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 differentation) or major (departure from Draft 3 intent or character). I recognize this is somewhat subjective between minor and major, such as suggesting a small height or setback change that may be small in number that in actuality may be viewed by some as major change. All will be discussed regardless and this is simply an initial organizational tool.

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

4. Under "C", include the most simple identification that can organize code discussions during our deliberations. For Example, "Parking, Compatibility, Environment, ADU, Form, Admin, Mapping, Flooding, Uses, 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.

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)

	l as many rows between divisions as you need to address you	ar raii iist. i wiii	r combine thei	iii togetiit	ci.													
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CHAPTEF	DIVISION		PROPOSED ES TO D3		INITIA	ATED BY (COMMSSIC	ONER	EX (OFFICIO	TOPIC AREA	REQ. ADD'L STAFF FEEDBACK	A	MENDMENT TYPE	SUBSTITUTE LANGUAGE	COMMISSIONER NOTES		
				ANDERSON	(AZI KENNY	MCGRAW	OLIVER SCHISSLER SEEGER	SHIEH FHOMPSON	SHAW SURKARDT	MENDOZA FEICH			GENERAL	SPECIFIC SECTION			YES/NEUTRAL /NO	STAFF RESPONSE
GENERAL			NOR MAJOR				0,0,	Ç,	U, =			YES/NO						
=	-1: Introduction rticle 23-1A General Provisions	NONE MIN	NOR MAJOR									YES/NO	YES/NO					
1.1	Division 23-1A-1 Title, Purpose, and Scope Division 23-1A-3 Classification of Application and Decisions	-			+++		++			Н							-	-
2.6	Division 23-1A-4 Classification of Application and Decisions						JSc				Admin & Procedures				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		Х			S	60				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 indiviudal parcel become problemmatic to typical development conditions.		
2 Art 2.4	rticle 23-1B Responsibility for Administration Division 23-1B-4 Neighborhood Planning																	-
2.5	Division 23-1B-4 Neighborhood Planning Division 23-1B-4 Neighborhood Planning				K	KM		JT			Contact Teams Neighborhood Plans		Yes	23-1B-4010	Neighbrohood Contact Teams may submit plan amendments. When PC first sees a new Neighborhood plan, or small area plan, etc., it is on the dias (or perhaps at SAP) where we are expected to give an up or down vote. There is no method for additional nighborhood feedback other than public hearing. The process should go to PC much sooner so we can provide early feedback.	This should not be removed.		
Chantor 33	3-2: Administration and Procedures	NONE MIN	NOR MAJOR									YES/NO	YES/NO					
A.3.0.1	GENERAL Administration & Procedures)	K					TV	W		Admin	TES/NO	X					
3.1	Division 23-2A-2 Development Process																	-
3.3	Division 23-2A-2 Development Process Division 23-2A-3 Residential Development Regulations	х	Κ					JT			Admin & Procedures	No	No	23-2A-2010 (2) Quasi- Judicial approvals	(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.		CUPs are quasi-judicial approvals
3.5	23-2A-3030 One to Two-Unit Residential		x						TS		One-Two Unit Residential	NO			A)2) Residential development that is subject to this section must comply with the regulations of this Title specified under this section.	Clearer language		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
3.6 3.7	Division 23-2A-3 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		proposed

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CHAPTER	DIVISION	TITLE	IRED PROPOSED HANGES TO D3			INITIATED	BY COM	MSSIONE	ER	EX OFFICI	O TOPIC AREA	REQ. ADD'L STAFF FEEDBACK		AMENDMENT TYPE	SUBSTITUTE LANGUAGE	COMMISSIONER NOTES		
				IDERSON	.ZI	NNY	JCKOLS IVER	EGER	THOMPSON	IRKARDT							YES/NEUTR/ /NO	AL
3.8				AN	HA	KEI	ON	135 15 HS	IT W B	B BU			GENERA	SPECIFIC SECTION	C. Located on an unplatted tract or within a residential subdivision approved more than five years before the building permit application was submitted 1. Acceptable drainage improvements include, 1. An engineer's certification that any changes to existing drainage patterns will not adversely impact adjacent properties 2. swales, grading, gutters, rain gardens, rainwater harvesting systems or other methods on site to preserve OR IMPROVE existing drainage		No	From a review perspective, staff is opposed to revisions to this section that would result in a needed increase in the resources required for review.
3.9	Division 23-2A-3030 & 3040 (B)	Residential House-Scale Zones	X	X									NO	23-2A-3030 & 3040 (B)	construction, remodel, or expansion: Is more than 300 square feet; and Located on an unplatted tract or within a residential subdivision approved more than five years before the building permit application was submitted.	This section incurs high cost along with liability and enforcement concerns for both engineer and homeowner. V3 language shifts liability from the owner of the property to the engineer, which no engineer would ever agree to without obscene fees. At first blush, The cost is estimated at \$3000 in site work plus \$5000 for the letter. Est \$8000 per house for over 5100+ permits last year fitting the requirements = over \$40 million additional cost citywide. Furthermore, "Negative Impact" is vague & subjective. The term does not allow		
											residential and affordability	NO			(2) Install acceptable drainage improvements, such as swales, grading,	for pre-existing deficient conditions on adjacent properties. Drainage		
		letter of no impact	х								water mitigation	X		23-2A-3030 & 3040 (B)		Comment: This section incurs high cost along with liability and enforcement concerns for both engineer and homeowner. V3 language shifts liability from the owner of the property to the engineer. "Negative Impact" is vague & subjective. It does not allow for pre-existing deficient conditions on adjacent properties. Drainage calculations are necessary for engineer review and are known to be inaccurate on small tracts. The cost is estimated at \$3000 in site work plus \$5000 for the letter. Est \$8000 per house for over 5100+ permits last year fitting the requirements = over \$40 million additional cost.		
4.1	Division 23-2B-1	Application Requirements																-
4.3	Division 23-2B-1	Application Requirements	х	T),	SC .			Admin & Procedures					This would create certainty that applications that meet all requirements of completeness will be accepted	No	This is very similar language to today's code. This draft language says that an application is deemed complete after 10 days if rejection comments aren't provided. The PC addition of #4 would move that to 45 days, which would not be helpful to the applicant.
4.4	Division 23-2B-1	Application Requirements	X				JS	SC .			Admin & Procedures			23-2B-1010 (b)	memo, and shall post required application forms and all relevant rules	This clarifies that directors are empowered to adopt application requirements and deadlines only through an administrative rule process, and not via policy memo. The administrative rule process provides due process for all residents and stakeholders.	Neutral	Developing application packages and forms and incorporating content into an application should not be in the rules process. Establishing the minimum information required for a complete application might be an appropriate use of rules (or ordinances); however, the actual design of forms should not be held to the rules review process since the form or application should only be a reflection of requirements already established. The use of policy memos allows staff to make quick administrative decisions when required.
4.5	Division 23-2B-1	Application Requirements	х	ı			25	c			Admin & Procedures			23-2B-1030 Application Completeness (A)(4)(New)	Add (4): An application that has been submitted and not rejected as incomplete in 45 days shall be automatically approved under this section.	This would create certainty that applications that meet all requirements of completeness will be accepted		
4.6	Division 23-2B-1	Application Requirements	X				35	ic			Admin & Procedures			23-2B-1040 Update and Expiration (D)(New)	subsequent updates but is unable to resolve outstanding comments		Yes	
4.7	Division 23-2B-1	Application Requirements	X				25	ic			Admin & Procedures			23-2B- 1050(B)(1)(d)(New)	department.	This section lists different reasons that a delay shouldn't lead to an application expiring. A common delay that isn't on this list is legal review. Because legal review is outside the control of the applicant, it makes sense to not having an application expire when the city legal department is reviewing it.		
4.8		Application Requirements	х				15	С			Admin & Procedures			23-2B-1060	Remove entire section (23-2B-1060) If an application expires, all other unapproved applications for that development, which are listed below the expired application under Section 23-2A-2010 (Order of Process), also expire.	There's no reason to have all other items expire when one does - effectively resetting something back to zero. Other applications may still be going through a normal due process.		
4.13	Division 23-2B-2	Review Procedures Review Procedures Fees and Fiscal Surety	X				JS	ic			Admin & Procedures			23-2B-2010 (A)		This would add certainty to the development review process and ensure staff is meeting timely deadlines. The director should not be responsible for setting his/her own deadlines.	No	Review turnaround times are impacted by application volume and available resources. While turnaround times need to be established by a process that is vetted with stakeholders, these administrative issues were removed from Title 25 and moved into the criteria manuals to be adopted via the rules process. Adopting review times by rules preserves the stakeholder engagement component and provides staff with the flexibility to make adjustments based on the previously identified factors without having to initiate a code amendment.
4.14	Division 23-2B-3	Fees and Fiscal Surety	х				JS	c			Admin & Procedures			23-2b-2030(C)	Add (3) the improvements for which the fiscal surety esd posted are not constructed within ten years	This is current policy for improvements such as transportation improvements.		
4.12	Division 23-2B-2	Review Procedures	X				25	CC			Admin & Procedures			23-2B-2050	2 years after issuance of development assessment by City of Austin. (F) Determinations or Code interpretations made at the time of a Development Assessment shall be upheld through the application	Uncertainty drives complexity and project cost, and having an upfront development assessment will significantly improve outcomes.		
															review process for all project development applications so long as the initial application for development is submitted prior to expiration of the development assessment."			

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ARTIC	DIVIS	 	DESIRED PROPOSED CHANGES TO D3	-	INITIATI	ED BY CO	OMMSSION	NER	EX OF	FICIO	TOPIC AREA	FEEDBACK	AMENDMENT TYPE	SUBSTITUTE LANGUAGE	COMMISSIONER NOTES	
				Z												YES/NEUTRAL
				DERSO	INY GRAW	CKOLS	HISSLEF GER	EH OMPSC ITE	AW RKARD	CH CH						/NO
5	Article 23-2C Notice			A H	KEN KAZ		SEE	동본	SH/	TE ME			GENERAL SPECIFIC SECTION			STAFF RESPONSE
5.2 5.5		Notice Requirements Notice of Applications and Administrative		+												-
5.6	Division 23-2C-5	Decisions Notice of Applications and Administrative Decisions							TS		Notice of		23-2C-5010 (D)		Change to 30 days. 14 days is not enough time after notice issued for impacted	No Staff is supportive of retaining the 14 days
											Notice of Application	NO		responsible director may not approve an application for which notice is required under this section sooner than 14 30 days after the date	parties to receive notice and respond. [This is process required by MOPS]	
6 6.1	Article 23-2D Public F Division 23-2D-1	Hearings Conduct of Public Hearings	^											that notice is provided.		-
6.2	Division 23-2D-1	Conduct of Public Hearings	х		KN	и			TS		Public Hearing	NO	23-2D-1010	Add: (A)(6) With approval of the chair, the order of presentation of those supporting and opposing the application or proposal may be	23-2D-1020: Suggest alternating between those opposed and supporting instead of allowing all supporting presentations to go first.	
7	Article 23-2E Legislat	ive Amendments									Order			modified to accommodate those present.		
7.2 7.3	Division 23-2E-2	Plan and Map Amendments 2030 -Neighborhood Plan Amendment	x						TS				2030 -Neighborhood	ADD: (L) CONVERSION OF NEIGHBORHOOD PLANS FUTURE LAND USE	Where there are conflicts with approved neighborhood plan and new zoning	
											Neighborhood		Plan Amendment	MAPS (FLUMs) No Neighborhood Plan Amendments will be amended	requirements, which takes precedent when and individual or entity requests an amendment?	
											Plan Amendments	NO		Chapter 25 zones to new Chapter 23 zones within the land use classifications identified in the Neighborhood Plan FLUM.		
7.4	Division 23-2E-2	2030 -Neighborhood Plan Amendment	X				JSc						23-2E-2030	"()	In this minor amendment to neighborhood plans, neighborhood contact teams	
														(B) Applicability	should not be allowed to initiate the down zoning of specific parcels.	
														(1) Individual Property. A neighborhood plan amendment		
														regarding an individual property may be initiated by: (a) The owner of the subject property;		
														(b) The council; (c) The Planning Commission; or		
														(d) The responsible director.; or (e) The neighborhood plan contact team for the planning area in		
											Admin & Procedures			which the property is located ()		
														(D) Meetings, Hearings, and Notice ()		
														(5) Responsibility for Cost of Notice (a) Individual Property		
														(i) For a neighborhood plan amendment regarding an individual property, the applicant is responsible for the cost of notice, unless the		
														applicant is a neighborhood plan contact team if the applicant is the owner of the subject property.		
														(ii) If the applicant is a neighborhood plan contact team, the City is responsible for the cost of notice. "		
7.5	Division 23-2E-2	Plan and Map Amendments	х				JSc				Admin &		23-2E-2030 (K)	(K) Map and Filing Date. The responsible director shall establish a map designating the area of the City for which a neighborhood plan	In this minor amendment to neighborhood plans, amendments may be submitted at any time, and not just one time per year. This once per year	
											Procedures			amendment must be submitted in February and the area for which an application must be submitted in July.	regulation creates an unnecessary burden on amending neighborhood plans.	
7.6	Division 23-2E-2	2030 -Neighborhood Plan Amendment	x						TS		Neighborhood		2030 -Neighborhood	(H) Director's Recommendation. The responsible director may	(H) Does applicant have to demonstrate that all conditions are met? If	
											Plan Amendments	NO	Plan Amendment (H)	recommend approval of the neighborhood plan amendment only if the applicant meets all of the following requirements: demonstrates	so,wording should state that.	
7.7		2030 (E) Pre-application Meeting			KIV	и								Application to amend a Neighborhood Plan or for a zoning change where a FLUM was not created but a neighborhood plan was	Some NP's do not have FLUMS and therefore are not currently entitled to a Preapplication meeting for a zoning change. The meeting is important especially	
8	Article 23-2E Quasi-lu	Idicial and Administrative Relief												_ · · · · · · · · · · · · · · · · · · ·	when changing zoning to a more intense zone.	
8.1	Division 23-2F-1	Variances and Special Exceptions Variances and Special Exceptions	x				ISC						23-2F-1040(C)	(C) An administrative modification granted under Section 23-2F-2040	This proposed language clarifies that a public hearing and public notification is	
											Public Hearing and	No	25 21 25 15(6)	does not need a public hearing or public notification.	not needed for administrative variances since administrative variances are determined by the land use official, not the board of adjustments.	
8.3	Division 23-2F-2	Administrative Relief Procedures		+							Notification					
8.4		2040			KN	И					Administrative Modifications			The allowed modification should not exceed 2% for coverage, setback or height.	Condones large errors. Designers should build in room for minor construction errors.	
8.8	Division 23-2F-2	Administrative Relief Procedures										No	23-2F-2030 Exempt Residental Uses and	(A) Purpose. (1) This section authorizes the building official to issue a certificate of	This section is a major shift from the current Land Development Code Amnesty Certificate of Occupancy (CO) provisions that will potentially have major impact.	
													Structures	occupancy for certain noncompliant residential structures established	By restricting and limiting the exemptions for CO to only residential uses, many people will be unable to get certificates of occupancy for older commercial	
														(2) The purpose of this section is to avoid the unnecessary loss of residential housing opportunities available to Austin residents and	structures and thus will be unable to get financing to continue with the project (which requires a CO through the Amnesty program currently in place). The	
											Nonconformity			Iteauce the costs to homeowners associated with remedying	effect is that commercial properties will have to come into compliance with current code to get a CO, to do upgrades, tenant improvements, etc. This will be time consuming and expensive. Further, this could cause defaults under many	
														(5) This section further seeks to minimize the costs to the City	financing documents.	
														associated with enforcing residential code violations that predate the advent and implementation of electronic property records and		
								 _{TL}						tracking methods and that do not pose a threat to public heath health and safety.		
8.9	Division 23-2F-2	Administrative Relief Procedures										No	23-2F-2030 Exempt Residental Uses and	(D) Status of Affected Properties. If the building official approves a certificate of occupancy under this section:(1) The structure becomes	This section needs to be rewritten. Under current Code, the general restrictions applicable to nonconforming uses and structures are limited to cases of	
													Structures	a nonconforming structure under Article 23 2G (Nonconformity), if the structure does not comply with applicable site development	noncompliance with zoning regulations. However, issues of nonconformity frequently arise in other contexts as well, such as where a structure does not	
														regulations on the date it receives the certificate of occupancy; and	meet current watershed or drainage regulations but did meet the regulations applicable at the time it was constructed. This section relates back to Article 23-	
											Nonconformity			(Nonconformity) if it is unpermitted in the applicable base zone on the date the structure in which the use or occupancy is located	G and this is another issue. By extending the concept of nonconformity to other site development regulations of the Land Development Code, besides just zoning district regulations. Article 22, 26 clarifies staff's authority to limit	
														receives the certificate of occupancy.	zoning district regulations, Article 23-2G clarifies staff's authority to limit modifications that increase the degree of nonconformity with other kinds of City regulations	
								 _{TL}							regulations.	
8.10						TN							23-2F-2040(c)(2)	In Table 23-4F-2040(A), delete "Decrease in minimum open space adjacent to bus rapid transit (BRT) stations."	Imagine Austin calls for complete communities. Complete communities need open space near BRT stops, so don't allow it to be eliminated.	
8.11	Division 23-2F-3	Limited Adjustments			1			+								

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								z		Ш							YES/NEUTRAL	
			ERSO	⊢	NY SRAW	KOLS	SSLER SER	H MPSO	W KARDI	IDOZA H							/NO	
9.5	Division 23-2F-2 2050 - Alternative Equivalent Compliance		AND	HAR KAZI	MCG REN	OLIV OLIV			SHA BUR	MENDO?			GENERAL	SPECIFIC SECTION 2050 - Alternative	(C) Modification Thresholds	Protection of natural site features and heritage trees is required. This will result		STAFF RESPONSE
6.5	Division 23 21 2 2000 Arternative Equivalent compilance									Ш				Equivalent Compliance	(1) If the director finds that a request for an alternative equivalent	in abuse.		
										Ш	Alternative Equivalent	NO		(C)	compliance meets the criteria in Subsection (D), the numeric standard for the design feature listed in Table (A) (Types of Alternative			
										Ш	Compliance	I NO			Equivalent Compliance Allowed) may be modified by: (a)Up to 10 percent, for any design purpose;			
										Ш					(b)Up to 20 percent, if necessary to protect an existing natural site feature; or			
8.6	2050 - Alternative Equivalent Compliance	х							TS	Н				2050 - Alternative	(c)Any amount, if necessary to preserve a heritage tree. Remove from Table: Decrease in the minimum distance between a	Too broad. Remove all items that are not specific enough to know affect of 10% reduction or that should be decided in consult with other departments.		
										Ш				Equivalent Compliance; Table 23-2F-2040(A)	routes, Decrease in minimum drive-through circulation lane width,	reduction of that should be decided in consult with other departments.		
										Ш	Alternative Equivalent	NO			Modification of building design standards, Modification of building articulation requirements, Modification of building entrance			
										Ш	Compliance				requirements, Modification of entryway spacing and location, Increase of the portion of open space above ground level that may be			
															counted towards compliance, Decrease in minimum open space adjacent to bus rapid transit (BRT) stations			
8.7	Division 23-2F-2 Administrative Relief Procedures	x				J	ISc							23-2F-2050(A)(2)		This proposed language allows alternative equivalent compliance in any zone. The City should support alternative equivalent compliance where apporipriate as		
										Ш	Alternative Equivalent	No			section, and may not be used to vary or modify zone regulations, such	it encourages creative and original design and accommodates developments where particular site conditions or the nature of a proposed use prevent strict		
										Ш	Compliance				as height, setbacks, impervious cover, building coverage, or floor area ratio.	compliance with the code and therefore should be allowed in all zones		
9	Article 23-2G Nonconformity Division 23-2G-1 General Provisions																-	
9.4	Division 23-2G-1	х		С	СК	\top	\top	\top					in this division			This amendment ensures that any current single-family residential property owner who is rezoned under CodeNEXT does not have a reduction in available		
										Ш	Rezoned Residential Non-	Yes - Brent				entitlements. They maintain their non-conforming (allowed, though not in compliance) and are not subject to the loss of their status through the usual		
										Ш	Conforming structures	Lloyd is working on it				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		
										Ш						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					J	ISc							23-2G-1010 Purpose, Applicability, and	, , , , ,	This section needs to be reviewed and rewritten. This states that any nonconforming uses under the extended definition of "nonconforming" must be		
										Ш				Review Authority	(1) A use, structure, or lot within the zoning jurisdiction that is nonconforming to land use or site development regulations under	in effect reviewed by the Planning Director and will ultimately go to BOA.		
										Ш					Chapter 23 4 (Zoning) or a separately adopted zoning ordinance; and (2) A structure or lot within the planning jurisdiction that is			
										Ш					nonconforming to other applicable regulations of this Title.			
9.11	Division 23-2G-1 General Provisions						+	++				Yes		23-2G-1010 Purpose,		This section needs to be reviewed and rewritten. This states that any		
								 T		Ш	Nonconformity			Applicability, and Review Authority		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							 		Ш	Non			1010 (A) (2)	Delete	Too onerous		
										Ш	Non- conformity	NO						
9.7	Division 23-2G-1	X X		+		J	ISc		15					23-2G-1020	, ,	This section needs to be reviewed and rewritten. This states that any		
										Ш				Nonconforming Status	loading area, that does not comply with site development regulations	nonconforming uses under the extended definition of "nonconforming" must be in effect reviewed by the Planning Director and will ultimately go to BOA.		
															is a nonconforming structure if it existed lawfully, in conformance or legal nonconformance with applicable site development regulations.			
												Yes			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.			
															Compry with applicable site development regulations.			
9.12	Division 23-2G-1 General Provisions				+	+	++	++						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		
		x						_T[Nonconformity	Yes				in effect reviewed by the Planning Director and will ultimately go to BOA.		
9.5	Division 23-2G-1 General Provisions	X		FK										23-2G-1050 (B)	Add section: (6) Conversion to Cooperative Housing. A nonconforming use operating within a multifamily building may be replaced by	Coops work and must be allowed wherever possible		
											News				Cooperative Housing and allowed to expand or extend beyond the floor area that is occupied on the date it became a nonconforming			
											Nonconformity	Yes			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.			
9.10	Division 23-2G-1 General Provisions	х				ı	ISc							23-2G-1050(B)(3) and (4)	nonconforming use may not be established or replaced by another	This proposed language deletes Section 23-2G-1050(B)(3) and clarifies that nonconforming uses in any building can be replaced with another comparable or	No Not necessary- nonconfo	orming can already change to a permitted
															nonconforming use, except as provided in Subsection (B)(4).	lesser intensity use. The city should allow a lesser non-conforming use be allowed anywhere, as it reduces intensity of the existing use while preserving the		
															(4) Conversion of Nonconforming Uses in Residential Buildings. A nonconforming use operating within a single or multi family any	existing building.		
											Continuation of Nonconformity	No			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).			
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CHA	DIVISION	DESIRED PROPOSED CHANGES TO D3		INIT	ITIATED	BY COMN	/ISSIONEF	R	EX OFF	ICIO T	OPIC AREA	STAFF FEEDBACK	An	MENDMENT TYPE	SUBSTITUTE LANGUAGE	COMMISSIONER NOTES		
			SON		A S	SIS * LER		PSON	RDT 0ZA	ш							YES/NEUTRAL /NO	
			NDER	AZI (AZI (ENNY	ACGR,	UCKC OLIVEF CHISS	FEGE	THOMPS WHITE SHAW	JEND	ECH			GENERAL	SPECIFIC SECTION			<u> </u>	STAFF RESPONSE
9.2	Division 23-2G-1 General Provisions	х		IN	<u> </u>	JSc	; S S		<u> </u>					23-2G-1050(B)(6)		This proposed language allows a nonconforming use to be converted into a		STAFF RESPONSE
			ш												Cooperative Housing and allowed to expand or extend beyond the	cooperative housing. The City should support cooperative housing wherever possible and avoid burdening the development and expansion of cooperatives.		
			ш												floor area that is occupied on the date it became a nonconforming use if:			
			ш								ntinuation of onconformity	No			a) Cooperative Housing is allowed or conditional use within the			
			ш												zoning district.			
			ш												b) The responsible director determines that the new use meets the			
															definition of Cooperative Housing in 23-13A-2030.			
9.3	Division 23-2G-1 General Provisions	X	ш					TW						23-2G-1060-D-1	23-2G-1060-D-1-a except a single family home which is subject to the requirements of 23-2G-1080-D	single family homes on more intense zoning appear all over our poorer neighborhoods as a legacy of previous spot zoning. I don't think we should		
			ш								Uses	X				continue to punish them by not alllowing them to repair their home if there's damage. This same type of protection is afforded to non-conforming structures		
	Division 22 20 4		ш	$\perp \downarrow \downarrow$						ш						under 23-2G-1080-D		
9.8	Division 23-2G-1	X	ш			JSc								of Nonconforming Use	(1) A damaged structure used for a nonconforming use may be	A damaged structure used for a nonconforming use may be repaired and the nonconforming use continued only if the building official determines that the		
			ш												official determines that the cost of repair does not exceed 50 <u>90</u>	cost of repair does not exceed 50 percent of the value of the structure immediately before the damage, as determined by a licensed appraiser in a		
			ш												percent of the value of the structure immediately before the damage,	manner approved by the building official. If it costs more than this (even if you don't do all of the repairs) you lose the use. Current Land Development Code		
0.42	Division 23-2G-1 General Provisions													22.22.425	building official.	Sec. 25-2-944 allows 90%. This change in Draft 3.0 is problematic for financing		
9.13	Division 23-2G-1 General Provisions		ш											23-2G-1060		This section needs to be reviewed and rewritten. A damaged structure used for a nonconforming use may be repaired and the nonconforming use continued		
			ш							Con	ntinuation of					only if the building official determines that the cost of repair does not exceed 50 percent of the value of the structure immediately before the damage, as		
			ш								onconformity	Yes				determined by a licensed appraiser in a manner approved by the building official. If it costs more than this (even if you don't do all of the repairs) you lose		
			ш													the use. Current Land Development Code allows 90%. This change in Draft 3.0 is problematic for financing and for insurance purposes.		
9.15	Division 23-2G-2 Specific Types of Nonconformity	X						JT		-			-					-
9.9	Division 23-2G-2 Specific Types of Nonconformity	х		FK		JSc	:							23-2G-2020(C)(2) and (3)	(2) If a nonconforming lot is used with one or more contiguous lots	This proposed language deletes two section to clarify that all lots that are legally		
			ш												apply to the aggregation of lots as if the aggregation were a single lot.	platted and meet the definition in the prior Section 23-2G-2020(C)(1), which has a minimum lot size of 2,500 sq.ft., a frontage of 25 ft. should be allowed to be		
			ш							Nor	nconforming Lots	No				developed. The City should honor existing legally platted lots and allow them to be deveoped. Currently one house can sit on two or three legally platted lots		
			ш												form a site may not be disaggregated to form a site that is smaller than the minimum lot area required by this Title.	which locks up the land from being used as it was platted for.		
10161	Division 23-2G-2 General		ш	\perp											trian the minimum lot area required by this ritie.			
A-9.16.1	Division 23-2G-2 General															Brent Lloyd's language with EXHIBIT simplicity & housing blueprint goals Is this Kenny's amendment as well?		
				CK	CK .			l l _{tw}										
10 10.2	Article 23-2H Construction Management and Certificates Division 23-2H-1 General Provisions	X				JSc								23-2H-1020(B)	No later than seven THREE days	This is standard construction note that three days notice is adequate.		
			ш								Timeline	No						
			ш															
10.5	Division 23-2H-4 Certificates of Compliance and Occupancy																	
11 11.1	Article 23-2I Appeals Division 23-2I-1 General Provisions																	
11.2	Division 23-2I-2 Initiation and Processing of Appeals Division 23-2I-4 Action on Appeal																	
12	Article 23-2J Enforcement Division 23-2J-1 General Provisions																	
12.4	Division 23-2J-4 Appeal Procedures			+									-				-	
13 13 2	Article 23-2K Vested Rights VALID PETITION RIGHTS							T\A/					Y		add a section outlining the valid petition process	valid petitions should be allowed for both MUP & CUP including a specific		
15.2											PROCESS	х	^			sectionon this would help empower people to participate in the democratic		
	Autido 22 21 Miss II	х														process, it shouldn't be a secret and having it right here in the code is transparent and effective		
14.3	Article 23-2L Miscellaneous Provisions Division 23-2L-3 Closed Municipal Landfills																	
15	-3: General Planning Requirements Article 23-3A Purpose and Applicability	NONE MINOR MAJOR										YES/NO	YES/NO					
	Article 23-3B Parkland Dedication Division 23-3B-1 Parkland Dedication																	-
16.2	Division 23-3B-1 General Provisions	х				JSc	;							23-3B-1010(A)(1)	(1) The City of Austin has determined that recreational areas in the	This proposed language provides clarity to the purpose section of the parkland dedication section of the code. The original language in Draft 3 is too broad and		Staff proposes the following to better track Imagain Austin language: (1) The city of Austin has determined that recreational
			ш												form of public parks and open spaces within 1/4 mile walk of each resident are necessary for the well-being of the City's residents, and a			areas in the form of public parks and open spaces p <u>ublicly</u>
			ш							Pt	urpose and	No			network of greenways and trails promote a compact and connected city.			accessible parks and green spaces are necessary for the well-being of the City's residents. (3) (b) Establishes a fair method for
			ш							A	pplicability	NO						determing the <u>proportionate</u> amount that new development may reasonably be required to contribute based on its direct impacts to
			ш															the City's park system and the need for high quality parkland and open space the City's existing level of service for the City's
16.5	Division 22-2P 2 Dodication				$\perp \perp$		$\sqcup \sqcup$											residents.
16.5	Division 23-3B-2 Dedication																	PARD agrees and is already sharing impervious cover by stating the agreed upon park IC on plats and site plans. PARD recommends
							$ \ \ $											changing the word parcel to site plan to make the concept clearer. PARD recommends also adding language so that future amenities
							$ \ \ $											built on dedicated land are not subject to the same site plan. (4) Future recreation development on parkland dedicated in the site
																		plan does not alter the non-dedicated area of the site plan.
16.6	Division 23-3B-2 Dedication	x	GA		++	+	+++							23-3B-2010	Remove references to 15% and change to 10%. Add new (6) The 10	Imagine Austin calls for "Increase dense, compact family-friendly housing in the		PARD does not agree with this substantive change due to the prior
															percent parkland dedication shall be calculated as a net site area	urban core". In many instances, sites within the urban core will be required to dedicate at or near the 15 percent cap which severely limits the density in the		negotiations that created 23-3B in 2016. The insertion of a 15 percent cap was made at the very end of the negotiation as a
																urban core and along the major corridors.		compromise for an agreed upon "Parkland Dedication Urban Core." The parkland dedication calculation for land is based on a
											Parkland Dedication	No						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

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CHAPTER	NOISION	빌	DESIRED PROPOSED					REQ. ADD'L STAFF				
16.7	<u>ā</u>	Ę	CHANGES TO D3	ANDERSON HART KAZI KENNY MCGRAW NUCKOLS	SCHISSLER SEEGER SHIEH THOMPSON	SHAW BURKARDT MENDOZA TEICH		FEEDBACK	GENERAL SPECIFIC SECTION 23-3B-2010 Dedication	(A) Dedication Required. An applicant for subdivision or site plan	Applicants must be able to predict during their due diligence period what may be	
									of Parkland (A) Dedication Required (1)[NEW]	dedication of suitable land for park and recreational purposes under this article or by payment of a fee in-lieu of dedication under Section 23-3B-3010 (Fee In-Lieu of Parkland Dedication).		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: Review Procedure. to Early Determination. 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 ibncrease by more than 10 percent. PARD does not agree with the proposed (b)
16.8	Division 23-3B-2	Dedication	x	GA	JSc		Site Plan Dedication	No	23-3B-2010 (C)(3)	(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.	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		Dedication of Parkland	No	23-3B-2010 (I) and (J)	(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. (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.	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.	but does support the concept of explaining and naming the Early
16.10	Division 23-3B-2	Dedication	x		JSc		Dedication of Parkland	No	23-3B-2010 (H)	within the Parkland Dedication Urban Core may not exceed 15 percent of gross site area for the development required to provide the dedication except upon consent of the applicant or as authorized under this subsection.	This proposed language applies the 15 percent parkland dedication cap to the entire city, not just the urban core. The City's current requirement to dedicate more than 15% has a major impact on acheiving the goals established in the City's Housing Blueprint. This proposed language does not change the Parks Director's ability to go to the land use commission to exceed that cap if conditions warrant. The Cap is a "soft cap" because the land use commission can raise or lower it on appeal of the applicant or director. In addition, the cap will now apply to the new requirements for civic open space and common open space introduced in CodeNEXT.	PARD does not agree with this substantive change due to the prior negotiations that created this section in 2016. The insertion of a 15 percent cap was made at the very end of the negotiation as a compromise for an agreed upon "Parkland Dedication Urban Core." The parkland dedication calculation for land acreage is based on a current level of service of local Austin parks of 9.4 acres per 1,000 persons. If only 15% of that amount is dedicated in every case across the City we will be effectively lowering the calculation for development to a service level of 1.4 acres per 1,000 persons. That is very crowded parkland and the Austin level of service and
16.12	Division 23-3B-2	Dedication			JSc JSc		Dedication of Parkland	No		(1) An applicant seeking a Subdivision or Site Plan for a site that is ten acres or less and fronts an Imagine Austin Corridor shall not be required to dedicate parkland onsite and instead shall be required to	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
16.15	Division 23-3B-2		x	GA					23-3B-2010		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
							Parkland Dedication	No				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.

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CHAPTER	/ISION	DESIRED PROPOSED					REQ. ADD'L STAFF				
AR.	7 <u>q</u> <u>F</u>	CHANGES TO D3	SRAW CKOLS VER	SON SON	KKARDT NDOZA H		FEEDBACK	AMENDMENT TYPE	SUBSTITUTE LANGUAGE	COMMISSIONER NOTES	YES/NEUTRAL /NO
16.16	Division 23-3B-2	X	ANDERS HART KAZI KAZI KENNY MCGRAV NUCKOL	SCH SEE	SHA BUF MEI	Parkland Dedication	No	GENERAL SPECIFIC SECTION 23-3B-2010	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			TL		Process	No	23-3B-2010 Dedication of Parkland (A) Dedication Required (1)[NEW]	this article or by payment of a fee in-lieu of dedication under Section 23-3B-3010 (Fee In-Lieu of Parkland Dedication).	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.	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: Review Procedure. to Early Determination. PARD supports clarifying existing practice that a
16.3	Division 23-3B-1 General Provisions	X		JSc		Review Authority	No	23-3B-1020(C)(1)	(1) A Deficient Park Area Map Proximity to Park Area Map illustrating shortages in parkland that shows only required connections to greenways and trails and areas of the City that are more than a one quarter (1/4) mile walk of an existing park or a school playground or other applicible open space that is at least one acre and is accessible to the public; and		No PARD does not agree with this substantive change due to the prior negotiations that created this section in 2016. The map in the code is a Deficiency Map, not a Proximity Map, That term Proximity does not match the concept. The City has deficient and non-deficient areas. Further, school playgrounds are not permanent and are not open to te public unless the City has established an interest in them as a School Park.
16.4	Division 23-3B-1 General Provisions	x		JSc		Review Authority	No	23-3B-1020(D)	<u>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 disaprove any proposed rule or rule change. This proposed requirement is almost the exact language used for rules related to Solid Wate Services in Section 15-6-3 of our City Code.	No PARD does not agree with this substantive change due to the prior negotiations that created this section in 2016. The Parkland Dedication Operating Procedures (PDOP) is part of the Building Criteria Manual amended by the City's rules processes that require public notice, staff review by all departments, public comment submittal and response and, finally, adoption. This process is the same for all technical Criteria Manuals in the City.
16.13	Division 23-3B-2 Dedication	x		JSc		Standards for Dedication of Parkland	No	23-3B-2020 (E)	satisfy other regulatory requirements, such as Water Quality features,	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.	
16.14	Division 23-3B-2 Dedication	x		JSc		Standards for Dedication of Parkland	No	23-3B-2020 (F)	(F) Gazebos, pavilions, and other open air structures are permitted.	This proposed language clarifyies 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	х		TW			х	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	X X			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.	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 Parkland superiority determinations.
16.19	Division 23-3B-2 2020 - Standard for Dedication of Parkland-	x			TS	Park Standards	NO	2020 - Standard for Dedication of Parkland-	ADD: E) Dedicated Parkland shall meet site condition requirements within the Parkland Dedication Operating Procedures	(A)(3) Does PARD's operating procedures have requirements for min. of 50% meet active play and <10% slope requirements? If not, these need to be added to dedication reaquirements. (C) 50% is to large amount of 100 yr. floodplain to count as parkland as these areas are not accessible for public use many times 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 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	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.	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: (c) the director determines that land is available in the service areas being considered so as to assure that City will able to utilize the fees per 23-3B-3030.	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)?

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CHAPTER	DIVISION	TITLE	SIRED PROPOSED HANGES TO D3		INIT	FIATED BY	Y COMM	ISSIONER	t	EX OFFIC	TOPIC AREA	REQ. ADD'L STAFF FEEDBACK	AMENDMENT TYPE	SUBSTITUTE LANGUAGE	COMMISSIONER NOTES	
16.21		3010 - Fee in Lieu of Dedication	X	ANDERSON	HART KAZI KENNY	MCGRAW	OLIVER SCHISSLER	SEEGER	THOMPSON	BURKARDT MENDOZA	Fee in Lieu o	. NO	GENERAL SPECIFIC SECTION 3010 (A)(2)(a)	(a) Less than 6 1 acre is required to be dedicated under Section 23-3B-2010 (Dedication of Parkland); or	6 acres is a very large threshhold amount of Parkland to be able to be considered for exemption from dedication requirements with fee-in-lieu. This will ensure that even small parcels of dedicated park are made available to serve needs if increased number of residents and developer has option to pay remainder as fee-in-lieu.	YES/NEUTRAL /NO STAFF RESPONSE The 6-acre threshold has been in the parkland dedication ordinance since 1985. It was chosen because it is the average size of a neighborhood park. It has ensured that projects that owe large acreages are required to give some land. Currently, it is triggered on a SF project of about 250 or more units and on a MF project of 375 units or more.
16.25	Division 23-3B-3	Fees	X				JSc				Fee In-Lieu o Parkland Dedication			to be dedicated must be shown on the site plan as "Parkland Dedicated to the City of Austin" and in a deed to the City. The applicant shall dedicate the parkland required by this article to the City by deed before the site plan is released, except that dedication		1 3
16.26	Division 23-3B-3	Fees	X				JSc						23-3B-3010(E)(1)	calculated on the gross site area prior to the parkland dedication. (1) Construction of Amenities. The director shall allow an applicant to construct recreational amenities on public or private parkland, if applicable, in-lieu of paying the dedication fee required by this section. In order to utilize this option, the applicant must: (a) Post fiscal surety in an amount equal to the development fee; and (b) If a dedication of land is required, construct recreational amenities prior to the dedication in a manner consistent with the parkland dedication operating procedures; and (c) Document the required amenities concurrent with subsection or site plan approval, in a manner consistent with the parkland dedication operating procedures.	This proposed language allows fee-in-lieu to be used on the construction of onsite recreational facilities. This will incentivize the construction of on-site facilities and lower the City's burden on exisitng parks.	
16.27	Division 23-3B-3		x				JSc				Fee In-Lieu o Parkland Dedication	F No		(F) A Fee in lieu for parkland dedication shall be allowed by right on corridors and within 1/2 mile walk of high frequency transit stops. (FH) Appeal. If the director rejects a request to pay a fee in-lieu of dedication under Subsection (B), the applicant may appeal the director's decision to the Land Use Commission consistent with the procedures in Article 23-2I (Appeals). Before the Land Use Commission considers the appeal, the director shall present the case to the Parks Board for a recommendation, but failure by the Parks Board to act shall not prohibit the Land Use Commission from considering the appeal.		PARD does not agree with this substantive change due to the prior negotiations that created this section in 2016. 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. Also, parkland should be located in conjunction with BRT stops to attract more riders and provide a pleasant and safe area around stops.
16.28	Division 23-3B-3	Fees	x	Ш			JSc						23-3B-3010(G)	(G) A dedication determination issued under this Subsection is valid for a period of one year from the date of issuance and will not expire if a site plan application is filed within one year from the date of	Initial parkland dedication determination should continue through the site plan process.	Yes Agree, but see comment in 16.7 to put in 23-3B-3010 (C). This is clarification of existing practice.
16.23		3030 - Fee Payment and Expenditure	x						1	TS .	Fee Paymen and Expenditure	NO		issuance C) The City shall expend a fee collected under this article within five years from the date the fees are appropriated for expenditure by the director. This period is extended by five years if, at the end of the initial five-year period: 1) less than 50 percent of the residential units within a subdivision or site plan have been constructed, or 2) City demonstrates hardship in availability of land to purchase for parkland.		According to (D) (1), the fees refundable within five years are only for unbuilt units that are not providing a park impact.
17.1	Division 23-3C-1	General Provisions														- Company of the comp
17.2		General Provisions	X				JSc				Review Authority	No		consultation with the Public Works Director, additional rules to implement Division 23-9F-5 (Sidewalks, Urban Trails, and Street Trees). Rules adopted under this article shall include:	administrative rules process. Rules adopted by this department should follow administrative rules procedures	Neutral Staff has no objections
17.3	Division 23-3C-1	General Provisions	X				JSc				Tree Designation	No		the size requirements listed in Subsection (A) and qualify as one of the following species or as an additional heritage tree species listed in	This proposed language clarifies that only tree species listed in code can qualify as a heritage tree. The list of Heritage Tree Species should be approved by City Council and listed in code; the list should not be subject to administrative change by a criteria manual.	
17.4						TN				111			23-3C-1030	Ensure that PC recommends what is in the Addenda re: Young Public Trees 2-7.9' and Keystone Trees 8-18.9.	Imagine Austin calls for "complete communities." Complete communities need a healthy tree canopy.	Yes Staff concurs with the draft in the addendum
17.5							JSc		TL				23-3C-1040 (A) Tree Requirements for Site Plan (2)	 (A) Tree Requirements for Site Plans. An application for site plan approval must: (1) Include a grading and tree protection plan, as prescribed by the Environmental Criteria Manual and other applicable rules; and (2) Demonstrate that the design will preserve the existing natural character of the landscape, including the retention or mitigation of trees eight inches or larger in diameter to the extent feasible. 	Removing conflict. Requiring a plan to preserve existing trees 8 inches or above exceeds code requirements. Trees less than 19 inches have an option for mitigation.	warrants further discussion
17.6	Division 23-3C-1	General Provisions	х				JSc				Application a Review Procedures	No	23-3C-1040 (B)	(B) Restrictions on Removal of Keystone Trees. If development under a proposed site plan will remove a keystone tree, the city arborist may require mitigation, including the planting of replacement trees. The city arborist may not release the site plan withhold the building permit or certificate of occupancy until the applicant satisfies the condition or posts fiscal surety to ensure performance of the	This proposed language still provides the city arborist the authority to ensure that an applicant satisfies code but simply moves his ability to withould a site plan to the ability to withhold the building permit or certificate of occupancy. The requirement of mitigation prior to SDP approval is cart before the horse and 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.	

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17.7	Division 23-3C-1 General Provisions	X	A H	<u> </u>	JSc		18 × 1	Application and Review Procedures	No No	GENERAL SPECIFIC SECTION 23-3C-1040 (C)			Yes	There is an appeal process that provides the applicant due process to appeal the staff decision. That appeal terminates at PC/ZAP. Staff concurs with omitting council as that is not a permitting pathway.
17.8	Division 23-3C-1 General Provisions	X			JSc			Review by City Arborist	No	23-3C-1050 (B)	(B) Mitigation Requirements. If a regulated tree is permitted for removal, the city arborist shall require reasonable mitigation, consistent with the applicable requirements of this article and the Environment Criteria Manual. Compliance with required mitigation measures, which may include planting replace trees, must occur before the Development Services Director may approve the	This proposed language still provides the city arborist the authority to ensure that an applicant satisfies code but simply moves his ability to withould approval of an application to withhold the certificate of occupancy. The requirement of mitigation prior to SDP approval is cart before the horse and unachievable; Request to post fiscal surety for tree mitigation is a large cost and seems unnecessary as staff can ensure the trees are planted prior to acceptance of a building/CO.	No	Fiscal is not psted for mitigation when mitigation is shown on development plans
17.9	Division 23-3C-1 General Provisions	X			JSc			Review by City Arborist	No	23-3C-1060	"(A) The city arborist may request that a city department waive or modify a policy, rule, or design standard, other than a regulation of this Title, if the waiver provides an opportunity for a tree to be preserved. The city department shall make best efforts to preserve the tree, and any conflicts between the city arborist and the city department shall be resolved by the City Manager within 30 days of the initial request for waiver. enforcement will result in removal of a regulated tree under Section 23 3C 1030 (Tree Designations). (B) At the city arborist's request, a responsible director may waive or modify the applicable policy, rule, or design standard, other than a regulation of this Title, if the director determines that a waiver or modification will not pose a threat to public safety.	Make this authority more explicit, and allow for bonuses.	No	Staff does not concur with the 30 day limit to resolution. Applicant should identify these issues during the due diligence and 30,60,90 plan developmet process and seek staff input via predevelopment consultations
17.10	Division 22 26 2 Young Public Koystone and Protected Trees				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	DADD is concorned that 22.2C 2010 (C) will be operate for park
17.11	Division 23-3C-2 Young Public, Keystone, and Protected Trees													PARD is concerned that 23-3C-2010 (C) will be onerous for park development. PARD should receive same exemptions as other departments.
A-17.11.1	Division 23-3C-2 Young Public, Keystone, and Protected Trees	x			JSc			Residential Uses	No	23-3c-2020 (B)	"(B) Single Family.Residential Scale (1) No permit is required to remove or impact a keystone tree located on one or two-unit residential scale (1-10 unit) development (2) Keystone strees may be used to fulfill mitigation requirements for one or two-unit single family residential scale development if Protected Trees and Heritage trees are approved for removal or impact, or to satisfy planting requirements. The city arborist shall review keystone trees proposed for full mitigationn or planting requirements during review of the building permit to ensure the keystone treees 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 Division 23-3C-3 Heritage Trees					JT				23-3C-3030 Land Use Commission Variance	requirements in Section 23 2F 1030 (Application Requirements) and the public notice and hearing requirements in Section 23 2F 1040 (Public Hearing and Notification). (B): If a property is unreasonably encumbered by the location and/or quantity of heritage trees, the Land Use Commission shall consider a variance under this section to	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.
18.2	Article 23-3D Water Quality 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		23-3D-2030(B)	apply to redevelopment of property under this section if the redevelopment:	This propose language removes language that is not germane to redevelopment exceptions and should be removed. Redevelopment exceptions allow impervious cover to be reduced in the watershed, so non-water quality requirements should be removed	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 Exception 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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			ANDE HART KENN MCGI NUCK OLIVE	SEEGER SHIEH THOMPSO WHITE SHAW BURKARD' MENDOZA			GENERAL SPECIFIC SECTION			STAFF RESPONSE
18.5	Division 23-3D-2 Exceptions and Variances	x	JSc		Redevelopmen t Exception in the Barton Springs Zone	No	23-3D-2040 (D) (1)	(1) Applicability. Council approval of redevelopment under this	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 © 23-3D-2070 ©	(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. (e) Necessary to allow reasonable development of the property		
10.0	Division 22.2D 2 Exceptions and Variances							according to the level of development allowed under 23-4.		This proposal should be located in 22.24.2 (Decidential
18.8	Division 23-3D-2 Exceptions and Variances	X			Water Quality Control Measures	No	23-3D-2090 (NEW)			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 Division 23-3D-3 Impervious Cover						23-3C-3030 Land Use Commission Variance	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	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.	
18.14	Division 23-3D-3 Impervious Cover	X	JSC	TU	Impervious Cover Calculations	No	23-3D-3040(C)	(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;		
18.12	Division 23-3D-3 Impervious Cover	х	JSc		Impervious Cover Limits for Suburban Watersheds	No	23-3D-3070(B)(2)(d)	(d) Impervious cover for a commercial, <u>mixed use,</u> civic, or industrial use may not exceed:	Mixed use should be permitted the same IC as commercial.	No This recommedation 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.		No See comment above.
18.15	Division 23-3D-4 Waterway and Floodplain Protection 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 allows the director to use hydrology analalysis to reduce water quality boundaries on a case by case basis.	No The Critical Water Quality Zone for Suburban watersheds does not incorporate the floodplain. However, the applicant may demonstrate a change in the drainage area threshold as part of an engineering analysis.

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18.17	Division 23-3D-4 Waterway and Floodplain Protection	X			JSc S			Critical Water Quality Zone Development	No		23-3D-4040(E)(4)	water quality zone, except as provided in Subsection (E) or for a	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.		y and drainage ance process in
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 Division 23-3D-5 Protection for Special Features Division 23-3D-6 Water Quality Control and Green	x			JSc			Environmental Resource Inventory	No		23-3D-5010(A)	may cause disturbance to:	Clarifies that a environmental resource inventory only applies to developments where any of these features may be disturbed, as it would be a severe cost to the applicant to do this for every site. In addition, the clarification for (6) allows for flexibility when working with larger sites which may have varying types of typography.	No The intent of the ERI is to locate sensitive features to common to these areas. Without the ERI, it would be determine whether these features may be disturbed development.	be impossible to
18.22	Infrastructure Standards			TN							23-3D-6010(B)(3)		Nationwide, best practices for exemptions from undertaking water quality		
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 Requirement).		No CodeNEXT extended the option for water quality ports to small, infill subdivisions in Suburban watersheds than 2 acres in size and do not trigger a preliminary payment-in-lieu for small site plans in watersheds or urban core would likely result in water quality degrest the prevalence of small sites and the greater available undeveloped land. Sites outside of the urban core of pervious area available since watershed regulations impervious cover. These sites should be able to into stormwater infrastructure solutions into their lands space to reduce costs and overall footprint.	that are less plan. Allowing outside of the radation given bility of will have more s limit egrate green
18.24	Division 23-3D-6 Water Quality Control and Green Infrastructure Standards	x			JSc			Dedicated Fund	No		23-3D-6080(C)	 (3) Demonstrate exemption from the preliminary plan standard as determined by Section 23-5B-2010 (Preliminary Plan Requirement). (C) The Watershed Director shall use the administrative rules process to propose rules that administer the fund, calculate the fee, collect the fee and 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. 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. 		No Criteria are not approved by Council. The status of reported to the Environmental Commission and the through the annual budget.	
18.26	23-D-6010 - Applicability of Water Control Standards	х				TS		Water Quality Controls	NO		6010(B)(3)	(B)(3)If the total of new and redeveloped impervious cover exceeds 5,000 8,000 square feet.	Per Environmental Commission.	Yes 5,000 square feet was the staff recommendation in Watershed Protection Ordinance. However, Counc threshold to 8,000 square feet on the dais. Staff wo changing the threshold back to 5,000 square feet.	il adjusted the
18.28 19	Division 23-3D-8 Additional Standards in All Watersheds Article 23-3E Affordable Housing														
19.2	Division 23-3E-1 Design Standards	X X				TW		AHDB			23-3E-1030 (G)	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.		
19.3 19.4 19.5 19.6	Division 23-3E-1 Small scale density bonus for R1 zones Division 23-3E-1 Small scale density bonus for R2 zones Division 23-3E-1 AHBP for MS2 Zones Division 23-3E-1 Land trust programs	x x x				TW TW TW		AHDB AHDB AHDB		x x x		allow MS2b to take part in AHBP if along IA corridor	add R1 zone bonus to include an additional ADU if it's 50% MFI add R2 zone bonus to include an additional ADU if it's 50% MFI these should be defined and added to the arsenal so that we can use them as part of the affordability programs. Ordoes this live somewhere else? NHCD is supportive of land trusts but unsure of how to put thiem into the code since the code doesn't discuss ownership models.		

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19.9			AND	MCG KEN	SEE SCH	THOMPS WHITE SHAW	MEN				SPECIFIC SECTION	Add to number and intent section 22.25 1010(B):	This requires an annual assessment of the affordable bonus program with	STAFF RESPONSE	
19.9				.K							3E-1010(B) and add v 23-3E-1025		established goals.		
												(4) Meet the annual affordable housing goals set forth by the City Council.			
			ш									(5) Encourage denser development via the AHBP program by providing a quantifiable incentive to a project measurable by an			
			ш									increase in project yield on cost. Add NEW section – suggest between Applicability (23-3E-1020) and			
			ш									General Provisions (23-3E-1030)			
			ш									23-3E-1025: Affordable Housing Goals & Performance Requirements Goals			
			ш									A goal for a minimum affordable housing units developed using the Citywide Affordable Housing Bonus program shall be set by City			
			ш									Council on an annual basis. The goals shall be proposed by Neighborhood Housing and Community Development based on the			
			ш									Strategic Housing Plan and other available or procured data that establishes demand for affordable housing the City of Austin.			
			ш									Individual housing goals shall be established for each area within the			
			ш									AHDB program, including Downtown subdistricts. Goals shall include a total number of units in each area, including a			
												breakdown of units by type (ownership v. rental) and unit count.			
19.7				CK				Super		23-3	3E-1030	affordable housing program and has at least 50% of the dwelling units	This is a super-affordable bonus. It essentially gives free height if 100% of the additional height goes to affordable housing units, up to twice the base entitled		
								Affordable Housing Bonus.	Yes			per acre are waived for that zone. In addition, the height limit will be	height of any zone that allows residential.		
19.8		X		CK				Right of Return	Voc	23-3	3E-1030	twice the height entitled in the base zone. Establish a priority for city-administered affordable housing units for			
19.10		x		CK C				Right of Return	Yes	23-3	3E-1010(B) and add	people who have been displaced due to rising rents or property taxes. Measurement	This requires an annual assessment of the affordable bonus program with		
25,25											v 23-3E-1025		established goals.		
												via the AHDB program as required to annually measure the goals as established in 23-3E-1025.			
			ш									An annual report shall be prepared to document each areas progress towards annual goals. The annual report shall include, but is not			
			ш									limited to, the following: i. Number of total affordable housing units permitted, by unit			
												type and number of bedrooms ii. Number of affordable housing units built, by unit type and			
								Calibration	Yes			number of bedrooms. iii. Value of Fee in Lieu collected in lieu of commercial bonus area			
												iv. Value of Fee in Lieu collected in lieu of on-site affordable housing units, and equivalent unit count			
												v. Average size of affordable housing units permitted, separated by bedroom count.			
			ш									vi. Average size of affordable housing units built, separated by bedroom count.			
			ш									vii. A summary of feedback from all applicants to the AHDB program. viii. An assessment of the income levels in this Title and whether they			
			ш									could be adjusted to better acheive the goals of the Strategic Housing Plan.			
		х													
19.11				CK								viii. If any goal shortcomings are noticed, the report shall assess the reasoning behind the failure to achieve the goals.	This requires an annual assessment of the affordable bonus program with established goals.		
												An annual calibration of all area AHDB programs shall be done to ensure the AHBP encourages use of the program by providing an			
												increase in project yield on cost. The calibration shall include a review of the number of units required (by %), bedroom counts, or any other			
												requirements associated with the use of the bonus. The AHBP shall be modified when:			
												i. In any year that the annual report shows that the annual goal is not met by more than 10%, the AHBP shall be adjusted to lower the			
												requirement for utilizing the bonus, either by reducing the number, size or bedroom count of units, or by reducing the fee-in-lieu. A			
												calibration study shall be done to confirm the adjustments made to the AHBP result in an increase in yield on cost to the project.			
												ii. In any year the annual report shows that based on current market data, including but not limited to rent rates, construction costs, land			
												and tax values, interest rates, or operating expenses, the AHBP no longer results in an increase in yield on cost to a project, the AHBP			
19.12				+++								shall be adjusted per item (i) above.'			
19.12			,	x						new	v division	Mandate that all city departments involved in site plan review, permit	Re-instates skip-the-line for affordable housing program projects.		
								Skip the line for affordable				review, or other development services immediately priortize projects participating in the affordable housing program over all projects that			
		x						projects			25 425 ()/5	do not have an affordable program participation.			
19.14				x				Fee-in-lieu	Yes	23-3		the fee in lieu on partial units with the proportional fee in lieu per	This allows payment of partial fee in lieu for the citywide affordable bonus program.		
		x										unit, with a minimum fee-in-lieu of 20% of the per-unit fee in lieu.			

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		CHANGES TO D3		INITI	TATED BY CO	OMMSSION	ER 	EX OFFIC	TOPIC AREA	FEEDBACK	A	MENDMENT TYPE	SUBSTITUTE LANGUAGE	COMMISSIONER NOTES		
			SON		AW OLS	R SLER	PSON	ARDT							YES/NEUTRAL /NO	
			ANDEF	KAZI	MCGR. NUCKC	SCHISS	THOM	SHAW BURKARI MENDOZ	표 		GENERAL	SPECIFIC SECTION	N		i .	STAFF RESPONSE
19.15	Division 23-3E-1 Citywide Affordable Housing Bonus Program	Х	Al	Н							No	23-3E-1010	"(A) The purpose of this division is to establish general requirements and procedures for the submittal and review of an application for the		Neutral	Needs slight revision
			ш										Citywide Affordable Housing Bonus Program (AHBP), which is a voluntary, incentive-based density bonus program that provides			
			ш										enhanced development potential for projects that increase the supply of moderate to lower-cost housing consistent with the requirements			
			ш										of this division. (B) The intent of the AHBP is to financially incentivize new			
			ш						Affordability	No			development to include affordable homes or pay fees-in-lieu for affordable homes to:			
			ш										(1) Implement the goals and policies of the Austin Comprehensive Plan and the Austin Strategic Housing Blueprint;			
			ш										(2) Increase housing supply, diversity, and affordability while preserving and enhancing the unique character of the City's neighborhoods;			
			ш										(3) Actively desegregate Austin's neighborhoods and dismantle institutional racism in the location and cost of housing; and			
			ш										(3) Narrow the housing deficit for households that cannot afford market-priced rental or for-sale housing."			
19.16	Division 23-3E-1 Citywide Affordable Housing Bonus Program	х	AH	Н							No	23-3E-1020 (A)	(A) Applicability (1) The AHBP applies citywide, except in the following zones:	A substantial number of lots are zoned F25. We need to allow F25 participation in our AHBP.		
			ш										(a) Downtown Zones. A density bonus request in the Downtown Core (DC) Zone and Commercial Center (CC) Zone must meet the			
			ш										requirements of Division 23-3E-2 (Downtown Density Bonus Program). (b) University Neighborhood Overlay Zone. A density bonus			
			ш						Affordability	No			request in the University Neighborhood Overlay (UNO) Zone must meet the requirements of Section 23-4D-9130 (University			
			ш										Neighborhood Overlay Zone). (c) Planned Unit Development (PUD) Zone. A density bonus			
			ш										request in the Planned Unit Development (PUD) Zone must meet the requirements of Section 23- 4D-8130 (Planned Unit Development			
19.17	Division 23-3E-1		AH	H			+++			-			(PUD) Zone). (d) Former Title 25. A density bonus request in the Former 25 (F25)		No	AHBP Not calibrated to F25 zones
			ш										Zone, established in Section 23 4D 8100 (Former 25 Zone), shall be subject to the requirements and density bonus incentives, if any, as			
			ш						Affordability	No			available under Former Title 25. (2) Requirements for participation in the AHBP are determined based on the zone in which the development is proposed, as provided under			
			ш						, and addinity				Article 23-4D (Specific to Zones). For Former Title 25 (F25) Zone, the Director shall determine which zone in 25-4D most appropriately			
			ш										matches the zoning of former Title 25, and designate by rule which AHBP zone requirements match the F25 zoning.			
19.18	floating units		-				TW			-		23-3E-1030(E)		add language to ensure that the affordable unit occupancy rate is at least similar		
														to the market rate occupancy of that building. And the owner should alert the city to it's vacancy		
19.19	Division 23-3E-1 Citywide Affordable Housing Bonus Program	x	AH	H							No	23-3E-1080 (E)	(E) The Director shall provide a process for a potential applicant to seek out and receive an early determination for AHBP compliance.	An early determination decreases the risk that an applicant may face and lowers the cost of providing affordable homes.	No	
			ш						Affordability	No			Such a determination shall be made by the Director within thirty days of the submission of a complete determination request. If the			
													approved application matches the information submited in the early determination request, then the determination shall be binding for			
19.20 19.24	Division 23-3E-2 Downtown Density Bonus Program Division 23-3E-2 Downtown Density Bonus Program	x				JSc	+++				Yes	23-3E-2030 (B)(6)	NHCD Director should not be able to adjust without a proper, third-	23-3E-1070 gives NHCD Director authority to recommend FIL or % units to City	No	-
			ш						Application Review	Yes			party calibration study. Applying some sort of index does not accurately reflect market conditions.	Council annually. 23-3E-2030 (B) (6) states that downtown fees may vary by use and district (ok). Claims nine districts, but unclear what those are.		
19.25	Division 23-3E-2 Downtown Density Bonus Program	х				JSc			Downtown			23-3E-2040 (A)(2)	(2) The Design Commission shall evaluate and make	The Design Commission oversight for compliance with the Urban Design	No	
			ш						Density Bonus Gatekeeper	No No			recommendations regarding whether the development is in substantial compliance with the City's Urban Design Guidelines and the director shall consider comments and recommendations of the	Guidelines was always intended to be an interim solution until design standards were codified, as they will be in CodeNEXT.		
19.26	Division 23-3E-2 Downtown Density Bonus Program	X	₩			JSc			Requirements			23-4E-2040 (B)	Docigo Commission. (B) Appeal.	Current code allows applicant to appeal to the City Council if director determines	Neutral	
													(1) An applicant may appeal to the city council the director's	that the gatekeeper requirements have not been met. This proposed language replicate ability to appeal in the current LDC 25-2-586 (J) (1 - 3)		
									Downtown Density Bonus				determination that the gatekeeper requirements have not been met. (2) An applicant must appeal the determination within 30 days from			
									Gatekeeper Requirements	No No			(2) An applicant must appeal the determination within 30 days from the date of the director's denial			
													(3) An appeal is subject to the procedures set forth in Section 23-2D-1 Conduct of Public Hearings and 23-2D-2 Timing and Location of Public			
19.23	Division 23-3E-2 Downtown Density Bonus Program					$\bot \bot \bot$	+ + +					22 2E 2000/p)	Hearings.	With Amendment this would match current LDC. Does not appear to require	No	if the policy is to encourage housing, the procedural incentive to
13.43	S.M.SIGH 25 SE 2 DOWNLOWN DELISITY BUILDS FIUGIAIN		GA									23-3E-2060(B)	If the applicant chooses to achieve 100 percent of the density bonus by providing community benefits described in Subsection (C) through (strike E and insert) (F), the director may approve the density bonus	"designated review group" for downtown, but does not indicate how projects receive approval for using codified community benefits other than 100%		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
									Downton	No.			administratively.	affordable housing. This seems to be an oversight since downtown projects can currently earn density via a menu of options, as long as at least 50% of the bonus		, , , , , , , , , , , , , , , , , , , ,
									Downtown	INO INO				area is earned through providing housing on site or paying a fee in lieu.		
														The only instance that should require PC/Council approval is outlined in section G, in which a project's developer proposes to provide a unique set of community benefits not outlined in code.		
19.27	Division 23-3E-2 Downtown Density Bonus Program	x	GA AH	Н		JSc						23-3E-2060 (B)	Administrative Approval. If the applicant chooses to achieve 100 percent of the density bonus by providing community benefits	This proposed language replaces the phrase "(C) through (E)" with "C through F." The density bonus program provides alternatives for community benefits		if the policy is to encourage housing, the procedural incentive to providing housing should remain. Approval of a bonus by right for
									Community	No			described in Subsection (C) through (strike E and insert) (F), the	including affordable housing, green roofs, music/cultural spaces, provision of day care, etc. This allows administrative approval for any of the community		other benefit (i.e. daycare) doesn't align with housing goals
									Benefits	INO INO				benefits listed in this section to not discourage some kinds of benefits over others. By allowing adminsitrative approval, the need to go to Council and		
40.51	Division 22 25 2						\prod					20.07.000		Planning Commission to approve something allowed by code is eliminated, simplfying the process.		
19.21	Division 23-3E-2						TW					23-3E-2060-E-1-c	does not exceed three times the annual income for a household at	I think we can do better. 3.5x 120MFI for a one bedroom is \$239,400; 3.5x 80MFI is \$159,600 for a one bedroom; this is comparable to a teacher's salary		
									AHDB	х			120 percent of the MFIThe maximum sales price can be up to 3.5 times the annual income for a household at 120 80 MFI if a household member has completed a City- approved homebuyeer			
		x											counseling of education class.			
<u> </u>					<u> </u>							_				

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								Z							YES/NEUTRAL
				DERSO	GRAW	CKOLS	HSSLEI GER	EH OMPSC	SHAW BURKARDT MENDOZA						/NO
19.22	Division 23-3E-2	Downtown Density Bonus Program		A A A	KAZ KEN	OFI OFI	SE	<u>용 된 용</u>	WE BE			GENERAL SPECIFIC SECTION 23-3E-2060-E-2-c	A unit is affordable for rent if the maximum monthly rent for the unit	I think the price of units downtown should be able to handle a little more	STAFF RESPONSE Yes
				ш						AHDB	x			affordability	
19.29	Division 23-3E-2	Downtown Density Bonus Program	X x	AH	H		JSc				-	23-3E-2070 (B) (1)		The proposed language amends this section to keep current standards. To	No keep bedroom mix as part of policy to encourage larger 'family
				ш									foot height limit Subsection 23-4D-9140(F)(7)(iii) and achieve a floor	achieve density above 40 up to 8:1 FAR, support continuing the on-site affordable housing requirement. Support reverting to the on-site requirements	units'
				ш						Rainey Stree	et No.		the dwelling units developed within that floor area ratio of 8:1 is	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.	
				ш						Bonus			below the MFI HOME Limits, as amended per household size, and as defined by the U.S. Department of Housing and Urban Development		
				ш									for the Austin-Round Rock Metropolitan Statistical Area. The Housing Director conducts the income determination.		
19.30	Division 23-3E-2	Downtown Density Bonus Program	X	-			JSc				+	23-3E-2070 (B) (6)	Strike 23-3E-2070 (B) (6)	Requiring a percentage of bonus area units to be affordable, AND requiring the	
				ш						Rainey Stree				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	providing housing should remain. Approval of a bonus by right for other benefit (i.e. daycare) doesn't align with housing goals
				ш						Subdistrict Bonus	No			already entitled and therefore exempt, only one new residential projects has been proposed on Rainey Street after this requirement was imposed in 2014,	
				ш										and they declined to build any 3-bedroom units in order to make this new provision feasible.	
19.34 19.35		S.M.A.R.T. Housing S.M.A.R.T. Housing	х	GA		+						23-3E-4010 - 4090	SEE EXHIBIT ANDERSON-1	SMART housing needs to be strong. These adjustments come from Mark Rogers	
				ш										at GNDC and Nicole Joslin spent a lot of time going over them with me. They are better than what we have today.	
				ш											
				ш											
				ш											
				ш						SMART	No				
				ш											
				ш											
				ш											
				ш											
A-19.44.1	Division 23-3E-4	S.M.A.R.T. Housing						TW	,	-	-	X	please see Exhibits TW SMART HOUSING and TW SIMPLICITY	There are a number of general and specific changes outlined in the exhibit	
40.45	Division 22 25 5	Additional Affordable Housing Incentives	х	ш						SMART			HOUSING BLUEPRINT GOALS		
19.45 19.46		23-3E-5010 Additional Affordable Housing Incentives		-					TS		1	5010 (A)		, , , , , , , , , , , , , , , , , , , ,	No -
		incentives		ш						AH Incentive	s NO		from the Planning Director before the site plan is approved under	Delete section.	
19.47	Division 23-3E-5	23-3E-5010 Additional Affordable Housing	x			+			TS			5010(B)(3)(a), (b), (c)	Article 23-4D (Specific to Zones). (a) If at least 10 percent, but less than 20 percent, of the dwelling	B)3) grants benefits for providing reasonably priced units. What does this mean?	Neutral
		Incentives		ш									units are equal to or less than 80% MFI reasonably priced, the maximum cost is reduced by the percentage of affordable units;	I propose following but should be discussed	
										AH Incentive	s NO		(b) If at least 20 percent, but less than 50 percent, of the dwelling units are equal to or less than 80% MFI reasonably priced, the		
													maximum cost is reduced by 50 percent; and (c) If at least 50 percent of the dwelling units are equal to or less than		
19.49	72-25	Art, Music, and Culture	x	GA				Tw				23-3F	80% MFI-reasonably priced, no mitigation may be required. please see Exhibit WHITE_EXHIBIT-ART, MUSIC CULTURE Proposed	This is the Live Music Capital of the World and we are not doing nearly enough	
13.73	23 31											23-31-		for our artists! We should also consider a density bonus for music venues.	
													Both the Imagine Austin Comprehensive Plan and the Code		
													Prescription on Household Affordability reference the need for regulations to sustain and strengthen the music and arts industries		
													and communities. To this end, the CAG recommends developing a future code section that would provide city-wide regulations to		
										Art, Music, a	nd		promote arts, music, and culture with the goals of: protecting existing assets and promote new ones in areas deficient of art, music, and		
										Culture	No		cultural assets, and supporting housing and jobs for musicians and artists, and sustaining these important elements of Austin's economy.		
													Proposed Code Additions:		
													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.		
			х х												

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		#ART HART KAZI KENINY MCGRAW NUCKOLS OLIVER SCHISSLER SCHISSLER SHEH THOMPSON \$ WHITE SHAW BURKARDT MENDOZA TEICH	Art, Music, and Culture	No		23-3A-1010 Purpose 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 numpose of this division is establish general requirements and		YES/NEUTRAL /NO STAFF RESPONSE
		GA TW				(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. 23-3F-1020 Artist Live/Work and Live/Work/Sell		
			Art, Music, and Culture	No		(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-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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DIVIS	DESIRED PROPOSED CHANGES TO D3	INITIATED BY COMMSSIONER EX OFFICIO	TOPIC AREA	FEEDBACK	AMENDMENT TYPE	SUBSTITUTE LANGUAGE	COMMISSIONER NOTES	
		SON AW AW SON						YES/NEUTRAL /NO
		ANDERSON HART KAZI KENNY MCGRAW NUCKOLS OLIVER SCHISSLER SEEGER SHIEH THOMPSON WHITE SHAW BURKARDT MENDOZA TEICH			CENTER AL CRECIFIC SECTION			
		GA			GENERAL SPECIFIC SECTION 23-3F	23-3F-1070 Codify of Agent of Change Principle.		STAFF RESPONSE
						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		
			Art, Music, and	No		creative industries' facility needs. Expand access to affordable and functional studio, exhibition, performance space, museums, libraries,		
			Culture	NO		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		
		GA TW				creative industry businesses. • 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		
			Art, Music, and	No		other economic and community enterprises. • Establish incentives and regulations to promote the creation of		
			Culture			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		
		GA TW				 includes adequate commercial space allowances in corridors, centers, 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		
			Art, Music, and Culture	No		rehearsal, gallery, studio, performance, or exhibit spaces and offices. • The opportunity to expand live/work units will be found in all form-		
			Culture			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.civicomment.org/chapter-23-3-general-		
						planning-standards-all The New Flex Industrial zoning may cover this		
						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.		
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			NOS) At	SI		NOSc	RDT		- 1						YES/NEUTRAL /NO	
			ANDER HART KAZI	KENNY MCGR/	NUCKO	SEEGEF	THOME	BURKAR	E E	- 1		GENERAL	. SPECIFIC SECTION			,	STAFF RESPONSE
19.57			GA				TW						23-3F	D) On-site parking is required according to Schedule A of Appendix A (TABLES OF OFF-STREET PARKING AND LOADING REQUIREMENTS).			
			Ш											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			
									Art, M	usic, and				with the following table: Activity Requirement Accessory Use as a Theater or Art Gallery			
			Ш							lture	NO			<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.			
			Ш											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.			
_	-4: Zoning Code Article 23-4A Introduction	NONE MINOR MAJOR									YES/NO	YES/NO					
20.1	Division 23-4A-1 Purpose Division 23-4A-2 Establishment of Zones	х					JT TL		Ove	erlays	No		23-4A-2020(H)	Eliminate the Downtown Plan overlay until Small area plan can be		No	Staff does not support this without Council directive
20.6	Division 23-4A-3 Zoning Map Division 23-4A-3 2020												2020 4141	completed with funding assistance provided by DAA.		Vac	-
20.7	DIVISION 23-4A-3 2020	X						S		dential ng Types	NO		2020 A)1)	Residential house-scale (R) zone category includes single-family detached homes, <u>single-family-attached</u> , duplexes, small multiplexes, cottages, row houses, <u>townhouses</u> , and <u>accessory dwelling units</u> (garage apartments or granny flats).	Add other house types.	Yes	
21 21.1	Article 23-4B Zoning Administration and Procedures Division 23-4B-1 Land Use Approvals																-
21.7	Division 23-4B-1 1030 - Minor Use Permit Division 23-4B-2 Code Interpretations and Use Determinations	$\overline{}$	HH					+++	+	-						-	-
21.12	Division 23-4B-3 Zoning Map Designations and Amendments																-
21.13	3100 - Requirement for Approval from 3/4 of Council -						Т	s	for A	rement oproval 3/4 of	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		
		х								ıncil -					properties to be handled any differently than zoned properties. Suggest that this section be deleted so that requirements for all PUDs are equal.		
23 23.2	Article 23-4C General to all Development Article 23-4D Specific to Zones General	х		CK								Yes	All zone allowed use		Right now D3 reads that compatibility stepbacks may start on the property line	Yes	language needs to be added that calrifiles this point
23.20	Division 23-4D-4 Mixed Use Zones		GA						Comp	atibility	Yes	Yes	tables General	the trigger line is based on the Zone of the property across the alley. In all the Compatability Setback sections, add "width of alley should	of the impacted property, not the triggering property. This reverses that clearly.	Yes	See response on line 23.2
		х	UA .						Comp	atibility	No	Tes		be subtracted from the compatiblity setback"			See response on line 23.2
23.211	6060-6080; CC, UC, DC Division 23-4D-4 4060-4160; MU1A - MU5A	х					T	S	Comp	atibility	NO		Table 23-4D-XXXX(B)- Building Placement	tbd	Review setback requirements related to compatibility with Residential House Scale Simplify compatibility requirements. Need to renumber (2)(s.). Simplify	N/A No	see above
23.1/1	DIVISION 23-4D-4 4000-4100, IVIOTA - IVIOSA												3070 - 3110; RM2A- RM5A; Table 23-4D- XXXXX- Height (4) Compatibility Height		Simplify compatibility requirements. Need to renumber (3)(c). Simplify compatibility requirements. Resulted from ZAP/PC Compatability working group. CONSOLIDATED ZONE TYPES- SO	NO	see above
													Stepback 4060 - 4160; MU1A- MU5A; Table 23-4D-				
			Ш							atibility backs	NO		XXXX(B)(3)(b) 4100 - 4160; MU2A-				
			Ш							_			MU5A; Table 23-4D- XXXX(D)(2)				
													5080 - 5120; MS2A, MS2B, MS3A, MS3B; Table 23-4D-XXXX(D)(2)				
A-23.211.1		х		1	TN									See Compatibility Exhibits 1-3: "Within 45' of the property line of any zone or use of R4C or lower, a use higher than R4C shall establish a	If there is a "third rail" of Austin zoning politics that is dangerous for anyone (especially elected Council members) to touch, it's probably compatibility. PC	No	Staff recommends maintaining D3 recommendations on compatability
														vegetative buffer complying with the Environmental Criteria Manual. Within 25' and 50' of the property line of any zone or use of R4C or	needs to have the courage to address compatibility, as well as all other aspects of CodeNext, head on. The bottom line is this: Imagine Austin said our city will both increase density and preserve neighborhood character. Those who argue		
														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	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		
														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	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		
														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	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.		
														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."			

			Α				В				С	D		E	F	G		Н
APTER	ZO.											REQ. ADD'L		_				
CH	DIVIS		DESIRED PROPOSED CHANGES TO D3	Щ.,	INITI	TIATED BY	Y COMMS	SIONER		EX OFFICIO	TOPIC AREA	FEEDBACK	А	AMENDMENT TYPE	SUBSTITUTE LANGUAGE	COMMISSIONER NOTES		
									2								YES/NEUTRA	
				DERSOI	HART KAZI KENNY	GRAW	/ER ISSLER	GER HI	W ITE	KARD.							/NO	
23.133	Division 23-4[D All zones with compatibility setbacks		ANG	KAZ KEN	N N	SCH OLIN	SHE SE	WH SHA	MEI MEI		\vdash	GENERAL No	SPECIFIC SECTION All zones with	Two version of compatibility: 1) Based on a 35 foot single family home	This bases compatibility on the view of a 5-foot-tall person standing in the	No	STAFF RESPONSE
25.135				ш										compatibility		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		
				ш							Adjust	No				housing projects is similar, but with a 45' tall home built next door.		
				ш							compatibility				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			
			x												100' distance)			
23.141	Division 23-4D-3	Residential Mult-Unit Zones	X x	ш	АН						Compatibility	No	No	23-4D-3050	"Option 1: Eliminate compatibility setback within 1/10 of a mile of an Imagine Austin corridor or Core Transit Corridor."	Multiple pages: 4D-2 pg. 91	No	
23.193		5060-5120; MS1A-MS3B							TS					5060 - 5120; MS1A- MS3B; Table 23-4D-	(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	Simplify compatibility requirements. Resulted from ZAP/PC Compatability working group.	No	see aboive
				ш										XXXX(B)(3)(a)	to a property zoned Residential House-Scale. Then, all structures shall be set back at least 25 feet from a triggering property. minimum			
				ш							Compatibility	NO			setbacks shall be provided along the alley or shared lot line that comply with subsections (b) and (c).			
				ш							Setbacks				comply with subsections (b) and (c).			
				ш														
23.144	Division 23-4D-3	3 Residential Mult-Unit Zones	x	GA									No	23-4D-3050	Eliminate compatibility setback within 1/10 of a mile of an Imagine	Multiple pages: 4D-2 pg. 91	No	
				ш							Compatibility	No			Austin corridor or Core Transit Corridor when an affordable housing bonus program is sought.			
22.445	Division 22 42	3 3050 - 3090; RM1A-RM5B	х					$\perp \perp$								Cimplify compatibility acquirements Dec Health 742/200	Voc	Staff supports massivement from the control of the
23.145	DIVISION 23-4D-	3 3050 - 3090; RMIA-RMSB		ш					Is					3050 - 3110; RM1A- RM3B; Table 23-4D-		working group.	Yes	Staff supports measurement from triggering property line. Reccommend 30 ft instead of 25 ft.
				ш							Compatibility Setbacks	NO			to a property zoned Residential House-Scale. Then, all structures shall be set back at least 25 feet from a triggering property. minimum			
			x	ш											setbacks shall be provided along the alley or shared lot line that comply with subsections (b) and (c).			
23.146	Division 23-4D-3	3 3050 - 3090; RM1A-RM5B							TS		Compatibility			3050 - 3110; RM1A- RM3B; Table 23-4D-	``````	Simplify compatibility requirements. Need to renumber (3)(c). Simplify compatibility requirements. Resulted from ZAP/PC Compatability working	No	
				ш							Setbacks	NO		XXXX(B)(3)(b)		group.		
23.3	Division 23-4[D All Subsections	x		AH FK								Yes	23-4D	Change Cooperative Housing to P in R1, R2B-E, R3B-C, R4C, RR and	Cooperative Housing would still have to apply with applicable zoning regulations -	Yes/No	4 unrelated adults may reside in a house built since 2014 and 6
											Affordable Housing	No			MH; Change Cooperative Housing to P in zones R4A-C, RM1A-B; Change Cooperative Housing to P in MH, MS1A, MU3B, MU4	it's a model that everyone should support.		unrelated adults may reside in a house built before 2014 which is the reason for not recommending P in R zones;
23.5	Division 23-4D-2	1 Purpose		ш														Staff agrees that it can be allowed in MU3B and MU4
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,
22.42	Division 22 AD 1	2 Residential House-Scale Zones		Ш							FY Imp Cov							can maybe apply to only mcmansion zones
23.13	DIVISION 23-4D-2	2 Residential House-Scale Zones																HLC: ADU up to 1375sf when retaining house
23.16 23.17	Division 23-4D-2		x		FK			JSh			Small Lot				Add small lot in R3 and R4 of 2,000SF	front parking areas are too limited and forms will create nonconforming to many	No N/A	staff supports the current proposal commentary
																neighborhood types, add front imp. And more problems, alley only access parking is limiting for multi unit, landscaping "may" be required ???? SEE		
																RESIDENTIAL WORKGROUP COMMENTS!! (ARTICULATION, HEIGHT, USE, FORMS, LOT SIZES, ETC) dont want to duplicate		
23.22					СК	(No	23-4D-2 (the "Lot Size and Intensity" table in	Add a row to the bottom of the table: "Residential Citywide Affordable Assessmy Dowlling Unit Inconting: When participating in	This is a new, income-restricted, affordable ADU bonus for all R1-3 zones.	No	staff believes in truth in numbers, to do this in R2 then name R2 into R3
														all R1-R3 Zones); 23-3E- 1040 (Affordable	Affordable Accessory Dewlling Unit Incentive: When participating in Affordable Housing Bonus Program, in addition to base entitlements,	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,		
											Residential Citywide	Va.		Housing Bonus	an additional, income-restricted Accessory Dwelling Unit may be built and the size does not count toward FAR limit and the principal use's	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		
											Affordable ADU Bonus	Yes		Calculation)	FAR limit is increased by the size of the income-restricted Accessory Dwelling Unit."	same as other zone affordable unit bonuses, but affordability periods are 20 years for ownership, 10 years for rental.		
															Remove the following line from the table in RR, LA, R1A, R1B, and R1C:			
			х												"Accessory Dewlling Unit allowed only when participating in Affordable Housing Bonus Program"			
23.23					СК						R4 bonus	Yes	Yes	23-4D-2 (the "Lot Size and Intensity" table in	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	I his 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			х		CK	(adjustment		Yes	all R4 zones.) Applicable zones	Adopt the bonus entitlements recommended by the affordable bonus	More bonus entitlements got us from 6.000 affordable units to 13 500		
											Increase affordable	No		T THE STATE OF THE	working group. (See attached table.)	5-1-25 5,000 and addic and to 10,000.		
	5111		х								bonus entitlements							
23.25	Division 23-4D-2	2			СК						Docids at 1		No				Neutral	using this will lessen th viability of the preservation incentive
											Residential Citywide	No		zones	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			
											Affordable ADU Bonus				basis. Affordability income levels are same as other zone affordable unit bonuses, but affordability periods are 20 years for ownership, 10			
23.26	Division 23-4D-2	2	х		CK	(No	The "Lot Size and	years for rental. The ADU may be external or internal. Add an affordable bonus that grants the following entitlements when	This is a new, income-restricted, affordable DOUBLE ADU bonus for all R zones.	No	See response in line 23.22
											Corridor			Intensity" table in all R	adding a single, income-restricted ADU: ADU does not count towards FAR or unit limit, square footage of income-restricted ADU is also	, The same of other for all it zones.		
											Transition Accessory	No			added to FAR limit for non-income restricted unit total on a 2-for-1 bonus basis. A second ADU is also added that does not count against			
											Dwelling Unit Incentive				the FAR or unit limits. Affordability income levels are same as other			
			x												zone affordable unit bonuses, but affordability periods are 20 years for ownership, 10 years for rental. The ADU may be external or internal			
23.27									TS		<2500 SF Uses	NO	х			Within Specific to Zones 23-4 parking requirements, remove all references to parking required that allow for use in zone to exclude off-street parking if <2500	;	
			х								w/o Parking	NU				SF.		
23.31								PS			Lot Size			Zones R1B-R2C, R3B- R3D		Restore 5,750 sq. ft. lots and 50' width	No	5000' brings 7000 lots into conformity
						1		1	1 1 1	1 1								

Lot size minimum X Division 23-4D-2 2030-Allowed Land Uses and Permit Requirements X Table; R18-R2C CHANGE: Single-Family Attached status from "P" to "." in R2A, R2B, Allowed Uses in Recuirements X CHANGE: Single-Family Attached in Specific Zones to not allowed. X Table 23-4D-2030(C) Allowed Uses in Requirements X CHANGE: Single-Family Attached in Specific Zones to not allowed. X CHANGE: Single-Family Attached in Specific Zones to not allowed. X CHANGE: Single-Family Attached in Specific Zones to not allowed. X CHANGE: Single-Family Attached in Specific Zones to not allowed. X CHANGE: Single-Family Attached in Specific Zones to not allowed. X CHANGE: Single-Family Attached in Specific Zones to not allowed. X CHANGE: Single-Family Attached in Specific Zones to not allowed. NO Staff does not not allowed. NO Staff use not not allowed. NO Home Occupations 1 if clients come to the site, otherwise none required. 23.51 Division 23-4D-2 2040-Parking Requirements (Residential House-Scale) Division 23-4D-2 2040-Parking Requirements (Residential House-Scale) NO Home Occupations 1 if clients come to the site, otherwise none required. 23.60 Parking Standards Phose Scale 2040 (B) Maximum Number of Parking Number of Parking spaces even though minimums are No No Staff agrees with nyl deleting this language in House Scale zones; and staff supports changing language in Nouse Scale supports changing			Δ			В			C	D	F	F	G		н
Part	APTER	NO													
Marie Mari	E CH	DIVIS		 	NITIATED B	SY COMMSSIO	NER	EX OFFICI	O TOPIC AREA		AMENDMENT TYPE	SUBSTITUTE LANGUAGE	COMMISSIONER NOTES	-	
Part				2										YES/NEUTRAL	
Part				DERSO RT	GRAW	IVER HISSLEF	OMPSC	RKARD	5					1	
April Process Proces	23.35	Division 23-4D-2		H AN	KM RE	SCF	<u> </u>	E B E				Remove single-family attached, duplex and ADU	Remove these uses in favor of only referencing dwelling units without respect to	No	
Part		Residential House-Scale Zones											any dwelling unit on the lot with the only limitation being 550 SF on the second floor of the rear 1/3 of the lot. per current ADU code. Smaller lot sizes may be incorporated into zones intended to be used in greenfield areas and as implementation for use via the Small Area Planning Process with full public		
March Marc		Residential House-Scale Zones											This amendment provides balance required to achieve the Austin Bargain to allow neighborhoods to maintain existing current zoning while creating new zones for greenfield, areas where the new regulations match current development and for sites identified in a Small Area Planning		
No. Column Colu	23.37		х				TW		Lot Sizes		-	replace 5000 with 5750	category between 11.5k-10k) to be subdivided leading to increased demolitions	No	
March Marc	23.44						1	rs			Allowed Uses in Residential House-Scale	R2C, R3A, R3B.	Change permit status of Single-Family Attached in Specific Zones to not allowed.	No	Staff does not aggree with reducing SF attached permissions in D3 as it will be reducing entitlements currently allowed today
March Marc	23.45	Division 23-4D-2 Parking Standards	X				TW		Parking	NO	20.00	11 '		No	Home Occupation specific to use limits trips to 4, also addendum
Declaration	23.51		x				1	rs	Requirements (Residentail	NO	Number of Parking		"market" will determine number of parking spaces even though minimums are established and that developers are allowed to put in as many parking spots as	Yes	Staff agrees with only deleting this language in the Residential
Part	23.63	Division 23-4D-2 Residential House-Scale Zones	X	FK					Rural		23-4D-2050	, , , , , , , , , , , , , , , , , , , ,		No	
April	23.65	Division 23-4D-2 Residential House-Scale Zones	X	FK							23-4D-2060			No	
Experimental control of the control	23.67	Division 23-4D-2 Residential House-Scale Zones	x	FK							23-4D-2070	Strike Accessory Dwelling Unit allowed only when participating in Affordable Housing Bonus Program.	Allowing ADUs in R1A by right meets the objectives of the Planning Commission - it's unlikely that ADUs will be built in R1A with an affordability requirement. R1 already proposes allowing ADUs for very large lots that are 15,000 sqft. This just	No	NHCD supports accepting in-lieu fee as opposed to on-site
March Marc	23.68	Division 23-4D-2 Residential House-Scale Zones		AH					residential		4D-2210: R1-R4	roof" and limit slab height above finished grade "slab height is limited to a maximum of 6' above finished grade and a maximum of 12" above highest finished grade"	32' to top of roof is too low to accommodate three stories along with roof pitch, etc. 35' max to top of roof is very similar to current code limit of 32' max to average roofline. 35' is limit in non-McMansion zones in v3. Common standard reduces cost and time for regulatory compliance, allows more flexibility for site conditions, and allows enough slab exposure for adequate drainage - identified	Yes/No	
19	23.69	Division 23-4D-2 Residential House-Scale Zones	X	FK					R1B		23-4D-2080	, , , , , , , , , , , , , , , , , , , ,	it's unlikely that ADUs will be built in R1B with an affordability requirement. R1 already proposes allowing ADUs for very large lots that are 15,000 sqft. This just	No	
Table (B) Polythia Table	23.71	Division 23-4D-2	х				1	rs		NO	R1B, R1C Table 23-4D-	, Width (min.) = 50', Area (min.) = 5750'		No	see response in line 23.31
P3.8 8 A Zance, RMA and MMH Zones 23.6 1200 - 2440; R2A-R2E 2440 - 2440;	23.75		X	AH FK					residential		Table (D) Height	Building Height is defined as height from top of slab to top of roof. Slab Height is defined as height from finished grade to top of slab. Maximum building height is 35' from top of slab to top of roof. In McMansion Zones: Maximum building height is 22' at 5' from the side lot line. Max Building Height increases by 1' for every 1' past 5' from the side lot line. So 23' at 6' from the side lot line and so on, up to the 35' max height limit. Max Slab Height: 5' above finished grade at any point. Max Slab Height can be no more than 12" above the highest finished grade, Pier and beam foundations are not subject to this limit. Max Slab Height does not apply to portion(s) of building footprint over 10% or greater slope of natural grade The same Height Encroachments/Exemptions apply to this as apply to current McMansion tent.	unit yield and reducing entitlements below current code. Current code "tent" is very complicated and costly to administer and enforce. Amendment is easy to administer, uses one base measurement (max height) and creates the same building envelope without tent sections, can be verified by form boards on site and allows three stories within tent. 35' to top of roof better replicates the average roofline height calc under current code, allowing most existing homes under McMansion to conform. 35' to top of roof as proposed is not an increase in overall height vs today, even including the slab height measurement, due to change from average roofline to top of roof. 32' to top of roof (in v3) does not allow enough room for a third story with much of a pitch on the roof, increasing massing and eliminating finished attics above a second floor on most lots. Three stories, which are allowed under current SF-3 code, are essential to achieving R3 and R4 unit yields while accommodating impervious cover and off street parking.	Yes/No	support other provisions.
23.83 Division 23.40 2 100 - 23.40, R2A-87F	23.79	Division 23-4D-2 Residential House-Scale Zones		FK							R3 & R4 Zones, RM1A	Table (A) Delete SF-Attached Use	Small Lot Use replaces SF-Attached Use.	No	see response on line 23.44
23.95 Division 23-4G-2 2100-2146, R2A-R2E Front Yard Impervious Cover No	23.83	Division 23-4D-2 2100 - 2140; R2A-R2E	х					rs	Attached		2100 - 2140; R2A-R2E			No	ADUs only allowed on 5000' lot
Table 23-4D-XXXX(H) Civic Open Space Table 23-4D-XXXX(H) Civic Open Space and Civic Ope	23.84	Division 23-4D-2 2100 - 2140; R2A-R2E	х					rs	Front Yard Impervious	NO	Table 23-4D-XXXX(G) 2150-2180; R3A-R3D		Not clear on reason for this. CONSOLIDATED MOTION - SO	No	see response on line 23.1
Division 23-40-2 2150-2180; R3A-R3D TS R3A and R3B Uses NO Division 23-40-2 Residential House-Scale Zones Tecommended. TS R3A and R3B Uses NO Division 23-40-2 Residential House-Scale Zones Tecommended. TS R3A and R3B Uses NO Division 23-40-2 Residential House-Scale Zones Tecommended. TS R3A and R3B Uses NO Division 23-40-2 Residential House-Scale Zones Tecommended. TS R3A and R3B Uses NO Division 23-40-2 Residential House-Scale Zones Tecommended. TS R3A and R3B Uses NO Division 23-40-2 Residential House-Scale Zones Tecommended. TS R3A and R3B Uses NO Division 23-40-2 Residential House-Scale Zones TS Division 23-40-2 Residential House-Scale Zones Tecommended. TS TS Common and Civic Open NO Table (A, B, C, D, E) TS Common and Civic Open Space Tecommended. To TS Common and Civic Open Space Tecommended. To R2150-Table 23-40-XXXX(G) or Table 23-40-XXXX(G) or Tabl	23.85	Division 23-4D-2 2100 - 2140; R2A-R2E	х				1 1	rs						No	see response on line 23.74
23.91 Division 23-4D-2 Residential House-Scale Zones x GA Division 23-4D-2 Residential House-Scale Zones x GA Division 23-4D-2 Residential House-Scale Zones x GA Division 23-4D-2 2150-2180; R3A-R3D Division 23-4D-2 2150-2180; R3A-R3D Table (A, B, C, D, E) TS Common and Civic Open Space Civic Open Space Common and Civic Open Space and Civic Open Space Table 23-4D-XXXX(G) or (I) DELETE: Common Open Space and Civic Open Space Table 23-4D-XXXX(G) or (I) DELETE: Common Open Space and Civic Open Space Residential House-Scale Zones Incentivizes family friendly housing around AISD schools. AISD continues to predict student enrollment decreases we need family friendly housing near schools. Common and Civic Open Space requirements are not correct in Table and are addressed throroughly in 23-4C-1 and 23-4C-2 with previous revisions recommended. No see response on line 23.74	23.86	Division 23-4D-2 2150-2180; R3A-R3D	х					rs	Space R3A and R3B		2150 Table 23-4D- 2150A), 2160Table 23-	DELETE: Single-Attached and Other Allowed Uses	recommended. Keep single-family attached with R3 used adjacent to corridors. What is the purpose of the new use called "other allowed uses." It is not defined and not	no	
23.93 Division 23-4D-2 2150-2180; R3A-R3D Table 23-4D-XXXX(G) or (I) Common and Civic Open Space and Civic Open Sp	23.91	Division 23-4D-2 Residential House-Scale Zones	x	GA					Uses		no 23-4D-2150 to 2200	For R2-R4 Zones: within 500' of public school, use RM2B entitlements	Incentivizes family friendly housing around AISD schools. AISD continues to	No	suggest remapping instead of altering zones
Civic Open Space NO Table 23-4D-XXXX(G) or recommended.	23 92	Division 23-4D-2 2150-2180: R3A-R3D						rs				The contract of the contract o	schools.	No	see response on line 23.74
Z3-4D-Z15U K3A See response on line 23.31 See response on line 23.31 See response on line 23.31									Civic Open				addressed throroughly in 23-4C-1 and 23-4C-2 with previous revisions recommended.		
	23.94	23-4D-2150 R3A			KM							Minimum Lot Size should be 7,000 w/ width of 60'	Likely existing duplex lots.	no	see response on line 23.31

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CHAPTER	ISION	DESIRED PROPOSED								REQ. ADD'L STAFF					
ARI	<u>70 </u>	CHANGES TO D3	\vdash	INITIATE	D BY COM	IMSSIONER	<u> </u>	EX OFFIC	TOPIC AREA	FEEDBACK	AMENDMENT TYPE	SUBSTITUTE LANGUAGE	COMMISSIONER NOTES	-	
			NDERSON ART AZI	ENNY 1CGRAW	UCKOLS	EEGER HIEH	HOMPSON VHITE HAW	BURKARDT	- H		GENERAL SPECIFIC SECTION			YES/NEUTRAL /NO	STAFF RESPONSE
23.95	Division 23-4D-2 2150-2180; R3A-R3D	х	A I	Y 2	200	<u> </u>	<u> </u>	6	R3B Lot Size	NO	2160Table 23-4D- 2160(A),	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	5	R3C and R3D	NO	2170 Table 23-4D- 2170A), 2180Table 23- 4D-2180(A),		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	х					TS	5	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	х					TS	5	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	5		NO	2190 - 2210 R4A- R4D; Table 23-4D-XXXX(H)		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	X	АН		J	Sc			Parking		23-4D-2150 through 2210 (G) (3): Parking Driveway	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	АН		J	Sc Sc			Parking		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 allwy improvements.
23.104	Division 23-4D-2 Residential House-Scale Zones	X	АН						residential		23-4D-2150 through 2210(G)	Amendment: Required parking space(s) must not be located in front of the front facade of the building, forcing parking to rear of lot	·	Neutral	If parking setback reduced, recommend adding frontyard IC to R4 Zones.
23.107	Division 23-4D-2 Residential House-Scale Zones	x	AH						residential		23-4D-2170, 23-4D-2180, 23-4D-2190, 23-4D-2200, 23-4D-2210 (G) Parking (2) Setback	(1) Parking Requirements — 包) —Setback – Front 30', Side St. 20', Side 2', Rear 5' – 图) 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	АН						residential			Add "Articulation, Net Area 40 sf", Change Articulation length (min.) to 8' and Articulation depth (min.) to 2'.	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 X	AH						residential		23-4D-2150 to 2200 Table(C) Building Form	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 Division 23-4D-2 Residential House-Scale Zones	x	AH						residential		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. Not counting ADU toward FAR if on a lot with an existing home that is older than	No	The footnote does not inherently reduce impervious cover. Not all R Zones have an FAR limit.
23.111	Division 23 4D 2 Residential modes searc 20nes								residential		Table 23-4D-2100 to 2210(A)	'''''	10 years is a good incentive. Preservation Incentive should apply in every R-type zone.	No	Not all N Zolles have all I AN limit.
23.113	Division 23-4D-2 Residential House-Scale Zones	x	АН						residential		23-4D-2100: R2A Zones	Amendment: Delete section.	R2A zone should be deleted entirely because it provides no appreciable increase in unit yield, and there is no equivalent under current code.	No	R2A zone matches existing conditions of duplexes on corners within neighborhoods, allows for consistent mapping, and encourages infill through ADUs within neighborhoods.
23.115	Division 23-4D-2 Residential House-Scale Zones	x	АН						residential		23-4D-2140: 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		АН						residential		23-4D-2150: R3A Zones	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	АН						residential		2190, 2200, 2210: Side Street Encroachment	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	АН						residential		23-4D-2150, 2160, 2170, 2190, 2200, 2210: Grade Limit Encroachment	— Borch, Stood 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. Reccommended languauge: Uncovered Steps may not exceed 3' above ground.
23.121	Division 23-4D-2 Residential House-Scale Zones		AH						residential		23-4D-2190, 2200, 2210: <u>Building Envelope for</u> <u>R4A and R4B</u>	(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	Y Y	АН						residential		23-4D-2210: R4C Zone	(1) Primary and Accessory Building, Table (E) (2) Height Encroachment, Table (F)(1) Private Frontage Type	There is not an R4 Zone that does not have McMansion limitations, limiting capacity for newly platted R4 lots. The only difference between Draft 3 R4C and R4A is 15' setback and 80' building width. As proposed here, R4A has 25' front setback with McMansion, R4B has 15' front setback with McMansion, and R4C has 15' front setback without McMansion. R4C should not have front porch requirement as it is not intended to be compatible with McMansion neighborhoods.	No	R4 Zones are designed to be compatible with R2 and R3 in the urban core.
23.124	Division 23-4D-2 Residential House-Scale Zones	x	АН						residential		23-4D-2210: R4C Articulation Diagram		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	l x	AH						residential		23-4D-3	· · · · · · · · · · · · · · · · · · ·	There needs to be a deletion of dwelling units per acre for all multi-unit zones. It is a duplicative regulation, given that the scale is already regulated.	?	If refering to RM1A, table corrected in addendum.

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CHAPTER RTICLE IVISION TLE	DESIRED PROPOSED	INITIATED	D DV COMMACCIONIED	EV OFFICIO	TODICADEA	REQ. ADD'L STAFF FEEDBACK		CURCTITUTE LANGUAGE	COMMISSIONED NOTES	
	CHANGES TO D3		NUCKOLS OLIVER SCHISSLER SEEGER SHIEH THOMPSON	SHAW BURKARDT X3 MENDOZA GOSTALO		TEDBACK	GENERAL SPECIFIC SECTION	SUBSTITUTE LANGUAGE	COMMISSIONER NOTES	YES/NEUTRAL /NO STAFF RESPONSE
23.128 Division 23-4D-3 Residential Mult-Unit Zones 23.129								bonus with a 45' overall height and no eve/parapet height.	These new zones give flexibility for mapping with entitlements allowing a remapping of R-scale zones with no increase in base height/setback entitlements but high affordable bonus entitlements.	UTC: Exempt from Compatibility Standards w/in 1/4 mile of transit/IA corridors No RM1A intended to be small scale multifamily or townhouse development.
					New, more flexible RM1 zones			RM1D has base RM1A entitlements, but has a bonus equal to the RM2B bonus entitlements with 60' of overall height and no eve/parapet height. RM1E has base RM1A entitlements, but has a bonus equal to the RM4A bonus entitlements with 85' of overall height and no eve/parapet height.		
23.130 Division 23-4D-3 Residential Mult-Unit Zones	X	X KM				Yes	No 23-4D-3	Minimum lot sizes for RM1A and RM1B should be 5,750 with 50' width	To allow conversion of existing MF districts in neighborhoods. Currently the minimu lot isze is 8,000 SF	No
23.131 Division 23-4D-3 Residential Mult-Unit Zones		СК			Remove existing single family as a non- conforming use in RM	No		RM as of 6/1/2018 will not be considered as a non-conforming use.	If a single family use is on a lot zoned as RM, that building will not become considered non-conforming. However, no new non-conforming single family housing may be built.	No Consider mapping change to R4 or RM1A.
23.132 Division 23-4D All RM, MS, MU zones		СК			Increase affordable bonus	No	Yes Applicable zones	Adopt the bonus entitlements recommended by the affordable bonus working group	More bonus entitlements got us from 6,000 affordable units to 13,500.	? Need more detail.
23.134 Division 23-4D-3 Residential Mult-Unit Zones	x	FK FK			residential			Uses up to 14 units per acre4 FAR limit for entire site. R2C height limits, building form (mcmansion) and setback tables, 1 space per unit with additional proposed parking matrix reductions, Add Note to Table A: minimum 10' separation between buildings. No compatibility setbacks.	Map existing ½ to 1 acre tracts to a new "residential scale" RM zone that allows units per acre rather than a fixed unit count is the most efficient and cost effective way to utilize existing "developable" capacity within neighborhoods, removing the need to resubdivide or rezone. A common objection to upzoning is the risk of change in housing type, so multiplex use is excluded. This new zone is intended for infill tracts within the neighborhood as a "resubdivision/rezoning replacement", not for transition zones. It trades off lower density and residential house form vs increased "mappability", increased capacity and reduced regulatory burden under CodeNext. 14 units per acre is limited by 10' separation and .4 FAR, forcing much smaller units to get to the max units/acre.	
23.135 Division 23-4D-3 Residential Mult-Unit Zones	x	GA AH FK			Multi-Family	No	No 23-4D-3		Dwelling units per acre is a duplicative regulation, given that scale is already regulated through height, IC, FAR, etc. Also, it is a regulation that is wholly internal to the building and doesn't affect the public domain. LDC should regulate the built environment, not those who live within it. Unit caps impose a de facto tax on small, affordable homes.	No Density bonus program calibrated to du/acre.
Division 23-4D-3 3030 - Land Use and Permits				TS	3030 - Land Use and Permits	NO	Table 23-4D-3030(A) Allowed Uses in Residential Multi-Unit Zones		ADDENDA added duplexes in RM1A and RM1B.	commentary
23.125 Division 23-4D-2 Residential House-Scale Zones		AH			residential		23-2A-3030 & 3040 (B)	patterns will not negatively impact adjacent property if the construction, remodel, or expansion: Is more than 300 square feet; and Located on an unplatted tract or within a residential subdivision approved more than five years before the building permit application was submitted.	This section incurs high cost along with liability and enforcement concerns for both engineer and homeowner. V3 language shifts liability from the owner of the property to the engineer. "Negative Impact" is vague & subjective. It does not allow for pre-existing deficient conditions on adjacent properties. Drainage calculations are necessary for engineer review and are known to be inaccurate on small tracts. The cost is estimated at \$3000 in site work plus \$5000 for the letter. Est \$8000 per house for over 5100+ permits last year fitting the requirements = over \$40 million additional cost.	Pending
23.137 Division 23-4D-3 3040- Parking Requirements (Res House Scale)	lentail X			TS	Maximum Number of	NO	3040 (B) Maximum Number of Parking	Delete section 3040 (B)	"market" will determine number of parking spaces even though minimums are	Neutral Suggest replacing "double" with 2.5" for this zone category
23.138 Division 23-4D-3 3040- Parking Requirements (Res House Scale)	lentail x			TS	Parking Spaces		3040 (C) Parking Limitations	Delete section 3040 (C)	established and that developers are allowed to put in as many parking spots as they want. This conflicts with statements from Planning and Zoning Department that the "market" will determine number of parking spaces even though minimums are	Yes Duplication. Subsection should be deleted, refer to (C).
23.140	х		JSh `		Parking Limitations	NO	23-4D-3050		established and that developers are allowed to put in as many parking spots as they want.	No No
23.142 Division 23-4D-3 Residential Mult-Unit Zones		AH			IC Multi-Family	No	No 23-4D-3050	SF) Require R-Zone Table (D) (1) Primary and Accessory Building and Table (E) (2) Height Encroachment to apply in lieu of compatibility	Small RM tracts under RM1A/RM1B would still be undevelopable under CodeNEXT like they are today due to compatiblity. Maintains current code standards and provides flexibility to increase unit capacity while maintaining neighborhood character and scale.	No Support removal of compatibility setbacks but height would need further discussion.
23.143 Division 23-4D-3 Residential Mult-Unit Zones	x	AH			Multi-Family	No		landscape buffer to semi-opaque. Option 2: 1. Eliminate additional setback if Intermittent Visual Obstruction Buffer (20 ft) is kept 2. Reduce landscape buffer height to 23-4E-4100 (Semi Opaque Buffer, 6 ft) and reduce setback to 15 feet on side and rear 3. Eliminate additional setbacks and just have Semi-Opaque Buffer 4. Change which residential house scale zones trigger compatibility - ie R4A & R4B with MF allowed should not trigger compatibility for other MF"	Compatibility is one of the key drivers of the reduction of housing yield.	No Option 1 not reccommended. 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				TS	Common and Civic Open Space	NO	3050 - 3090; RM1A- RM3B; Table 23-4D- XXXX(G), (H) or (I)		Common and Civic Open Space requirements are not correct in Table and are addressed throroughly in 23-4C-1 and 23-4C-2 with previous revisions recommended.	No See adenddum
23.150 Division 23-4D-3 Residential Mult-Unit Zones	X	AH			Multi-Family	No		need to be looked at together.	In this zone the height is limited to 40 feet and there is a 20 tall landscape buffer, so limiting the building to 2 stories or less than the buffer makes no sense, especially since the height is limited to 2 stories for 25 feet from property line but the setback is 20 ft from side lot and 30 from rear, so you can't even use that.	No

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HAPTER	NO N	DESIRED PROPOSED									REQ. ADD'L STAFF						
Ö	N DICK	CHANGES TO D3	-	INITIA	ATED BY	COMMSSIC	NER	EX OF	FFICIO	TOPIC AREA	FEEDBACK	A	AMENDMENT TYPE	SUBSTITUTE LANGUAGE	COMMISSIONER NOTES	-	
					> 0	<u>د</u>	NO		4							YES/NEUTRAL	
			NDERSC	NZI NNY	CGRAV	IVER HISSLE EGER	IIEH HOMPS	SHAW	ENDOZ IICH							/NO	
23.151	Division 23-4D-3 Residential Mult-Unit Zones		AH AH	A A	ΣŽ	SC SC OI	<u>중 </u>	S S S				GENERAL No	SPECIFIC SECTION 23-4D-3070	Either, eliminate setback, eliminate landscape buffer, or eliminate	Max height is 40 feet, yet limited to 35 feet until 50 feet from property line and	No	STAFF RESPONSE
			ш						ľ	Multi-Family	No			stepback. It's the combination that makes no sense. These clauses need to be looked at together.	then up to 40. Seems silly given that you can probably get three stories in 35 feet and there is a 20 foot buffer. This is only 5 feet higher than the adjacent SF.		
23.152	Division 23-4D-3 Residential Mult-Unit Zones	х	AH									No	23-4D-3070	Either, eliminate setback, eliminate landscape buffer, or eliminate	Same issue of previous section as the graduated height went up to 100 feet from	No	
		x	ш						ľ	Multi-Family	No			stepback. It's the combination that makes no sense. These clauses need to be looked at together.	property line. APplicable to RM2B, RM3A, MU3A&B, MU4A, MS3A, MS3B.		
23.153	Division 23-4D-3 Residential Mult-Unit Zones		АН							Multi-Family	No	No	23-4D-3070	Either, eliminate setback, eliminate landscape buffer, or eliminate stepback. It's the combination that makes no sense. These clauses	Same issue of previous section as the graduated height went up to 50 feet from property line for both MU2A&B and MS2A-C.	No	
23.155	Division 23-4D-4 Mixed-Use Zones	х								,				need to be looked at together.		_	UTC: Exempt fromComp Std w/in 1/4 mile of transit/IA cooridors
23.157				СК			\perp					-	MU1A-MU1D	The setback when adjacent to an R zone property is changed to 10 ft	This restores compatibility to more closely mimic a legal single family home next	Yes/No	Support reducing setback in MU1A/B which have the same height
			ш							Adjust compability				for all MU zones. The height is restored to 40'. Stepback heights 10'-	door, restores the entitled height under current zoning, and removes articulation requirements from walls hidden behind a required vegetative	.,	restrictions as Rzones. In MU1C/D, open to reducing side setbacks.
		х	ш						d	and height for MU1	No	No		allowed at 30'.	screen.		
23.158	Division 23-4D-4 4030 - Allowed Uses and Permitting Requirements	X X	ш					TS	ш	Uses	NO		Table 23-4D-4030(A)		ADDENDA: Added Townhouses as permitted use to zones MU3, MU4 and MU5		Commentary
23.161	Division 23-4D-4 4030 - Allowed Uses and Permitting Requirements	x						TS	Er	Adult Intertainment	NO		Table 23-4D-4030(A)(6)	Change MU4B and MU5B permitting to CUP only	23-4E-6060 permitted adutl entertainment other than an adult lounge	No	Specific to use standards clarifies when use if P vs. CUP.
23.163	Allowed Uses	X					ΤV	v		uses			Table 23-4D-4030 (A)	Micro-Brewery/Micro-Distillery/Winery to CUP in MU1B; MU1D MUP IN MU2B	Micro-Brewery/Micro-Distillery/Winery change to CUP & MUP see exhibit Table 23-4D-4030 (A) for more clarity	Neutral	
23.166	Division 23-4D-4 4040 - Parking Requirements							TS		Parking	NO		Table 23-4D-4040(A) (5 Civic and Public	me. m.mez	ADDENDA Changed parking for Public and Private Seconday Schools. Keep at levels in Draft 3.	Yes	Addendum makes parking requirements consistent for schools.
22.467	Division 23-4D-5 Parking and Loading	x x	ш				$\perp \! \! \perp$		ш	Turking	140		Assembly	Don't les 2500 ef en en el'entre Millet elle en en elle et e MC en en		No	
23.167	Division 23-4D-5 Parking and Loading Division 23-4D-4 Mixed-Use Zones	х	×			ICo			-	Parking	No	no	Table 23-4D-4040 A 23-4D-4050 General to		Encourge small businesses in mixed use areas. Agreements to encroach within a public right-of-way may come in several	No Pending	MS zones intended for more walkable develpoment. Needs law review
23.108	DIVISION 25 45 4 IVIIACU OSC ZONCS		ш			JSC			ш	Process			Mixed-Use Zones (3)(a)(ii)	(ii) Balconies, pedestrian walkways, porches, accessible ramps, and stoops; provided that no such feature shall extend into the public right-of-way without a license agreement, encroachment agreement,	different forms. The recommended language clarifies that any legal document that authorizes the extension of certain features into public right-of-way,	renuing	inceus law review
20.150	Division 23-4D-4 Mixed-Use Zones	х							1		No	No		or other appropriate legal document.	providing any appropriate legal document is presented.		
23.169	Division 23-4D-4 Mixed-Use Zones		ш			JSc	JT		ш	Process			23-4D-4060 Mixed-Use 1A (E) Encroachments	easement, or utility easement, unless a license agreement,	Agreements to encroach within a public right-of-way may come in several different forms. The recommended language clarifies that any legal document	Pending	Needs law review
23.170	Division 23-4D-4 4060-4160; MU1A - MU5A	х				$\perp \perp \perp$	$\perp \!\!\! \perp$	TS	ш		No	No	4060 - 4160; MU1A-	blace.	that authorizes the extension of certain features into public right-of-way, providing any appropriate legal document is presented. Simplify compatibility requirements. Resulted from ZAP/PC Compatability	No	see above
23.170			ш							Compotibility			MU5A; Table 23-4D- XXXX(B)(3)(a)		working group.		SCC dbovC
			ш							Compatibility Setbacks	NO		\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\	be set back at least 25 feet from a triggering property. minimum- setbacks shall be provided along the alley or shared lot line that			
23.173	Division 23-4D-4 Mixed-Use Zones	х		CV					-			No	All costions	comply with subsections (b) and (c).	More live music and brownups throughout the city	No	
23.173	DIVISION 23-4D-4 IVIIXEU-OSE ZONES		ш	CK						Add Microbrewery and Live Music		No	All sections	Expands the allowed zones for microbreweries and adds the new live music venue use to all MU zones.	liviore live music and brewpubs throughout the city.	INO	
			ш							Venue as permitted use	No						
23.174		х	-	CK						n all MU zones		No	MU1A-MU1D	Adjust the setbacks and compatibility in all MU1 to mimic R zones;	Draft 3 breaks MU1 as a viable zone. This would restore it.	Yes/No	Support reducing setback in MU1A/B which have the same height
23.174			ш						co	Adjust ompability for	No	NO	WIGIA-WIGID	adjust the setbacks and compatibility in all Wol to million 20ffes, adjust height back to 40', remove articulation when behind a vegetative buffer.	Didit 3 bicaks Well as a viable zone. This would restore it.	103/140	restrictions as Rzones. In MU1C/D, open to reducing side setbacks.
23.175	Division 23-4D-5 Main Street Zones	х							-	MU1						_	UTC: Exempt fromComp Std w/in 1/4 mile of transit/IA cooridors
23.176	Division 23-4D-5 Main Street Zones			FK						Corridor and	No		23-4D-5 All MS Zones	Eliminate building articulation requirements.	Main street buildings are universally placed side-by-side and take up the entire property width to create an active pedestrian experience. Articulation should be	No	Articulation requirements were calibrate for the Main Street zones
23.177	Division 23-4D-5 Main Street Zones	х		FK		$\perp \perp \perp$	$\perp \! \! \perp$	$\bot \bot \bot$	-	Centers	No		23-4D-5 All MS Zones	E.g. Table 23-4D-5060(C)(2) Example: Table 23-4D-5060(C) Building Form	eliminated in all MS zones. MS setback requirements currently range from 5-10'. As every foot counts in a	No	5' is the minimum required from the utility departments. The
23.177			ш							Corridor and Centers	No		25 45 5 All IVIS ZOTICS	1) Setback(Distance from ROW / Lot Line)	pedestrian environment, all MS setbacks should be 0', in line with near universal practice around the world.		intent is still for buildings to be placed at the back of sidewalks
23.179		x		СК			++		-	Adjust		No	All MS1 zones	The setback when adjacent to an R zone property is changed to 10 ft	This restores compatibility to more closely mimic a legal single family home next	No	
			ш							compability and height for	No			20' from lot line are 25', 20'-25' from lot line is 35', and full height is	door, restores the entitled height under current zoning, and removes articulation requirements from walls hidden behind a required vegetative		
23.180		X		СК					C	MS1 Create MS3C,		No	New sections	allowed at 30'. Create new MS3C, MS4A, and MS5A zones with 60' of base height	If the CC zone is going to be restricted to downtown, we need MS zoning that	?	Proposed MS zones with taller heights should be limited to IA
			ш							MS4A, and MS5A zones	Yes			bonuses 180' of height, 275', and uncapped, respectfully, with bonus IC/BC of 95/90, uncapped units, and uncapped FAR.	goes very high as an option for mapping.		centers, alternative would be to allow UC in all Imagine Austin centers, noit just Imagien Austin regional centers
23.181	Division 23-4D-5 Main Street Zones		АН				\top	111		Corridor and		No	23-4D-5 All MS Zones	Eliminate building articulation requirements. E.g. Table 23-4D-5060(C)(2)	On every main street in the world, main street buildings are placed side-by-side and expand to the entire envelope of the lot, creating an active pedestrian	No	
										Centers	No				experience. This is best practice. As such, articulation should be eliminated in all MS zones.		
23.182	Division 23-4D-5 Main Street Zones	The state of the s	АН			+	+	$\dagger \dagger \dagger$		Corridor and		No	23-4D-5 All MS Zones		MS setback requirements currently range from 5-10'. As every foot counts in a pedestrian environment, all MS setbacks should be 0', in line with near universal		5' is the minimum required from the utility departments. The intent is still for buildings to be placed at the back of sidewalks
		X x								Centers	No				practice around the world.		intent is still for buildings to be placed at the buck of slae walks
23.184	Division 23-4D-5 Main Street Zones					PS							23-4D-2040, 23-4D-304 23-4D-404023-4D-5040		Reduced parking citywide will create safety and welfare problems. Applying a citywide rule will damage our neighborhoods and the areas surrounding	No	
			ш							Parking All			Parking		public/private schools. The neighborhood's welfare damage is from no parking requirements for the first 2,500 sq. ft. adjacent to Main Street uses. AISD has		
										Zones except RC					repeatedly requested COA to reinstate Chapter 25 parking requirements around schools for the safety of children. A one-size parking scheme does not work in residential areas outside the City Core with no alternative transportation modes	1	
		x													just automobiles. Reevaluate parking requirements.		
23.186	allowable uses	x					TV	v		uses			23-4D-5030(A)	Micro-Brewery/Micro-Distillery/Winery CUP in MS1B; MUP in MS2B; MS2C	see exhibit Table 23-4D-5030 (A) for more clarity	Neutral	
23.187	allowable uses	x					Tν	v		uses			23-4D-5030(A)	General Retail>5000 & <10,000 & w/onsite production MUP in MS1B; MS2B; MS2C	see exhibit Table 23-4D-5030 (A) for more clarity	Neutral	
23.188	allowable uses	x					TV	v		uses			23-4D-5030(A)	Outdoor Formal CUP in MS1A; MS1B; MS2A MS2B; MS2C	Outdoor Formal includes shooting ranges, paintball courses, batting cages etc. see exhibit Table 23-4D-5030 (A) for more clarity	Neutral	
23.189	allowable uses						TV	v		uses			23-4D-5030(A)		I understand having a MUP for the higher intensity MS zones but why would we discourage a community garden if that's what the owners feel is appropriate for	Neutral	
A 22 452	Danking Danking	х								4303			22 45 7242 (5)		the site; see exhibit Table 23-4D-5030 (A) for more clarity	No	Addressed by DOMAN 22 22
A.23.192.1	Parking Requirements						TV	V		Parking			23-4D-5040 (D)	(D) Parking Buffer. A 200' parking buffer is required when adjacent to R & RM zones	See exhibit Conditional Uses Permits	Neutral	Addressed by PC Motion 23.28
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CHAPTER	DIVISION	ТПТЕ	_	IRED PROPOSED HANGES TO D3		INIT	TIATED B	ву сом	MSSIONE	:R	EX OFFI	icio	TOPIC AREA	REQ. ADD'L STAFF FEEDBACK		AMENDMENT TYPE	SUBSTITUTE LANGUAGE	COMMISSIONER NOTES		
					ANDERSON	HART (AZI (ENNY	MCGRAW	OLIVER CHISSI ER	SEEGER SHIEH	THOMPSON WHITE	SHAW BURKARDT MENDOZA	TEICH			GENERAL	L SPECIFIC SECTION			YES/NEUTRA /NO	STAFF RESPONSE
23.195		5060-5120; MS1A-MS3B		х					, 0, 0,		TS		Common and Civic Open Space	NO		5060 - 5120; MS1A- MS3B; Table 23-4D- XXXX(I)		addressed throroughly in 23-4C-1 and 23-4C-2 with previous revisions recommended.	No	see above
23.197	Division 23-4D-5	Main Street Zones				AH						ш	Corridor and Centers	No	No	23-4D-5080/90 (B)(D)	"For each of the sections (a), strike Residential House Scale and add in R1, R2, and R3 into text instead."	Allow missing middle transition zones that don't trigger compatibility corridors.	?	
23.198	Division 23-4D-5	Main Street Zones				СК	K					a	Add Microbrewery and Live Music Venue as permitted use in all MS zones	No	No		Expands the allowed zones for microbreweries and adds the new live music venue use to all MU zones.	More live music and brewpubs throughout the city.	No	
23.199					П	СК	К					C	Adjust compability for	No	No		Adjust the setbacks and compatibility in all MS1 to mimic R zones; adjust height back to 40', remove articulation when behind a	Draft 3 breaks MS1 as a viable zone. This would restore it.	No	
23.200				X		Ск	K						MS1 Create MS3C, MS4A, and MS5A zones	Yes	No			If the CC zone is going to be restricted to downtown, we need MS zoning that goes very high as an option for mapping.	?	Proposed MS zones with taller heights should be limited to IA centers, alternative would be to allow UC in all Imagine Austin centers, noit just Imagien Austin regional centers
23.201	Division 23-4D-6	Regional Center Zones																		Dtwn Comm: 6070(A)(2) Allow Transitional Housuing Supportive housing as permitted uses, 6050(B) 0" setbacks, 6050(B) allow 100% IC, Increase DC FAR to 12:1 and 6080 2-Star Grn Bldg min.
23.202	Division 23-4D-6	Regional Center Zones			GA								Parking Reqs	No		Division 23-4D-6	parking. (B) Decoupling required for residential leases. In a multi-unit dwelling,	Decoupling in UNO already exists. Helps to allow folks who don't need a car to go without parking. Seattle just passed a similar law city wide where apartments with 10 or more units are required to decouple	Yes	ATD is supportive of such a motion
23.206	23-4D-6	Regional Center Zones		х	Н		KM					Н	Downtown			23-4D-6000	a parking space must be leased separately from a dwelling unit. Maintain all provisions of the Downtown Plan as it relates to the Judges HIII District	This adopted plan should be respected.	Yes	Draft 3 implements the Downtown Plan
23.208	Division 23-4D-6	6030 - Allowed Uses and Permitting Requirements									TS	E	Adult Entertainment	NO		Table 23-4D-6030(A)(8)	Change CC and DC permitting to CUP only	23-4E-6060 permitted (P) adult entertainment other than an adult lounge	No	Specific to Use clarifies P and CUP
23.209	Division 23-4D-6	6 6030 - Allowed Uses and Permitting Requirements		x							TS	E	Adult Entertainment	NO		Table 23-4D-6030(A)(8)	Change IF, IG, and IH permitting to CUP	23-4E-6060 permitted (P) adult entertainment other than an adult lounge	No	Specific to Use clarifies P and CUP
23.203	Division 23-4E-5	Specific to Use		X	х								ADUs	No		Section 23-4D-6030	l' '	Size limited was intened to promote accessiblity in new, exterior buildings, not to excisting homes. This change would allow homeowners to remain downtstairs in tehir homes and rent out upstairs to provide for aging in place options.		
23.204	Division 23-4D-6	Regional Center Zones						JS	c				Downtown	YES			definition. It is not defined in Article 23-3M Definitions and Measurements. Parking facility should not include surface parking	At Table (A)(11) Automobile Related, Parking Facility is listed as an allowed use by Conditional Use Permit. However, as referenced in (A)(2), the term parking facility is not defined in Article 23-3M Definitions and Measurements. Consider prohibiting surface parking lots as an allowed use in the Regional Center Zones.	No	Parking Facility is defined in 23-3M page 13A-2 pg. 10. Do not recommend changing definition
23.205	Division 23-4D-6	Regional Center Zones		X				JS	c				Downtown			23-4D-6040 Parking Requirements	At (e): Increase driveway width maximum to 30' to allow for 3 lanes of traffic flow.	Limiting driveways to 25 feet in width will be difficult to achieve on projects that require three parking access lanes and/or on projects which combine loading with their driveway access points. Consider increasing driveway width maximum to 30'.	Neutral	Alternative is to allow up to 30 feet in particular situations but not all.
23.210	Division 23-4D-6	6040 - Parking Requirements	,								TS		Parking	NO		Table 23-4D-6040(A)		No parking required. Isn't this where we would want parking maximums?	No	If we create a maximum then we need to state a clear maximum, pick a number or reference other zones like main street
23.214	Division 23-4D-6	Regional Center Zones		x				JS	c				Downtown	YES		` '	Clarify the contradictions between Overview (2) and Table 23-4D-6060(B) Note 1 and the paragraph above it about ROW and utility easements.	(2) conflicts with Table 23-4D-6060(B) Note 1 and the paragraph above it about ROW and utility easements.	No	23-4D-6060(B) refers to compatibilty setbacks
23.218		Regional Center Zones		х				JS					Downtown			Encroachments	Provide reference to the section that describes the process for "Encroachments within a right-of-way, public easement, or utility easement require a license agreement or encroachment agreement."		No	Process for license agreement resides outside of the LDC.
23.223		Regional Center Zones Regional Center Zones		х		FK		JS					Downtown			23-4D-6080 (A) Lot Size and Intensity 23-4D-6080(B) Building	Change DC zone FAR max to 12:1. Clarify reference to easements. Note 1 section referenced is		Neutral Yes	Will require a recalibration of the downtownd density bonus program and a change to the DAP. language referencing IF has been updated to reference the
				x								Ш	Downtown			Placement	Industrial Flex Zones and must be incorrect.	right of way or utilties easement is required" - where is this addressed in the code? And, at Note 1: section referenced is Industrial Flex Zones and must be incorrect.		Downtown Overlay 23-4D-9070; full development standards may not be attainable due to the need for additional utility or right of way easements
23.225	DIVISION 23-4D-6	Regional Center Zones						JS					Downtown				Create exception for <1/2 block sites. Either significantly reduce the % gross frontage requirement or change requirement to "net" frontage or only require one block face of the site to comply. Or remove requirement in DC base zone and allow for a district planning process to dictate which streets and which uses are appropriate. And reduce requirements for many building support spaces (AE vault, fire pump, etc.) that must be located directly on ROW. The definition of active commercial uses (Commercial Group A in the Downtown Plan Overlay Zone) needs to be clarified or refined to allow for ground level office or multi-family lobbies. Additionally, revise the requirement that prohibits stairs/ramps in required setbacks to allow them in required		Neutral	see line 23.220
23.226		Regional Center Zones		X X				JS	ic				Downtown			23-4D-6080(J) Additional	setbacks. Add "or at least the minimum level LEED Certification as a substitute	Consider allowing LEED certification as a substitute for Austin Energy Green Building rating.	No	Coordination with AE would be required.
23.227		Regional Center Zones Commercial and Industrial Zones		х				JS	c				Downtown			23-4D-6080(K) Additional Compatibility	Add "except for additional setbacks or height stepbacks."	To better align this with 23-4D-6080(B)(2), add "except for additional setbacks or height stepbacks.	No	Section 23-4D-6080(B)(2) has been corrected in the addendum to reflect Downtown Plan Overlay Zone additional setback standards
23.229		7 Commercial and Industrial Zones		x		СК	К						Breweries	Yes	Yes		Breweries and brewpubs in MS and MU districts should be limited to 5,000 barrels per year of production. Breweries with more production should be allowed in all industrial zones, but should not have a cap on their production.	operate without arbitrary production caps that exist in D3.	No	The staff recommendation of 15,000 barrels for microbreweries falls within national standards for microbreweries/ brewpubs. Large scale breweries are only permitted within the higher intensity Industrial zones and are not capped on production
23.230	Division 23-4D-7	Commercial and Industrial Zones]-

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1APTER	SION	DESIDED BRODOSED								REQ. ADD'L STAFF						
3		DESIRED PROPOSED CHANGES TO D3		INITIATED B	SY COMMS	SIONER	EX O	FFICIO TO	OPIC AREA	FEEDBACK	AMENDI	MENT TYPE	SUBSTITUTE LANGUAGE	COMMISSIONER NOTES		
			2		_~			4							YES/NEUTRAL	
			IDERSC RT	NNY GRAW	IVER	EGER IEH OMPS(WHITE SHAW BURKARD	CH							/NO	
23.231	Division 23-13A-2 Commercial and Industrial Zones, Land Uses		GA H A	CK	SCF	SE SE	SH,					D-7030	Sec. 23-13A-2030, "Manufacturing and Storage", change 3(e)	This addresses a problem in Draft 3 that incorrectly distinguishes between	No	See row 23.299
	(Land Uses), Division 23-4D-7 (Commercial and Industrial Zones), Division 23-13A-2												("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	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		
	(Land Uses)									Yes - if there arey any			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	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		
									eweries and robreweries	these			Industrial Flex. Sec. 23-13A-2030, "Micro-Brewery/Micro-Distillery/Winery," change "15,000 barrels" to "5,000 barrels".	restaurants that serve alcohol.		
								ш		changes.			Sec. 23-4E-6220(B), "Requirements for a Brewery/Winery/Distillery,"			
													change: (1) Allowed. The sale of beer, ale, wine, or distilled liquor produced onsite for on-site			
		x											consumption must comply with Section 4-9-4 (Minimum Distance from Certain Uses).:			
23.232			GA	СК							23-4[D-7030		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	No	See row 23.299
								ш					Residential House Scale Zone, as measured from lot line to lot line; and	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		
								ш		Yes - if there			of 33 percent or 5,000 square feet of the total floor area of the	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		
									eweries and	ו בחחווות חם ו			(2) On-site Consumption Area	to the city ordinance that governs distance requirements for alcohol sales and restaurants that serve alcohol.		
								Wilcr	robreweries	these			exceeds the lesser of 33 percent or 5,000 square feet of the total floor area of the principal developed use.			
								ш		changes.			(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			
								ш					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)			
23.233	7030 - Allowed Uses and Permitting Requirements						TS		Bars and		Table	e 23-4D-7030(A)(6)		Bars and Nighclubs not permitted in commercial and industrial zones	N/A	comment
									lightclubs	NO						
23.235	7050-7100; CR, CW, IF, IG, IH, RD	Х					TS					e 23-4D-XXXX(D)	<u>_</u> , ₀ , ,		No	Staff supports information within each zone.
								Cor	mpatibility	NO	Heigl	nt	Compatibility Height Stepback to new 23-4E-6 Compatibility	Resulted from ZAP/PC Compatability working group.		
23.236	Division 23-4D-8 Other Zones	х			+++			+								-
23.237	Division 23-4D-8 Other Zones		х								Divis	sion 23-4D-8	(A) Parking. (1) Except as provided in subsections (A)(2) and (A)(3), the director		No	Staff is not recommending adding new regulations to F25. However, because current parking regulations are outside of Title
								ш					shall determine the minimum off-street motor vehicle parking requirement and minimum off-street loading requirement for a use			25, staff recommends referencing current parking standards in the F25 Section.
								ш					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			
								Parl	king in F-25	No			traffic engineering and planning data. (2) For a property owned by the City, the off-street parking			
								ш					requirement for each use allowed in a zone is determined by the director.			
								ш					(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			
		х										_	property zoned Former Title 25, off-street motor vehicle parking requirements are subject to adjustment under section 23-4F-3060. Off-			
23.238	Division 23-4D-8 Other Zones		x								23-4[D-8040 (A)(3)	requirements established in the applicable ordinances and	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
									Parking				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-			
		х											Street Motor Vehicle Parking Adjustments.			
23.239	Division 23-4D-8 Other Zones		GA								Divis		(A) Parking. (1) Except as provided in subsections (A)(2) and (A)(3), the director shall determine the minimum off street mater vehicle parking.		No	See 23.237
													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			
								Parl	king in F-25	No			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			
													(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-			
20.5.5	Division 22 4D 0 City 7	х				$\perp \downarrow \downarrow$							Street Motor Vehicle Parking Adjustments.		N.	familia fatività di 11 di 11 di 12 d
23.240	Division 23-4D-8 Other Zones		AH		JSc						No 23-4I	D-8080 (D)(2)(a)	(-)	Use based compatibility can trigger compatibility restrictions long after Council has rezoned a property. This eliminates the desired outcome of rezoning, especially along corridors.	No	for the fairness of residential properties in F25 staff supports allowing F25 compatability to exist
								A	All Zones	No			regulations established under former Chapter 25-2, Subchapter C, Article 10 (Compatibility), which limit the scale and intensity of	,,,		
		x											development based on the existing use and zoning of adjacent properties.			
		<u> </u>			<u> </u>											

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CHAPTER	DIVISION	DESIRED PROPOSED CHANGES TO D3	IN	IITIATED RY	COMMSSIO	INFR	EX OFFI	CIO TOPIC AREA	REQ. ADD'L STAFF FEEDBACK		AMENDMENT TYPE	SUBSTITUTE LANGUAGE	COMMISSIONER NOTES		
23.241	Division 23-4D-8 Other Zones	CHANGES TO DS	NO	N S	OLIVER SCHISSLER SEEGER	NOS	DT			GENERAL	SPECIFIC SECTION 23-4D-8080 (d)(new)	(A) Purpose and Applicability (1) The purpose of the former title 25 (F25) zone is to incorporate		YES/NEUTRA /NO	STAFF RESPONSE for the fairness of residential properties in F25 staff supports allowing F25 compatability to exist
		x						F25	No			() (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 Plannded 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.			
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 recomemnded, at remove parking.	No	Any amendments to F25 would have to be made before adoption of Title 23 since it is the continuation of Title 25
23.243	Division 23-4D-8 Other Zones	x	AH					Corridor and Centers	No	No	23-4D-8080		"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				СК				F25 compatibility trigger	Yes	No		` ' ' '	This makes clear that it is zoning, not use, in F25 that triggers compatibility on CodeNEXT zones.	No	Staff is not recommending adding new regulations to F25 as any F25 property has standards already set by Title 25
23.246	Division 23-4D-2	x		CK				Residential ADU Affordable Bonus available in F25 single family zones		No		"(E) Regardless of the requirements of the 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 <u>is for ten or more dwelling units</u> , then a site plan is required. is allowed in Table 23 4D 7040(A), the site development requirements are the same as the most comparable residential zone. (2) Non-Residential Uses (a) If the site is less than one acre, the site development requirements of the zone on the adjacent property applies. A property owned by the City is not subject to minimum lot size requirements. (b) If a site is larger than one acre, then a conditional use permit and site plan are required."	Allow greater flexibility for housing on publicly owned land.	No	Site plan required for 6 or more units (3 or more in some cases) in other zones. Site development requirements need to be defined.
23.249	Division 23-4D-8 8110 - Planned Unit Development						TS				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
23.251	Division 23-4D-8 8110 - Planned Unit Development	x					TS	PUD		NO	8110 (G)(2)(c)	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	with preserve 75% all native caliper inches.
23.252	Division 23-4D-8 8110 - Planned Unit Development						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.	INO	
23.253	Division 23-4D-9 Overlay Zones	X													-
23.254	Division 23-4D-9 Overlay Zones Division 23-4D-9 Overlay Zones				JSc			Capitol Dominance Overlay Zone		Yes	23-4D-9050	and place in overlay Strike section 23-4D-9050 or make it not effective to the west (Because it impacts a portion of the Guadalupe corridor)	Assuming other regional centers that have less supporting infrastructure than downtown, put these exemptions here. 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 No	Included in code for ease of use and alignment with State regulations.
23.256	Division 23-4D-9 Overlay Zones	X X			JSc			Capitol View Corridors			23-4D-9060	CVC regulations)	This is overlaps with state law that already regulates protecting Capitol views. Having a height limitation 1/4 of a mile from the Capitol could significantly impacts density.	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				specifically added to the Commercial Group A list to include lobbies as an allowed use.			Standard described as frontage requirement in DAP, however it is not clear in draft code if this is refering to frontage or total square footage of the ground floor.
23.258	Division 23-4D-9 Overlay Zones Division 23-4D-9 Overlay Zones	х			JSc JSc			Downtown			23-4D-9080(D)(1) Development Standards: Driveways, Curb Cuts, and Porte Cocheres 23-4D-9080(D)(2)	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." Clarify if the definition of commercial building in this context includes	More restrictive than LDC. There are no such requirements in existing code. More restrictive than LDC. There are no such requirements in existing code.	Neutral No	Standard from the Downtown Austin Plan. However, small sites that only front Pedestrian Activity Streets may require this exception. Per Chapter 23-13 (Definitions and Measurements) Commercial is
		x x						Downtown	YES			multi-family residential uses.	and the state of t		a term defining office, service, restaurant, entertainment, or retail uses collectively.

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CHAPTER	DIVISION	DESIRED PROPOSED CHANGES TO D3	<u> </u>	INITIA	TED BY CO	OMMSSIO	NER	EX C	OFFICIO	TOPIC AREA	REQ. ADD'L STAFF FEEDBACK	A	AMENDMENT TYPE		SUBSTITUTE LANGUAGE	COMMISSIONER NOTES	_	
23.260	Division 23-4D-9 Overlay Zones		ANDERSON	KAZI	MCGRAW NUCKOLS OLIVER	SCHISSLER SEEGER	SHIEH THOMPSON WHITE	SHAW BURKARDT	MENDOZA	Downtown		GENERAL	23-4D-9080(D)(2) Treatment of Commercial Building		At Note 3: Add "street trees are an acceptable shade device if they provide shade in front of the required area."	More restrictive than LDC. There are no such requirements in existing code.	YES/NEUTRAL /NO Neutral	STAFF RESPONSE Standard from the Downtown Austin Plan.
23.261	Division 23-4D-9 Overlay Zones	X				JSc				Downtown			Fronts 23-4D-9080(D)(2) Treatment of Commercial Building Fronts	ng	At (a) Minimum Shade Note 3: This requirement will likely force a project to seek a license agreement from the City because they will not want to push the building back to accommodate an awning or canopy. License agreements will incur additional costs and time.		No	Standard from the Downtown Austin Plan.
23.262	Division 23-4D-9 Overlay Zones	x				JSc				Downtown			23-4D-9080(D)(2) Treatment of Commercial Building Fronts	ng	At (a) Front Setbacks (i) and Figure 23-4D-9080(2) Minimum Front Setback Requirements: Remove setbacks greater than 5' except when a site is within a block with existing greater setbacks. Or At (a) Front Setbacks (i) change to "Minimum front setback is 5' or equal to existing adjacent block front setback when site is within a block with existing greater setbacks" and delete the Figure (2) map until an updated map developed during a district planning process can be	More restrictive than LDC. There are no such requirements in existing code.	Yes	Clarification regarding setbacks in CC zones and Downtown Plan Overlay have been addressed in the addendum.
23.263	Division 23-4D-9 Overlay Zones	x				JSc				Downtown			23-4D-9080(E) Compatibility			At (2) Additional Screening Requirements for a Parking Structure: These requirements will likely be covered in the Criteria Manual for parking garages. If so, remove them from this section to avoid redundancy.	No	Compatibility based on Downtown Austin Plan. Compatibility affects height bonus, cannot be accopmplished solely through base zoning.
23.264	Division 23-4D-9 Overlay Zones					JSc				Downtown			23-4D-9080(F) (2) Screening		parking garages, remove them from this section to avoid redundancy.	At (2) Additional Screening Requirements for a Parking Structure: These requirements will likely be covered in the Criteria Manual for parking garages. If so, remove them from this section to avoid redundancy.	No	Recommendation in Downtown Austin Plan.
23.265	Division 23-4D-9 Overlay Zones	x		СК		JSc				Downtown Add Coops to UNO overlay	I INO I	No	23-4D-9080(F) (3) Screening 23-4D-9130		are an allowed use in the affected base zones. See 23-4D-6030 Allowed Uses and Permit Requirements	At (3) Surface Parking Facility: Confirm that surface parking facilities are an allowed use in the affected base zones. See 23-4D-6030 Allowed Uses and Permit Requirements Coops seem to have been forgotten in the university overlay. This adds them in wherever group residential is included.	Yes	Parking Facility (which includes surface parking) is CUP per 23-4D-6030. Staff supports listing "cooperative housing" as an allowed separate use in list due to the changes in use definitions in the draft code.
23.268	Division 23-4D All RM, MS, MU zones	X	Ш	СК						Increase affordable bonus entitlements	No	Yes	Applicable zones		Adopt the bonus entitlements recommended by the affordable bonus working group. (See attached table.)	More bonus entitlements got us from 6,000 affordable units to 13,500.		need attachment
23.269	Division 23-4D-9 Overlay Zones		GA							UNO University Neighborhood Overlay			23-4D-9130		For the figure 23-4D-9130(1): 1) increase the max height in the area currently labeled 175' to 275'. 2) for the area UNO area from 26th st to the North, San Antonio to the West, Martin Luther King Jr to the South, and the eastern boundary of the UNO overlay to the East, increase the max height to 275' feet. 3) for the cyan area south of 28th, east of Rio Grande, north of 26th, and west of Guadalupe, increase the max height to 175' 4) for the green area to the north and west of the cyan area, increase the max height to 175' 5) For the 90' area, increase the max height to 120' 6) For the remainder of the current UNO area, increase the max height to 70' with the exception of the pink and the yellow areas which stay the same. "		No	Staff not reccommending changes to the UNO overlay.
23.270	23-4D-9130	X	GA							UNO University Neighborhood Overlay			Section 23-4D-9130		(1) Multi-Family Residential Use	We know where they're going. Rideshare services. Project team meetings, utilizatoin of campus nights and weekends. This will help with affordability as well as allowing more parcels to be developable.	No	Staff not reccommending changes to the UNO overlay.
23.271	Division 23-4D-9 Overlay Zones	x		СК						Add Coops to UNO overlay	No	No	UNO overlay		an allowable use		Yes	Staff supports listing "cooperative housing" as an allowed separate use in list due to the changes in use definitions in the draft code.
23.272	Division 23-4D-9 Overlay Zones							TS		Overlay Zones	NO	X			l	MOTION: In that the Planning Commission has so many issues to address with draft 3 of code, I propose that we do not make changes to current overlay zones.		
23.273	7090 - Neighborhood Plan Overlay Zone [Removed in Draft 2]	x						TS			NO	X	7090 - Neighborhoo Plan Overlay Zone [Removed in Draft 2			The Neighborhood Plan Overlay found in 23-4D-7090 in the first draft has been eliminated. [This is despite a commitment from the CodeNext Team to Council Member Pool to her question #23 posted on-line on 6/24/2017 that "Neighborhood Plans will remain as overlay districts."] Neighborhoods have spent hundreds of hours creating Neighborhood Plans to reflect the values and character of its residents. The latest CN maps disregard many of the elements of the approved Neighborhood Plans and with the removal of the Neighborhood Plan Overlay, these plans will no longer take precedent over the base zoning requirements in CN. In fact, Article 23-2E, Section 2030 Neighborhood Plan Amendments, (H)(7) Director's Recommendation allows the Land Use Director and Land Use Commission to recommend approval of an amendment based on its compliance with the base zoning alone. Furthermore, City Staff's answer to Pool's question #24 as to the future of Neighborhood Plans indicates that the Neighborhood Planning process will be overhauled due to concerns in an audit of the planning process and within the Zucker Report. City Staff's answer clearly puts future and pending neighborhood planning efforts into question.		Adopted NPs will still continue to be used as a reference for administering zoning changes and visions in the neighborhoods they cover. Since the plans are visionary and not technically regulatory, they are not overlays to be added into the LDC.

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			NDERS(NNY	CGKAV UCKOL	HISSLE	HEH	WHITE SHAW BURKAR	ENDO2							/NO	
23.244			A F	CK Z	<u> </u>	5 8 8	☆ 亡	<u>8 S 8</u>				GENERAL No	SPECIFIC SECTION New section E	(E): In addition to any affordable housing incentives available for	This adds an affordable ADU to every SF1, SF2, and SF3 lot left in F25.	No	Staff does not recommending adding regulations regarding F25.
			ш											zones SF1, SF2, and SF3, lots with those zonings are eliglible for the Residential Citywide Affordable Accessory Dwelling Unit Incentive:			
			ш											(1) In addition to base entitlements, an additional, income-restricted Accessory Dwelling Unit may be built and the size does not count			
			ш											toward FAR limit and the principal use's FAR limit is increased by the size of the income-restricted Accessory Dwelling Unit. When adding			
			ш							Add Affordable ADU bonuses	Yes			an Accessory Dwelling Unit under this incentive, the total dwelling units per lot may not exceed 4.			
			ш							to F25				(2) In taking the incentive, an applicant shall agree to:			
			ш											(a) Continued affordability of all affordable rental units for 10 years, with the affordability period for rental projects begins on the issuance			
			ш											of the last final certificate of occupancy for the development; or (2) Continued affordability of all affordable ownership units for 20			
			ш											years. The affordability period for ownership units begins on the date of sale for each affordable ownership unit to an eligible buyer.			
24	Article 23-4E Supplemental to Zones Division 23-4E-1 Private Frontages	Х															
24.1	DIVISION 23-4E-1 Private Frontages		Н		++		JSh	++	+++						confusing diagram, fence heights, porch descriptions, too prescriptive, paths	N/A	comment
24.3	Division 23-4E-1 Private Frontages	X	АН	++	++	++		++				No	23-4E-1040 and 1060		The differentiation between stoops and porches seems arbitrary and unnecessarily complicates the code.	Neutral	Porch is intended for areas with front yards while stoops are intended for more urban areas
		х								All Zones	No			porch regulations			
24.4	Division 23-4E-1 Private Frontages	X X	AH							All Zones	No	No	23-4E-1040 (A)	23-4E-1040(A)	Overly prescriptive furniture area dimensions; does not allow for flexibility to work around various site conditions like trees. For example, stair leading up a porch to the front door would not be allowed, as the required "furniture area" forces the porch to be offset.	Yes	Okay as long as other deminsions are maintained
24.5							JSh			fences			23-4E-1040 - 1080		3' is too short for privacy, safety, and can cause conflicts between codes this is fence not a handrail - change to 4'	Neutral	3' is to ensure an aesthetic fence, but staff could be okay with 4' if it's the desire of a front fence to provide more safety
A-24.5.1	porches		Ш				1	TW				Х			Allow Engaged Porches open only on one side. The restriction that an Engaged Porch must be open on two sides prohibits an architectural strategy to recess		
															the porch entirely in the front façade, with interior spaces projecting on either side (similar to the Stoop frontage). This architectural strategy is not		
										porches					incompatible with other frontages in residential zones and maintains a similar street frontage. Therefore, this type of porch should be allowed. The code		
24.6	Division 22 45 2 Outstandinking	X	Ш		Ш										should not dictate architectural style.		
24.6 A-24.6.1	Division 23-4E-2 Outdoor Lighting	C	ш					TS				X			Environmental Commission recommendation that staff draft provisions to		-
24.7	Division 23-4E-3 Parking and Loading	х	Ш		++					Light Pollution	NO				address light pollution.		-
A-24.8.1	Parking and Loading		ш				1	rw				Х			Consider scalable Parking Lot Landscaping standards. The Parking Lot Landscaping standards, particularly the Tree Island frequency standard, are too		
															restrictive for small-scale, low-intensity Mixed-Use and Main Street zones. For these smaller lots, a parking lot may only need nine or ten spaces, but the Tree		
										parking	x				Island frequency requirment of every 8 parking spaces may result in the loss of area for a parking space within the width of the lot. At this scale, the loss of even		
															one parking space can be detrimental to development, and the addition of Impervious Cover for the drive-aisle to access spaces further away is significant.		
															Moreover, developments of this scale are most often in well-developed neighborhoods where mature trees exist along the side property lines. A proximity standard may be more appropriate.		
24.10	Division 23-4E-3 Parking and Loading		ш				JT						23-4E-3050		This is from current code. Require ADA parking if any parking is provided or if loading facility is provided.		
			ш											existing building in a designated historic district, off-street motor vehicle parking for persons with disabilities must be provided for a	Treating reality to provide a		
			ш											use that occupies 6,000 square feet or more of floor space under the requirements of this paragraph. (a) The following requirements apply			
			ш											if no parking is provided for a use, other than parking for persons with disabilities: (i) the minimum number of accessible parking spaces is			
			ш							ADA Parking	No			calculated by taking 20 percent of the parking required for the use under Appendix A (Tables of Off-Street Parking and Loading			
			ш											Requirements) and using that result to determine the number of accessible spaces required under the Building Code. The accessible			
			ш											spaces may be provided on- or off-site, within 250 feet of the use. (ii) The director may waive or reduce the number of accessible spaces			
							$ \ \ $							required under Paragraph (2)(a)(i) if the applicant pays a fee in-lieu to be used by the city to construct and maintain accessible parking in			
							$ \ \ $							the vicinity of the use.			
24.17	3060 - Off- Street Motor Vehicle Parking Adjustments	X		++	++	++		TS					Table 23-4E-3060(A)		The table provides too great of and adjustment compared to the requirement		HLC:waiver or reduce pkng for maintaining old bldg. UTC:reduce pkng particularily on high tranist/IA activity corridors
							$ \ \ $			Max. Parking Ajustment	NO			5%, DELETE OR QUANTIFY - Preservation of Trees., CHANGE Car Share - 3 spaces per car share, Buildings Providing Showers - 5%, Affordable Housing Program - Stagger depending on participation 10%, 20%, 30%,	especially the case with the AHBP bonus, which should only be allowed when		PANE PARACULARITY OF THEIR CLASSICAL ACTIVITY COTTIGOTS
		х												40%			
A-24.19.1	23-9 General (or maybe 23-4E-3060 - Off- Street Motor Vehicle Parking Adjustments?)	х		СК								Yes		Within 1/8 mile of a public K-12 school, the director of transportation may at their discretion craete a school parking permit district that	This creates space for faculty and staff to park at schools by 1) restricting parking to 15 minutes during school begin and end times except for permit holders; and		
														weekdays to 15 minutes, except for permit holders. Permits may be	2) limiting permit holders to campus staff and faculty and to 1 per residential unit with a cap of one per 50 feet of street frontage.		
										School parking	Yes			triggering the parking permit zone, and to residents at the rate of one			
														per residential unit with a cap of one per 50 feet of frontage for that property. The director must determine that there is a parking			
														shortage during pickup/drop-off times for that campus before creating a district under this section.			
A-24.19.2	23-9 General (or maybe 23-4E-3060 - Off- Street Motor Vehicle Parking Adjustments?)	x		СК						Residential parking permits	Yes	Yes		Residential permit parking districts may not be imposed on both sides of a street.	This addresses parking permit districts around town that provide no spaces for the public on publicly financed and maintined streets.		
										Parimo Perimits							

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					Z				<u>د</u> ا	NC		F 8	н						YES/NEUTRA	AL
					DERSC	RT ZI	NNY	CKOLS	HISSLEI GER	ЕН ОМРS(HITE AW	BURKARDT	핑						/NO	
24.21	Division 23-4E-3	Parking and Loading	-	X	GA GA	A X	M KE		SCI	SHI	SH,				\vdash	GENERAL SPECIFIC SECTION 23-4E-3060	23-4E-3060 Off-Street Motor Vehicle Parking Adjustments	It's in today's code and we need to keep this	No	STAFF RESPONSE Parking districts would best implement this reduction.
					ш								ш				(A) Simple Parking Adjustments. (1) Table (A) (Simple Parking Adjustments) establishes the	§ 25-6-478 - MOTOR VEHICLE REDUCTIONS GENERAL.		
					ш									On Street	No		adjustments allowed when a site meets the requirements described in the table.	(E) Except for development that does not require a site plan under Section 25-5-2 (Site Plan Exemptions), the minimum off-street parking requirement is reduced		
					ш								ш	Parking	NO		(2) Minimum off-street parking requirements shall be further reduced as follows:	by the following amounts: (1) One space for each on-street parking space located adjacent to the site on a public street, including spaces on Internal Circulation Routes that meet public		
					ш								ш				site on a public street, including spaces on Internal Circulation Routes	street standards;		
24.22	Division 23-4E-4	Parking and Loading	-	х	GA	+	+	+					٠			23-4E-3060	that meet public street standards. (A) Simple Parking Adjustments.		No	Parking districts would best implement this reduction.
					ш								ш				(1) Table (A) (Simple Parking Adjustments) establishes the			
					ш								ш				adjustments allowed when a site meets the requirements described in the table.			
					ш									On Street Parking	No		(2) Minimum off-street parking requirements shall be further reduced			
					ш								ш				as follows:			
					ш								ш				One space for each on-street metered parking space located within 250 feet of the site, measured as the shortest practical and legal walking distance to the nearest principal entrance of the site.			
	Di i i 22 45 2				Ш								1				Metered parking spaces may not be counted towards the minimum			
24.23	Division 23-4E-3	Parking and Loading					KM										Eliminate all parking reductions beyond those already in place	Note AISD requests to maintain parking regulations near schools. Note: 2500 SF bars & restaurants near homes w/o parking is not compatible. Using street	No	
																		parking to count for bars is unfair to other businesses and residents. Code Lready allows extensive reductions in parking that are not enforced. Tandem parking results in many cars already on the streets. Vistors and emergency		
																		responders have no place to parkINg when streets are crowded. This also impacts trash and bicyclists.		
24.24	Division 23-4E-4	Landscape			₩															_
24.25	Division 23-4E4	·		х	ш			\top		JSh								is landscape reqs more onerous and difficult to comply and review? Also says foundtion buffer reqd all zones. CC and DC zones currently has no setback No	No	landscape requirements are more straightforward and specific to site plan elements being propose, e.g., each element such as front
					ш								ш					we have to do landscaping with the new setbacks? Does it all have to have landscape architect? what about small projects? maybe req only for 10k sqft or		yard planting, surface parking, compatibility buffers, etc., have clear requirements when applicable as opposed to general
24.26			-		₩					ISh			+			23-4E-3070	(B) up to 10,000sqft, no off street loading required DOES NOT WORK	more projects.	-	landscape (streetyard) requirements for every site. Green
					ш					33.1			ш	parking		25 42 5070	WHEN THERE IS NO PARKING REQRD for small businesses. In instances where there is no general parking available, then should			
A-24.26.1		Front yard Planting reqs		X	Н						Т		+	_		X	require at least 1 Reduce the Front Yard Planting Requirements.	The draft requires significantly more trees than existing Street yard code		Tree quantities are currently scaleable based on the size of the
											w							requirements. There is concern for over-planting and the health of the new trees that are planted if they are spaced too closely together, especially for small		building setbacks. Testing of quantities is ongoing and quantity requirements will be adjusted as needed to avoid overcrowding.
													la	andscape	X			lots. Reduce, or make scalable, the Front Yard Planting Requirements.		Note that calculations for plant quantities is simply based on only a portion of the area within setback; the actual planting can occur
24.27					Ш					ıch			4			23-4E-4020	A-1-C single family, duplex, and other residential house scale		Voc	in any available portion of the front yard area. Staff concurs: A-1-C. Change to single family, duplex, and other
24.27					ш					3311			la	andscape		23-41-4020	buildings		les	residential house scale buildings
24.28			-		₩	\perp	\dashv	+		JSh			+			23-4E-4040	B. This section applies to commercial or non-house scale multi-family		_	23-2A-3040 for 3 to 6 units and under 45% are exempt from site
					ш								la	andscape			development that is located adjacent to a public right of way.			plan.
24.30	Division 23-4E4	Landscape		x		+	+		JSc			+				23-4E-4040 Landscaping	Exempt CC and DC zones (and any other urban zones) from this	Currently no landscape requirements downtown to maximize density, Great	Yes	per table23-E-4E-4040(A) Front Yard Planting Requirements, there
													D	Oowntown			section as written (and it is recommended that CC does not require any minimum setback).	Street trees are required.		are no Front Yard Planting Requirements. No Change needed
A-24.30.1	Division 23-4E-4	Landscape		X					JSc							Table 23-4E-4040(A)	Reduce Front Yard Landscaping to 25%	Architects do not design buildings for them to be hidden by landscaping, current	No	Landscape requirements vary but can include shrubs, grasses,
													La	andscaping				requiement is 20%.		groundcover, and trees at various rates based on building setbacks These are meant to enhance the architecture of the building, add
24.29										JSh			l:	andscape		23-4E-4050	C. This section applies to commercial zones (says all zones)		Yes	staff agrees: replace "all" with "commercial"
24.31	Division 23-4E-3	Landscape		X	ш				JSc					andscaping		23-4E-4050		Architects do not design buildings for them to be hidden, would destabilize soil conditions around foundation, conflicts with AFD Requirements for clear zone	No	Landscape requirements include shrubs, grasses, groundcover, and small trees. These are meant to enhance the architecture of
					ш									anuscaping			buildings.	for ladders around building		the building and not required as a solid planting against the entire length of the façade, nor directly against the foundation.
24.32	Division 23-4E-4	Landscape		х					JSc							23-4E-4060(D)	Remove island every 8 spaces and make it every 10 spaces	Landscape islands at 10 spaces has been standard for decades, onerous and will make redevelopment costly to retrofit parking lots	No	There is no requirement for landscape island at 10 spaces in the current code. The current code requires each parking space to be
														mds						within 50' of a tree and the tree doesnt have to be within an island. New code requires a maximum of 8 consecutive spaces before a
													La	andscaping						parking tree island is required. This ensures parking lots will have adequate shade from trees spread uniformly throughout the parking lot thereby reducing the Urban Heat Island Effect and
																				fostering more hospitable human conditions within parking lots.
24.33	Division 23-4E-4	Landscape		х					JSc			11				23-4E-4060(F)(2)		Landscape islands have been 9 for decades, 8 is minimum for planting zones, no need to change.	No	Proposed code increases the minimum width for landscaped Islands, medians or peninsulas which contain new trees from eight
													La	andscaping						(8) feet to ten (10) feet, measured from the inside of the curb, to help accomodate new minimum soil volume requirements and to
																				provide significant space for the growth of trees planted within these areas.

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A-24.33.1	Street Tree Requirements		X	4 T X		S .	PS PS			Street Trees		GENERAL SPECIFIC SECTION	Per Environmental Commission Recommendation: Reinstate Street Tree Requirements	Reinstate, as written in Draft 2 23-9E-5050 (b)(1,) which states "the width requirements for street tree planting shall apply regardless of the available right-of-way: the street planting area shall extend onto private property, within a public access easement, to fullfill the width requirement when sufficient right-of-way is not available" Recommends that the proposed landscaping requirements be approved, with the following revisions: (1) direct Staff to develop a program to apply the Functional Green scoring system to alllandscapes, regardless of impervious cover, to ensure that we are maximizing the benefits to be achieved via landscaping requirements and to ensure simplicity and consistency (2) Revise the width of landscape buffers for compatibility setbacks as follows: (a) intermittent visual obstruction: 15 feet (b) semi-opaque: 15 feet (c) opaque: 15 feet; (3) remove details regarding plant quantities from the draft code and move to Criteria Manual (4) Coordinate with the Water First Task Force to incorporate recommendations that further incentivize requirements for auxiliary water use and beneficial reuse of stormwater for irrigation, with consideration for the need to use potable water during dry periods, especially to help establish new or young vegetation.	
A-24.33.3 Division 23-4	E-4 Landscape	x				JSc				Landscaping		23-4E-4070(A)	A landscape median seperates <u>every other</u> parking run on the interior portion of a parking lot.	Current requirements have already redued the requirement from every third bay to every other bay.	No Proposed requirements call for medians between each bay of face to face parking except for lots with greater than 120 spaces. Lots > 120 spaces can skip every other median if slightly larger medians
	E-4 Landscape		X			JSc				Nonzoning	YES	Green Requirements.	Requirements of application of Function Green shall be codified including: What sites are required to comply? To what % are sites required to comply? Which team has review authority over decisions? What is allowed to overlap (trees, water quality, other) and what is not? What land can be used for compliance (private land only, parkland, ROW, easements, etc)?		NA Following Funcitional Green regulations are codified: *Applicability: 23-4E4120(C): applies to all sites that proposed an impervious cover total exceeding 80 percent. *Overlap: 23-4E-4120(D): FG landscape plan is required to: 1) comply with all applicable landscape and buffer types; and 2) reach the target score (in ECM). *ROW use: 23-4E-4120(G): Landscape elements may be planted in the ROW. (All plantings on-site can count, Following Functional green rules are in criteria: *Scoresheet *Landscape element list, with directions on how to apply Review by EV Reviewers
24.36 Division 23-4 24.37	E-6 Specific to Use 6030 - Accessory Dwelling Unit- Residential	х						TS		ADU Placement	NO		Placement (1) If detached, minimum 6! 10' to the front, rear, or side of the primary structure or above a detached garage; may be connected to the primary structure with a covered walkway;	Restore 10' distance between structures equal to setbacks between adjacent single family units.	HLC: limit bldg size as % of lot or existing bldg.
24.38	6060 - Adult Entertainment		х					TS		Adult Entertainment Use	NO	6060 (D)	(D) Allowed. Except as provided in Subsection (E) (1)-An adult entertainment use-other than-including an adult lounge: (a) s allowed in a MU4B, or MU5A Zone, DC or CC Zone; and (b) Is allowed with a conditional use permit in the MU4B, MU5A, DC or CC Zones; and (2) An adult lounge is allowed with a conditional use permit in a MU4B, MU5A, DC or CC Zone.	Require CUP for all adult entertainment.	
24.41	Coperative Housing		х					TS		Co-operative Housing	Yes	23-4E-6 Specific to Use		Need standards for co-operative housing.	spefic language is needed for staff to review on whether we agree or disagree
24.42	6160 - Duplex		x					TS		Duplex design requirements	NO	6160	ADD:(D) <u>Duplex units are subject to the following requirements: (1)</u> 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.		from today's code to continue with concept of simplicity
24.43			x		СК					Remove max ADU size on second floor	No	No Table 23-4E-6030(A)	Strike the entire row of the table starting with "Floor Area".	There is no good reason to limit ADUs on a second floor to 550 sq ft.	No Staff does not support complete removal but does support adding language suggested on line xxx that removes this standard from internal or attached ADUs; staff can also support exempting ADUs not in the back of the lot from this standard
24.44	6200 - Home Occupations				KM		JSh			Home Occupation		23-4E-6200	Eliminate all new entitlements proposed for Home Occupations Including prohibit Signage associated with home occupations in residential house scale zones. C. why is "medical" office referenced if it is a prohibited use either eliminate it from K or C I Off street storage of the commercial vehicle is in addition to requirement of the dwelling unit. L. COMPLIANCE TO ADA? Ramps? Etc??? Help!	invasive to peaceful neighborhoods. Live/Work and other mixed use and commercial areas allow for offices.	No signs allowed in residential house scale is limited and staff does not believe they will disrupt the fabric of a neighborhood
24.47							JSh			livework		23-4E-6210		exemption, then no parking? But what it there is a commercail vehicle? Need to require.	Work is a residential use, and does not recieve the 2500 sf parking reduction that is permitted for MS commercial uses Staff supports requiring landscaping for all projects that meet the criteria stated in 23-4E-4 (landscaping). If the project does not meet the applicability requirements, it would be excempt.
24.48			х				PS			Uses		23-4E-6200 Home Occupations		The addition of 3 employees and limited retail sales is a burden in residential neighborhoods especially parking and traffic congestion. The Live/Work zone allows up to 2 employees by-right and up to 3 with an CUP. Interesting that a CUP is required for 3 employees in a Live/Work zonewhile only an MUP in R zones (residential).	Yes In the addendum, Item D relating to three employees was eliminated, and item F was modified to "The sale of merchandise directly to a customer on the premisis is prohibited." Addiditionally another provision was added that limits home occupation to generating no more than 4 vehicular trips each day (which includes trips to and from the site, essentially limiting customers to 2).
24.49	Group Residential		х					TS		Co-operative Housing	Yes	23-4E-6 Specific to Use		Need standards for co-operative housing.	same motion as line 24.41

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			IDERSON	ZI	CGRAW	HISSLER	IEH OMPSON	WHITE SHAW BURKARDT	INDOZA							YES/NEUTRAL /NO	
24.50	6240- Multi-Family	х	AA	KE KA	<u> </u>	<u>S S S</u>	동	TS S				GENERAL	SPECIFIC SECTION 6240	DELETE: (B) Required Open Space	Common Open Space is already covered based on zones. This adds confusion as		STAFF RESPONSE
										Multi-Family Open Space	YES				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 requlation. 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				км								23-4E-6340	Eliminate Short Term Rental as a legal use	In order to make existing housing stock available to serve Austin's "dire housing shortage"	No	not sure if we can legally do this
24.54	23-4E-6340 Single-Family Attached	X						TS		Single-Family Attached	YES		Add new section	ADD RELEVANT SECTIONS OF 6160 AND (D) Single Family Attached units are subject to the following requirements: (1) The two units must have a common floor and ceiling or a common wall, which may be a common garage wall, that: (a) extends for at least 50 percent of the maximum depth of the building, as measured from the front to the rear of the lot; and (b) maintains a straight line for a minimum of four foot intervals or segments. (2) The two units must have a common roof. (3) At least one of the two units must have a front porch that faces the front street and an entry to the dwelling unit, except that units located on a corner lot must each have a front porch that faces a separate street and an entry to the dwelling unit. (4) The two units may not be separated by a breezeway, carport, or other open building element. (5) On a lot less than 10,000 square feet the use must not exceed 6 bedrooms.			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	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			This is going to require coordination with NHCD on adressing the AHBP aspects, ramification, and necessary language of the motion
24.57	Division 23-4E-6	х					JSh		Ш						cottage ct diagram wrong, internal drive thru allowed?, Home occupation ADA and parking? Some uses should be allowed, 550sqft adu second floor exempt	?	
24.58	Division 23-4E-6 Specific to Use	x	Al	1						Residential			23-4E-6150 (A)	Remove depth minimum. Table 4E-6150 (A) Cottage Court Requirements Depth Minimum 20' clear, min.	internal ADU if primary Depth minimums are too prescriptive and cannot fit around site conditions, smaller lots or corner lot	Neutral	Depth solidifies the size of the open space but staff can support only having one deminsion, so long as we maintain some form of open area requirement
24.59	Division 23-4E-6 Specific to Use	Х	Al	1						Residential			23-4E-6150 (A)	Table 4E-6150 (A) Cottage Court Requirements Parea 1,000 sf. Min. total 200 sf/unit min.	There is already a per unit minimum area spelled out in code. Total minimum area needs to be adjusted to account for 3 unit cottage courts. Total is too large relative to lot size.		need more clarification on where the language is that this motion refers to, also clarity on how the motion defines the adjustment for 3 unit cottage courts
24.60	Division 23-4E-6 Specific to Use	X	Al	1						Residential			23-4E-6150 (A)	Amendment: Change open space width minimum. Replace open space width minimum to 20' clear minimum on lots over 100' wide, and 10' clear minimum on lots less than 100' wide	The 20' width does not fit on lots less than 100' wide.	yes	to allow for more flexibility and for cottage courts to be a viable product, staff can support a 10' minimum on thinner lots
24.61	Division 23-4E-6 Specific to Use	X	Al	1						Residential			23-4E-6150 (A)	Open space requirements cannot be met with open space that is provided in a required front or side-street setback on lots that are 100' or greater in width	Requirement cannot be met on lots less than 100' wide.		see above
24.62	Division 23-4E-6 Specific to Use	х	Al	1						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 Division 23-4E-6 Specific to Use	X	Al							Residential Residential			23-4E-6150 (A) 23-4E-6150 (A)	, , ,	If unit is on corner, they should have access from either main or side street. 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.	Neutral yes	to make development more viable and keep costs down

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			ANDERSON HART KAZI	KENNY MCGRAW	OLIVER SCHISSLER	SEEGER SHIEH	WHITE	BURKARDT MENDOZA TEICH			GENERAL	SPECIFIC SECTION			YES/NEUTRAL /NO	STAFF RESPONSE
24.65	Division 23-4E-6 Specific to Use	X	АН						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.			same motion as line 24.56
A-24.66.1	Schools	X					TW		schools	х	Х		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	х		СК					Remove max ADU size on second floor	No	No	Table 23-4E-6030(A)	Strike the entire row of the table starting with "Floor Area".	There is no good reason to limit ADUs on a second floor to 550 sq ft.		same motion as line 24.43
A-24.67.1 24.68	23-4E-6 Division 23-4E-7 Additional General Standards	х				PS			Definitions			23-4E- 6xxx	Add definition for Cooperative Housing	Need to understand and define difference between group residential and coops.		HLC: Use Front Yard setback of block, add new language to match
24.69	Division 23-4E-7 Additional General Standards	х	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	bkldg height with neighborhood, add 15 setback for new story addition and 15' stepback or 1/3% of existing build for old buildings Not limiting the cooperative occupany to 4 would allow them to be more feasible, NEED TO DISCUSS
24.70	Division 23-4E-7 Additional General Standards					JSh			Dwelling Unit Occupancy			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 occupany allowance under same allowance as SF homes	Neutral	
24.71	Division 23-4E-7 Additional General Standards	x				JSh			Limit					max occupany duplex up 10 total "if", land use commission able to allow more under CUP - hey Co-ops! Do we allow more occupany for coops? Fences are too 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	х	GA AH						Coops	No		23-4E-7040	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-\$e-7040 (G) Maximum Occupancy for a Site with Cooperative Housing. Not more than two unreleated adults times the number of bedrooms in a Cooperative	not allow sufficient residency to make a cooperative viable	Neutral	Not limiting the cooperative occupany to 4 would allow them to be more feasible, <u>NEED TO DISCUSS</u> Staff suggested language adjustment: Cooperative Housing use, not land use designation
24.73	Division 23-4E-7 Additional General Standards	X	GA AH						Affordability	No		23-4E-7040	than six unrelated adults may reside in a dwelling unit. The maximum occupancy for a dwelling unit shall be the greater of six unrelated	Per NHCD's own affordability impact statement the limit as it stands today at four unrelated adults unnecissarily drives up the cost of housing for people who need to share space. This is also supported by the Austin Housing Coalition and Austin Tenants Council		Need to discuss

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24.76	7040 Dwelling Occupancy Limits	х	 I	<u> </u>	2 2 0	N N	S F	TS TS	2 -			GENERAL	7040		Simplify occupancy limits. Check with staff on provisions to see of there were	no	in a housing crisis it is not staff's opinion to further restrict
			Ш											more than three unrelated adults may reside in each unit of a duplex, unless:	gransfathering requirements.		occupancy limits
			Ш											(1)Before June 5, 2003: (a)A building permit for the duplex structure was issued; or			
			Ш											(b)The use was established; and (2)After June 5, 2003, the gross floor area in the duplex structure does			
			Ш											not increase more than 69 square feet unless to complete			
			Ш											construction authorized before that date or to comply with the American Disabilities Act.			
			Ш							Dwelling Occupancy	YES			(D) Occupancy Limits in _Certain Zones (1) Except as provided in Subsection (D)(2) for a single-family			
			Ш							Limits	125			residential- or duplex use, not more than four unrelated adults may			
			Ш											reside in a unit -structure, in the following zones: (a)Lake Austin Residence (LA) Zone;			
			Ш											(b)Rural Residential (RR) Zone; (c)Residential House Scale 1C (R1C) Zone;			
			Ш											(d)Residential House Scale 2A (R2A) Zone; (e)Residential House Scale 2C (R2C) Zone;			
			Ш											(f)Residential House Scale 2E (R2E) Zone;			
			Ш											(g)Residential House Scale 3A (R3A) Zone; (h)Residential House Scale 3C (R3C) Zone; and			
24.77			$\vdash\vdash\vdash$			\Box	+	TS			-	-		(i)Residential House Scale 4C (R4C) Zone. (2)The requirements of this subsection do not apply if:		no	there are grandfathering rights that are associated with these
			$ \ \ $											(a)Before March 31, 2014 a building permit was issued for the unit or the use was established; and			dates (need confirmation)
			$ \ \ $											(b)After March 31, 2014:			
			Ш											(i)The gross floor area does not increase more than 69 square feet, except to complete construction authorized before March 31, 2014 or			
			Ш											to comply with the American with Disabilities Act, or (ii)Any interior remodel that requires a building permit does not result			
			Ш											in additional sleeping rooms.(3) A structure located on a site exempt from these standards under			
			Ш											Subsection (D)(2) that is partially or totally destroyed by a natural			
			Ш											disaster, act of god, or fire does not become subject to this subsection, if a building permit to repair or reconstruct the structure			
			Ш											is applied for within one year of the date of the partial or total destruction.			
			Ш											(E)Maximum Occupancy for a Site with an Accessory Dwelling Unit. Not more than two unrelated adults may reside in the accessory			
			Ш											dwelling unit, unless			
			Ш											(1)The use was established before November 18, 2004; or (2)A building permit was received before November 18, 2004; and			
			Ш											(3)After November 18, 2004, the unit was not remodeled to increase gross floor area more than 69 square feet, unless to finish			
			Ш											construction authorized before that date or to comply with the American Disabilities Act.			
24.78	Division 23-4E-7 Additional General Standards	х	АН										23-4E-7060	(5) Fences of any kind, any height, in any zone are prohibited within 20 feet (as measured from the property line) of the intersection of: (a)			need to discuss
			Ш							Residential				A driveway and a street or alley; or (b) Two streets; or (c) A street and			
			Ш											an alley.			
24.79							JSh						23-4E-7060	B 1. 4' to 5' max for sloped lots in front setback or building line	fence regulations are considerably more restritive Should restore current regulations of modify D3 to our proposal		need to discuss
			Ш											whichever is less, 6' with administrative variance			
														2. 6' at rear and side property lines (7' max on sloped lots), 8' with administrative variance			
24.80	Division 23-4E-7 Additional General Standards	х	АН							Residential				(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
24.54			\square	$\perp \perp \perp$	$\bot \bot$												
24.81			$ \ \ $				JSN						23-4E-7080	A. Add ADUs 3B. Ramp must not encroach more that 3 feet into a interior side		yes	
			$ \ \ $											setback			
24.82	Division 23-4E-8 Building Design Standards		\square	$\perp \downarrow \perp$	+		$\perp \downarrow \perp$	+									
24.02	Division 23-41-0 building Design Staffdalus		$ \ \ $			$ \ \ $											
Chapter 23	-5: Subdivision N	IONE MINOR MAJOR									YES/NO	YES/NO					
	Article 23-5A Introduction Division 23-5A-1 General Provisions																-
25.2	1010	 		K	М		\dashv	+						add Item 13) Ensure to the greatest extent legal that additions and		neutral	
			$ \ \ $											subdivisions result in complete communities.			
			$ \ \ $														
	Article 23-5B Subdivision Procedures																
26.1 26.2	Division 23-5B-1 General Requirements 1050 - Variance Determination	x	$H\overline{I}$	$+ \overline{+}$		+	+	TS					1050	(B) Variance Criteria for Specially Approved Development.(1) If a	remove special variance for PUDs. PUDs should demonstrate criteria in 1050 (A)	neutral	- This is from the current code. The itent is to remove impediments
			$ \ \ $							Large				preliminary plan or final plat is associated with a mass housing	for variance.		to affordble housing projects.
			$ \ \ $							Residential and PUD platting	NO			project, a planned unit development , or a similar specially approved development, the Land Use Commission may grant a variance from a			
			$ \ \ $							requirements				requirement of Article 23-5C (Platting Requirements) if the Land Use Commission determines that:			
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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				RSON	Y AW OLS	R SLER	۷ ا	PSON	ARDT 10ZA								YES/NEUTRA	AL
				ANDERSON HART KAZI	MCGR NUCK	OLIVE	SHIEH	THOM WHITE SHAW	BURK	핕			GENERAL	SPECIFIC SECTION				STAFF RESPONSE
A-26.2.2		1100	X			0 8	<u>S</u> S 1	TS TS			Plat Notes	NO	GENERAL	23-5B-1100 Plat Notes	City department or other official resource for more detailed information. (C)Parkland Dedication. (1) In approving a subdivision that is required to dedicate parkland under Article 23-3B (Parkland Dedication), the director must may require a notation on the plat indicating that land has been dedicated	Add topographical information and restrictive covenants between "engineering notes" and "other requirements." Reason: Topographical information is critical to drainage calculation. 23-5B-1100 (3) Add building setback lines. 23-5B-1100 Change "may" to "must." Reason: The local government code 212.004 requires that the dimensions of parkland be noted on the final plat. 23-5B-2080 D Add the word "residential" between the words a change in land use for up to 25% of the land area included in a preliminary plan		STAFF RESPONSE
A-26.2.3		Final Subdivision Plat						TS							(2) If an application for a preliminary plan or final plat is submitted for a non-residential development that is exempt from parkland dedication under Section 23-3B-1010(Purpose and Applicability), the director must may require a plat notation stating that any subsequent residential development within the subdivision may be required to dedicate parkland or make payment in-lieu of dedication as required by Article 23-3B (Parkland Dedication) or other applicable ordinance. (3) If a plat note prohibiting residential uses was required by the City of Austin in order to document an exemption from parkland dedication for a non-residential subdivision on or after July 25, 1985, the applicant must may amend the plat in order to conform the notation authorized by this subsection.			
26.6	Division 23-5B-5	Subdivision Construction Plan																-
27 Art 27.1		Property Markers, Easements, and Alleys																-
27.2		Property Markers, Easements, and Alleys	X			JSc					sements and Alleys	No		23-5C-1020	Easements for public utilities and drainage ways shall be retained in all subdivisions in the widths and locations determined necessary by the director. All easements as defined by the criteria manual shall be dedicated to public use for the named purpose and shall be aligned to minimize construction and future maintenance costs.		neutral	
27.4	Division 23-5C-2	2040 Flag Lots			KM										in the ETJ.	Flag lots set up new intrusive patterns in existing neighborhoods and require special agreements in greenfield development. These configurations crowd trash and traffic on to narrow flag poles. Small lot entitlements in certain zones can accommodate the desired density without intrusions to existing neighborhods. Some areas have deed restrictions that are being ignored.	no	Flag lots are an important tool to address affordability, encourage infill and fight sprawl. The current code allows flag lots by-right for unplatted land, but requires a variance for platted lots when resubdividing. This is not a best practice. Staff's recommendation is to remove the variance requirement, but retain all other current standards. The following standards will remain: • Driveway/utility plan for residential lots. • Minimum lot width (20') with option for narrower width (15') with shared access. • Addresses for flag lots posted at closest point to street access. • The flag portion must meet minimum requirements of the applicable zone (size, width, etc). The pole does not count toward lot size.
27.5	Division 23-5C-2	Lots	х	AH FK		JSc					Lot Size	No		23-5C-2020 (B)(1)	Lower the minimum lot size to 2,500 sq ft and 3,000 sq ft on a corner lot	The cost of land is a driving factor in household unaffordability.	neutral	This is only applicable in the ETJ of Williamson, Hays and Bastrop Counties. Lot sizes in those areas are more commonly determined by county requirements for septic systems and wells.
27.6	Division 23-5C-2	Lots	х	AH FK		JSc					Lot Size ffordaibility	No		23-5C-2020	DELETE section 23-5C-2020	The cost of land is a driving factor in household unaffordability.	neutral	refer to comments on Item 27.5
27.7	Division 23-5C-2	2040- Flag Lots	х					TS			Flag Lots			2040	[See RWG recommendations]	Flag lot requirements provided. No variance required. This is identified as a way to remove barriers to missing middle housing. Flag lots should require an MUP at a minimum.	no	An MUP can not be used to create a lot. It can only be used to allow a use on a platted lot. Refer to 23-
27.8							JSh				flag lots			23-5C-2040	D. REINSTATE THAT IT REQUIRES VARIANCE FROM LAND USE COMMISSION		no	refer to comments on item 27.4
A-27.8.1		2040 Flag Lots	x				PS				Flag Lot Variance			23-5C-2040	Restore Variance requirement to all Flag Lots	Add Variance requirement for Flag Lots back into code. Originally initiated from ZAP to assist certain neighborhoods in core Austin voice public opinion about therequest to subdivide lots that did not meet lot width standards. Variance allows public discussion of the subdivision in the appropriate context. Reason given by staff: adds expense to the applicant.		
27.9		2060-Single Family Attached			КМ										Delete this use	allowed? The name has been changed to single-family attached lots. What comments to version 2 drove the need to add this to the code?	no	The concept of the "small lot subdivision" is no longer applicable. Instead, the minimum lot size varies by zone and the subdivision chapter will not regulate lot size, except in the ETJ. In the same manner, if the applicable base zone allows single-family attached dwellings, the subdivision chapter should not impede the creation of those type of lots. The applicable zone will also regulate the lot size, setbacks and impervious cover standards. Those standards are no longer in the subdivision chapter. The definition of Single-Family Attached is located in 23-13A 2030 "Land Uses". There is no definition for "small lot" because that
27.10							JSh				ngle Family Attached			23-5C-2060		C CCRS approved by City Attorney spell out the requirements need general language about operations and maintenance possibly HOA creationwe call out the technical parts but that is it	neutral	

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CF/	DIVISI	DESIRED PROPOSED CHANGES TO D3	INI	ITIATED	BY COMMS	SIONER	EX	OFFICIO	TOPIC AREA	STAFF FEEDBACK	А	AMENDMENT TYPE	SUBSTITUTE LANGUAGE	COMMISSIONER NOTES		
			$\ \ \ $												١	
			RSON	KAW ₹	ER SSLER	ER APSON	V (ARDT	DOZA							YES/NEUTRAL /NO	
			ANDE HART KAZI	MCGI MCGI	OLIVE	SEEGER SHIEH THOMPS	SHAV BURK	MENI			GENERAL					STAFF RESPONSE
A-27.10.1	2080	x					TS					23-5B-2080 D	(D) Changes Approved by Commission. For a preliminary plan approved	23-5B-2080 D Add the word "residential" between the words a change in land use for up to		
									Changes to				on or after October 28, 2013, an applicant may request that the Land Use Commission approve a <u>residential</u> change in land use for up to 25	25% of the land area included in a preliminary plan.		
									Approved Preliminary	NO			percent of the land area included in the preliminary plan. The Commission may approve the request if it finds that the change	Reason: This requirement was put in to make it easier for an applicant to change single-family residential lots to small lot single-family residential lots. To avoid		
									Plan				would not significantly increase the amount of right-of-way required to be dedicated or otherwise impair the orderly planning of roads,	interpretation questions, the word "residential" should be added.		
Т	rs												utilities, drainage, and other public facilities.			
27.12	Division 23-5C-3 3099 - TRASH			KM								New section		The city never requires provision for trash services in any subdivision. The rpreponderence of small lots and flag lots requires that this be accounted for.	neutral	General comments: Each lot has frontage to a public ROW, and the ROW is used for trash collection. The utility providers determine
			\square										ROW FOR ADJACENT LOTS IN ANY SUBDIVISION OR RESUBDIVISION	Many central city resubs result in utilities and trash not in locations consistent wsith adjacent properties. we need to do a better job of planning as we chop up		the location of utilities, in accordance with state statutes, city code, and criteria manuals.
			\square											the city into smaller pieces.		
			\square													
			\square													
27.13	Division 23-5C-4 Trees for Residential Subdivision			++	+++	+++	++									Residential Tree Standards were added to the subdivison chapter
																in error. Their correct location is in a criteria manual, and a reference to the criteria manual will be added to Article 23-3C: "Urban Forest Protestion and Replanishment"
A-27.13.1						JSh						23-5C-2020 B1	Revise area values with what is presented in zones			"Urban Forest Protection and Replenishment"
A-27.13.2						JSh						23-5C-2060	B - ADD - 1) zero lot line is allowed only on one side and not allowed on a front, or street-side lot line			
A-27.13.3						JSh						23-5C-2060	4) PER TECHNICAL CODES, appropriate and adequate space must be provided for utilities including water meters and wastewater	needs city legal to clariy what is in the CCR's. Condo regiem duplex has agreements this should too		
													cleanouts (OR DELETE THIS IF THIS IS COVERED IN SECTION C	agreements this should too		
													C) ADD:			
													Standard regarding site alterations and IC Maintenance responsibilities			
													Limitations of City liabilities			
A-27.13.4						JSh						5C-2040	Refeneces SF4a			
A-27.13.5						JSh						23-5c-4020	C) Trees preserved REMOVE - A tree requiredAND USE Trees required	this is to allow large preserved caliper trees to suffice for site requirement Heritage and protected trees can already have a huge canopy		
													C. Trees of species and caliper inches described in Protected and Heritage trees			
A-27.13.6				++	+ + +	+++	TS		Trees in Res,			Division 23-5C-4	Theritage trees	Ask City Arborist if they reviewed.		
	3-6: Site Plan	NONE MINOR MAJOR							Sub	YES/NO	YES/NO			risk city ruborist in they reviewed.		
28 28.2	Article 23-6A: Purpose and Applicability Division 23-6A-2: Exemptions															
28.3	Division 23-6A-2: Exemptions	х	FK		JSc							Table 23-6A-2010 (A) Site Plan Exemptions	Construction or alteration of a single-family residential structure,			
			\square						Exemptions	Yes		Site Plan Exemptions	<u>single-family attached,</u> duplex residential structure, <u>accessory</u> <u>dwelling unit</u> , or an accessory structure (1) No more than two-			The language as proposed, "Structure quantity does not exceed the quantity allowed in the applicable zoning category" has
			\square										residential structures are constructed on a legal lot or tract Structure quantity does not exceed the quantity allowed in the applicable		No	unintended consequences, and will prevent staff from being able to enforce applicable regulations.
28.4				T	N							23-6A-2	In Table 23-6A-2010(A), amend "Construction and change less than 1,000 square feet and the limits of construction is less than 3000	Imagine Austin calls for "complete communities." Complete communities need a healthy tree canopy.		
			\square										square feet.", to add the following: "(5) If existing impervious cover is removed and trees are planted and perpetually maintained thre, the			
			\square										impervious cover removed does not count toward the 1,000 or 3,000 square feet limit."			This was discussed by staff in the context of removing impervious cover in existing paved parking/vehicle circulation areas in support of bringing
			\square										isquare reet innit.		Yes (with clarification)	noncompliant parking into better compliance with current parking lot landscaping/tree requirements.
28.5	Division 23-6A-2: Exemptions	х	FK		JSc							Table 23-6A-2010 (A) Site Plan Exemptions		Missing middle housing shouldn't have to go through a complete site plan - otherwise you'll only get six units and rarely ever seven to ten units.		
									Exemptions	Yes			(Residential Development Regulations).			
A-28.5.1	Division 23-6A-2: Exemptions	X				1	w				X		direct staff to crete a site plan light for missing middle housing	We want to lower the barrier for missing middle; the threshold of 6 for triggering		
										X			between 6-12 units.	a site plan is a step in the right direction. But we'd like to see more in the way of reducing the number of hurrdles for the 6-10 units as well. Site plan light would		
														include watershed review but not necessarily all departments.		
29	Article 23-6B: Site Plan Review and Filing Requirements Division 23-6B-1: Application Review and Approval															
29.2	Division 23-6B-1: Application Review and Approval Division 23-6B-1: Application Review and Approval	Х			JSc		++					23-6B-1010 (D)(1)(a)	(a) For a site plan required due to a use change triggering a			-
									Applicaton Requirements	Yes			conditional use site plan that otherwise meets the criteria under 23-6A-2; Exemptions for Site Plan Review, compliance with requirements			This language reflects how most staff understand code. However,
									Requirements				of a development or construction site does not apply.		Yes	current code is not clear, and there is conflict in review. This language provides clarification; DSD supports this addition
29.3	Division 23-6B-2: Submittal Waivers Division 23-6B-3: Release				1											-
Chapter 3	Article 23-6C: Expiration	Special Requirement Rem	mits For History	oric Stru	ıctures					VES/NO.	YES/NO					
snapter 2:	3-7: Building, Demolition, and Relocation Permits; S Article 23-7A: General Provisions Division 23-7A-1: General Provisions	ppecial Requirement Perr	mits FOI FIIST	one Stri	actures					YES/NO	TES/NO					
31.2	Division 23-7A-1: General Provisions Division 23-7A-1: General Provisions	X			JSc	+++	++					23-7A-1020		The national standard for historic protection is 50 years.	-	
													(A) The building official must notify the historic preservation officer before issuing a building, demolition, or relocation permit for a			
									Historic Zoning				building-45 50 or more years old. (B) The building official may not issue a building, demolition, or			
													relocation permit for a property described in Subsection (D) unless all applicable requirements of Division 23-7D have been satisfied.			
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3	DIVIS	DESIRED PROPOSED CHANGES TO D3		INITIA	TED BY CO	OMMSSION	NER	EX OFFI	CIO TOPIC AREA		A	AMENDMENT TYPE	SUBSTITUTE LANGUAGE	COMMISSIONER NOTES		
			RSON		KAW COLS	SSLER	APSON FE	V ARDT DOZA	_						YES/NEUTRAL /NO	
			ANDE	KAZI KENN	NUC NUC	SCHIS	SHIEH THOMPS WHITE	SHAV BURK	TEIC		GENERAL					STAFF RESPONSE
31.3	Division 23-7A-1: General Provisions					JSc						23-7A-1050	HISTORIC PROPERTY INVENTORY. A list of all properties across the city's zoning jurisdiction that either are historically zones or might	This will provide regulatory certainty and identify properties that are not currently protected but should be.		
													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			
									Historic Zoning				throughout the zoning jurisdiction, identify the reasons that the property might be historic, and include no more than one percent of			
									Zonnig				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.			
A-31.3.1	23-7A Historic	х				PS						23-7	Include Historic Landmark Commission recommendations 20180423	Include HLC changes recommended changes (1) encourage ADUs as a tool to		
									Historic			23-7A-1020	Change 45 back to 50 years	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		
									Preservation					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 Histoic guidelines of 50+ years. Change back to		
32 32.2	Article 23-7B: Building Demolition and Permits 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	50 is the national standard		
													(A) This section applies to a building, structure, or site that is: (1) 45 50 or more years old; and			
													(2) Does not have historic designation of any kind.			
33 33.1	Article 23-7C: Relocation Permits 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 34	Division 23-7C-2: Relocation Requirements Article 23-7D: Special Permit Requirements for Historic Properties and	d Buildings 45 or More Years Old														
34.1	Division 23-7D-1: Overview Division 23-7D-2: Properties with Historic Designation															
34.2	Division 23-7D-3: Properties with nistoric Designation Division 23-7D-3: Properties without Historic Designation									+	-				-	
34.4	Division 23-7D-3: Properties without Historic Designation	х				JSc						23-7D-3010	Review for Buildings 45 50 or More Years Old Without Historic Designation			
									Historic Zoning				(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 Division 23-7D-5: Appeal															
35	Article 23-7E: Maintenance Requirements Division 23-7E-1: Maintenance Requirements															
36 36 1	Article 23-7F: Enforcement and Penalties Division 23-7F-1: Demolition by Neglect and New Construction															
Chapter 23	3-8: Signage	NONE MINOR MAJOR								YES/NO	YES/NO					
37 38	Article 23-8A: General Provisions 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			K	IM								(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			The 36-sf area and 8-ft height limit comes directly from current code,
													not exceed 6 feet above grade" (instead of 8)			Section 25-10-101(C). Further limiting the area or height will create a conflict with 23-8B-2030(G) Temporary Signs for Elections.
38.4 38.5	Division 23-8B-3: Prohibited Signs Division 23-8B-4: Non-conforming Signs															-
39	Article 23-8B: Regulations Applicable to Sign Districts and Sign Types Article 23-8D: Enforcement and Relief Procedures															
Chapter 23	3-9: Transportation	NONE MINOR MAJOR								YES/NO	YES/NO					
41.1	Article 23-9A: General Provisions Division 23-9A-1: Policy and Administration															
41.2	Division 23-9A-1: Policy and Administration	X	GA			$ \ \ $						23-9A-1030		This section states that standards for important transportation matters such as Rough Proportionality standards should be set forth in a Transportation Criteria		
									Rough Proportionalit	No			including standardized procedures for making determinations and criteria for identifying required improvements with an essential nexus	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		
									Froportionalit				to the impacts of proposed development;	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	++								23-9A-1050		This definition needs modification and is important as it relates to offsets with	_	
													TRANSPORTATION INFRASTRUCTURE IMPROVEMENTS. A	rough proportionality requirements. The last sentence in this definition should be deleted. This sentence is problematic because it is unclear what types of		
									Parrel				development on the City's transportation system, including the	improvements would be excluded and could be interpreted in many different ways. rough prop should be allowed for land onsite.		
									Rough Proportionalit	y No			or improvement of right-of-way beyond the boundaries of a	יימן אין אין אין אין אין אין אין אין אין אי		
													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.			
41.4	Division 23-9A-1: Policy and Administration	х				JSc						23-9A-1030 (B) (4)	Proportionality determinations required under Division 23 9A 2	Rough proportionality should be defined in code, not criteria manuals. This section states that standards for important transportation matters such as Rough		
									Transportatio				including standardized procedures for making determinations and	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.		
									Criteria	Yes			to the impacts of proposed development;	Leaving such important standards to be determined outside of the revised LDC process and in a criteria manual written in the future does not provide clear		
														guidance and predictability.		
				1 1	1											

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DIVIS TITLE	DESIRED PROPOSED CHANGES TO D3	INITIATED B	Y COMMSSION	IER EX C	OFFICIO TOPI	AREA FEEDBACI	AMENDMENT TYPE	SUBSTITUTE LANGUAGE	COMMISSIONER NOTES	
		ANDERSON HART KAZI KENNY MCGRAW NUCKOLS	OLIVER SCHISSLER SEEGER	HOMPSON WHITE HAW SURKARDT	MENDOZA TEICH		GENERAL SPECIFIC SECTION			YES/NEUTRAL /NO STAFF RESPONSE
1.5 Division 23-9A-1: Policy and Administration Division 23-9A-2: Proportionality of Transpor	X X		JSc JSc		Mu Transp	icipal ortation Yes ructure	23-9A-1050	TRANSPORTATION INFRASTRUCTURE IMPROVELMENTS. A	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.	
1.6 Division 23-9A-2: Proportionality of Transpor Infrastructure Requirement 1.8 Division 23-9A-2: Proportionality of Transpor Infrastructure Requirement	ation 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)	
1.10			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	
1.11 Division 23-9A-2: Proportionality of Transpor Infrastructure Requirement			JSc			tionality nination	23-9A-2020 (B)	Strike the following language in item (B): "prior to approval of an application for which dedication of right of way or other construction or funding of system transportation improvements is required." and replace with "within 60 days of submission of a TIA, TDM, or other traffic study for the project."		
Division 23-9A-2: Proportionality of Transpor Infrastructure Requirement		GA	JSc			ugh tionality	23-9A-2020 B	roughly proportionate share of transportation infrastructure costs attributable to a proposed development prior to approval of an application for which dedication of right-of-way or the construction or funding of system transportation improvements is required. A determination issued under this section: (1) Need not be made to a mathematical certainty, but is intended to be used as a tool to fairly assess the roughly proportionate impacts of a development based on the level of transportation demand created by a proposed development relative to the capacity of existing public infrastructure; (2) Shall be completed in compliance with generally recognized and approved measurements, assumptions, procedures, formulas, and development principles; and		
Division 23-9A-2: Proportionality of Transpor Infrastructure Requirement			JSc			tionality nination	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		
1.15 Division 23-9A-2: Proportionality of Transpor	ation		JSc			ugh tionality	23-9A-2020 (C) & (D)	(4) Within 30 days of submission, must provide a list of included/qualified rough proportionality imrprovements and estimated costs. (5) The Director shall develop rules using the admistrative rule process to develop a process for submital and review of rough proportionality evaluations, and the timing them in relation to TIAs, TDMs, other other traffic study reviews. These rules shall be presented to the Planning Commission for a recommendation to Council. Council shall approve the rules, reject them, or approve them with modifications (C) If a proposed development is subject to a proportionality	Continued from above RP requirements and inclusions should be determined prior to adoption of code	
Infrastructure Requirement						ructure Yes		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	and listed within Code.	
Division 23-9A-2: Proportionality of Transpor Infrastructure Requirement			JSc			tionality nination	23-9A-2020 NEW SECTION (E)	A rough proportionality determination made on a project shall be made with an initial project application and shall be grandfathered through future applications so long as the project has not (1) let any project application expire, (2) been in default of any application, or (3) changed the intended use and/or density in a manner that will increase the traffic generated by the project build out.		

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CH	DIVIS	TITLE	DESIRED PROPOSED CHANGES TO D3	INI	ITIATED BY C	OMMSSIO	NER	EX OFFICIO	TOPIC AREA	FEEDBACK	AMENDMENT TYPE	SUBSTITUTE LANGUAGE	COMMISSIONER NOTES	
				ANDERSON HART KAZI	MCGRAW UCKOLS	SCHISSLER SEEGER	SHIEH FHOMPSON WHITE	3URKARDT MENDOZA FEICH			GENERAL SPECIFIC SECTION			YES/NEUTRAL /NO STAFF RESPONSE
42.2	Division 23-9B-1:	General Provisions	X			JSc	57 - -		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		General Provisions	X			JSc			Right-of-Way Variance	Yes	23-9B-1030 (B)	(B) Application Requirements. A request for a variance under this	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		Right-Of-Way Dedication and Improvement Right-Of-Way Dedication and Improvement	X			JSc					23-9B-2010 (A)	Pight of Way Dedication A landowner shall dedicate all public right of	Delete with the purpose of re-writing. This section is problematic as it can be	
42.6		Right-Of-Way Dedication and Improvement	X			JSc			Dedication of right of way and construction of improvements	Yes	23-9B-2010 (A)		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.	
42.7	Division 22 OP 2	Right-Of-Way Dedication and Improvement				JSc			roadway	Yes		manner. Construction of all required street improvements and transportation		
42.7	DIVISION 23 3B 2.	Right Of-way Dedication and Improvement							Dedication of right of way and construction of improvements	Yes	23-9B-2010 (A) (2)	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		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	х			JSc			Standards for establishing right of way alignment	Yes	23-9B-2040 (B)(2)(c) (ii)			
43 43.1		General Provisions												
A-43.1.1	Division 23-9C-1:	General Provisions	X			x			Transportation Review		23-9C-1010	Proposed new language "If a proposed development does not require transportation analysis under Section 23-9C-2020 (Transportation Impact Analysis Required) or Section 23-9C-2040 (Neighborhood Transportation Analysis Required), the applicable Director may condition approval of the application on funding system improvements or construction of some or all proposed improvements at applicant's discretion, not to exceed the value of the project street impact fee, as described in this section."	The mitigation language needs to be restated in such a way that a development approval and/or permit is not contingent upon development funding and/or building transportation infrastructure improvements to mitigate traffic caused by the development. To accomplish the goals of Imagine Austin, we recommend that this language is modified to allow for a prioritization of density in urban zones (cbd and corridors).	
43.2	Division 23-9C-1:	General Provisions					JT				Yes	Per UTC recommendation, "Specifically remove Level of Service (LOS) as a metric and include VMT as a replacement."		
43.3		General Provisions	X			JSc			Transportation Review			impacts of new development on the transportation system by: (1) Determining the extent to which streets and other municipal transportation infrastructure are impacted by new development; and (2) Requiring new development to provide transportation infrastructure improvements and other mitigation necessary to address the impacts of new development. and (2) Require new development to provide payment for or improvements to transportation infrastructure improvements and/or other mitigation to best address the impacts of new development, as is feasible given physical constraints of the transportation network and projects	The mitigation language needs to be restated in such a way that a development approval and/or permit is not contingent upon development funding and/or building transportation infrastructure improvements to mitigate traffic caused by the development. To accomplish the goals of Imagine Austin, we recommend that this language is modified to allow for a prioritization of density in urban zones (cbd and corridors).	
43.4	Division 23-9C-1:		x			JSc			Purpose and Applicability	Yes	23-9C-1010 (A)	This article establishes procedures for analyzing and mitigating the impacts of new development on the transportation system by:	Language should be modified as mitigation is not always an option for new development in urban environments – language needs to allow for infill development on congested streets that increases transit ridership over time. Language shall be crafted such that infill development is not restricted.	
43.5	Division 23-9C-1:	General Provisions	х			JSc			Purpose and Applicability	Yes	23-9C-1010 (B)(1)	1 6	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	х			JSc			Trip Calculation	Yes	23-9C-1020 (b)	(B) To determine a street's existing trip count, the director shall rely on most recent data or establish a current trip count based on generally accepted guidelines regulations within this code or the Transportation Criteria Manual and utilizing the federally accepted measures for calculating vehicle trips.		
43.7	Division 23-9C-1:	General Provisions	х			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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0	ARI	Ē	CHANG	ES TO D3		INITIAT	ED BY CO	MMSSION	IER	EX OFFIC	TOPIC A	REA FEEDBA	ACK	AMENDMENT TYPE	SUBSTITUTE LANGUAGE	COMMISSIONER NOTES	
					NOS		IS	LER	NOS	RDT			ш				YES/NEUTRAL /NO
					ANDER	KAZI	NUCKO	SCHISSI	THOMP WHITE	SHAW BURKARDT MENDOZA	TEICH		GEI	ENERAL SPECIFIC SECTION			STAFF RESPONSE
43.8	Division 23-9C-2:	: Comprehensive Transportation Review						0, 0, 0		 							Dtwn Comm: 2010 exempt TIAs and allow TDMs in CC & DC zones
43.9	Division 23-9C-2:	: Comprehensive Transportation Review						JSc				+	+		(B) Compliance with this division is required if a proposed	This section needs to be evaluated. In addition to the suggested modification,	
														Applicability (B)	development is anticipated to generate impacts of at least 1,000 vehicle trips per day or 100 peak hour trips, after deducting any trip reductions approved by the director under Section 23 9D 2030	consider including a threshold based on alternate methodology that aligns with method of study and determination of impact at intersections (such as peak hour analysis) to provide more certainty and predictability.	
															(Transportation Demand Management). A Comprehensive Transportation Plan is required when both a TIA and a TDM are		
															required (per section 23-9C-2020 and 2030) and refers to the combined report containing information found in both a typical TIA		
43.10	Division 23-9C-2:	: Comprehensive Transportation Review	>	x				JSc				-	+	23-9C-2020	and TDM. (B) Contents. A transportation impact analysis must be consistent		
															with the scope approved by the director under Subsection (A) and must comply with the requirements described in this subsection.(1) A		
											Transpor	ation			transportation impact analysis must be prepared in accordance with the Transportation Criteria Manual and must establish: (c) the		
															capacity of affected streets intersections before and after the proposed development; (d) deficient streets intersections; and		
43.11	Division 23-9C-2:	: Comprehensive Transportation Review		Х				JSc						Transportation Impact	Do not require TIAs at zoning and make it clear to both City Council and others that a TIA will be performed at the same time of site plan		
											Transpor	ation			submittal. (a) must be submitted with an application for a site plan or subdivision. or planned unit development zoning district; and		
															(b) may be submitted, at the applicant's discretion, or as required by the city council, for a zoning application other than a planned unit development.		
43.12								JSc				+	-		(C) Timing of Submittal.	The conflicting timing concepts between (C)(1)(a) and (C)(1)(b) should be	
															(1) Initial TIA. If a proposed development meets the trip threshold established in Section23-9D-2010 (Purpose and Applicability), an initial transportation impact analysis:	removed. TIA submittal requirements should be clear and predictable. Current draft language suggests that City Council can ask for a TIA even when it is not initially required, which could add 6-9 months to the development process.	
															(a) must be submitted with an application for a site plan or subdivision. or planned unit development zoning district; and		
															(b) may be submitted, at the applicant's discretion, or as required by the city council, for a zoning application other than a planned unit		
42.42	Division 22 0C 2v	Constraint Transportation Devices										4	4	22.22.222.(2)	development.		
43.13		: Comprehensive Transportation Review : Comprehensive Transportation Review	\vdash	X				JSc			Transpor	ation	4	23-9C-2030 (B)		Need more information on trip reduction measures before this section of code can be adopted TDM submitted requirements procedures and timelines are unclear and appear	
43.14	DIVISION 23-9C-2.	. Comprehensive transportation review						120							Subsection (B)(2), a TDM plan that meets the requirements of this section must be submitted concurrent with a transportation impact	TDM submittal requirements, procedures and timelines are unclear and appear to be inefficient by requiring multiple studies to be reviewed concurrently. The timing of TDM submittal could be simplified. Whether a TDM plan should be	
															analysis required under Section 23 9C 2020 (Transportation Impact	submitted in lieu of a TIA and/or concurrent with a TIA needs to be clarified. To be more clear and predictable, we suggest that the timing of a TDM submittal	
											Transpor	ition			for zoning, subdivision, preliminary plan, or site plan review. A TDM shall be reviewed and approval provided with formal comment report	becomes part of a predevelopment meeting and the predevelopment summary identifies any and all studies required for the applicant.	
															on the application. If the TDM reduces trips below the TIA threshold, the TDM shall serve to replace a TIA and a TIA shall not be required.		
43.15								JSc					#		(2) In Lieu of TIA. (a) The director may allow submittal of a proposed TDM plan in lieu of a transportation impact analysis if the director	CONT'D	
															finds that implementing the TDM plan is sufficient to reduce vehicle trips generated by a proposed development to a level below the		
															threshold established in Section 23-9C-2010 (Purpose and Applicability). (b) The director shall allow submittal of a proposed		
															TDM plan in lieu of transportation impact analysis if a proposed development is anticipated to generate less than 2,000 trips per day.		
															A TDM plan submitted under this paragraph shall be limited to reasonable design enhancements and other cost effective strategies that can be efficiently integrated into project design. (c) Compliance		
															with a TDM plan approved under Paragraphs (B)(2)(a) (b) shall be required as a condition to approval of a development application		
															under Division 23 9C 4 (Development Conditions and Mitigation) and may be subject to conditions under Section 23 9C 1030 (Waiver of		
43.16	Division 23-9C-2:	: Comprehensive Transportation Review	,	х				JSc						23-9C-2030(D)	Change text in (d) by removing the following "and includes reasonable strategies for reducing transportation demand based on	TDM submittal requirements, procedures and timelines are unclear and appear to be inefficient by requiring multiple studies to be reviewed concurrently. The	
															the layout, location, and context of a proposed development."	timing of TDM submittal could be simplified. Whether a TDM plan should be submitted in lieu of a TIA and/or concurrent with a TIA needs to be clarified. To	
											Transpor	ntion				be more clear and predictable, we suggest that the timing of a TDM submittal becomes part of a predevelopment meeting and the predevelopment summary identifies any and all studies required for the applicant.	
																and an stadies required for the applicant.	
43.17	Division 23-9C-3:	: Neighborhood Transportation Impact Analysis								+++							
43.18	Division 23-9C-3:	: Neighborhood Transportation Impact Analysis		х				JSc							· · · · · · · · · · · · · · · · · · ·	The definition of multi-modal transportation is unclear. In order to create a predictable process, multi-modal transportation concepts should be clear and	
											Transpor	ntion Yes				defined in code. The code should include a list of allowable and approved "modes" and specific goals of mode split for purpose of implementing code	
42.40	Division 33,000	: Neighborhood Transportation Impact Analysis						150						22.00.2020		policies regarding redirecting traffic to other modes.	
43.19	DIVISION 23-9C-3:	Transportation impact Analysis		X				JSc			Transpor	ation			Clear definition is needed of multi-modal level of service – Code should include list of allowed/approved "modes" and goals regarding mode split for purpose of implementing code policies regarding		
											1.0.000				redirecting traffic to other modes		
44.1	Division 23-9D-1:	opment Conditions and Mitigation : Action on Development Application															
44.2		: Action on Development Application : Action on Development Application		X		+++		JSc JSc							Application Approval will be addressed after the Street Impact Fee		
											Nonzo	ing			regulations are finalized and once the new method of reviewing street impacts is considered.		
44.4	Division 23-9D-1:	: Action on Development Application		х				JSc		+++				23-9D-1030 (B)(1)	(1) Delaying or phasing development until construction of municipal		
											Nonzo	ing			transportation infrastructure required to accommodate vehicle trips generated by the development or other transportation improvements necessary to directly serve the development; or		

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										Ш							VEC (NEUTRAL	
			ERSON	HART KAZI KENNY	RAW	KOLS	SSLER ER	MPSO	V (ARD)	DOZA							YES/NEUTRAL /NO	
			AND	HARI KAZI KFNN	MCG	NUC OLIV	SCHIS	THO!	SHAV	MEN			GENERAL	SPECIFIC SECTION				STAFF RESPONSE
44.5	Division 23-9D-1: Action on Development Application	x	ш				Sc			Ш				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			
			ш							Ш	Nonzoning				sufficient to accommodate vehicle trips generated by the proposed development.			
44.6	Division 23-9D-1: Action on Development Application	х				1	Sc			Ш				23-9D-1030 (C)	Update section (C) to read as follows: "To the extend authorized	Need to clarify that application cannot be conditioned based on request over/above RP value.		
			ш							Ш					and within limits of a projects approved Rough Proportionality	over, above in value.		
			ш							Ш	Transportation				Determination per section 23-9-XX, the director may condition development approval on the construction, dedication or funding of			
			ш							Ш					municipal transportation infrastructure improvements that would benefit the transportation system immediately adjacent to the			
			ш							Ш					development and assist in mitigating the effects of newly generated			
44.7	Division 23-9D-2: Transportation Infrastructure Improvements							11		Ш					traffic from the development."			
44.8	Division 23-9D-2: Transportation Infrastructure Improvements	х				ا	Sc			Ш				23-9D-2010(B)	Replace item (B) with following text "A Comprehensive Transportation	23-9D-2010(B): Requirement of Comp Transpo Plan here creates conflict with		
			ш								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	Tequirement for Folivi per 23-00-2030(A)(2)		
			ш							Ш					information found in both a typical TIA and TDM."			
44.9	Division 23-9D-2: Transportation Infrastructure Improvements	х				١	Sc							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	Requirements for offsite improvements should not be required and rather incentivized (similar to 2010(B) language)		
			ш								Transportation				or, at the discretion of the applicant, may be built by the applicant			
			ш							Ш					conditioned on a cost reimbursement from the City of Austin equal to at least 20% of the estimate cost of the improvement."			
44.10	Division 23-9D-2: Transportation Infrastructure Improvements	X	Ш		$\perp \perp$		150	44		$\sqcup \sqcup$				22 OD 2020(B)(2)	Undata itam (2) to replace " or refund the fee at the request of the	The City shall automatically refund these funds if not used; The City is	_	
44.10	Division 25-90-2. Transportation infrastructure improvements		ш				SC			Ш	Transportation			23-9D-2030(B)(2)	applicant who paid the fee" to say "automatically upon expiration of	responsible for managing funds and improvements so this is a way to keep them		
										$\ \cdot\ $. ansportation				the 10 year period to the applicant who paid the fee."	accountable.	l	
44.11	Division 23-9D-2: Transportation Infrastructure Improvements	х	П			 ,	Sc	11		Ш				23-9D-2040		Reduced transportation mitigation should be applied to all affordable housing projects regardless of whether they follow the City SMART housing proposal as		
			ш							Ш					Housing)." to read " proposing any number of affordable housing units or affordable square footage for commercial use based on the	they serve to benefit all affordable renters		
			ш							Ш	Transportation				percentage of affordable units/square footage (commercial) against the total units/square footage (commercial) of the project."			
			ш							Ш								
45 45.5	Article 23-9E: Right-Of-Way Construction Division 23-9E-5: Drivways and Alleys																	
45.6	Division 23-9E-6 Sidewalks, Urban Trails, Street Trees																	
45.7	Division 23-9E-6		ш							Ш				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	Imagine Austin calls for "complete communities." Complete communities need a healthy tree canopy.		
46	Article 23-9F: Street Design														planted on the applicant's property."			
46.1	Division 23-9F-1: General Provisions		П															The requirements for access streets, street alignment, dead end
			ш							Ш								streets and block length have been moved out of the Subdivision
			ш							Ш								chapter and into the Transportation chapter. The maximum blo- length varies by zone, so the street layout will be context sensiti
46.2	Division 23-9F-2: Access to Major Streets		Н		++	$\dashv \dashv$	++	++		Н							N/A	Refer to Table 23-9F-3050(A).
46.3	Division 23-9F-3: Street Layout Article 23-9G: Road Utility Districts																	
Chapter 2	3-10: Infrastructure	NONE MINOR MAJOR										YES/NO	YES/NO					
48 48.1	Article 23-10A: Austin Water Service Division 23-10A-1: General Provisions																	-
48.2	Division 23-10A-2: Extension of Service, General Provisions Division 23-10A-3: Extension of Service, Cost Participation				$\perp \perp$					Ш			_					-
48.4	Division 23-10A-3: Extension of Service, Cost Participation	х	Н		++	 ,	Sc	++		Ш				23-10A-3040 (D)	+	In many cases the City may deny cost participation due to lack of funding and will		Based upon case law, if the City requires the oversizing of
			ш							Ш	Nonzoning					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		infrastructure it must pay its proportionate share of costs. If the
			ш							Ш						servicing the proposed property and proposed development on that site it will limit potential abuse of overreach by AWU.	l	City has no funds to pay for its proportionate share, it cannot require an oversizing of the infrastructure. It should be noted the
48.5	Division 23-10A-4: Tap Permits			++	++	+	++	++	+ +	+++						· · · · · · · · · · · · · · · · · · ·	No	the City may require a developer to upsize an existing line, but t
48.6	Division 23-10A-4: Tap Permits	x		$\top \!$	11		Sc	11			Name			23-10A-4080 Refund (Strike "before the expiration date of the permit" because it should allow a request for a refund to be made at any time			
											Nonzoning			Tap r ermit ree (b)	anow a request for a returna to be inface at any time		Yes	The deletion is acceptable.
49 49.1	Article 23-10B: Water Districts Division 23-10B-1: General Provisions																	-
A-49.1.1	Division 23-10C-1: General Provisions	х				J	Sc							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	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		Capital Recovery Fees are designated for growth-related project in the City's service area and are not solely designated for a
											Nonzoning				period of time, not to exceed 10 years, from the date the fee is	and performing the capital improvements.		specific project. As such, Austin Water adjusts its capital spendi
															deposited into the account. <u>In the event that a fee is not expended</u> within 10 years of a deposit, it may be reimbursed to the payee.			plan annually to ensure the construction of the most critical growth-related projects. Additionally, Austin Water reassesses in
50	Article 23-10C: Water and Wastewater Capital Recovery Fees																No	impact fees every five years, in accordance with State law, to
50.1	Division 23-10C-1: General Provisions Division 23-10C-2: Fee Established			+	+-	+	+	++	+ $+$	$+ + \bar{1}$							H	-
50.3	Division 23-10C-2: Fee Established	х		++	++	 ,	Sc	++						23-10C-2050 (A)(1)		This ensures that the impact fee being paid is directly related to the unit that is		-
										$ \ \ $	Nonzoning				Of Impact Fee), or by a contract with a wholesale customer or with another political subdivision, the impact fee due for new	performing the impact.		
										$ \ \ $	INOTIZOTING				development shall be collected: (1) At the time the City of Austin			
	Article 23-10D: Reclaimed Water														approves a site plan or building plan review; or		Yes	The deletion is acceptable.
51	Article 23-10E: Drainage Division 23-10E-1: General Provisions																	-
51 52 52.1				++	++	+	Sc	++							on Unless authorized by a development application approved in	Clarifies that an easement may be obstructed, provided that the obstruction		
51 52 52.1 52.2	Division 23-10E-1: General Provisions	^					1 1	'						of Waterways	compliance with Title 23, a person may not place, or cause to be	does not cause impact to the conveyance.		
51 52 52.1 52.2	Division 23-10E-1: General Provisions	^									Nonzoning			Prohibited	placed, an obstruction in a waterway or drainage easement used for			
51 52 52.1 52.2	Division 23-10E-1: General Provisions										Nonzoning							Obstructions to waterways are also a concern if they affect

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CHA	ARIIC TITLE	DESIRED PROPOSED CHANGES TO D3		INITIATED	Э ВҮ СОМІ	MSSIONER	EX	OFFICIO	TOPIC AREA	STAFF FEEDBACK	An	MENDMENT TYPE	SUBSTITUTE LANGUAGE	COMMISSIONER NOTES		
52.3	Division 23-10E-1:	X	NO	>	S	200	WHITE	4			GENERAL	SPECIFIC SECTION 23-10E-1060 Duty to	A waterway or other drainage infrastructure located within a City	This clarification eliminates the instances where a property owner would be required to remove the obstruction in a City owned easement as a result of an obstruction (tree or tree branch, etc.) ending up there due to conveyance.	YES/NEUTRAL /NO	STAFF RESPONSE
A-52.3.1	Division 23-10E-3: 23-10E-3010 Criteria For Approval of Development Applications 3020 - Certificate of Engineer Required for	X					TS		Drainagecritie rs for new and redeveloped Certificate of		yes	23-10E-3010 (A)(5)(b)	City of Austin. Removal of unauthorized, manmade obstructions within the waterway is the responsibility of the party responsible for placing the obstructions. must keep the waterway free from an obstruction that is not authorized by a development application approved under Title 23. MOTION: PC shall adopt section 23-10E-3010 as proposed in CN draft 3 (refer to exhibits: SHAW EXHIBIT WS-1, SHAW WS-2, and SHAW WS-3.	(A)(5) (f) reduces the post-development peak flow rate of discharge to match the peak flow rate discharge for undeveloped conditions as prescribed on the Drainage Criteria Manual. Director should not be allowed to circumvent State P.E. Rules.	No	The person in control of real property traversed by a waterway must keep the waterway free from an obstruction that is not authorized by a development application approved under Title 23. The addendum clarifies that this applies to site plans and subdivisions.
52.5 52.6	Certain Alterations and Improvements Division 23-10E-2: Drainage Studies; Erosion Hazard Analyis; Floodplain Delineation Division 23-10C-2: Fee Established	X			JS	C .			Engineer Required for Certain Nonzoning			23-10C-2050 (A)(1)	plan or specification for a minor alteration or improvement that, in the judgment of the director, does not require certification by an engineer. (A) Except as provided by Section 23-10C-2060 (Installment Payment	This ensures that the impact fee being paid is directly related to the unit that is performing the impact.		Engineer is now defined in General Terms as "a person licensed to engage in the practice of engineering in the State of Texas." -
52.7	Division 23-10E-3: Standards for Approval Division 23-10E-3: Standards for Approval	X			JS				Nonzoning			23-10E-3010	Proposal would include the following alternative options for site in an urban/suburban watershed that are also along a corridor, within ½ mile of transit or within a TOD: Option to develop to existing site impervious cover with 75% water quality volume compliance and detention required up to the 10 year storm for the full impervious cover. Option to develop to reduce existing impervious cover by 10% with 75% water quality volume compliance and no detention required. Option to develop above existing site impervious (if allowed by zoning/watershed code) with full water quality compliance and detention of new impervious to 100 year storm and existing impervious cover to 25 year storm.	Provide alternative options. Potential options listed here		Staff feels that these proposals would provide significantly less flood risk reduction benefits compared to the current CodeNEXT draft language. Staff does recognize the need for redevelopment flexibility. The RSMP program provides the off-site compliance opportunities in the form of downstream conveyance or collection system improvements or detention off-site. Also, since participation is based on a "no additional adverse impact" standard, there is some additional flexibility in participation for sites with minimal to no increase in impervious cover. Staff is considering offering an RSMP participation by-right option for small projects that would be comparable to the provisions for water quality payment-in-lieu. These provisions would increase
52.9	Division 23-10E-3: Standards for Approval Division 23-10E-3: 23-10E-3010 Criteria For Approval of Development Applications	X			JS				Nonzoning Drainage critieria for new and redeveloped sites?			23-10E-3020 Regional Stormwater management Program (C) [NEW] 23-10E-3010 (A)(5)(b)	1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1	This amendment incentivizes the developer to participate in drainage studies or construct off-site improvements that benefit the whole watershed. (A)(5) (f) reduces the post-development peak flow rate of discharge to match the peak flow rate discharge for undeveloped conditions as prescribed on the Drainage Criteria Manual.	No No	development flexibility for small projects. Drainage studies do not count towards the fee in lieu for the RSMP program. Off-site improvements as well as the engineering to produce final plans for infrastructure can be included as RSMP participation. Staff recommends that these options for RSMP participation continue to be housed in the Drainage Criteria The addendum clarifies that this applies to site plans and subdivisions.
52.11	Division 23-10E-3: 3020 - Certificate of Engineer Required for Certain Alterations and Improvements Division 23-10E-5: Responsibilities of Applicant or Owner	X					TS		Certificate of Engineer Required for Certain Alterations and Improvements			3020 -	DELETE:(B)Subsection (A) does not prohibit the director from accepting a plan or specification for a minor alteration or improvement that, in the judgment of the director, does not require certification by an engineer.	Director should not be allowed to circumvent State P.E. Rules.		This allowance for minor alterations was part of the original 1974 Waterway Ordinance. However, our staff don't have any knowledge of the director ever waiving the requirements of a PE seal for minor alterations or improvements.
52.13	Division 23-10E-5: Responsibilities of Applicant or Owner 2.11: Tochnical Codes (TRD)	NONE MINOR MAJOR			JS				RSMP and Downstream Conveyance	VES/NO	YES/NO	23-10E-5020 Dedication of Easemetns and Rights of-Way	(B) An easement or right of way required by Subsection 23 10 5020 (A) must be of sufficient width to provide continuous access for the operation, maintenance, or repair of a drainage facility, as prescribed in the Drainage Criteria Manual.(C) The applicant must dedicate any additional easement or right of way that is necessary to allow continuous access for the operation, maintenance, or rehabilitation of a drainage facility.(B) The applicant shall allow access through the project site as necessary to allow City operation, maintenance, or rehabilitation of a drainage facility; such access shall be described in the easement terms for the facility, but shall not be required to be dedicated as an easement.	The former B & C are unnecessary with the amendment which clarifies the intentions of both.	No	The applicant cannot guarantee that access through a project site will be available at all times. Drainage facilities must be fully accessible at all times to perform corrective maintenance.
53 54	3-11: Technical Codes (TBD) Article 23-11A: Introduction Article 23-11B: Technical Codes	WAJOK WAJOK								YES/NO	TES/NO					
54 .1	Division 23-11B-1: Building Code															
54.2 54.3	Division 23-11B-2: Food Establishments Division 23-11B-3: Reserved			+	+	\prod		$+\Box$								
54.3	Division 23-11B-3: Reserved Division 23-11B-4: Electrical Code			+++	+	+++	+++	+++							1	
54.5	Division 23-11B-5: Mechanical Code															
54.6 54.7	Division 23-11B-6: Plumbing Code Division 23-11B-7: Fire Code		$\vdash \vdash \vdash$	+++	+	+++		+++				1			-	
54.7	Division 23-11B-7: Fire Code Division 23-11B-8: Solar Energy Code			+ + +		+++		+++								
54.9	Division 23-11B-9: Property Maintenance Code															
54.10	Division 23-11B-10: Reserved							\Box								
54.11 54.12	Division 23-11B-11: Residential Code Division 23-11B-12: Energy Code			+++	++	+++		+++							-	
55	Article 23-11C: Administration of Technical Codes															
•	3-12: Airport Hazard and Compatible Land Use Article 23-12A: General Provisions	NONE MINOR MAJOR								YES/NO	YES/NO					
	3-13: Definitions and Measurements	NONE MINOR MAJOR								YES/NO	YES/NO					
57	Article 23-13A: Definitions and Measurements Division 23-13A-1: Terms and Measurements															
J1	The and medicine						1					1				<u> </u> -

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ISION E	DESIRED PROPOSED			REQ. ADD'L STAFF				
DIV ARIT	CHANGES TO D3	INITIATED BY COMMSSIONER	EX OFFICIO TOPIC AREA	FEEDBACK	AMENDMENT TYPE	SUBSTITUTE LANGUAGE	COMMISSIONER NOTES	
			TO A					YES/NEUTRAL
		ANDERSON HART KAZI KENNY MCGRAW NUCKOLS OLIVER SCHISSLER SEEGER SHIEH THOMPSON WHITE	ENDOZ					/NO
57.2 Division 23-13A-1: Attached	x	NA T S S O N M E TW	TE MI BU		GENERAL SPECIFIC SECTION 13a-1 pg 3	ATTACHED-When used with reference to two or more buildings units,		STAFF RESPONSE
			DEFINITIONS			means having one or more common walls or being joined by a roof; covered porch or covered passageway measuered 20' in depth from		
Division 22 424 4 Cons. (CFA)						the front lot line to rear.		No
57.4 Division 23-13A-1: Gross (GFA)					13A-1 pg.11	,	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.	
			DEFINITIONS			porches, stoops, basements, attics, stories below grade plane, parking	It would also reduce the number of unintentional violations of FAR limits by homeowners who turn exempted space into habitable space. This change would	
57.5 Division 22.124.1. Small Area Dlan						facilities, driveways, and enclosed loading berths and off-street	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				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.	Yes
57.6 Division 23-13A-1: Stepback		Tw		Y		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						` <u> </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	No not needed. Remove from use
57.8 Division 23-13A-1: Valid Petitions		Tw Tw		Y		please add a definition for Valid Petitions, including applicability, procedures, etc., similar to what the draft provides for Vested Rights	In the interest of fairness, please add a definition for Valid Petitions, including applicability, procedures, etc., similar to what the draft provides for Vested	
				^		Petitions in 23-K-2	Rights Petitions in 23-K-2	
57.9		JSh JSh				When used with reference to two or more buildings ADD - When used with reference to duplex or single family dwellings	this will be tweak by workging group	
			Attached			with dual same street frontage, means being joined by a roof of 20' minimum measured perpendicular to the street frontage.		
57.10 Division 23-13A-1: Terms and Measurements	х	JSc JSc			23-13A-1030		Delete Deficient Park Area Map definition and replace with "Proximity to Park	
						to Park Area Map": "A map depicting areas that the Parks Director has by rule determined lack sufficient parkland based on the criteria in 23-	Area мар*	PARD does not agree with this substantive change due to the prior
						3B-1 and 23-3B-2"		negotiations that created this section in 2016. The map in the code is a Deficiency Map, not a Proximity Map. That term Proximity does
			Definitions					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 DEFIENCY 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
57.11 Division 23-13A-1: Terms and Measurements	x	JSc JSc				HEIGHT, ACCESSORY STRUCTURE. Height, for the purpose of	Provides much needed clarity - height requirements interpretations shouldn't be	Dedication) and the parkland policies of the Comprehensive Plan.
						establishing required setbacks, shall be defined for every point within the footprint area of an accessory structure, including a tree house, as		
			Definitions			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.		
57.12 Division 23-13A-1: Terms and Measurements	х	JSc JSc			23-13A-1030	UNIFIED DEVELOPMENT AGREEMENT. An agreement approved at the	UDA's are currently not allowed on residential sites. UDAs facilitate aggregation	Neutral
			Definitions			legal lots or tracts, as a single site for the purpose of applying	that is often required to achieve unit yields per AIA Charrettes. Allows more flexible site planning for tree preservation, etc.	
						specified regulations of the Land Development Code, <u>including sites</u> <u>zoned for residential use.</u>		
57.13 Preservation		KM TW				Preservation is defined as the act or process of applying measures	Per secretary of Interior - proposed by HLC	Neutral
						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		
57.14 Division 23-13A-1: Terms and Measurements						for Preservation require retention of the greatest amount of historic fabric along with the building's historic form Preservation is defined as the act or process of applying measures	Per HLC recommendation, from Dept of Interior.	HLC: 1030 Define Preservation
						necessary to sustain the existing form, integrity, and materials of an	The state of the s	
						historic property. Work, including preliminary measures to protect and stabilize the property, generally focuses upon the ongoing		
			DEFINITIONS			maintenance and repair of historic materials and features rather than extensive replacement and new construction. New exterior additions		
						are not within the scope of this treatment; however, the limited and sensitive upgrading of mechanical, electrical, and plumbing systems		
						and other code-required work to make properties functional is appropriate within a preservation project.]		HLC: 1030 Define Preservation
A-57.14.1	Х	TS	Large Site	YES	Division 23-4C-1	Add definition to 23-13 Defintions and Measurements	Large sites is a new term and needs to be defined in 23-2M-1030 Terms.	
E7.15		I/a a	Definition	113	22.424.4222	DEWIDITE DED EVICTIMO MONAMICIONI CODE	This should say MATURAL and a NOT FINISHED COADS	
57.15			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			23-13A-2030(C)	Cooperative Housing: A housing use operated by a cooperative (under	Amend Language	-
			Definitions		23-13M-2030(C)	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.		Yes

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CHAPTER ARTICLE DIVISION TITLE	DESIRED PROPOSED CHANGES TO D3	INITIATED BY COMMSSIONER	EX OFFICIO	TOPIC AREA	REQ. ADD'L STAFF FEEDBACK	AMENDMENT TYPE	SUBSTITUTE LANGUAGE	COMMISSIONER NOTES	
		ANDERSON HART KAZI KENNY MCGRAW NUCKOLS OLIVER SCHISSLER SEEGER SHIEH THOMPSON	SHAW BURKARDT MENDOZA TEICH			GENERAL SPECIFIC SECTION			YES/NEUTRAL /NO STAFF RESPONSE
57.18 Division 23-13A-2: Land Uses	X	FK FK		Definitions			ACCESSORY DWELLING UNIT 1. RESIDENTIAL. A subordinate dwelling unit added to, created within, or detached from a primary residential structure that provides basic requirements for independent living, sleeping, eating, cooking, and sanitation for one or more persons and which is located on the same lot as the primary structure. A tiny home, Manufactured Home or Recreational Vehicle that does not have a motor may be used as a residential accessory dwelling unit. 2. COMMERCIAL. A subordinate dwelling unit added to, created within, or detached from a primary commercial structure that provides basic requirements for independent living, sleeping, eating, cooking, and sanitation for one or more persons and which is located on the same lot as the primary structure.	Tiny homes provide simple options for families and should be allowed.	
57.19 High Opportunity Area		Tw			Х		High Opportunity Area (INACCURATE, POTENTIALLY OFFENSIVE). Please replace with "Qualifying area" and strengthen the definition to require an area to provide at least three or more of the listed conditions to qualify	High Opportunity Area - a metric needs to be added to mandate how often this area will be redefined	
57.20 Multi-Unit									No not needed, multi-unit is not a use, it's a zone category
57.21 Affordable Housing					х		Affordable Housing (INCOMPLETE). <u>Please replace or augment current</u> definition with: "See Article 23-3E: Affordable Housing."		
57.22 live/work & work/live	х	TW		definitions	х	specific definition		this is redundant with the definition for live work. I don't see how this simplyfies anything and I think it'll end up being subjective which is which.	No all land uses shall be defined
A-57.22.3 Designated Review Group	x	TW		missing defs	х		Please add definition and details	Clearly define Designated Review Group. Draft 3 repeatedly references a "Designated Review Group," which it invests with significant authority, but fails to provide any definition, including how review group members will be selected and by whom, qualifications for membership, terms of service, and whether the group is subject to the Open Meetings Act. Please revise to provide clear standards for this group	
A-57.22.4 micro units, modular, mobile hor	nes x			missing defs	х		Please add definitions	let's discuss why these aren't included as definitions or uses in our new code?	
57.23 micro units, modular,mobile hor		Tw		missing defs	х		Please add definitions	let's discuss why these aren't included as definitions or uses in our new code?	No only define uses.