage trees	this is to allow large preserved caliper trees to suffice for site requirement Heritage and protected trees can already have a huge canopy				
A-27.13.6				x															TS				Trees in Res, Sub	YES		Division 23-5C-4		Ask City Arborist if they reviewed.				
Chapter 23-6: Site Plan				NONE	MINOR	MAJOR											YES/NO	YES/NO														
28	Article 23-6A: Purpose and Applicability																															
28.1		Division 23-6A-1: Purpose and Applicability		C																												
28.2		Division 23-6A-2: Exemptions																														
28.3		Division 23-6A-2: Exemptions			X				FK					JSc										Exemptions	Yes		Table 23-6A-2010 (A) Site Plan Exemptions	Construction or alteration of a single-family residential structure, <u>single-family attached, duplex residential structure, accessory dwelling unit, or an accessory structure (1) No more than two residential structures are constructed on a legal lot or tract Structure quantity does not exceed the quantity allowed in the applicable zoning.</u>			The language as proposed, "Structure quantity does not exceed the quantity allowed in the applicable zoning category" has unintended consequences, and will prevent staff from being able to enforce applicable regulations.	
28.4												TN														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 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."	Imagine Austin calls for "complete communities." Complete communities need a healthy tree canopy.	No			
28.5		Division 23-6A-2: Exemptions			X				FK					JSc									Exemptions	Yes		Table 23-6A-2010 (A) Site Plan Exemptions	Residential construction of three to six ten units - Provided the project complies with the requirements of Division 23-2A-3 (Residential Development Regulations).	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.		Yes (with clarification)	This was discussed by staff in the context of removing impervious cover in existing paved parking/vehicle circulation areas in support of bringing noncompliant parking into better compliance with current parking lot landscaping/tree requirements.	
A-28.5.1		Division 23-6A-2: Exemptions				X												TW							X		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 reducing the number of hurddles for the 6-10 units as well. Site plan light would include watershed review but not necessarily all departments.				
29	Article 23-6B: Site Plan Review and Filing Requirements																															
29.1		Division 23-6B-1: Application Review and Approval																														
29.2		Division 23-6B-1: Application Review and Approval				X								JSc									Applicaton Requirements	Yes		23-6B-1010 (D)(1)(a)	(a) <u>For a site plan required due to a use change triggering a conditional use site plan that otherwise meets the criteria under 23-6A-2: Exemptions for Site Plan Review, compliance with requirements of a development or construction site does not apply.</u>			Yes	This language reflects how most staff understand code. However, current code is not clear, and there is conflict in review. This language provides clarification; DSD supports this addition	
29.3		Division 23-6B-2: Submittal Waivers																														
29.4		Division 23-6B-3: Release																														
30	Article 23-6C: Expiration																															
30.1		Division 23-6C-1: Expiration		C																												
Chapter 23-7: Building, Demolition, and Relocation Permits; Special Requirement Permits For Historic Structures																	YES/NO	YES/NO														
31	Article 23-7A: General Provisions																															
31.1		Division 23-7A-1: General Provisions			X									JSc													23-7A-1020	Historic Properties and Buildings 45-50 or More Years Old (A) The building official must notify the historic preservation officer before issuing a building, demolition, or relocation permit for a building 45 50 or more years old. (B) The building official may not issue a building, demolition, or relocation permit for a property described in Subsection (D) unless all applicable requirements of Division 23-7D have been satisfied.	The national standard for historic protection is 50 years.			
31.2		Division 23-7A-1: General Provisions												JSc																		
31.3		Division 23-7A-1: General Provisions				X								JSc													23-7A-1050	<u>HISTORIC PROPERTY INVENTORY. A list of all properties across the city's zoning jurisdiction that either are historically zones or might 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 commercial and residential properties, be spread geographically throughout the zoning jurisdiction, identify the reasons that the property might be historic, and include no more than one percent of the land area of the zoning jurisdiction. When developing this list, the historic preservation officer shall evaluate properties that are currently zoned historic for delisting. The list should provide sufficient detail for the City Manager to determine the amount of tax waivers are associated with the protections.</u>	This will provide regulatory certainty and identify properties that are not currently protected but should be.			

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			DESIRED PROPOSED CHANGES TO D3			INITIATED BY COMMSIONER										EX OFFICIO	TOPIC AREA	REQ. ADD'L STAFF FEEDBACK	AMENDMENT TYPE		SUBSTITUTE LANGUAGE	COMMISSIONER NOTES		YES/NEUTRAL /NO	STAFF RESPONSE
						ANDERSON	HART	KAZI	KENNY	MCGRAW	NUCKOLS	OLIVER	SCHISLER	SEEGER	SHIEH	THOMPSON	WHITE	SHAW	BURKARDT	MENDOZA	TEICH				
																		GENERAL	SPECIFIC SECTION						
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 (2) Maintain the historic street pattern, (3) preserve the built form of low-rise 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			x								PS						23-7A-1020	Change 45 back to 50 years	Why is there a change of age from National Histoic guidelines of 50+ years. Change back to standard.				
32 Article 23-7B: Building Demolition and Permits																									
32.1		Division 23-7B-1: Building and Demolition Permits		C																					
32.2		Division 23-7B-2: Permit Applications																							
32.3		Division 23-7B-3: Demolition Permit Expiration and Extension																							
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 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.	50 is the national standard				
33 Article 23-7C: Relocation Permits																									
33.1		Division 23-7C-1: Relocation Permits																							
33.2		Division 23-7C-1: Relocation Permits			X							JSc							23-7D-1020	Article 23-7D: Special Requirements for Historic Properties and Buildings-45-50 or More Years Old	50 is the national standard				
33.3		Division 23-7C-2: Relocation Requirements																							
34 Article 23-7D: Special Permit Requirements for Historic Properties and Buildings 45 or More Years Old																									
34.1		Division 23-7D-1: Overview																							
34.2		Division 23-7D-2: Properties with Historic Designation																							
34.3		Division 23-7D-3: Properties without Historic Designation																							
34.4		Division 23-7D-3: Properties without Historic Designation			X							JSc							23-7D-3010	Review for Buildings 45 50 or More Years Old Without Historic 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.					
34.5		Division 23-7D-4: Pending Historic Designations																							
34.6		Division 23-7D-5: Appeal																							
35 Article 23-7E: Maintenance Requirements																									
35.1		Division 23-7E-1: Maintenance Requirements																							
36 Article 23-7F: Enforcement and Penalties																									
36.1		Division 23-7F-1: Demolition by Neglect and New Construction																							
Chapter 23-8: Signage			NONE	MINOR	MAJOR											YES/NO	YES/NO								
37 Article 23-8A: General Provisions																									
37.1		Division 23-8A-1: Pollicy and Administration		C																					
37.2		Division 23-8A-2: Sign Permit and Registration		C																					
38 Article 23-8B: Regulations Applicable to All Signs																									
38.1		Division 23-8B-1: General Requirements		C																					
38.2		Division 23-8B-2: On-Premise Signs Allowed Without a Permit																							
38.3		Division 23-8B-2: On-Premise Signs Allowed Without a Permit										KM								(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 not exceed 6 feet above grade" (instead of 8)	Do we really want signs on houses?				
38.4		Division 23-8B-3: Prohibited Signs																			No	The 36-sf area and 8-ft height limit comes directly from current code, Section 25-10-101(C). Further limiting the area or height will create a conflict with 23-8B-2030(G) Temporary Signs for Elections.			
38.5		Division 23-8B-4: Non-conforming Signs																				-			
39 Article 23-8B: Regulations Applicable to Sign Districts and Sign Types																									
39.1		Division 23-8B-1: Regulations by Sign District and Sign Overlay		C																					
39.2		Division 23-8B-2: Regulations by Sign Type		C																					
39.3		Division 23-8B-3: Regulations for Non-Standard Signs		C																					
40 Article 23-8D: Enforcement and Relief Procedures																									
40.1		Division 23-8D-1: Enforcement		C																					
40.2		Division 23-8D-2: Variances and Appeals		C																					
Chapter 23-9: Transportation			NONE	MINOR	MAJOR											YES/NO	YES/NO								
41 Article 23-9A: General Provisions																									
41.1		Division 23-9A-1: Policy and Administration																							
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); including standardized procedures for making determinations and criteria for identifying required improvements with an essential nexus to the impacts of proposed development;	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. This should be in code.				
																			Rough Proportionality	No					

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41.3		Division 23-9A-1: Policy and Administration			X																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																									</

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			DESIRED PROPOSED CHANGES TO D3			INITIATED BY COMMSIONER												EX OFFICIO	TOPIC AREA	REQ. ADD'L STAFF FEEDBACK	AMENDMENT TYPE		SUBSTITUTE LANGUAGE	COMMISSIONER NOTES					
						ANDERSON	HART	KAZI	KENNY	MCGRAW	NUCKOLS	OLIVER	SCHISLER	SEGER	SHIEH	THOMPSON	WHITE	SHAW	BURKARDT	MENDOZA	TEICH			GENERAL	SPECIFIC SECTION			YES/NEUTRAL /NO	STAFF RESPONSE
41.15												JSc																	
41.9	Division 23-9A-2	Proportionality of Transportation Infrastructure Requirements			X							JSc													23-9A-2020 (C) & (D)	(4) Within 30 days of submission, must provide a list of included/qualified rough proportionality improvements and estimated costs. (5) The Director shall develop rules using the admistrative rule process to develop a process for submittal 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 the rules, reject them, or approve them with modifications.	Continued from above		
41.13	Division 23-9A-2	Proportionality of Transportation Infrastructure Requirements			X							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 through future applications so long as the project has not (1) let any 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	Article 23-9B: Right-Of-Way Dedication and Reservation																												
42.1	Division 23-9B-1	General Provisions																											
42.2	Division 23-9B-1	General Provisions			X							JSc													23-9B-1030 (A)	if a development application requires approval by the Land Use Commission or city council, an applicant may request a variance under this section from a requirement to dedicate, reserve, or improve right-of-way. The purpose of the variance procedure authorized by this section is to provide for consideration of unique impacts that requirements of this chapter may have on property relative to the transportation needs generated by proposed development.	The language in this section suggests that only an applicant whose development application requires approval by the Land Use Commission or city council is 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 variance should be allowed by all types of development applications, regardless of application type.		
42.3	Division 23-9B-1	General Provisions			X							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 and include any information required by the director to evaluate the 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 more of a project site's total land area.	The application requirements need clarification and are too broad. The variance request application submittal requirements give too much discretion to the director for approval. The application process is not predictable for an applicant.		
42.4	Division 23-9B-2	Right-Of-Way Dedication and Improvement																											
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 proposed development consistent with the standards of this Title. The amount, location, and alignment of right-of-way to be dedicated shall conform to the Transportation Plan, an approved collector plan, or an approved capital improvement project and may be required within, adjacent to, or outside the boundaries of a proposed development.	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 is also nothing defined in the code that clarifies what is considered "adequate". 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 boundary.		
42.6	Division 23-9B-2	Right-Of-Way Dedication and Improvement		X								JSc													23-9B-2010 (B) (1) (C)	(c) the likelihood that adjoining property will develop in a timely manner.			
42.7	Division 23-9B-2	Right-Of-Way Dedication and Improvement			X							JSc													23-9B-2010 (A) (2)	Construction of all required street improvements and transportation facilities, consistent with the applicable standards of this Title, is required within public right-of-way needed to directly serve a proposed development.			
42.8					X							JSc													23-9B-2010 (B)(2) Frontage Roads	(2) Right-of-Way Improvements. Construction of all required street improvements and transportation facilities, consistent with the applicable standards of this Title, is required within public right-of-way needed to directly serve a proposed development.	This section mandates improvements or dedications related to state, federal, or 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 code section should be removed as it creates an unnecessary mandate and 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 required to go through TxDOT process for review and approval relating to necessary dedication and improvements.		

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							ANDERSON	HART	KAZI	KENNY	MCGRAW	NUCKOLS	OLIVER	SCHISLER	SEEGER	SHIEH	THOMPSON	WHITE	SHAW	BURKARDT	MENDOZA	TEICH			GENERAL	SPECIFIC SECTION				YES/NEUTRAL /NO	STAFF RESPONSE	
42.9		Division 23-9B-2:	Right-Of-Way Dedication and Improvement		X									JSc										Determination of Right of Way Dedication and Improvements	Yes		23-9B-2020 (A)(2)(B)	(b) Approval of the rezone would substantially increase the intensity of development allowed on the property to the extent that right-of-way needs may be reasonably assessed without a site plan, subdivision, or other development application; increase the anticipated traffic generated on the site more than 25% what is allowed under current zoning at maximum build out. A traffic engineer should provide clarification via a signed and sealed letter of the traffic generated by the modified zoning compared with the traffic generated by the existing zoning.				
42.10		Division 23-9B-2:	Right-Of-Way Dedication and Improvement			X								JSc										Standards for establishing right of way alignment	Yes		23-9B-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 transportation plan, the proposed right-of-way centerline; or				
42.11		Division 23-9B-3:	Right-Of-Way Reservation		C																											
43 Article 23-9C: Transportation Review and Analysis																																
43.1		Division 23-9C-1:	General Provisions																													
A-43.1.1		Division 23-9C-1:	General Provisions			X								X										Transportation Review			23-9C-1010	Proposed new language "If a proposed development does not require transportation analysis under Section 23-9C-2020 (Transportation Impact Analysis Required) or Section 23-9C-2040 (Neighborhood Transportation Analysis Required), the applicable Director may condition approval of the application on funding system improvements or construction of some or all proposed improvements at applicant's discretion, not to exceed the value of the project street impact fee, as described in this section."	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 building transportation infrastructure improvements to mitigate traffic caused by 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 and corridors).			
43.2		Division 23-9C-1:	General Provisions													JT									Yes		Per UTC recommendation, "Specifically remove Level of Service (LOS) as a metric and include VMT as a replacement."					
43.3		Division 23-9C-1:	General Provisions			X								JSc										Transportation Review			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) Determining the extent to which streets and other municipal transportation infrastructure are impacted by new development; and (2) Requiring new development to provide transportation infrastructure improvements and other mitigation necessary to address the impacts of new development; and (2) Require new development to provide payment for or improvements to transportation infrastructure improvements and/or other mitigation to best address the impacts of new development, as is feasible given physical constraints of the transportation network and projects.	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 building transportation infrastructure improvements to mitigate traffic caused by 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 and corridors).			
43.4		Division 23-9C-1:	General Provisions			x								JSc										Purpose and Applicability	Yes		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 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										Purpose and Applicability	Yes		23-9C-1010 (B)(1)	Division 23-9C-2 (Comprehensive Transportation Review) is the highest level of transportation review and applies to new development anticipated to generate impacts of at least 1,000 2,000 vehicle trips per day or 100 peak hour trips;	RECA: The lowered TIA threshold of 1,000 trips/day and application of said 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 transit, as well as expedite increased housing supply, the threshold for TIA requirements should be reevaluated.			
43.6		Division 23-9C-1:	General Provisions			x								JSc										Trip Calculation	Yes		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 accepted guidelines regulations within this code or the Transportation Criteria Manual and utilizing the federally accepted measures for calculating vehicle trips.				
43.7		Division 23-9C-1:	General Provisions			X								JSc										Transportation Review			23-9c-1030 (B)	Add "If an affordable development does not require an analysis..." and Delete language: Under(B) (1)-(3), "reasonably priced" because it is too vague and undefined.				
43.8		Division 23-9C-2:	Comprehensive Transportation Review																												Dtwn Comm: 2010 exempt TIAs and allow TDMs in CC & DC zones	
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 vehicle trips per day or 100 peak hour trips, after deducting any trip reductions approved by the director under Section 23-9D-2030. (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.	This section needs to be evaluated. In addition to the suggested modification, consider including a threshold based on alternate methodology that aligns with method of study and determination of impact at intersections (such as peak hour analysis) to provide more certainty and predictability.				
43.10		Division 23-9C-2:	Comprehensive Transportation Review			X								JSc										Transportation			23-9C-2020 Transportation Impact Analysis (B)(1)(c)(d)	(B) Contents. A transportation impact analysis must be consistent with the scope approved by the director under Subsection (A) and must comply with the requirements described in this subsection.(1) A transportation impact analysis must be prepared in accordance with 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				

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						X	ANDERSON	HART	KAZI	KENNY	MCGRAW	NUCKOLS	OLIVER	SCHISLER	SEEGER	SHIEH	THOMPSON	WHITE	SHAW	BURKARDT	MENDOZA	TEICH			GENERAL	SPECIFIC SECTION			YES/NEUTRAL /NO	STAFF RESPONSE		
43.11		Division 23-9C-2:	Comprehensive Transportation Review			X								JSc										Transportation			23-9C-2020 Transportation Impact Analysis (B)(1)(c)(d)	Do not require TIAs at zoning and make it clear to both City Council 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 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.				
43.12														JSc													23-9C-2020 Transportation Impact Analysis (C)(1)(b)	(C) Timing of Submittal. (1) Initial TIA. If a proposed development meets the trip threshold established in Section 23-9D-2010 (Purpose and Applicability), an initial transportation impact analysis: (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.	The conflicting timing concepts between (C)(1)(a) and (C)(1)(b) should be removed. TIA submittal requirements should be clear and predictable. Current draft 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.			
43.13		Division 23-9C-2:	Comprehensive Transportation Review			X								JSc										Transportation			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 be adopted			
43.14		Division 23-9C-2:	Comprehensive Transportation Review			X								JSc										Transportation			23-9C-2030(C)	(C) Timing of Submittal. (1) Concurrent with TIA. Except as provided in Subsection (B)(2), a TDM plan that meets the requirements of this section must be submitted concurrent with a transportation impact analysis required under Section 23-9C-2020 (Transportation Impact Analysis). A TDM review shall be submitted with a formal application for zoning, subdivision, preliminary plan, or site plan review. A TDM shall be reviewed and approval provided with formal comment report 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.	TDM submittal requirements, procedures and timelines are unclear and appear to be inefficient by requiring multiple studies to be reviewed concurrently. The timing of TDM submittal could be simplified. Whether a TDM plan should be 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.			
43.15														JSc														(2) In Lieu of TIA. (a) The director may allow submittal of a proposed 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 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	CONT'D			
43.16		Division 23-9C-2:	Comprehensive Transportation Review		X									JSc										Transportation			23-9C-2030(D)	Change text in (d) by removing the following "...and includes reasonable strategies for reducing transportation demand based on the layout, location, and context of a proposed development."	TDM submittal requirements, procedures and timelines are unclear and appear to be inefficient by requiring multiple studies to be reviewed concurrently. The timing of TDM submittal could be simplified. Whether a TDM plan should be 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																													
43.18		Division 23-9C-3:	Neighborhood Transportation Impact Analysis			X								JSc										Transportation	Yes		Section 23-9C-3020 (A)(1)	Provide clear definition of "multimodal level of service" to better understand implications of this requirement	The definition of multi-modal transportation is unclear. In order to create a predictable process, multi-modal transportation concepts should be clear and defined in code. The code should include a list of allowable and approved "modes" and specific goals of mode split for purpose of implementing code policies regarding redirecting traffic to other modes.			
43.19		Division 23-9C-3:	Neighborhood Transportation Impact Analysis			X								JSc										Transportation			23-9C-3020	Clear definition is needed of multi-modal level of service – Code should include list of allowed/approved "modes" and goals regarding mode split for purpose of implementing code policies regarding redirecting traffic to other modes				
44	Article 23-9D: Development Conditions and Mitigation																															
44.1		Division 23-9D-1:	Action on Development Application											JSc																		
44.2		Division 23-9D-1:	Action on Development Application			X								JSc																		
44.3		Division 23-9D-1:	Action on Development Application			X								JSc										Nonzoning			23-9D-1030 (B)	Application Approval will be addressed after the Street Impact Fee regulations are finalized and once the new method of reviewing street impacts is considered.				
44.4		Division 23-9D-1:	Action on Development Application			X								JSc										Nonzoning			23-9D-1030 (B)(1)	(1) Delaying or phasing development until construction of municipal transportation infrastructure required to accommodate vehicle trips generated by the development or other transportation improvements necessary to directly serve the development; or				

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						X							JSc																		
44.5		Division 23-9D-1:	Action on Development Application											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 sufficient to accommodate vehicle trips generated by the proposed development.					
44.6		Division 23-9D-1:	Action on Development Application											JSc											23-9D-1030 (C)	Update section (C) to read as follows: "To the extent authorized under division 23-9D-2 (transportation Infrastructure Improvements), and within limits of a projects approved Rough Proportionality Determination per section 23-9-XX, the director may condition 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 traffic from the development."	Need to clarify that application cannot be conditioned based on request over/above RP value.				
44.7		Division 23-9D-2:	Transportation Infrastructure Improvements																												
44.8		Division 23-9D-2:	Transportation Infrastructure Improvements				X							JSc												23-9D-2010(B)	Replace item (B) with following text "A Comprehensive 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 information found in both a typical TIA and TDM."	23-9D-2010(B): Requirement of Comp Transpo Plan here creates conflict with requirement for TDM per 23-0C-2030(A)(2)			
44.9		Division 23-9D-2:	Transportation Infrastructure Improvements											JSc												23-9D-2020(B)(1)	Add item (3) as follows "Identified improvements shall be funded by the applicant based on an estimated cost of the system improvement or, at the discretion of the applicant, may be built by the applicant conditioned on a cost reimbursement from the City of Austin equal to at least 20% of the estimate cost of the improvement."	Requirements for offsite improvements should not be required and rather incentivized (similar to 2010(B) language)			
44.10		Division 23-9D-2:	Transportation Infrastructure Improvements											JSc												23-9D-2030(B)(2)	Update item (2) to replace "...or refund the fee at the request of the applicant who paid the fee" to say "...automatically upon expiration of the 10 year period to the applicant who paid the fee."	The City shall automatically refund these funds if not used; The City is responsible for managing funds and improvements so this is a way to keep them accountable.			
44.11		Division 23-9D-2:	Transportation Infrastructure Improvements											JSc												23-9D-2040	Update item (A) to replace "... certified under Division 23-3E-4 (SMART Housing)." to read "... proposing any number of affordable housing units or affordable square footage for commercial use based on the percentage of affordable units/square footage (commercial) against the total units/square footage (commercial) of the project."	Reduced transportation mitigation should be applied to all affordable housing projects regardless of whether they follow the City SMART housing proposal as they serve to benefit all affordable renters			
45 Article 23-9E: Right-Of-Way Construction																															
45.1		Division 23-9E-1:	General Provisions				C																								
45.2		Division 23-9E-2:	Construction License				C																								
45.3		Division 23-9E-3:	Right-Of-Way Permit				C																								
45.4		Division 23-9E-4:	General Design and Maintenance Requirements				C																								
45.5		Division 23-9E-5:	Driveways and Alleys																												
45.6		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 insufficient width for the planting of street trees, street trees shall be planted on the applicant's property."	Imagine Austin calls for "complete communities." Complete communities need a healthy tree canopy.			
46 Article 23-9F: Street Design																															
46.1		Division 23-9F-1:	General Provisions																												
46.2		Division 23-9F-2:	Access to Major Streets																												
46.3		Division 23-9F-3:	Street Layout																												
47 Article 23-9G: Road Utility Districts																															
47.1		Division 23-9G-1:	Transportation Demand Management				C																								
47.2		Division 23-9G-2:	Construction of Facilities				C																								
Chapter 23-10: Infrastructure				NONE	MINOR	MAJOR	YES/NO YES/NO																								
48 Article 23-10A: Austin Water Service																															
48.1		Division 23-10A-1:	General Provisions																												
48.2		Division 23-10A-2:	Extension of Service, General Provisions																												
48.3		Division 23-10A-3:	Extension of Service, Cost Participation																												
48.4		Division 23-10A-3:	Extension of Service, Cost Participation											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 size to serve adjacent properties at the applicant's cost. By limiting it only to servicing the proposed property and proposed development on that site it will limit potential abuse of overreach by AWU.	Disagree with the comment. Based upon case law, if the City requires the oversizing of 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 oversizing of the infrastructure. It should be noted that the City may require a developer to upsze an existing line, but that would only	No	
48.5		Division 23-10A-4:	Tap Permits											JSc																	
48.6		Division 23-10A-4:	Tap Permits											JSc													23-10A-4080 Refund of Tap Permit Fee (B)	Strike "before the expiration date of the permit" because it should allow a request for a refund to be made at any time			
49 Article 23-10B: Water Districts																															
49.1		Division 23-10B-1:	General Provisions																												

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Prepared by Stephen Oliver
City of Austin, Planning Commission | Chair

CHAPTER	ARTICLE	DIVISION TITLE	A			B												C	D	E		F	G			H				
			DESIRED PROPOSED CHANGES TO D3			INITIATED BY COMMSIONER												EX OFFICIO	TOPIC AREA	REQ. ADD'L STAFF FEEDBACK	AMENDMENT TYPE		SUBSTITUTE LANGUAGE	COMMISSIONER NOTES			YES/NEUTRAL /NO	STAFF RESPONSE		
						ANDERSON	HART	KAZI	KENNY	MCGRAW	NUCKOLS	OLIVER	SCHISLER	SEGER	SHIEH	THOMPSON	WHITE	SHAW	BURKARDT	MENDOZA	TEICH		GENERAL	SPECIFIC SECTION						
57.3		Division 23-13A-1: Conserve		X												TW						DEFINITIONS			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 rear lot line		No			
57.4		Division 23-13A-1: Gross (GFA)			X											TW						DEFINITIONS			13A-1 pg.11	GROSS (GFA) The total enclosed area of all floors in a building with a clear height of more than five feet, measured to the outside surface of the exterior walls. The term excludes loading docks, 1st floor porches, stoops, basements, attics, stories below grade plane, parking facilities, driveways, and enclosed loading berths and off-street maneuvering areas.	The intention with this change is to reduce the amount of exemptions to reduce the cost of projects by making it easier to calculate the FAR and easier to review. It would also reduce the number of unintentional violations of FAR limits by homeowners who turn exempted space into habitable space. This change would go hand in hand with an .05 increase to the allowable FAR in all residential zones.	No		
57.5		Division 23-13A-1: Small Area Plan														TW				X					Small Area Plan (MISSING). Please add.	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.	Yes			
57.6		Division 23-13A-1: Stepback														TW				X					Stepback (MISSING). Please add.	Stepback (MISSING). Please add. The term 'stepback' is used in throughout 23-4D, but is not defined. The current draft does define setback, but that is not the same thing.	Yes			
57.7		Division 23-13A-1: Urban Core														TW									Urban Core (MISSING). Please add.	Urban Core (MISSING). Please add. 'Urban Core' is used throughout Draft 3 to describe geographical areas where certain zoning requirements apply so this needs a clear definition, ideally with live link to map. The draft currently defines it only in the context of Parkland Dedication	No	not needed. Remove from use		
57.8		Division 23-13A-1: Valid Petitions														TW				X					please add a definition for Valid Petitions, including applicability, procedures, etc., similar to what the draft provides for Vested Rights Petitions in 23-K-2	In the interest of fairness, please add a definition for Valid Petitions, including applicability, procedures, etc., similar to what the draft provides for Vested Rights Petitions in 23-K-2				
57.9															JS h							Attached			23-13A-1030	When used with reference to two or more buildings..... ADD - When used with reference to duplex or single family dwellings with dual same street frontage, means being joined by a roof of 20' minimum measured perpendicular to the street frontage.	this will be tweak by working group			
57.10		Division 23-13A-1: Terms and Measurements			X								JSc										Definitions			23-13A-1030	Delete Deficient Park Area Map definition and replace with " <u>Proximity to Park Area Map</u> "; " <u>A map depicting areas that the Parks Director has by rule determined lack sufficient parkland based on the criteria in 23-3B-1 and 23-3B-2</u> "	Delete Deficient Park Area Map definition and replace with "Proximity to Park Area Map"		PARD does not agree with this substantive change due to the prior negotiations that created this section in 2016. The map in the code is a Deficiency Map, not a Proximity Map. That term Proximity does not match the concept.Changing this concept would require extensive staff time to change the Deficiency Map created over the last 10 years from recommendations from the City's Families and Children Task Force. For reference, here is the definition in the current code and DRAFT 3: PARK DEFICIENCY MAP A map depicting areas that the Parks Director has determined lack sufficient parkland based on locational criteria established by the Parkland Dedication Operating Procedures Article 23-3B (Parkland Dedication) and the parkland policies of the Comprehensive Plan.
57.11		Division 23-13A-1: Terms and Measurements		X									JSc										Definitions			23-13A-1030	HEIGHT, ACCESSORY STRUCTURE. Height, for the purpose of establishing required setbacks, shall be defined for every point within the footprint area of an accessory structure, including a tree house, as the vertical distance between <u>finished grade</u> and the highest part of the structure directly above. Height in all cases shall include, but is not limited to, any slab, platform, pad, mound or similar elevated base above pre-existing grade.	Provides much needed clarity - height requirements interpretations shouldn't be a subject for debate.	Neutral	
57.12		Division 23-13A-1: Terms and Measurements		X									JSc										Definitions			23-13A-1030	UNIFIED DEVELOPMENT AGREEMENT. An agreement approved at the discretion of the responsible director in order to treat two or more legal lots or tracts, as a single site for the purpose of applying specified regulations of the Land Development Code, <u>including sites zoned for residential use.</u>	UDA's are currently not allowed on residential sites. UDAs facilitate aggregation that is often required to achieve unit yields per AIA Charrettes. Allows more flexible site planning for tree preservation, etc.	Neutral	
57.13		Preservation								KM						TW									Preservation is defined as the act or process of applying measures 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 require retention of the greatest amount of historic fabric along with	Per secretary of Interior - proposed by HLC				
57.14		Division 23-13A-1: Terms and Measurements														JT							DEFINITIONS				Preservation is defined as the act or process of applying measures necessary 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. 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.]	Per HLC recommendation, from Dept of Interior.		HLC: 1030 Define Preservation
A-57.14.1				X												TS						Large Site Definition	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.		HLC: 1030 Define Preservation	
57.15										KM												Definitions			23-13A-1030	REWRITE PER EXISTING MCMANSION CODE	This should say NATURAL grade NOT FINISHED GRADE..			

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A-57.15.1		neighborhood plans												T W					definitions					Add a definition					
57.16	Division 23-13A-2:	Land Uses																											
57.17	Division 23-13A-2:	Land Uses		X		GA	FK			JSc									Definitions				23-13A-2030(C)	Cooperative Housing: A housing use operated by a cooperative (under Section 251.002 of Texas Business Organizations Code), or a nonprofit or other entity in which residents are entitled equal voting rights, and equal ownership shares if the cooperative sells shares.	Amend Language				
57.18	Division 23-13A-2:	Land Uses		X			FK												Definitions				23-13A-2030-A	ACCESSORY DWELLING UNIT 1. RESIDENTIAL. A subordinate dwelling unit added to, created within, 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 Recreational Vehicle that does not have a motor may be used as a residential accessory dwelling unit. 2. 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 lot as the primary structure.	Tiny homes provide simple options for families and should be allowed.				
57.19		High Opportunity Area												TW				X						High Opportunity Area (INACCURATE, POTENTIALLY OFFENSIVE). Please replace with “Qualifying area” and strengthen the definition to require an area to provide at least three or more of the listed conditions to qualify	High Opportunity Area - a metric needs to be added to mandate how often this area will be redefined				
57.20		Multi-Unit												TW										Please add definition of Multi-Unit .	Please add definition of Multi-Unit . While Draft 3 still contains a few references to Multi-Family, it replaces this term with Multi-Unit throughout 23-4D. Please provide a definition for both terms.	No	not needed, multi-unit is not a use, it’s a zone category		
57.21		Affordable Housing												TW				X						Affordable Housing (INCOMPLETE). Please replace or augment current definition with: “See Article 23-3E: Affordable Housing.”					
57.22		live/work & work/live		x										TW				x	definitions				specific definition	remove work/live definition	this is redundant with the definition for live work. I don't see how this simplifies 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							accessory apartment					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. B. If space within a principal structure is converted to an accessory apartment, the accessory apartment may not include: 1. converted garage space; or 2. 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					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 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. https://extension2.missouri.edu/gg14 Mention costs to do an accessory apartment - very VERY affordable vs adu				
A-57.22.3		Designated Review Group		x										TW					missing defs					Please add definition and details	Clearly define Designated Review Group . Draft 3 repeatedly references a “Designated Review Group,” which it invests with significant authority, but fails to provide any definition, including how review group members will be selected and by whom, qualifications for membership, terms of service, and whether the group is subject to the Open Meetings Act. Please revise to provide clear standards for this group				

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																		GENERAL		SPECIFIC SECTION								
A-57.22.4		micro units, modular, mobile homes		x																missing defs	x			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	x			Please add definitions	let's discuss why these aren't included as definitions or uses in our new code?	No	only define uses.	