



# **Draft Land Development Code Revision**

## **Staff Report**

*October 4, 2019*

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## Introduction

On October 4, 2019, staff [published the project's two major components](#)—the proposed zoning map and regulatory text. This represents a major milestone in the City's efforts to comprehensively revise the Land Development Code and would not be possible without many years of work by the City Council, city staff, numerous boards and commissions, and the countless Austin residents who have participated in the process since adoption of the [Imagine Austin Comprehensive Plan](#) in 2012.

Over the last few months, [policy direction provided by Council on May 2, 2019](#) has guided efforts by the City's cross-departmental staff team to produce a Land Development Code that furthers the goals of Imagine Austin and makes tangible improvements in the areas of housing capacity, transportation, water quality, and other key priorities of the Council and the community at large.

The team structure was assembled by City Manager Spencer Cronk to support cross-departmental collaboration among staff assigned full-time and near full-time to the project. This process has used consultant support more selectively than prior efforts and relied more on the experience, knowledge, and hard work of dedicated staff teams using Draft 3 as a starting point per City Council direction.

This staff report serves as a user guide to all aspects of the Land Development Code Revision. As such, the report includes not only summaries of the zoning map and regulatory text, but also general background on the Land Development Code and discussion of specific topics known to be of interest to Council, the Planning Commission, and the larger Austin community. More insight, resources and events are published online on the regularly-updated Land Development Code website, [AustinTexas.gov/LDC](http://AustinTexas.gov/LDC).

We hope the report is useful to everyone interested in land use and development, at whatever level of knowledge or technical expertise. The staff teams look forward to working with Council, the Planning Commission, and communities across Austin in the coming weeks to facilitate greater understanding of key issues and how they are addressed in the proposed code improvements.

LDC Revision Team  
October 4, 2019

## Documents & Resources

Below are links to specialized online tools designed by staff to aid in better understanding the Land Development Code Revision, as well as project documents and resources that are referenced throughout the report.

### Text Tools

These resources are intended to assist Council, the Planning Commission, and the public in understanding the text of the Land Development Code Revision and the process used by staff in code development.

#### Policy Task Tracker

*Purpose:* To organize the direction in Council's May 2 Policy Direction into specific tasks that can be tracked over the course of the Land Development Code Revision project. Staff used the Policy Task Tracker to attribute proposed code changes to specific council policy direction. The task numbers listed in Column E relate to Column H in the "Text Revision Tracker," described below.

[Click here to download a spreadsheet](#)

A static, PDF document is available at [AustinTexas.gov/LDC](https://austintexas.gov/LDC) (best for printing)

#### Text Revision Tracker

*Purpose:* To track all changes to the LDC text, using Draft 3 as a baseline, and catalog all proposed change in one uniform location. This document is iterative in nature, reflecting numerous changes proposed to the code text in service to Council's policy direction. The links available in column M provide access to all of the tracked changes documents created by staff throughout the entire process.

[Click here to download a spreadsheet](#)

A static, PDF document is available at [AustinTexas.gov/LDC](https://austintexas.gov/LDC) (best for printing)

### Map Tools

These resources are intended to assist in understanding the proposed zoning map and the process used by staff in developing the map.

#### Proposed Zoning Comparison Viewer

*Purpose:* Allows users to review proposed zoning at a citywide scale, down to a specific address. A side-by-side comparison shows what is the zoning today and what is proposed under the LDC Revision.

[Click here to see the map viewer](#)

#### Council Criteria for Mapping Transition Areas

Purpose: Allows users to see how particular areas of the City compare against the mapping criteria included in Council's Policy Direction and how staff has interpreted the criteria for mapping including transition areas as directed by Council.

[Click here to learn more about the Criteria for Mapping Transition Areas](#)

## Additional Resources

### **City Council Policy Direction**

Issued on May 2, 2019, the City Council's policy direction document clarifies policies and provides specific direction regarding 1) code revision scope, 2) housing capacity, 3) missing middle housing, 4) compatibility standards, 5) parking, 6) planning, and 7) affordable housing. It is the basis for the staff recommendations included in the LDC Revision.

[Click here to read the City Council Policy Direction](#)

### **Staff Response to Prior Boards & Commission Recommendations**

Many Boards, Commissions and Associated Entities of the City (such as Zoning and Platting and Urban Transportation Commissions) adopted recommendations as part of previous Code revision efforts. Staff created this response to document how we considered the recommendations. As indicated, many of these recommendations informed the draft Land Development Code map and code text.

[Click here to read the staff response to Prior Board and Commission recommendations](#)

### **Affordability Impact Statement**

The Affordability Impact Statement (AIS) was issued by the Neighborhood Housing and Community Development Department concurrent with publication of the draft code and map and evaluates the potential impact of the draft revision on affordability in Austin.

[Click here to read the Affordability Impact Statement](#)

### **Land Development Code Revision Website**

The Land Development Code Revision website houses more resources, information about upcoming events, and the draft Code text and map.

[Click here to visit the Land Development Code Revision website, AustinTexas.gov/LDC](#)

## Background

The Land Development Code, or “LDC” for short, regulates all aspects of using and developing land in the City of Austin and, to a lesser degree, unincorporated areas immediately adjacent to the City. The LDC includes basic requirements for developing land, like rules for the size of buildings, restrictions on where different uses are allowed to occur and buffers to protect the environment, and utility regulations. But the LDC also speaks to a much broader range of issues relating to development, like transportation, affordability, the natural environment, historic preservation, signage, and opportunities for public participation in the City’s decision-making process.

The Imagine Austin Comprehensive Plan, adopted by Council in 2012, establishes important goals for managing growth. For all its strengths in setting a vision for our community, Imagine Austin does not include the level of detail needed to provide meaningful direction to those tasked with writing a Land Development Code. While a comprehensive plan is not supposed to dictate precise regulatory requirements, many cities use their comprehensive plans to articulate positions on core issues, such as density, housing types, and transportation, which significantly influence the content of a city’s development regulations.

The Imagine Austin Comprehensive Plan directs us to revise the Land Development Code, which determines how land can be used throughout the city – including what can be built, where it can be built, and how much can (and cannot) be built. The City’s Land Development Code needs to be updated to help us create the kinds of places we want, and to address critical issues such as diminishing natural resources, household affordability, and access to healthy lifestyles – to name a few.

In 2013, the city engaged the help of national and local experts to work with elected officials, staff, appointed representatives, and the community at large on how best to align the land use standards with the goals and vision of the City’s comprehensive plan. From the beginning, this process—dubbed “CodeNEXT”— placed as much emphasis on listening to the community as on exploring the technical dimensions of writing and mapping a new Land Development Code (LDC).

The CodeNEXT process spanned over five years. The project experienced a combination of significant shifts, such as: major changes to our city leadership and transition to a new 10-1 district system of representation, adoption of the Strategic Housing Blueprint and Strategic Direction, 2023 Plan, and the Austin Strategic Mobility Plan. In August of 2018, the Council found that due to a combination of significant factors, CodeNEXT was no longer a suitable mechanism to achieve its stated goals or address the critical challenges currently facing our City.

In August 2018, Council passed a resolution terminating the CodeNEXT process and directing the City Manager to develop and propose a new process. With Council Direction, the City Manager spent considerable time learning what worked during previous efforts to amend the code and where improvements could be made moving forward. As a result, foundational elements significant to structuring a new process emerged: the establishment of guiding principles for the new process and the request for City Council to provide policy direction in the following areas: scope of revisions, density and housing, compatibility standards, and parking requirements.

The City Manager established the following guiding principles to frame project work and discussions:

Simplicity and candor

- Use plain language to frame issues and describe what we're doing.
- Don't avoid or shy away from difficult topics. Instead, identify and present them for discussion and consideration.

Learn from the past.

- Acknowledge that our historical land use policies have not benefitted all communities. We must learn from those past practices and do better.
- While the CodeNEXT process was not perfect, community stakeholders dedicated extensive time and energy to revise the Land Development Code. The valuable aspects of that work and input should not be disregarded.

Build a versatile toolbox.

- We have significant challenges in our City, but revisions to the Land Development Code alone will not solve long standing issues regarding gentrification, equity, sustainability, affordability, and mobility. In my experience, land development codes enable communities to create an environment that can address these concerns. Land development codes are one tool in a versatile toolbox of resources and must be used in concert with complementary programs, services, and community resources.
- Collectively, we need to fill our toolbox with effective resources that will allow us to solve these problems and make our community a beacon of sustainability, social equity, and economic opportunity.

Grounded in the City Manager's guiding principle: learn from the past, staff acknowledges that the LDC plays a major role in shaping the built environment and fostering equitable, integrated, and diverse communities. Land development codes are one tool in a versatile toolbox of resources and must be used in concert with complementary programs, services, and community resources. Collectively, we need to fill our toolbox with effective resources that will allow us to solve these problems and make our community a beacon of sustainability, social equity, and economic opportunity.



Tools such as zoning and deed restrictions have been used in inequitable ways and to discriminate against people of color. [The Mayor’s Task Force on Institutional Racism and Systemic Inequities Report](#) recounts that the 1928 City of Austin Master Plan created a segregated “Negro District,” which compelled the majority of the city’s Blacks to move to the segregated east side of Austin and denied them the right to live in other parts of the city. This history is important to consider in the current code revision process, guiding decisions in an attempt to increase equity in a city with a discriminatory legacy.

All land development decisions need to first consider these and other historical events that have negatively impacted communities of color. Only then can we acknowledge them and create space for communities to share so that we do not repeat the same mistakes. Increasing equity throughout these decision-making processes will require more representative collaboration, input, ownership, and ongoing evaluation of existing and new policies to understand their implications for equity. We recognize that our decisions today will affect equity in the future.

The LDC Revisions take an equitable approach in increasing housing capacity city wide specifically through transition areas and providing missing middle housing. Providing missing middle housing supports production of diverse housing types for people in varying income brackets and can expand home ownership opportunities.

Transition areas allow for adding housing stock where it can do the most good. By applying transition areas in a context sensitive manner throughout the city we can add housing capacity while simultaneously fulfilling multiple city goals. The approach to mapping these areas was informed by two studies, the Enterprise 360 Index and the UT Uprooted study. The Enterprise 360 Index identifies areas of the city that typically have resources that support positive educational, health, and economic outcomes. These areas are characterized by higher housing stability, household income, and educational attainment and experience better overall health and air quality. The UT Uprooted study identifies areas of the city that are vulnerable, being susceptible to gentrification and displacement. The application of transition areas strikes a balance between creating conditions for housing in high opportunities areas and not exacerbating conditions in vulnerable areas. By increasing housing choice for varying income brackets in high opportunity areas we create accessibility and affordability for all people in all parts of town.

The LDC Revisions provided today are grounded in the City Manger’s guiding principles and in service to the City Council’s May 2, “LDC Policy Guidance Report.”

## Overview: Highlights of Code Changes

More Housing	Water Quality/Drainage Improvements
<ul style="list-style-type: none"> <li><input type="checkbox"/> Additional housing capacity</li> <li><input type="checkbox"/> More market-rate and income-restricted housing units</li> <li><input type="checkbox"/> Optional residential entitlements for currently commercial-only properties</li> </ul>	<ul style="list-style-type: none"> <li><input type="checkbox"/> Reduced flood risk with all commercial projects doing fair share for drainage</li> <li><input type="checkbox"/> Green stormwater infrastructure for water quality, beneficial use of rainwater, and resiliency</li> <li><input type="checkbox"/> Holding line on allowable impervious cover increases</li> </ul>
More Missing Middle Housing Options	Easier to Use Code
<ul style="list-style-type: none"> <li><input type="checkbox"/> More opportunity for ADUs, duplexes, townhomes, small multiplexes, and cottage courts</li> <li><input type="checkbox"/> More housing diversity across the city</li> <li><input type="checkbox"/> Emphasis on transit-supportive missing middle</li> </ul>	<ul style="list-style-type: none"> <li><input type="checkbox"/> Streamlined and simplified compared to previous drafts and an improvement over current code.</li> <li><input type="checkbox"/> Organized around zones so that most basic site development information can be found in one place</li> </ul>
More Affordable Income-Restricted Housing	Strong Environmental Protections
<ul style="list-style-type: none"> <li><input type="checkbox"/> More zones with the option to participate in an affordable housing bonus program</li> <li><input type="checkbox"/> Broader mapping of zones that have affordable housing bonus program option</li> </ul>	<ul style="list-style-type: none"> <li><input type="checkbox"/> Strong protections for trees</li> <li><input type="checkbox"/> Enhanced landscaping standards</li> <li><input type="checkbox"/> Allows “Functional Green” in lieu of landscape requirements</li> </ul>
Less Parking Required	Site Plan/Administrative Process Improvements
<ul style="list-style-type: none"> <li><input type="checkbox"/> No parking requirement for properties within ¼ mile of a Center or Corridor that meet certain requirements</li> <li><input type="checkbox"/> On-site parking requirements generally reduced</li> <li><input type="checkbox"/> Parking maximums city-wide</li> </ul>	<ul style="list-style-type: none"> <li><input type="checkbox"/> Emphasis on scaled application requirements, proportionate to regulations applicable to development.</li> <li><input type="checkbox"/> Clearly defines what regulations apply to different categories of development.</li> <li><input type="checkbox"/> De-emphasizes site plan “exemptions” as a permit approval, in favor of “limited site plan approval”</li> </ul>

## Deep-Dive: Analysis & Discussion Of Key Topics

This section provides a summary of topics known to be of interest to Council, the Planning Commission, and the Austin community, with an emphasis on how the LDC Revision furthers the direction provided Council's May 2 Policy Direction.

### *The Map: Zoning at Ground Level*

The purpose of the zoning map is to assign a zoning classification to all properties within the City's full and limited purpose jurisdictions. This portion of the report discusses key aspects of the zoning map proposed with the LDC Revision and summarizes the new zones.

### TRANSITION AREA MAPPING CRITERIA

Because transition areas are a key driver for increasing the supply of missing middle housing, it is important to understand the approach staff used in mapping proposed transition areas throughout Austin. The following discussion explains staff's approach using the Council's Policy Direction. As currently proposed, transition areas make up about 2 percent of the city land area.

#### **Location of Transition Areas**

Regarding the preferred location of transition areas, page 12 of Council's Policy Direction provides that:

*"The LDC Revisions should map properties for missing middle housing in transition areas that meet some or all of the following criteria. Entitlements and length of transition areas should be relatively more or less intense for areas that meet more or fewer of the criteria listed below, respectively:*

- i.* Located on a Transit Priority Network, or Imagine Austin Centers or Corridors
- ii.* Located within the Urban Core as defined by the Residential Design and Compatibility standards Area (McMansion Ordinance)
- iii.* Has a well-connected street grid
- iv.* Located in a High Opportunity area as defined in the Enterprise Opportunity360 Index."

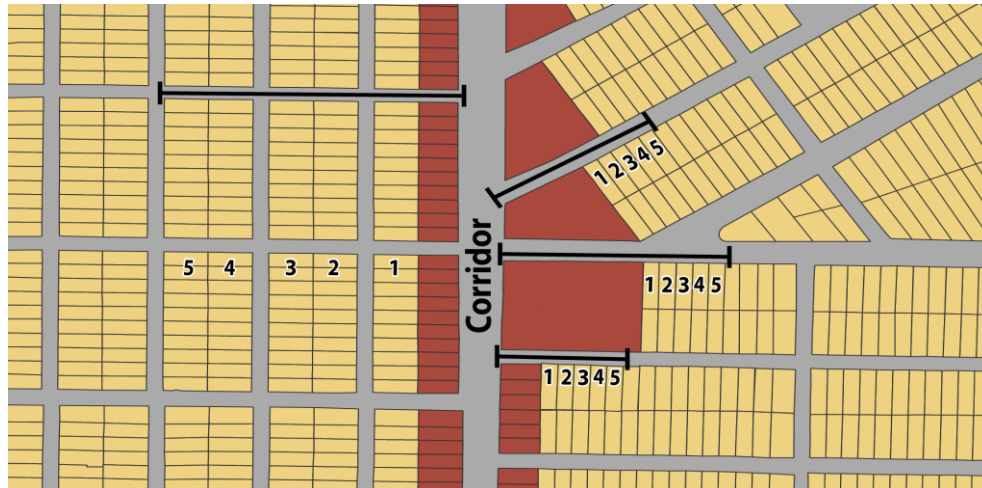
To implement the locational criteria in paragraphs (i)-(iv) of Council's direction above, staff determined which areas throughout the city met the most of these criteria and which areas met the least. This method, which staff refers to as "accumulative context," assumes that the more criteria which overlap in a particular area, the better suited the area is for deeper transition areas moving away from the corridor. Conversely, where fewer criteria overlap, transition areas should generally be shallower and include fewer lots.

#### **Depth of Transition Areas**

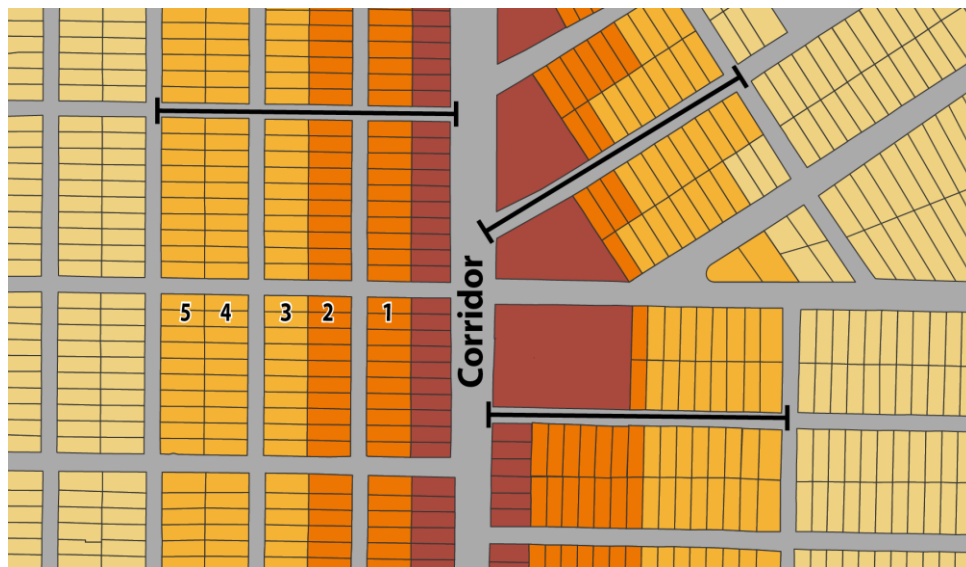
While accumulative context was critical in identifying areas most suited to mapping as transition areas, the Core Team also considered other council directives related to the scale of

transition areas. For example, in establishing a transition-area depth of from 2 to 5 lots beyond the corridor-facing lots, the Council Policy Direction directs the City Manager to consider *“context sensitive factors and planning principles[,]”* including the *“orientation of blocks relative to corridors.”*

These more area-specific considerations were particularly important where, based on irregular street alignments or block configurations, a uniform depth would produce illogical or inconsistent results. Following is an example where, within the same area, the distance between the corridor and the transition area boundary varies significantly:



To apply transition areas consistently in these situations, staff used the more regular pattern (blocks to the left of the “Corridor” in the illustrations above and below) as a perfect urban form as a point of reference for establishing a theoretical maximum depth for transition areas:



This pattern, with blocks parallel to corridors, creates a distance of generally up to 850 feet from the front of a corridor lot in the deepest transition area. Where proposed transition areas are fewer than 5 lots, that distance is less, often averaging 500 to 700 feet from the corridor. Staff used these distance measurements as a point of reference in establishing a proposed transition area depth in neighborhoods with less uniform blocks—i.e., areas where blocks are oriented perpendicularly or at other angles from the corridor.

Council’s emphasis on context-sensitive planning in many cases limits the depth of transition areas. At page 12 of the Policy Direction, for example, Council provides that transition areas should reduce “the depth and scale of transition zones....so that [they] do not overlap with the majority of the existing single-family neighborhood area.” Staff implemented this directive by ensuring that separate transition areas located between corridors do not overlap, which ensures that the core of existing single-family areas are excluded from the transition area.

### **Eliminating the Impact of Compatibility along Activity Corridors and in Activity Centers**

Council’s Policy Direction provides that lots “*adjacent to parcels [that] front an activity corridor will not trigger compatibility and will be in scale with any adjacent residential house-scale zones.*”

The R4 and RM1 zones, used to map transition areas behind corridor-facing lots, further both parts of this direction because they: (1) do not trigger compatibility; and (2) are generally consistent in scale with the R2 residential house-sale zone used to map existing single-family neighborhoods outside of transition areas. In the R4 zone, additional height of up to 10 feet is allowed only with an affordable housing bonus.

### **Preserving Existing Market Rate Affordable Housing**

Council’s Policy Direction, at page 12, provides that: “*Mapping of lots within a transition area should be responsive to existing situations, including instances where market affordable missing middle housing is adjacent or proximate to a property fronting a corridor, and specific context sensitive criteria provided by Council.*”

Using available data on average rents, staff identified market rate affordable multi-family development throughout the City and proposed zoning classifications that are comparable to current entitlements. Due to limitations on available data, this analysis focused primarily on properties with five or more units, although some smaller scale development is also included.

### **Areas Deemed Vulnerable or Susceptible to Gentrification**

The Council Policy document provided direction that “*The length and level of entitlement in transition zones should be substantially reduced in ‘Vulnerable’ areas identified in the UT Gentrification Study, regardless of the number of criteria met above.*” Therefore, regardless of other applicable criteria, staff has not proposed mapping transition areas deeper than a two lot parallel distance from a corridor in any area identified as “vulnerable” based on the [University of Texas “Uprooted Austin” study](#), which analyzed residential displacement and gentrification in

Austin. Additionally, only the least intensive residential house-scale zone was applied. Residential house-scale zones are described under the summary of new zones in this document.

### **Residential Corridors**

In recognition of the differences between corridors developed with predominantly single-family rather than commercial uses, page 13 of Council’s Policy Direction provides that:

*If the transition area is not an Imagine Austin corridor, but is on a residential transit priority network street, the street facing lot should generally begin with missing middle zoning, rather than corridor zoning.*

For areas fronting Imagine Austin Corridors and Transit Priority Networks that are primarily zoned for single-family uses, but are otherwise good candidates for transition area zoning, staff has proposed mapping the corridor lots with one of the missing middle zones—i.e., RM1 or R4—rather than a commercial or mixed-use zone.

Under this approach, the depth of the transition areas off the corridor remains the same as in other areas that meet the same mapping criteria. However, unlike transition areas anchored to a commercial corridor, the house-scale residential character along these corridors is retained.

### **High Opportunity Areas**

At page 13 of the Policy Direction, Council directed the manager to “*consider mapping missing middle areas in high opportunity areas not impacted by environmental concerns in order to help achieve goals related to housing throughout the city.*”

Council’s direction accounts for the fact that most areas defined as “High Opportunity” by the Enterprise Opportunity360 index do not meet the threshold criteria for transition area mapping, as they are often not located along a Transit Priority Network or Imagine Austin Growth Corridor. To implement this directive in a consistent manner tied to sound planning principles, staff mapped the R4 zone in high opportunity areas outside of transition areas for properties located on roadways served by existing transit stops.

### **Environmental, Drainage, and Topography**

Council’s Policy Direction emphasizes the importance of considering environmental features, drainage, and topography in mapping transition areas. To this end, staff has not proposed applying missing middle zones to areas:

- i. Impacted by steep slopes or other topographical or environmental conditions that would preclude or substantially restrict construction of multi-unit residential housing; or
- ii. Within the revised 500-year floodplain proposed by Atlas 14.

### **Access-Restricted Properties**

Though not explicitly identified in Council’s Policy Direction, staff considered limitations on access to corridors as a factor supporting a more limited application of missing middle zones

(i.e., RM1 or R4). These situations arise where properties otherwise meet the locational criteria for transition area zoning but are surrounded by commercial properties with limited corridor access or located on cul-de-sacs backing into the corridor.

### **Avoid Split Zoning**

Split zoning properties creates confusion regarding entitlements and impacts the development review process. Therefore, the team has both avoided new split zoning and sought to remedy existing split-zoning conditions by applying missing middle zones to entire lots or parcels. The goal of creating a “step-down” transition off the corridor does not, in staff’s view, warrant the use or perpetuation of split zoning. The proposed application of missing middle zones in the transition area creates the desired step-down effect, as does the construction of smaller multi-family buildings on commercial properties adjacent to single-family areas.

### **SUMMARY OF NEW ZONES**

The zoning regime proposed by LDC Revision regulates most of the same basic attributes of development as today’s code, including land use, height, floor area ratio (FAR), density, and impervious cover. However, to provide more distinct options and facilitate a broader mix of uses, the zones are broken into different categories that span a wider range of development intensities and allowed uses than provided under current code.

- **Residential House-Scale Zones** (*LDC Revision, 23-3C-3*)  
Zones included in the Residential House-Scale (R) category allow single-family detached houses, duplexes, small multiplexes, cottages, townhouses, and accessory dwelling units. The R4 zone is the least-intense missing middle zone applied in the transition areas.
- **Residential Multi-Unit Zones** (*LDC Revision, 23-3C-4*)  
The Residential Multi-Unit (RM) category of zones allow a diverse range of housing options, including three to four-story detached buildings, multi-story residential buildings, and residential manufactured homes. These zones allow transition between lower-intensity residential and higher-intensity zones. The RM1 zone (the least intensive RM zone), is the most intensive missing middle zone applied in the transition areas.
- **Mixed-Use Zones** (*LDC Revision, 23-3C-5*)  
The Mixed-Use (MU) zone category allows a horizontal and vertical mix of uses, including housing, office, and services. This zone category features an Affordable Housing Bonus Program, notated with “-A,” that allows properties not currently zoned for residential uses to add residential units by providing affordable housing.
- **Main Street Zones** (*LDC Revision, 23-3C-6*)  
Zones included in the Main Street (MS) category create a vertical mix of uses along corridors and activity hubs by requiring a ground-floor use that is pedestrian-oriented, with broad mix of uses allowed on upper floors. If served by transit, these zones are



ideal for creating walkable urban environments that provide housing with convenient access to employment, amenities, and services for residents.

- **Regional Center Zones** (*LDC Revision, 23-3C-7*)  
Regional Center Zones are intended for areas identified in the Comprehensive Plan as centers that include jobs and housing. These zones are primarily found downtown and are the most intense mixed-use zones available.
- **Commercial and Industrial Zones** (*LDC Revision, 23-3C-8*)  
Commercial and Industrial Zones include uses related to recreation, office, service, storage and warehousing of goods, the manufacturing of goods, research related uses, and other similar uses.
- **Other Zones** (*LDC Revision, 23-3C-9*)  
Zones grouped into this category emphasize particular uses such as agriculture, airport-related services, conservation lands, publicly owned land, parks, specific regulating districts, and planned unit developments. The Former Title 25 (F25) Zone, discussed below, is also included in this category.
- **Zoning Overlays** (*LDC Revision, 23-3C-10*)  
Zoning overlays provide additional standards for geographically-delineated areas that further specific planning goals. Areas included in an overlay often have a similar character or function. For example, downtown, the waterfront around Lady Bird Lake, and the area west of the University of Texas campus are each included a specialized overlay zone.

### **Differences Between the LDC Revision and Current Code**

To regulate land use and development, the current Land Development Code relies on 42 base zones and thousands of combining districts and conditional overlays (COs) that modify the base zones, often on an individual, site-by-site basis. The base zoning regulations proposed in the LDC Revision, codified in Article 23-3C, would reduce the number of base zones by one, to a total of 41, but would eliminate most combining districts and conditional overlays. Less use of site-specific zoning conditions, also proposed in Draft 3, would simplify the zoning and permit review process consistent with recommendations in the [2014 Code Diagnosis Report](#) and Council direction.

Staff sought to achieve this simplification without impairing the primary objectives apparent in the most commonly identified forms of conditional overlays and combining districts. In reviewing approximately 3500 conditional overlays, for example, staff identified many frequently used restrictions on land use and modifications to site development standards. Those restrictions informed development of the new base zones proposed in the LDC Revision and in many cases were incorporated directly into the new zoning district regulations.



As is true today, the actual development potential of a site is not solely a function of its zoning entitlements. The size, shape, and topography of a site, as well as other regulatory constraints, affect the degree to which a site can develop to the maximum extent permitted by its zoning. However, if a site meets the minimum lot size requirement for the zone, it should generally be able to achieve the minimum level of development permitted within that zone.

Compared to the current code, the draft LDC Revision provides more information relevant to each zoning category and groups the information together for easier reference. Within each of the zone codified in Article 23-3C, the reader will find:

- Purpose of the zoning category
- A table of permitted, conditional, and minor uses
- A table of parking requirements
- Any regulations specific to the zoning category

### FORMER TITLE 25 (F25) ZONE

The purpose of the Former Title 25 (F25) zone, codified in Section 23-3C-9090, is to carry forward certain specially negotiated zoning ordinances for which no comparable zoning category is authorized under the LDC Revision. In response to feedback provided for Draft 3, the amount of land proposed for inclusion in the F25 Zone is reduced considerably.

In general, F25 is used for properties subject to certain kinds of individualized site-specific requirements. This includes certain properties located within:

- Neighborhood Conservation Combining Districts (NCCD);
- Planned Development Agreements (PDA);
- Specifically identified Conditional Overlays; and
- Other agreements and ordinances applicable to properties designated F25 on the zoning map.

### *The Text: Gears & Levers of Zoning Regulation*

The text of a zoning code establishes the zones applied through mapping and determines the kind of development that can occur within each zone. This portion of the report explains key features of the site development regulations proposed in the LDC Revision.

### NEW SITE DEVELOPMENT REGULATIONS

Site development regulations are the aspect of zoning that control how large, tall, or dense a building can be, what uses and how much impervious cover are allowed on the site, as well as required parking. Other elements such as building design and landscaping are also a part of governed by site development regulations. The proposed LDC Revision includes the same types of standards that are present in the current zoning code. However, the following are significant changes from current code proposed by staff in response to council direction.

#### **Parking Requirements:**

- No parking required within ¼ mile of Centers and Corridors, as designated by the Growth Concept Map.
- One parking spot required per dwelling unit.
- No parking required for small-sites in Main Street zones.
- General reduction in on-site parking required.
- Parking maximums city-wide.

#### **Lot Sizes:**

- Minimum lot sizes have generally been reduced.
- Minimum lot size for two dwelling units by-right is 5,000 square feet.

#### **Accessory Dwelling Units (ADUs):**

- Most single-family zones allow for two units by-right.
- Duplex and accessory dwelling units allowed in nearly all single-family zones.
- ADUs are easier to build.
- ADUs allowed anywhere on a lot relative to principal structure.
- Single size limitation, regardless of lot size.
- Existing principal structure may be used as ADU if it meets size requirements.

#### **Compatibility Standards:**

- The impact of compatibility standards is generally reduced.
- Unlike current code, compatibility standards are triggered based on adjacency to, not an existing use.
- Setbacks and stepbacks remain
- Height and massing have been simplified

#### **Height:**

- The new code has one method of measuring height.

#### **Floor-to-Area Ratio (FAR):**

- FAR restrictions have been added to most zones as the basis for the Affordable Housing Bonus Program (AHBP) and the preservation incentive.

#### **Affordable housing bonus Program:**

- Standard Program
  - Affordable Housing Bonus Program is more widely available.
  - Most zones allow additional development potential if income-restricted affordable units (or fee in-lieu) are provided.
  - Zones that have a affordable housing bonus available are more widely mapped throughout the city.
- “—A” Affordability
  - Allows commercial sites that currently lack residential entitlement to add dwelling units through participation in the Affordable Housing Bonus Program.

**Preservation Incentive:**

- Preservation incentive is new
- If the existing dwelling unit (at least 30 years old) on the site is preserved, additional FAR is granted for additional dwelling units

**Functional Green:**

- Allows sites to provide ecosystem services when standard landscape requirements cannot be met

***Residential Development Regulations*****SINGLE-FAMILY USES IN TRANSITION AREAS**

With respect to existing single-family homes in transition areas, Council's Policy Direction provides:

*"To the greatest extent possible, include code restrictions that provide properties zoned for multi-family will develop with multi-family and not single-family structures. At the same time, however, make allowances for existing single-family structures that become non-conforming to be maintained, remodeled, and potentially expanded, so long as they are not demolished or substantially rebuilt. Staff should provide options for minimum unit yield based on the zone."*

To implement this directive, the LDC Revision includes Division 23-2H-3 (Compliant Residential Uses). This section would allow existing single-family homes in transition areas (i.e., RM1 or R4 zones) to be maintained in perpetuity and expanded or rebuilt consistent with comparable house-scale zones that allow new single-family construction. Only if a single-family home were expanded to include multiple units would the right to resume single-family use of the property be lost.

Staff's initial proposal for furthering Council's directive, as discussed in council work sessions, was to require that voluntary rebuilds include more than a single unit, consistent with the purpose of the transition area zones. However, in response to community feedback, staff has proposed the less restrictive and more incremental provisions in Division 23-2H-3.

**NEIGHBORHOOD CONSERVATION COMBINING DISTRICTS (NCCDS)**

NCCDs are a zoning tool used in several central Austin neighborhoods since the 1980s to preserve neighborhood character, while also allowing opportunities for redevelopment. Council's Policy Direction, at page 4, provides that:

*"Existing NCCDs should be preserved and carried forward in the new code and map, however, Code and Zoning Map changes related to ADUs, Parking, Preservation Bonuses, Affordability Bonuses, lot size, and Transition Area mapping (consistent with Council direction provided below and in response to Questions 2-5) should be applied to*

*those NCCDs. Unique zoning districts (e.g., NCCDs) should be reevaluated in the current context of Austin’s housing and transportation needs in addition to analyzing the extent to which NCCDs provide missing middle housing.”*

In attempting to implement Council’s direction, staff found it difficult to both retain NCCDs and apply many of the proposed regulatory changes. Each NCCD is different, and regulations vary for different areas or properties within an NCCD. In many instances, the degree of re-drafting required to change lot sizes or other requirements within an NCCD would amount to effectively eliminating the NCCD.

Since Council’s direction was to retain NCCDs, staff proposed a more targeted approach. The proposal includes remapping portions of NCCDs as transition areas, per Council’s direction, and applying new allowances for accessory dwelling unit and reduced parking requirements as provided in Section 23-3C-9090 (Former Title 25 Zone).

### **MCMANSION REGULATIONS**

The City’s current Residential Design & Compatibility Standards, usually referred to as the “McMansion” ordinance, are designed to minimize the impact of new construction in residential neighborhoods by limiting the overall size and mass of a houses relative to lot size. The standards apply to single-family homes, duplexes, accessory dwelling units, and townhomes located within portions of central Austin designated as the urban core.

The LDC Revision proposes to extend specific elements of McMansion restrictions citywide, while at the same adapting and simplifying the standards overall.

The modified McMansion standards would apply to all Residential House-Scale zones, which are the lowest intensity residential zones proposed in the LDC Revision and similar to single-family zones in current code. These zones would allow more units on a single lot, but at a “house scale” so that units can be added in a context-sensitive manner. Changes to these standards have been targeted to:

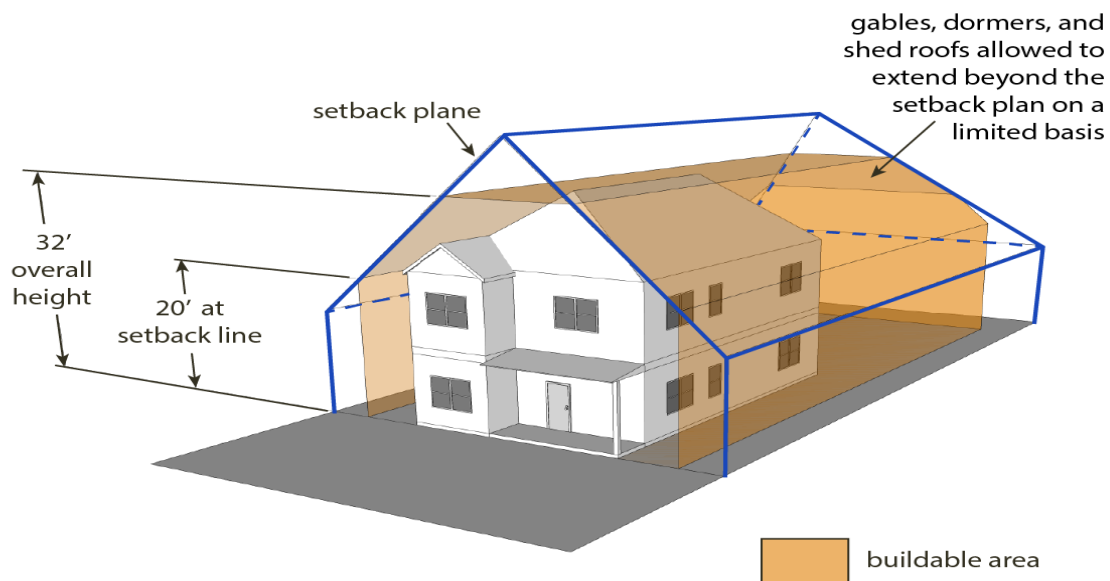
- Carry forward FAR as the main size and massing restriction
- Apply a height restriction adjacent to neighboring properties
- Increase flexibility for architectural styles and design

Residential structures currently subject to McMansion could be modified more flexibly under the new standards, and throughout the city, residential structures will be able to add additional units more easily as infill options are expanded. In some cases, homeowners would also be able to construct an additional unit by preserving an older structure under the “preservation incentive,” which was introduced to only the urban core in Draft 3, and as been expanded to all residential-house scale, residential multi-unit, and residential mixed-use zones throughout the city in the proposed draft.

### **Current McMansion Standards**

The current McMansion ordinance limits the size and scale of new construction in two ways. The first is a floor-to-area ratio (FAR) limitation that regulates the size and mass of residential structures based on lot size. The LDC Revision would apply FAR limitations on a wider scale to include most residential house-scale zones, regardless of location.

The second McMansion standard that limits the mass of residential structures is the “tent,” which is a geometrically derived setback plane established over the property to control the height of new housing in relation to adjacent properties:

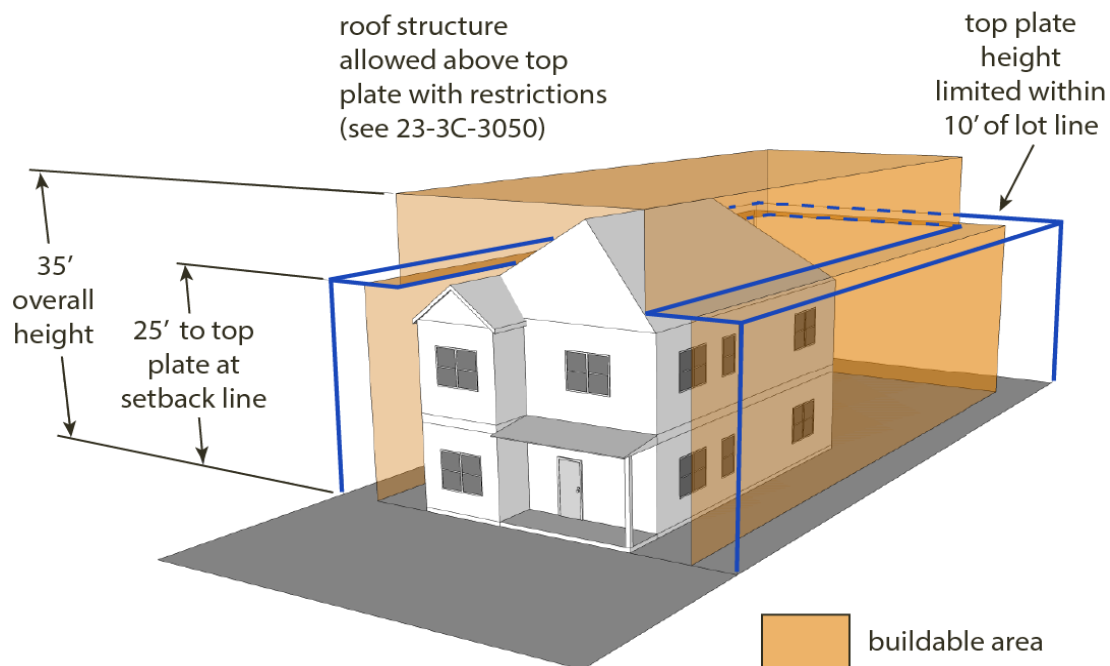


**Figure 1 Current McMansion Tent**

The current McMansion standards, codified in Chapter 25-2 (Subchapter F), are complicated for both designers and permit reviewers. This is largely due exceptions which allow certain building elements to break the setback planes created by the “tent,” as well as specialized calculations for height and floor area that different from the overall code. An attached garage, for example, is counted differently than a detached garage for purposes of floor-area calculations. Similarly, if a second story addition is proposed for an existing house, a modified tent is used to regulate the size of the addition. These many exceptions and unique standards add time and cost to the design, review, and inspection process.

### **Proposed Standards in the LDC Revision**

In-lieu of the McMansion tent, the LDC Revision introduces the concept of “top plate,” which is the highest point of a wall beneath the roof structure. As proposed, the top-plate requirement would limit height to 25 feet within 10 feet of the property line of a residential lot while allowing an overall height of 35 feet in the center in order to allow more design flexibility at the center of the lot. This carries forward the effect of current standards by limiting the height of buildings close to the neighboring property line, while still allowing more buildable area overall:



**Figure 2 Proposed "Top Plate"**

Under the current McMansion "tent," a structure can be up to 20 feet in height at the 5-foot setback line. The top-plate standard, which would apply within 10 feet of the property line, would allow 5 more feet at the setback line in order to allow more flexibility in adjusting slab and floor-to-floor heights for two-story structures. The additional height will allow building design to respond to unique site features, such as trees, and may help to reduce impervious cover, while also facilitating the construction of at least two-units on a lot consistent with Council's Policy Direction.

### **PRESERVATION INCENTIVE**

Initially proposed in Draft 3, the preservation incentive is a new tool that provides additional development potential when an existing dwelling unit on a lot is preserved. The intent is to preserve both the character and affordability of existing housing while allowing new dwelling units to be built on the same site.

The preservation tool does not require the existing structure to be historic in nature, market-rate affordable, or income-restricted affordable, but it must be at least 30 years old—usually long enough for new housing product to become market-rate affordable. If the existing dwelling unit is preserved, a site may be developed with unlimited floor area ratio (FAR) but remains bound by all other site development regulations of the zone. The code also limits the extent to which a dwelling unit used to qualify for the preservation incentive can be remodeled.

The preservation incentive is available in several of the proposed zones, including Residential House-Scale (Section 23-3C-3050), Residential Mixed-Use (Section 23-3C-4050), and Residential Multi-Unit Zones (Section 23-3C-4050).

### *Affordable housing bonus Program*

The goal of the Affordable Housing Bonus Program proposed included the LDC Revision is to create a bonus program calibrated to make participation an attractive option for developers, thereby increasing the supply of affordable units.

To accomplish this, the program has been calibrated to the Austin market and takes into account the fact that the value of the bonus entitlements differs by zone and by location, and that the cost to provide an affordable unit differs by location, construction type, and whether the unit will be sold or rented. This calibration recognizes that requiring too many affordable units in a development will dis-incentivize participation in the program and could result in sites being developed under base entitlements with no affordable units or contributions to affordable housing.

## WHAT ARE THE DETAILS OF THE PROPOSED AFFORDABLE HOUSING BONUS PROGRAM?

### **Zones and Available Bonuses**

Whether or not a property can participate in the Affordable Housing Bonus Program is determined by its zoning. Bonuses are available in most zones, but not in all zones. Article 23-3C in the LDC Revision describes each of the proposed zones and contains information whether bonuses are available. Types of bonuses offered include: height, numbers of units, and floor-to-area ratio (FAR) increases. The type and size of available bonuses are uniquely calibrated to each zone, considering the size and scale of the resulting buildings.

### **Affordable Unit Set-Aside Requirements**

The number of units that must be set aside as affordable differs by location, zone, and whether the units will be sold or rented. This is because: 1) the market value of residential units varies across the city and, 2) the economics of a development are different if the units are planned to be sold versus rented. The number of units that must be set aside as affordable also differs based on the zone because the size and value of the bonus differs by zone. The affordable unit set-aside amounts are shown in Table 23-4E-1040(B). These tables refer to maps that City Council would adopt by ordinance and will be updated as needed to account for changes in the market. The maps show groups of similar zones mapped across the city. A developer can find the required number of affordable units by using the map for his/her development's zone and locating the property on the map.

The affordable unit set-aside requirements are depicted as a percentage of bonus area. This is because a requirement calculated based on the total area would require a developer to deliver a significant portion of the building as affordable units even if the developer utilizes only a small square footage of bonus area or only one bonus unit. The cost of delivering affordable units

would far outweigh the small benefit of the bonus and the developer would be unlikely to ever build partial bonuses. Because developers may only want to take advantage of a small part of the bonus they are offered, there could be very little bonus uptake in many circumstances. In other words, tying the affordability requirement to the bonus rather than the building more effectively allows the developer to scale the building to the site, which allows for greater total program participation if only a portion of the bonus area can be built. This has been a problem in some of Austin’s existing bonus programs: there is no incentive to take a partial bonus so the only participants in the program are those who can make developments financially feasible with an entire bonus. Depicting the affordable unit requirement as a percentage of bonus area, rather than total area, allows for greater flexibility and enhances the likelihood of participation in more cases.

### ***Downtown Development Regulations***

Council’s Policy Direction provides the following direction regarding downtown:

*“Code and map revisions should maximize potential for employment and residential units within Downtown, in accordance with the Downtown Austin Plan and the guidance in this document, with affordable housing benefits included and calibrated.”*

*“The application of non-zoning regulations to smaller, remaining downtown sites should allow for greater potential for employment and residential units than Draft 3, with affordable housing benefits included and calibrated in accordance with the Downtown Austin Plan and the direction of this document.”*

The LDC Revision implements the zoning recommendations of the Downtown Austin Plan by mapping the Downtown Core (DC) and Commercial Center (CC) zones in most of downtown, as well as zones comparable to current code in the northwest area of downtown. Zoning entitlements remain largely the same for the majority of downtown, ensuring that the Downtown Density Bonus Program (DDBP) is an appealing and viable option for developers. Several overlays from the Downtown Austin Plan were incorporated into the new code, including requirements for ground floor uses, frontage requirements, and specific compatibility and setback requirements.

### **DOWNTOWN DENSITY BONUS PROGRAM**

The Downtown Density Bonus Program (DDBP) is carried forward in the new code with minor changes: in certain subdistricts that currently have the highest floor area ratio (FAR) and height caps, the benefit maximums have been removed. This recognizes the increasing size and height of new buildings downtown, and allows for more market-rate and income-restricted housing units to be built.

### **DOWNTOWN PARKING**

With respect to parking, Council’s Policy Direction provides that:



*“Code revisions should provide that parking structures are able to evolve over time as transportation patterns change, including design standards for structured parking that will facilitate eventual conversion to residential or commercial uses.”*

*“The Manager should explore options for adopting parking maximums or minimum unit-yield in areas necessary to ensure sufficient transit-supportive development.”*

No parking is required downtown under current code or under the LDC Revision, which establishes parking standards for downtown in Section 23-3C-7070 (Commercial Center (CC) Zone) and Section 23-3C-7080 (Downtown Core (DC) Zone). However, spaces for persons with disabilities must be provided, and a parking maximum sets the upper limit on how much on-site parking can be built. If new or existing parking is underutilized, it can be shared or used as commercial off-street parking if accessible parking is maintained. New to the code is a provision that parking garages, if converted to habitable space in the future, will not count against FAR at the time of conversion.

## **THE GROWTH CONCEPT MAP**

The “Growth Concept Map” is an adopted component of the Imagine Austin Comprehensive Plan and is used to designate transit corridors and activity centers for growth and development to accommodate new residents, jobs, open space and transportation infrastructure, and related growth patterns. The map is used in the LDC Revision (Division 23-3A-5), together with the Transit Priority Network from the Austin Strategic Mobility Plan, as a reference point for regulatory requirements that are triggered by adjacency to a corridor or location within a center.

Staff plans to propose an update to the map concurrent with public hearing process for the LDC Revision, to reflect proposed changes affecting growth and development along corridors and in activity centers.

## ENVIRONMENTAL AND DRAINAGE REGULATIONS

This section of the report describes how the LDC Revision furthers direction in Council's Policy Direction with respect to water quality and drainage regulations.

The LDC Revision includes the following provisions to minimize the on-site footprint of water quality and drainage controls, which helps avoid impacts to housing capacity while ensuring that water quality and drainage benefits are still provided by properties along the corridors.

### WATER QUALITY

#### MINIMIZES THE FOOTPRINT OF ON-SITE GREEN STORMWATER CONTROLS.

The LDC Revision requires sites provide required water quality treatment using green stormwater infrastructure (GSI). All of the green stormwater controls currently included in the Environmental Criteria Manual (ECM) can be used to meet this new code requirement, including rain gardens, rainwater harvesting, biofiltration ponds, and several others. Maintaining this wide variety of eligible controls helps avoid impacts on a site's housing capacity in two ways. First, several types of controls can be designed to meet other code requirements as well; for example, a rain garden could meet both water quality and landscaping requirements. Second, the variety of green control options, with differing footprint sizes and site placement possibilities, provide flexibility for unique site constraints and minimize impacts on housing capacity.

#### ALLOWS CONVENTIONAL CONTROLS FOR SITES WITH HIGH IMPERVIOUS COVER.

The LDC Revision simplifies Draft 3's exemption for high impervious cover sites. Sites with more than 90 percent impervious cover will be eligible to use a conventional sand filter, which can be placed underground or within a parking garage to help reduce impacts on housing capacity. The LDC Revision removes the requirement to provide a rainwater harvesting tank in conjunction with the sand filter, which lowers the expense and permitting complexity. However, it also increases the impervious cover threshold from 80 percent to 90 percent; most sites with less than 90 percent impervious cover will be able to accommodate a biofiltration pond or rainwater harvesting system.

#### MAINTAIN EXISTING OPTION FOR PAYMENT-IN-LIEU IN URBAN WATERSHEDS.

The LDC Revision maintains the existing code provision for payment in-lieu of on-site water quality controls for sites in Urban watersheds, which applies to commercial and multifamily sites that are one acre or smaller and single-family residential subdivisions that are two acres or smaller. The payment-in-lieu program allows sites to maximize the developable area while helping fund water quality retrofits constructed by the Watershed Protection Department. Approximately 50 to 60 percent of commercial and multifamily sites along the corridors could be eligible to provide a payment in-lieu of building on-site controls. Although many small sites could benefit, they comprise a relatively small amount of the total land area. Sites larger than one acre comprise approximately 90 percent of the land area of commercial and multifamily properties along the corridors and thus represent the bulk of stormwater to be treated.

## **Green Stormwater Infrastructure**

Current code requires stormwater to be captured and treated, but then, that water is typically released after 48 hours and sent downstream. The water quality treatment requirements are typically met with sand filter controls, which are effective at filtering polluted runoff and controlling stream-channel erosion, but do not significantly address other important ancillary goals such as supporting on-site vegetation, increasing rainwater infiltration, and reducing potable water consumption.

As Central Texas faces increases in temperatures, drought, population increases, and urbanization, we are also seeing decreases in rainfall, surface and groundwater, and natural land cover. In response to these trends, public stakeholders in the 2015 Green Infrastructure Working Group concluded that the new LDC Revision should require sites to retain and “beneficially use” stormwater on-site. The LDC Revision, therefore, proposes that most sites use green stormwater infrastructure (GSI) to capture and treat the entire water quality volume. Developments will be able to choose from a variety of green stormwater controls, including biofiltration ponds, rain gardens, rainwater harvesting, porous pavement, and retention-irrigation systems (which can be built in conjunction with green roofs).

All of these systems beneficially use rainwater to infiltrate and/or offset potable water. Staff also proposes to increase the beneficial use benefits of these controls over time through improvements to the design criteria in the Environmental Criteria Manual. The new code offers exceptions from the GSI requirement, allowing conventional controls to be used for sites with more than 90 percent impervious cover, regional ponds, difficult site conditions, and “hot-spot” land uses with highly contaminated runoff (e.g., auto repair facilities).

In addition to the requirement to provide water quality treatment using GSI, the LDC Revision includes several additional provisions that encourage or enable the use of green stormwater controls. First, as mentioned above, rain gardens and biofiltration ponds can be integrated into landscaped areas to simultaneously meet water quality, landscaping, and/or open space requirements. Second, the code includes a new administrative modification to allow voluntary green stormwater infrastructure retrofits within the inner half of the Critical Water Quality Zone. Third, the code exempts rainwater harvesting tanks from impervious cover calculations to promote greater use.

## ***DRAINAGE***

### **SMALL SITES ARE AUTOMATICALLY ELIGIBLE TO PARTICIPATE IN THE REGIONAL STORMWATER MANAGEMENT PROGRAM.**

The LDC Revision includes a provision to allow small sites to more easily participate in the Regional Stormwater Management Program (RSMP). RSMP allows a site to make a payment or construct off-site drainage improvements in-lieu of providing an on-site detention pond. In

conjunction with the code change, staff proposes a criteria update that would allow commercial and multifamily development of one-half acre or less and single-family residential subdivisions of one acre or less to be automatically eligible to participate in RSMP if the site meets a set of streamlined requirements in the Drainage Criteria Manual. Similar to the water quality payment-in-lieu program, RSMP allows sites to maximize the developable area while helping construct or fund necessary off-site improvements.

Approximately 60 to 70 percent of commercial and multifamily sites along the corridors could be automatically eligible to participate in RSMP in-lieu of providing on-site controls. Handling this large number of small sites on corridors will help more efficiently process these applications and will avoid the construction of very small detention ponds, which are less effective and practical than large ones. Sites larger than one-half acre comprise more than 90 percent of the land area of commercial and multifamily properties along the corridors and thus represent the bulk of stormwater to be managed.

### REDUCTIONS IN FLOOD RISK

The LDC Revision proposes to reduce Austin’s flood risk by addressing one of the major sources of existing flooding: legacy commercial, industrial, multifamily, and civic (collectively known as “commercial”) developments with no or inadequate provisions for detention and drainage conveyance. A significant amount of all commercial development was built prior to 1977, when Austin’s modern drainage criteria first came into effect.

In the existing code, redevelopment that does not increase impervious cover or change drainage patterns is not required to provide flood management (e.g., a detention pond or drainage system upgrades). This is because no new, additional negative impacts are created. But the site is not held accountable for the drainage impacts of the existing impervious cover. By contrast, new development on undeveloped lands with no existing impervious cover has long been held to very high drainage standards; areas developed under these rules had few flooding issues.

The LDC Revision requires that commercial redevelopments provide drainage infrastructure as if they were undeveloped “greenfield” sites—as if they had no impervious cover. They must provide detention and/or drainage conveyance infrastructure for both new and existing impervious cover. New development and redevelopment are thus held to the same high standards.

The LDC Revision proposes a partial exception to this new greenfield standard. Very small sites—one-half acre or less—are much more challenged with providing on-site detention. Very small sites would require very small detention ponds, which are less effective and practical than large ones. The new code therefore proposes that redevelopments of one-half acre or less be allowed to build or contribute funding to off-site drainage upgrades. While these small sites are large in number, their land area is a small fraction of the larger-than-one-half-acre sites that will be subject to on-site management, and the small sites will still contribute their proportionate share for off-site infrastructure.

Contrary to intuition, analysis by the Watershed Protection Department shows that new impervious cover from infill residential development does not significantly worsen problems for these systems. The dominant drivers are not impervious cover but rather the capacity of the storm drain systems and the presence or absence of structures encroaching drainage paths.

Impervious cover does, of course, affect rainfall runoff, but it has the most relative impact on small floods and proportionately less on larger ones. Past a certain point, the ability of pervious ground to absorb yet more rain is overwhelmed, and virtually all land cover—pervious or otherwise—contributes to flooding. Detailed modeling of a local flood case study showed that infill development did somewhat impact runoff in the 2-year flood event, but this was not enough to worsen problems for affected buildings along the drainageway. Meanwhile, the effects of infill development were essentially imperceptible in larger 25- and 100-year flood events. These problems require a capital solution rather than a regulatory solution.

Finally, at the third and smallest level, is lot-to-lot flooding. When improperly designed or constructed, the construction of new homes or other buildings can concentrate and redirect runoff onto their neighbors, causing flooding. Lot-to-lot flooding caused by infill development is a community concern. Recently the City of Austin added a provision to its Plumbing Code (in the drainage section) that also prohibits flooding of neighboring properties. This provision gives the City the ability (and has been used) to red-tag projects during construction if it they are shown to cause lot-to-lot flooding; only after correction could such a project be approved and granted a Certificate of Occupancy.

Staff will also explore options to use the code enforcement process to correct lot-to-lot drainage issues that are identified after a new building is constructed. Staff previously proposed requiring an engineer's certification for each new residential building permit, but, after researching other municipalities, concluded that this approach had many downsides: increased cost to every project even as only a small fraction of projects cause problems; no staff review or enforcement; if problems arose, resolving lot-to-lot drainage impacts would still require a civil litigation process. Staff instead recommends the more straightforward enforcement of the Plumbing Code provision against lot-to-lot flooding.

In conclusion, the concern for local flooding is well documented and real. Many systems remain undersized and require correction. But the solution largely requires upgrading drainage systems with the City's capital improvement program. Regulatory solutions—i.e., code and criteria—can contribute to the solutions by asking new projects to contribute their proportionate share to drainage solutions—essentially help with the capital improvements. This reality led to the proposed combination of LDC Revision changes and complementary capital and Plumbing Code solutions:

- i. Requiring commercial projects to provide drainage infrastructure as if they were undeveloped "greenfield" sites. Correcting legacy problems from larger commercial redevelopment. Addresses largest gap in current regulations.

- ii. Exemption from on-site management for very small commercial sites. Commercial sites under one-half acre are allowed to build or help pay for off-site capital improvements (including eligible missing middle projects with 60 percent impervious cover in transition zones). Micro-detention ponds not effective or practical; resources better used in drainage infrastructure.
- iii. No increase in overall impervious cover by watershed. Impervious cover contributes to watershed problems and limiting it to the maximum entitlements of current code is a prudent precaution.
- iv. Use the 2017 Plumbing Code provision to stop and correct lot-to-lot flooding for single-family and smaller missing middle residential projects. Targeted means of addressing an important community concern.

### ***TREE PROTECTION***

The LDC Revision also considers the potential impact of Heritage Trees on housing capacity along the corridors. Staff has proposed an administrative variance process for requests to remove Heritage Trees for properties adjacent to the corridors. The applicant will first need to demonstrate the tree prevents a reasonable use of the property and the tree cannot be transplanted due to its health. This pathway is limited to projects with at least 75 percent residential square footage for the project and that provide at least 10 percent on-site affordable housing.

### ***REGULATIONS FOR SINGLE-FAMILY & MULTI-UNIT RESIDENTIAL***

Under the current code, most of the existing drainage and water quality regulations are written such that they appear applicable to all “development” — from a single-family house to a downtown tower to a 500-acre subdivision. Given the technical challenges that would present, however, in practice there has long been a significant difference in review process between residential building permits, site plans, and subdivisions. This has created two problems for small-scale residential development. First, one- to two-unit residential projects are not reviewed for all environmental/water quality regulations, which leads to confusion about code applicability, inconsistent enforcement, and occasionally poor environmental outcomes. Second, the development cost, submittal requirements, and review time needed to comply with all of the existing regulations are a deterrent for missing middle housing.

The LDC Revision establishes a set of scaled and streamlined drainage and water quality requirements that apply to all one- to two-unit residential and some small-scale missing middle development. These regulations, described in Division 23-2B-2 (Residential Development Regulations) seek to provide needed clarity for permit applicants, review staff, and those affected by development. They also seek to balance the needs of smaller scale residential projects, many of which could not fully comply with all applicable regulations and the goals of the City’s regulations.

To qualify for the modified regulations, a missing middle development must meet the following requirements:

- May not exceed nine units. (If the project is participating in the Affordability Unlocked program, the unit cap is raised to 12 or 16 units for Type 1 or Type 2 projects, respectively.)
- Must be located on a platted residential lot (i.e., a lot that was originally part of a single-family residential subdivision).
- Must comply with the lot's zoning impervious cover limit, but may not exceed 50 percent impervious cover.
- May not require a variance from the Land Use Commission.

The unit cap and impervious cover limits ensure that the missing middle development that is eligible for the streamlined regulations resembles one- to two-unit projects in scale. Limiting the eligibility to projects on residentially-platted lots is important because applicable water quality and drainage requirements would have been applied at the time of subdivision. It establishes regulatory parity between the missing middle development and the one- to two-unit residential development that would otherwise be located on the lot.

Establishing a uniform set of regulations that apply to both single-family and small scale missing middle development ensures that projects of very similar scale, with the same potential for environmental and drainage impacts, are subject to the same requirements. This level playing field helps eliminate an incentive to build one or two large units on a residentially platted lot instead of several smaller units.

For a one- to nine-unit development that qualifies for review under the modified regulations, the following requirements would apply:

- 100-year floodplain regulations;
- Erosion hazard zone regulations;
- Minor drainage requirements that currently apply to one- to two-unit development (related to obstruction of waterways, standing water, dedication of easements, etc.);
- Waterway setbacks (applicable to legal tracts, lots platted on or after May 18, 1986, and all properties located within 75 feet of Lake Austin);
- Cut and fill standards (applicable to properties outside of Urban watersheds);
- Erosion and sedimentation control standards;
- Tree protections;
- Technical codes, including Section 1101.1 of the Plumbing Code, which prohibits lot-to-lot drainage impacts (see below); and
- Applicable municipal regulatory restrictions on a recorded plat or covenant.

Draft 3 included somewhat similar provisions. However, as described below, the proposal for modified regulations in the LDC Revision has several key differences from Draft 3.



### INCREASE IN UNIT CAP

As currently proposed, missing middle projects with up to nine units and Affordability Unlocked projects with up to 12 (Type 1) or 16 (Type 2) units are eligible for the streamlined regulations. Draft 3 limited eligibility to projects with six units. The unit cap was increased from six to nine units to match the maximum number of units in the R4 zone, with the preservation incentive utilized. This enables R4 properties that utilize the affordable housing bonus and the preservation incentive to still qualify for the streamlined regulations. Similarly, the unit cap was increased to 12 or 16 units for sites that participate in Affordability Unlocked based on Council's prior direction to create a streamlined site plan process for those projects.

### INCREASE IN MAXIMUM IMPERVIOUS COVER

Under the current proposal, projects with up to 50 percent impervious cover are eligible for the streamlined regulations. Draft 3 limited eligibility to projects with up to 45 percent impervious cover. The impervious cover limit was increased from 45 to 50 percent in order to match the proposed zoning impervious cover limit for the R4 zone. The R4 impervious cover limit was set at 50 percent based on additional design research; the five percent increase in impervious cover increases the viability to incorporate the many elements needed to accommodate four or more units. Calibrating the impervious cover limit for the streamlined regulations to the impervious cover limit for the R4 zone helps meet the Council direction to help facilitate missing middle housing.

### NEW APPROACH TO ADDRESS LOT-TO-LOT DRAINAGE IMPACTS

Draft 3 proposed that all one- to six-unit residential development larger than 300 square feet and located in a subdivision platted more than five years prior to the building permit application submit an engineer's certification that any changes to drainage patterns will not cause new negative impacts to adjacent property. However, during the review of Draft 3 stakeholders raised four main concerns about the proposed certification. First, it would add cost to many residential developments; staff have been told by area professionals that the certification process might cost between \$500 and \$5,000 per project. Second, even as all projects incur costs, it is believed that only a very small percentage create drainage problems. Third, the engineer's analysis would neither be reviewed nor enforced by staff. And fourth, although an impacted property owner would theoretically be able to hold the engineer accountable if problems arose, resolving lot-to-lot drainage impacts would still require a civil litigation process.

Given these uncertainties, the costs of an engineer's certification would outweigh the benefits it would provide. Staff is therefore proposing to address lot-to-lot drainage impacts using a recently adopted provision in the drainage section of the Plumbing Code. Instead of establishing a new requirement, staff recommends publicizing and enforcing Plumbing Code section 1101.1, which is a local amendment adopted in 2017 that requires that stormwater runoff drain to a separate storm sewer system or to some other satisfactory, approved location.

## ALLOW MODIFIED REGULATIONS TO APPLY TO MISSING MIDDLE PROJECTS CITYWIDE.

Increasing the supply of missing middle housing is a central component to meeting housing goals established in the May 2 Council direction. In Draft 3, the modified regulations were not applicable to projects in the Barton Springs Zone. This was because waiving the watershed impervious cover limit and water quality treatment requirements for projects with three or more units requires an amendment to the Save Our Springs (SOS) Ordinance, and Draft 3 specifically avoided any substantive SOS Ordinance amendments.

Extending the eligibility for the streamlined regulations to the Barton Springs Zone would help meet Council’s direction to facilitate missing middle housing and “prioritize all types of homes for all kinds of people in all parts of town.” Staff supports this change, because the eligible missing middle projects will not have a significantly larger environmental impact than the one- or two-unit projects at 45 percent impervious cover that would otherwise be built on a platted residential lot.

However, the SOS Ordinance, which was passed by voter referendum in 1992, is one of Austin’s hallmark environmental protections, and staff recognizes that any potential changes to SOS requirements merit thorough community discussion. Based on preliminary feedback, staff is considering whether any potential SOS Ordinance amendments should be included with LDC Revision or considered as part of a separate public process after the comprehensive code update is completed. The draft code includes the proposed change to allow the modified regulations to apply in the Barton Springs Zone, but staff will provide further information and a recommendation on the timing of any potential SOS Ordinance amendments prior to the first Planning Commission hearing.

## REDEVELOPMENT EXCEPTIONS

Existing water quality code includes three “redevelopment exceptions”: one for Urban and Suburban watersheds, one for Water Supply watersheds, and one for the Barton Springs Zone. The purpose of the redevelopment exceptions is to allow environmentally non-compliant properties to redevelop their existing impervious cover in exchange for providing water quality treatment and, in some watersheds, off-site open space preservation. Most older properties that were developed before the City adopted water quality protections do not comply with watershed impervious cover limits, provide water quality treatment, or adequately protect creeks and environmental features. Many of these properties would need to remove a very large amount of existing development in order to meet current environmental and water quality requirements.

It has been suggested that the central provision of the redevelopment exceptions—the ability to retain existing impervious cover—be removed from these exceptions. While theoretically a good outcome from a water quality perspective, requiring these old sites to remove a portion of the existing impervious cover creates a strong disincentive to redevelop. Instead, property owners choose to remodel their existing buildings and parking areas. Remodels do not provide

additional water quality treatment, environmental protections, or a range of other upgrades, such as sidewalks, street trees, landscaping, erosion hazard zone protections, and—now with the LDC Revision—flood detention and/or drainage improvements. And, specific to Council direction for the LDC Revision, remodels are much more limited in changing their building forms and thus much less likely to be able to deliver increased housing options and other opportunities to transform older sites.

The redevelopment exceptions create a middle path: sites can redevelop their existing footprint but must provide the significant environmental benefits of water quality treatment and, if applicable, open space preservation. The redevelopment exceptions also require numerous other environmental protections.

The redevelopment exceptions are an important tool to improve water quality citywide, but providing water quality treatment for existing development is especially critical in the Barton Springs Zone. Staff believes that the use of this tool is a key option to make progress on the 1992 SOS Ordinance’s mandate for the City of Austin to seek “efficient and cost-effective water quality protection measures... to reduce or remedy runoff pollution from currently developed areas or to prevent runoff pollution from currently developed or developing areas” ([SOS Ordinance](#), 1992). Rather than require the City to retrofit existing developments with no or substandard water quality controls, the redevelopment exception offers a path for individual property owners to renew their properties and provide water quality (and other) benefits at no cost to Austin residents.

Unfortunately, the Barton Springs Zone Redevelopment Exception (BSZRE) has seldom been used. Only three projects have used the BSZRE since it was adopted in 2007. Council Direction asks staff to “*significantly reform and/or remove exemptions to impervious cover limits in the redevelopment exception*” to “*achiev[e] the most meaningful reductions in impervious cover locally and regionally, while balancing near-term and longer-term needs to reduce impervious cover and improve water quality.*” The outcome of each redevelopment project is improved water quality on existing “greyfield” sites—rather than clearing trees and vegetation from natural, greenfield sites—plus a wide array of other benefits, including more opportunities to provide housing. These improvements are provided as a condition of the development, with no public financial support required. Staff therefore recommends that ways be found to increase the use of these exceptions, not to undercut them by removing the provision that existing impervious cover be able to be retained and repurposed.

Staff therefore proposes the following amendments increase the use and effectiveness of the all of redevelopment exceptions, with a special focus on enabling additional projects to use the BSZRE.

#### EXPAND ELIGIBILITY TO ADDITIONAL SITES

In the Barton Springs Zone and Water Supply watersheds, allow all types of existing development to use the exceptions if the other eligibility requirements are met (as currently allowed in Urban and Suburban watersheds). In Urban and Suburban watersheds, remove the eligibility requirements based on vehicle trips per day and consistency with neighborhood

plans. In all watersheds, allow the redevelopment exceptions to be used on sites with unpermitted development if the development constructed without a permit has been removed and the site has been restored to pre-development conditions.

Allowing more properties to use the redevelopment exception will result in additional on-site water quality controls, removal of impervious cover along waterways, and urban revitalization. Trips per day and consistency with the neighborhood plan should be appropriately regulated by other chapters in the LDC. Requiring sites with unpermitted development to remove the development and restore the area before redeveloping prevents sites from taking advantage of illegal development while allowing a pathway to redevelopment if the site is restored. Increase protections for creeks and critical environmental features.

In all watersheds, require the removal of impervious cover from within 50 feet of a creek centerline. In the Barton Springs Zone and Water Supply watersheds, encourage redevelopment to set back further from creeks and critical environmental features (CEFs) by offering mitigation credit for removing impervious cover from and restoring a creek or CEF buffer. These changes help implement Council direction by achieving a meaningful reduction of impervious cover directly adjacent to waterways.

#### STREAMLINE THE APPROVAL PROCESS

In the Barton Springs Zone and Water Supply watersheds, remove the triggers for Council approval, including having more than 25 dwelling units, being located outside of the City's zoning jurisdiction, having an existing civic or industrial use, being inconsistent with the neighborhood plan, and generating more than 2,000 additional trips per day. All of these triggers are related to a project's zoning rather than its water quality impacts. The redevelopment exceptions do not waive any zoning requirements; a project must comply with the existing zoning or receive Council approval for a zoning change. Removing the triggers for Council approval simplifies the use of the redevelopment exception, reduces overall permitting cost and time to complete, and potentially encourages more properties to use the redevelopment exception.

#### ALLOW PARTIAL SITE REDEVELOPMENT

In the Barton Springs Zone, allow redevelopment of a portion of the site with proportionate water quality treatment and mitigation. Require water quality treatment and mitigation to be provided for an impervious area twice the size of the redeveloped impervious area (up to a maximum of treatment for the entire site). The current requirement to provide water quality controls and mitigation for the entire site may be financially or otherwise infeasible. This change allows for incremental redevelopment of larger sites, which could help achieve water quality retrofits and open space preservation on a shorter timescale. (The ability to proportionately apply the redevelopment exceptions to a portion of a site is already allowed in other areas of town.)

Staff recommends the proposed amendments because they help meet Council’s direction to improve water quality citywide, reduce flood risk, and give more opportunities to provide all types of homes for all kinds of people in all parts of town, among many other benefits. However, the proposed changes to the Barton Springs Zone Redevelopment Exception would be considered an amendment to the SOS Ordinance. As described above, based on preliminary feedback, staff is considering whether any potential SOS Ordinance amendments should be included with LDC Revision or considered as part of a separate public process after the comprehensive code update is completed. The draft code released on October 4 includes the recommended changes to the BSZRE, but staff will provide further information and a recommendation on the timing of any potential SOS Ordinance amendments prior to the first Planning Commission hearing.

### ***ADDITIONAL IMPROVEMENTS***

In addition to the above improvements, the LDC Revision includes multiple revisions to help reduce cost and processing time for site development permit applications without reducing existing environmental protections. Key improvements include:

- Removing the prohibition on administrative modifications within 500 feet of Lake Austin, unless the modification is related to mechanized access (e.g., trams).
- Removing the requirement for a Pollutant Attenuation Plan that is redundant with state requirements for remediation.
- Resolving conflicting requirements for driveway construction when additional cut and fill is necessary to comply with transportation design and fire access requirements.
- For Suburban watersheds, simplifying the impervious cover limits for mixed-use projects to be the same as those for commercial, civic, and industrial uses (instead of being based the ground floor ratio of uses).
- Reorganizing the Water Quality Article to consolidate requirements by topic (e.g., waterway protection).
- Multiple minor revisions to standardize language, improve definitions, and enhance clarity.

### ***FINDING ON IMPERVIOUS COVER***

Impervious cover is any hard surface, such as roads, parking lots, and buildings, that prevents the infiltration of water into the ground. When rainwater falls on impervious surfaces, the increased volume and velocity of runoff from these surfaces can contribute to erosion and flooding and impair water quality by carrying contaminants such as sediment, bacteria, and nutrients into Austin's aquifer and creeks. Impervious cover also displaces soils, trees, and other plants, increasing ambient temperatures and reducing stream baseflows and natural habitat. To minimize these negative effects, the Land Development Code places restrictions on impervious cover.

The Land Development Code has two sets of impervious cover limits – zoning limits and watershed limits. For all one- and two-unit development, eligible missing middle projects, and all other types of development within the Urban watersheds, impervious cover is set exclusively by zoning. For other types of development in the rest of the city, the impervious cover limit is governed by the lower (i.e., more protective) of the two requirements.

The Policy Direction stated that “the revised Code text and map should result in reduced allowable city-wide impervious cover” and “reductions in impervious cover city-wide should either decrease allowable impervious cover for, or make no change to, each individual watershed (relative to current code).” Watershed Protection staff performed an analysis for every lot within the City’s full and limited purpose jurisdictions to compare the maximum impervious cover allowed by current code to the maximum impervious cover allowed by the LDC Revision’s draft code and zoning map. (Street rights-of-way and lakes were not included in the analysis.)

The analysis showed that the draft code and map result in a very small, nominal increase (0.20 percent) in the maximum amount of impervious cover allowed citywide. On an individual watershed basis, 33 of the City’s 68 watersheds had either a slight decrease or no change in allowable impervious cover. Twenty-eight watersheds had an increase of less than 0.5 percent, five had an increase between 0.5 and 1 percent, and two had an increase of more than 1 percent (Johnson Creek and Waller Creek, which increased 1.59 and 1.24 percent, respectively).

This analysis evaluates the maximum amount of impervious cover a property could theoretically reach based on its zoning or watershed limit. It is important to note that these maximums are only theoretical at the citywide or watershed scale; other code requirements, like floodplains, creek buffers, and tree protections, limit the amount of impervious cover that could actually be developed on a particular lot. The analysis does not consider the existing amount of impervious cover on a lot or the likelihood or timing of redevelopment under the current or proposed code. However, comparing the current versus proposed maximums is a good measure of how zoning impervious cover limits change under the draft code and map.

Although the analysis does track impervious cover maximums down to essentially the parcel scale, it is not perfectly accurate. For example, some existing zones do not accurately reflect potential impervious cover for some land use types (e.g., churches, golf courses, schools, state owned land). The proposed zones may be more accurate, but the difference between the current and proposed impervious cover maximums may not be meaningful in these instances. Inaccuracies or misalignments in the spatial data can also introduce errors into the analysis. Staff will continue to review and improve the accuracy of the data and will report on any significant changes prior to the Planning Commission hearing.

This methodology has enabled staff to identify even very small changes in impervious cover maximums. The citywide increase of 0.20 percent—one-fifth of one percent—is very small in the context of the city’s total land area: approximately 360 acres of additional impervious cover over an area of 176,390 acres, or about 276 square miles. Staff does not believe that this is a

significant change in impervious cover from a watershed impact perspective. The draft code and map balance Council's direction to hold the line on impervious cover with the direction to increase housing capacity and provide missing middle housing.

## Utilities

Due to the complexity and importance of ensuring safe, reliable, and resilient utility infrastructure, more work remains to be done to fully explore options for reducing the potential impact of easements and other utility regulations on housing capacity. However, staff worked collaboratively to make incremental improvements and identify options for future considerations.

### *AUSTIN ENERGY*

Article 23-9F (Electric Utility Service) is proposed for inclusion in the Infrastructure chapter of the LDC Revision, in order to raise awareness and improve understanding of Austin Energy's electric utility system requirements related to land development. This section is similar to regulations in existing chapters of the Land Development Code related to Austin Water and Watershed Protection, which are also incorporated into the Infrastructure chapter. Austin Energy's requirements are based on national electric utility standards and industry best practices that support the safe and reliable operation of the electric utility system, and the protection of the general public from electric hazards.

While Austin Energy's requirements are currently described in the Utilities Criteria Manual and other electric utility design specifications, guides, and standards, the information contained in this new section of the Land Development Code provides clarity on how Austin Energy's requirements relate to land development and the Land Development Code and where to find additional information related to the requirements. Including this information in the Land Development Code will benefit developers, builders, and the general public and should, over time, provide for improved application of Austin Energy's requirements in the application review process and help shorten the review cycle time for the City. Improved awareness and understanding of Austin Energy's requirements will help mitigate public safety and electric reliability risks associated with failure to comply with the requirements such as required clearances (i.e., safe distances) to ensure that vegetation, buildings and other structures do not come into contact with electric power lines and other electric utility infrastructure.

Additionally, the LDC Leadership Team commends Austin Energy for including a requirement in its new LDC regulations emphasizing the need to consider potential impacts of easements on housing capacity:

In applying the [AE's utility regulations], the director shall require easements that are sized appropriately based on the development context and that avoid unnecessary impacts on housing construction.

### *AUSTIN WATER*

Per direction in Council's Policy Direction, the LDC Revision includes significant regulatory amendments, codified primarily in Article 23-9D (Reclaimed Water) and Article 23-9E



(Drainage), that are directly related to the Water Forward initiative. While further work remains to be done, particularly with respect to the feasibility of amendments to environmental regulations, the amendments included in Article 23-9E represent significant progress towards implementing this important city initiative and further Council's water quality goals.

### ***STATEMENT IN SUPPORT OF UTILITY COORDINATION EFFORTS***

The utility departments, together with the LDC Leadership Team, recommend the establishment of a multi-departmental Utility Coordination Team to complete work on Street Design Standards that began in the previous Land Development Code review process to set new and revised standards for utility assignments, street trees and other requirements in the right-of-way (ROW). Austin Energy and Austin Water, as part of this team, will review their policies, procedures and other governing documents that may impact land development.

This review will support the objective of the LDC and also include an assessment of:

- Utility easements and the acquisition process.
- Customer classification, for the purpose of applying electric and water rates and other customer requirements related to metering and billing as a result of more diverse development types.
- Coordination processes that support the efficient siting of utilities and resolution of conflicts arising from site-specific application of conflicting City Code provisions.
- Landscapes appropriate for installation in the vicinity of electric and water utility equipment.
- Review peer city utility coordination efforts related to development standards used in high density areas.
- Explore alternatives models for relocation of existing utility infrastructure to support re-development.
- Criteria Manual updates that support the new Land Development Code and improve the inter-departmental review of Criteria Manual changes and other administrative rules that affect utility and other Code requirements related to ROW and easements.

Should this process be initiated, the team will establish a work plan and timeline that will identify how each directive will be approached and when it can be completed in a report to the City Manager.

## Site Plan Review & Permitting

Chapter 23-6, titled “Permits & Special Approvals,” is new to the LDC Revision. It consolidates different regulations currently found throughout current code that all related to construction approvals, including site plan review (Article 23-6B), building and demolition permits (Article 23-6C), relocation permits (Article 23-6D), approvals related to historic structures (Articles 23-6E-F), and development agreements (Article 23-6G). The consolidation eliminates an entire chapter that was previously devoted to site plans and furthers the goal of a more readable and efficient Land Development Code.

Like Draft 3, the changes proposed to the City’s regulations for historic preservation are minimal and largely non-substantive. However, key parts of these regulation provisions are corrected and clarified.

The more significant changes relate to the site plan review process, which is revised to place greater emphasis on scaling application requirements to the type of regulations applicable to development. The clarity provided by Article 23-2B (Scope of Regulations) regarding the applicability of regulations to particular types of development will, staff believes, set a foundation for application requirements that are more proportionate to the nature of proposed development.

The new chapter also de-emphasizes the concept of “site plan exemptions” in order to clarify the permit process and avoid confusion that has resulted under the current system. While the exemption categories are retained, the proposed amendments would establish a “limited site plan review” procedure that better reflects the purpose and effect of the review process than the current “exemption” category.

## **Subdivision**

The proposed subdivision regulations, codified in Chapter 23-5, is revised substantially from Draft 3 in order to address HB 3167, often referred to as the “shot-clock” bill. The new provisions, codified in Division 23-5B-1 (Mandatory Actions), also substantially update the regulations recently passed by Council in order to implement HB 3167. Other than these revisions, the LDC Revision does not propose significant changes to the Draft 3 subdivision chapter

# Transportation

## *SUMMARY OF KEY CHANGES*

The LDC Revision's transportation chapter, codified in Chapter 23-8, would assist in obtaining the Council-adopted Austin Strategic Mobility Plan's (ASMP) 50/50 mode share goals by rezoning properties located around Imagine Austin activity corridors and the Transit Priority Network to allow for an increase in density. By increasing housing entitlements in these areas, a mix of land uses can be achieved closer to one another, allowing opportunities for viable multi-modal transportation options. Additionally, increasing housing will improve both transit service and reliability by providing for transit-supportive population densities along these important corridors.

Strengthened connectivity and block length requirements found within the draft LDC Revision will also provide for a more compact and connected development pattern to emerge as Austin properties redevelop. Specifically, shorter block lengths and prohibiting dead ends and cul-de-sacs will ensure that future developments properly connect to their surrounding transportation infrastructure, aiding in congestion management and providing additional multi-modal transportation opportunities.

Revisions to the sidewalk section within the draft LDC Revision include requirements which ensure street trees are planted with most development types, which will provide shade for pedestrians and bicyclists, as well as serve as a natural protective barrier between people and cars. Refinements to the fee-in-lieu provision within the draft LDC Revision will strengthen requirements to obtain built sidewalk connections during the development review process, especially for properties which connect to major transportation corridors.

Parking maximums along Imagine Austin corridors and Transit Priority Network roadways will ensure that future developments are not over parked, allowing for context sensitive parking requirements, and providing opportunities for an increase in housing yield along these corridors. Overparking encourages drive-alone trips, and by applying context-sensitive parking reductions city-wide the draft LDC Revision sets conditions for a balanced transportation network that provides for all modes of transportation.

The implementation of Transportation Demand Management (TDM) within the development review process will ensure that new developments are reviewed for multi-modal transportation opportunities. TDM will allow new developments to utilize context-sensitive multi-modal options to encourage trips of all types, as well as tailoring transportation mitigation requirements to each site.

## ***MODE SHARE***

The draft LDC Revision introduces TDM into the Code and initiates a TDM-first approach to transportation analysis. The draft LDC Revision will now require TDM as a part of the transportation mitigation process to allow for multi-modal transportation mitigation strategies which will be site-specific and will be based on specific requirements outlined in the soon to be updated Transportation Criteria Manual. These requirements will be predictable and will enhance travel options.

By allowing for flexible TDM measures to be used by developments to reduce overall site generated vehicle trips, the draft LDC Revision will introduce a new option to reduce expensive and often cumbersome and vehicle-centric Traffic Impact Analysis (TIAs) by also including a multi-modal analysis element as part of the project's TDM review process. This analysis will enhance our understanding of existing, proposed, and future multi-modal transportation needs throughout the City. Lastly the draft LDC Revision will provide for simple and predictable enforcement mechanisms by requiring TDM elements to be memorialized as part of the site plan process, ultimately allowing for TDM to be enforced by typical Code Enforcement procedures.

# Code Foundations & Administration

## *Chapter 23-2 (Introduction)*

Most municipal land use codes include an introductory chapter that provides a framework to help guide the interpretation, administration, and enforcement of the code's substantive regulations and procedures. Introductory chapters are useful in addressing global issues that affect the entire Code and in articulating the basis for a city's development regulations. Chapter 23-1, which is substantially similar to Draft 3, would serve as overall introduction for the City's Land Development Code.

Parts of this chapter expand on material that is touched on in various places throughout the current Land Development Code. However, most of Chapter 23-1 consists of new provisions that address important foundational concepts which are not clearly articulated in current code, but which often arise in the implementation and enforcement of the City's land use regulations.

Key provisions of this chapter include:

- Standard rules of code interpretation, including the basic principle that a more restrictive requirement prevails over a weaker one.
- Authority of staff to take actions needed to implement the Code, whether or not explicitly stated.
- Stronger requirements for compliance with Land Development Code, including language clarifying that it is a violation to maintain or occupy (and not merely to build) unpermitted structures or uses.
- Consistent with other peer cities, a classification of city land use decisions into legislative, quasi-judicial, and administrative.
- A requirement specifying required standards for consistency with the comprehensive plan.
- A description of the City departments, as well as boards and commissions, that are responsible for implementing the Land Development Code.

## *Chapter 23-2 (Administration & Procedures)*

Chapter 23-2 is the basic administrative chapter proposed for inclusion in the LDC Revision. It is not significantly changed from Draft 3, except for the inclusion of new HB 3167 ("shotclock bill") provisions, the new provision on "compliant residential uses" for single-family homes in transition areas, and a handful of other minor changes related to application review.

The new chapter also includes a substantially revised and expanded table, codified at Section 23-2A-1030, listing all major categories of city approvals and decisions required under the Land Development, with information on the responsible department and appeal rights. Like Draft 3, this chapter substantially clarifies and expands the appeals process, while also making technical improvements to the enforcement procedures for stop work orders and permit revocations.

To aid users of the LDC, the new chapter also includes provisions listing the portions of the LDC Revision that apply to different categories of development. This includes small-scale multi-unit residential development authorized in the new missing middle zones, as well as other categories of development.

## Signage

The signage chapter, codified at Chapter 23-7, is substantially similar to the Draft 3 signage chapter. As such, it does not represent a dramatic departure from current Code, but it does modernize the regulations and make several improvements intended to make the chapter easier to read and understand. It also clarifies rights of appeal for sign permits and makes several technical corrections in response to feedback provided by stakeholders regarding Draft 3.

Most of the more detailed report issued for the Draft 3 sign chapter, available [here](#), remains valid and is a useful point of reference for understanding these regulations.



## Small Area Planning

This section responds to Council’s direction, in “Addition A” to the Policy Guidance Report, related to implementation of a new process for small area planning. While much work remains to be done in furtherance of Council’s direction, staff believes the action plan and vision articulated here is an important first step towards improving the City’s small area and district-level planning process.

The broad vision of the Imagine Austin Comprehensive Plan is supplemented by area-specific small area plans tailored to local needs. Over the last several decades, the City’s small area planning program has evolved. In the late 1990s, the City began to partner with neighborhood organizations and others to develop a series of Neighborhood Plans. Since 1997, City Council has adopted 31 Neighborhood Plans covering most of Central Austin.

The City has also worked with stakeholders over the last decade to develop additional specialized small area plans including the Downtown Austin Plan, the North Burnet Gateway Plan, the East Riverside Corridor Plan, the Colony Park Sustainable Communities Initiative Plan, and the South Central Waterfront Vision Framework Plan, as well as three stand-alone station area plans. Staff has recently begun work on a new small area planning process for the Palm District area within Downtown Austin.

Neighborhood Plans and other small area plans typically include a vision, goals, objectives, and recommendations for an area, and may also include a desired Future Land Use Map or other vision maps. Small area plans are implemented through land development regulations as well as city investments, programs, and partnerships. Land development regulations including zoning may or may not be modified during adoption of a small area plan.

City Council has directed staff to identify new methods for selecting and delivering small area planning services in the future. In particular, the May 2, 2019 Land Development Code Policy Direction recommended that staff:

- Develop a proposed district level planning process focused on Imagine Austin Centers and Corridors;
- Include specific objectives for each plan related to achieving citywide planning goals and council policy priorities;
- Draft language codifying:
  - Selection of planning areas
  - Planning process criteria
  - Planning process types;
- Undertake multiple planning processes concurrently in order to complete plans for areas most susceptible to change within 5 years;
- Apply resources and consider the use of consultants as appropriate;
- Include robust community engagement, with an emphasis on historically underrepresented groups; and

- Explore mechanisms for triggering plan updates as appropriate.

Staff anticipates briefing City Council on the overall future of small area planning and working to initiate small area plans focused around key Imagine Austin Centers and Corridors after adoption of the new Land Development Code in early 2020.