

INSTRUCTIONS

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, Transportation etc."
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 support
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.

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

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	SEEGER	SHIEH	THOMPSON	WHITE	SHAW	BURKARDT	MENDOZA	TEICH			GENERAL	SPECIFIC SECTION					
GENERAL					NONE	MINOR	MAJOR																						
Chapter 23-1: Introduction					NONE	MINOR	MAJOR																						
1	Article 23-1A General Provisions																												
1.1	Division 23-1A-1	Title, Purpose, and Scope																										-	
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)Administative 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		
A.1.7.1	Division 23-1A-6	Minimum Development Potential			X						SO											Admin & Procedures			23-1A-6	See SO Exhibit 1 - Proposed Amendment to Minimum Development Potential	This amendment would assist in mitigating the compounding impact of layer upon layer of many new staff initiated regulations that have good intentions but once applied in unison to an individual parcel become problematic to typical development conditions.		
2	Article 23-1B Responsibility for Administration																												
2.4	Division 23-1B-4	Neighborhood Planning																										-	
2.5	Division 23-1B-4	Neighborhood Planning									KM											Contact Teams			23-1B-4010	Neighborhood Contact Teams may submit plan amendments.	This should not be removed.		
2.7	Division 23-1B-4	Neighborhood Planning													JT							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																										-	
3.2	Division 23-2A-2	Development Process																										-	
3.3	Division 23-2A-2	Development Process																				Admin & Procedures		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		X											JT								No					-
3.5	23-2A-3030 One to Two-Unit Residential																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		X																								-	
3.7		23-2A-3040 Three to Six Unit Residential											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		

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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.				STAFF RESPONSE		
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 Mixed-Use, Main Street, Regional Center, or Commercial and Industrial Zones 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 appropriate 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																						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				x								JT										Non- conformity	NO		1010 (A) (2)	Delete	Too onerous					
						x											TS																		
9.7		Division 23-2G-1										JSc															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				x								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 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.	Coops work and must be allowed wherever possible				
9.10		Division 23-2G-1	General Provisions		x							JSc															23-2G-1050(B)(3) and (4)	(3) Conversion to Other Nonconforming Use Prohibited. A nonconforming use may not be established or replaced by another 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				

[illegible]

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																		GENERAL	SPECIFIC SECTION					
16.7													JSc						23-3B-2010 Dedication of Parkland (A) Dedication Required (1)(NEW)	<p>(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).</p> <p>(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.</p> <p>(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.</p> <p>(b) The combined total area between open space and parkland, shall not exceed 15% of site.</p>	Applicants must be able to predict during their due diligence period what may be required for parkland dedication. Our recommendation in (A)(1) and (A)(1)(a) is 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.			STAFF RESPONSE
16.8		Division 23-3B-2	Dedication		x	GA							JSc						23-3B-2010 (C)(3)	<p>(3) Parkland dedication that complies with this section shall be included in the gross site area for the parcel dedicating land. Zoning entitlements including but not limited to impervious cover and FAR shall be calculated on the gross site area prior to the parkland dedication.</p>	This proposed language codifies existing policy that is already outlined in the parkland procedures.			PARD agrees. See 16.5
16.9		Division 23-3B-2	Dedication		x								JSc						23-3B-2010 (I) and (J)	<p>(I) As authorized by the Parkland Dedication Ordinance, City Code § 25-1-605, an applicant may request a binding determination from PARD regarding whether total land dedication; payment of a fee in-lieu in land or a combination of fee and land will be required.</p> <p>(J) 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.</p>	This proposed language codifies the early determination process that is currently in the Parkland Dedication Operating Procedures and clarifies that the early determination includes all types of open space. This proposed language provides regulatory certainty while also ensuring parkland is dedicated throughout Austin.			See also 16.7 and 16.18. 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 a <u>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 <u>increase by more than 10 percent</u> .
16.10		Division 23-3B-2	Dedication		x								JSc						23-3B-2010 (H)	<p>(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.</p>	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. <u>That is very crowded parkland and the Austin level of service and</u>
16.11		Division 23-3B-2	Dedication		x								JSc						23-3B-2010 (J)	<p>(J) <u>Sites Fronting Corridors.</u></p> <p>(1) <u>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></p> <p>(2) <u>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></p>	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							<p>(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.</p> <p>(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.</p> <p>(b) In considering a request from the director under this subsection, the Land Use Commission may:</p> <p>(i) Deny the director's request; or</p> <p>(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.</p>				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													23-3B-2010	Remove references to 15% and change to 10%. Add new (G) The 10 percent parkland dedication shall be calculated as a net site area	Imagine Austin calls for "Increase dense, compact family-friendly housing in the urban core". In many instances, sites within the urban core will be required to 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." 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 rating by national park advocates will decline over time.

CHAPTER ARTICLE		DIVISION	TITLE	A			B												C	D	E				F	G		H				
				DESIRED PROPOSED CHANGES TO D3			INITIATED BY COMMISSIONER												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	NICKOLS	OLIVER	SCHISLER	SEGER	SHIEH	THOMPSON	WHITE	SHAW	BURKARDT	MENDOZA	TEICH			GENERAL	SPECIFIC SECTION						
16.16		Division 23-3B-2				X	GA																	Parkland Dedication	No		23-3B-2010	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.	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 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.	
16.18		Division 23-3B-2	Dedication			x										JT								Process	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 a period of one year from the date of issuance 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. PARD does not agree with the proposed (b).	
16.3		Division 23-3B-1	General Provisions		x								JSC											Review Authority	No		23-3B-1020(C)(1)	(1) A Deficient Park Area Map <u>Proximity to Park Area Map</u> illustrating shortages in parkland that shows only required connections to <u>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 be public unless the City has established an interest in them as a School Park.	
16.4		Division 23-3B-1	General Provisions		x								JSC											Review Authority	No		23-3B-1020(D)	<u>(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.</u>	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 Waste 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											Standards for Dedication of Parkland	No		23-3B-2020 (E)	<u>(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.</u>	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											Standards for Dedication of Parkland	No		23-3B-2020 (F)	<u>(F) Gazebos, pavilions, and other open air structures are permitted.</u>	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							Dedication of Parkland	NO		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							Park Standards	NO		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											Fee In-Lieu of Parkland Dedication	No		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			x											TS							Fee in Lieu of Dedication	NO		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 be able to utilize the fees per 23-3B-2030.</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)?	

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

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							ANDERSON	HART	KAZI	KENNY	MCGRAW	NUCKOLS	OLIVER	SCHUISSLER	SEEGER	SHIEH	THOMPSON	WHITE	SHAW	BURKHARDT	MENDOZA	TEICH				GENERAL	SPECIFIC SECTION						
17.7		Division 23-3C-1	General Provisions		X									JSc											Application and Review Procedures	No		23-3C-1040 (C)	(B) <u>Restrictions on Removal of Protected Trees.</u> 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 review the application and make a recommendation before the application is administratively approved or presented to the Land Use Commission or city Council.	Protected tree removal should not need Land Use Commissioner or 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) <u>Mitigation Requirements.</u> 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 <u>issue a certificate of occupancy.</u>	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 <u>preserved</u> . The city department shall make best efforts to <u>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).</u> " (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 units) development (2) Keystone trees may be used to fulfill mitigation requirements for one or two-unit residential scale development (3) 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 mitigation 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 23-2C-1030 (Application Requirements) and the public notice and hearing requirements in Section 23-2C-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. <u>Definition: unreasonably encumbered-50% or more of the site is undevelopable or more than 10% of the potential unit yield is lost.</u>	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																															-
18.2		Division 23-3D-2	Exceptions and Variances																														-
18.3		Division 23-3D-2	Exceptions and Variances		x									JSc											Redevelopmen t Exception in Urban and Suburban Watersheds	No		23-3D-2030(B)	(B) Requirements for Redevelopment Exception. This article does not apply to redevelopment of property under this section if the redevelopment: (1) Does not increase the existing amount of impervious cover; (2) Provides water quality controls that comply with Section 23-3D-6030 (Water Quality Control and Green Stormwater Infrastructure Standards) for the redeveloped area or an equivalent area on the site; (3) Does not generate more than 2,000 vehicle trips a day above the estimated traffic level based on the most recent authorized use on the property; (4) Is consistent with the neighborhood plan adopted by council, if	This propose language removes language that is not germane to redevelopment exceptions and should be removed. Redevelopment exceptions allow impervious cover to be reduced in the watershed, so non-water quality requirements should be removed	Neutral	The requirement for Council approval if the project meets certain non-water quality-related criteria stems from stakeholder discussions for the Redevelopment Exception adopted in 2000 and the Barton Springs Zone Redevelopment Exception adopted in 2007. Watershed staff defer to PAZ, ATD, and DSD staff for potential modifications to the non-water quality related criteria. Note: Changes to the BSZ Redevelopment Expection will need approval from a supermajority of Council.	
18.4														JSc															(53) Does not increase non-compliance, if any, with Section 23-3D-4040 (Critical Water Quality Zone Development), Section 23-3D-4050 (Critical Water Quality Zone Street, Driveway, and Trail Crossings), Section 23-3D-5030 (Critical Environmental Features), or Section 23-3D-5040 (Wetland Protection); and (64) Does not place redevelopment within the Erosion Hazard Zone, unless protective works are provided as prescribed in the Drainage Criteria Manual.		Neutral	See comment above.	

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18.5		Division 23-3D-2	Exceptions and Variances		x									JSc										Redevelopmen t Exception in the Barton Springs Zone	No		GENERAL	SPECIFIC SECTION	23-3D-2040 (D) (1)	(D) Council Approval. (1) Applicability. Council approval of redevelopment under this section is required if the redevelopment: (a) includes more than 25 dwelling units; (b) Is located outside the City's zoning jurisdiction; (c) Is proposed on property with an existing industrial or civic use; (d) is inconsistent with a neighborhood plan; or (e) Will generate more than 2,000 vehicle trips a day above the estimated traffic level based on the most recent authorized use on the property.	Extensive water quality rules are appropriate in this zone, but there's no need to take the items to a vote at Council for non-water quality items. Requiring this to go to Council adds additional costs to the overall development	Neutral	See comment above.
18.6		Division 23-3D-2												JSc														23-3D-2050 ©	(C) Requirements for Redevelopment Exception. The requirements of this article do not apply to the redevelopment of property under this section if the redevelopment meets all of the following conditions: (4) The water quality controls for the redeveloped areas or an equivalent area on the site must provide a level of water quality treatment that is equal to or greater than that which was previously provided. At a minimum, the site must provide water quality controls, sedimentation/filtration ponds for the areas of increased impervious cover or an equivalent area on the site.	Clarifies the area on a site subject to this regulation and establishes a minimum type of acceptable water quality controls.			
18.7														JSc														23-3D-2070 ©	(e) Necessary to allow reasonable development of the property according to the level of development allowed under 23-4.	This amendment requires Watershed to consider the reasonable amount of			
18.8		Division 23-3D-2	Exceptions and Variances			x								JSc										Water Quality Control Measures	No			23-3D-2090 (NEW)	"23-3D-2090 Residential Construction of three to ten units on one acre or less with Increased Water Quality Control Measures (A) An applicant seeking to construct three to ten units on one acre or less may increase, up to 65%, the amount of impervious cover on the site above the impervious cover amounts in the base zone listed in 23-4, provided that the applicant comply with all of Article 23-3D (Water Quality), 23-10E (Drainage), and Division 23-2A-3 (Residential Development Regulations)."	This is necessary to allow missing middle to fit on a property, in some cases, but forces the developer to opt in to water quality and drainage rules that apply to commercial property	No	This proposal should be located in 23-2A-3 (Residential Development Regulations). In addition, since the early 1980s, water quality and drainage infrastructure in residential subdivisions has been sized assuming 45% impervious cover across the subdivision. Earlier subdivisions often have inadequate drainage infrastructure. Allowing additional impervious cover is likely to create drainage problems in modern subdivisions and exacerbate problems in older subdivisions. Watershed Protection Department staff would recommend additional water quality and drainage requirements on individual lots if impervious cover limits were increased beyond 45%. This would result in substantial design and construction costs as well as additional permit review time and cost.	
18.9		Division 23-3D-3	Impervious Cover											JSc														23-3C-3030 Land Use Commission Variance	(B) A variance request under this section is subject to the application requirements in Section 23-2F-1020 (Application Requirements) and the public notice and hearing requirements in Section 23-2F-1040 (Public Hearing and Notification). (B) : If a property is unreasonably encumbered by the location and/or quantity of heritage trees, the Land Use Commission shall consider a variance under this section to allow appropriate development of the property in accordance with Chapter 23-4. Definition: unreasonably encumbered-50% or more of the site is undevelopable or more than 10% of the potential unit yield is lost.	Due to many of the new requirements under Chapter 23-4 to push parking towards the back of the property, impervious cover limitations, new setbacks, landscape buffers, etc. It is now more likely that some sites will be undevelopable due to the prevalence of heritage trees. Adding (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.			
18.11		Division 23-3D-3	Impervious Cover																													-	
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, mixed use , 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) Zone boundaries may be reduced based on hydrology analysis or floodplain model as approved by the director.	The proposed language would allow the director to use hydrology analysis 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 engineering analysis.	

CHAPTER ARTICLE		DIVISION	TITLE	A			B										C		D	E		F	G		H							
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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.	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 <u>located on a tract that may cause disturbance to:</u> (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. <u>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.</u>	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 topography.	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.				
18.23		Division 23-3D-6	Water Quality Control and Green Infrastructure Standards		x									Jsc										Optional Payment Instead of Structural Controls in Suburban Watersheds	No		23-3D-6050 (B)	(B) Instead of providing the water quality controls required by Section 23-3D-6010 (Applicability of Water Quality Control Standards), in a Suburban watershed an applicant may request approval to deposit with the City a nonrefundable cash payment. The director shall review the request and approve or disapprove the request based on the standards in the Environmental Criteria Manual. To be eligible to request the optional payment, the development must: (1) Be located within the zoning jurisdiction; (2) Be (a) a residential subdivision less than two acres in size (b) a commercial property with less than an acre of the site that is requesting optional payment; or (c) a vertical commercial, residential, or mixed-use development with structured parking below the primary building, up to three acres in size.; and (3) Demonstrate exemption from the preliminary plan standard as determined by Section 23-5B-2010 (Preliminary Plan Requirement).		No	CodeNEXT extended the option for water quality payment-in-lieu to small, infill subdivisions in Suburban watersheds that are less than 2 acres in size and do not trigger a preliminary plan. Allowing payment-in-lieu for small site plans in watersheds outside of the urban core would likely result in water quality degradation given the prevalence of small sites and the greater availability of undeveloped land. Sites outside of the urban core will have more pervious area available since watershed regulations limit impervious cover. These sites should be able to integrate green stormwater infrastructure solutions into their landscape and open space to reduce costs and overall footprint.	
18.24														Jsc														(3) Demonstrate exemption from the preliminary plan standard as determined by Section 23-5B-2010 (Preliminary Plan Requirement).			-	
18.25		Division 23-3D-6	Water Quality Control and Green Infrastructure Standards		x									Jsc										Dedicated Fund	No		23-3D-6080(C)	(C) The Watershed Director shall <u>use the administrative rules process to propose rules that</u> administer the fund, <u>calculate the fee, collect the fee and</u> allocate the fund for appropriate projects, and report annually to the Council regarding the status of the fund and the monitoring and maintenance program described in this section. <u>The proposed rules should be presented the Environmental Commission for a recommendation to Council. The Council shall approve the proposed rules, reject them, or approve them with modifications.</u>		No	Criteria are not approved by Council. The status of the fund is reported to the Environmental Commission and the City Council through the annual budget.	
18.26			23-D-6010 - Applicability of Water Control Standards			x													TS					Water Quality Controls	NO		6010(B)(3)	(B)(3) If the total of new and redeveloped impervious cover exceeds <u>5,000</u> 8,000 square feet.	Per Environmental Commission.	Yes	5,000 square feet was the staff recommendation in the 2013 Watershed Protection Ordinance. However, Council adjusted the threshold to 8,000 square feet on the dais. Staff would support changing the threshold back to 5,000 square feet.	
18.28		Division 23-3D-8	Additional Standards in All Watersheds																												-	
19		Article 23-3E Affordable Housing																														
19.2		Division 23-3E-1	Design Standards																	TW					AHDB			23-3E-1030 (G)	The affordable units should have the same finishes features and appliances as the market rate units.	do not allow designated affordable units to encourage the affordable units to be equal to the market rate units in both finishes and sf. This discourages discrimination and allows for the affordable units to be throughout the project and for availability even if units are under repair or renovation.		-
					X																											
19.3		Division 23-3E-1	Small scale density bonus for R1 zones			x														TW					AHDB		x					add R1 zone bonus to include an additional ADU if it's 50% MFI
19.4		Division 23-3E-1	Small scale density bonus for R2 zones			x														TW					AHDB		x					add R2 zone bonus to include an additional ADU if it's 50% MFI
19.5		Division 23-3E-1	AHBP for MS2 Zones			x														TW					AHDB		x					allow MS2b to take part in AHBP if along IA corridor
19.6		Division 23-3E-1	Land trust programs																	TW					AHDB		x					these should be defined and added to the arsenal so that we can use them as part of the affordability programs. Ordoes this live somewhere else? <u>NHCD is supportive of land trusts but unsure of how to put them into the code since the code doesn't discuss ownership models.</u>
						x																										

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19.15		Division 23-3E-1	Citywide Affordable Housing Bonus Program			X																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																														

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19.22		Division 23-3E-2 Downtown Density Bonus Program			X																	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 80 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	
19.34		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.			
A-19.44.1		Division 23-3E-4 S.M.A.R.T. Housing			X																	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			x																	TS			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		
19.47		Division 23-3E-5 23-3E-5010 Additional Affordable Housing Incentives			x																	TS			5010(B)(3)(a), (b), (c.)	(a) If at least 10 percent, but less than 20 percent, of the dwelling units are <u>equal to or less than 80% MFI reasonably priced</u> , the maximum cost is reduced by the percentage of affordable units; (b) If at least 20 percent, but less than 50 percent, of the dwelling units are <u>equal to or less than 80% MFI reasonably priced</u> , the maximum cost is reduced by 50 percent; and (c) If at least 50 percent of the dwelling units are <u>equal to or less than 80% MFI reasonably priced</u> , no mitigation may be required.	B)3) grants benefits for providing reasonably priced units. What does this mean? I propose following but should be discussed	Neutral		
19.49		23-3F Art, Music, and Culture			x		GA															TW			23-3F	please see Exhibit WHITE_EXHIBIT-ART, MUSIC CULTURE Proposed Future CodeNEXT Article 23-3F: Art, Music, and Culture Both the Imagine Austin Comprehensive Plan and the Code Prescription on Household Affordability reference the need for regulations to sustain and strengthen the music and arts industries and communities. To this end, the CAG recommends developing a future code section that would provide city-wide regulations to promote arts, music, and culture with the goals of: protecting existing assets and promote new ones in areas deficient of art, music, and cultural assets, and supporting housing and jobs for musicians and artists, and sustaining these important elements of Austin's economy. Proposed Code Additions: 1. Add arts, music culture to the Purpose Statement of General Planning Standards. The current draft of the new Land Development Code for Austin, dubbed CodeNEXT contains the following purpose statement in Chapter 23-3: General Planning Standards for All [1]. The red underlined clause below would add reference to a to-be-written section governing arts, music and culture.	This is the Live Music Capital of the World and we are not doing nearly enough for our artists! We should also consider a density bonus for music venues.			
					X																									

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						GA										TW					Art, Music, and Culture	No		23-3F	23-3A-1010 Purpose This Chapter provides standards and regulations for the following purposes: to provide parkland; to provide for the protection and replenishment of urban forest resources; to provide for the protection of water quality and protection from flooding; to encourage the creation and preservation of affordable housing; and to sustain the local arts, music, and culture communities and industries. These aspects are all essential to the development of a healthy, sustainable and desirable city environment. The interests of the community and the goals of the Comprehensive Plan and Zoning Code are further ensured through the application of this Chapter. 23-3A-1020 Applicability This Chapter applies to all development within the City of Austin and the ETJ. 2. Working with appropriate city boards and stakeholders, develop a new code section to be numbered 23-3F. Provisions for consideration, several of which are already supported by City of Austin Economic Development Department and the City's Arts Commission and Music Commission, are outlined below. 23-3F-1010 Purpose and Intent (A) The purpose of this division is establish general requirements and procedures to sustain the local arts, music, and culture communities and industries and to guarantee that arts, music, and cultural lad uses are distributed across the city in an appropriate manner within neighborhoods, along activity corridors, and within neighborhood, town, and regional centers.				STAFF RESPONSE
						GA										TW					Art, Music, and Culture	No		23-3F	23-3F-1020 Artist Live/Work and Live/Work/Sell (A) Allow artists to sell finished goods from their live/work home studios. Specify in which districts a live/work artist may "sell", including performance art. This is an important distinction as multidisciplinary spaces are becoming increasingly common – where both object-based art and experience-based art are being created (i.e. "work") and offered to the public within a single building envelope. 23-3F-1030 Density Bonus Provisions for Art and Music (A) In designated town/regional centers and activity corridors allow density bonus rules to trade greater building entitlements for including art galleries, studio space, live theater, dance performance space, live music venues, or other forms of performance art on the first floor or for preserving an existing an iconic venue on the tract (e.g., Broken Spoke). 23-3F-1040 Art Districts (A) Describe the basis for designating arts districts (similar to that provided for historic districts) in neighborhood plans, neighborhood centers, town centers, and regional centers, and target one or more arts districts per Council District. 23-3F-1050 Theater and Art Venue Scale (A) In establishing capacity rating for theater or arts venue consider how the venue is used in addition to overall size.				
						GA										TW					Art, Music, and Culture	No		23-3F	23-3F-1060 Art, Music, and Culture Nomenclature and Definitions (A) Add explicit definitions that clearly distinguish types of arts/music spaces for flexible and hybrid uses in city ordinances and other regulation (i.e. distinguish terms "gallery", "theater", "studio", "live music venue," etc.). (B) Live Music Venue Use An establishment where live music programming is the principal function of the business and/or the business is a live music destination, and where the venue clearly establishes the ability of an artist to receive payment for work by percentage of sales, guarantee or other mutually beneficial formal agreement. A live music venue is a destination for live music consumers, and its music programming is the primary driver of its business as indicated by the presence of at least five (5) of the following: • defined performance and audience space; • mixing desk, PA system, and lighting rig; • back line (e.g., sound amplification or video equipment for performers on or behind the stage); • at least two of: sound engineer, booker, promoter, stage manager, security personnel; • applies cover charge to some music performance through ticketing or front door entrance fee; • marketing of specific acts through show listings in printed and electronic publications; • hours of operation coincide with performance times.				

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														Art, Music, and Culture	No		23-3F	23-3F-1070 Codify of Agent of Change Principle. Imagine Austin and Code Prescriptions Support New Code Section Justification for the proposed new code section comes from the Imagine Austin Comprehensive Plan and more recent work done in developing the CodeNEXT draft. Priority Program 5 (among 8 Priority Programs) in the 2012 Imagine Austin Comprehensive Plan is "Grow and invest in Austin's creative economy." A short term (1-3 years) work program item is: "Explore and reimagine existing City development tools, such as incentives, regulations, and financing options, with a focus on creative industries' facility needs. Expand access to affordable and functional studio, exhibition, performance space, museums, libraries, music venues, and office space." The proposed new section is also supported by the following policies and priority actions in the Imagine Austin Comprehensive Plan: • Develop regulations to mitigate the sound from live music venues through a collaborative process that includes the City of Austin, musicians, venue operators, property owners, and residents. • Create incentives and programs to preserve iconic and established music venues and performance spaces throughout Austin and its extraterritorial jurisdiction (ETJ). • Expand access to affordable and functional studio, exhibition, performance, and office space for arts organizations, artists, and creative industry businesses.						
														Art, Music, and Culture	No		23-3F	• Explore existing City policies, processes, and regulations regarding the arts to determine what changes can be made to coordinate these with other goals, such as historic preservation, affordable housing, and high-density development. • Incorporate the arts and cultural preservation themes and elements into small area plans, such as neighborhood and corridor plans. • Create incentives, and programs to promote the inclusion of public art into new development. • Encourage artists and other creative individuals by promoting the creation of live/work spaces and creative industry hubs, districts, and clusters as retail, community, or neighborhood anchors and activity generators to attract and support other economic and community enterprises. • Establish incentives and regulations to promote the creation of artists' live/work space in residential areas that allow for limited gallery space.Further, the Code Prescription on Household Affordability written in 2016 in response to the CodeNEXT consultant's Code Diagnosis, specifically addressed affordability impacts to small businesses and the cultural arts in the following three prescriptions: • Allow for compatible retail and commercial uses by right including arts, culture and creative uses such as rehearsal, gallery, studio, performance or exhibit spaces and offices in areas where form-based zones have been applied and a diversity of uses is desired. This includes adequate commercial space allowances in corridors, centers,						
														Art, Music, and Culture	No		23-3F	• 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. • 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. [1] see https://codenext.civiccomment.org/chapter-23-3-general-planning-standards-all						
																		The New Flex Industrial zoning may cover this... In 23-3F and in 23-2M In Division 23-4D-7: Commercial and Industrial Zones Accessory Use as a Theater or Art Gallery (as would be in 25-2-865, for example A) This section applies to the following uses and zoning districts: 1) LIGHT MANUFACTURING use with IP, MI, LI, CS, MU zoning district 2) LIMITED WAREHOUSE AND DISTRIBUTION use with IP, MI, LI, CS, MU zoning district 3) GENERAL WAREHOUSE AND DISTRIBUTION use with IP, MI, LI, CS, MU zoning district 4) ART WORKSHOP use with IP, MI, LI, CS, MU zoning district B) The use of the space as ART GALLERY and THEATER: 1. is a permitted accessory use 2. shall not exceed 33 percent or 5,000 square feet of the total floor area of the principal developed use, whichever is less C) During the Permitting Process the Council on appeal or Planning Commission may increase the square footage allowed under subsection B.						

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	SEEGER	SHIEH	THOMPSON	WHITE	SHAW	BURKARDT	MENDOZA	TEICH		GENERAL	SPECIFIC SECTION						
19.57					GA																	Art, Music, and Culture	No		23-3F	D) On-site parking is required according to Schedule A of Appendix A (TABLES OF OFF-STREET PARKING AND LOADING REQUIREMENTS). PART 2. City Code Chapter 25-6, Appendix A (TABLES OF OFF-STREET PARKING AND LOADING REQUIREMENTS) is amended to amend Schedule A to read: SCHEDULE A The minimum off-street parking requirement for a use is the sum of the parking requirements for the activities on the site, in accordance with the following table: Activity Requirement Accessory Use as a Theater or Art Gallery <2,500 sq. ft. - 1 space for each 275 sq. ft. 2,500-10,000 so. ft. - 1 space for each 100 sq. ft. > 10,000 sq. ft. - 1 space for each 50 sq. ft. Office or administrative activity 1 space for each 275 sq. ft. Indoor sales, service, or display 1 space for each 500 sq. ft. Outdoor sales, services, or display 1 space for each 750 sq. ft. Indoor storage, warehousing, equipment servicing, or Manufacturing 1 space for each 1,000 sq. ft. Outdoor storage, equipment servicing, or manufacturing 1 space for each 2,000 sq. ft. Commercial off-street parking requires one bike parking space for every 10 motor vehicle parking spaces.			
Chapter 23-4: Zoning Code		NONE	MINOR	MAJOR																	YES/NO	YES/NO							
20	Article 23-4A Introduction																												
20.1	Division 23-4A-1 Purpose																											-	
20.5	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																											-	
20.7	Division 23-4A-3 2020																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> (<u>garage apartments or granny flats</u>).	Add other house types.	Yes				
21	Article 23-4B Zoning Administration and Procedures			X																									
21.1	Division 23-4B-1 Land Use Approvals																											-	
21.7	Division 23-4B-1 1030 - Minor Use Permit																											-	
21.9	Division 23-4B-2 Code Interpretations and Use Determinations																											-	
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				
22	Article 23-4C General to all Development			X																									
23	Article 23-4D Specific to Zones																												
23.2	General			x				CK											Compatibility	Yes	Yes	All zone allowed use tables	In all zones, all instances of properties across alleys must state that the trigger line is based on the Zone of the property across the alley.	Right now D3 reads that compatibility setbacks may start on the property line of the impacted property, not the triggering property. This reverses that clearly.	Yes	language needs to be added that calirifies this point			
23.20	Division 23-4D-4 Mixed Use Zones				GA														Compatibility	No	Yes	General	In all the Compatability Setback sections, add "width of alley should be subtracted from the compatibility setback"		Yes	See response on line 23.2			
23.211	6060-6080; CC, UC, DC			X													TS		Compatibility	NO		Table 23-4D-XXXX(B)- Building Placement	tbd	Review setback requirements related to compatibility with Residential House Scale	N/A	comment			
23.171	Division 23-4D-4 4060-4160; MU1A - MU5A																TS		Compatibility Setbacks	NO		3070 - 3110; RM2A-RM5A; Table 23-4D-XXXX- Height (4) Compatibility Height Stepback 4060 - 4160; MU1A-MU5A; Table 23-4D-XXXX(B)(3)(b) 4100 - 4160; MU2A-MU5A; Table 23-4D-XXXX(D)(2) 5080 - 5120; MS2A, MS2B, MS3A, MS3B; Table 23-4D-XXXX(D)(2)	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. <i>CONSOLIDATED ZONE TYPES- SO</i>	No	see above			
A-23.211.1				x				TN															See Compatibility Exhibits 1-3: "Within 45' of the property line of any zone or use of R4C or lower, a use higher than R4C shall establish a vegetative buffer complying with the Environmental Criteria Manual. Within 25' and 50' of the property line of any zone or use of R4C or lower, the height of buildings is restricted to 25', notwithstanding any other provision of this code. Within 50' and 150' of the property line of any zone or use of R4C or lower, the height of buildings is restricted to 45', notwithstanding any other provision of this code. Within 150' and 225' of the property line of any zone or use of R4C or lower, the height of buildings is restricted to 45', notwithstanding any other provision of this code. However, building heights may reach up to 65' based on the affordable housing density bonus program. Within 225' and 360' of the property line of any zone or use of R4C or lower, the height of buildings is restricted to 65', notwithstanding any other provision of this code. However, building heights may reach up to 85' based on the affordable housing density bonus program."	If there is a "third rail" of Austin zoning politics that is dangerous for anyone (especially elected Council members) to touch, it's probably compatibility. PC needs to have the courage to address compatibility, as well as all other aspects of CodeNext, head on. The bottom line is this: Imagine Austin said our city will both increase density and preserve neighborhood character. Those who argue against either extreme now are just re-litigating IA, which just wastes PC's time. Neither density advocates nor neighborhood character advocates won all they wanted when IA was adopted. So both sides need to stop trying to take a second bit at the apple and re-litigate IA. Density advocates? Y'all lost because IA says to preserve neighborhood character. Neighborhood character advocates? Y'all lost because IA says to add density. The only option that makes sense is for CodeNext to balance between the two. This proposal does exactly that. It's time for everyone to stop demanding ideological purity and reach a pragmatic compromise instead.	No	Staff recommends maintaining D3 recommendations on compatability			

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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						
23.133	Division 23-4D	All zones with compatibility setbacks																	No	All zones with compatibility	Two version of compatibility: 1) Based on a 35 foot single family home built next door to a 50-foot-wide lot; (35' height at 25' distance; 50' height at 50' distance; 65' height at 75' distance; and 80' height at 100' distance; 2) for compatibility imposed on a project utilizing an affordable bonus, the compatibility is based on a 45 foot single family home built next door to a 50-foot-wide lot (45' height at 25' distance; 65' height at 50' distance; 85' height at 75' distance; 105' height at 100' distance)	This bases compatibility on the view of a 5-foot-tall person standing in the middle of their backyard, that would be no more restrictive than their view if a 35' tall single family home was built next door. The compatibility for affordable housing projects is similar, but with a 45' tall home built next door.	No		
23.141	Division 23-4D-3	Residential Multi-Unit Zones			x		AH											Compatibility	No	No	23-4D-3050	"Option 1: Eliminate compatibility setback within 1/10 of a mile of an Imagine Austin corridor or Core Transit Corridor."	Multiple pages: 4D-2 pg. 91	No	
23.193		5060-5120; MS1A-MS3B													TS			Compatibility Setbacks	NO		5060 - 5120; MS1A-MS3B; 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
23.144	Division 23-4D-3	Residential Multi-Unit Zones				GA												Compatibility	No	No	23-4D-3050	Eliminate compatibility setback within 1/10 of a mile of an Imagine Austin corridor or Core Transit Corridor when an affordable housing bonus program is sought.	Multiple pages: 4D-2 pg. 91	No	
23.145	Division 23-4D-3	3050 - 3090; RM1A-RM5B													TS			Compatibility Setbacks	NO		3050 - 3110; RM1A-RM3B; 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 compabitlity requirements. Resulted from ZAP/PC Compatability working group.	Yes	Staff supports measurement from triggering property line. Reccommend 30 ft instead of 25 ft.
23.146	Division 23-4D-3	3050 - 3090; RM1A-RM5B													TS			Compatibility Setbacks	NO		3050 - 3110; RM1A-RM3B; Table 23-4D-XXXX(B)(3)(b)	DELETE: Table 23-4D-XXXX(B)(3)(b) Compatibility Standards	Simplify compatibility requirements. Need to renumber (3)(c). Simplify compatibility requirements. Resulted from ZAP/PC Compatability working group.	No	
23.3	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
23.5	Division 23-4D-1	Purpose																							
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 maybe apply to only mcmansion zones
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	
23.22							CK											Residential Citywide Affordable ADU Bonus	Yes	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 Dwelling 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 Dwelling 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					x		CK											R4 bonus adjustment	Yes	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					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.		
23.25	Division 23-4D-2						CK											Residential Citywide Affordable ADU Bonus	No	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				x		CK											Corridor Transition Accessory Dwelling Unit Incentive	No	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					x										TS			<2500 SF Uses w/o Parking	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.	?	
23.31					x							PS						Lot Size			Zones R1B-R2C, R3B-R3D		Restore 5,750 sq. ft. lots and 50' width	No	5000' brings 7000 lots into conformity

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23.35		Division 23-4D-2	Residential House-Scale 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	SEEGER	SHIEH	THOMPSON	WHITE	SHAW	BURKARDT	MENDOZA	TEICH			GENERAL	SPECIFIC SECTION				YES/NEUTRAL /NO	STAFF RESPONSE
23.95		Division 23-4D-2	2150-2180; R3A-R3D			x												TS					R3B Lot Size	NO		2160Table 23-4D-2160(A),	RESTORE Single Family and Duplex - min. width from 45' to 50' , min. Area from 5000' to 5750'	Smaller R3 lots used adjacent to corridors.	no	see response on line 23.31
23.96		Division 23-4D-2	2150-2180; R3A-R3D			x												TS					R3C and R3D	NO		2170 Table 23-4D-2170(A), 2180Table 23-4D-2180(A),	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					Townhouses	NO		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					Side St. Setbacks	NO		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						NO		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
23.102		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: 40' 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 allway 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 nonetheless, and will be parked on. Parking setbacks like this limit unit yield by removing flexibility to work around site conditions, such as trees, forcing parking where units should go.	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 sft", 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 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.
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.
23.115		Division 23-4D-2	Residential House-Scale Zones			X		AH																		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																		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.
23.118		Division 23-4D-2	Residential House-Scale Zones			X		AH																		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																		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.
23.121		Division 23-4D-2	Residential House-Scale Zones			X		AH																		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																		23-4D-2210: R4C Zone	R4C: Table (C) (2) Building Articulation and (C) (3) Facade(s), Table (D) (3) 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.
23.124		Division 23-4D-2	Residential House-Scale Zones			X		AH																		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																		23-4D-3	Table 23-4D-3xxx Lot Size and Intensity Lot: 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.

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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
23.128		Division 23-4D-3 Residential Multi-Unit Zones																										UTC: Exempt from Compatibility Standards w/in 1/4 mile of transit/IA corridors
23.129					x				x																		No	RM1A intended to be small scale multifamily or townhouse development.
23.130		Division 23-4D-3 Residential Multi-Unit Zones							KM																		No	
23.131		Division 23-4D-3 Residential Multi-Unit Zones							CK																		No	Consider mapping change to R4 or RM1A.
23.132		Division 23-4D All RM, MS, MU zones			x				CK																		?	Need more detail.
23.134		Division 23-4D-3 Residential Multi-Unit Zones			x				FK																		No	
23.135		Division 23-4D-3 Residential Multi-Unit Zones			x				GA AH FK																		No	Density bonus program calibrated to du/acre.
23.136		Division 23-4D-3 3030 - Land Use and Permits			x																							commentary
23.125		Division 23-4D-2 Residential House-Scale Zones	x						AH																		Pending	
23.137		Division 23-4D-3 3040- Parking Requirements (Residential House Scale)			x																						Neutral	Suggest replacing "double" with 2.5" for this zone category
23.138		Division 23-4D-3 3040- Parking Requirements (Residential House Scale)			x																						Yes	Duplication. Subsection should be deleted, refer to (C).
23.140															JSh												No	
23.142		Division 23-4D-3 Residential Multi-Unit Zones			x				AH																		No	Support removal of compatibility setbacks but height would need further discussion.
23.143		Division 23-4D-3 Residential Multi-Unit Zones			x				AH																		No	Option 1 not recommended. Option 2, reducing setback to 15' and requiring more intense buffer, open to discussion (Option 2.2).
23.147		Division 23-4D-3 3050 - 3090; RM1A-RM5B			x																						No	See adendum
23.150		Division 23-4D-3 Residential Multi-Unit Zones			x				AH																		No	

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23.231		Division 23-13A-2 (Land Uses), Division 23-4D-7 (Commercial and Industrial Zones), Division 23-13A-2 (Land Uses)	Commercial and Industrial Zones, Land Uses			X	GA			CK														Breweries and Microbreweries	Yes - if there arey any issues we should be aware of with these changes.		23-4D-7030	Sec. 23-13A-2030, "Manufacturing and Storage", change 3(e) ("Brewery/distillery/winery which manufacture more than 15,000 barrels of beverage...") from 15,000 barrels to 5,000 barrels, and move it from "Manufacturing and Storage - Restricted" to "Manufacturing and Storage - General". Table 23-4D-7030(A), "Allowed Uses in Commercial and Industrial Zones," change Manufacturing and Storage - General from not allowed to CUP in Commercial Recreational, and from CUP to P Industrial Flex. Sec. 23-13A-2030, "Micro-Brewery/Micro-Distillery/Winery," change "15,000 barrels" to "5,000 barrels". Sec. 23-4E-6220(B), "Requirements for a Brewery/Winery/Distillery," change: (1) Allowed. The sale of beer, ale, wine, or distilled liquor produced on-site for on-site consumption must comply with Section 4-9-4 (Minimum Distance from Certain Uses).	This addresses a problem in Draft 3 that incorrectly distinguishes between microbreweries and breweries and is then overly prescriptive for microbreweries. The break between microbreweries and production breweries is about 5,000 barrels per year. This amendment changes the break from 15,000 to 5,000. It restores breweries as an allowed use in Industrial Flex, which is where at least one Austin brewery is today but was left out of the zone. It also removes restrictions on micro-breweries with tasting rooms that far exceed bars or restaurants that serve alcohol, and replaces the restrictions with a reference to the city ordinance that governs distance requirements for alcohol sales and restaurants that serve alcohol.	No	See row 23.299
23.232						X	GA			CK														Breweries and Microbreweries	Yes - if there arey any issues we should be aware of with these changes.		23-4D-7030	(a) Is an allowed use, if the use is at least 540 feet from any single-family residential use, as measured from lot line to lot line; (b) Is a conditional use, if the use is less than 540 feet from any Residential House Scale Zone, as measured from lot line to lot line; and (c) Except as provided in Subsection (B)(2), must not exceed the lesser of 33 percent or 5,000 square feet of the total floor area of the principal developed use. (2) On-site Consumption Area (a) During a tour, on-site consumption is allowed in an area that exceeds the lesser of 33 percent or 5,000 square feet of the total floor area of the principal developed use. (b) If the use is located in Airport Overlay Zones AO-1, AO-2, or AO-3, on-site consumption is allowed in an area that exceeds the lesser of 33 percent or 5,000 square feet of the total floor area of the principal developed use. (3) Increased Square Footage. During the conditional use permit approval process, the Planning Commission or city council may increase the square footage allowed under Subsection (B)(1)(c)	This addresses a problem in Draft 3 that incorrectly distinguishes between microbreweries and breweries and is then overly prescriptive for microbreweries. The break between microbreweries and production breweries is about 5,000 barrels per year. This amendment changes the break from 15,000 to 5,000. It restores breweries as an allowed use in Industrial Flex, which is where at least one Austin brewery is today but was left out of the zone. It also removes restrictions on micro-breweries with tasting rooms that far exceed bars or restaurants that serve alcohol, and replaces the restrictions with a reference to the city ordinance that governs distance requirements for alcohol sales and restaurants that serve alcohol.	No	See row 23.299
23.233			7030 – Allowed Uses and Permitting Requirements			X													TS					Bars and Nightclubs	NO		Table 23-4D-7030(A)(6)		Bars and Nighclubs not permitted in commercial and industrial zones	N/A	comment
23.235			7050-7100: CR, CW, IF, IG, IH, RD			x												TS						Compatibility	NO		Table 23-4D-XXXX(D) Height	RELOCATE AND MODIFY: Table 23-4D-XXXX (___)- Height (4) Compatibility Height Stepback to new 23-4E-6 Compatibility	Consolidate compatibility requirements.Simplify compatibility requirements. Resulted from ZAP/PC Compatibility working group.	No	Staff supports information within each zone.
23.236		Division 23-4D-8	Other Zones																											-	
23.237		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, reuirements are subject to adjustment under section 23-4E-3060, Off- (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-		No	Staff is not recommending adding new regulations to F25. However, because current parking regulations are outside of Title 25, staff recommends referencing current parking standards in the F25 Section.
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, reuirements are subject to adjustment under section 23-4E-3060, Off- (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				GA																	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, reuirements are subject to adjustment under section 23-4E-3060, Off- (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					AH				JSC												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 compatibility to exist

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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	MUCKOLS	OLIVER	SCHISLER	SEGER	SHIEH	THOMPSON	WHITE	SHAW	BURKARDT	MENDOZA	TEICH			GENERAL	SPECIFIC SECTION						
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) 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: (1) Rezone properties within the F25 zone to current zones established in this Title and gradually eliminate Planned Development Agreements (PDAs), Neighborhood Combining and Conservation District (NCCDs); and conditional overlays (COs); and (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.	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										JT							F25	No	Yes	23-4D-8080	Delete all parking requirements from F25	If F25 isn't deleted as recommednd, 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						AH															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				CK													F25 compatability 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 compatability 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 compatability 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			CK														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	
23.248		Division 23-4D-8	Other Zones				X		AH	FK														Public Zoning	No	No	23-4D-8090	"(A) Purpose. Public (P) zone is intended for areas that are government-owned civic, public institutions, or <u>public or affordable housing</u> , indoor or outdoor active recreation uses. (B) Additional Requirements (1) Residential Uses. If a residential use is <u>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.</u> (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.	
23.251		Division 23-4D-8	8110 - Planned Unit Development				X											TS						PUD		NO	8110 (G)(2)(c)	DELETE: (c) Uses green water quality controls as described in the Environmental Criteria Manual to treat at least 50 percent of the water quality volume required by this Title.	Environmental Commission recommendation. No longer superior compared to CodeNext,	No		
23.252		Division 23-4D-8	8110 - Planned Unit Development				X											TS						PUD-Tree Protection		NO	8110 (G)(2)(m)	(m) Preserves all heritage trees, preserves 75 percent of the caliper inches associated with native protected size trees, and preserves 75 percent of all of the native caliper inches.	Environmental Commission recommendation.	No		
23.253		Division 23-4D-9	Overlay Zones				X																									-
23.254		Division 23-4D-9	Overlay Zones																					Downtown Overlay		Yes	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											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(D)(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										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.	
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24.21	Division 23-4E-3	Parking and Loading			X	GA																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																										

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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.		
24.52		6310 -Restaurant Late Night Operation		X													TS						Restaurant Late Night Operation	YES		6310(C)	(C) Live Entertainment. Live entertainment is allowed if the amplified sound does not exceed 70 "A"-weighted decibels from the hours of _____ to _____, measured at the property line of the licensed premises. In this subsection, "premises" has the meaning ascribed to it in the Texas Alcoholic Beverage Code.	Are there hours that this should apply? Should this limit be in all zones?	No	Restaurants wit Late Night Operations are regulated through the Use Charts in 23-4D
24.53		23-4E-6340 Short Term Rentals							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						Single-Family Attached	YES		Add new section	ADD RELEVANT SECTIONS OF 6160 AND (D) Single Family Attached units are subject to the following requirements: (1) The two units must have a common floor and ceiling or a common wall, which may be a common garage wall, that: (a) extends for at least 50 percent of the maximum depth of the building, as measured from the front to the rear of the lot; and (b) maintains a straight line for a minimum of four foot intervals or segments. (2) The two units must have a common roof. (3) At least one of the two units must have a front porch that faces the front street and an entry to the dwelling unit, except that units located on a corner lot must each have a front porch that faces a separate street and an entry to the dwelling unit. (4) The two units may not be separated by a breezeway, carport, or other open building element.(5) On a lot less than 10,000 square feet the use must not exceed 6 bedrooms.	Need design standards for new single family attached. 23-5C-2060 includes 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															Affordability	No		23-4E-6	"(A) Purpose: This section established the requirements to develop cooperative housing units and to reuse existing residential buildings to accommodate cooperative housing opportunities. (B) Occupancy Requirement. The bedrooms and residential space within a Cooperative Housing unit on a site must be occupied by residents who have shares if the cooperative corporation sells shares. Bedrooms and residential space may be occupied by residents undergoing a trial period of defined duration for membership in the nonprofit or cooperative corporation. (C) Operation. A Cooperative Housing unit must be operated by a cooperative or nonprofit corporation whose members reside on the site. (D) Additional Requirements for Cooperative Housing in a RR, R1-R4, RM, MS, MU Zone. The requirements of the base zone apply, unless modified by Table 4E-6150.	Allow housing cooperatives in R zones to have more flexible site development standards to encourage their efficient and effective development.	Neutral	this appears to be language added to Specific to Use that pertains to Cooperatives, need to be sure it does not conflict with definition of cooperative housing
24.56	Division 23-4E-6	Specific to Use			x			FK															Affordability	No		23-4E-6	(E) Additional requirements for Cooperative Housing organized as a Cottage Court. a. A housing cooperative may follow the design requirements for Cottage Courts if the Cottage Court type is allowed in the base zone. 2. A housing cooperative organized as a Cottage Court shall follow the Development Requirements established in Section 23-4E-6150 of this Titl. 3. A housing cooperative organized as a Cottage Court shall be eligible for 4 additional bonus units when participating in the Affordable Housing Bonus Program. (F) Combining Lot and Open Space Requirements. Lot area and open space requirements may be combined and shared among cooperative housing units with conditional use approval provided that the overall density remains consistent with standards defined in this Section. (G) Alternative Site Design Compliance. If a multifamily use is converted to a cooperative housing use and participates in the Affordable Housing Density Bonus Program, it may be expanded or altered without requiring related to building placement, open space placement, parking placement, and setbacks.	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 adressng 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															Residential			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 deminsion, so long as we maintain some form of open area requirement
24.59	Division 23-4E-6	Specific to Use			X			AH															Residential			23-4E-6150 (A)	Table 4E-6150 (A) Cottage Court Requirements Area 4,000-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															Residential			23-4E-6150 (A)	Amendment: Change open space width minimum. Replace open space width minimum to 20' clear minimum <u>on lots over 100' wide, and 10' clear minimum on lots less than 100' wide</u>	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															Residential			23-4E-6150 (A)	Open space requirements cannot be met with open space that is provided in a required front or side-street setback on lots that are 100' or greater in width	Requirement cannot be met on lots less than 100' wide.		see above
24.62	Division 23-4E-6	Specific to Use			X			AH															Residential			23-4E-6150 (A)	The main entrance to the court from the front street.	This does not allow enough flexibility for corner lots.	No	this language can be clarified to say that on corner lots the pedestrian main entrance needs to be accessible from at least one front street, though the concept of the open space is to have pedestrian access and it seems reasonable that a corner lot would have some kind of path or access from both streets
24.63	Division 23-4E-6	Specific to Use			X			AH															Residential			23-4E-6150 (A)	On a corner lot, the units adjacent to the side street must front both the court and the street.	If unit is on corner, they should have access from either main or side street.	Neutral	
24.64	Division 23-4E-6	Specific to Use			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

CHAPTER ARTICLE	DIVISION TITLE	A			B												C	D	E		F	G		H					
		DESIRED PROPOSED CHANGES TO D3			INITIATED BY COMMISSIONER												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					
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	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 unrelated 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> <u>Staff suggested language adjustment: Cooperative Housing use, not land use designation</u>
24.73	Division 23-4E-7	Additional General Standards		X	GA	AH																Affordability	No		23-4E-7040	(A) Maximum Occupancy. <u>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.</u>	Per NHCD's own affordability impact statement the limit as it stands today at four unrelated adults unnecessarily 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

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							ANDERSON	HART	KAZI	KENNY	MCGRAW	NUCKOLS	OLIVER	SCHISLER	SEEGER	SHIEH	THOMPSON	WHITE	SHAW	BURKARDT	MENDOZA	TEICH			GENERAL	SPECIFIC SECTION					
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 if 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;(3) 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	8 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																									-			
25.2			1010							KM															add Item 13) Ensure to the greatest extent legal that additions and subdivisions result in complete communities.		neutral				
26	Article 23-5B Subdivision Procedures																														
26.1		Division 23-5B-1	General Requirements																									-			
26.2			1050 - Variance Determination			x											TS			Large Residential and PUD platting requirements	NO			1050	(B) Variance Criteria for Specially Approved Development.(1) If a preliminary plan or final plat is associated with a mass housing project, a planned unit development, or a similar specially approved development, the Land Use Commission may grant a variance from a requirement of Article 23-5C (Platting Requirements) if the Land Use Commission determines that: remove special variance for PUDs. PUDs should demonstrate criteria in 1050 (A) for variance.	neutral	This is from the current code. The item is to remove impediments to affordable housing projects.				
A-26.2.1														JSh										23-5B-	Consent disapprovals for subdivisions may be set to either land use commission for review and action.						

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31.3		Division 23-7A-1:	General Provisions			X								Jsc										Historic Zoning			GENERAL	SPECIFIC SECTION	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.	This will provide regulatory certainty and identify properties that are not currently protected but should be.		STAFF RESPONSE
A-31.3.1			23-7A Historic			x								PS										Historic Preservation			23-7 23-7A-1020	Include Historic Landmark Commission recommendations 20180423. Change 45 back to 50 years	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) Why is there a change of age from National Historic guidelines of 50+ years. Change back to			
32	Article 23-7B: Building Demolition and Permits																															
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											Historic Zoning			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											Historic Zoning			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																															
38	Article 23-8B: Regulations Applicable to All Signs																															
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																													
38.5		Division 23-8B-4:	Non-conforming Signs																													
39	Article 23-8B: Regulations Applicable to Sign Districts and Sign Types																															
40	Article 23-8D: Enforcement and Relief Procedures																															
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																		Rough Proportionality	No		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.		
41.3		Division 23-9A-1:	Policy and Administration			X	GA																		Rough Proportionality	No		23-9A-1050	MUNICIPAL TRANSPORTATION INFRASTRUCTURE IMPROVEMENTS. A transportation improvement that mitigate the impacts of development on the City's transportation system, including the construction or funding of system improvements and the dedication or improvement of right-of-way beyond the boundaries of a development or in excess of that required by generally applicable design standards. The term does not include dedications or improvements to directly serve a development under generally applicable development regulations.	This definition needs modification and is important as it relates to offsets with rough proportionality requirements. The last sentence in this definition should be deleted. This sentence is problematic because it is unclear what types of improvements would be excluded and could be interpreted in many different ways. rough prop should be allowed for land onsite.		
41.4		Division 23-9A-1:	Policy and Administration			X								Jsc											Transportation Criteria	Yes		23-9A-1030 (B) (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;	Rough proportionality should be defined in code, not criteria manuals. This section states that standards for important transportation matters such as Rough Proportionality standards should be set forth in a Transportation Criteria Manual that the public has not seen or had the ability to review and provide input. Leaving such important standards to be determined outside of the revised LDC process and in a criteria manual written in the future does not provide clear guidance and predictability.		

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41.5	Division 23-9A-1: Policy and Administration			X							Jsc												Municipal Transportation Infrastructure	Yes		23-9A-1050	MUNICIPAL TRANSPORTATION INFRASTRUCTURE IMPROVEMENTS or TRANSPORTATION INFRASTRUCTURE IMPROVELMENTS. A transportation improvement that mitigate the impacts of development on the City's transportation system, including the construction or funding of system improvements and the dedication or improvement of right-of-way beyond the boundaries of a development or in excess of that required by generally applicable design standards. The term does not include dedications or improvements to directly serve a development under generally applicable development regulations.	This definition needs modification and is important as it relates to offsets with rough proportionality requirements. The last sentence in this definition should be deleted. This sentence is problematic because it is unclear what types of improvements would be excluded and could be interpreted in many different ways.		
41.6	Division 23-9A-2: Proportionality of Transportation Infrastructure Requirements																													
41.8	Division 23-9A-2: Proportionality of Transportation Infrastructure Requirements			X							Jsc												Codify policies	Yes		23-9A-2		Policies regarding what is considered part of a project rough proportionality shall be included in code, not criteria manual. This includes definition of "Municipal transportation infrastructure improvements" (23-9A-1050)		
41.10											Jsc															(D) To aid in making a proportionality determination and identifying required infrastructure improvements, the director may: (1) Adopt administrative guidelines setting forth assumptions, procedures, formulas, and development principles used in making a proportionality determination; and (2) if an applicant contests the director's proportionality determination, require an analysis under Article 23-9C (Transportation Review and Analysis) that would otherwise not be required or other information related to traffic and safety impacts. Proposed modifications to the rough proportionality procedures shall be adopted only via modification to this code section as approved and adopted by City Council.	Cont'd			
41.11	Division 23-9A-2: Proportionality of Transportation Infrastructure Requirements			X							Jsc												Proportionality Determination	Yes		23-9A-2020 (B)	Strike the following language in item (B): " prior to approval of an application for which dedication of right of way or other construction or funding of system transportation improvements is required. " and replace with " <u>within 60 days of submission of a TIA, TDM, or other traffic study for the project.</u> "			
41.14	Division 23-9A-2: Proportionality of Transportation Infrastructure Requirements			X	GA						Jsc												Rough Proportionality	No		23-9A-2020 B	"(B) The director shall issue a written determination of an applicant's roughly proportionate share of transportation infrastructure costs attributable to a proposed development prior to approval of an application for which dedication of right-of-way or the construction or funding of system transportation improvements is required. A determination issued under this section: (1) Need not be made to a mathematical certainty, but is intended to be used as a tool to fairly assess the roughly proportionate impacts of a development based on the level of transportation demand created by a proposed development relative to the capacity of existing public infrastructure; (2) Shall be completed in compliance with generally recognized and approved measurements, assumptions, procedures, formulas, and development principles; and	A clearly defined Rough Proportionality (RP) review process, including standardized procedures for making determinations, needs to be established. There is no specific process defined in current code nor in Draft 3. The RP review process should be written in a manner that is predictable.		
41.12	Division 23-9A-2: Proportionality of Transportation Infrastructure Requirements			X							Jsc												Proportionality Determination	Yes		23-9A-2020 (B) (3)	(3) Shall state the roughly proportionate share attributable to the property owner for the dedication and construction of transportation-related improvements necessary to ensure an effective and safe transportation system that is sufficient to accommodate the traffic generated by a proposed development that will improve the transportation system immediately affected by the development to best mitigate the increased traffic caused by the development, as much as can be achieved considering physical and financial constraints. This statement shall not be intended as a measure to lessen density or deny development permit approvals along transportation ways that are in poor operating condition prior to proposed new development activity.			
41.15											Jsc												Rough Proportionality	No			(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 Commision for a recommendation to Council. Council shall approve the rules, reject them, or approve them with modifications.	Continued from above		
41.9	Division 23-9A-2: Proportionality of Transportation Infrastructure Requirements			X							Jsc												RP Infrastructure	Yes		23-9A-2020 (C) & (D)	(C) If a proposed development is subject to a proportionality determination under this section, the director shall identify in writing all transportation infrastructure improvements required in conjunction with approval of the development application. The infrastructure improvements may include right-of-way dedication, the construction or funding of system improvements, or any combination thereof, in an amount not to exceed the total roughly proportionate share as established by the proportionality determination. RP definition shall include: (1) The land value (as determined by appraisal) of all dedicated ROW within or adjacent to a property as required by the City, (2) the hard cost of all transportation improvements associated with a project or required of a project by the City except for those associated with private on-site drives and parking, (3) the design and permitting "soft" costs associated with any required transportation improvements determined via a TIA or otherwise required by the City. --	RP requirements and inclusions should be determined prior to adoption of code and listed within Code.		
41.13	Division 23-9A-2: Proportionality of Transportation Infrastructure Requirements			X							Jsc												Proportionality Determination	Yes		23-9A-2020 NEW SECTION (E)	<u>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.</u>			
42	Article 23-9B: Right-Of-Way Dedication and Reservation																													
42.1	Division 23-9B-1: General Provisions																													

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	SEEGER	SHIEH	THOMPSON	WHITE	SHAW	BURKARDT	MENDOZA	TEICH		GENERAL			SPECIFIC SECTION						
42.2	Division 23-9B-1: General Provisions			X							JSc											Right-of-Way Variance	Yes		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											Right-of-Way Variance	Yes		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											Dedication of right of way and construction of improvements	Yes		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											Adjacent roadway improvements	Yes		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											Dedication of right of way and construction of improvements	Yes		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											Dedication of right of way and construction of improvements			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.				
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					
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						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 financial constraints of Rough Proportionality.	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							Yes					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							Yes					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 <u>2,000</u> 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							Yes					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.					

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44.5	Division 23-9D-1: Action on Development Application			X							Jsc											Nonzoning			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			X							Jsc											Transportation			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											Transportation			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			X							Jsc											Transportation			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			X							Jsc											Transportation			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			X							Jsc											Transportation			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																													
45.5	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																												N/A	
46.3	Division 23-9F-3: Street Layout																													
47	Article 23-9G: Road Utility Districts																													
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			X							Jsc											Nonzoning			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 upsize an existing line, but that	No		
48.5	Division 23-10A-4: Tap Permits																												-	
48.6	Division 23-10A-4: Tap Permits		X								Jsc											Nonzoning			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		Yes	The deletion is acceptable.	
49	Article 23-10B: Water Districts																													
49.1	Division 23-10B-1: General Provisions																												-	
A-49.1.1	Division 23-10C-1: General Provisions		X								Jsc											Nonzoning			23-10C-1030 (C)	Funds may be disbursed as reasonably necessary to carry out the purposes; provided that a fee shall be expended within a reasonable period of time, not to exceed 10 years, from the date the fee is deposited into the account. <u>In the event that a fee is not expended within 10 years of a deposit, it may be reimbursed to the payee.</u>	This clarifies that a fee not used in 10 years may be refunded to the original payee. This should encourage the city to be diligent about expending the funds and performing the capital improvements.	No		Capital Recovery Fees are designated for growth-related projects in the City's service area and are not solely designated for a specific project. As such, Austin Water adjusts its capital spending plan annually to ensure the construction of the most critical growth-related projects. Additionally, Austin Water reassesses its impact fees every five years, in accordance with State law, to
50	Article 23-10C: Water and Wastewater Capital Recovery Fees																													
50.1	Division 23-10C-1: General Provisions																												-	
50.2	Division 23-10C-2: Fee Established																												-	
50.3	Division 23-10C-2: Fee Established		X								Jsc											Nonzoning			23-10C-2050 (A)(1)	(A) Except as provided by Section 23-10C-2060 (Installment Payment Of Impact Fee), or by a contract with a wholesale customer or with another political subdivision, the impact fee due for new development shall be collected: (1) At the time the City of Austin approves a site plan or building plan review; or	This ensures that the impact fee being paid is directly related to the unit that is performing the impact.		Yes	The deletion is acceptable.
51	Article 23-10D: Reclaimed Water																													
52	Article 23-10E: Drainage																													
52.1	Division 23-10E-1: General Provisions																												-	
52.2	Division 23-10E-1: General Provisions			X							Jsc											Nonzoning			23-10E-1050 Obstruction of Waterways Prohibited	Unless authorized by a development application approved in compliance with Title 23, a person may not place, or cause to be placed, an obstruction in a waterway <u>or drainage easement used for overland conveyance if the obstruction would cause impact to the conveyance of the waterway or drainage easement.</u>	Clarifies that an easement may be obstructed, provided that the obstruction does not cause impact to the conveyance.		No	Obstructions to waterways are also a concern if they affect accessibility for maintenance.

[illegible]

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57.2	Division 23-13A-1: Attached		X													TW							DEFINITIONS			13a-1 pg 3	ATTACHED-When used with reference to two or more buildings units, means having one or more common walls or being joined by a roof; covered porch or covered passageway measured 20' in depth from the front lot line to rear.				
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 toreduce 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). <u>Please add.</u>	Small Area Plan (MISSING). Please add. Small area plans are a major city planning tool and are referenced in Draft 3, yet not defined here.	No			
57.6	Division 23-13A-1: Stepback															TW			X							Stepback (MISSING). <u>Please add.</u>	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). <u>Please add.</u>	Urban Core (MISSING). Please add. 'Urban Core' is used throughout Draft 3 to describe geographical areas where certain zoning requirements apply so this needs a clear definition, ideally with live link to map. The draft currently defines it only in the context of Parkland Dedication	Yes			
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	No	not needed. Remove from use		
57.9														JSh									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> "; "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"	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.		
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									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 close with the building's historic form	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 Definitions 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..			
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		Yes

CHAPTER ARTICLE		DIVISION	TITLE	A			B										C	D	E		F	G		H							
				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
57.18		Division 23-13A-2	Land Uses		X				FK																						
57.19			High Opportunity Area															TW													
57.20			Multi-Unit															TW													
57.21			Affordable Housing															TW													
57.22			live/work & work/live		x													TW													
A-57.22.3			Designated Review Group		x													TW													
A-57.22.4			micro units, modular,mobile homes		x																										
57.23			micro units, modular,mobile homes		x													TW													