

INSTRUCTIONS

1. Provide by Wednesday (5/2/18) at 10pm any amendments, additions, removals of code language you plan for action taken during our CodeNEXT deliberations.
2. Mark a simple "x" in the column labeled "A" if you have no exceptions, minor (such as wordsmithing or something you believe is in line with Draft 3 but only slight differentiation) or major (departure from Draft 3 intent or character). I recognize this is somewhat subjective between minor and major, such as suggesting a small height or setback change that may be small in number that in actuality may be viewed by some as major change. All will be discussed regardless and this is simply an initial organizational tool.
3. Mark an "x" under your name in column "B".
4. Under "C", include the most simple identification that can organize code discussions during our deliberations. For Example, "Parking, Compatibility, Environment, ADU, Form, Admin, Mapping, Flooding, Uses, Transportation, etc."
5. If you need staff available related your questions, concerns, proposed amendments that authored related code text, please mark a YES/NO under column "D" so that I can notify Director Guernsey provide necessary support
6. Under column "E", if your proposed comments, questions, concerns are general or broad in nature, mark an "x" in the "General" column. However, it is critical for our efforts to identify, as specifically as possible, which section of code you are addressing with your comments. If you must identify the whole division that is understandable, however as we organize any potential motions using specific code sections will be most beneficial to our efforts. In doing so, you will allow the opportunity to see if there are similar offerings for consideration. In addition, you will give me better support to organize our deliberation efforts most efficiently. There may be instances where potential draft changes extend to other sections of code or are contingent upon specific information included in other sections. Please utilize the Notes column as much as needed to describe your intentions. This can help fellow commissioners understand your suggested changes or questions and thereby reduce additional discussion time during our deliberations.
7. Utilize column "F" for specific draft code you propose related to that section.
8. This spreadsheet format has been left editable. Obviously there will be the need to add rows between Divisions so that multiple sections can be addressed within the respective Division. It was not feasible to add all the sections within each division. Add as many rows between divisions as you need to address your full list. I will combine them together.

LEGEND	
Consent	
Passed Motion	
Defeated Motion	
Duplicate Motion of Acted-On Item or Failed on Second or Withdrawn	
Staff identified duplicate motions	
Motion Tabled	
See Table Addendum for more information	

CHAPTER	ARTICLE	DIVISION	TITLE	A			B												C	D	E		F	G		H						
				DESIRED PROPOSED CHANGES TO D3			INITIATED BY COMMSIONER												EX OFFICIO	TOPIC AREA	REQ. ADD'L STAFF FEEDBACK	AMENDMENT TYPE		SUBSTITUTE LANGUAGE	COMMISSIONER NOTES		YES/NEUTRAL /NO	STAFF RESPONSE				
				NONE	MINOR	MAJOR	ANDERSON	HART	KOZI	KENNY	MCGRAW	NUCKOLS	OLIVER	SCHISLER	SEGER	SHIEH	THOMPSON	WHITE	SHAW	BURKARDT	MENDOZA	TEICH	GENERAL	SPECIFIC SECTION								
GENERAL				NONE	MINOR	MAJOR							SO											YES/NO		X		REDUCE LENGTH OF NON 23-4 SECTIONS BY 20%. CodeNEXT text is overly verbose, consistently difficult to understand. Master Editor should identify measures in Non 23-4 chapters to reduce extreme length to assist in achieving CodeNEXT goal for code simplicity.				
		All Non 23-4 Divisions			X	X																	FORMAT									
Chapter 23-1: Introduction			NONE	MINOR	MAJOR																			YES/NO	YES/NO							
1	Article 23-1A General Provisions																															
1.1		Division 23-1A-1 Title, Purpose, and Scope																														
1.3		Division 23-1A-2 Authority	C	X									JSc										Admin & Procedures				23-1A-2030	(A) Effect of Land Development Code. The standards and procedures applicable to development of property within the City limits and within the City's extraterritorial jurisdiction are stated in the land Development Code (LDC) or technical criteria manuals as adopted per the provisions of the LDC, which shall control in the event of a conflict with a representation made by a City official or employee, either orally or in writing, or via a policy manual, summarizing, paraphrasing, or otherwise interpreting the that summarizes, paraphrases, or otherwise interprets the standards and procedures applicable to development.	This clarifies that the technical criteria manuals supercede the statements of city officials or employees.	Neutral		
1.4		Division 23-1A-3 Classification of Application and Decisions																														
2.6		Division 23-1A-4 Classification of Application and Decisions											JSc										Admin & Procedures				23-1A-3020 (C)Administrative Decisions (1)(b)	Move 23-1A-3020(C)(2)(c) to 23-1A-3020(B)(2)(e) and revise 23-1A3020(C)(1) (b) The authority to make administrative decisions is delegated to City departments and to boards and commissions, as provided in Article 23-1B (Responsibility for Administration). A public hearing is required for an administrative decision by a board or commission.	Section 23-2A-2010(A)(2) (c)has subdivisions as quasi-juducial approval, conflicts with 32-1A-3020(C) as administrative decision			
1.5		Division 23-1A-4 Consistency with Comprehensive Plan	C																													
1.7		Division 23-1A-5 Rules of Interpretation	C	X									JSc										Admin & Procedures				23-1A-5020 (b) (1)	Wherever possible, the Director shall have the authority to interpret this Title in a manner that gives effect to all provisions and wherever possible, shall avoid interpretations that render a provision of this Title in conflict with one or more other provisions.	Conflicts should be avoided whenever possible inside the LDC. This new language gives the director the authority to interpret the LDC to avoid any potential conflicts wherever possible.	Neutral		
A-1.7.1		Division 23-1A-6 Minimum Development Potential			X								SO														23-1A-6010 & 23-1A-6020	See SO Exhibit 1 - Proposed Amendment to Minimum Development Potential	This amendment would assist in mitigating the compounding impact of layer upon layer of many new staff initiated regulations that have good intentions but once applied in unison to an individual parcel become problematic to typical development conditions.	No	DSD: It appears the recently introduced SO Exhibit 1 would establish an across-the-board entitlement of at least 90% of the allowable impervious cover and FAR. The City Arborist understands the amendment's intent and regularly works to protect trees while also recognizing the applicant's desire to realize the development potential of a property. However, the proposed amendment could jeopardize our ability to administer our community's tree preservation regulations. There are existing provisions in code that allow Protected and Heritage Trees to be removed if they prevent reasonable use or access. These provisions have served our community well by protecting our urban forest while striking a balance with development. The proposed amendment could undue this balance if 90% of the allowable is by right as this would effectively preclude the reasonable use or access determination and the commission variance process for some Heritage Trees.	
2	Article 23-1B Responsibility for Administration																															
2.1		Division 23-1B-1 City Council	C																													
2.2		Division 23-1B-2 Boards and Commissions	C																													
2.3		Division 23-1B-3 Administration	C																													

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								ANDERSON	HART	KAZI	KENNY	MCGRAW	NUCKOLS	OLIVER	SCHISLER	SEEGER	SHIEH	THOMPSON	WHITE	SHAW	BURKARDT	MENDOZA	TEICH			GENERAL	SPECIFIC SECTION				STAFF RESPONSE	
2.4			Division 23-1B-4	Neighborhood Planning																												
2.5			Division 23-1B-4	Neighborhood Planning								KM													Contact Teams			23-1B-4010	Neighborhood Contact Teams may submit plan amendments.	This should not be removed.		
2.7			Division 23-1B-4	Neighborhood Planning														JT							Neighborhood Plans	Yes		When PC first sees a new Neighborhood plan, or small area plan, etc., it is on the dias (or perhaps at SAP) where we are expected to give an up or down vote. There is no method for additional neighborhood feedback other than public hearing. The process should go to PC much sooner so we can provide early feedback.				
Chapter 23-2: Administration and Procedures					NONE	MINOR	MAJOR																		YES/NO	YES/NO						
A.3.0.1			GENERAL	Administration & Procedures		X													TW						Admin		X					
3			Article 23-2A Purpose and Applicability																													
3.1			Division 23-2A-1	Purpose and Applicability																												
3.2			Division 23-2A-2	Development Process																												
3.3			Division 23-2A-2	Development Process																					Admin & Procedures	No	23-2A-2010 (2) Quasi-Judicial approvals	(2) Quasi-judicial approvals: (a) Zoning variances and special exceptions; (b) Environmental variances; (c) Subdivisions and subdivision variances; and (d) Conditional use permits.	A business requiring a Conditional use Permit (CUP) and a rezoning should be allowed to submit concurrently. Allowing for concurrent submittals would provide a more transparent process and more certainty to the applicant and interested parties. In addition, there is a concern that this section, along with 23-2A-2020, gives the Director discretionary authority over concurrent applications. Language in existing code (25-1-61) is preferable for this provision which would allow for applications to be submitted and reviewed concurrently.	No	CUPs are quasi-judicial approvals	
3.4			Division 23-2A-3		Residential Development Regulations		X											JT						No								
3.5			23-2A-3030 One to Two-Unit Residential	23-2A-3040 Three to Six Unit Residential															TS					One-Two Unit Residential	NO	23-2A-3030 One to Two-Unit Residential	A)2) Residential development that is subject to this section must comply with the regulations of this Title specified under this section.	Clearer language	No	Agree that we need to clarify which chapters not currently listed still apply to 1-6 units (e.g., transportation, utilities). However, different language is needed than what the substitute language proposed.		
3.6					Division 23-2A-3			X																								
3.7																	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	No	WPD staff thinks that a threshold of 750 square feet to trigger consideration of drainage impacts is too high. Also, the problems being addressed are lot-to-lot drainage impacts rather than local flooding of storm sewer systems. Staff's recommended solution minimizes the need for staff review and inspection in order to reduce permitting time and costs. Generally, staff is open to exploring other available avenues of ensuring that building permits do not cause negative drainage impacts to adjacent properties.		
3.8																										C. Located on an unplatted tract or within a residential subdivision approved more than five years before the building permit application was submitted 1. Acceptable drainage improvements include, 1. An engineer's certification that any changes to existing drainage patterns will not adversely impact adjacent properties 2. swales, grading, gutters, rain gardens, rainwater harvesting systems or other methods on site to preserve OR IMPROVE existing drainage patterns as calculated by: i. grading plan ii. per Table X-X-XX (gallons per sf of impervious cover and grade changes+12") iii. a fee in lieu is available at the director's discretion if a water mitigation project has been identified in the area to be implemented within 12 months		No	WPD staff thinks that a threshold of 750 square feet to trigger consideration of drainage impacts is too high. Also, the problems being addressed are lot-to-lot drainage impacts rather than local flooding of storm sewer systems. Staff's recommended solution minimizes the need for staff review and inspection in order to reduce permitting time and costs. Generally, staff is open to exploring other available avenues of ensuring that building permits do not cause negative drainage impacts to adjacent properties.			

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3.9		Division 23-2A-3030 & 3040 (B)	Residential House-Scale Zones			X	X																	residential and affordability	NO	NO	23-2A-3030 & 3040 (B)	An engineer's certification that any changes to existing drainage patterns will not negatively impact adjacent property if the construction, remodel, or expansion: is more than 300 square feet; and Located on an unplatted tract or within a residential subdivision approved more than five years before the building permit application was submitted. (2) Install acceptable drainage improvements, such as swales, grading, gutters, rain gardens, rainwater harvesting systems or other methods on site to preserve existing drainage patterns if the construction, remodel or expansion: is more than 750 square feet; and Located on an unplatted tract or within a residential subdivision approved more than five years before the building permit application was submitted. And in an area subject to localized flooding, as determined by the Watershed Protection Department on an annual basis.	This section incurs high cost along with liability and enforcement concerns for both engineer and homeowner. V3 language shifts liability from the owner of the property to the engineer, which no engineer would ever agree to without obscene fees. At first blush, The cost is estimated at \$3000 in site work plus \$5000 for the letter. Est \$8000 per house for over 5100+ permits last year fitting the requirements = over \$40 million additional cost citywide. Furthermore, "Negative Impact" is vague & subjective. The term does not allow for pre-existing deficient conditions on adjacent properties. Drainage calculations are necessary for engineer review and are known to be inaccurate on small tracts.	No	Staff have been told by area professionals that this certification process might cost between \$500 and \$5,000 per project. Dallas, Texas, cites a typical cost of \$1,600 for sealed engineering drainage plans for compliance with a similar requirement and the staff proposal does not require a drainage plan, simply a certification of no negative impact. The standard for the certification is that any changes to existing drainage patterns will not negatively impact adjacent property. This is different from the "no additional adverse impact" standard for site plan and subdivision projects, which considers any increase in flows as an adverse impact. This is intended to be a qualitative rather than quantitative analysis in most cases. The engineer's certification is not intended to require drainage calculations (although they might be warranted under certain circumstances), but rather to examine the project in the context of existing topography to ensure that any changes from existing drainage patterns do not negatively impact adjacent properties. Generally, Staff is open to exploring other available avenues of ensuring that residential building permits do not cause negative drainage impacts to adjacent properties.		
3.10			letter of no impact			X																		water mitigation	X	23-2A-3030 & 3040 (B)	please see Exhibit TW Additional language	Comment: This section incurs high cost along with liability and enforcement concerns for both engineer and homeowner. V3 language shifts liability from the owner of the property to the engineer. "Negative Impact" is vague & subjective. It does not allow for pre-existing deficient conditions on adjacent properties. Drainage calculations are necessary for engineer review and are known to be inaccurate on small tracts. The cost is estimated at \$3000 in site work plus \$5000 for the letter. Est \$8000 per house for over 5100+ permits last year fitting the requirements = over \$40 million additional cost.	No	Staff have been told by area professionals that this certification process might cost between \$500 and \$5,000 per project. Dallas, Texas, cites a typical cost of \$1,600 for sealed engineering drainage plans for compliance with a similar requirement and the staff proposal does not require a drainage plan, simply a certification of no negative impact. The standard for the certification is that any changes to existing drainage patterns will not negatively impact adjacent property. This is different from the "no additional adverse impact" standard for site plan and subdivision projects, which considers any increase in flows as an adverse impact. This is intended to be a qualitative rather than quantitative analysis in most cases. The engineer's certification is not intended to require drainage calculations (although they might be warranted under certain circumstances), but rather to examine the project in the context of existing topography to ensure that any changes from existing drainage patterns do not negatively impact adjacent properties. Generally, Staff is open to exploring other available avenues of ensuring that residential building permits do not cause negative drainage impacts to adjacent properties.			
4		Article 23-2B Application Review and Fees																															
4.1		Division 23-2B-1	Application Requirements																														-
4.3		Division 23-2B-1	Application Requirements			X								JSc										Admin & Procedures				Add new (A)(4) that states (4): An application that has been submitted and not rejected as incomplete in 45 days shall be automatically approved under this section.	This would create certainty that applications that meet all requirements of completeness will be accepted	No	This is very similar language to today's code. This draft language says that an application is deemed complete after 10 days if rejection comments aren't provided. The PC addition of #4 would move that to 45 days, which would not be helpful to the applicant.		
4.4		Division 23-2B-1	Application Requirements			X								JSc										Admin & Procedures			23-2B-1010 (b)	Replace with: The responsible director may adopt application requirements under this Section by administrative rule or by policy memo , and shall post required application forms and all relevant rules on the City's website.	This clarifies that directors are empowered to adopt application requirements and deadlines only through an administrative rule process, and not via policy memo. The administrative rule process provides due process for all residents and stakeholders.	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			X								JSc										Admin & Procedures			23-2B-1030 Application Completeness (A)(4)(New)	Add (4): An application that has been submitted and not rejected as incomplete in 45 days shall be automatically approved under this section.	This would create certainty that applications that meet all requirements of completeness will be accepted				
4.6		Division 23-2B-1	Application Requirements			X								JSc										Admin & Procedures			23-2B-1040 Update and Expiration (D)(New)	Add new (D) "(D) If an applicant has submitted an application and subsequent updates but is unable to resolve outstanding comments after the third submittal, the City Manager shall require a meeting of all reviewers and the applicant to take place within 2 weeks following the third set of comments such that conflicting issues can be resolved in a timely manner"	If, after 3 rounds of comments, there is still conflict between departments, a meeting will help resolve and expedite the process for everyone, limiting staff time and developer costs	Yes			
4.7		Division 23-2B-1	Application Requirements			X								JSc										Admin & Procedures			23-2B-1050(B)(1)(d)(New)	Add (d): (d) the application is being delayed due to review by the legal department.	This section lists different reasons that a delay shouldn't lead to an application expiring. A common delay that isn't on this list is legal review. Because legal review is outside the control of the applicant, it makes sense to not having an application expire when the city legal department is reviewing it.				
4.8		Division 23-2B-1	Application Requirements			X								JSc										Admin & Procedures			23-2B-1060	Remove entire section (23-2B-1060) if an application expires, all other unapproved applications for that development, which are listed below the expired application under Section 23-2A-2010 (Order of Process), also expire.	There's no reason to have all other items expire when one does - effectively resetting something back to zero. Other applications may still be going through a normal due process.				
4.9		Division 23-2B-2	Review Procedures																														-

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4.10		Division 23-2B-2	Review Procedures			X								JSc											Admin & Procedures			(A) The responsible director shall establish standards for complete staff review and comment <u>within 21 days of the initial submission of pending applications, and within seven days for an updated application, including deadlines for issuing comments on pending applications for purposes of determining when an application expires under Division 23-2B-1 (Application Requirements)</u>	This would add certainty to the development review process and ensure staff is meeting timely deadlines. The director should not be responsible for setting his/her own deadlines.	No	Review turnaround times are impacted by application volume and available resources. While turnaround times need to be established by a process that is vetted with stakeholders, these administrative issues were removed from Title 25 and moved into the criteria manuals to be adopted via the rules process. Adopting review times by rules preserves the stakeholder engagement component and provides staff with the flexibility to make adjustments based on the previously identified factors without having to initiate a code amendment.		
4.13		Division 23-2B-3	Fees and Fiscal Surety																														-
4.14		Division 23-2B-3	Fees and Fiscal Surety		X									JSc											Admin & Procedures			23-2b-2030(C)	Add (3) the improvements for which the fiscal surety esd posted are not constructed within ten years	This is current policy for improvements such as transportaton improvements.			
4.12		Division 23-2B-2	Review Procedures			X								JSc											Admin & Procedures			23-2B-2050	"Add (E) All development assessments shall have an expiration dated 2 years after issuance of development assessment by City of Austin." (F) Determinations or Code interpretations made at the time of a Development Assessment shall be upheld through the application review process for all project development applications so long as the initial application for development is submitted prior to expiration of the development assessment."	Uncertainty drives complexity and project cost, and having an upfront development assessment will significantly improve outcomes.	Neutral	WPD has no comment unless all discretionary decisions are required to be binding for a development assessment. WPD does not support binding interepretations or determinations for drainage and water quality requirements due to changing site conditions and the lack of detailed engineering/environmental analysis. This proposed change also has significant implications under the state Ch. 245 vested rights statute and should be carefully vetted by the Law Department.	
5		Article 23-2C Notice																															
5.1		Division 23-2C-1	General Provisions	C																													-
5.2		Division 23-2C-2	Notice Requirements																														-
5.3		Division 23-2C-3	General Notice Procedures	C																													-
5.4		Division 23-2C-4	Notice of Public Hearings	C																													-
5.5		Division 23-2C-5	Notice of Applications and Administrative Decisions																														-
5.6		Division 23-2C-5	Notice of Applications and Administrative Decisions																TS						Notice of Application	NO		23-2C-5010 (D)	(D) Action on Application. Unless otherwise provided by this Title, the responsible director may not approve an application for which notice is required under this section sooner than 14 30 days after the date that notice is provided.	Change to 30 days. 14 days is not enough time after notice issued for impacted parties to receive notice and respond. [This is process required by MUPs]	No	Staff is supportive of retaining the 14 days	
6		Article 23-2D Public Hearings			X																												
6.1		Division 23-2D-1	Conduct of Public Hearings		x																												-
6.2		Division 23-2D-1	Conduct of Public Hearings								KM								TS						Public Hearing Order	NO		23-2D-1010	Add: (A)(6) With approval of the chair, the order of presentation of those supporting and opposing the application or proposal may be modified to accommodate those present.	23-2D-1020: Suggest alternating between those opposed and supporting instead of allowing all supporting presentations to go first.			
6.3		Division 23-2D-2	Timing and Location of Public Hearing	C																													-
7		Article 23-2E Legislative Amendments																															
7.1		Division 23-2E-1	Text Amendments	C																													
7.2		Division 23-2E-2	Plan and Map Amendments																														
7.3		Division 23-2E-2	2030 -Neighborhood Plan Amendment			x													TS						Neighborhood Plan Amendments	NO		2030 -Neighborhood Plan Amendment	ADD: (L) CONVERSION OF NEIGHBORHOOD PLANS FUTURE LAND USE MAPS (FLUMs) No Neighborhood Plan Amendments will be amended until such time as the Land Use Department Director has converted Chapter 25 zones to new Chapter 23 zones within the land use classifications identified in the Neighborhood Plan FLUM.	Where there are conflicts with approved neighborhood plan and new zoning requirements, which takes precedent when and individual or entity requests an amendment?			
7.4		Division 23-2E-2	2030 -Neighborhood Plan Amendment		X									JSc											Admin & Procedures			23-2E-2030	"(...) (B) Applicability (1) Individual Property. A neighborhood plan amendment regarding an individual property may be initiated by: (a) The owner of the subject property; (b) The council; (c) The Planning Commission; or (d) The responsible director.; or (e) The neighborhood plan contact team for the planning area in 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."	In this minor amendment to neighborhood plans, neighborhood contact teams should not be allowed to initiate the down zoning of specific parcels.			
7.5		Division 23-2E-2	Plan and Map Amendments		X									JSc											Admin & Procedures			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 amendment must be submitted in February and the area for which an application must be submitted in July.	In this minor amendment to neighborhood plans, amendments may be submitted at any time, and not just one time per year. This once per year regulation creates an unnecessary burden on amending neighborhood plans.			

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7.6		Division 23-2E-2	2030 -Neighborhood Plan Amendment		x																				Neighborhood Plan Amendments	NO		2030 -Neighborhood Plan Amendment (H)	(H) Director’s Recommendation. The responsible director may recommend approval of the neighborhood plan amendment only if the applicant meets all of the following requirements; demonstrates that:	(H) Does applicant have to demonstrate that all conditions are met? If so, wording should state that.			
7.7			2030 (E) Pre-application Meeting								KM																	... Application to amend a Neighborhood Plan or for a zoning change where a FLUM was not created but a neighborhood plan was adopted.	Some NP's do not have FLUMS and therefore are not currently entitled to a Pre-application meeting for a zoning change. The meeting is important especially when changing zoning to a more intense zone.				
8		Article 23-2F Quasi-Judicial and Administrative Relief																															
8.1		Division 23-2F-1	Variances and Special Exceptions																														
8.2		Division 23-2F-1	Variances and Special Exceptions		x								JSc												Public Hearing and Notification	No		23-2F-1040(C)	<u>(C) An administrative modification granted under Section 23-2F-2040 does not need a public hearing or public notification.</u>	This proposed language clarifies that a public hearing and public notification is not needed for administrative variances since administrative variances are determined by the land use official, not the board of adjustments.			
8.3		Division 23-2F-2	Administrative Relief Procedures																														
8.4			2040								KM															Administrative Modifications			23-2F-2040 (B) (1) (a) (b)	The allowed modification should not exceed 2% for coverage, setback or height.	Condoness large errors. Designers should build in room for minor construction errors.	Neutral	WPD has no comment unless the percentages are also reduced for the protection of natural features and heritage trees. WPD does not support this change as it increases pressure for applicants to seek variances for environmental setbacks by reducing design flexibility.
8.8		Division 23-2F-2	Administrative Relief Procedures																							Nonconformity	No		23-2F-2030 Exempt Residential Uses and Structures	<u>(A) Purpose.</u> <u>(1) This section authorizes the building official to issue a certificate of occupancy for certain noncompliant residential structures established before the effective date of this Title.</u> <u>(2) The purpose of this section is to avoid the unnecessary loss of residential housing opportunities available to Austin residents and reduce the costs to homeowners associated with remedying longstanding code violations which do not threaten public health and safety.</u> (3) This section further seeks to minimize the costs to the City associated with enforcing residential code violations that predate the advent and implementation of electronic property records and	This section is a major shift from the current Land Development Code Amnesty Certificate of Occupancy (CO) provisions that will potentially have major impact. By restricting and limiting the exemptions for CO to only residential uses, many people will be unable to get certificates of occupancy for older commercial structures and thus will be unable to get financing to continue with the project (which requires a CO through the Amnesty program currently in place). The effect is that commercial properties will have to come into compliance with current code to get a CO, to do upgrades, tenant improvements, etc. This will be time consuming and expensive. Further, this could cause defaults under many financing documents.		
8.9		Division 23-2F-2	Administrative Relief Procedures			x												JT								Nonconformity	No		23-2F-2030 Exempt Residential Uses and Structures	<u>(D) Status of Affected Properties. If the building official approves a certificate of occupancy under this section:(1) The structure becomes a nonconforming structure under Article 23-2G (Nonconformity), if the structure does not comply with applicable site development regulations on the date it receives the certificate of occupancy; and (2) The use becomes a nonconforming use under Article 23-2G (Nonconformity) if it is unpermitted in the applicable base zone on the date the structure in which the use or occupancy is located receives the certificate of occupancy.</u>	This section needs to be rewritten. Under current Code, the general restrictions applicable to nonconforming uses and structures are limited to cases of noncompliance with zoning regulations. However, issues of nonconformity frequently arise in other contexts as well, such as where a structure does not meet current watershed or drainage regulations but did meet the regulations applicable at the time it was constructed. This section relates back to Article 23-G and this is another issue. By extending the concept of nonconformity to other site development regulations of the Land Development Code, besides just zoning district regulations, Article 23-2G clarifies staff's authority to limit modifications that increase the degree of nonconformity with other kinds of City regulations.	Neutral	Defer to Law.
8.10						x						TN					JT											23-2F-2040(c)(2)	<u>In Table 23-4F-2040(A), delete “Decrease in minimum open space adjacent to bus rapid transit (BRT) stations.”</u>	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																														
8.5		Division 23-2F-2	2050 - Alternative Equivalent Compliance			x													TS							Alternative Equivalent Compliance	NO		2050 - Alternative Equivalent Compliance (C)	(C) Modification Thresholds (1) If the director finds that a request for an alternative equivalent compliance meets the criteria in Subsection (D), the numeric standard for the design feature listed in Table (A) (Types of Alternative Equivalent Compliance Allowed) may be modified by: (a)Up to 10 percent, for any design purpose; (b) Up to 20 percent, if necessary to protect an existing natural site feature; or (c) Any amount, if necessary to preserve a heritage tree.	Protection of natural site features and heritage trees is required. This will result in abuse.		WPD does not support this change as it increases pressure for applicants to seek variances for environmental setbacks by reducing design flexibility.
8.6			2050 - Alternative Equivalent Compliance			x													TS							Alternative Equivalent Compliance	NO		2050 - Alternative Equivalent Compliance; Table 23-2F-2040(A)	Remove from Table: Decrease in the minimum distance between a building and installed utilities, Modification of internal circulation routes, Decrease in minimum drive-through circulation lane width, Modification of building design standards, Modification of building articulation requirements, Modification of building entrance requirements, Modification of entryway spacing and location, Increase of the portion of open space above ground level that may be counted towards compliance, Decrease in minimum open space adjacent to bus rapid transit (BRT) stations	Too broad. Remove all items that are not specific enough to know affect of 10% reduction or that should be decided in consult with other departments.		
8.7		Division 23-2F-2	Administrative Relief Procedures			x							JSc													Alternative Equivalent Compliance	No		23-2F-2050(A)(2)	(2) Alternative equivalent compliance may only be used for development located in Mixed-Use, Main Street, Regional Center, or Commercial and Industrial Zones any Zone as authorized in this section, and may not be used to vary or modify zone regulations, such as height, setbacks, impervious cover, building coverage, or floor area ratio.	This proposed language allows alternative equivalent compliance in any zone. The City should support alternative equivalent compliance where appropriate as it encourages creative and original design and accommodates developments where particular site conditions or the nature of a proposed use prevent strict compliance with the code and therefore should be allowed in all zones		
9		Article 23-2G Nonconformity																															
9.1		Division 23-2G-1	General Provisions																														

CHAPTER	ARTICLE	DIVISION	TITLE	A			B												C	D	E		F	G		H						
				DESIRED PROPOSED CHANGES TO D3			INITIATED BY COMMISSIONER												EX OFFICIO	TOPIC AREA	REQ. ADD'L STAFF FEEDBACK	AMENDMENT TYPE		SUBSTITUTE LANGUAGE	COMMISSIONER NOTES		YES/NEUTRAL /NO	STAFF RESPONSE				
							ANDERSON	HART	KAZI	KENNY	MCGRAW	NUCKOLS	OLIVER	SCHISLER	SEEGER	SHIEN	THOMPSON	WHITE	SHAW	BURKARDT	MENDOZA	TEICH			GENERAL	SPECIFIC SECTION						
9.4		Division 23-2G-1				X				CK														Rezoned Residential Non-Conforming structures	Yes - Brent Lloyd is working on it	in this division		TK from staff	This amendment ensures that any current single-family residential property owner who is rezoned under CodeNEXT does not have a reduction in available entitlements. They maintain their non-conforming (allowed, though not in compliance) and are not subject to the loss of their status through the usual mechanisms (vacancy, etc.). They are also able to maintain and even expand their structures as long as it meets F25 compatibility for their pre-CodeNEXT zoning. They do lose their status if they make an alteration either to the new, conforming use, or to a different non-conforming use.			
9.6		Division 23-2G-1	General Provisions											JSc												23-2G-1010 Purpose, Applicability, and Review Authority	(B) Applicability. This article applies to: (1) A use, structure, or lot within the zoning jurisdiction that is nonconforming to land use or site development regulations under Chapter 23-4 (Zoning) or a separately adopted zoning ordinance; and (2) A structure or lot within the planning jurisdiction that is nonconforming to other applicable regulations of this Title.	This section needs to be reviewed and rewritten. This states that any nonconforming uses under the extended definition of “nonconforming” must be in effect reviewed by the Planning Director and will ultimately go to BOA.				
9.11		Division 23-2G-1	General Provisions			X										JT								Nonconformity	Yes		23-2G-1010 Purpose, Applicability, and Review Authority		This section needs to be reviewed and rewritten. This states that any nonconforming uses under the extended definition of “nonconforming” must be in effect reviewed by the Planning Director and will ultimately go to BOA.			
9.14			1010- Purpose, Applicability and Review Authority			X																		Non-conformity	NO		1010 (A) (2)	Delete	Too onerous			
9.7		Division 23-2G-1				X								JSc					TS							23-2G-1020 Nonconforming Status	(B) Nonconforming Structures (1) A building, structure, or developed area, including a parking or loading area, that does not comply with site development regulations applicable under this Title, or a separately adopted zoning ordinance, is a nonconforming structure if it existed lawfully, in conformance or legal nonconformance with applicable site development regulations, at the time it was constructed. (2) A building, structure, or developed area that is not a nonconforming structure is in violation of this Title if it does not comply with applicable site development regulations.	This section needs to be reviewed and rewritten. This states that any nonconforming uses under the extended definition of “nonconforming” must be in effect reviewed by the Planning Director and will ultimately go to BOA.				
9.12		Division 23-2G-1	General Provisions			X										JT								Nonconformity	Yes		23-2G-1020 Nonconforming Status		This section needs to be reviewed and rewritten. This states that any nonconforming uses under the extended definition of “nonconforming” must be in effect reviewed by the Planning Director and will ultimately go to BOA.			
9.5		Division 23-2G-1	General Provisions			X			FK																Nonconformity	Yes		23-2G-1050 (B)	Add section: (6) Conversion to Cooperative Housing. A nonconforming use operating within a multifamily building may be replaced by Cooperative Housing and allowed to expand or extend beyond the floor area that is occupied on the date it became a nonconforming use if: a) Cooperative Housing is allowed or conditional use within the zoning district. b) The responsible director determines that the new use meets the definition of Cooperative Housing in 23-13A-2030.	Coops work and must be allowed wherever possible		
9.10		Division 23-2G-1	General Provisions		X									JSc										Continuation of Nonconformity	No		23-2G-1050(B)(3) and (4)	(3) Conversion to Other Nonconforming Use Prohibited. A nonconforming use may not be established or replaced by another nonconforming use, except as provided in Subsection (B)(4). (4) Conversion of Nonconforming Uses in Residential Buildings. A nonconforming use operating within a single or multi-family any building may be replaced by another nonconforming use if: (a) The responsible director determines that the requested use is of comparable or lesser intensity to the original nonconforming use; and (b) The original use was not abandoned under Section 23-2G-1060 (Termination of Nonconforming Use).	This proposed language deletes Section 23-2G-1050(B)(3) and clarifies that nonconforming uses in any building can be replaced with another comparable or lesser intensity use. The city should allow a lesser non-conforming use be allowed anywhere, as it reduces intensity of the existing use while preserving the existing building.	No	Not necessary- nonconforming can already change to a permitted used in the zone	
9.2		Division 23-2G-1	General Provisions		X									JSc										Continuation of Nonconformity	No		23-2G-1050(B)(6)	(6) Conversion to Cooperative Housing. A nonconforming use operating within a multifamily building may be replaced by Cooperative Housing and allowed to expand or extend beyond the floor area that is occupied on the date it became a nonconforming use if: a) Cooperative Housing is allowed or conditional use within the zoning district. b) The responsible director determines that the new use meets the definition of Cooperative Housing in 23-13A-2030.	This proposed language allows a nonconforming use to be converted into a cooperative housing. The City should support cooperative housing wherever possible and avoid burdening the development and expansion of cooperatives.			
9.3		Division 23-2G-1	General Provisions		X												TW							Uses	X		23-2G-1060-D-1	23-2G-1060-D-1-a except a single family home which is subject to the requirements of 23-2G-1080-D	single family homes on more intense zoning appear all over our poorer neighborhoods as a legacy of previous spot zoning. I don't think we should continue to punish them by not allowing them to repair their home if there's damage. This same type of protection is afforded to non-conforming structures under 23-2G-1080-D			

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16.5		Division 23-38-2	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 23-38-2	Dedication			X	GA																	Parkland Dedication	No		23-38-2010	Remove references to 15% and change to 10%. Add new (6) The 10 percent parkland dedication shall be calculated as a net site area.	Imagine Austin calls for "Increase dense, compact family-friendly housing in the urban core". In many instances, sites within the urban core will be required to 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 23-38 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 is based on a
16.7													JSc													23-38-2010 Dedication of Parkland (A) Dedication Required (1)[NEW]	(A) Dedication Required. An applicant for subdivision or site plan approval must provide for the parkland needs of the residents by the dedication of suitable land for park and recreational purposes under this article or by payment of a fee in-lieu of dedication under Section 23-38-3010 (Fee In-Lieu of Parkland Dedication). (1) An applicant may request a binding determination from PARD regarding whether total land dedication for all types of open space, including but not limited to parkland, common open space, civic open space, private open space, payment of fee in-lieu in land or a combination of fee and land will be required. (a)A binding determination issued under this section shall apply to any development application submitted within 1-year from the date the determination is issued, provided that the number of units has not changed by more than 10% from the number of units originally provided by the applicant and relied upon by PARD to make the determination. A binding determination expires if no subdivision, site plan or building permit application is submitted within one-year from the date the determination was issued. (b)The combined total area between open space and parkland, shall not exceed 15% of site.	Applicants must be able to predict during their due diligence period what may be required for parkland dedication. Our recommendation in (A)(1) and (A)(1)(a) is taken directly from the existing Parkland Dedication Operating Procedures (PDOP). Leaving such important procedures to be defined and determined outside of the revised LDC process and in the PDOP does not provide clear guidance and predictability. In addition, limiting the maximum required dedication would allow for density to continue and support the principles in Imagine Austin for compact development.	See also 16.9 and 16.18. PARD does not support the (b) addition, but does support the concept of explaining and naming the Early Determination process in Code. PARD believes this concept is already in current code in 23-38-3010 (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 23-38-2010 (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 23-38-2	Dedication		x		GA						JSc											Site Plan Dedication	No		23-38-2010 (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	This proposed language codifies existing policy that is already outlined in the parkland procedures.		PARD agrees. See 16.5
16.9		Division 23-38-2	Dedication		x								JSc											Dedication of Parkland	No		23-38-2010 (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.	See also 16.7 and 16.18. PARD does not support the (b) addition, but does support the concept of explaining and naming the Early Determination process in Code. PARD believes this concept is already in current code in 23-38-3010 (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 23-38-2010 (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.	
16.10		Division 23-38-2	Dedication		x								JSc											Dedication of Parkland	No		23-38-2010 (H)	(H) 15 Percent Urban Core Cap. The amount of parkland, civic open space, and common open space required to be dedicated or provided 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	
16.11		Division 23-38-2	Dedication		x								JSc											Dedication of Parkland	No		23-38-2010 (J)	(J) Sites Fronting Corridors. (1) An applicant seeking a Subdivision or Site Plan for a site that is ten acres or less and fronts an Imagine Austin Corridor shall not be required to dedicate parkland onsite and instead shall be required to payment in lieu of dedication. (2) An applicant seeking a Subdivision or Site Plan for a site that is more than ten acres and fronts an Imagine Austin Corridor shall not be required to dedicate parkland fronting the corridor.	This proposed language clarifies when parkland may be required to be dedicated for sites that front an Imagine Austin Corridor. The proposed language provides the park director the ability to request for the dedication by approval of the land use commission. Imagine Austin calls for transit-supportive corridors, which in turn require population and job densities along our corridors. Parkland requirements that limit unit yield should not limit or prevent housing along our corridors.	PARD does not agree with this substantive change due to the prior negotiations that created this section in 2016. Parks make high density more liveable. Properties on the corridor are often the only re-development in the area and present the only opportunity in a Deficient Area for parkland. Residents along major corridors should have parks within ¼-mile of residents to meet Comprehensive Plan goals of locating units within walking distance of parks (1/4-mile in the urban core and ½-mile outside the urban core). (Imagine Austin, Page 196) PARD tracks this metric every five years.	

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16.12														JSC													(3) The director may request that the Land Use Commission approve onsite dedication for a site that fronts an Imagine Austin Corridor, up to the amount required under Subsection (F), if doing so is necessary to address a critical shortage of parkland for an area identified in the Deficient Parkland Area Map or provide connectivity with existing or planned parks or recreational amenities. (a) Before the Land Use Commission considers a request under this subsection for approval, the director shall present the request to the Parks Board for a recommendation. (b) In considering a request from the director under this subsection, the Land Use Commission may: (i) Deny the director's request; or (ii) Approve the director's request for the full amount requested or a portion of the amount the Land Use Commission finds to be necessary based on the criteria in code and the parkland dedication operating procedures.				PARD does not agree with this substantive change due to the prior negotiations that created this section in 2016. Parks make high density more liveable. Properties on the corridor are often the only re-development in the area and present the only opportunity in a Deficient Area for parkland. Residents along major corridors should have parks within ¼-mile of residents to meet Comprehensive Plan goals of locating units within walking distance of parks (1/4-mile in the urban core and ½-mile outside the urban core). (Imagine Austin, Page 196) PARD tracks this metric every five years.	
16.15		Division 23-38-2				X	GA																	Parkland Dedication	No		23-38-2010	Remove references to 15% and change to 10%. Add new (6) The 10 percent parkland dedication shall be calculated as a net site area	Imagine Austin calls for "increase dense, compact family-friendly housing in the urban core". In many instances, sites within the urban core will be required to 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
16.16		Division 23-38-2				X	GA																	Parkland Dedication	No		23-38-2010	An applicant seeking a Subdivision or Site Plan for a site that fronts an Imagine Austin Corridor shall not be required to dedicate parkland on site.	Dedication of Parkland - specify that onsite parkland dedication is not required on an Imagine Austin Corridor. Imagine Austin calls for transit-supportive corridors, which in turn require population and job densities along our corridors. Parkland requirements that limit unit yield, while important in other parts of Austin city, should stymie housing along our corridors			PARD does not agree with this substantive change due to the prior negotiations that created this section in 2016. Parks make high density more liveable. Properties on the corridor are often the only re-development in the area and present the only opportunity in a Deficient Area for parkland. Residents along major corridors should have parks within ¼-mile of residents to meet
16.18		Division 23-38-1	Dedication			x										JT										23-38-2010 Dedication of Parkland (A) Dedication Required (1)[NEW]	(A) Dedication Required. An applicant for subdivision or site plan approval must provide for the parkland needs of the residents by the dedication of suitable land for park and recreational purposes under this article or by payment of a fee in-lieu of dedication under Section 23-38-3010 (Fee In-Lieu of Parkland Dedication). (1) An applicant may request a binding determination from PARD regarding whether total land dedication for all types of open space, including but not limited to parkland, common open space, civic open space, private open space, payment of fee in-lieu in land or a combination of fee and land will be required. (a)A binding determination issued under this section shall apply to any development application submitted within 1-year from the date the determination is issued, provided that the number of units has not changed by more than 10% from the number of units originally provided by the applicant and relied upon by PARD to make the determination. A binding determination expires if no subdivision, site plan or building permit application is submitted within one-year from the date the determination was issued. (b)The combined total area between open space and parkland, shall	Applicants must be able to predict during their due diligence period what may be required for parkland dedication. Additions in (A)(1) and (A)(1)(a) are taken directly from the existing Parkland Dedication Operating Procedures (PDOP). Leaving such important procedures to be defined and determined outside of the revised LDC process and in the PDOP does not provide clear guidance and predictability. In addition, limiting the maximum required dedication would allow for density to continue and support the principles in Imagine Austin for compact development.			See also 16.7 and 16.9. PARD does not support the (b) addition, but does support the concept of explaining and naming the Early Determination process in Code. PARD believes this concept is already in current code in 23-38-3010 (C) Review Procedure. But supports changing the (C)'s title from: Review Procedure to: <u>Early Determination</u> . PARD supports clarifying existing practice that a determination is valid through approval of a subdivision or site plan application by changing 23-38-2010 (C) to: A determination issued under this Subsection is valid for a period of one year from the date of issuance any subdivision or site plan filed within one-year of the determination, provided that the number of units used to make the determination does not increase by more than 10 percent. PARD does not agree with the proposed (b).	
16.3		Division 23-38-1	General Provisions			x							JSc												Review Authority	No		23-38-1020(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 applicable 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 be public unless the City has established an
16.4		Division 23-38-1	General Provisions			x							JSc												Review Authority	No		23-38-1020(D)	(D) Before the director may adopt or amend a rule under this Article, the director shall present the rule to the Parks Board and Planning Commission for consideration and recommendation to the City Council. The proposed language also requires the City Council to approve, modify, or disapprove the proposed rule.	This proposed language adds a requirement that any new rule or change to an existing rule must be reviewed by the Parks Board and Planning Commission for consideration and recommendation to the City Council. The proposed language also requires the City Council to approve, modify, or disapprove any proposed rule or rule change. This proposed requirement is almost the exact language used for rules related to Solid Waste Services in Section 15-6-3 of our City Code.	No	PARD does not agree with this substantive change due to the prior negotiations that created this section in 2016. The Parkland Dedication Operating Procedures (PDOP) is part of the Building Criteria Manual amended by the City's rules processes that require public notice, staff review by all departments, public comment submittal and response and, finally, adoption. This process is the same for all technical Criteria Manuals in the City.
16.13		Division 23-38-2	Dedication			x							JSc														23-38-2020 (E)	(E) The director shall approve the inclusion of additional features that satisfy other regulatory requirements, such as Water Quality features, drainage features, detention features, trails, or other features if they do not disrupt the primary purpose of the dedication.	This proposed language would allow other regulatory requirements that impact the development of a full site's area to be included in parkland dedicated to the city so long as they do not disrupt the primary purpose of the dedication.	No	PARD disagrees with this language. Water quality/detention features must be built as an amenity to count as parkland. To require the director to approve ("shall") does not ensure that the credited acreage will be built as an amenity. The PDOP 14.3.8 already covers this concept. PARD and Watershed Departments are writing a section of the Environmental Criteria Manual to assist with this option for parkland dedication credit.	
16.14		Division 23-38-2	Dedication			x							JSc														23-38-2020 (F)	(F) Gazebos, pavilions, and other open air structures are permitted.	This proposed language clarifies that gazebos, pavilions, or other open air structures are allowed in parkland that is dedicated.	No	PARD disagrees with this language, the code does not prevent such structures in dedicated parkland. Many dedications include gazebos and pavilions. We cannot single out these two types of amenities when there are a myriad of acceptable amenities.	

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				DESIRED PROPOSED CHANGES TO D3			INITIATED BY COMMISSIONER												EX OFFICIO	TOPIC AREA	REQ. ADD'L STAFF FEEDBACK	AMENDMENT TYPE		SUBSTITUTE LANGUAGE	COMMISSIONER NOTES		YES/NEUTRAL /NO	STAFF RESPONSE		
							ANDERSON	HART	KAZI	KENNY	MCGRAW	NUCKOLS	OLIVER	SCHISLER	SEEGER	SHIEH	THOMPSON	WHITE	SHAW	BURKARDT	MENDOZA	TEICH			GENERAL	SPECIFIC SECTION				
A-16.14.1		Division 23-38-2	Dedication			X												TW							X		??	It's unclear whether 23-38-2030 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 23-38-2	2010- Dedication of Parkland															TS								2010 (G)	(G) PUD Parkland Requirements. Development within a Planned Unit Development (PUD) Zone may, if required by the ordinance adopting the PUD, be subject to additional parkland requirements and may be entitled to count dedicated parkland towards meeting open space requirements under Section 23-4D-8130 (Planned Unit Development Zone). Therefore, the 15% cap limit provisions in 23-38-2010 (H) do not apply to PUD zones.	(H) Add that 15% cap does not apply to PUD's. The rules are already administered this way.		This is in the Parkland Dedication Operating Procedures, OK to add but some non-residential PUDs do not owe parkland so at the end of Shaw's proposal add: for <u>Parkland superiority determinations.</u>
16.19		Division 23-38-2	2020 - Standard for Dedication of Parkland-		X													TS								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 requirements. (C) 50% is to large amount of 100 yr. floodplain to count as parkland as these areas are not accessible for public use many times during the year.	Yes	PARD is OK with this change. To answer the question: Yes, both of these requirements are in the PDOP. The 50% active play requirement ensures that enough useable land is dedicated even if part of it is floodplain.
16.20		Division 23-38-3	Fees		x																								-	
16.24		Division 23-38-3	Fees			x							JSc													23-38-3010(A)	(A) Fee In-Lieu Authorized. The director may require or allow a subdivision or site plan applicant to deposit with the City a fee in-lieu of parkland dedication under Section 23-38-2010 (Dedication of Parkland) if: (1) The director determines that payment of a fee in-lieu of dedication is justified under the criteria in Subsection (B); and (2) The following additional requirements are met: (a) Less than six acres is required to be dedicated under Section 23-38-2010 (Dedication of Parkland); or (b) The land available for dedication does not comply with the standards for dedication under Section 23-38-2020 (Standards for	This proposed language allows a fee in lieu to be used any time the normal standards are met, without regard to total size of the subdivision or site plan. This allows more flexibility for both PARD and the applicant.	No	PARD does not agree with this substantive change. Currently, a project over 376 units generates a requirement for 6 acres and greater of parkland. The 15% cap limits the amount of parkland to only 15% of the site, which, in the urban core, generally creates about a half-acre to one-acre park. Due to the cost in the urban core being more than \$1 million an acre, PARD believes that it will be difficult as the City grows to purchase the land needed to serve all these residents and meet Imagine Austin goals for health and green infrastructure without this requirement.
16.22			3010 - Fee in Lieu of Dedication															TS								3010 (A)(2)	ADD: (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 23-38-3030.	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)?
16.21			3010 - Fee in Lieu of Dedication			x												TS								3010 (A)(2)(a)	(a) Less than 6 1 acre is required to be dedicated under Section 23-38-2010 (Dedication of Parkland); or	6 acres is a very large threshold amount of Parkland to be able to be considered for exemption from dedication requirements with fee-in-lieu. This will ensure that even small parcels of dedicated park are made available to serve needs if increased number of residents and developer has option to pay remainder as fee-in-lieu.		The 6-acre threshold has been in the parkland dedication ordinance since 1985. It was chosen because it is the average size of a neighborhood park. It has ensured that projects that owe large acreages are required to give some land. Currently, it is triggered on a SF project of about 250 or more units and on a MF project of 375 units or more.
16.25		Division 23-38-3	Fees			x							JSc													23-38-3010 (C) Fee-in-Lieu of Parkland Dedication	(C) Site Plan Dedication. (1) For dedication made at site plan the area to be dedicated must be shown on the site plan as "Parkland Dedicated to the City of Austin" and in a deed to the City. The applicant shall dedicate the parkland required by this article to the City by deed before the site plan is released, except that dedication may be deferred until issuance of a certificate of occupancy if construction of amenities is authorized under Section 23-38-3010 (Fee In-Lieu of Parkland Dedication) or Section 23-38-3020 (Parkland Development Fee). (2) In negotiating a deed under this section, the director may require that a reasonable portion of the total impervious cover permitted on the site be allocated to the dedicated parkland to allow for construction of parkland amenities without unduly impacting development of the proposed site plan. (3) 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	The language as written does not provide clarity on how gross site areas may be calculated. A major concern is that if the area is calculated after the parkland dedication, the result is that the developable parcel will have less entitlements, including FAR and impervious cover. This recommendation would calculate the gross site area before the dedication and allow for better density on sites, including ones along major corridors		This is referring to 23-38-2010 (C), not 3010. PARD agrees with the concept. See 16.5.
16.26		Division 23-38-3	Fees			x							JSc													23-38-3010(E)(1)	(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 on-site recreational facilities. This will incentivize the construction of on-site facilities and lower the City's burden on existing parks.	No	PARD does not agree with this change due to fees in lieu of land needing to be spent to purchase land if it is available. The development fee may be used to construct items on existing parkland in lieu of payment 23-38-3020 (C).

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16.27			Division 23-38-3	Fees			x								JSc										Fee In-Lieu of Parkland Dedication	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 23-2l (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 23-38-3	Fees			x								JSc																(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 issuance.	Initial parkland dedication determination should continue through the site plan process.	Yes	Agree, but see comment in 16.7 to put in 23-38-3010 (C). This is clarification of existing practice.		
16.23				3030 - Fee Payment and Expenditure																TS					Fee Payment and Expenditure	NO					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: <u>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</u>	PARD should have a way to request extension for use of funds when there are issues with land availability etc.		According to (D) (1), the fees refundable within five years are only for unbuilt units that are not providing a park impact.		
			Article 23-3C Urban Forest Protection and Replenishment																																	
17.1			Division 23-3C-1	General Provisions																													-			
17.2			Division 23-3C-1	General Provisions		X									JSc										Review Authority	No						23-3C-1020 (C)	(C) The city arborist shall adopt administrative rules, <u>in accordance with the administrative rules process</u> , to implement this article and, in 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:	This proposed language clarifies that the rules must be adopted by the 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 Designations	No						23-3C-1030 (B)	Heritage Tree Species. To qualify as a heritage tree, a tree must meet the size requirements listed in Subsection (A) and qualify as one of the following species or as an additional heritage tree species listed in the Environmental Criteria Manual : (1) Texas Ash; (2) Bald Cypress; (3) American Elm; (4) Cedar Elm; (5) Texas Madrone; (6) Bigtooth Maple; (7) All oaks; (8) Pecan; (9) Arizona Walnut; and (10) Eastern Black Walnut.	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.	Yes	Staff concurs wit the change
17.4													TN																			23-3C-1030	Ensure that PC recommends what is in the Addenda re: Young Public Trees 2-7.9' and Keystone Trees 8-18.9.	Imagine Austin calls for "complete communities." Complete communities need a healthy tree canopy.	Yes	Staff concurs with the draft in the addendum
17.5															JSc																	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 <u>or mitigation of trees eight inches or larger in diameter to the extent feasible.</u>	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		X									JSc										Application and 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 without the building permit or certificate of occupancy until the applicant satisfies the condition or posts fiscal surety to ensure performance of the condition.	This proposed language still provides the city arborist the authority to ensure that an applicant satisfies code but simply moves his ability to withhold 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.		warrants further discussion
17.7			Division 23-3C-1	General Provisions		X									JSc										Application and Review Procedures	No						23-3C-1040 (C)	(B) Restrictions on Removal of Protected Trees. For an application for preliminary plan, final plat, building permit or site plan approval that proposed the removal of a protected tree, the city arborist must teview the application and make a recommendation before the application is administratively approved or presented to the Land Use Commission or city Council.	Protected tree trmoval should not need Land Use Commissionor city Council approval.	Yes	There is an appeal process that provides the applicant due process to appeal the staff decision. That appeal terminates at PC/ZAP. Staff concurs with omitting council as that is not a permitting pathway.
17.8			Division 23-3C-1	General Provisions		X									JSc										Review by City Arborist	No						23-3C-1050 (B)	(B) Mitigation Requirements. If a regulated tree is permitted for removal, the city arborist shall require reasonable mitigation, consistent with the applicable requirements of this article and the Environment Criteria Manual. Compliance with required mitigation measures, which may include planting replace trees, must occur before the Development Services Director may approve the application issue a certificate of occupancy.	This proposed language still provides the city arborist the authority to ensure that an applicant satisfies code but simply moves his ability to withhold approval of an application to withhold the certificate of occupancy. The requirement of mitigation prior to SDP approval is cart before the horse and unachievable; Request to post fiscal surety for tree mitigation is a large cost and seems unnecessary as staff can ensure the trees are planted prior to acceptance of a building/CO.	No	Fiscal is not psted for mitigation when mitigation is shown on development plans

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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, <u>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).</u> (B) At the city arborist's request, a responsible director may waive or modify the applicable policy, rule, or design standard, other than a regulation of this Title, if the director determines that a waiver or modification will not pose a threat to public safety.	Make this authority more explicit, and allow for bonuses.	No	Staff does not concur with the 30 day limit to resolution. Applicant should identify these issues during the due diligence and 30,60,90 plan developmet process and seek staff input via predevelopment consultations	
17.10															JSc													(C) The city arborist shall have the administrative authority to grant the following additional entitlements that exceed zoning criteria or waive specific regulations to encourage the preservation of a protected or heritage tree. These entitlements are: (1) Additional FAR; (2) Articulation requirements; (3) Parking siting requirements; (4) Minimum parking requirements; (5) Additional height; and (6) Smaller front, side, and rear setbacks (while maintaining fire code fire rating requirements); and (7) other non-zoning regulations. (D) The city arborist shall develop using the administrative rulemaking process described 23-2C-1020 to implement procedures for granting these entitlements."		Neutral			
17.11			Division 23-3C-2	Young Public, Keystone, and Protected Trees																											PARD is concerned that 23-3C-2010 (C) will be onerous for park development. PARD should receive same exemptions as other departments.		
A-17.11.1			Division 23-3C-2	Young Public, Keystone, and Protected Trees		x									JSc										Residential Uses	No		23-3c-2020 (B)	"(B) Single Family Residential Scale (1) No permit is required to remove or impact a keystone tree located on one or two-unit residential scale (1-10 unit) development (2) Keystone trees 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 trees are identified prior to construction.	Keystone trees should not require a permit for residential scale development. Addendum text only exempts one or two family uses from keystone tree permit requirement, which essentially protects them like 19"+ trees. Residential scale housing that does not require a full site plan (1-10 units) should not be subject to commercial site plan requirements governing removal of keystone trees. The intent of residential heavy permits was to reduce the site plan requirements and expenses like this.			
17.12			Division 23-3C-3	Heritage Trees																												-	
17.13			Division 23-3C-3	Heritage Trees														JT									23-3C-3030 Land Use Commission Variance	(B) A variance request under this section is subject to the application requirements in Section 23-2F-1030 (Application Requirements) and the public notice and hearing requirements in Section 23-2F-1040 (Public Hearing and Notification). (B) : If a property is unreasonably encumbered by the location and/or quantity of heritage trees, the Land Use Commission shall consider a variance under this section to allow appropriate development of the property in accordance with Chapter 23-4. Definition: unreasonably encumbered-50% or more of the site is undevelopable or more than 10% of the potential unit yield is lost	Due to many of the new requirements under Chapter 23-4 to push parking towards the back of the property, impervious cover limitations, new setbacks, landscape buffers, etc. It is now more likely that some sites will be undevelopable due to the prevalence of heritage trees. Adding (B) and renumbering this section would allow the land use commission to take into consideration whether or not the development of a site is being unreasonably encumbered by the heritage trees on the site.	No	Staff does not concur with the metrics used to determine ureasonableness.		
18			Article 23-3D Water Quality																														
18.1			Division 23-3D-1	General Provisions		C																										-	
18.2			Division 23-3D-2	Exceptions and Variances																													-
18.3			Division 23-3D-2	Exceptions and Variances		x									JSc											Redevelopmen t Exception in Urban and Suburban Watersheds	No		23-3D-2030(B)	(B) Requirements for Redevelopment Exception. This article does not apply to redevelopment of property under this section if the redevelopment: (1) Does not increase the existing amount of impervious cover; (2) Provides water quality controls that comply with Section 23-3D-6030 (Water Quality Control and Green Stormwater Infrastructure Standards) for the redeveloped area or an equivalent area on the site; (3) Does not generate more than 2,000 vehicle trips a day above the estimated traffic level based on the most recent authorized use on the property;	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	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.	

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18.5		Division 23-3D-2	Exceptions and Variances		x						JSc																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																		

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18.12		Division 23-3D-3	Impervious Cover		x									JSc									Impervious Cover Limits for Suburban Watersheds	No		23-3D-3070(B)(2)(d)	(d) Impervious cover for a commercial, <u>mixed use</u> , civic, or industrial use may not exceed:	Mixed use should be permitted the same IC as commercial.	No	This recommendation represents a change from existing policy. Significant revisions were made to the water quality and drainage regulations during the Watershed Protection Ordinance process in 2013. The intent was to encourage the actual provision of a mixture of commercial and residential and not solely multifamily. WPD is not proposing additional changes as part of CodeNEXT.
18.13		Division 23-3D-3	Impervious Cover		x									JSc									Impervious Cover Limits for Suburban Watersheds	No		23-3D-3070(B)(2)(e)	(e) Impervious cover for mixed use may not exceed: (i) The limits in Subsection (B)(1)(c) for the portion of the ground floor that is multi-family residential; (ii) The limits in Subsection (B)(1)(d) for the portion of the ground floor that is commercial, civic, or industrial; and (iii) Impervious cover for the entire site is based on the ratios determined on the ground floor.	With the proposed language for 23-3D-3070(B)(2)(d) this section is no longer necessary.	No	This recommendation represents a change from existing policy. Significant revisions were made to the water quality and drainage regulations during the Watershed Protection Ordinance process in 2013. The intent was to encourage the actual provision of a mixture of commercial and residential and not solely multifamily. WPD is not proposing additional changes as part of CodeNEXT.
18.15		Division 23-3D-4	Waterway and Floodplain Protection											JSc															-	
18.16		Division 23-3D-4	Waterway and Floodplain Protection		x									JSc									Critical Water Quality Zones Established	No		23-3D-4020(B)(6)	(6) Zone boundaries may be reduced based on hydrology analysis or floodplain model as approved by the director.	The proposed language would allows the director to use hydrology analalysyis 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.
18.17		Division 23-3D-4	Waterway and Floodplain Protection		x									JSc									Critical Water Quality Zone Development	No		23-3D-4040(E)(4)	(E) A utility line, including a storm drain, is prohibited in the critical water quality zone, except as provided in Subsection (E) or for a necessary crossing. A necessary utility crossing may cross into or through a critical water quality zone only if: (1) The utility line follows the most direct path into or across the critical water quality zone to minimize disturbance; (2) The depth of the utility line and location of associated access shafts are not located within an erosion hazard zone, unless protective works are provided as prescribed in the Drainage Criteria Manual; and	The amendment clarifies that the department/person requiring the alignment of a utility parallel to and within a critical water quality zone is responsible for the payment.	No	This recommendation represents a change from existing policy. Significant revisions were made to the water quality and drainage regulations during the Watershed Protection Ordinance process in 2013. WPD is not proposing additional changes as part of CodeNEXT.
18.18		Division 23-3D-4												JSc												23-3D-4070	(A)All <u>natural</u> floodplain modification within a critical water quality zone is prohibited except as allowed under Section 23-3D-4040 (Critical Water Quality Zone Development). (B) All <u>natural</u> floodplain modification outside a critical water quality zone is allowed only if the modification proposed;(C) All <u>natural</u> floodplain modifications must :	Clarifies that floodplain must be naturally occurring.	No	This recommendation represents a change from existing policy. Significant revisions were made to the water quality and drainage regulations during the Watershed Protection Ordinance process in 2013. Also, in a city as old as Austin, it may be difficult to define "naturally occurring" and floodplains confer significant environmental and flood mitigation benefits regardless of whether they are "natural" or not. WPD is not proposing additional changes as part of CodeNEXT. WPD is considering excluding AO floodplains from critical water
18.19		Division 23-3D-5	Protection for Special Features											JSc															-	
18.20		Division 23-3D-5	Protection for Special Features		x									JSc									Environmental Resource Inventory	No		23-3D-5010(A)	(A) An applicant must shall file an environmental resource inventory with the director for proposed development located on a tract that may cause disturbance to: (1) Within the Edwards Aquifer recharge or contributing zone; (2) Within the Drinking Water Protection Zone; (3) Containing a water quality transition zone; (4) Containing a critical water quality zone; (5) Containing a floodplain; or (6) With a gradient of more than 15 percent. For applications with a tract containing a gradient of more than 15 percent the environmental resource inventory shall be required for the portion of the site within 150 linear feet from the slope over 15 percent.	Clarifies that a environmental resource inventory only applies to developments where any of these features may be disturbed, as it would be a severe cost to the applicant to do this for every site. In addition, the clarification for (6) allows for flexibility when working with larger sites which may have varying types of typography.	No	The intent of the ERI is to locate sensitive features that are common to these areas. Without the ERI, it would be impossible to determine whether these features may be disturbed by the development.
18.21		Division 23-3D-6	Water Quality Control and Green Infrastructure Standards																										-	
18.22													TN													23-3D-6010(B)(3)	Delete "8,000" and substitute "5,000."	Nationwide, best practices for exemptions from undertaking water quality control measures is 5,000 sf, not 8,000 sf. Imagine Austin calls for "complete communities." Complete communities need water quality controls.	Yes	5,000 square feet was the staff recommendation in the 2013 Watershed Protection Ordinance. However, Council adjusted the threshold to 8,000 square feet on the dais. Staff would support changing the threshold back to 5,000 square feet.

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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		(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 (2) Demonstrate exemption from the preliminary plan standard as determined by Section 23-5B-2010 (Preliminary Plan Requirement).	No	CodeNEXT extended the option for water quality payment-in-lieu to small, infill subdivisions in Suburban watersheds that are less than 2 acres in size and do not trigger a preliminary plan. Allowing payment-in-lieu for small site plans in watersheds outside of the urban core would likely result in water quality degradation given the prevalence of small sites and the greater availability of undeveloped land. Sites outside of the urban core will have more pervious area available since watershed regulations limit impervious cover. These sites should be able to integrate green stormwater infrastructure solutions into their landscape and open space to reduce costs and overall footprint.		
18.24													JSc														-				
18.25		Division 23-3D-6	Water Quality Control and Green Infrastructure Standards		x								JSc											Dedicated Fund	No	23-3D-6080(C)	(C) The Watershed Director shall 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 the fund is reported to the Environmental Commission and the City Council through the annual budget.		
18.26			23-D-6010 - Applicability of Water Control Standards															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 the 2013 Watershed Protection Ordinance. However, Council adjusted the threshold to 8,000 square feet on the dais. Staff would support changing the threshold back to 5,000 square feet.	
18.27		Division 23-3D-7	Erosion and Sedimentation Control	C		x																						-			
18.28		Division 23-3D-8	Additional Standards in All Watersheds		x									PS														-			
18.29		Division 23-3D-9	Save Our Springs Initiative	C																								-			
19		Article 23-3E Affordable Housing																													
19.2		Division 23-3E-1	Design Standards															TW							AHDB		23-3E-1030 (G)	The affordable units should have the same finishes features and appliances as the market rate units.	do not allow designated affordable units to encourage the affordable units to be equal to the market rate units in both finishes and sf. This discourages discrimination and allows for the affordable units to be throughout the project and for availability even if units are under repair or renovation.		-
19.3		Division 23-3E-1	Small scale density bonus for R1 zones			x												TW							AHDB		x		add R1 zone bonus to include an additional ADU if it's 50% MFI		
19.4		Division 23-3E-1	Small scale density bonus for R2 zones			x												TW							AHDB		x		add R2 zone bonus to include an additional ADU if it's 50% MFI		
19.5		Division 23-3E-1	AHBP for MS2 Zones			x												TW							AHDB		x		allow MS2b to take part in AHBP if along IA corridor		
19.6		Division 23-3E-1	Land trust programs															TW							AHDB		x		these should be defined and added to the arsenal so that we can use them as part of the affordability programs. Ordoes this live somewhere else?NHCD is supportive of land trusts but unsure of how to put them into the code since the code doesn't discuss ownership models.		
19.9									CK																	23-3E-1010(B) and add new 23-3E-1025	Add to purpose and intent section- 23-3E-1010(B): (4) Meet the annual affordable housing goals set forth by the City Council. (5) Encourage denser development via the AHBP program by providing a quantifiable incentive to a project measurable by an increase in project yield on cost. Add NEW section – suggest between Applicability (23-3E-1020) and General Provisions (23-3E-1030) 23-3E-1025: Affordable Housing Goals & Performance Requirements Goals A goal for a minimum affordable housing units developed using the Citywide Affordable Housing Bonus program shall be set by City Council on an annual basis. The goals shall be proposed by Neighborhood Housing and Community Development based on the Strategic Housing Plan and other available or procured data that establishes demand for affordable housing the City of Austin. Individual housing goals shall be established for each area within the AHDB program, including Downtown subdistricts. Goals shall include a total number of units in each area, including a breakdown of units by type of ownership, rental and unit count. (NEW) (I) In all zones, a site that participates in the citywide affordable housing program and has at least 50% of the dwelling units as income-restricted, FAR, parking requirements, and dwelling units per acre are waived for that zone. In addition, the height limit will be twice the height entitled in the base zone.	This requires an annual assessment of the affordable bonus program with established goals.			
19.7									CK																Super Affordable Housing Bonus.	Yes	23-3E-1030	(NEW) (I) In all zones, a site that participates in the citywide affordable housing program and has at least 50% of the dwelling units as income-restricted, FAR, parking requirements, and dwelling units per acre are waived for that zone. In addition, the height limit will be twice the height entitled in the base zone.	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 height of any zone that allows residential.		
19.8						x			CK																Right of Return	Yes	23-3E-1030	Establish a priority for city-administered affordable housing units for people who have been displaced due to rising rents or property	Mimic's "people's plan"		
						x																									

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19.10											CK														Calibration	Yes		23-3E-1010(B) and add new 23-3E-1025	Measurement Neighborhood Housing and Community Development shall keep records of the number of affordable units permitted and developed via the AHDB program as required to annually measure the goals as established in 23-3E-1025. An annual report shall be prepared to document each areas progress towards annual goals. The annual report shall include, but is not limited to, the following: i. Number of total affordable housing units permitted, by unit type and number of bedrooms ii. Number of affordable housing units built, by unit type and number of bedrooms. iii. Value of Fee in Lieu collected in lieu of commercial bonus area iv. Value of Fee in Lieu collected in lieu of on-site affordable housing units, and equivalent unit count v. Average size of affordable housing units permitted, separated by bedroom count. vi. Average size of affordable housing units built, separated by bedroom count. vii. A summary of feedback from all applicants to the AHDB program. viii. An assessment of the income levels in this Title and whether they could be adjusted to better acheive the goals of the Strategic Housing Plan.	This requires an annual assessment of the affordable bonus program with established goals.		STAFF RESPONSE		
19.11										CK																		viii. If any goal shortcomings are noticed, the report shall assess the reasoning behind the failure to achieve the goals. An annual calibration of all area AHDB programs shall be done to ensure the AHBP encourages use of the program by providing an increase in project yield on cost. The calibration shall include a review of the number of units required (by %), bedroom counts, or any other requirements associated with the use of the bonus. The AHBP shall be modified when: i. In any year that the annual report shows that the annual goal is not met by more than 10%, the AHBP shall be adjusted to lower the requirement for utilizing the bonus, either by reducing the number, size or bedroom count of units, or by reducing the fee-in-lieu. A calibration study shall be done to confirm the adjustments made to the AHBP result in an increase in yield on cost to the project. ii. In any year the annual report shows that based on current market data, including but not limited to rent rates, construction costs, land and tax values, interest rates, or operating expenses, the AHBP no longer results in an increase in yield on cost to a project, the AHBP shall be adjusted as follows:	This requires an annual assessment of the affordable bonus program with established goals.					
19.12																																	-	
19.13										x															Skip the line for affordable projects			new division	Mandate that all city departments involved in site plan review, permit review, or other development services immediately priortize projects participating in the affordable housing program over all projects that do not have an affordable program participation.	Re-instates skip-the-line for affordable housing program projects.				
19.14										x															Fee-in-lieu	Yes		23-3E-1050 (c)(2)	append at the end of the section "except that an applicant may pay the fee in lieu on partial units with the proportional fee in lieu per unit, with a minimum fee-in-lieu of 20% of the per-unit fee in lieu.	This allows payment of partial fee in lieu for the citywide affordable bonus program.				
19.15		Division 23-3E-1	Citywide Affordable Housing Bonus Program		X			AH																	Affordability	No	No	23-3E-1010	"(A) The purpose of this division is to establish general requirements and procedures for the submittal and review of an application for the Citywide Affordable Housing Bonus Program (AHBP), which is a voluntary, incentive-based density bonus program that provides enhanced development potential for projects that increase the supply of moderate to lower-cost housing consistent with the requirements of this division. (B) The intent of the AHBP is to financially incentivize new development to include affordable homes or pay fees-in-lieu for affordable homes to: (1) Implement the goals and policies of the Austin Comprehensive Plan and the Austin Strategic Housing Blueprint; (2) Increase housing supply, diversity, and affordability while preserving and enhancing the unique character of the City's neighborhoods; (3) Actively desegregate Austin's neighborhoods and dismantle		Neutral	Needs slight revision		

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

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

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19.52																													
																									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: <ul style="list-style-type: none">• 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;				
19.53																													
																									23-3F-1070 Codify of Agent of Change Principle. Imagine Austin and Code Prescriptions Support New Code Section Justification for the proposed new code section comes from the Imagine Austin Comprehensive Plan and more recent work done in developing the CodeNEXT draft. Priority Program 5 (among 8 Priority Programs) in the 2012 Imagine Austin Comprehensive Plan is “Grow and invest in Austin’s creative economy.” A short term (1-3 years) work program item is: “Explore and reimagine existing City development tools, such as incentives, regulations, and financing options, with a focus on creative industries’ facility needs. Expand access to affordable and functional studio, exhibition, performance space, museums, libraries, music venues, and office space.” The proposed new section is also supported by the following policies and priority actions in the Imagine Austin Comprehensive Plan: <ul style="list-style-type: none">• Develop regulations to mitigate the sound from live music venues through a collaborative process that includes the City of Austin, musicians, venue operators, property owners, and residents.• Create incentives and programs to preserve iconic and established music venues and performance spaces throughout Austin and its extraterritorial jurisdiction (ETJ).• Expand access to affordable and functional studio, exhibition, performance, and office space for arts organizations, artists, and				
19.54																													
																									<ul style="list-style-type: none">• Explore existing City policies, processes, and regulations regarding the arts to determine what changes can be made to coordinate these with other goals, such as historic preservation, affordable housing, and high-density development.• Incorporate the arts and cultural preservation themes and elements into small area plans, such as neighborhood and corridor plans.• Create incentives, and programs to promote the inclusion of public art into new development.• Encourage artists and other creative individuals by promoting the creation of live/work spaces and creative industry hubs, districts, and clusters as retail, community, or neighborhood anchors and activity generators to attract and support other economic and community enterprises.• Establish incentives and regulations to promote the creation of artists’ live/work space in residential areas that allow for limited gallery space.Further, the Code Prescription on Household Affordability written in 2016 in response to the CodeNEXT consultant’s Code Diagnosis, specifically addressed affordability impacts to small businesses and the cultural arts in the following three prescriptions:<ul style="list-style-type: none">• 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				

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19.55																										<div>• Revise the density bonus program in targeted areas such as cultural districts by adding the preservation or creation of an existing creative venue or business as a Community Benefit. Density bonus fee-in-lieu requirements will be evaluated for 501(c)(3)s to promote emerging small non-profits. The existing density bonus provisions will be evaluated to determine if they can incorporate preservation or development of a music or creative venue that will be used for rehearsal, gallery, studio, performance, or exhibit spaces and offices.</div> <div>• The opportunity to expand live/work units will be found in all form-based code districts in order to promote the opportunity for the small businesses, including artists to be able to work where they live. The allowance of live/work units will be both within the uses regulated by the different form-based code districts but also in the regulation of building types to ensure the proper form to allow for live-work units.</div>				
19.56																										<div>[1] see https://codenext.civiccomment.org/chapter-23-3-general-The New Flex Industrial zoning may cover this....</div> <div>In 23-3F and in 23-2M</div> <div>In Division 23-4D-7: Commercial and Industrial Zones</div> <div>Accessory Use as a Theater or Art Gallery (as would be in 25-2-865, for example</div> <div>A) This section applies to the following uses and zoning districts:</div> <div>1) LIGHT MANUFACTURING use with IP, MI, LI, CS, MU zoning district</div> <div>2) LIMITED WAREHOUSE AND DISTRIBUTION use with IP, MI, LI, CS, MU zoning district</div> <div>3) GENERAL WAREHOUSE AND DISTRIBUTION use with IP, MI, LI, CS, MU zoning district</div> <div>4) ART WORKSHOP use with IP, MI, LI, CS, MU zoning district</div> <div>B) The use of the space as ART GALLERY and THEATER:</div> <div>1. is a permitted accessory use</div> <div>2. shall not exceed 33 percent or 5,000 square feet of the total floor area of the principal developed use, whichever is less</div> <div>C) During the Permitting Process the Council on appeal or Planning Commission may increase the square footage allowed under subsection B.</div>				
19.57																										<div>D) On-site parking is required according to Schedule A of Appendix A (TABLES OF OFF-STREET PARKING AND LOADING REQUIREMENTS).</div> <div>PART 2. City Code Chapter 25-6, Appendix A (TABLES OF OFF-STREET PARKING AND LOADING REQUIREMENTS) is amended to amend Schedule A to read:</div> <div>SCHEDULE A</div> <div>The minimum off-street parking requirement for a use is the sum of the parking requirements for the activities on the site, in accordance with the following table:</div> <div>Activity Requirement</div> <div>Accessory Use as a Theater or Art Gallery</div> <div><2,500 sq. ft. - 1 space for each 275 sq. ft.</div> <div>2,500-10,000 so. ft. - 1 space for each 100 sq. ft.</div> <div>> 10,000 sq. ft. - 1 space for each 50 sq. ft.</div> <div>Office or administrative activity 1 space for each 275 sq. ft.</div> <div>Indoor sales, service, or display 1 space for each 500 sq. ft.</div> <div>Outdoor sales, services, or display 1 space for each 750 sq. ft.</div> <div>Indoor storage, warehousing, equipment servicing, or Manufacturing 1 space for each 1,000 sq. ft.</div> <div>Outdoor storage, equipment servicing, or manufacturing 1 space for each 2,000 sq. ft.</div> <div>Commercial off-street parking requires one bike parking space for every 10 motor vehicle parking spaces.</div>				
Chapter 23-4: Zoning Code				NONE	MINOR	MAJOR																			YES/NO					
20	Article 23-4A Introduction																													
20.1	Division 23-4A-1 Purpose																													
20.2	Division 23-4A-1 Purpose				x								JSc													23-4A-1010	This chapter protects and promotes the public health, safety, and general welfare of the public; and implements the Comprehensive Plan. This chapter establishes the land use and building form requirements that are intended to promote compatible land patterns that address the social and environmental values described in 23-1A-	Implies a hierarchy of code that was not established in Imagine Austin Plan.	No	Can bring forward language from 23-1A-1020
20.3	Division 23-4A-2 Establishment of Zones			N																										
20.4	Overlay Zones										KM															23-4A-2020(H)	Insert Neighborhood Plan Combining Districts and Neighborhood Cobnservation Combining Districts	NP and NCCD are tools that need to be here to support existing districts and allow for new districts.	No	Staff is not recommending carrying forward NCCDs because new zones are improving current standards

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20.5		Division 23-4A-2	Establishment of Zones			x																	Overlays	No		23-4A-2020(H)	Eliminate the Downtown Plan overlay until Small area plan can be completed with funding assistance provided by DAA.		No	Staff does not support this without Council directive
20.6		Division 23-4A-3	Zoning Map																											-
20.7		Division 23-4A-3	2020														TS					Residential Housing Types	NO		2020 A)1)	Residential house-scale (R) zone category includes single-family detached homes, <u>single-family-attached</u> , duplexes, small multiplexes, cottages, row houses, <u>townhouses</u> , and <u>accessory dwelling units</u> (garage apartments or granny flats).	Add other house types.	Yes		
20.8		Division 23-4A-4	How to Use the Zoning Code	C																										-
21		Article 23-4B	Zoning Administration and Procedures																											
21.1		Division 23-4B-1	Land Use Approvals																											-
21.3		Division 23-4B-1	1020 - Conditional Use Permit														TS					Conditional Use Permit	NO			1020 Conditional Use Permit (F)1)	Delete (F)1)	F)1) Land Use Commission may impose conditions such as limits on FAR, setbacks etc. This seems to perpetuate zoning classes with additional conditions like we have now.	No	Intent of text is correct
21.4		Division 23-4B-1	1020 - Conditional Use Permit														TS					Conditional Use Permit	NO			1020 Conditional Use Permit (F)2)	(2) Late Hours Permit (a)If the Land Use Commission approves a conditional use permit for a bar, nightclub, or restaurant with a late-hours permit or with outdoor seating, the having a parking area associated with the use must be a minimum of less than 200 feet from a Residential House-Scale Zone is required to obtain approval of a conditional use permit, , unless the use is located within an enclosed shopping center. (b) The Land Use Commission may waive the 200-foot restriction if it finds that the effects of a parking area are sufficiently mitigated based on the criteria in Subsection (E).	Reword to require all bars,nightclubs andrestaurants w/ alcohol that have late night hours and/or outdoor seating that are close to neighborhoods to obtain a CUP. F) 2) Late Hours Permit - This minimum distance should be included in the Division 23-4E-6: Specific to Use section for Bars/NightClubs and Restaurants.	Yes	Language already included in 23-4E-6310 Restaurant; staff would support adding specific to use language for Bars/Nighclub
21.5			Conditional Use Permits														TW					CUPs			23-4B-1020	please see Exhibit TW Conditional Use Permits	There are a number of general and specific changes outlined in the exhibit			
21.6		Division 23-4B-1	1030 - Minor Use Permit														TS					Minor Use Permit	NO			1030 - Minor Use Permit (C)(1)	C) Administrative Review Process (1) Notice of Application. The director shall provide notice of an application for a minor use permit under Section 23-2C-5010 (Notice of Application) and allow parties to submit comments on the application for a period of at least 14 30 days.	C) (1)Admin Review- requires a 14 day public comment period. 30 days is needed.	No	Staff believes timeline is appropriate
21.7		Division 23-4B-1	1030 - Minor Use Permit																											-
21.8		Division 23-4B-1	1030 - Minor Use Permit														TS					Minor Use Permit	NO			1030 - Minor Use Permit (E)	Delete (E)	E) Allows Director to impose conditions same as Conditional Use Permit. Land Use Commission may impose conditions such as limits on FAR, setbacks etc. This seems to perpetuate zoning classes with additional conditions like we have now.	No	Staff supports this disgression
21.9		Division 23-4B-2	Code Interpretations and Use Determinations																											-
21.10		Division 23-4B-2	Code Interpretations and Use Determinations											JSc			JT									23-4B-2030 Use Determinations	(A) Purposes and Applicability. This section establishes procedures for obtaining a determination by the director regarding:(1) The appropriate classification of an existing or proposed land use or activity under Article 23-4D (Specific to Zones); or (2) Whether an existing use or structure is non-conforming under Article 23-2G (Nonconformity).	This section needs to be explained and possibly rewritten or deleted. We seek clarification and understanding of why we need this section included for classified zoning uses and when this determination would come into play. The existing LDC section is for use determinations not particularly defined or classified within the zoning code. Further, Article 23-2G states that a property that is legally nonconforming is appealable to the BOA. The property owner is required to prove a lot of information that they may not have in order to avail itself to the legally nonconforming provisions of CodeNEXT 3.0. This will be costly and in a lot of instances, just not possible, as the information may not be available.		
21.11														JSc												23-4B-2040 Administrative Appeal	(A) Project Interpretations. A project code interpretation or use determination issued under this division for a particular development application may be appealed to the Board of Adjustment under Article 23-2I (Appeals). If the code interpretation or use determination is not appealed, or is upheld by the Board on appeal, a subsequent decision by the director to approve or disapprove a development application associated with the interpretation or determination may not be appealed under this section. (B) Non-project Interpretations. A non-project code interpretation or use determination issued under this division may be appealed to the Board of Adjustment under Article 23-2I (Appeals). (C) Permitting Decisions. Except as provided in Subsection (A), a decision by the Development Services Director or another responsible director to approve or disapprove a development application because of non-compliance with the zoning code may be appealed to the Board of Adjustment under Article 23-2I (Appeals).	Section 23-4B-2040 Administrative Appeal states that a decision by the Development Services Director or another responsible director to approve or disapprove a development application may be appealed to the BOA under Article 23-2I (Appeals). This is broader than just site development standards under the Zoning Code. This Section should be limited. A development permit that is issued should only be appealable because of non-compliance with the zoning code and the provision of the code not correctly interpreted was the zoning code (not building, fire, electric, etc.).		
21.12		Division 23-4B-3	Zoning Map Designations and Amendments																											-
21.13			3100 - Requirement for Approval from 3/4 of Council -														TS					Requirement for Approval from 3/4 of Council -	NO			3100 - Requirement for Approval from 3/4 of Council (A) (2)	(2)The assignment of a Planned Unit Development zoning designation to previously unzoned property if the Land Use Commission recommends denial of the application; or	(A)(2) is the recent Council decision to require disapproval by 3/4 of the Land Use Commission to trigger requirement for approval by 3/4 of Council for PUDs on unzoned property which is a higher bar than PUDs on zoned properties. This was a rule created by Council during the Grove at Shoal Creek PUD hearings and needs to be reconsidered. There is no justification for PUD's related to unzoned properties to be handled any differently than zoned properties. Suggest that this section be deleted so that requirements for all PUDs are equal.	Neutral	
21.14		Division 23-4B-3	Zoning Map Designations and Amendments		x									JSc												23-4B-3040 (D)	(1) A zoning map amendment regarding a Historic District Overlay Zone may be initiated by: (a) The Historic Landmark Commission; (b) A petition of the applicants owners of at least 51 percent of the land, measured by land area, in the proposed zone or at least 51 percent of the applicants owners of individual properties in the proposed zone; or		Neutral	

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21.15		Division 23-4B-4	Criteria for Variances and Special Exemptions																														
21.16		Division 23-4B-4	Criteria for Variances and Special Exemptions											JSc			JT									23-4B-4010 Purpose and Applicability (A) and (B)	(A) This division establishes review criteria for zoning variances and special exceptions considered by the Board of Adjustment, consistent with the standards <u>regulations</u> of this Title and Chapter 211 (Municipal Zoning Authority) of the Texas Local Government Code. (B) An application for a variance or special exception authorized under this division is subject to the application, notification, and other standards <u>regulations</u> established under Division 23-2F-1 (Variances and Special Exceptions).	The current Land Development Code uses the term “regulations” as it relates to the zoning district. Regulations are laws and are codified. The use of “standards” is problematic because these are not codified law. Standards provide for guidelines, with which compliance is not mandatory. The current language suggests that the BOA would look outside of the zoning code regarding development regulations, which is not consistent with the current Code or State law.	Neutral				
21.17														JSc			JT									23-4B-4020(B)(1)(c)(iii)	(B) General Findings (1) The Board of Adjustment may grant a variance from a site development standard adopted under this chapter if the Board determines that: (a) The requirement does not allow for a reasonable use of property; (b) The hardship for which the variance is requested is unique to the property and is not generally characteristic of the area in which the property is located; and (c) Development in compliance with the variance does not: (i) Alter the character of the area adjacent to the property; (ii) Impair the use of adjacent property that is developed in compliance with the City requirements; or (iii) Impair the purposes of the standards <u>regulations</u> of the zone in which the property is located.	The current Land Development Code, Section 25-2-474(A)(3), uses the term “regulations” as it relates to the zoning district. The sentence in (iii) of Draft 3.0 is problematic because it uses the word “standards” and these are not codified law. The use of the phrase “impair the purposes of the standards of the zone” in this section could possibly result in a subjective determination by the BOA to not grant a variance. The use of standards is not consistent with the current Code or State law regarding development regulations.					
21.18														JSc			JT									23-4B-4030 (C) Special Exceptions Required Findings	(C) Required Findings. The Board of Adjustment may <u>shall</u> approve a special exception in compliance with this section if the Board finds that:	The word “shall” is currently used in the Land Development Code, Section 25-2-476 pertaining to special exceptions and this is a change to “may” in Draft 3.0. The wording of “may” in Draft 3.0 infers that the BOA determines that the special exception meets the findings set forth in this section and has discretion to grant a special exception or not and this is not consistent with the currently accepted general practice. Using the word “shall” in this instance is consistent with a quasi-judicial decision that is only appealable to a court. If the wording changes to “may” as it is in this current draft 3.0, and it is discretionary for BOA to grant a special exception, then there is virtually no way to appeal the decision to a court.					
22		Article 23-4C General to all Development																															
22.1		Division 23-4C-1	Large Site Requirements																														-
22.2		Division 23-4C-1			x											JSh																	whats article 23-9H connectivity? Cant find
22.3		Division 23-4C-1	1010 - Applicability																							1010 Applicability (C)	(C) A site that is <u>more than</u> one acre but less than four shall comply with Section 23-4C-1030 (Common Open Space).(B) A site that is one or more acres shall comply with Section 23-4C-1030 (Common Open Space).	ADDENDA Common Open Space - A site that is two or more acres shall comply with Section 23-4C-1030 (Common Open Space). Draft 3 reduced the threshold for compliance from 2 acres to 1 acre based on PARD recommendations. PARD also recommended rewording in ADDENDA so that common open space required for all development greater than an acre. PARD did not recommend changing threshold back to 2 acres in latest addenda. This section conflicts with Article 23-4D: Specific to Zones/Table J-Open Space as several zones do not require Common Open Space. PARD contact - Marilyn Lamenesdorf.	PARD does not have an opinion on 1 acre vs 2 acre theshold. It does not review common open space. Current code for Subchapter E is a 2-acre threshold.				
22.4		Division 23-4C-1				x																											REFERENCE FOR DISCUSSION; OPEN SPACE 1. CIVIC. Open space that is available for use by the public, and includes, but is not limited to, a plaza, square, park, playground, greenbelt, or similar area. 2. COMMON. A privately-owned outdoor or unenclosed area intended for use by the residents, employees, or visitors to a development. 3. PERSONAL. A privately-owned outdoor or unenclosed area intended for use solely by the individual. Commonly associated with open space required for residents of a multi-family dwelling unit.
22.5		Division 23-4C-1	Large Site Requirements	x	X									JSc												Parkland and Open Space	(B) Open Space. (1) Common. Sites two acres or larger <u>and that have a zone that requires it</u> must comply with the Common Open Space requirements of Section 23-4C-1050 (Common Open Space); and (2) Civic. Sites four acres or larger <u>and that have a zone that requires it</u> must comply with Civic Open Space requirements of Section 23-4C-1060 (Civic Open Space)."	Minor update - not every zone requires open space	Yes	agree with clarification of applicability			
22.6		Division 23-4C-1	1020 - Internal Circulation			X																				Reduced Parking	NO		1020 - Internal Circulation (M)(2)	Delete 1020(M)(2)	Requires additional connetivity measures when exceeding over 125 % of parking required. Planning Staff have said that they are only establishing minimum parking requirements, but developers are allowed to provide parking at levels that is established by market. If this is the approach, we should not make it more costly for developers to provide parking they need.	No	Staff supports multi-modal offset with more automobile parking
22.7		Division 23-4C-1	1030 - Common Open Space																							Common Open Space	NO		1030 - Common Open Space	ADD AND RENUMBER (A) General (1) An applicant for a site plan or subdivision must designate common open space that complies with the requirements 23-4C-1030, (2) An exemption described in this Section does not exempt the development from any applicable parkland dedication required by Article 23-3B (Parkland Dedication) or Civic Open Space required by 23-4C-1040 .	Similar to 1040 General Section.	Neutral	

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

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				DESIRED PROPOSED CHANGES TO D3			INITIATED BY COMMISSIONER										EX OFFICIO	TOPIC AREA	REQ. ADD'L STAFF FEEDBACK	AMENDMENT TYPE		SUBSTITUTE LANGUAGE	COMMISSIONER NOTES		YES/NEUTRAL /NO	STAFF RESPONSE		
							ANDERSON	HART	KAZI	KENNY	MCGRAW	NUCKOLS	OLIVER	SCHISLER	SEEGER	SHIEH	THOMPSON	WHITE	SHAW	BURKARDT	MENDOZA	TEICH		GENERAL			SPECIFIC SECTION	
22.18		Division 23-4C-1	1040 Civic Open Space			X											TS					NO	1040 Civic Open Space (B) (4) (a) and (b)	(4) An applicant shall locate each residential lot within: (a) one-quarter mile of a safe pedestrian travel distance from existing proposed civic open space if the development is located within the urban core; and (b) a half mile of a safe pedestrian travel distance from existing proposed civic open space if the development is located outside of the urban core	Again, the 1/4 mile must be defined as the distance of a safe and walkable route. Remove "existing" as this for new civic space.	No	no definition for safe pedestrian travel distance or means of measurement	
22.19		Division 23-4C-1	1040 Civic Open Space		X												TS				NO	1040 Civic Open Space (B) (5)	...at least a quarter acre	missing unit	Yes	erratta		
22.20		Division 23-4C-1	Large Site Requirements			X						JSc										Parkland and Open Space	23-4C-1040	Strike 23-4C-1040 AND all of 23-4C-2	Civic Open Space is a new requirement that heavily overlaps with parkland dedication. For proof, just look at the kinds of civic open space mentioned in the next division: It includes things called parks! Requiring an entirely new on-site parkland dedication requirement when Austin already has one of the strongest parkland ordinances in the state is totally unnecessary.		Civic space is a design standard that requires a publicly accessible location and well-designed open space. It does not require a public easement unless the land is counted for 23-3B.	
22.21		Division 23-4C-1	Large Site Requirements		X							JSc										Parkland and Open Space	23-4C-1040 (A)	(A) General (1) An applicant for a site plan or subdivision that results in one or more parcels greater than 4 acres , must designate civic open space that complies with the requirements of Division 23-4C-2 (Civic Open Space).	This would not require civic open space on parcels less than 4 acres and would allow for better use of density on smaller parcels.	No	the purpose is to work with projects at 4 acres or larger	
22.22		Division 23-4C-1	Large Site Requirements		X							JSc										Parkland and Open Space	23-4C-1040 (B)	(B) Civic Open Space Amounts and Locations(1) Land dedicated to the City to meet the applicable parkland dedication requirements in Article 23-3B (Parkland Dedication) may shall contribute to satisfying the requirements of this section. (2) Except as provided in Subsection (B)(3), an applicant for a site plan or subdivision shall designate at least 10 percent of the net development acreage as civic open space. The net development acreage does not includes: street rights-of-way, <u>public sidewalks, required landscaping areas, parkland dedication, land located between the property line and a building setback, water quality features, and detention areas not located</u>	This clarifies that civic open space does count towards parkland dedication requirements and redefines the net development acreage as the portion of land where the development actually occurs.	Yes/No	Staff agrees that "may" needs review and will need to coordinate with legal. Staff does not agree with added language and change of net development acreage	
22.23		Division 23-4C-1	Large Site Requirements		X							JSc										Parkland and Open Space	23-4C-1040 (B) (2)	(2) Except as provided in Subsection (B)(3), an applicant for a site plan or subdivision shall designate at least 5 to 10 percent of the net development acreage as civic open space. <u>The net development acreage does include street rights-of-way, water quality and detention features not located in a building, sidewalks, and other features located inside the development acreage.</u>	This section provides how much of the land that civic open space will take away from providing the primary purpose of the site.	No	staff agrees with 10%	
22.24		Division 23-4C-2	Civic Open Space									JSc															-	
22.25		Division 23-4C-2	Civic Open Space			X						JSc										Parking	STRIKE 23-4C-2	STRIKE DIVISION	Civic Open Space is a new requirement that heavily overlaps with parkland dedication. For proof, just look at the kinds of civic open space mentioned in this division: It includes things called parks! Requiring an entirely new on-site parkland dedication requirement when Austin already has one of the strongest parkland ordinances in the state is totally unnecessary.		Civic space is a design standard that requires a publicly accessible location and well-designed open space. It does not require a public easement unless the land is counted for 23-3B.	
22.26		Division 23-4C-2	2010- Purpose			x											TS					Purpose	NO	2010- Purpose	Purpose - This division sets the requirements for a wide range of civic open space types that are appropriate for the City. Civic Open Space aligns with Imagine Austin Priority "Use green infrastructure to protect environmentally sensitive areas and integrate nature into the city" and will ensure adequate open spaces are incorporated into mixed use developments creating complete communities.	Revise Purpose Section to show alignment with IA priorities. . Marilyn Lamensdorf stated that intent of Civic Spaces is to provide the additional open space needs for commercial development.		PARD has no issue with the revised Purpose for Civic Space. It is intended to be a site design guideline for quality open space and will assist with parkland dedication design if the land doubles for parkland dedication.
22.27		Division 23-4C-2	2020 - Applicability and Conflict			x											TS				YES PARD	2020 - Applicability and Conflict (B)	(B) A required civic open space shall comply with the requirements in this division, Article 23-4D (Specific to Zones) and Division 23-4C-1 (Large Site Requirements).	The tables for Open Space in the 23-4D sections are incorrect and recommend that the civic space section is deleted from each zone table. This along with 2020 (C) will allow residential and mixed use developments to satisfy the residential unit requirements for parkland through 23-3B and provide additional civic space for commercial development through this section.	No	reference to civic open space in zoning is helpful, not sure how it is incorrect		
22.28		Division 23-4C-2	2020 - Applicability and Conflict			x											TS				YES PARD	2020 - Applicability and Conflict (C)	(C) parkland dedicated per 23-3B can be used to satisfy the requirements of this division on no more than an acre for acre basis as approved by the Parks and Recreation Department.	The language was not specific enough.	No	staff supports current language PARD recommends the following clarification: <u>Civic open space that complies with this division and is dedicated to the City via a deed or an easement may be used to satisfy Section 23-3B (Parkland Dedication)</u>		
22.29		Division 23-4C-2	Civic Open Space			x						JSc										Process	No	23-4C-2020 Applicability and Conflict (D)	(D) Civic open space that complies with this division may be used to satisfy Section 23-4C-1020 (Common Open Space) if the civic open space is publicly accessible.	Strike this section as it conflicts with the requirements of section 23-4C-1010 as common open space and civic open space are triggered by size of the site and not required at the same time.		Other open space types apply toward parkland dedication if they are open to the public and meet design standards for their section and for 23-3B
22.30		Division 23-4C-2	2050 - Civic Open Space Standards			x											TS				NO	2050 - Civic Open Space Standards	ADD (F) Parks and Recreation Department shall approve final civic open space type provided based on park and open space needs in the area and Civic Open Space shall comply with Parks and Recreation Department Operating Procedures.	Civic Open Space should comply with PARD Oeprating Procecures and final park typology should have PARD approval.	No	PARD has discretion over parkland dedication PARD will only review other open space types if they are being used for parkland dedication. Otherwise DSD will review. This is current practice.		
22.31		Division 23-4C-2	Civic Open Space			X						JSc		JT								Parking	23-4C-2050 (D) Parking Requirements	(D) Parking. The director shall require a specific number of parking spaces for a civic open space that is more than five acres			PARD does not require parking spaces for Pocket and Neighborhood parks. PARD and DSD have a parking agreement related to Recreation Uses. Therefore, this reference could be deleted to default to the Recreation use parking requirements in the 23-4D tables. However, Residential House Scale and Residential Multi-Unit tables 23-4D-2040 (A) and 23-4D-3040 (A) need to be changed to Recreation: As determined by the Planning Director. Entertainment: 1 per 100 sf.	
						x																						

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				DESIRED PROPOSED CHANGES TO D3			INITIATED BY COMMISSIONER												TOPIC AREA	REQ. ADD'L STAFF FEEDBACK	AMENDMENT TYPE		SUBSTITUTE LANGUAGE	COMMISSIONER NOTES		YES/NEUTRAL /NO	STAFF RESPONSE
							ANDERSON	HART	KAZI	KENNY	McGRAW	NUCKOLS	OLIVER	SCHISLER	SEGER	SHIEH	THOMPSON	WHITE	SHAW	BURKARDT	MENDOZA	TEICH		GENERAL	SPECIFIC SECTION		
22.32		Division 23-4C-2	2050 - Civic Open Space Standards			x														NO			2050 - Civic Open Space Standards (D)	(D) Parking. The minimum parking requirements shall comply with 23-4D-8040.	This excludes parking from all of the Civic Open Space Types. It is unlikely that any of the parks will be greater than 5 acres given that this would require a 50 acre development to yield this amount of open space (10% required). The parking should only be exempted when there is other public parking included in the development. 23-4D-8040 is the parking section for parks and specified that the Director will determine parking levels.		See above comment for 22.31
22.33		Division 23-4C-2	Civic Open Space		x												JT			Shade		No	23-4C-2050 E	Delete (No required shade)	Shade for football fields? Community Gardens?		Shade is preferred and could be awnings, shade structures and/or trees.
22.34		Division 23-4C-3 (NEW)	Parking Reduction Matrix		x	X	GA																			No	Staff recommends keeping off street parking adjustments per 23-4E-3060
23		Article 23-4D Specific to Zones																									
23.1			General			x			x											Live Music Venue Use	Yes	Yes	All zone allowed use tables	Insert "Live Music Venue" as a use with the same NP/CUP/MUP/P categories as a Performance Venue/Theater, with the same breakdowns for indoor and outdoor, and square footage, in all zones.	Previously Live Music Venue was lumped in with performance venue, which limits alcohol sales to below 50%, which is not consistent with the business model of most music venues. This is the use activation for a definition submitted by Comm. Anderson.	Yes	Staff can support the inclusion of Live Music Venue use
23.2			General			x			x											Compatibility	Yes	Yes	All zone allowed use tables	In all zones, all instances of properties across alleys must state that the trigger line is based on the Zone of the property across the alley.	Right now D3 reads that compatibility setbacks may start on the property line of the impacted property, not the triggering property. This reverses that clearly.	Yes	language needs to be added that calrifies this point
23.9			All Zones except RC			x							PS							Compatibility			Restore existing Compatabily Standards		CodeNEXT eliminated protections given to neighborhoods from encroachments of nearby businesses. Restore existing compatibility standards citywide.	No	staff supports the new compatability standard as they are integrated into zoning for D3
23.20		Division 23-4D-4	Mixed Use Zones			X	GA													Compatibility	No	Yes	General	In all the Compatability Setback sections, add "width of alley should be subtracted from the compatibility setback"		Yes	See response on line 23.2
23.211			6060-6080; CC, UC, DC			x											TS			Compatibility	NO		Table 23-4D-XXXX(B)-Building Placement	tbd	Review setback requirements related to compatibility with Residential House Scale	N/A	comment
A-23.211.1												TN												See Compatibility Exhibits 1-3: "Within 45' of the property line of any zone or use of R4C or lower, a use higher than R4C shall establish a vegetative buffer complying with the Environmental Criteria Manual. Within 25' and 50' of the property line of any zone or use of R4C or lower, the height of buildings is restricted to 25', notwithstanding any other provision of this code. Within 50' and 150' of the property line of any zone or use of R4C or lower, the height of buildings is restricted to 45', notwithstanding any other provision of this code. Within 150' and 225' of the property line of any zone or use of R4C or lower, the height of buildings is restricted to 45', notwithstanding any other provision of this code. However, building heights may reach up to 65' based on the affordable housing density bonus program. Within 225' and 360' of the property line of any zone or use of R4C or lower, the height of buildings is restricted to 65', notwithstanding any other provision of this code. However, building heights may reach up to 85' based on the affordable housing density bonus program."	If there is a "third rail" of Austin zoning politics that is dangerous for anyone (especially elected Council members) to touch, it's probably compatibility. PC needs to have the courage to address compatibility, as well as all other aspects of CodeNext, head on. The bottom line is this: Imagine Austin said our city will both increase density and preserve neighborhood character. Those who argue against either extreme now are just re-litigating IA, which just wastes PC's time. Neither density advocates nor neighborhood character advocates won all they wanted when IA was adopted. So both sides need to stop trying to take a second bit at the apple and re-litigate IA. Density advocates? Y'all lost because IA says to preserve neighborhood character. Neighborhood character advocates? Y'all lost because IA says to add density. The only option that makes sense is for CodeNext to balance between the two. This proposal does exactly that. It's time for everyone to stop demanding ideological purity and reach a pragmatic compromise instead.	No	Staff recommends maintaining D3 recommendations on compatability
23.133		Division 23-4D	All zones with compatibility setbacks			x			CK											Adjust compatibility	No	No	All zones with compatibility	Two version of compatibility: 1) Based on a 35 foot single family home built next door to a 50-foot-wide lot; (35' height at 25' distance; 50' height at 50' distance; 65' height at 75' distance; and 80' height at 100' distance; 2) for compatibility imposed on a project utilizing an affordable bonus, the compatibility is based on a 45 foot single family home built next door to a 50-foot-wide lot (45' height at 25' distance; 65' height at 50' distance; 85' height at 75' distance; and 100' height at 100' distance).	This bases compatibility on the view of a 5-foot-tall person standing in the middle of their backyard, that would be no more restrictive than their view if a 35' tall single family home was built next door. The compatibility for affordable housing projects is similar, but with a 45' tall home built next door.	No	

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

CHAPTER	ARTICLE	DIVISION	TITLE	A			B										C	D	E		F	G		H		
				DESIRED PROPOSED CHANGES TO D3			INITIATED BY COMMISSIONER										EX OFFICIO	TOPIC AREA	REQ. ADD'L STAFF FEEDBACK	AMENDMENT TYPE		SUBSTITUTE LANGUAGE	COMMISSIONER NOTES	YES/NEUTRAL /NO	STAFF RESPONSE	
							ANDERSON	HART	KAZI	KENNY	MCGRAW	NUCKOLS	OLIVER	SCHISLER	SEGER	SHIH				THOMPSON	WHITE					SHAW
23.21						x				CK											No	23-4D-2, 23-4E-6170, Specific to Use - Duplex; and 23-13A-2, Land Uses - Duplex	Throughout 23-4D-2, remove references in text and rows in tables referring to Single-Family Attached. In 23-4E-6170(C), change the following: "A duplex must comply with the requirements in this subsection. (1) The two units must be attached or no greater than 12 feet apart; and (2) At least one of the two units must have a front entry that faces the front thoroughfare except each unit located on a corner lot must each have a front entry that faces a separate thoroughfare." In 23-13A-2, change the following: "DUPLEX. Two dwelling units on a single lot that are either attached or separated by no more than 12 feet A residential building containing two attached dwelling units on		no	does not recommend combining sf attached with duplex or changing language
23.22						x				CK											No	23-4D-2 (the "Lot Size and Intensity" table in all R1-R3 Zones); 23-3E-1040 (Affordable Housing Bonus Calculation)	Add a row to the bottom of the table: "Residential Citywide Affordable Accessory Dwelling Unit Incentive: When participating in Affordable Housing Bonus Program, in addition to base entitlements, an additional, income-restricted Accessory Dwelling Unit may be built and the size does not count toward FAR limit and the principal use's FAR limit is increased by the size of the income-restricted Accessory Dwelling Unit." Remove the following line from the table in RR, LA, R1A, R1B, and R1C: "Accessory Dwelling Unit allowed only when participating in Affordable Housing Bonus Program"	This is a new, income-restricted, affordable ADU bonus for all R1-3 zones. Add an affordable bonus that grants the following entitlements when adding a single, income-restricted ADU: ADU does not count towards FAR or unit limit, square footage of income-restricted ADU is also added to FAR limit for non-income restricted unit total on a 1-for-1 basis. Affordability income levels are same as other zone affordable unit bonuses, but affordability periods are 20 years for ownership, 10 years for rental.	No	staff believes in truth in numbers, to do this in R2 then name R2 into R3
23.23						x				CK											Yes	23-4D-2 (the "Lot Size and Intensity" table in all R4 zones.)	For all R4 zones: Table (A) AHBP Bonus Units increased from +4 to +6 and AHBP Bonus FAR increased from .8 FAR to 2 FAR	This makes the bonus pencil out.	No	other site requirements affect building size and parking capabilities too much to make this situation pencil out
23.24						x				CK											No	Applicable zones	Adopt the bonus entitlements recommended by the affordable bonus working group. (See attached table.)	More bonus entitlements got us from 6,000 affordable units to 13,500.		
23.25		Division 23-4D-2				x				CK											No	The "Lot Size and Intensity" table in all R zones	Add an affordable bonus that grants the following entitlements when adding a single, income-restricted ADU: ADU does not count towards FAR or unit limit, square footage of income-restricted ADU is also added to FAR limit for non-income restricted unit total on a 1-for-1 basis. Affordability income levels are same as other zone affordable unit bonuses, but affordability periods are 20 years for ownership, 10 years for rental. The ADU may be external or internal.	This is a new, income-restricted, affordable ADU bonus for all R zones.	Neutral	using this will lessen th viability of the preservation incentive
23.26		Division 23-4D-2				x				CK											No	The "Lot Size and Intensity" table in all R zones	Add an affordable bonus that grants the following entitlements when adding a single, income-restricted ADU: ADU does not count towards FAR or unit limit, square footage of income-restricted ADU is also added to FAR limit for non-income restricted unit total on a 2-for-1 bonus basis. A second ADU is also added that does not count against the FAR or unit limits. Affordability income levels are same as other zone affordable unit bonuses, but affordability periods are 20 years for ownership, 10 years for rental. The ADU may be external or	This is a new, income-restricted, affordable DOUBLE ADU bonus for all R zones.	No	See response in line 23.22
23.27						x												TS			x			Within Specific to Zones 23-4 parking requirements, remove all references to parking required that allow for use in zone to exclude off-street parking if <2500 SF.	?	
23.28						x												TS			x	Table 23-4D-XXXX Allowed Uses	Table 23-4D-XXXX allowed Uses - Restaurants and Bars - Bars and Nightclubs Level 2 within 200' of Residential House-Scale Zone - CUP [Where currently P or MUP]	For all zones that allow Bars and Nightclubs- Level 2, add requirement for a CUP.	yes	See response on line 23.7
23.30		Division 23-4D-2	Residential House-Scale Zones			x								PS								23-4B-1030 Minor Use Permits General.	Remove Section 23-4B-1030	Minor Use Permits (MUP) give staff too much discretion over granting uses that are not minor. This process denies citizens the opportunity of a public hearing. Remove the MUP process and apply 23-4B-1020 CUP process. Revisit the MUP permit and associated uses after CodeNext approved.	no	
23.31						x								PS								Zones R1B-R2C, R3B-R3D		Restore 5,750 sq. ft. lots and 50' width	No	5000' brings 7000 lots into conformity
A-23.31.1						x								PS								23-4E-6200 Home Occupations	23-4E-6200(D) & 23-4E-6200 (F) add "excluding R1A-R3D residential zones."	The addition of 3 employees and limited retail sales is a burden in residential neighborhoods especially parking and traffic congestion. The Live/Work zone allows up to 2 employees by-right and up to 3 with an CUP. Interesting that a CUP is required for 3 employees in a Live/Work zonewhile only an MUP in R zones (residential).	N/A	Addressed in Addendum. No on-site sales, and employees are limited to one. Max of 4 trips
23.33		Division 23-4D-2	Preservation Incentive			x												TW		X	X	Lot Size & Intensity Table; R1C, R2A, R2C, R2E,R3A,R3B,R3C,R3D,R4A,R4B,R4C,	Street Scale Incentive: Accessory Dwelling Unit does not count toward FAR limit when existing house (at least 10 years old) is conserved.	The intention was to preserve the street scale. The word preservation is not defined in D3. The HLC has recommended against this incentive because the word preserve conjurs up the National Register's Standards. I don't think the intention was to subject homewoners to these standards and additional expenses, I think it was to preserve the street scale and to reduce the # of demolitions. These changes eliminate the word confusion and go hand in hand with a definition of conserve that promotes the conservation of the existing homes street presence. This also further clarifies where you can use the additional FAR that you're granted.	Neutral	HLC has asked for a definition of "preservation"; Staff support using a different term than "preservation"
A-23.33.1			Preservation Incentive		x													TW		X	X	All R zone	extend Preservation Incentive to all R zones	we heard a lot of positive feedback regarding this incentive	Neutral	Staff does not object to conservation instead of preservation

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23.35		Division 23-4D-2	Residential House-Scale Zones								KM																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																	

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23.49		Division 23-4D-2	2030- Allowed Land Uses and Permit Requirements																TS											Group Home Removed.	N/A	comment	
23.50		Division 23-4D-2	2030- Allowed Land Uses and Permit Requirements																TS											Addenda - allowed cottage court in R4C and removed Townhouses from R4A and R4B.	N/A	comment	
23.51		Division 23-4D-2	2040- Parking Requirements (Residentail House Scale)																TS							2040 (B) Maximum Number of Parking Spaces	Delete section 2040 (B)	This conflicts with statements from Planning and Zoning Department that the "market" will determine number of parking spaces even though minimums are established and that developers are allowed to put in as many parking spots as they want.	Yes	Staff agrees with only deleting this language in the Residential House Scale zones; and staff supports changing language in Residential Multi-Unit zones to only apply to non-residential zones			
23.52		Division 23-4D-2	2040- Parking Requirements (Residentail House Scale)																TS							2040 (2)(a) and (b)	Definition for Building Façade is different than the one in 23-13. Parking Structure definition in this section is not found in 23-13.	Yes	Staff agrees with only deleting this language in the Residential House Scale zones; and staff supports changing language in Residential Multi-Unit zones to only apply to non-residential zones				
23.53		Division 23-4D-2	2040- Parking Requirements (Residentail House Scale)																TS							Table 23-4D-2040(A) (1) Residential Accessory Dwelling Unit - Residential	CHANGE: Accessory Dwelling Unit - Residential (Existing or new construction with existing dwelling unit) --None Required ADD: Accessory Dwelling Unit - Residential (new construction and no existing dwelling unit) - 1 per unit.	Table 23-4D-2040(A) - ADU's do not require parking. ADUs allow 3 unrelated adults and it is incomprehensible that none of these adults would require parking. This should be changed to conform to 23-4E-3020 which requires parking for ADUs unless there is an existing unit.	No	staff supports not requiring parking for ADUs as incentive and furthering affordability capability			
23.54		Division 23-4D-2	2040- Parking Requirements (Residentail House Scale)																TS							Table 23-4D-2040(A) (1) Residential	ADD: RR, LA, R1, R2, and any Residential House-Scale Zone adjacent to Public School - 2 per unit	Reduce parking in zones that are intended for areas that are accessible to mixed use and main street zones by walking or biking. Maintain parking levels in other residential zones to prevent off-street parking and maintain safe streets for walking and biking. Furthermore, the occupancy limits for residential dwelling units can be from 4-6 unrelated adults. Consider variance if sidewalks in neighborhood. Request from Public schools to maintain parking adjacent to schools.	No	staff does not support requiring more parking near schools			
23.55		Division 23-4D-2	2040- Parking Requirements (Residentail House Scale)																TS							Table 23-4D-2040(A) (1) Residential	ADD: All other Residential House-Scale Zones - 1 per unit	Reduce parking in zones that are intended for areas that are accessible to mixed use and main street zones by walking or biking. Maintain parking levels in other residential zones to prevent off-street parking and maintain safe streets for walking and biking.	N/A	see above			
23.56		Division 23-4D-2	2040- Parking Requirements (Residentail House Scale)																TS						Residential use parking	Bed and Breakfast - 1 plus 0-8 1-per bedroom Cooperative Housing - 1 plus 1 per every 4 2 bedrooms Group Residential - 1 plus 1 per every 3 2 bedrooms	ADDENDA: Adds Group Homes, B&B's, and Co-op Housing. Need to restore to reasonable levels for residential neighborhoods	No	staff supports the parking recommendations in D3 addendum				
23.57		Division 23-4D-2	2100 - 2140; R2A-R2E																TS							Table 23-4D-2040(A)	Change Co-operatives and Group Residential to 1 + 1 per every 2 bedrooms	Addenda reduces parking for Group Homes, B&B's, and Co-op Housing. Need to restore to reasonable levels.	No	staff supports the parking recommendations in D3 addendum			
23.58		Division 23-4D-2	Residential House-Scale Zones											JSc												23-4D-2040(C)(3)(a) Parking requirements for R1-R3	Delete 23-4D-2040(C)(3)(a) & Delete similar text in every zone	Will make thousands of existing homes nonconforming. Limitations on parking locations remove flexibility to accommodate site conditions, such as trees. Rule would require additional IC to get spaces deeper into lot. Pushing parking back into structure leaves less area for units, restricting unit yield. Trades parking for additional units.	No	Incoporated into CodeNEXT from neighborhood plan tool. Suggest changing applicability rather than removing completely.			
23.59																JS h										parking	Parking requirements 3. B and C is described again in each zone. (at least in R3's This is confusing. Pick a spot, otherwise its inconsistent) OFFSTREET HOUSE SCALE TABLE: ADU - should require 1 if more than 1 bedroom HOME OCCUPATION - should require 1 space for commercial vehicle 3. B and C is described again in each zone. (at least in R3's This is confusing. Pick a spot, otherwise its inconsistent)		No	Parking structure regulations are different than Frontyard IC limits. Staff does not recommend changing parking.			
23.60																JS h										parking	OFFSTREET HOUSE SCALE TABLE: ADU - should require 1 if more than 1 bedroom HOME OCCUPATION - should require 1 space for commercial vehicle OFFSTREET HOUSE SCALE TABLE: ADU - should require 1 if more than 1 bedroom HOME OCCUPATION - should require 1 space for commercial vehicle OFFSTREET HOUSE SCALE TABLE: ADU - should require 1 if more than 1 bedroom HOME OCCUPATION - should require 1 space for commercial vehicle		No	staff supports the parking recommendations in D3 addendum			
23.127		Division 23-4D-2	Residential House-Scale Zones				x											JT							Parking	No	Yes	23-4D-2040	Do not require parking in Residential Zones		No		
23.61		Division 23-4D-2	Residential House-Scale Zones											JSc												Parking			23-4D-2040 R1-R3 Zones: Table 23-4D-21x) (F) Impervious Cover (2) Frontyard Impervious Cover - paragraph (2)(e)	(e) A motor vehicle may only be parked or stored on driveway or paved parking space.	Gravel is an accepted parking space material in code. While counted as IC, it is more pervious than concrete and less expensive. Not a problem under current code.	No	See response on line 23.39
23.62		Division 23-4D-2																								Lot Size Brackets for ADUs in RR	No	No	Table 23-4D-2050(A), "Lot Size and Intensity"	Strike the entire row of the table starting with "Accessory Dwelling Unit" and replace with the three rows that begin "Accessory Dwelling Unit" in Table 23-4D-2120(A) (R2C Zone)	There is no reason to not have the standard three ADU size brackets in all zones that allow ADUs.	No	Lot size must be one acre in Rural Residential. Smaller lots are not allowed.
23.63		Division 23-4D-2	Residential House-Scale Zones				X																			Rural Residential			23-4D-2050	Strike Accessory Dwelling Unit allowed only when participating in Affordable Housing Bonus Program.	Allowing ADUs in RR by right meets the objectives of the Planning Commission - it's unlikely that ADUs will be built in RR with an affordability requirement.	No	NHCD supports accepting in-lieu fee as opposed to on-site affordability.
23.64		Division 23-4D-2																								Lot Size Brackets for ADUs in LA	No	No	Table 23-4D-2060(A), "Lot Size and Intensity"	Strike the entire row of the table starting with "Accessory Dwelling Unit" and replace with the three rows that begin "Accessory Dwelling Unit" in Table 23-4D-2120(A) (R2C Zone)	There is no reason to not have the standard three ADU size brackets in all zones that allow ADUs.	No	Lot size must be one acre in Rural Residential. Smaller lots are not allowed.

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

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23.96		Division 23-4D-2	2150-2180; R3A-R3D			x													TS					R3C and R3D	NO		2170 Table 23-4D-2170(A), 2180Table 23-4D-2180(A),	DELETE : Other Allowed Uses	What is the purpose of the new use called "other allowed uses." It is not defined and not explained what it will be used for.		
23.97		Division 23-4D-2	2190 - 2210 R4A- R4D	x															TS				Townhouses	NO		2190 - 2210 R4A- R4D; Table 23-4D -XXXX (A)		ADDENDA: Removed Townhouses. Keep the same as shown in Draft 3.	N/A	comment	
23.98		Division 23-4D-2	2190 - 2210 R4A- R4D	x															TS				Side St. Setbacks	NO		2190 - 2210 R4A- R4D; Table 23-4D -XXXX (B)		Single family attached and townhouses do not comply with the side setback requirements and 23-4E-7070 does not provide for exemptions. Add exception to 23-4E-7070.	Yes	Need to add side setback exception.	
23.99		Division 23-4D-2	2150-2180; R3A-R3D			x													TS						NO		2190 - 2210 R4A- R4D; Table 23-4D-XXXX(H)	Remove reference to Common Open Space and Civic Open Space as these are already covered in section specific sections	Common and Civic Open Space requirements conflict between special section and Table H	No	see response in line 23.74
23.100																JSh								IC			23-4D-2190 -2210	R4 Zones - 55% impervious cover allowed with Watershed Review (this is to allow parking requirements to work, building cover is still 40% so the increase in IC doesn't get abused for more BC)		Pending	To complement goals for Functional Green and beneficial use of stormwater, WPD recommends keeping the impervious cover limit at 95%
23.101		Division 23-4D-2	Residential House-Scale Zones			X			FK															residential			23-4D-2190, 2200, 2210 All R4 Zones	Table (A) Lot Size and Intensity - add footnote " +.1 FAR for every unit above Single Family Use	If you have the same FAR for more units, it increases the cost to produce those units (taps, etc.) versus single family of same size, while raising cost per unit. It is a direct disincentive to build more units. Current code exemplifies this - 70% demos with the continued 1-1 ratio, not 1-2. A small step up would encourage more Missing Middle housing creation, other regulations keep it from being any more massive than current McMansion limits.	No	FAR bonuses included in zone.
23.102		Division 23-4D-2	Residential House-Scale Zones					AH						JSc										Parking			23-4D-2150 through 2210 (G) (3): Parking Driveway	Edit Parking Table (G) (3) in all R3 & R4 zones to read: 10' max 12' max for single unit driveway 20' max for shared driveway	Allow 12' max curb cuts (current code) for driveways serving a single unit and up to 20' max curb cut for shared driveways that are not fire lanes. Multiple curb cuts are allowed on any street frontage of a lot. A 10' curb cut is too narrow to accommodate multiple vehicles to park; Shared driveways should provide two car access where site conditions allow. 12' is the current code minimum requirement.	Neutral	
23.103		Division 23-4D-2	Residential House-Scale Zones		X			AH						JSc										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 alley improvements.
23.104		Division 23-4D-2	Residential House-Scale Zones		X			AH																residential			23-4D-2150 through 2210(G)	Amendment: Required parking space(s) must not be located in front of the front facade of the building, forcing parking to rear of lot	Delete language because it effectively requires two tandem spaces and the resulting impervious cover to comply - the required space behind the setback, and the space on the driveway leading up to it. While not "required", it is a	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	Table 23-4D-2170 (G) Parking (1) Parking Requirements —(2)- Setback – Front 30', Side St. 20', Side 2', Rear 5' — (3) Parking Driveway	Parking setbacks do not allow enough flexibility for site conditions, such as trees and drainage, particularly when combined with other parking regulations, limiting unit yield and increasing cost. They have the same effect as "required parking behind the front facade", in that two tandem spaces are required to meet the minimum one required space. Adds unnecessary IC to multi-unit sites, where IC is already tight. Required parking cannot be within the setback, but additional parking can.	Neutral	If parking setback reduced, recommend adding frontyard IC to R4 Zones. Consider exceptions for trees.
23.108		Division 23-4D-2	Residential House-Scale Zones			X		AH																residential			23-4D-2100, 2120, 2140 Table (C) Building Form	(C) Building Form (2) Facade(s) All Stories: Add "Articulation, Net Area 40 sf", Change Articulation length (min.) to 8' and Articulation depth (min.) to 2'. Add note "Articulation not required for a net building area of less than 2000sf."	Articulation adds expense, causes drainage problems (U-shape captures water) and can't accommodate trees and site conditions. It should be deleted entirely, but if it must stay for R2, the 4x10 dimension is too prescriptive. Net area allows for more flexibility for trees and drainage, etc.	No	See above
23.109		Division 23-4D-2	Residential House-Scale Zones					AH																residential			23-4D-2150 to 2200 Table(C) Building Form	For R3-R4 "McMansion" Zones Table 24-4D (C) has Building Form (1) Building Articulation New Construction "Articulation is required when adjacent to (list R2A, R2C, R2E ie McMansion zones) for adjacent side walls on additions or new construction ..."	Articulation requirement inherently causes drainage problems due to "U" shape. McMansion rules were intended for 1-2 unit uses. Articulation on interior lots makes it more difficult to accommodate environmental considerations (e.g. trees and drainage). Trees would require routine variances for R3-R4. It is a very prescriptive design standard that has no impact on the public domain. Will preserve neighborhood character in R2 zones, while allowing for additional units to be built in R3 and R4 zones.	No	"U" shape does not cause drainage problems. (WPD) Neutral. WPD does not know of any drainage problems caused by articulation. More generally, WPD supports flexibility for site configuration to account for site-specific drainage and environmental considerations and to limit the fragmentation of pervious areas.
23.110		Division 23-4D-2	Residential House-Scale Zones					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.	No	The footnote does not inherently reduce impervious cover. WPD does not support the elimination of this text. This is only a clarification of current regulations and the proposed text enhances transparency for projects that need to accommodate natural features.
23.111		Division 23-4D-2	Residential House-Scale Zones			X		AH																residential			Table 23-4D-2100 to 2210(A)	Amendment: Apply Preservation Incentive to every R zone. Preservation Incentive: Accessory Dwelling Unit size does not count toward FAR limit when existing house (at least 10 years old) is	Not counting ADU toward FAR if on a lot with an existing home that is older than 10 years is a good incentive. Preservation Incentive should apply in every R-type zone.	No	Not all R Zones have an FAR limit.
23.112		Division 23-4D-2	Residential House-Scale Zones					AH																residential			23-4D-2100 to 2210 Accessory Structure Height	Amendment: Amend the accessory structure height to 15'.	Comment: Accessory structure max height is too low at 12' to top of roof. Accessory structures in rear, like garages, are encouraged in v3, yet this seems to be an arbitrary limit inconsistently applied. R2C has no Accessory Structure Height Maximum, only a conflicting footnote allowing 15' accessory structures, for example. "The rear setback is five feet for an accessory structure with a maximum height of fifteen feet." At 12' max height, a 20' wide two car garage roof pitch would be less than the minimum slope for shingles. This requires a lower plate and different roofline than main house. There is no clear benefit or purpose of regulation.	Yes	
23.113		Division 23-4D-2	Residential House-Scale Zones			X		AH																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.

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23.114		Division 23-4D-2	Residential House-Scale Zones			X		AH												residential				23-4D-21xx: R2C, All R3 & R4 Zones, RM1A and RM1B Zones	Table (A) Add "Small Lot Single Family Use" and "Small Lot Other Allowed Uses" to table of uses. min. lot size: 2500sf. max lot size: 4999sf min. lot width: 25' Building Size (max) for all Small Lot uses: the greater of .4 FAR or 1850sf Table 4D-2120(B) Building Placement add Small Lot Setbacks: Front 15', Side St. 10', Side 3.5', Rear 10'. Table 4D-2120(C) Building Form (1) Building Articulation New Construction add "Building Articulation is not required for Small Lot uses." Table 4D-21020(G) Impervious Cover add "(2) Small Lot Impervious Cover 65% max, 55% building cover max	The proposed minimum lot size of 2500 sf for small lots is still larger than minimum of 2000 sf in Dallas and would dramatically improve affordability outcomes through the city. Reducing minimum lot size extends the current code's by right SF-3 Urban and Cottage Lots. Historically, large minimum lot sizes are a product of Jim Crow laws and should be reduced or wholly eliminated. Small lots allow fee simple ownership instead of requiring a condo regime, which is better for owners and for the city.	No	Staff supports proposed R2D ,R2E, R4 small lot zones.	
23.115		Division 23-4D-2	Residential House-Scale Zones			X		AH												residential				23-4D-2140: R2E Zones	R2E Zones	R2E is not needed when combined with R2C. R2E Zone should be deleted in its entirety due to the amendment above regarding Small Lot Uses. R2D, however, must remain to allow new small lot subdivisions.	No	See above	
23.116		Division 23-4D-2	Residential House-Scale Zones			X		AH												residential				23-4D-2150: R3A Zones	(A) Purpose Residential 3A (R3A) zone is intended for areas that are accessible to mixed use and main street zones by walking or biking within a half mile.	The R3A zone is a residential zone that provides detached housing and duplexes with accessory dwelling units on lots that are wider than those in R3B and R3C. Accessible range needs to further defined in a measurable amount. R3A zone is meant for areas with access to mixed-use and main street zones within walking or biking distance, which is generally accepted to be half a mile. There is no equivalent zoning for R2A 60' lot widths which requires more land for fewer units. R3A is duplicative and thus should be deleted.	No	R3A matches lot size pattern of existing neighborhoods and can be mapped through future small area plans.	
23.117		Division 23-4D-2	Residential House-Scale Zones			X		AH												residential				23-4D-2150, 2160, 2170: All R3 Zones	Table (A) Lot Size and Intensity - add footnote +.1 FAR for every unit above Single Family Use	Despite the three-unit capacity, yields will not improve due to FAR limit which is the same as one or two units. Keeping the same FAR for 1 units as for 2 or 3 units does not incentivize building more units. The same .4 FAR for 1, 2 or 3 units is a direct disincentive to build more units versus larger single homes. Current code exemplifies this - 70% demos still 1-1 ratio, not 1-2 despite it being allowed by code. FAR should be increased to encourage more units on the lot. If you have the same FAR for more units, it increases the cost to produce those units (more per unit for taps, etc.) versus single family of same size, while raising cost per unit. A small step up would encourage more Missing Middle housing creation.	Neutral	See above	
23.118		Division 23-4D-2	Residential House-Scale Zones			X		AH												residential				23-4D-2150, 2160, 2170, 2190, 2200, 2210: Side Street Encroachment	Table 23-4D-2xxx (E) Encroachments Encroachment Type Porch, Stoop, Uncovered Steps Side Street (max.)	An 8' side street encroachment for a porch, stoop, or uncovered steps on corner lots in all zones should be allowed within all zones. It provides the same benefit as required porches in front, more pedestrian friendly, and better articulation along the street.	Neutral		
23.119		Division 23-4D-2	Residential House-Scale Zones			X		AH												residential				23-4D-2150, 2160, 2170, 2190, 2200, 2210: Grade Limit Encroachment	Table 23-4D-2xxx (E) Encroachments Porch, Stoop or Uncovered Steps	In all R-type zones, 3' height above grade limit on an encroachment for porch, stoop or uncovered steps cannot accommodate sloping lots, so the requirement should be deleted.	Yes	Footnote unclear. 3' limit should only apply to uncovered steps. Recommended language: Uncovered Steps may not exceed 3' above ground.	
23.120		Division 23-4D-2	Residential House-Scale Zones			X		AH												residential				23-4D-2190, 2200, 2210	Table (A) Lot Size and Intensity - add footnote " +.1 FAR for every unit above Single Family Use	If you have the same FAR for more units, it increases the cost to produce those units (taps, etc.) versus single family of same size, while raising cost per unit. It is a direct disincentive to build more units. Current code exemplifies this - 70% demos with the continued 1-1 ratio, not 1-2. A small step up would encourage more Missing Middle housing creation, other regulations keep it from being any more massive than current McMansion limits.	No	Bonus available in R4.	
23.121		Division 23-4D-2	Residential House-Scale Zones			X		AH												residential				23-4D-2190, 2200, 2210: Building Envelope for R4A and R4B	Table 23-4D-2190(C) Building Form (1) Overall Building Envelope Width (max.) 80' 66'	Change maximum building width to 80' under all R4 zones for consistency and simplicity. Building width is only difference between R4A&B and R4C. Limiting building width limits unit yield. 60' building width maximum is too narrow for wider lots.	No	R4C allows townhomes and therefore wider building.	
23.122		Division 23-4D-2	Residential House-Scale Zones			X		AH												residential				23-4D-2210: R4C Zone	R4C: Table (C) (2) Building Articulation and (C) (3) Facade(s), Table (D) (1) Primary and Accessory Building, Table (E) (2) Height-Encroachment, Table (F) (1) Private Frontage Type	There is not an R4 Zone that does not have McMansion limitations, limiting capacity for newly platted R4 lots. The only difference between Draft 3 R4C and R4A is 15' setback and 80' building width. As proposed here, R4A has 25' front setback with McMansion, R4B has 15' front setback with McMansion, and R4C has 15' front setback without McMansion. R4C should not have front porch requirement as it is not intended to be compatible with McMansion neighborhoods.	No	R4 Zones are designed to be compatible with R2 and R3 in the urban core.	
23.123		Division 23-4D-2	Residential House-Scale Zones			X		AH												residential				23-4D-2190, 2200, 2210: R4 Cottage Courts	All R4 Zones: Table (A) Lot Size and Intensity: Cottage Court: Minimum 50' lot width Base Standard 4 3 units. i. Minimum 100' lot width Base Standard 3 6 units	Adjusting the minimum lot width and Base Standards units encourages small scale homes over multiplex buildings. These changes allow cottage courts under R4 to have 4 units for 50' minimum width and 8 units for 100' minimum width lots, as is the intent of the zone is to increase unit yield above three per lot. This encourages small scale homes to be built over multiplex buildings.	Neutral	Unlikely to fit 4 or 8 units of the smallest lots sizes respectivley.	
23.124		Division 23-4D-2	Residential House-Scale Zones			X		AH												residential				23-4D-2210: R4C Articulation Diagram	Building Articulation Table	Comment: There is a typo within the Articulation Diagram, so there needs to be an update to match wording.	Yes		
23.126		Division 23-4D-2	Residential House-Scale Zones			X		AH												residential				23-4D-3	Table 23-4D-3xxx Lot Size and Intensity Lot: Principal dwelling units per acre	There needs to be a deletion of dwelling units per acre for all multi-unit zones. It is a duplicative regulation, given that the scale is already regulated.	?	If refering to RM1A, table corrected in addendum.	
23.128		Division 23-4D-3	Residential Multi-Unit Zones																									UTC: Exempt from Compatibility Standards w/in 1/4 mile of transit/IA corridors	

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																			GENERAL	SPECIFIC SECTION								
23.139																			Yes	All RM zone uses	Allow "Parking Facility" as a CUP use in all RM zones with the following design requirements specific to this use: (A) Screening: All areas used for parking, storage, waste receptacles or mechanical equipment shall be screened from a triggering property. Such screening may be a fence, berm or vegetation and shall be maintained by the property owner. Fences shall not exceed six feet in height. (B) Lighting: Exterior lighting shall be hooded or shielded so that it is not visible from a triggering property. (C) Noise: The noise level of mechanical equipment shall not exceed 70 db at the property line of a triggering property. (D) Waste: Waste receptacles, including dumpsters, shall not be located within 20 (or 50) feet of a triggering property. The City shall review and approve the location of and access to each waste receptacle. Collection of such receptacles shall be prohibited between 10 pm and 7 am. (E) From a parking structure facing and located within 100 feet of a triggering property: (1) Vehicle headlights shall not be directly visible; (2) Parked vehicles shall be screened from the view of any public right of way; and (3) All interior lighting shall be screened from the view of a triggering property.	This allows corridor-fronting M5 and MU properties to aquire and jointly develop an adjacent RM property to better accommodate parking. The parking must be fully screened and there cannot be an exit to the parking within 100 feet of a triggering property. The idea is to allow the structure to cross the lot line but not have it be externally perceivable or impact nearby residential properties. Conditional Use Permit required to provide review of compliance with these requirements.	No					
23.140																				23-4D-3050	60% impervious cover allowed in RM1A for "Other Use" (more than SF)		No	As long as these projects are required to go through a full site plan with drainage review, WPD is neutral.				
23.141		Division 23-4D-3	Residential Multi-Unit Zones					AH											Compatibility	No	No	23-4D-3050	"Option 1: Eliminate compatibility setback within 1/10 of a mile of an Imagine Austin corridor or Core Transit Corridor."	Multiple pages: 4D-2 pg. 91	No			
23.142		Division 23-4D-3	Residential Multi-Unit Zones					AH											Multi-Family	No	No	23-4D-3050	Require R-Zone Table (D) (1) Primary and Accessory Building and Table (E) (2) Height Encroachment to apply in lieu of compatibility restrictions.	Small RM tracts under RM1A/RM1B would still be undevelopable under CodeNEXT like they are today due to compatibility. 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 Multi-Unit Zones					AH											Multi-Family	No	No	23-4D-3050	"Option 1: Eliminate compatibility setback, consider changing 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 recommended. Option 2, reducing setback to 15' and requiring more intense buffer, open to discussion (Option 2.2).		
23.144		Division 23-4D-3	Residential Multi-Unit Zones					X											Compatibility	No	No	23-4D-3050	Eliminate compatibility setback within 1/10 of a mile of an Imagine Austin corridor or Core Transit Corridor when an affordable housing bonus program is sought.	Multiple pages: 4D-2 pg. 91	No			
23.145		Division 23-4D-3	3050 - 3090; RM1A-RM5B															TS		Compatibility Setbacks	NO		3050 - 3110; RM1A-RM3B; Table 23-4D-XXXX(B)(3)(a)	(a) Where a portion of a building is across an alley less than 20 feet in width from a property zoned Residential House-Scale; or is adjacent to a property zoned Residential House-Scale. Then, all structures shall be set back at least 25 feet from a triggering property. minimum setbacks shall be provided along the alley or shared lot line that comply with subsections (b) and (c).	Simplify compatibility requirements. Resulted from ZAP/PC Compatability working group.	Yes	Staff supports measurement from triggering property line. Recommend 30 ft instead of 25 ft.	
23.146		Division 23-4D-3	3050 - 3090; RM1A-RM5B															TS		Compatibility Setbacks	NO		3050 - 3110; RM1A-RM3B; Table 23-4D-XXXX(B)(3)(b)	DELETE: Table 23-4D-XXXX(B)(3)(b) Compatibility Standards	Simplify compatibility requirements. Need to renumber (3)(c). Simplify compatibility requirements. Resulted from ZAP/PC Compatability working group.	No		
23.147		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)	DELETE: Common Open Space and Civic Open Space	Common and Civic Open Space requirements are not correct in Table and are addressed thoroughly in 23-4C-1 and 23-4C-2 with previous revisions recommended.	No	See adenddum	
23.148		Division 23-4D-3	Parking and Loading					GA												Parking	No	no	Section 23-4E-3060 A	(2) Minimum off-street parking requirements shall be further reduced as follows: (a) One space for each on-street parking space located adjacent to the site on a public street, including spaces on Internal Circulation Routes that meet public street standards.	Same language appears in current code but was dropped from latest draft.	No	Removed intentionally.	
23.149		Division 23-4D-4	Parking and Loading					GA												Parking	No	no	Section 23-4E-3060 A	One space for each on-street metered parking spaced located w/n 250 feet of the site, measured as the shortests practical and lega walking distance to the nearest principal entrance of the site.	One reason for metering parking is to ensure turnover, so that a space will generally be available when need. The council approved this language on first reading on 12/11/14 (Resolution 20131024-058)	No	Parking districts would best implement this reduction.	

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

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

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				DESIRED PROPOSED CHANGES TO D3			INITIATED BY COMMISSIONER												TOPIC AREA	REQ. ADD'L STAFF FEEDBACK	AMENDMENT TYPE		SUBSTITUTE LANGUAGE	COMMISSIONER NOTES		YES/NEUTRAL /NO	STAFF RESPONSE
							ANDERSON	HART	KAZI	KENNY	MCGRAW	NUCKOLS	OLIVER	SCHISLER	SEGER	SHIEH	THOMPSON	WHITE	SHAW	BURKARDT	MENDOZA	TEICH		GENERAL	SPECIFIC SECTION		
23.187			allowable uses		x																						
23.188			allowable uses		x																						
23.189			allowable uses		x																						
23.190					x		GA																				
23.191			5030 - Allowed Uses and Permitting Requirements		x																						
23.192			5040 - Parking Requirements		x																						
A.23.192.1			Parking Requirements		x																						
23.193			5060-5120; MS1A-MS3B		x																						
23.194			5060-5120; MS1A-MS3B		x																						
23.195			5060-5120; MS1A-MS3B		x																						
23.196			5060-5120; MS1A-MS3B		x																						
23.197		Division 23-4D-5	Main Street Zones		x		AH																				
23.198		Division 23-4D-5	Main Street Zones		x			CK																			
23.199					x			CK																			
23.200					x			CK																			
23.201		Division 23-4D-6	Regional Center Zones																								
23.202		Division 23-4D-6	Regional Center Zones		x		GA																				

CHAPTER	ARTICLE	DIVISION	TITLE	A			B												C	D	E		F	G		H						
				DESIRED PROPOSED CHANGES TO D3			INITIATED BY COMMISSIONER												EX OFFICIO	TOPIC AREA	REQ. ADD'L STAFF FEEDBACK	AMENDMENT TYPE		SUBSTITUTE LANGUAGE	COMMISSIONER NOTES		YES/NEUTRAL /NO	STAFF RESPONSE				
							ANDERSON	HART	KAZI	KENNY	MCGRAW	NUCKOLS	OLIVER	SCHISLER	SEGER	SHIEN	THOMPSON	WHITE	SHAW	BURKARDT	MENDOZA	TEICH			GENERAL	SPECIFIC SECTION						
23.206		23-4D-6	Regional Center Zones								KM													Downtown			23-4D-6000	Maintain all provisions of the Downtown Plan as it relates to the Judges Hill District	This adopted plan should be respected.	Yes	Draft 3 implements the Downtown Plan	
A-23.206.1			CC															TW						design standards	X		Revise CC zones to allow 100% impervious cover and remove minimum setbacks.	Revise the zoning map to rezone many of the downtown CC120 sites to DC, especially those along the Waller Creek corridor and north and east of the Capitol. Many of these sites are already limited by Capitol View Corridors and other overlays, and should not be subject to additional height restrictions that limit downtown density. Revise CC zones to allow 100% impervious cover and remove minimum setbacks. The new CC zoning is intended to carry forward the entitlements of current DMU zoning. However, CC reduces impervious cover maximums to 95% and requires minimum building setbacks of at least 5ft. DMU allows for 100% impervious cover and no building setbacks.	No	The mapping is following the Downtown Plan. This change would require an amendment to the Downtown Plan. However, staff would support the change to 100% impervious cover for CC zones. Staff does not support removal of 5' setback due to utility infrastructure/ conflicts.		
A-23.206.2			CC			X												TW						design standards		X	Revise CC zones to allow exceptions for small sites downtown.	Create exceptions for small sites downtown. DC and CC zones are required to have a minimum of 60% (or 75% on designated streets per the Downtown Plan Overlay Zone) of their street frontage in approved active commercial or civic uses. Active frontage requirements are very difficult to achieve on small sites due to the amount of space taken up by parking and loading access, utilities and egress. If the intent is to provide more active pedestrian frontage, consider reducing the amount of required frontage, creating an exception for small sites, or allowing building support spaces (AE vault, fire pump, etc.) to be located directly on the ROW.	Neutral	Staff would support with an amendment to the Downtown Plan to accomodate for small sites under a quarter of a block.		
A-23.206.3			CC			X												TW						design standards		X	Revise CC zones to increase heights & FAR.	Increase CC sub-zone height limits and FAR maximums to better match or exceed allowable density under existing code. Consider adjusting height limits to better accomodate common floor-to-floor heights: 40ft to 50ft (4 floors); 60ft to 75ft (6 floors), 80ft to 90ft. Height limits proposed do not align with common building heights based on standard floor-to-floor heights plus taller retail spaces on first floor. Regulating maximum number of floors may be more flexible to limiting building height without penalizing buildings providing generous floor-to-floor heights	Neutral	Staff would support with an amendment to the Downtown Plan.		
23.207			6030 - Allowed Uses and Permitting Requirements															TS						Bars/Restaurants	NO		Table 23-4D-6030(A)(6)	Assess Criteria for permitting requirements within zones for uses: Bars and Nightclubs, Restaurants w/ alcohol sales, and Restaurants w/ Late Night Operations	See Attached Table Rest&Bars to dicuss changes to P, CUP, MUP permitting and Specific to Use Requirements that should be added.	?		
23.208		Division 23-4D-6	6030 - Allowed Uses and Permitting Requirements			X												TS						Adult Entertainment	NO		Table 23-4D-6030(A)(8)	Change CC and DC permitting to CUP only	23-4E-6060 permitted (P) adult entertainment other than an adult lounge	No	Specific to Use clarifies P and CUP	
23.209		Division 23-4D-6	6030 - Allowed Uses and Permitting Requirements			X												TS						Adult Entertainment	NO		Table 23-4D-6030(A)(8)	Change IF, IG, and IH permitting to CUP	23-4E-6060 permitted (P) adult entertainment other than an adult lounge	No	Specific to Use clarifies P and CUP	
23.203		Division 23-4E-5	Specific to Use			X	X																	ADUs	No		Section 23-4D-6030	After "Max 550 sf on a second floor," add "unless located within the primary structure."	Size limited was intened to promote accessibility in new, exterior buildings, not to existing homes. This change would allow homeowners to remain downstairs in tehtr homes and rent out upstairs to provide for aging in place options.	Yes		
23.204		Division 23-4D-6	Regional Center Zones			X							JSc											Downtown	YES		23-4D-6030 Allowed Uses and Permit Requirements	Clarify if parking facility is a defined term in the code and provide the definition. It is not defined in Article 23-3M Definitions and Measurements. Parking facility should not include surface parking lots.	At Table (A)(11) Automobile Related, Parking Facility is listed as an allowed use by Conditional Use Permit. However, as referenced in (A)(2), the term parking facility is not defined in Article 23-3M Definitions and Measurements. Consider prohibiting surface parking lots as an allowed use in the Regional Center Zones.	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							JSc											Downtown			23-4D-6040 Parking Requirements	At (e): Increase driveway width maximum to 30' to allow for 3 lanes of traffic flow.	Limiting driveways to 25 feet in width will be difficult to achieve on projects that require three parking access lanes and/or on projects which combine loading with their driveway access points. Consider increasing driveway width maximum to 30'.	Neutral	Alternative is to allow up to 30 feet in particular situations but not all.	
23.210		Division 23-4D-6	6040 - Parking Requirements		X													TS						Parking	NO		Table 23-4D-6040(A)		No parking required. Isn't this where we would want parking maximums?	No	If we create a maximum then we need to state a clear maximum, pick a number or reference other zones like main street	
23.212		Division 23-4D-6		X											PS									Parking			23-4D-6040		Retain no parking requirements in RC zones	N/A	comment	
23.213		Division 23-4D-6	23-4D-6060(A) Lot Size and Intensity			X	GA	FK					JSc											Downtown	NO		23-4D-6060(A)	All CC zones should allow 5:1 FAR maximum. Change CC40, CC60, CC80 FAR max to 5:1.	At FAR max: Consider increasing CC zone FAR maximums to better match or exceed allowable density under existing code. There are lots in the Northwest district of downtown, designated as CC-40 and CC-60 with FAR limitations of 1.0 and 2.0 respectively, that are not eligible for density bonuses. Consider applying the principles of the Downtown Austin Plan for this area: maintain compatibility with the two and three-story pattern of development. Also in the Downtown Austin Plan is a stated goal of Northwest District to incentivize housing over office/commercial. In reviewing sites in this area, it is apparent that allowing max FAR of 5:1 for all CC zones would make residential a more viable use, and removing the density bonus exemption could result in more affordable housing. Consider increasing the maximum density on these sites as part of an expanded density bonus, while maintaining the height limits that promote compatibility. It is recognized that a separate planning effort may be necessary for the consideration of these changes.	No	Will need discussion about the effects on potential density bonus ramifications	
23.214		Division 23-4D-6	Regional Center Zones			X							JSc											Downtown	YES		23-4D-6060(B): Overview (2)	Clarify the contradictions between Overview (2) and Table 23-4D-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 compatiblty setbacks	

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

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							ANDERSON	HART	KAZI	KENNY	MCGRAW	NUCKOLS	OLIVER	SCHISLER	SEGER	SHIEH	THOMPSON	WHITE	SHAW	BURKARDT	MENDOZA	TEICH		GENERAL	SPECIFIC SECTION		
23.228		Division 23-4D-7	Commercial and Industrial Zones																								
23.229		Division 23-4D-7	Commercial and Industrial Zones			x				CK										Breweries	Yes	Yes	Applicable zones	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.	This right-sizes brew pubs for the city, but allows breweries to continue to 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																								
23.231		Division 23-13A-2 (Land Uses), Division 23-4D-7 (Commercial and Industrial Zones), Division 23-13A-2 (Land Uses)	Commercial and Industrial Zones, Land Uses				GA			CK										Breweries and Microbreweries	Yes - if there are any issues we should be aware of with these changes.		23-4D-7030	Sec. 23-13A-2030, "Manufacturing and Storage", change 3(e) ("Brewery/distillery/winery which manufacture more than 15,000 barrels of beverage...") from 15,000 barrels to 5,000 barrels, and move it from "Manufacturing and Storage - Restricted" to "Manufacturing and Storage - General". Table 23-4D-7030(A), "Allowed Uses in Commercial and Industrial Zones," change Manufacturing and Storage - General from not allowed to CUP in Commercial Recreational, and from CUP to P Industrial Flex. Sec. 23-13A-2030, "Micro-Brewery/Micro-Distillery/Winery," change "15,000 barrels" to "5,000 barrels". Sec. 23-4E-6220(B), "Requirements for a Brewery/Winery/Distillery," change: (1) Allowed. The sale of beer, ale, wine, or distilled liquor produced on-site for on-site consumption must comply with Section 4-9-4 (Minimum Distance from	This addresses a problem in Draft 3 that incorrectly distinguishes between microbreweries and breweries and is then overly prescriptive for microbreweries. The break between microbreweries and production breweries is about 5,000 barrels per year. This amendment changes the break from 15,000 to 5,000. It restores breweries as an allowed use in Industrial Flex, which is where at least one Austin brewery is today but was left out of the zone. It also removes restrictions on micro-breweries with tasting rooms that far exceed bars or restaurants that serve alcohol, and replaces the restrictions with a reference to the city ordinance that governs distance requirements for alcohol sales and restaurants that serve alcohol.	No	See row 23.299
23.232					X		GA			CK										Breweries and Microbreweries	Yes - if there are any issues we should be aware of with these changes.		23-4D-7030	(a) Is an allowed use, if the use is at least 540 feet from any single-family residential use, as measured from lot line to lot line; (b) Is a conditional use, if the use is less than 540 feet from any Residential House Scale Zone, as measured from lot line to lot line; and (c) Except as provided in Subsection (B)(2), must not exceed the lesser of 33 percent or 5,000 square feet of the total floor area of the principal developed use. (2) On-site Consumption Area (a) During a tour, on-site consumption is allowed in an area that exceeds the lesser of 33 percent or 5,000 square feet of the total floor area of the principal developed use. (b) If the use is located in Airport Overlay Zones AO-1, AO-2, or AO-3, on-site consumption is allowed in an area that exceeds the lesser of 33 percent or 5,000 square feet of the total floor area of the principal developed use. (3) Increased Square Footage. During the conditional use permit approval process, the Planning Commission or city council may	This addresses a problem in Draft 3 that incorrectly distinguishes between microbreweries and breweries and is then overly prescriptive for microbreweries. The break between microbreweries and production breweries is about 5,000 barrels per year. This amendment changes the break from 15,000 to 5,000. It restores breweries as an allowed use in Industrial Flex, which is where at least one Austin brewery is today but was left out of the zone. It also removes restrictions on micro-breweries with tasting rooms that far exceed bars or restaurants that serve alcohol, and replaces the restrictions with a reference to the city ordinance that governs distance requirements for alcohol sales and restaurants that serve alcohol.	No	See row 23.299
23.233			7030 - Allowed Uses and Permitting Requirements			x												TS		Bars and Nightclubs	NO		Table 23-4D-7030(A)(6)		Bars and Nightclubs not permitted in commercial and industrial zones	N/A	comment
23.234			7040 - Parking Requirements															TS		Parking	NO		Table 23-4D-7040(A)	Remove language "after first XXXX SF"	If cars are expected to travel and park related to use, then parking should be provided.	Yes	Removed in addendum.
23.235			7050-7100; CR, CW, IF, IG, IH, RD			x												TS		Compatibility	NO		Table 23-4D-XXXX(D) Height	RELOCATE AND MODIFY: Table 23-4D-XXXX (____)- Height (4) Compatibility Height Stepback to new 23-4E-6 Compatibility	Consolidate compatibility requirements.Simplify compatibility requirements. Resulted from ZAP/PC Compatibility working group.	No	Staff supports information within each zone.
23.236		Division 23-4D-8	Other Zones																								
23.237		Division 23-4D-8	Other Zones				X													Parking in F-25	No		Division 23-4D-8	(A) Parking. (1) Except as provided in subsections (A)(2) and (A)(3), the director shall determine the minimum off-street motor vehicle parking requirement and minimum off-street loading requirement for a use allowed in a zone included in this division. In making a determination, the director shall consider the requirements applicable to similar uses, the location and characteristics of the use, and appropriate traffic engineering and planning data. (2) For a property owned by the City, the off-street parking requirement for each use allowed in a zone is determined by the director. (3) A property-zoned Former Title 25 shall comply with the parking requirements established in the applicable ordinances and agreements adopted prior to the effective date of this Title. For a property-zoned Former Title 25, off-street motor vehicle parking	Staff is not recommending adding new regulations to F25. However, because current parking regulations are outside of Title 25, staff recommends referencing current parking standards in the F25 Section.	No	

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

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							ANDERSON	HART	KAZI	KENNY	MCGRAW	NUCKOLS	OLIVER	SCHISLER	SEEGER	SHIEN	THOMPSON	WHITE	SHAW	BURKARDT	MENDOZA	TEICH			GENERAL	SPECIFIC SECTION						
23.263		Division 23-4D-9	Overlay Zones			X								JSc										Downtown			23-4D-9080(E) Compatibility	Remove this section. Use base zoning compatibility and the mapping of the zones to achieve the intent of the Downtown Austin Plan. If more restrictive requirements are necessary, use a new district planning process to create additional requirements.	At (2) Additional Screening Requirements for a Parking Structure: These requirements will likely be covered in the Criteria Manual for parking garages. If so, remove them from this section to avoid redundancy.	No	Compatibility based on Downtown Austin Plan. Compatibility affects height bonus, cannot be accomplished solely through base zoning.	
23.264		Division 23-4D-9	Overlay Zones			X								JSc										Downtown			23-4D-9080(F) (2) Screening	If these requirements will be covered in the Criteria Manual for parking garages, remove them from this section to avoid redundancy.	At (2) Additional Screening Requirements for a Parking Structure: These requirements will likely be covered in the Criteria Manual for parking garages. If so, remove them from this section to avoid redundancy.	No	Recommendation in Downtown Austin Plan.	
23.265		Division 23-4D-9	Overlay Zones		X									JSc										Downtown			23-4D-9080(F) (3) Screening	At (3) Surface Parking Facility: Confirm that surface parking facilities are an allowed use in the affected base zones. See 23-4D-6030 Allowed Uses and Permit Requirements	At (3) Surface Parking Facility: Confirm that surface parking facilities are an allowed use in the affected base zones. See 23-4D-6030 Allowed Uses and Permit Requirements		Parking Facility (which includes surface parking) is CUP per 23-4D-6030.	
23.266		Division 23-4D-9	Overlay Zones		X									PS										Small Area Plans, NCCDs, Overlays and Neighborhood Plans.					Keep all plans in place through adoption & implementation of CodeNEXT. Then review plans for appropriateness in CodeNEXT context.			
23.267						X				CK														Add Coops to UNO overlay	No	No	23-4D-9130	Change "group residential use" to "group residential or cooperative housing use" in divisions (D)(1)(d), (H)(1), (H)(1)(b), (H)(1)(b)(iii), (I)(1), (I)(2), and (I)(5).	Coops seem to have been forgotten in the university overlay. This adds them in wherever group residential is included.	Yes	Staff supports listing "cooperative housing" as an allowed separate use in list due to the changes in use definitions in the draft code.	
23.268		Division 23-4D	All RM, MS, MU zones			X				CK														Increase affordable bonus entitlements	No	Yes	Applicable zones	Adopt the bonus entitlements recommended by the affordable bonus working group. (See attached table.)	More bonus entitlements got us from 6,000 affordable units to 13,500.		need attachment	
23.269		Division 23-4D-9	Overlay Zones			X	GA																	UNO University Neighborhood Overlay			23-4D-9130	For the figure 23-4D-9130(1): 1) increase the max height in the area currently labeled 175' to 275'. 2) for the area UNO area from 26th st to the North, San Antonio to the West, Martin Luther King Jr to the South, and the eastern boundary of the UNO overlay to the East, increase the max height to 275' feet. 3) for the cyan area south of 28th, east of Rio Grande, north of 26th, and west of Guadalupe, increase the max height to 175' 4) for the green area to the north and west of the cyan area, increase the max height to 175' 5) For the 90' area, increase the max height to 120' 6) For the remainder of the current UNO area, increase the max height to 70' with the exception of the pink and the yellow areas which stay the same. "		No	Staff not recommending changes to the UNO overlay.	
23.270			23-4D-9130			X	GA																	UNO University Neighborhood Overlay			Section 23-4D-9130	(E) Requirements for Specific Uses in an UNO zone (1) Multi-Family Residential Use (g) No parking spaces are required. The minimum off-street parking requirement is 40-percent of required minimum parking if the multi-family residential use: (i) Includes a car sharing program that complies with the program requirements established by administrative rule; or (ii) In addition to Subsection (I), for at least 15 years from the date the certificate of occupancy is issued, sets aside at least 10 percent of the dwelling units on the site to house persons whose household income is less than 50 percent of the median income in the Austin statistical metropolitan area.	We know where they're going. Rideshare services. Project team meetings, utilization of campus nights and weekends. This will help with affordability as well as allowing more parcels to be developable.	No	Staff not recommending changes to the UNO overlay.	
23.271		Division 23-4D-9	Overlay Zones			X				CK														Add Coops to UNO overlay	No	No	UNO overlay	Add cooperative housing use to every place where group housing is an allowable use	Coops seem to have been left out of the UNO overlay provisions.	Yes	Staff supports listing "cooperative housing" as an allowed separate use in list due to the changes in use definitions in the draft code.	
23.272		Division 23-4D-9	Overlay Zones																TS					Overlay Zones	NO	X			MOTION: In that the Planning Commission has so many issues to address with draft 3 of code, I propose that we do not make changes to current overlay zones.			
23.273			7090 - Neighborhood Plan Overlay Zone [Removed in Draft 2]	X															TS							x	7090 - Neighborhood Plan Overlay Zone [Removed in Draft 2]	Add Neighborhood Plans back as an overlay	The Neighborhood Plan Overlay found in 23-4D-7090 in the first draft has been eliminated. [This is despite a commitment from the CodeNext Team to Council Member Pool to her question #23 posted on-line on 6/24/2017 that "Neighborhood Plans will remain as overlay districts."] Neighborhoods have spent hundreds of hours creating Neighborhood Plans to reflect the values and character of its residents. The latest CN maps disregard many of the elements of the approved Neighborhood Plans and with the removal of the Neighborhood Plan Overlay, these plans will no longer take precedent over the base zoning requirements in CN. In fact, Article 23-2E, Section 2030 Neighborhood Plan Amendments, (H)(7) Director's Recommendation allows the Land Use Director and Land Use Commission to recommend approval of an amendment based on its compliance with the base zoning alone. Furthermore, City Staff's answer to Pool's question #24 as to the future of Neighborhood Plans indicates that the Neighborhood Planning process will be overhauled due to concerns in an audit of the planning process and within the Zucker Report. City Staff's answer clearly puts future and pending neighborhood planning efforts into question.	No	Adopted NPs will still continue to be used as a reference for administering zoning changes and visions in the neighborhoods they cover. Since the plans are visionary and not technically regulatory, they are not overlays to be added into the LDC.	
23.274			ALL USE TABLES			X													TW									Require a CUP for all alcohol uses in or near residential zoning		No	Dtwn Comm: 9080(B) include lobby and other mandated uses. It's unclear how 'in or near' is defined, but many zones limit the sales and consumption of alcohol sales and use. This may be better as a mapping change than a blanket use chart change.	
					X																											

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

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24.32		Division 23-4E-4	Landscape			X								JSc													Landscaping			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 within 50' of a tree and the tree doesnt have to be within an island. New code requires a maximum of 8 consecutive spaces before a parking tree island is required. This ensures parking lots will have adequate shade from trees spread uniformly throughout the parking lot thereby reducing the Urban Heat Island Effect and fostering more hospitable human conditions within parking lots.
24.33		Division 23-4E-4	Landscape			X								JSc													Landscaping			23-4E-4060(F)(2)	Modify the 10' landscape islands and make them 9'	Landscape islands have been 9' for decades, 8 is minimum for planting zones, no need to change.	No	Proposed code increases the minimum width for landscaped islands, medians or peninsulas which contain new trees from eight (8) feet to ten (10) feet, measured from the inside of the curb, to help accomodate new minimum soil volume requirements and to provide significant space for the growth of trees planted within these areas.
A-24.33.1			Street Tree Requirements			x								PS													Street Trees				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 fulfill the width requirement when sufficient right-of-way is not available"		
A-24.33.2			Landscape - General			x								PS													Landscap general				Per Environmental Commission Recommendation:	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.	Neutral	FYI - references Water Forward Task Force ("Water First" here) and beneficial use requirements
A-24.33.3		Division 23-4E-4	Landscape		X									JSc													Landscaping			23-4E-4070(A)	A landscape median separates <u>every other</u> parking run on the interior portion of a parking lot.	Current requirements have already reduced 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
24.34		Division 23-4E-4	Landscape			X								JSc													Nonzoning	YES		23-4E-4120: Functional 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 Functional 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 Please Note: WPD supports the use of Functional Green areas for water quality compliance.
24.35		Division 23-4E-5	Docks, Bulkheads, and Shoreline	C																														
24.36		Division 23-4E-6	Specific to Use																															
24.37			6030 - Accessory Dwelling Unit- Residential		x														TS								ADU Placement	NO		6030 (A) Table 23-4E-6030 (A)	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			x													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.		

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24.39			6070- Alcohol Sales		x														TS					Alcohol Sales	YES		6070	CORRECT; Section 4-9-4 (Minimum Distance from Certain Uses.	Added Section 4-9-4 (min. distance from certain uses). This reference number is incorrect-does not exist. As ALCOHOL SALES are defined as The retail sale of alcoholic beverages for off-premises consumption , are distances from certain residential uses required?	No	Section 4-9-4 is the correct reference for the section of the Austin City Code (not part of the Land Development Code or CodeNEXT) governing alcohol sales and City zoning approval of Alcoholic Beverage Licenses by the TABC. City of Austin regulations mirror minimum distance requirements of State Law and prescribe minimum separation from churches, public schools, day care facilities, and hospitals. There is no minimum separation from residential uses. 23-4E-6070 just reiterates that a business selling alcohol must comply with state law and local regulations governing the approval of alcoholic beverage licenses.	
24.40			Add New Bar/NightClub Section (there is a def. for Bar/Nightclub)			x													TS					Bars and Nightclubs	YES		23-4E-6 Specific to Use	ADD AND RENUMBER: 6090 Bars and Nightclubs- (A) Location Restrictions. A use that includes the sale of alcohol must comply with Section 4-9-4 (Minimum Distance from Certain Uses). (B) Late-Hours Permit. A restaurant operating late at with a late-hours permit from the Texas Alcoholic Beverage Commission requires a conditional use permit if it is located within 200 feet of a Residential House Scale Zone. The distance is measured to the lot line. (C) Bar or Nightclub with outdoor seating must be a minimum of 200 feet from a Residential House-Scale Zone, unless the use is located within an enclosed shopping center. (D) Live Entertainment. Live entertainment is allowed if the amplified sound does not exceed 70 "A"-weighted decibels, measured at the property line of the licensed premises. In this subsection, "premises" has the meaning ascribed to it in the Texas	Include same requirements for restaurnts serving alcohol w/ late hours for bars and nightclubs. Need correct reference for 4-9-4	Yes	Staff has agreed the Specific to Use article needs a Bar/Night Club section that includes the same language regarding CUPs and distance from certain uses, same as Restaurant currently has	
24.41			Coperative Housing			x													TS					Co-operative Housing	Yes		23-4E-6 Specific to Use		Need standards for co-operative housing.		spetic language is needed for staff to review on whether we agree or disagree	
24.42			6160 - Duplex			x													TS					Duplex design requirements	NO		6160	ADD:(D) Duplex units are subject to the following requirements: (1) <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.</u> (2) <u>The two units must have a common roof.</u> (3) <u>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.</u> (4) <u>The two units may not be separated by a breezeway, carport, or other open building element.</u> (5) <u>On a lot less than 40,000 square feet, the lot must contain at least 6,000 square feet of open space.</u>	Add back design requirements and limit on bedrooms to no more than 6 for lots < 10,000 SF.	No	staff supports reducing too prescriptive duplex design standards from today's code to continue with concept of simplicity	
24.43						x				CK														Remove max ADU size on second floor	No	No	Table 23-4E-6030(A)	Strike the entire row of the table starting with "Floor Area".	There is no good reason to limit ADUs on a second floor to 550 sq ft.	No	Staff does not support complete removal but does support adding language suggested on line xxx that removes this standard from internal or attached ADUs; staff can also support exempting ADUs not in the back of the lot from this standard	
24.44			6200 - Home Occupations								KM																	Eliminate all new entitlements proposed for Home Occupations Including prohibit Signage associated with home occupations in residential house scale zones.	These new entitlements for additional employees, sales, parking and signs are invasive to peaceful neighborhoods. Live/Work and other mixed use and commercial areas allow for offices.	No	signs allowed in residential house scale is limited and staff does not believe they will disrupt the fabric of a neighborhood	
24.45			6210 - 6280 - 6390								KM																	Townhouse Use and Live/Work uses require at minimum at least one blockface. Prohibit Signage associated with Live-Work in residential house scale zones.	These uses are not compatible with stand alone houses and should only exist in a cohesive development.	No	block sizes differ among neighborhoods and areas of town, so there are times when it is appropriate for townhomes to only cover a portion of a block or live on the same street as a single house	
24.46																JS h								Home Occupation			23-4E-6200	C. why is "medical" office referenced if it is a prohibited use... either eliminate it from K or C I. Off street storage of the commercial vehicle is in addition to requirement of the dwelling unit. L. COMPLIANCE TO ADA? Ramps? Etc??? Help!				
24.47																JS h								livework			23-4E-6210	(7) Parking is required....per... (does this mean it can not be deemed as NO parking?) I would assume that since it is a dwelling unit, there is at least one parking (8) Landscaping MAY be required and should comply with.... (small projects shouldnt require)	if live work, one parking space per unit, but because to 2500sqft commercial exemption, then no parking? But what it there is a commercail vehicle? Need to require.	Yes/ No	Live/ Work is only permitted in Multi-unit Residential and Main Street zones. In both zones, 1 space per unit is required. Live/ Work is a residential use, and does not recieve the 2500 sf parking reduction that is permitted for MS commercial uses Staff supports requiring landscaping for all projects that meet the criteria stated in 23-4E-4 (landscaping). If the project does not meet the applicability requirements, it would be exempt.	
24.48						x									PS									Uses			23-4E-6200 Home Occupations	23-4E-6200(D) & 23-4E-6200 (F) add "excluding R1A-R3D residential zones."	The addition of 3 employees and limited retail sales is a burden in residential neighborhoods especially parking and traffic congestion. The Live/Work zone allows up to 2 employees by-right and up to 3 with an CUP. Interesting that a CUP is required for 3 employees in a Live/Work zonewhile only an MUP in R zones (residential).	Yes	In the addendum, Item D relating to three employees was eliminated, and item F was modified to "The sale of merchandise directly to a customer on the premisis is prohibited." Additionally another provision was added that limits home occupation to generating no more than 4 vehicular trips each day (which includes trips to and from the site, essentially limiting customers to 2).	
24.49			Group Residential			x													TS					Co-operative Housing	Yes		23-4E-6 Specific to Use		Need standards for co-operative housing.		same motion as line 24.41	

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				DESIRED PROPOSED CHANGES TO D3			INITIATED BY COMMISSIONER												EX OFFICIO	TOPIC AREA	REQ. ADD'L STAFF FEEDBACK	AMENDMENT TYPE		SUBSTITUTE LANGUAGE	COMMISSIONER NOTES	YES/NEUTRAL /NO	STAFF RESPONSE	
				ANDERSON	HART	KAZI	KENNY	MCGRAW	NUCKOLS	OLIVER	SCHISLER	SEGER	SHIEN	THOMPSON	WHITE	SHAW	BURKARDT	MENDOZA	TEICH	GENERAL	SPECIFIC SECTION							
24.61		Division 23-4E-6	Specific to Use		X		AH													Residential			23-4E-6150 (A)	Open space requirements cannot be met with open space that is provided in a required front or side-street setback on lots that are 100' or greater in width	Requirement cannot be met on lots less than 100' wide.		see above	
24.62		Division 23-4E-6	Specific to Use		X		AH													Residential			23-4E-6150 (A)	The main entrance to the court from the front street.	This does not allow enough flexibility for corner lots.	No	this language can be clarified to say that on corner lots the pedestrian main entrance needs to be accessible from at least one front street, though the concept of the open space is to have pedestrian access and it seems reasonable that a corner lot would have some kind of path or access from both streets	
24.63		Division 23-4E-6	Specific to Use		X		AH													Residential			23-4E-6150 (A)	On a corner lot, the units adjacent to the side street must front both the court and the street.	If unit is on corner, they should have access from either main or side street.	Neutral		
24.64		Division 23-4E-6	Specific to Use		X		AH													Residential			23-4E-6150 (A)	Driveway and parking areas must be screened from the common-courty by buildings, fence, or wall.	Safety issue parking in fenced/screened area away from residence at night; Parking close to unit is considered a market standard nationwide. Develop regulations to encourage this building type rather than preventing its use.	yes	to make development more viable and keep costs down	
24.65		Division 23-4E-6	Specific to Use			x	AH													Affordability	No	No	23-4E-6	"(A) Purpose: This section established the requirements to develop cooperative housing units and to reuse existing residential buildings to accommodate cooperative housing opportunities. (B) Occupancy Requirement. The bedrooms and residential space within a Cooperative Housing unit on a site must be occupied by residents who have shares if the cooperative corporation sells shares. Bedrooms and residential space may be occupied by residents undergoing a trial period of defined duration for membership in the nonprofit or cooperative corporation. (C) Operation. A Cooperative Housing unit must be operated by a cooperative or nonprofit corporation whose members reside on the site. (D) Additional Requirements for Cooperative Housing in a RR, R1-R4, RM, MS, MU Zone. The requirements of the base zone apply, unless modified by	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	Allow housing cooperatives in R zones to have more flexible site development standards to encourage their efficient and effective development.		same motion as line 24.56	
A-24.66.1			Schools		X															schools	X	X		Amend Section 23-4E-6320 School to incorporate corrections submitted by Susan Moffat as vetted by the law department. Please see exhibit	Amend Section 23-4E-6320 School to incorporate corrections submitted by Susan Moffat as vetted by the law department. Please see exhibit			
24.67		Division 23-4E-6	Specific to Use			x			CK											Remove max ADU size on second floor	No	No	Table 23-4E-6030(A)	Strike the entire row of the table starting with "Floor Area".	There is no good reason to limit ADUs on a second floor to 550 sq ft.		same motion as line 24.43	
A-24.67.1			23-4E-6			x							PS							Definitions			23-4E- 6xxx	Add definition for Cooperative Housing	Need to understand and define difference between group residential and coops.			
24.68		Division 23-4E-7	Additional General Standards																									HLC: Use Front Yard setback of block, add new language to match bldg height with neighborhood, add 15 setback for new story addition and 15' setback or 1/3% of existing build for old buildings
24.69		Division 23-4E-7	Additional General Standards			x			FK											Affordability	No		23-4E-7040	23-4E-7040 (D)(1) Except as provided in Subsection (D)(2) for a single-family residential or duplex and in Subsection (D)(4) for a cooperative use, not more than four unrelated adults may reside in a structure, in the following zones:...; (D)(4) The requirements of this subsection do not apply if a site has a Cooperative Housing land use designation.; 23-4E-7040 (G) Maximum Occupancy for a Site with Cooperative Housing. Not more than fifteen unrelated adults may reside in each dwelling unit of Cooperative Housing.	If another amendment changes the overall occupancy for all zones, this can still work in harmony with it because its a larger limit for co-ops.	Neutral	Not limiting the cooperative occupancy to 4 would allow them to be more feasible, <u>NEED TO DISCUSS</u>	
24.70		Division 23-4E-7	Additional General Standards											JSh						Dwelling Unit Occupancy Limit			23-4E-7040	C. Max occupancy of a duplex not more than 3 per unit or 5 per unit if meets criteria of B1,2,3	increase duplex occupancy allowance under same allowance as SF homes	Neutral		
24.71		Division 23-4E-7	Additional General Standards			x								JSh												max occupany duplex up 10 total "if", land use commission able to allow more under CUP - hey Co-ops! Do we allow more occupancy for coops? Fences are too restrictive compared to today.. we are okay 4-5' on front property line, and on the property line, intersections okay. Ramp encroachment says allowed only 3' on side, for corner lot more can be allowed		commentary

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				DESIRED PROPOSED CHANGES TO D3			INITIATED BY COMMSIONER														EX OFFICIO	TOPIC AREA	REQ. ADD'L STAFF FEEDBACK	AMENDMENT TYPE		SUBSTITUTE LANGUAGE	COMMISSIONER NOTES	YES/NEUTRAL /NO	STAFF RESPONSE		
							ANDERSON	HART	KAZI	KENNY	MCGRAW	NUCKOLS	OLIVER	SCHISLER	SEEGER	SHIEH	THOMPSON	WHITE	SHAW	BURKARDT				MENDOZA	TEICH					GENERAL	SPECIFIC SECTION
24.72		Division 23-4E-7	Additional General Standards			X	GA	AH																Coops	No		23-4E-7040	23-4E-7040 (D)(1) Except as provided in Subsection (D)(2) for a single-family residential or duplex and in Subsection (D)(4) for a cooperative housing use, not more than four unrelated adults may reside in a structure, in the following zones:... 23-4E-7040 (D)(4) The requirements of this subsection do not apply if a site has a Cooperative Housing land use designation. 23-§e-7040 (G) Maximum Occupancy for a Site with Cooperative Housing. Not more than two unrelated adults times the number of bedrooms in a Cooperative	Allowing cooperatives but limiting occupancy to 4-6 unrelated individuals does not allow sufficient residency to make a cooperative viable	Neutral	Not limiting the cooperative occupancy to 4 would allow them to be more feasible, <i>NEED TO DISCUSS</i> <i>Staff suggested language adjustment: Cooperative Housing use, not land use designation</i>
24.73		Division 23-4E-7	Additional General Standards			X	GA	AH																Affordability	No		23-4E-7040	(A) Maximum Occupancy. Except as otherwise provided, not more than six unrelated adults may reside in a dwelling unit. The maximum occupancy for a dwelling unit shall be the greater of six unrelated adults, the specifications of (B) through (E) below, or two unrelated adults times the number of bedrooms in the dwelling unit.	Per NHCD's own affordability impact statement the limit as it stands today at four unrelated adults unnecessarily drives up the cost of housing for people who need to share space. This is also supported by the Austin Housing Coalition and Austin Tenants Council	Neutral	Need to discuss
24.76			7040 Dwelling Occupancy Limits			X												TS						Dwelling Occupancy Limits	YES		7040	C) Maximum Occupancy in a Duplex and Single Family Attached. Not more than three unrelated adults may reside in each unit of a duplex, unless: (1)Before June 5, 2003: (a)A building permit for the duplex structure was issued; or (b)The use was established; and (2)After June 5, 2003, the gross floor area in the duplex structure does not increase more than 69 square feet unless to complete construction authorized before that date or to comply with the American Disabilities Act. (D) Occupancy Limits in Certain Zones (1) Except as provided in Subsection (D)(2) for a single-family residential- or duplex use, not more than four unrelated adults may reside in a unit structure, in the following zones: (a)Lake Austin Residence (LA) Zone; (b)Rural Residential (RR) Zone; (c)Residential House Scale 1C (R1C) Zone; (d)Residential House Scale 2A (R2A) Zone; (e)Residential House Scale 2C (R2C) Zone; (f)Residential House Scale 2E (R2E) Zone; (g)Residential House Scale 3A (R3A) Zone; (h)Residential House Scale 3C (R3C) Zone; and	Simplify occupancy limits. Check with staff on provisions to see if there were grandfathering requirements.	no	In a housing crisis it is not staff's opinion to further restrict occupancy limits
24.77																		TS										(2)The requirements of this subsection do not apply if: (a)Before March 31, 2014 a building permit was issued for the unit or the use was established; and (b)After March 31, 2014: (i)The gross floor area does not increase more than 69 square feet, except to complete construction authorized before March 31, 2014 or to comply with the American with Disabilities Act, or (ii)Any interior remodel that requires a building permit does not result in additional sleeping rooms.(2) A structure located on a site exempt from these standards under Subsection (D)(2) that is partially or totally destroyed by a natural disaster, act of god, or fire does not become subject to this subsection, if a building permit to repair or reconstruct the structure is applied for within one year of the date of the partial or total destruction. (E)Maximum Occupancy for a Site with an Accessory Dwelling Unit. Not more than two unrelated adults may reside in the accessory dwelling unit, unless (1)The use was established before November 18, 2004; or (2)A building permit was received before November 18, 2004; and (3)After November 18, 2004, the unit was not remodeled to increase gross floor area more than 69 square feet, unless to finish construction authorized before that date or to comply with the		no	there are grandfathering rights that are associated with these dates (need confirmation)
24.78		Division 23-4E-7	Additional General Standards			X		AH																Residential			23-4E-7060	(5) Fences of any kind, any height, in any zone are prohibited within 20 feet (as measured from the property line) of the intersection of: (a) A driveway and a street or alley; or (b) Two streets; or (c) A street and an alley.			need to discuss
24.79															JSh												23-4E-7060	B 1.- 4'- to 5'- max for sloped lots in front setback or building line- whichever is less, 6'- with administrative variance 2.- 6'- at rear and side property lines (7'- max on sloped lots), 8'- with administrative variance	fence regulations are considerably more restritive.... Should restore current regulations of modify D3 to our proposal		need to discuss
24.80		Division 23-4E-7	Additional General Standards			X		AH																Residential			23-4E-7070	(D) Side Setback Exemption for Attached Townhouses. Attached townhouses are not subject to side setback requirements.		yes	townhouse needs same clarification as single family attached on zero lot line setback requirements
24.81															JSh												23-4E-7080	A.- Add ADUs ---3B.- Ramp must not encroach more that 3 feet into a interior side setback		yes	

CHAPTER		ARTICLE		A			B												C	D	E		F	G		H														
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									ANDERSON	HART	KAZI	KENNY	MCGRAW	NUCKOLS	OLIVER	SCHISLER	SEEGER	SHIEH	THOMPSON	WHITE	SHAW	BURKARDT	MENDOZA	TEICH					GENERAL	SPECIFIC SECTION			YES/NEUTRAL /NO							
24.82				Division 23-4E-8	Building Design Standards																													STAFF RESPONSE						
Chapter 23-5: Subdivision						NONE	MINOR	MAJOR																				YES/NO	YES/NO											
25		Article 23-5A Introduction																																						
25.1		Division 23-5A-1 General Provisions																															-							
25.2						1010							KM																			add Item 13) Ensure to the greatest extent legal that additions and subdivisions result in complete communities.	neutral							
26		Article 23-5B Subdivision Procedures																																						
26.1		Division 23-5B-1 General Requirements																															-							
26.2						1050 - Variance Determination															TS											Large Residential and PUD platting requirements	NO	1050	(B) Variance Criteria for Specially Approved Development.(1) If a preliminary plan or final plat is associated with a mass housing project, a planned-unit-development, or a similar specially approved development, the Land Use Commission may grant a variance from a requirement of Article 23-5C (Platting Requirements) if the Land Use Commission determines that:	remove special variance for PUDs. PUDs should demonstrate criteria in 1050 (A) for variance.	neutral	This is from the current code. The item is to remove impediments to affordable housing projects.		
A-26.2.1																		JSh																						
A-26.2.2						1100															TS													23-5B-1100 Plat Notes	(B) General Standards. City of Austin Land Development Code Draft 3 February 2018 5B-1 pg. 7 General Requirements 23-5B-1100 (1) The director may not require a notation on a plat unless the note is directly related to the subdivision of land and necessary to ensure compliance with the requirements of this Title. A plat may not contain notations other than those required or allowed by the director. (2) Other than engineering notes, topographical information, and other required technical information, plat notations required by the City shall be limited to the dedication of easements, parkland, and common areas and to the provision of facilities and other infrastructure to serve development within the plat. (3) If a regulation imposes a buffer or similar non-dedicatory limitation on development within the plat, the director may require building setback lines and an informational plat note describing the general nature of the requirement and referencing the appropriate City department or other official resource for more detailed information. (C)Parkland Dedication. (1) In approving a subdivision that is required to dedicate parkland under Article 23-3B (Parkland Dedication), the director must may. (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	23-5B-1100 Plat Notes Delete the last sentence, "A plat note may not contain notations other than those required or allowed by the director." Reason: Could create unnecessary delay for the applicant. Subsequent subsections in the plat notes contain plat note requirements. 23-5B-1100 (2) Add topographical information and restrictive covenants between "engineering notes" and "other requirements." Reason: Topographical information is critical to drainage calculation. 23-5B-1100 (3) Add building setback lines. 23-5B-1100 Change "may" to "must." Reason: The local government code 212.004 requires that the dimensions of parkland be noted on the final plat. 23-5B-2080 D Add the word "residential" between the words a change in land use for up to 25% of the land area included in a preliminary plan.	Neutral	Defer to Law.		
A-26.2.3						1100														TS																				
26.3		Division 23-5B-2 Preliminary Subdivision Plan					C																																	
26.4		Division 23-5B-3 Final Subdivision Plat																																						
26.5		Division 23-5B-4 Changes to Recorded Plats																																						
26.6		Division 23-5B-5 Subdivision Construction Plan																																						
27		Article 23-5C Platting Requirements																																						
27.1		Division 23-5C-1 Property Markers, Easements, and Alleys																																						
27.2		Division 23-5C-1 Property Markers, Easements, and Alleys						X								JSc																		Easements 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.	This clarifies the section	Neutral	WPD has no objection.
27.3		Division 23-5C-2 Lots																																						

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27.4			2040 Flag Lots								KM																Eliminate all entitlements to create Flag Lots inside the city as well as 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 neighborhoods. 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: <ul style="list-style-type: none">• 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-SC-2	Lots		x		AH	FK					JSc											Lot Size	No		23-SC-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-SC-2	Lots		x		AH	FK					JSc											Lot Size Affordability	No		23-SC-2020	DELETE section 23-SC-2020	The cost of land is a driving factor in household unaffordability.	neutral	refer to comments on Item 27.5	
27.7		Division 23-SC-2	2040- Flag Lots			x												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														PS		JSh								flag lots			23-SC-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-SC-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								KM																	Delete this use	This was called Small Lots in Version 2 and it was not clear what zones is this 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									Single Family Attached			23-SC-2060		C CCRS approved by City Attorney... spell out the requirements... need general language about operations and maintenance... possibly HOA creation...we call out the technical parts but that is it	neutral		
A-27.10.1	TS		2080		x													TS							Changes to Approved Preliminary Plan	NO		23-5B-2080 D	(D) Changes Approved by Commission. For a preliminary plan approved on or after October 28, 2013, an applicant may request that the Land Use Commission approve a residential change in land use for up to 25 percent of the land area included in the preliminary plan. The Commission may approve the request if it finds that the change would not significantly increase the amount of right-of-way required to be dedicated or otherwise impair the orderly planning of roads, utilities, drainage, and other public facilities.	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. Reason: This requirement was put in to make it easier for an applicant to change single-family residential lots to small lot single-family residential lots. To avoid interpretation questions, the word "residential" should be added.		
27.11		Division 23-SC-3	Utilities	C																												-
27.12		Division 23-SC-3	3099 - TRASH								KM															New section	PROVIDE FOR TRASH COLLECTION AND UTILITY SERVICES FOR EVERY LOT THAT ARE CONSISTENT IN LOCATION ALONG THE SAME PUBLIC ROW FOR ADJACENT LOTS IN ANY SUBDIVISION OR RESUBDIVISION	The city never requires provision for trash services in any subdivision. The rreponderence of small lots and flag lots requires that this be accounted for. Many central city resubs result in utilities and trash not in locations consistent wswith adjacent properties. we need to do a better job of planning as we chop up the city into smaller pieces.	neutral	General comments: Each lot has frontage to a public ROW, and the ROW is used for trash collection. The utility providers determine the location of utilities, in accordance with state statutes, city code, and criteria manuals.		
27.13		Division 23-SC-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 Protection and Replenishment"	
A-27.13.1															JSh											23-SC-2020 B1	Revise area values with what is presented in zones					
A-27.13.2															JSh											23-SC-2060	B - ADD -1) zero lot line is allowed only on one side and not allowed on a front, or street-side lot line					

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							ANDERSON	HART	KAZI	KENNY	MCGRAW	NUCKOLS	OLIVER	SCHISLER	SEGER	SHIEH	THOMPSON	WHITE	SHAW	BURKARDT	MENDOZA	TEICH		GENERAL	SPECIFIC SECTION					
A-27.13.3																JSh									23-5C-2060	4) PER TECHNICAL CODES, appropriate and adequate space must be provided for utilities including water meters and wastewater cleanouts (OR DELETE THIS IF THIS IS COVERED IN SECTION C C) ADD: Standard regarding site alterations and IC Maintenance responsibilities Limitations of City liabilities	needs city legal to clarify what is in the CCR's. Condo regiem duplex has agreements this should too			
A-27.13.4																JSh									5C-2040	Refeneces SF4a				
A-27.13.5																JSh									23-5c-4020	C) Trees preserved REMOVE - A tree required...AND USE... Trees required.... C. Trees of species and caliper inches described in Protected and Heritage trees	this is to allow large preserved caliper trees to suffice for site requirement Heritage and protected trees can already have a huge canopy			
A-27.13.6				x														TS					Trees in Res, Sub	YES	Division 23-5C-4		Ask City Arborist if they reviewed.			
Chapter 23-6: Site Plan				NONE	MINOR	MAJOR																		YES/NO	YES/NO					
28			Article 23-6A: Purpose and Applicability																											
28.1			Division 23-6A-1: Purpose and Applicability	C																										
28.2			Division 23-6A-2: Exemptions																										-	
28.3			Division 23-6A-2: Exemptions		X				FK					JSc										Exemptions	Yes	Table 23-6A-2010 (A) Site Plan Exemptions	Construction or alteration of a single-family residential structure, <u>single-family attached</u> , duplex residential structure, <u>accessory dwelling unit</u> , or an accessory structure (1) No more than two residential structures are constructed on a legal lot or tract <u>Structure quantity does not exceed the quantity allowed in the applicable</u>		No	The language as proposed, "Structure quantity does not exceed the quantity allowed in the applicable zoning category" has unintended consequences, and will prevent staff from being able to enforce applicable regulations.
28.4												TN													23-6A-2	In Table 23-6A-2010(A), amend "Construction and change less than 1,000 square feet and the limits of construction is less than 3000 square feet.", to add the following: "(5) If existing impervious cover is removed and trees are planted and perpetually maintained thre, the impervious cover removed does not count toward the 1,000 or 3,000 square feet limit."	Imagine Austin calls for "complete communities." Complete communities need a healthy tree canopy.	Yes (with clarification)	This was discussed by staff in the context of removing impervious cover in existing paved parking/vehicle circulation areas in support of bringing noncompliant parking into better compliance with current parking lot landscaping/tree requirements. WPD is supportive of intent. Defer to DSD on process.	
28.5			Division 23-6A-2: Exemptions		X				FK					JSc									Exemptions	Yes	Table 23-6A-2010 (A) Site Plan Exemptions	Residential construction of three to six <u>ten</u> units - Provided the project complies with the requirements of Division 23-2A-3 (Residential Development Regulations).	Missing middle housing shouldn't have to go through a complete site plan - otherwise you'll only get six units and rarely ever seven to ten units.	Yes	WPD is neutral to the number of units allowed under this process as long as the project complies with the requirements of 23-2A-3 as proposed in the Draft 3 staff recommendation.	
A-28.5.1			Division 23-6A-2: Exemptions			X												TW						X		direct staff to crete a site plan light for missing middle housing between 6-12 units.	We want to lower the barrier for missing middle; the threshold of 6 for triggering a site plan is a step in the right direction. But we'd like to see more in the way of reducing the number of hurrdles for the 6-10 units as well. Site plan light would include watershed review but not necessarily all departments.	No	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.	
29			Article 23-6B: Site Plan Review and Filing Requirements																											
29.1			Division 23-6B-1: Application Review and Approval																										-	
29.2			Division 23-6B-1: Application Review and Approval			X								JSc									Applicaton Requirements	Yes	23-6B-1010 (D)(1)(a)	(a) For a site plan required due to a use change triggering a conditional use site plan that otherwise meets the criteria under 23-6A-2; Exemptions for Site Plan Review, <u>compliance with requirements of a development or construction site does not apply.</u>		Yes	This language reflects how most staff understand code. However, current code is not clear, and there is conflict in review. This language provides clarification; DSD supports this addition	
29.3			Division 23-6B-2: Submittal Waivers																										-	
29.4			Division 23-6B-3: Release																										-	
30			Article 23-6C: Expiration																											
30.1			Division 23-6C-1: Expiration	C																									-	
Chapter 23-7: Building, Demolition, and Relocation Permits; Special Requirement Permits For Historic Structures																														
31			Article 23-7A: General Provisions																											
31.1			Division 23-7A-1: General Provisions																											
31.2			Division 23-7A-1: General Provisions		X									JSc										Historic Zoning		23-7A-1020	Historic Properties and Buildings 45-50 or More Years Old (A) The building official must notify the historic preservation officer before issuing a building, demolition, or relocation permit for a building 45 50 or more years old. (B) The building official may not issue a building, demolition, or relocation permit for a property described in Subsection (D) unless all applicable requirements of Division 23-7D have been satisfied.	The national standard for historic protection is 50 years.		

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				DESIRED PROPOSED CHANGES TO D3			INITIATED BY COMMISSIONER														EX OFFICIO	TOPIC AREA	REQ. ADD'L STAFF FEEDBACK	AMENDMENT TYPE		SUBSTITUTE LANGUAGE	COMMISSIONER NOTES	YES/NEUTRAL /NO	STAFF RESPONSE
							ANDERSON	HART	KAZI	KENNY	MCGRAW	NUCKOLS	OLIVER	SCHISLER	SEEGER	SHIEH	THOMPSON	WHITE	SHAW	BURKARDT	MENDOZA	TEICH		GENERAL	SPECIFIC SECTION				
41.2		Division 23-9A-1	Policy and Administration			X	GA																						
41.3		Division 23-9A-1	Policy and Administration			X	GA																						
41.4		Division 23-9A-1	Policy and Administration			X							JSc																
41.5		Division 23-9A-1	Policy and Administration			X							JSc																
41.6		Division 23-9A-2	Proportionality of Transportation Infrastructure Requirements																										
41.8		Division 23-9A-2	Proportionality of Transportation Infrastructure Requirements			X							JSc																
41.10													JSc																
41.11		Division 23-9A-2	Proportionality of Transportation Infrastructure Requirements			X							JSc																
41.14		Division 23-9A-2	Proportionality of Transportation Infrastructure Requirements			X	GA						JSc																

CHAPTER	ARTICLE	DIVISION	TITLE	A			B												C	D	E		F	G		H								
				DESIRED PROPOSED CHANGES TO D3			INITIATED BY COMMSIONER												EX OFFICIO	TOPIC AREA	REQ. ADD'L STAFF FEEDBACK	AMENDMENT TYPE		SUBSTITUTE LANGUAGE	COMMISSIONER NOTES		YES/NEUTRAL /NO	STAFF RESPONSE						
							ANDERSON	HART	KAZI	KENNY	MCGRAW	NUCKOLS	OLIVER	SCHISLER	SEEGER	SHIEH	THOMPSON	WHITE	SHAW	BURKARDT	MENDOZA	TEICH			GENERAL	SPECIFIC SECTION								
41.12		Division 23-9A-2	Proportionality of Transportation Infrastructure Requirements			X								JSc											Proportionality Determination	Yes		23-9A-2020 (B) (3)	(3) Shall state the roughly proportionate share attributable to the property owner for the dedication and construction of transportation related improvements necessary to ensure an effective and safe transportation system that is sufficient to accommodate the traffic generated by a proposed development, that will improve the transportation system immediately affected by the development to best mitigate the increased traffic caused by the development, as much as can be achieved considering physical and financial constraints. This statement shall not be intended as a measure to lessen density or deny development permit approvals along transportation ways that are in poor operating condition prior to					
41.15														JSc											Rough Proportionality	No			(4) Within 30 days of submission, must provide a list of included/qualified rough proportionality improvements and estimated costs. (5) The Director shall develop rules using the admistrative rule process to develop a process for submittal and review of rough proportionality evaluations, and the timing them in relation to TIAs, TDMs, other other traffic study reviews. These rules shall be presented to the Planning Commission for a recommendation to Council. Council shall approve the rules, reject them, or approve	Continued from above				
41.9		Division 23-9A-2	Proportionality of Transportation Infrastructure Requirements			X								JSc											RP Infrastructure	Yes		23-9A-2020 (C) & (D)	(C) If a proposed development is subject to a proportionality determination under this section, the director shall identify in writing all transportation infrastructure improvements required in conjunction with approval of the development application. The infrastructure improvements may include right-of-way dedication, the construction or funding of system improvements, or any combination thereof, in an amount not to exceed the total roughly proportionate share as established by the proportionality determination. RP definition shall include: (1) The land value (as determined by appraisal) of all dedicated ROW within or adjacent to a property as required by the City, (2) the hard cost of all transportation improvements associated with a project or required of a project by the City except for those associated with private on-site drives and parking, (3) the design and permitting "soft" costs associated with any required transportation improvements	RP requirements and inclusions should be determined prior to adoption of code and listed within Code.				
41.13		Division 23-9A-2	Proportionality of Transportation Infrastructure Requirements			X								JSc											Proportionality Determination	Yes		23-9A-2020 NEW SECTION (E)	A rough proportionality determination made on a project shall be made with an initial project application and shall be grandfathered through future applications so long as the project has not (1) let any project application expire, (2) been in default of any application, or (3) changed the intended use and/or density in a manner that will increase the traffic generated by the project build out.					
42		Article 23-9B: Right-Of-Way Dedication and Reservation																																
42.1		Division 23-9B-1	General Provisions																															
42.2		Division 23-9B-1	General Provisions			X								JSc												Right-of-Way Variance	Yes		23-9B-1030 (A)	If a development application requires approval by the Land Use Commission or city council, an applicant may request a variance under this section from a requirement to dedicate, reserve, or improve right-of-way. The purpose of the variance procedure authorized by this section is to provide for consideration of unique impacts that requirements of this chapter may have on property relative to the transportation needs generated by proposed development.	The language in this section suggests that only an applicant whose development application requires approval by the Land Use Commission or city council is qualified to request a ROW variance. Section 25-6-86 in the current LDC does not limit an applicant who is seeking a ROW variance. The ability to seek a ROW variance should be allowed by all types of development applications, regardless of application type.			
42.3		Division 23-9B-1	General Provisions			X								JSc												Right-of-Way Variance	Yes		23-9B-1030 (B)	(B) Application Requirements. A request for a variance under this section must be: (1) Submitted in a manner approved by the director and include any information required by the director to evaluate the variance request; and (2) Associated with a pending development application, unless the director determines that the amount of public right-of-way that would be required for dedication is 15 percent or more of a project site's total land area.	The application requirements need clarification and are too broad. The variance request application submittal requirements give too much discretion to the director for approval. The application process is not predictable for an applicant.			
42.4		Division 23-9B-2	Right-Of-Way Dedication and Improvement																															
42.5		Division 23-9B-2	Right-Of-Way Dedication and Improvement			X								JSc												Dedication of right of way and construction of improvements	Yes		23-9B-2010 (A)	Right-of-Way Dedication. A landowner shall dedicate all public right-of-way required to adequately serve the transportation needs of proposed development consistent with the standards of this Title. The amount, location, and alignment of right-of-way to be dedicated shall conform to the Transportation Plan, an approved collector plan, or an approved capital improvement project and may be required within, adjacent to, or outside the boundaries of a proposed development.	Delete with the purpose of re-writing. This section is problematic as it can be interpreted to required dedication of land that the landowner may not own. There is also nothing defined in the code that clarifies what is considered "adequate". We suggest clarification and an edit to this section to ensure that this requirement for right-of-way dedication by the landowner is not required outside of a site plan boundary.			
42.6		Division 23-9B-2	Right-Of-Way Dedication and Improvement		X									JSc												Adjacent roadway improvements	Yes		23-9B-2010 (B) (1) (C)	(c) the likelihood that adjoining property will develop in a timely manner.				
42.7		Division 23-9B-2	Right-Of-Way Dedication and Improvement			X								JSc												Dedication of right of way and construction of improvements	Yes		23-9B-2010 (A) (2)	Construction of all required street improvements and transportation facilities, consistent with the applicable standards of this Title, is required within public right-of-way needed to directly serve a proposed development.				

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42.8						X								JSc																	
42.8						X								JSc																	
42.9		Division 23-9B-2	Right-Of-Way Dedication and Improvement		X									JSc																	
42.10		Division 23-9B-2	Right-Of-Way Dedication and Improvement			X								JSc																	
42.11		Division 23-9B-3	Right-Of-Way Reservation	C																											
43		Article 23-9C: Transportation Review and Analysis																													
43.1		Division 23-9C-1	General Provisions																												
A-43.1.1		Division 23-9C-1	General Provisions			X								X																	
43.2		Division 23-9C-1	General Provisions														JT														
43.3		Division 23-9C-1	General Provisions		X									JSc																	
43.4		Division 23-9C-1	General Provisions			x								JSc																	
43.5		Division 23-9C-1	General Provisions			x								JSc																	
43.6		Division 23-9C-1	General Provisions			x								JSc																	
43.7		Division 23-9C-1	General Provisions			X								JSc																	
43.8		Division 23-9C-2	Comprehensive Transportation Review																												
43.9		Division 23-9C-2	Comprehensive Transportation Review											JSc																	

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43.10		Division 23-9C-2	Comprehensive Transportation Review		X									JSc										Transportation			23-9C-2020 Transportation Impact Analysis (B)(1)(c)(d)	(B) Contents. A transportation impact analysis must be consistent with the scope approved by the director under Subsection (A) and must comply with the requirements described in this subsection.(1) A transportation impact analysis must be prepared in accordance with the Transportation Criteria Manual and must establish: (c) the capacity of affected streets intersections before and after the proposed development; (d) deficient streets intersections; and					
43.11		Division 23-9C-2	Comprehensive Transportation Review			X								JSc										Transportation			23-9C-2020 Transportation Impact Analysis (B)(1)(c)(d)	Do not require TIAs at zoning and make it clear to both City Council and others that a TIA will be performed at the same time of site plan submittal. (a) must be submitted with an application for a site plan or subdivision. or planned unit development zoning district; and (b) may be submitted, at the applicant's discretion, or as required by the city council, for a zoning application other than a planned unit development.					
43.12														JSc												23-9C-2020 Transportation Impact Analysis (C)(1)(b)	(C) Timing of Submittal. (1) Initial TIA. If a proposed development meets the trip threshold established in Section23-9D-2010 (Purpose and Applicability), an initial transportation impact analysis: (a) must be submitted with an application for a site plan or subdivision. or planned unit development zoning district; and (b) may be submitted, at the applicant's discretion, or as required by the city council, for a zoning application other than a planned unit development.	The conflicting timing concepts between (C)(1)(a) and (C)(1)(b) should be removed. TIA submittal requirements should be clear and predictable. Current draft language suggests that City Council can ask for a TIA even when it is not initially required, which could add 6-9 months to the development process.					
43.13		Division 23-9C-2	Comprehensive Transportation Review			X								JSc										Transportation			23-9C-2030 (B)	Need to see TCM draft and vet along with proposed code language	Need more information on trip reduction measures before this section of code can be adopted				
43.14		Division 23-9C-2	Comprehensive Transportation Review			X								JSc										Transportation			23-9C-2030(C)	(C) Timing of Submittal. (1) Concurrent with TIA. Except as provided in Subsection (B)(2), a TDM plan that meets the requirements of this section must be submitted concurrent with a transportation impact analysis required under Section 23-9C-2020 (Transportation Impact Analysis); A TDM review shall be submitted with a formal application for zoning, subdivision, preliminary plan, or site plan review. A TDM shall be reviewed and approval provided with formal comment report on the application. If the TDM reduces trips below the TIA threshold, the TDM shall serve to replace a TIA and a TIA shall not be required.	TDM submittal requirements, procedures and timelines are unclear and appear to be inefficient by requiring multiple studies to be reviewed concurrently. The timing of TDM submittal could be simplified. Whether a TDM plan should be submitted in lieu of a TIA and/or concurrent with a TIA needs to be clarified. To be more clear and predictable, we suggest that the timing of a TDM submittal becomes part of a predevelopment meeting and the predevelopment summary identifies any and all studies required for the applicant.				
43.15														JSc														(2) In lieu of TIA, (a) The director may allow submittal of a proposed TDM plan in lieu of a transportation impact analysis if the director finds that implementing the TDM plan is sufficient to reduce vehicle trips generated by a proposed development to a level below the threshold established in Section 23-9C-2010 (Purpose and Applicability). (b) The director shall allow submittal of a proposed TDM plan in lieu of transportation impact analysis if a proposed development is anticipated to generate less than 2,000 trips per day. A TDM plan submitted under this paragraph shall be limited to reasonable design enhancements and other cost-effective strategies that can be efficiently integrated into project design. (c) Compliance with a TDM plan approved under Paragraphs (B)(2)(a) - (b) shall be required as a condition to approval of a development application under Division 23-9C-4 (Development Conditions and Mitigation) and may be subject to conditions under Section 23-9C-1020 (Waiver of	CONT'D				
43.16		Division 23-9C-2	Comprehensive Transportation Review		X									JSc										Transportation			23-9C-2030(D)	Change text in (d) by removing the following "...and includes reasonable strategies for reducing transportation demand based on the layout, location, and context of a proposed development."	TDM submittal requirements, procedures and timelines are unclear and appear to be inefficient by requiring multiple studies to be reviewed concurrently. The timing of TDM submittal could be simplified. Whether a TDM plan should be submitted in lieu of a TIA and/or concurrent with a TIA needs to be clarified. To be more clear and predictable, we suggest that the timing of a TDM submittal becomes part of a predevelopment meeting and the predevelopment summary identifies any and all studies required for the applicant.				
43.17		Division 23-9C-3	Neighborhood Transportation Impact Analysis																														
43.18		Division 23-9C-3	Neighborhood Transportation Impact Analysis			X								JSc										Transportation	Yes		Section 23-9C-3020 (A)(1)	Provide clear definition of "multimodal level of service" to better understand implications of this requirement	The definition of multi-modal transportation is unclear. In order to create a predictable process, multi-modal transportation concepts should be clear and defined in code. The code should include a list of allowable and approved "modes" and specific goals of mode split for purpose of implementing code policies regarding redirecting traffic to other modes.				
43.19		Division 23-9C-3	Neighborhood Transportation Impact Analysis			X								JSc										Transportation			23-9C-3020	Clear definition is needed of multi-modal level of service – Code should include list of allowed/approved "modes" and goals regarding mode split for purpose of implementing code policies regarding redirecting traffic to other modes					
44		Article 23-9D: Development Conditions and Mitigation																															
44.1		Division 23-9D-1	Action on Development Application																														
44.2		Division 23-9D-1	Action on Development Application			X								JSc																			
44.3		Division 23-9D-1	Action on Development Application			X								JSc										Nonzoning			23-9D-1030 (B)	Application Approval will be addressed after the Street Impact Fee regulations are finalized and once the new method of reviewing street impacts is considered.					

		A			B												C	D	E		F	G		H								
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44.4		Division 23-9D-1	Action on Development Application			X								JSc										Nonzoning			23-9D-1030 (B)(1)	(1) Delaying or phasing development until construction of municipal transportation infrastructure required to accommodate vehicle trips generated by the development or other transportation improvements necessary to directly serve the development; or				
44.5		Division 23-9D-1	Action on Development Application			X								JSc										Nonzoning			23-9D-1030 (B)(2)	(2) Reducing the density or intensity of the development, to the extent necessary to ensure that the capacity of the street network is sufficient to accommodate vehicle trips generated by the proposed development.				
44.6		Division 23-9D-1	Action on Development Application			X								JSc										Transportation			23-9D-1030 (C)	Update section (C) to read as follows: "To the extend authorized under division 23-9D-2 (transportation Infrastructure IMprovements), and within limits of a projects approved Rough Proportionality Determination per section 23-9-XX, the director may condition development approval on the construction, dedication or funding of municipal transportation infrastructure improvements that would benefit the transportation system immediately adjacent to the development and assist in mitigating the effects of newly generated traffic from the development."	Need to clarify that application cannot be conditioned based on request over/above RP value.			
44.7		Division 23-9D-2	Transportation Infrastructure Improvements																													
44.8		Division 23-9D-2	Transportation Infrastructure Improvements		X									JSc										Transportation			23-9D-2010(B)	Replace item (B) with following text "A Comprehensive Transportation Plan is required when both a TIA and a TDM are require (per section 23-9C-2020 and 2030) and refers to the combined report containing information found in both a typical TIA and TDM."	23-9D-2010(B): Requirement of Comp Transpo Plan here creates conflict with requirement for TDM per 23-0C-2030(A)(2)			
44.9		Division 23-9D-2	Transportation Infrastructure Improvements			X								JSc										Transportation			23-9D-2020(B)(1)	Add item (3) as follows "Identified improvements shall be funded by the applicant based on an estimated cost of the system improvement or, at the discretion of the applicant, may be built by the applicant conditioned on a cost reimbursement from the City of Austin equal to at least 20% of the estimate cost of the improvement."	Requirements for offsite improvements should not be required and rather incentivized (similar to 2010(B) language)			
44.10		Division 23-9D-2	Transportation Infrastructure Improvements			X								JSc										Transportation			23-9D-2030(B)(2)	Update item (2) to replace "...or refund the fee at the request of the applicant who paid the fee" to say "...automatically upon expiration of the 10 year period to the applicant who paid the fee."	The City shall automatically refund these funds if not used; The City is responsible for managing funds and improvements so this is a way to keep them accountable.			
44.11		Division 23-9D-2	Transportation Infrastructure Improvements			X								JSc										Transportation			23-9D-2040	Update item (A) to replace "... certified under Division 23-3E-4 (SMART Housing)." to read "... proposing any number of affordable housing units or affordable square footage for commercial use based on the percentage of affordable units/square footage (commercial) against the total units/square footage (commercial) of the project."	Reduced transportation mitigation should be applied to all affordable housing projects regardless of whether they follow the City SMART housing proposal as they serve to benefit all affordable renters			
45		Article 23-9E: Right-Of-Way Construction																														
45.1		Division 23-9E-1	General Provisions	C																												
45.2		Division 23-9E-2	Construction License	C																												
45.3		Division 23-9E-3	Right-Of-Way Permit	C																												
45.4		Division 23-9E-4	General Design and Maintenance Requirements	C																												
45.5		Division 23-9E-5	Driveways and Alleys																													
45.6		Division 23-9E-6	Sidewalks, Urban Trails, Street Trees																													
45.7		Division 23-9E-6																								23-9E-6040(B)	Add "If public right-of-way adjacent to the development is of insufficient width for the planting of street trees, street trees shall be planted on the applicant's property."	Imagine Austin calls for "complete communities." Complete communities need a healthy tree canopy.				
46		Article 23-9F: Street Design																														
46.1		Division 23-9F-1	General Provisions																											N/A	The requirements for access streets, street alignment, dead end streets and block length have been moved out of the Subdivision chapter and into the Transportation chapter. The maximum block length varies by zone, so the street layout will be context sensitive. Refer to Table 23-9F-3050(A).	
46.2		Division 23-9F-2	Access to Major Streets																													
46.3		Division 23-9F-3	Street Layout																													
47		Article 23-9G: Road Utility Districts																														
47.1		Division 23-9G-1	Transportation Demand Management	C																												
47.2		Division 23-9G-2	Construction of Facilities	C																												
Chapter 23-10: Infrastructure				NONE	MINOR	MAJOR																			YES/NO	YES/NO						
48		Article 23-10A: Austin Water Service																														
48.1		Division 23-10A-1	General Provisions																												-	
48.2		Division 23-10A-2	Extension of Service, General Provisions																												-	
48.3		Division 23-10A-3	Extension of Service, Cost Participation																													
48.4		Division 23-10A-3	Extension of Service, Cost Participation			X								JSc										Nonzoning			23-10A-3040 (D)		In many cases the City may deny cost participation due to lack of funding and will still require the developer to build out the new infrastructure or increase the pipe size to serve adjacent properties at the applicant's cost. By limiting it only to servicing the proposed property and proposed development on that site it will limit potential abuse of overreach by AWU.	No	disagree with the comment. Based upon case law, if the City requires the oversizing of infrastructure it must pay its proportionate share of costs. If the City has no funds to pay for its proportionate share, it cannot require an oversizing of the infrastructure. It should be noted that the City may require a developer to upsize an existing line, but	
48.5		Division 23-10A-4	Tap Permits																												-	
48.6		Division 23-10A-4	Tap Permits		X									JSc										Nonzoning			23-10A-4080 Refund of Tap Permit Fee (B)	Strike "before the expiration date of the permit" because it should allow a request for a refund to be made at any time		Yes	The deletion is acceptable.	
49		Article 23-10B: Water Districts																														

CHAPTER	ARTICLE	DIVISION	TITLE	A			B												C	D	E		F	G		H			
				DESIRED PROPOSED CHANGES TO D3			INITIATED BY COMMISSIONER												EX OFFICIO	TOPIC AREA	REQ. ADD'L STAFF FEEDBACK	AMENDMENT TYPE		SUBSTITUTE LANGUAGE	COMMISSIONER NOTES		YES/NEUTRAL /NO	STAFF RESPONSE	
							ANDERSON	HART	KAZI	KENNY	MCGRAW	NUCKOLS	OLIVER	SCHISLER	SEEGER	SHIEH	THOMPSON	WHITE	SHAW	BURKARDT	MENDOZA	TEICH		GENERAL	SPECIFIC SECTION				
49.1		Division 23-10B-1:	General Provisions																										
A-49.1.1		Division 23-10C-1:	General Provisions		X							JSc												23-10C-1030 (C)	Funds may be disbursed as reasonably necessary to carry out the purposes; provided that a fee shall be expended within a reasonable period of time, not to exceed 10 years, from the date the fee is deposited into the account. <u>In the event that a fee is not expended within 10 years of a deposit, it may be reimbursed to the payee.</u>	This clarifies that a fee not used in 10 years may be refunded to the original payee. This should encourage the city to be diligent about expending the funds and performing the capital improvements.		Capital Recovery Fees are designated for growth-related projects in the City's service area and are not solely designated for a specific project. As such, Austin Water adjusts its capital spending plan annually to ensure the construction of the most critical growth-related projects. Additionally, Austin Water reassesses its impact fees every five years, in accordance with State law, to	
49.2		Division 23-10B-2:	Procedure for Creation	C																								No	-
49.3		Division 23-10B-3:	Conditions and Restrictions on Consent to Creation of District	C																									-
49.4		Division 23-10B-4:	Out-of-District Service	C																									-
49.5		Division 23-10B-5:	Amendment to a Consent Document or an Agreement with a Water District	C																									-
49.6		Division 23-10B-6:	District Bond Issuance	C																									-
50		Article 23-10C: Water and Wastewater Capital Recovery Fees																											
50.1		Division 23-10C-1:	General Provisions																										-
50.2		Division 23-10C-2:	Fee Established																										-
50.3		Division 23-10C-2:	Fee Established		X							JSc													23-10C-2050 (A)(1)	(A) Except as provided by Section 23-10C-2060 (Installment Payment Of Impact Fee), or by a contract with a wholesale customer or with another political subdivision, the impact fee due for new development shall be collected: (1) At the time the City of Austin approves a site plan or building plan review; or	This ensures that the impact fee being paid is directly related to the unit that is performing the impact.	Yes	The deletion is acceptable.
50.4		Division 23-10C-3:	Determination of Service Units	C																									-
50.5		Division 23-10C-4:	Exemptions	C																									-
50.6		Division 23-10C-5:	Discounts and Adjustments	C																									-
51		Article 23-10D: Reclaimed Water																											
51.1		Division 23-10D-1:	Reclaimed Water	C																									-
52		Article 23-10E: Drainage																											
52.1		Division 23-10E-1:	General Provisions																										-
52.2		Division 23-10E-1:	General Provisions			X						JSc													23-10E-1050 Obstruction of Waterways Prohibited	Unless authorized by a development application approved in compliance with Title 23, a person may not place, or cause to be placed, an obstruction in a <u>waterway or drainage easement used for overland conveyance if the obstruction would cause impact to the conveyance of the waterway or drainage easement.</u>	Clarifies that an easement may be obstructed, provided that the obstruction does not cause impact to the conveyance.	No	Obstructions to waterways are also a concern if they affect accessibility for maintenance.
52.3		Division 23-10E-1:				X						JSc													23-10E-1060 Duty to Maintain Unobstructed Waterways	<u>A waterway or other drainage infrastructure located within a City drainage easement of any type shall be maintained by the City of Austin. The person in control of real property traversed by a waterway or drainage easement is prohibited from obstructing the waterway or drainage easement i</u> accordance with 23-10E-1050 and shall be responsible for alerting appropriate City Officials of any <u>obstructions within the waterway or drainage easement promptly upon discovery. Removal of naturally occurring obstructions is the responsibility of the 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.</u>	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.	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.
A-52.3.1		Division 23-10E-3:	23-10E-3010 Criteria For Approval of Development Applications	X															TS			yes	23-10E-3010 (A)(5)(b)	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) <i>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.</i>		The addendum clarifies that this applies to site plans and subdivisions.		
			3020 - Certificate of Engineer Required for Certain Alterations and Improvements		x														TS				3020 -	DELETE:(B) <u>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.</u>	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.		
52.5		Division 23-10E-2:	Drainage Studies; Erosion Hazard Analysis; Floodplain Delineation																										-
52.6		Division 23-10C-2:	Fee Established		X							JSc													23-10C-2050 (A)(1)	(A) Except as provided by Section 23-10C-2060 (Installment Payment Of Impact Fee), or by a contract with a wholesale customer or with another political subdivision, the impact fee due for new development shall be collected: (1) At the time the City of Austin approves a site plan or building plan review; or	This ensures that the impact fee being paid is directly related to the unit that is performing the impact.		
52.7		Division 23-10E-3:	Standards for Approval																										

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				DESIRED PROPOSED CHANGES TO D3			INITIATED BY COMMISSIONER												EX OFFICIO	TOPIC AREA	REQ. ADD'L STAFF FEEDBACK	AMENDMENT TYPE		SUBSTITUTE LANGUAGE	COMMISSIONER NOTES		YES/NEUTRAL /NO	STAFF RESPONSE						
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52.8		Division 23-10E-3	Standards for Approval			X								JSc											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 and water quality benefits compared to the current CodeNEXT draft language. 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.	
52.9		Division 23-10E-3	Standards for Approval			X								JSc											Nonzoning			23-10E-3020 Regional Stormwater management Program (C) [NEW]	(C) The director may approve additional reductions to participation in the Regional Stormwater Management Program if: (1) The applicant contributes towards the cost of drainage studies for the watershed. (2) The applicant constructs off-site improvements in lieu of payment	This amendment incentivizes the developer to participate in drainage studies or construct off-site improvements that benefit the whole watershed.			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 Manual.	
52.10		Division 23-10E-3	23-10E-3010 Criteria For Approval of Development Applications																						Drainage criteria for new and redeveloped sites			23-10E-3010 (A)(5)(b)	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.			WPD agrees. Please note: 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		x													TS							Certificate of Engineer Required for Certain Alterations and Improvement s			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.	
52.12		Division 23-10E-5	Responsibilities of Applicant or Owner																													-		
52.13		Division 23-10E-5	Responsibilities of Applicant or Owner			X								JSc												RSMP and Downstream Conveyance			23-10E-5020 Dedication of Easements 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	The former B & C are unnecessary with the amendment which clarifies the intentions of both.			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.
Chapter 23-11: Technical Codes (TBD)				NONE	MINOR	MAJOR																					YES/NO							
53		Article 23-11A: Introduction																																
54		Article 23-11B: Technical Codes																																
54.1		Division 23-11B-1	Building Code																															
54.2		Division 23-11B-2	Food Establishments																															
54.3		Division 23-11B-3	Reserved																															
54.4		Division 23-11B-4	Electrical Code																															
54.5		Division 23-11B-5	Mechanical Code																															
54.6		Division 23-11B-6	Plumbing Code																															
54.7		Division 23-11B-7	Fire Code																															
54.8		Division 23-11B-8	Solar Energy Code																															
54.9		Division 23-11B-9	Property Maintenance Code																															
54.10		Division 23-11B-10	Reserved																															
54.11		Division 23-11B-11	Residential Code																															
54.12		Division 23-11B-12	Energy Code																															
55		Article 23-11C: Administration of Technical Codes																																
Chapter 23-12: Airport Hazard and Compatible Land Use				NONE	MINOR	MAJOR																					YES/NO	YES/NO						
56		Article 23-12A: General Provisions																																
56.1		Division 23-12A-1	Height Limits and Airport Hazards	C																														
56.2		Division 23-12A-2	Compatible Land Uses	C																														
56.3		Division 23-12A-3	Nonconforming Uses, Structures, and Objects, Marking and Lighting	C																														
56.4		Division 23-12A-4	Permits	C																														
Chapter 23-13: Definitions and Measurements				NONE	MINOR	MAJOR																					YES/NO	YES/NO						

		A				B										C	D	E		F	G		H							
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57		Article 23-13A: Definitions and Measurements																												
57.1		Division 23-13A-1	Terms and Measurements																											-
57.2		Division 23-13A-1	Attached		X													TW						DEFINITIONS	13a-1 pg 3	ATTACHED-When used with reference to two or more buildings-units, means having one or more common walls or being joined by a roof; covered porch or covered passageway measured 20' in depth from the front lot line to rear.		No		
57.3		Division 23-13A-1	Conserve		X													TW						DEFINITIONS		Conserve: to maintain the height, footprint and roof line of an existing building for the first 25' as measured from the building line toward the rear lot line		No		
57.4		Division 23-13A-1	Gross (GFA)			X												TW						DEFINITIONS	13A-1 pg.11	GROSS (GFA) The total enclosed area of all floors in a building with a clear height of more than five feet, measured to the outside surface of the exterior walls. The term excludes loading docks, 1st floor porches, stoops, basements, attics, stories below grade plane, parking facilities, driveways, and enclosed loading berths and off-	The intention with this change is to reduce the amount of exemptions toreduce the cost of projects by making it easier to calculate the FAR and easier to review. It would also reduce the number of unintentional violations of FAR limits by homeowners who turn exempted space into habitable space. This change would go hand in hand with an .05 increase to the allowable FAR in all residential zones.	No		
57.5		Division 23-13A-1	Small Area Plan															TW							X	Small Area Plan (MISSING). Please add.	Small Area Plan (MISSING). Please add. Small area plans are a major city planning tool and are referenced in Draft 3, yet not defined here.	Yes		
57.6		Division 23-13A-1	Stepback															TW							X	Stepback (MISSING). Please add.	Stepback (MISSING). Please add. The term 'stepback' is used in throughout 23-4D, but is not defined. The current draft does define setback, but that is not the same thing.	Yes		
57.7		Division 23-13A-1	Urban Core															TW								Urban Core (MISSING). Please add.	Urban Core (MISSING). Please add. 'Urban Core' is used throughout Draft 3 to describe geographical areas where certain zoning requirements apply so this needs a clear definition, ideally with live link to map. The draft currently defines it only in the context of Parkland Dedication	No	not needed. Remove from use	
57.8		Division 23-13A-1	Valid Petitions															TW							X	please add a definition for Valid Petitions, including applicability, procedures, etc., similar to what the draft provides for Vested Rights Petitions in 23-K-2	In the interest of fairness, please add a definition for Valid Petitions, including applicability, procedures, etc., similar to what the draft provides for Vested Rights Petitions in 23-K-2			
57.9																JS h								Attached	23-13A-1030	When used with reference to two or more buildings..... ADD - When used with reference to duplex or single family dwellings with dual same street frontage, means being joined by a roof of 20' minimum measured perpendicular to the street frontage.	this will be tweak by working group			
57.10		Division 23-13A-1	Terms and Measurements			X							JSc											Definitions	23-13A-1030	Delete Deficient Park Area Map definition and replace with "Proximity to Park Area Map": "A map depicting areas that the Parks Director has by rule determined lack sufficient parkland based on the criteria in 23-3B-1 and 23-3B-2"	Delete Deficient Park Area Map definition and replace with "Proximity to Park Area Map"		PARD does not agree with this substantive change due to the prior negotiations that created this section in 2016. The map in the code is a Deficiency Map, not a Proximity Map. That term Proximity does not match the concept.Changing this concept would require extensive staff time to change the Deficiency Map created over the last 10 years from recommendations from the City's Families and Children Task Force. For reference, here is the definition in the current code and DRAFT 3: PARK DEFICIENCY MAP A map depicting areas that the Parks Director has determined lack sufficient parkland based on locational criteria established by the Parkland Dedication Operating Procedures Article 23-3B (Parkland Dedication) and the parkland policies of the Comprehensive Plan.	
57.11		Division 23-13A-1	Terms and Measurements			X							JSc											Definitions	23-13A-1030	HEIGHT, ACCESSORY STRUCTURE. Height, for the purpose of establishing required setbacks, shall be defined for every point within the footprint area of an accessory structure, including a tree house, as the vertical distance between <u>finished grade</u> and the highest part of the structure directly above. Height in all cases shall include, but is not limited to, any slab, platform, pad, mound or similar elevated base above pre-existing grade.	Provides much needed clarity - height requirements interpretations shouldn't be a subject for debate.	Neutral		
57.12		Division 23-13A-1	Terms and Measurements			X							JSc											Definitions	23-13A-1030	UNIFIED DEVELOPMENT AGREEMENT. An agreement approved at the discretion of the responsible director in order to treat two or more legal lots or tracts, as a single site for the purpose of applying specified regulations of the Land Development Code, <u>including sites zoned for residential use.</u>	UDA's are currently not allowed on residential sites. UDAs facilitate aggregation that is often required to achieve unit yields per AIA Charrettes. Allows more flexible site planning for tree preservation, etc.	Neutral		
57.13			Preservation								KM							TW								Preservation is defined as the act or process of applying measures neces- sary to sustain the existing form, integrity, and materials of an historic property. Work, including preliminary measures to protect and stabilize the property, generally focuses upon the ongoing maintenance and repair of historic materials and features rather than extensive replacement and new construction. The limited and sensitive upgrading of mechanical, elec- trical, and plumbing systems and other code-required work to make prop- erties functional is appropriate within a preservation project. However, new exterior additions are not within the scope of this treatment. The Standards for Preservation require retention of the greatest amount of historic	Per secretary of Interior - proposed by HLC			
57.14		Division 23-13A-1	Terms and Measurements														JT							DEFINITIONS		Preservation is defined as the act or process of applying measures necessary to sustain the existing form, integrity, and materials of an historic property. Work, including preliminary measures to protect and stabilize the property, generally focuses upon the ongoing maintenance and repair of historic materials and features rather than extensive replacement and new construction. New exterior additions are not within the scope of this treatment; however, the limited and sensitive upgrading of mechanical, electrical, and plumbing systems and other code-required work to make properties functional is appropriate within a preservation project.]	Per HLC recommendation, from Dept of Interior.		HLC: 1030 Define Preservation	

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A-57.14.1					X														TS					Large Site Definition	YES		Division 23-4C-1	Add definition to 23-13 Definitions and Measurements	Large sites is a new term and needs to be defined in 23-2M-1030 Terms.		
57.15										KM														Definitions			23-13A-1030	REWRITE PER EXISTING MCMANSION CODE	This should say NATURAL grade NOT FINISHED GRADE..		
A-57.15.1			neighborhood plans															TW						definitions				Add a definition			
57.16		Division 23-13A-2	Land Uses																												
57.17		Division 23-13A-2	Land Uses		X		GA		FK				JSc											Definitions			23-13A-2030(C)	Cooperative Housing: A housing use operated by a cooperative (under Section 251.002 of Texas Business Organizations Code), or a nonprofit or other entity in which residents are entitled equal voting rights, and equal ownership shares if the cooperative sells shares.	Amend Language		
57.18		Division 23-13A-2	Land Uses		X				FK															Definitions			23-13A-2030-A	ACCESSORY DWELLING UNIT 1. RESIDENTIAL. A subordinate dwelling unit added to, created within, or detached from a primary residential structure that provides basic requirements for independent living, sleeping, eating, cooking, and sanitation for one or more persons and which is located on the same lot as the primary structure. A tiny home, Manufactured Home or Recreational Vehicle that does not have a motor may be used as a residential accessory dwelling unit. 2. COMMERCIAL. A subordinate dwelling unit added to, created within, or detached from a primary commercial structure that provides basic requirements for independent living, sleeping, eating, cooking, and sanitation for one or more persons and which is located on the same lot as the primary structure.	Tiny homes provide simple options for families and should be allowed.		
57.19			High Opportunity Area															TW									High Opportunity Area (INACCURATE, POTENTIALLY OFFENSIVE). Please replace with "Qualifying area" and strengthen the definition to require an area to provide at least three or more of the listed conditions to qualify	High Opportunity Area - a metric needs to be added to mandate how often this area will be redefined			
57.20			Multi-Unit															TW									Please add definition of Multi-Unit.	Please add definition of Multi-Unit. While Draft 3 still contains a few references to Multi-Family, it replaces this term with Multi-Unit throughout 23-4D. Please provide a definition for both terms.	No	not needed, multi-unit is not a use, it's a zone category	
57.21			Affordable Housing															TW								X	Affordable Housing (INCOMPLETE). Please replace or augment current definition with: "See Article 23-3E: Affordable Housing."				
57.22			live/work & work/live		x													TW						definitions	x		specific definition	remove work/live definition	this is redundant with the definition for live work. I don't see how this simplifies anything and I think it'll end up being subjective which is which.	No	all land uses shall be defined
A-57.22.1																JSh													REINSTATE accessory apartment "USE" ALLOWED IN ALL R ZONES 23-4D-2030 LAND USE TABLE - ADD USE 23-4D-6050 ACCESSORY USES - ADD SECTION 23-13A-2030 LAND USES - ADD DEFINITION 25-2-901 - ACCESSORY APARTMENTS. A An accessory apartment is a separate dwelling unit that is contained within the principal structure of a single-family residence, and that is occupied by at least one person who is 60 years of age or older or physically disabled. B. If space within a principal structure is converted to an accessory apartment, the accessory apartment may not include: 1. converted garage space; or 2. a new entrance visible from a street. REMOVE SECTION C BELOW C. The building official may not issue a building permit for construction or remodeling of an accessory apartment unless the applicant delivers to the building official an affidavit verifying that one of the proposed occupants of the accessory apartment is 60 years of age or older or physically disabled.		
A-57.22.2																JSh													Accessory Apartment Allowed Use - Reincorporated and allowed use. Internal to an existing home - adaptive reuse Internal to main house, http://www.plgrove.org/documents/faq-accessory-apartments.pdf Should firewall separation be required between the AA and the main dwelling? No. This is required for a duplex, but not normally required for Accessory apartments. It is a substantial cost that would need to be required for most existing situations that might cause difficulties for compliance. An accessory apartment is considered a part of the same home and structure, and normally the main dwelling unit is required to have access to it. proposed definition as refined over the years is: Attached: A subordinate dwelling, which has its own eating, sleeping, and sanitation facilities, within or attached to a single family residential building; or Detached: Within a detached accessory structure associated with a single Family dwelling. https://extension2.missouri.edu/gg14 Mention costs to do an accessory apartment - very VERY affordable vs adu.		

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A-57.22.3			Designated Review Group		x																	missing defs	x			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 homes		x																	missing defs	x			Please add definitions	let’s discuss why these aren’t included as definitions or uses in our new code?		
57.23			micro units, modular, mobile homes		x												TW					missing defs	x			Please add definitions.	let’s discuss why these aren’t included as definitions or uses in our new code?	No	only define uses.

CodeNEXT: DRAFT 3 DELIBERATION
TABLE ADDENDUM

		ARTICLE		DIVISION	TITLE	A			B																C	D	E		F	G		H		
Note on Addendum Item	Item Number					DESIRED PROPOSED CHANGES TO D3			INITIATED BY COMMSIONER														EX OFFICIO		TOPIC AREA	REQ. ADD'L STAFF FEEDBACK	AMENDMENT TYPE		SUBSTITUTE LANGUAGE		COMMISSIONER NOTES			
Original Motion was voted to divide	21.5				Conditional Use Permits			X														23-4B-1020	please see Exhibit TW Conditional Use Permits	There are a number of general and specific changes outlined in the exhibit										
	21.5 - Item 1																						please see Exhibit TW Conditional Use Permit											
	21.5 - Item 2																						please see Exhibit TW Conditional Use Permit											
	21.5 - Item 3																						please see Exhibit TW Conditional Use Permit											
	21.5 - Item 4																						please see Exhibit TW Conditional Use Permit											
	21.5 - Item 5																						please see Exhibit TW Conditional Use Permit											
	21.5 - Item 6																						please see Exhibit TW Conditional Use Permit											
Original Motion was voted to divide	23.3			Division 23-4D	All Subsections	x				AH	FK										Affordable Housing	No	Yes	23-4D	Change Cooperative Housing to P in R1, R2B-E, R3B-C, R4C, RR and MH; Change Cooperative Housing to P in zones R4A-C, RM1A-B; Change Cooperative Housing to P in MH, MS1A, MU3B, MU4	Cooperative Housing would still have to apply with applicable zoning regulations - it's a model that everyone should support.	Yes/No	4 unrelated adults may reside in a house built since 2014 and 6 unrelated adutls may reside in a house built before 2014 which is the reason for not recommending P in R zones; Staff agrees that it can be allowed in MU3B and MU4						
	23.3 - Motion 1																							Change Cooperative Housing to P in MH, MS1A, MU3B, MU4										
Motion 2 was voted to separate	23.3 - Motion 2																																	
	23.3 - Motion 2A																																	
	23.3 - Motion 2B																							Change Cooperative Housing to P in R3B-C, R4C,R4A-C, RM1A-B; Change cooperative housing in RR, R1, and R2										
Vote Unclear due to division of question	23.10									FK					JSh	TW					FY Imp Cov			ALL R ZONES	delete frontyard impervious regulation		No	purpose is to prevent full front yard pavement - if removed from D3, it will be removing a NP subset from some mcmansion areas, can maybe apply to only mcmansion zones						
Original Motion was voted to divide	23.35			Division 23-4D-2	Residential House-Scale Zones						KM												23-4D-2 simplify uses maintain; minimum lot sizes in some zones	Remove single-family attached, duplex and ADU Maintain current lot sizes (minimum 5,750) and minimum width (50') in R1B, R1C, R2A, R2C, R3C, R4A (6,000 - 60' width)	Remove these uses in favor of only referencing dwelling units without respect to their attachment or not per zoning - only per Buildign code. FAR is permitted for 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 participation. These include R2B, R2D, R2E, R3C, R3D This amendment provides balance required to achieve the Austin Bargain to allow neighborhoods to maintain existing current zoning while creating new zones for greenfield, areas where the new regulations match current development and for sites identified in a Small Area Planning process.	No	See response on line 23.31							
	23.35 - Motion A																							Remove single-family attached, duplex and ADU										
No Action Made	23.35 - Motion B																							Maintain current lot sizes (minimum 5,750) and minimum width (50') in R1B, R1C, R2A, R2C, R3C, R4A (6,000 - 60' width)										
Original Motion was voted to divide	23.37			Division 23-4D-2	Lot size minimum			X												TW		Lot Sizes	X	Lot Size & Intensity Table; R1B-R2C	replace 5000 with 5750	This reduction inadvertently allows an additional 39,469 lots (lots in this zoning category between 11.5k-10k) to be subdivided leading to increased demolitions	No	Staff supports reducing nonconforming lots with 5000 square foot lot; the 39,469number is erroneous and the correct number is						
	23.37 - Motion 1																							Create comparable R zones in R1 and R2 (number to be determined by staff) that maintain the 5750 sf minimum lot size and a minimum 50' lot width (Pg 35 of 48 of Residential Working Group - Item B)										
	23.37 - Motion 2																							Map new zone to all existing lots with 5750 sf										
Original Motion was voted to divide	23.44			Division 23-4D-2	2030- Allowed Land Uses and Permit Requirements															TS		Single Family Attached	NO	Table 23-4D-2030(C) Allowed Uses in Residential House-Scale Zones	CHANGE: Single-Family Attached status from "P" to "-"in R2A, R2B, R2C, R3A, R3B.	Change permit status of Single-Family Attached in Specific Zones to not allowed.	No	Staff does not aggree with reducing SF attached permissions in D3 as it will be reducing entitlements currently allowed today						
	23.44 Motion A							x																Single-Family Attached status from "P" to "-"in R2A, R2B, R2C										
Vote Unclear due to division of question	23.44 Motion B																							Single-Family Attached status from "P" to "-"in R3A, R3B.										

LEGEND
Passed Motion
Defeated Motion
Duplicate Motion of Acted-On Item or Failed on Second or Withdrawn
Staff identified duplicate motions
Motion Tabled
See Table Addendum for more information

Line Item	General or Specific	Commissioner	Topic	Description	Area Impacted	Supporting Graphics (Y/N)	Justification	Commissioner Notes	Staff Comments
1	General	Conor Kenny	Corridor and transition zoning for IA gentrifying areas	All IA corridors in gentrifying areas will be mapped as follows: 1) All commercial lots will be zoned as MS with the following rules: lots under 140 sq ft. deep zoned as MS2B, lots between 140-220 sq ft. deep zoned as MS3B, lots 220 ft deep or more zoned as MS3C. 2) All D3 R-zoned lots immediately adjacent to the (1) above MS lots AND have part of their lot within 1/8 mile of an IA corridor are rezoned as RM1C. 3) All D3 R-zoned lots that have part of their lot within 1/4 mile of an IA corridor are rezoned as R2C.	IA gentrifying areas	n	This protects gentrifying areas while still building towards transit-supportive density and complete communities. Only one row of current single family zoning allows multi-family, and all increases in height must be obtained through participation in the affordable housing program.		Need clarification on the definition or criteria for gentrifying area. 1) MS Zones have been applied so that lots below 150 ft in depth are MS2 and over 150 ft are MS3 when adjacent to a zone that triggers compatibility. Staff does not recommend Main Street everywhere. Mixed Use Zones can provide flexibility when appropriate. Need clarification on the purpose of the difference between MS3B and MS3C in this motion. 2) Staff does not recommend blanket upzone, context needs to be further examined. If motion 23.129 is not passed by the commission, is there an alternative zone that should be applied. 3) Staff applied R2A or R2B on SF-2 and SF-1 zoned lots within a 1/4 mile of an IA corridor if the streets where connected to the corridor and the lots where not in a floodplain. SF-3 lots were converted to R2C.
2	General	Conor Kenny	Rezone all R2A	All D3 lots zoned as R2A will be re-zoned as R2C.	Citywide	n	R2A is junk zoning that only allows duplexes on corners, which is not an appropriate policy for a city in a housing crisis.		This zone is applied based on incremental increase in density while maintaining current neighborhood character. The R2A zone was modeled after existing development patterns found in Austin. R2A has been mostly mapped on SF-2 zoning which only allows one unit per lot under current code.
3	General	Conor Kenny	Rezone all R3A	All D3 lots zoned as R3A will be rezoned as R3C.	Citywide	n	R3A is junk zoning that only allows duplexes on corners, which is not an appropriate policy for a city in a housing crisis.		R3A does not appear on the Draft 3 map. This zone was modeled after neighborhoods like Windsor Park which have large lots and through future planning efforts this zone can be used to provide incremental increased in density while maintaining current neighborhood character. R3A allows duplexes on any lot.
4	General	Conor Kenny	Reverse undesired D3 mapping inconsistent with neighborhood plans	Reversing the mapping done in D3 that conflicts with neighborhood plans.	Citywide	Y	Clarify the debate.	Note: I will have a full list of these changes to come - I am still collecting from neighborhood groups.	Most properties align with the FLUM designation. The FLUM does not align with the proposed zoning if the current entitlements are more intense than the FLUM designation (example: multifamily or commercial zoning with single family FLUM designation) or the current residential use is more intense than the FLUM (existing fourplex with single family FLUM designation. Also, the expansion of mixed use zoning applies to many properties that are designated office or commercial by the FLUM.
5	General		IA Activity Centers	Map all activity centers. Most are now F25	Activity Centers	N	This was the whole point of CodeNext - To implement Imagine Austin		Any COs in the Centers can potentially be reviewed and get a proposed D3 zone; however, there are many F25s in these areas that are PUDs, TODs, PDAs or other regulation plans. Staff is not recommending rezoning at this time. These are specific plans and applying new zones may result in a loss of entitlements or specific form controls/benefits of the current zoning. - About 19,800 (8%) of lots intersect with an IA Center. - About 6,900 of those are F25 - About 1,100 F25 lots are conditional overlays
6	General	Jeff Thompson	Downtown remapping	to DAA proposal	downtown	N		This was actually one I was planning on submitting	
7	General	Jeff Thompson	TOD's	Map all TOD's	TOD's	N			Rezoning will affect different agreements and requirements in the regulating plan that reference Title 25 zones. Staff recommends this process be completed in the future.
8	General	Fayez Kazi	Corridors Zones	Create zone methodology as descibed in attachment	entire city				need attachment
9	Specific	Fayez Kazi	food desert	Zone the SW corner of Elroy and 130 from IF to MU3 or MU4			to allow grocery store with food sales and alcohol sales uses		Food and alcohol sales are permitted in IF.
10	Specific	Fayez Kazi	food desert	For the F25 areas between McKinney Falls, 183, and Burleson, zone the CS-CO-NP to MU3 or MU4 and the LI-CO-NP to be IF			to allow grocery store with food sales and alcohol sales uses		Food Sales are allowed in CS-CO
11	General	Fayez Kazi	compatibilty	Identify properties that cause compatibility on CC or DC areas and consider zoning them to the minimum necessary to not trigger compatibility.					Only two instances of a RH Zone adjacent to CC or DC and they are both CC zones with a historic overlay. The DAP sets specific compatibility regulations near Judges Hill. CC subzones are applied based on the heights set by the DAP. DC does not have compatibility restrictions.
12	Specific	Fayez Kazi	transit	Direct staff to zone South Park Meadows as a mix of MU, CC, and UC, with no less than 25% as UC					This area is classified as a Town Center in Imagine Austin, which is less intense than Regional Centers and does not lend itself to zones like UC. MS and MU are appropriate and this area is already MU with F25 (GR-CO).
13	General	Karen McGraw	mapping	We should not be mapping without an adopted Code	Entire City		CodeNext has not been adopted and may not be adopted as proposed. This could be simply a lost effort.		Staff does not recommend delaying the mapping process as it will delay the implementation and having an updated map at adoption will allow the small area planning process to commence sooner. Mapping has been essential to development of the proposed zones.

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14	General	Karen McGraw	mapping	We should not be mapping without substantial stakeholder engagement in the mapping process.	Entire City		Stakeholders should be active participants in a remapping proces and have not been invited to or engaged in this process.		CodeNEXT has gone out into the community, held many office hours, and has mutiple tools for commenting on the mapping and code language.
15	General	Karen McGraw	UNO	UNO mapping should be left intact as requested by Canpac	UNO		UNO to remain as designed		UNO has been carried forward in the draft text and map.
15.1	General	Karen McGraw		Each commissioner should foster the conversation among their district stakeholders and take the lead in structuring a process in their district regarding mapping					
16	General (example)	Trinity White	plan to plan	Allowing future density through SAP with a quota to be met geographically for a balanced distribution of density city wide	city wide	maybe	back up to be provided		This is a motion that refers to the small area planning process, not a change to the proposed map.
17	Specific	Trinity White	Small scale density bonus taskforce	I move that we direct staff and consultants to continue to work together to fully vet the full suite of options for increased entitlements through workshops with stakeholders including but not limited to representatives from affordable housing advocates, construction companies, developers, and neighborhood advocates	city wide	N	We need more affordable units then we are currently getting with our density bonus. We want to make sure that those units are in areas supported by transit, areas spread equitably throughout the city, near schools and city amenities, while garnering more community benefit. We recognize that we need to exchange entitlements for the affordable units. Recognizing the work that the AWG & the MWG have already completed, while also recognizing that there was not enough time to model all the entitlement options including impervious cover, building coverage and parking stepback adjustment, and also considering the role functional green can play in balancing entitlements and environment.		
18	Specific	Trinity White	Large scale density bonus taskforce	I move that we direct staff and consultants to continue to work together to fully vet the full suite of options for increased entitlements through workshops with stakeholders including but not limited to representatives from affordable housing advocates, construction companies, developers, and neighborhood advocates	city wide	N	We need more affordable units then we are currently getting with our density bonus. We want to make sure that those units are in areas supported by transit, areas spread equitably throughout the city, near schools and city amenities, while garnering more community benefit. We recognize that we need to exchange entitlements for the affordable units. Recognizing the work that the AWG & the MWG have already completed, while also recognizing that there was not enough time to model all the entitlement options including impervious cover, building coverage and parking stepback adjustment, and also considering the role functional green can play in balancing entitlements and environment.		
19	Specific	Trinity White	ADU	Allow ADU's in all R1 zones	city wide	N	This is way to provide for smaller units throughout the city allowing more opportunities for affordablity throughout the city. ADUs are a smaller scale housing option which can be compatible with most neighborhood venacular and the addition of one unit will not lead to large scale demolitions on the larger lots of R1		This would require a text amendment, R1 allows for ADUs on certain sized lots. More R2 can be applied to the map if the goal is to expand opportunity for ADUs.
20	General	Todd Shaw	Residential House-Scale Mapping	Map existing neighborhoods to the Residential-Scale Zone that is equivalent or most closely equivalent to its current zoning and then follow with creation of transition zones using new small area planning tool in development. For example, neighborhoods with a pattern of duplexes on corners was mapped with R2A zones (per CN draft 3) and neighborhoods allowing duplexes and ADUs were mapped with R2C zones per (CN draft 3).	Residential Neighborhoods	N	Planning staff and the consultants did not successfully create adequate transition zones along IA corridors and within IA centers with adequate missing middle housing opportunities. It will be difficult for Planning Commission and City Council to create these taking into account the unique characteristics of the corridors and neighborhoods.	Planning staff and the consultants did not successfully create adequate transition zones along IA corridors and within IA centers with adequate missing middle housing opportunities.	Many of these residential zoned properties inside an NPA already have the most similar D3 zone. Where there is a departure from current entitlements is due to FLUM designations in the NP. Staff also mapped R2A and R2B on SF-1 or SF-2 zoned properties that are connected to IA corridors and centers to expand the ability for infill through ADUs.
21	General	Todd Shaw	Residential House-Scale Mapping	For residential neighborhoods with Neighborhood Plans, map equivelent to FLUMS.	Residential Neighborhoods	N	NP's should be used for initial mapping and modified as new small area planning process is established.		Most properties align with the FLUM designation. The FLUM does not align with the proposed zoning if the current entitlements are more intense than the FLUM designation (example: multifamily or commercial zoning with single family FLUM designation) or the current residential use is more intense than the FLUM (existing fourplex with single family FLUM designation. Also, the expansion of mixed use zoning applies to many properties that are designated office or commercial by the FLUM.

Line Item	General or Specific	Commissioner	Topic	Description	Area Impacted	Supporting Graphics (Y/N)	Justification	Commissioner Notes	Staff Comments
22	General	Todd Shaw	Mapping methodology along IA Corridors and within IA Centers. No "Strip" mapping.	Map higher density R zones (R3, R4) and lower density RM zones (RM1, RM2) along IA Corridors and around IA Centers in a context sensitive manner (Refer to MWG mapping criteria). In other words, do not allow blanket distance (i.e. 1/4, 1/8, 1/2 mile) mapping of higher density R zones and RM zones in these areas.	IA Corridors and IA Centers - Transition Zones	Y- MWG maps of Burnet/Anderson Corridors	Does not take into consideration the unique characteristics of corridors and neighborhoods mapping more density intense zones.		Need criteria. Staff did not apply these zones to SF zoning without plan direction. If transitions zones are mapped, staff supports looking at context rather than blanket distances.
23	General	Todd Shaw	Higher density limited to 1/8 mile from corridors and centers when adequate compatibility standards approved	Only if PC approves compatibility standards that are not based on adjacency and provide adequate separation between higher density development and Residential House-Scale Zones, mapping higher density R zones (R3, R4) and lower density RM zones (RM1, RM2) along IA Corridors and around IA Centers will extend 1/8 mile or less from the centers of Corridors and edges of Centers.	IA Corridors and IA Centers - Transition Zones	Y - Compatability Examples from ZAP/PC member collaboration and Excerpts from Jim Duncan Presentation	If "Strip Mapping" is performed then it should be limited to 1/8 mile and only when meaningful compatibility standards exist.	Maintaining compatible land use is one of the most difficult and important roles of a good planning and zoning program. And one of the most difficult areas to maintain compatibility is within the arterial corridors that separate neighborhoods. Now "Imagine Austin" has placed even more importance on compatibility by promoting even greater corridor intensities.	The following zones, R3, R4, RM1 and RM2 were applied based on current zoning, current use, or if a existing small area plan designated a higher density residential zone.
24	General	Todd Shaw	Application of MWG Priority #1	Mixed Use zones applied to areas zoned commerical in current code without "v" or "mu" in their zoning string with a minimum of draft 3 compatibility requirements for setbacks and stepbacks in place. (MWG Priority #1) [Compatibility Standards in Place]	Entire City	Y - MWG Presentation (2/7 & 4/24)	Unanimous approval of MWG and effective at producing housing units		This priority is implemented through the text of the code. Included in D3.
25	General	Todd Shaw	Application of MWG Priority #2	Residential ADU's mapped in all zones as long as they are scaled appropriately for lot size and include incentives for preservation of existing homes. (Modified MWG Priority #2)	Entire City	Y - MWG Presentation (2/7 & 4/24)	Majority approval of MWG and effective at producing housing units within all areas of Austin. Can be used as leverage for preservation of affordable single family housing.		This priority is implemented through the text of the code. Included in D3.
26	General	Todd Shaw	Application of MWG Priority #4	Map higher density zones on other major thoroughfares besides just IA corridors, including mobility bond corridors and other thoroughfares identified by MWG. (Similar to MWG Priority #4) [With compatibility standards in place]	Entire City	Y - MWG Presentation (2/7 & 4/24)	Extending higher density mixed use zoning along other corridors and thoroughfares was effective at increasing housing capacity.		Priority 4 refers to upzoning properties along or within 1/8 mile of a major throughfare currently propsoed R, RM, MU, MS1, and MS2A properties to MS2B. Need to evaluate geographical distribution of this policy. If implemented, additional work needed by staff.
27	General	Todd Shaw	Application of MWG Priority #8	Map multi-family zones to limit redevelopment of existing older multi-family housing stock-do not upzone these properties. (MWG Priority #8)	Entire City	Y - MWG Presentation (2/7 & 4/24)			Included in D3. Most properties with MF zoning received a comparable zone. However, many of these existing older multifamily developments are built below their entitlements. Likewise, many occur on commercially zoned property as a vestige from cumulative zoning.
28	General	Todd Shaw	Application of MWG Priority #14	With a minimum of proposed CodeNext Draft 3 stepbacks, allow upzoning where increased density bonuses result along IA corridors and withing IA centers. (Priority # 14).	Entire City	Y - MWG Presentation (2/7 & 4/24)			Priority 14 took all RM1-3, MU2-4A, and bumped them up by 1 level. RM1A went to RM2A, RM1B to RM2B, etc. and MU2A to MU2B, MU2B to MU3A, etc. There are affects beyond housing capacity such as allowing more intense uses in certain areas and allowing more impervious cover. Recommend ammending zones in text to implement this priority. Potentially in conflict with priority #8.
29	General	Todd Shaw	Application of MWG Priority #15	Map consistent with MWG Priority #15 [With compatibility standards]	Entire City	Y - MWG Presentation (2/7 & 4/24)	High yield of units and affordable units		Priority 15 is already implemented in the -A component of MU2-MU4, it is in D3 text and map
30	General	Todd Shaw	Application of MWG Priority #14	With a minimum of proposed CodeNext Draft 3 stepbacks, allow upzoning where increased density bonuses result along IA corridors and withing IA centers. (Priority # 14).	Entire City	Y - MWG Presentation (2/7 & 4/24)			duplicate of row 25
31	General	Todd Shaw	Creating IA Transition Zones	Create robust tansion zones that allow for a harmonious progression from lots along Imagine Austin Corridors to current single neighborhoods. Transition zones are intended to create more options for lower costs housing, including home ownership, even within currently zoned single family lots. This mapping should not create hardship through non-conformity of adjacent lots and be done in context with the characteristics of the corridor and the surrounding neighborhoods. Setbacks and stepback requirements will be established for higher density zones will assure that the progression within the transition zones are consistent.	Transition Zones	Yes - IA reference	Compliance with IA		Staff mapped transition zones in Draft 1 and need more direction.
32	General	Todd Shaw	Extend IA mapping of corridors to Regional Corridors	Map Regional Corridors (defined by MWG as roadways used across town traffic; predominantly commerical; higher traffic speeds) along IA corridors in a context sensitive manner.	Entire City	Y - MWG List of Regional Corridors	Additional corridors are needed to meet housing capacity needs	Similar to Similar to MWG Priority #4 but without "Strip Mapping"	Most corridors, IA or not, have mixed use or main street zoning.
33	General	Todd Shaw	Extend IA mapping of corridors to Regional Corridors	Evaluate Community Corridors (defined by MWG as roadways used between multiple neighborhoods; intermittent to significant commerical presence; mix of lot sizes) for existing higher density zoning patterns and uses for determining most appropriate mapping.	Entire City	Y - MWG List of Community Corridors	Allows other significant arterials to be built out and provide higher density development where it already has started.		Need more clarification and if implemented, potentially a great amount of additional work needed by staff. Would the application of MU1A on S 1st and Manchaca initiated by the SACNP character map be an example of this?

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34	General	Todd Shaw	House scale businesses	Use MU1 to replace houses with businesses.	Entire City	Y	Staff mapped with way		Staff mapped MU1 on businesses with office/commercial zoning in house form building with the exception of SACNP which included lots zoned SF-3.
35	General	Todd Shaw	Mapping for Conformance	If land use use did not match zone they applied a correct zone to match use.	Entire City	Y	Staff mapped with wayto allevaite non-conformities		Included in D3.
36	General	Todd Shaw	Mixed Use Mappingbased on lot size limitations	Map mixed used zones based on lot size (i.e. do not map MS3 when the lot can only support MS2)	Entire City	Y	Realistic mapping. Do not want to over-zone properties.		Staff applied MS zones to reflect this in the D3 addendum map update.
37	General	Todd Shaw	Mapping Transition Zones	Mapping of transition zones along IA corridors and within Regional Centers will be handled through a small area planning process.	Entire City	Y	Staff recommendation		Staff recommendation.
38		James Schissler		For base zoning: All properties within downtown except for those within the area exempt from bonus density per Figure 23-3E-2050(1) Downtown Density Bonus Program Map, and except those within the area bound by 14th Street and W MLK Jr Blvd and San Antonio and Rio Grande Streets, should be zoned DC. All other properties should be zoned one of the CC subzones as shown on the Draft 3 map.					The application of CC as opposed to DC is based on current zoning and the DAP height map. This motion essentially zones all properties that are a mix of commercial, multi-family, etc, and makes them all DC inside the Density Bonus areas.
39		James Schissler	Downtown Density Bonus Program	And for Downtown Density Bonus Program: All properties within downtown except for those within the area exempt from bonus density per Figure 23-3E-2050(1) Downtown Density Bonus Program Map, and except for the three areas within 14th Street and W MLK Jr Blvd and San Antonio and Rio Grande Streets, should be allowed unlimited FAR and height bonuses.					This is a text amendment to 23-2E-2030(B)(1), this section and figure identify the FAR maximums within the downtown density program
40		James Shieh		Capacity in D3 is over 3x-4x that of forecast with the recommendation of around 2x. Additional capacity considerations should therefore be thru SAP process. Too little capacity is problematic, but too much capacity causes other problems. Excess capacity should be carefully placed where and when greatest needs are identified. Thru the mapping studies, we know there are many new planning approaches and levers that can be adjusted to bring more capacity and affordability. This is an opportunity for SAP to leverage the insight to help to craft the city to reflect the Comprehensive Plan. There is the opportunity to use technology innovation as presented in SAP to identify critical need areas based upon fair metrics, not opinions. We recommend that along with the MAP, CodeNext be approved with the Plan to Plan which would include recommendations of the resources needed as well as a priority plan and schedule. If we give away capacity now, we will not be able to take it away. If we are truly going to plan, a real planning process must be done which incorporates a public process.					Need further clarity on affect of this motion on the map.
41		James Shieh		Recommend working on D3 map to coordinate mapping errors and coordination with Neighborhood Plan Contact teams and their FLUMs, with attention to corridor planning.					Most properties align with the FLUM designation. The FLUM does not align with the proposed zoning if the current entitlements are more intense than the FLUM designation (example: multifamily or commercial zoning with single family FLUM designation) or the current residential use is more intense than the FLUM (existing fourplex with single family FLUM designation. Also, the expansion of mixed use zoning applies to many properties that are designated office or commercial by the FLUM.
42		James Shieh		Recommend identification of underzoned and spot zoned lots and areas to be coordinated with surrounding areas.					Need further clarity on what the motion requests of the map.
43		James Shieh		In order to increase affordability in areas of critical need, we recommend identification of the critical areas then the calibration of the new density bonus to bring deep affordability. To offset the costs, the additional capacity opportunities as identified in the Mapping studies may be rolled out in those areas. This should be done thru the SAP process.					Need furhter clarity if this motion is requesting a change to the map or just stating support in working with the new small area planning process

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44	General	Angela De Hoyos Hart	Mapping Working Group Implementation	Implement all components of Mapping Working Group Scenario C: Maximize Income-Restricted Affordable Housing (Includes: P1, P3, P4, P6, P9, P10, P12, P14, P15, P16) from page 22 of the presentation. Also add: P2, P19	Citywide	Y			P1: Mixed use in commercial - included in D3 P3: Increase density in IA Centers - not included in D3 P4: Increase density along major thoroughfares - not included in D3 P6: Increase density around AISD schools - not included in D3 P9: Missing middle on vacant land with R zones - not included in D3 P10: Encourage redevelopment of existing SF - not included in D3 - Staff does not recommend because only one neighborhood east of IH 35 affected P12: Apply bonuses - not included in D3 - modeling for this priority assumed all bonuses where taken and did not take feasibility into account - unsure how to implement P14: Replace less internse bonus zones with more intense bonus zones - increasing RM entitlements may incentivize development of existing market affordable multifamily housing stock - applying a higher MU zone will also open up areas to more uses - recommend changing density allowed in text versus changing zone on the map P15: Residential only as bonus (-A) - included in D3 P16: P2: ADUs Everywhere - partially implemented in D3 through expansion of R2 on the map P19: Upzoned to missing middle densities along major corridors - not included in D3
45	General	Angela De Hoyos Hart	Corridor Calibration	Zone all corridors an "M" type zone, calibrate down block by block to the creamy nougat center of R1/2. I.e. If the corridor is zoned as Main Street or Mixed-Use, the next block will be calibrated to RMU, the next block in will be R3, etc...depending on number of blocks to interior of neighborhood.	Citywide	Y	In keeping with Mayor Adler's policy directive to implement the "Austin Bargain", we should allow for density along our corridors and calibrate to the interior of the neighborhood. Due to divergence in lot size, rather than units of measurement I propose this calibration be done block by block.		Staff applied transition zones in Draft 1 and, as not all corridors are designed the same and context would need to be reviewed.
46		Stephen Oliver	Regional and Town Centers	Identify properties and nodes within centers that can accomated zoning more intense than baseline MS3	Centers				UC would be appropriate in Regional Centers. Staff does not reccommend more intense than MS3 in Town Centers.
47	Specific (example)	Stephen Oliver	Highland Mall Regional Center	Include CC Zoning and a transtion area at IA Highland Mall Regional Center if property is more than 540 feet from existing SF	Highland Mall Regional Center	Y			UC is more appropriate to apply to Regional Centers outside of downtown. Also, is this measurement from the property line of a residential house scale zone or suggesting measuring from use? Need to also define when the transition down from UC would begin and what that zoning looks like.
48	General	Greg Anderson	Central Austin Missing Middle	Instead of stepping down to R2 from a corridor zone, step down to R3, and zone no less than R3. When necessary, remove F25 to accomplish this. Thus, the minimum zone in this area will be R3.	North of Oltorf, east of Lamar, west of 35, and South of Koenig				Staff has applied R2 on SF-3 properties to reflect current unit per lot entitlements.
49	General	Greg Anderson	Commercial Center	Zone at least 75% of the Highland area Regional Center as UC and CC. (minimum 15% UC)	As specified on the Growth Concept Map				Staff does not recommend CC outside of downtown, UC is intended as a Regional Center zone.
50	General	Greg Anderson		All the MS3 that was mapped in draft 3 and removed in the adendum should be restored					MS2 was applied in the map update to reflect realistic height achievable on shallow lots. MS2 was given more impervious cover on to better reflect current entitlements.
51	General	Greg Anderson	Train Stations	1/4 mile walk from light rail stations, minimum R4					Increase in density from D3.
52	General	Greg Anderson	Parks	if across the street or adjacent to a park and residential, within the Residenital Design Boundary (AKA McMansion) remap to at minimum MS2 or RM2	Inside Residential Design Boundary/M cMansion boundar		Parks should be shared!		Increase in density from D3.
53	General	Greg Anderson	Rezone North Burnett Gateway as a Regional Center	Zone the at least 50% of the North Burnet Gateway area regional center minimum UC and CC (minimum 10% UC)	North of 183, west of metric, east of Mopac, south of Gracy Farms		N Burnett Gateway adjecent to domain		North Burnet Gateway has a specific regulating plan. Staff is not recommending any change to plan.
54	Specifc	Greg Anderson	W Campus/Heritage	Map R4, with RM where appropriate.	North of MLK, South of 38th, between Lamar and Guadalupe				Increase in density from D3. Would not align with FLUM.

Line Item	General or Specific	Commissioner	Topic	Description	Area Impacted	Supporting Graphics (Y/N)	Justification	Commissioner Notes	Staff Comments
55	General	Greg Anderson	Churches	zone P zoned churches to the highest zone adjacent to that property.			Many churches are zoned P, which makes it very difficult for churches who want to sell to sell, limiting the options for congregations		Many religious assemblies are also on residential zoning consistent with adjacent properties. These are allowed in all zones except Conservation Land.
56	General	Greg Anderson		Zone everything between Springdale, 7th, and Cesar Chavez MS3A					MU4A is an intense mixed use zone. If this area is deemed appropriate for Main Street Zones, consider the affect of form controls.
57	Specifc	Greg Anderson	AISD Property	Zone all AISD properties to their requested entitlements			Attached spreadsheets		Staff is recommending P for schools unless plan direction suggests a different zone.
57.1	General	Greg Anderson		Move to map the areas adjacent to our core transit corridors, future core transit corridors and Imagine Austin corridors using the new zoning tools in CodeNEXT such that Compatibility is not triggered on at least 90% of the properties along these corridors and exempt our TODs from Compatibility			As the grand bargain mirrors commentary from circles that have have been outspoken against development in a single vein--that the corridors should be allowed to flourish--I'd like to propose the below motion. This would be a good way to lead off our discussion on transition zones as we need to use them correctly in order to both zone compatibility into our city but also to achieve our housing goals.		Consider both zone application on the map as well as compatibility triggers in the text. For instance, staff recommends any transition zones be mapped with zones that allow single family use as to not create nonconformities. This would include R3, R4 and RM1A. Mapping these zones may also require a text change regarding which zones trigger compatibility to meet the goals of this motion.
58	Specific	PS	Medical Parkway rezoning	Medical Parkway between 44th & 45th should be changed to MU1A	Medical Parkway from 38th street to 45th street	Y	House scale buildings adjacent to residential neighborhood	Previously discussed w/staff	MU1A is a significant downzoning, staff would recommend MU1D to maintain current height and similar use entitlements
59	Area	PS	Medical Parkway rezoning	Medical Parkway except between 44th & 45th should be changed to MU2A	Medical Parkway	Y	Prior zoning of NO,LO,LR	Previously discussed w/staff, exception is Draft House use is not permitted	MU2A is a downzoning on many of these properties, MS2 carries forward current entitlements and incorporates compatibility
60	Specific	PS	Windsor & Exposition	Exposition (both sides) to Spring Ln to Windsor should be changed from MS-2B & MS-3B to a MU zone	Exposition & Windsor	Y	Previously zoned LR, LO, GR, GR, CS-1	MS-zoning not appropriate	MU can be done but does not guarantee the walkable development.
61	Specific	PS	Lake Austin Blvd & Enfield	Lake Austin Blvd (both sides) at Enfield Rd intersection should be changed from MS3A-B to MU1C	Lake Austin Bl & Enfield Rd	Y	Previously zoned CS & SF-3	MU1C more appropriate. Adjacent lot is MU1C	Staff can support an MU4 as this area is not quite as connected as other areas proposed for MS3, but MU1C is a downzoning considering the size and current zoning of these lots
62	Specific	PS	Exposition & Westover	Exposition Blvd (north side) between Westover and Northwood Rd too intense zone for this area.	Exposition & Westover	Y	Zoned MS3B. Previously zoned CS. MU more appropriate for neighborhood.	UNZ, R2C & P adjacent.	Staff can support an MU4 in this area, though not as guaranteed to get a walkable mix use development as with MS.

Note on Addendum Item	Line Item	General or Specific	Commissioner	Topic	Description	Area Impacted	Supporting Graphics (Y/N)	Justification	Commissioner Notes	Staff Comments
Motion was divided	1	General	Conor Kenny	Corridor and transition zoning for IA gentrifying areas	All IA corridors in gentrifying areas will be mapped as follows: 1) All commercial lots will be zoned as MS with the following rules: lots under 140 sq ft. deep zoned as MS2B, lots between 140-220 sq ft. deep zoned as MS3B, lots 220 ft deep or more zoned as MS3C. 2) All D3 R-zoned lots immediately adjacent to the (1) above MS lots AND have part of their lot within 1/8 mile of an IA corridor are rezoned as RM1C. 3) All D3 R-zoned lots that have part of their lot within 1/4 mile of an IA corridor are rezoned as R2C.	IA gentrifying areas	n	This protects gentrifying areas while still building towards transit-supportive density and complete communities. Only one row of current single family zoning allows multi-family, and all increases in height must be obtained through participation in the affordable housing program.		Need clarification on the definition or criteria for gentrifying area. 1) MS Zones have been applied so that lots below 150 ft in depth are MS2 and over 150 ft are MS3 when adjacent to a zone that triggers compatibility. Staff does not recommend Main Street everywhere. Mixed Use Zones can provide flexibility when appropriate. Need clarification on the purpose of the difference between MS3B and MS3C in this motion. 2) Staff does not recommend blanket upzone, context needs to be further examined. If motion 23.129 is not passed by the commission, is there an alternative zone that should be applied. 3) Staff applied R2A or R2B on SF-2 and SF-1 zoned lots within a 1/4 mile of an IA corridor if the streets where connected to the corridor and the lots where not in a floodplain. SF-3 lots were converted to R2C.
	Motion 1				1) All commercial lots will be zoned as MS with the following rules: lots under 140 sq ft. deep zoned as MS2B, lots between 140-220 sq ft. deep zoned as MS3B, lots 220 ft deep or more zoned as MS3C.					
Motion never taken up	Motion 2				2) All D3 R-zoned lots immediately adjacent to the (1) above MS lots AND have part of their lot within 1/8 mile of an IA corridor are rezoned as RM1C. 3) All D3 R-zoned lots that have part of their lot within 1/4 mile of an IA corridor are rezoned as R2C.					