LAND DEVELOPMENT CODE REVISION
SUPPLEMENTAL STAFF REPORT – NO. 2

To: Mayor & Council
Planning Commission

From: LDC Revision Team

Date: November 25, 2019

Subject: 1. Code, Map, and Plan Revisions
2. Programmatic Measures
3. Application of Former Title 25 (F25) Zone

On October 25, 2019, the Land Development Code (LDC) Revision Team issued Supplemental Staff Report No. 1, which recommended text and map changes to the draft LDC Revision published on October 4, 2019. These recommendations were approved by Planning Commission on November 12, 2019, and included in its report to the City Council, entitled “PC Report on Proposed Land Development Code Revision,” along with 117 commission-initiated recommendations.

This second supplemental report builds on the Planning Commission’s recommendations, as well as the extensive feedback received through Council work sessions, community meetings, stakeholder listening sessions, and further interdepartmental review.

OVERVIEW OF 2ND SUPPLEMENTAL REPORT

This report is divided into three sections, which are summarized and linked below.

Part 1. Staff-Recommended Text, Map, and Plan Revisions

For ease of reference, Part 1 compiles all staff-recommended changes from the first supplemental report with new staff recommendations introduced in this report. These recommendations, along with the Planning Commission’s official report, are intended as a resource for Council to consider at first reading. To further aid Council’s review, here is additional background on specific proposals known to be of interest to the community:
— CODE CHANGES

* MM-4 & 5 (p. 11): Reductions in Maximum Floor-to-Area Ratio (FAR)*

FAR limits the size of a building in relation to the size of a lot. For the “missing middle” zones, where a greater range of housing types is encouraged, the draft LDC Revision released on October 4 proposed increases in maximum FAR relative to what’s allowed in current code. This result aligns with Council direction to incentivize more accessory dwelling units (ADUs), duplexes, townhomes, and small multiplexes in order provide housing options throughout the city.

Based on multiple testing sessions and feedback from the community, the recommendations in MM-4 and MM-5 propose limiting higher FAR allowances to projects that provide three or more units and discouraging the construction of larger one and two-unit structures. If approved by Council at first reading, staff would develop targeted reductions in FAR for housing types that provide fewer units and for rebuilds of compliant residential uses.

* RES-4 (pp. 12-13): Additional Changes to the Preservation Incentive*

Recognizing the value of preserving the City’s older housing stock, Council’s May 2nd policy guidance called for the creation of a preservation incentive that allows for the construction of new units in exchange for preserving homes that have existed for 30 or more years.

The recommendation in RES-4 propose several revisions to the initial version of the preservation incentive included in the October 4 draft code. Like the general FAR reductions proposed in MM-4 & 5 (above), these changes are intended to better calibrate enhanced development potential to higher-unit housing types as opposed to larger one or two-unit structures. Additionally, the proposed revisions would limit the extent to which a preserved structure can be further modified.

If approved by Council, these recommendations would guide preparation of a 2nd reading draft that balances Council’s housing goals with concerns regarding the scale of new units relative to existing single-family homes and entitlements existing under current code.

— MAP CHANGES

* MAP-1 (p. 9): Transition Area Map Criteria*

While greater and more diverse housing supply has many benefits, including helping to stabilize home prices over the long term, the recommendations in MAP-2 propose reducing or eliminating transition area zoning in vulnerable communities. This will likely avoid exacerbating potential short-term impacts of redevelopment pressures in areas vulnerable to gentrification and displacement pressures. These recommendations better calibrate the mapping of transition zones to the level of vulnerability to gentrification and displacement identified in UT’s *Uprooted* Report.

* MAP-2 (p. 9): High Opportunity Areas*

Since areas designated as “high opportunity” (i.e., associated with positive life outcomes by the “360Index”) are frequently not located on transit corridors, implementing Council’s direction to
increase missing middle housing in these areas required staff to develop alternative mapping criteria. In the October 4 draft LDC, staff proposed applying the R4 zone to portions of high opportunity areas along local bus routes.

To address the need for more housing types across the City, the recommendations in MAP-2 expand the locational criteria for mapping missing middle zones in high opportunity areas and areas within and adjacent to Imagine Austin centers.

— ADDITIONAL REVISIONS

Other proposed revisions of interest to the community include changes to better align the role of the LDC and technical criteria manuals, adjust mapping criteria for transitions, expand the density bonus for downtown subzones, and clarify compatibility standards.

Additionally, while the Planning Commission’s recommendations are not covered in this report, many of those recommendations inform revisions proposed in Part 1. The LDC Team has separately noted its concurrence with several of the Planning Commission’s recommendations.

Part 2. Programmatic Measures

This section of the report outlines a variety of programmatic measures that should be considered at first reading to ensure that LDC implementation occurs efficiently and aligns with Council policy priorities.

Part 3. Application of the Former Title 25 (F25) Zone

This section provides explains the purpose and function of the F25 zone, with emphasis on how staff applied the zone in Draft 3 and in the current LDC Revision. This information addresses questions and concerns from the community regarding application of F25 across different zoning categories.
PART 1. STAFF-RECOMMENDED CODE, MAP, AND PLAN REVISIONS

— AFFORDABLE HOUSING

✓ Included in Supplemental Report No. 1 and recommended by Planning Commission:

AH-1 Planned Unit Developments

Revise Section 23-3C-9130 (Planned Unit Development Zone) to reinstate more specific affordability provisions, modeled on current code, as Tier 2 superiority criteria in Subsection (E).

AH-2 Affordability Unlocked

Revise the applicability provision in Section 23-3D-10090 (Affordability Unlocked Density Bonus) to include the Former Title 25 (F25 Zone), so that development on properties zoned F-25 may qualify for the Affordability Unlocked density bonus.

AH-3 Delete Duplications

Revise Section 23-4E-1040 (Affordable Housing Bonus Calculation) to delete the tables contained in Subsections (C)-(F), which are duplicates of Subsection (B).

AH-4 Supplemental Edits to Bonus Program

Revise Division 23-2E-1 (Citywide Affordable Housing Bonus Program) to improve the overall clarity and uniformity of the LDC affordable housing bonus provisions. While largely non-substantive, the revisions will aid in the administration and enforcement of density bonus programs codified in the LDC and in separately adopted regulating plans.

AH-5 Rename the “-A” Subzone

Retitle this subzone, which provides a density bonus for mixed-use properties, in order to avoid confusion with other zone titles containing “A” in the title.

— AUSTIN ENERGY

✓ Included in Supplemental Report No. 1 and recommended by Planning Commission:

AE-1 Removal of Utilities Prior to Demolition or Relocation

Revise Sections 23-6C-3040 and 23-6D-1040 (Requirements Regarding Utility Service) to strengthen requirement for coordination between DSD and utility providers regarding need to remove utilities prior to demolition or relocation.

AE-2 Subdivision Requirements

Ensure that the standards currently codified in Section 25-4-200 (Electric System) are incorporated, directly or by reference, into proposed Chapter 23-5 (Subdivision).

AE-3 Wording Changes

Clarification

Clarification
• Revise Section 23-3C-1030 to replace “utility easements” with “utility requirements.”
• Revise Section 23-6C-2040 ( Licensed Contractor Requirements ) to delete reference to solar permits and the Solar Energy Code.
• Revise 23-3D-3170 ( Planting and Soil Standards ) to clarify requirements for AE review and approval before street trees may be located in utility easements.

— AUSTIN FIRE DEPARTMENT

✓ Included in Supplemental Report No. 1 and recommended by Planning Commission:
The changes described below reflect input from the Fire Marshall on how the LDC can better address wildfire risk through changes to the development review process.

AFD-1 Project Assessments 
Substantive Revision
Revise Subsection 23-2C-1060 ( Project Assessments ), Subsection (D)(2)(f), to specify that project assessments may be used to determine whether a site is located in a “wildfire risk area” as well as a floodplain.

AFD-2 Emphasize Importance of Mitigating Wildfire Risk 
Substantive Revision
Revise Section 23-4A-1010 ( Purpose ) to add mitigation of wildfire risk to the list of enumerated purposes in Subsection (B).

AFD-3 Heightened Wildfire Protections for Hill Country Development 
Substantive Revision
Revise the natural area protections in Section 23-3C-10090 ( Hill Country Roadway Overlay ), Subsection (H)(3), to specify that: “Natural areas may be managed for ecosystem function or wildfire safety under a vegetation management plan approved by the Environmental Officer, Arborist, and Fire Marshall.”

AFD-4 Fire-Resistant Fences & Walls 
Substantive Revision
Subject to further review, consider adding a provision to Section 23-3D-10060 ( Fences and Walls ) requiring that “ignition-resistant material” be used for fences in wildfire risk areas that are located within 10 feet of a structure.

— AUSTIN WATER UTILITY

✓ Included in Supplemental Report No. 1 and recommended by Planning Commission:

AWU-1 Requirements for Service Extension Requests 
Substantive Revision
Revise Section 23-5C-3060 ( Requests for Utility Service ) to eliminate requirement that applicants for service extensions in the ETJ request annexation if not covered by a certificate of convenience and necessity.

AWU-2 Determination of Service Units 
Correction
Revise Section 23-9C-3010 (*Service Units Where a Meter is Purchased*) to delete table specifying applicable service units, which is established through the annual fee schedule.

— **BOARD OF ADJUSTMENT**

These proposed revisions address concerns raised by BOA Chair Don Leighton-Burwell in his October 18, 2019 letter to Council, and in subsequent discussions with staff on how the draft LDC Revision may impact BOA.

✓ *Included in Supplemental Report No. 1 and recommended by Planning Commission:*

**BOA-1 Type 2 Special Exception**

Delete Section 23-3B-4040 (*Type 2 Special Exception*), which would authorize the BOA to vary regulations where a structure is built in reliance on permits issued in error.

**BOA-2 Notification Requirements**

Revise Section 23-3B-2020 (*Code Interpretations*) to require that the director notify the BOA of: (a) all code interpretations issued by the director, within the 20-day appeal deadline; and (b) all appeals filed by a party, if the appeal is submitted after the 20-day deadline.

— **COMMERCIAL ZONING REGULATIONS**

✓ *Included in Supplemental Report No. 1 and recommended by Planning Commission:*

**COM-1 Private Frontage**

Where private frontage is required in a commercial or mixed-use zone, specify the percentage of building facade that must include private frontage.

— **COMPATIBILITY**

✓ *Included in Supplemental Report No. 1 and recommended by Planning Commission:*

**CMP-1 Measuring Compatibility**

The relationship of compatibility and the triggering property line is defined in 23-12A (*General Definitions*); however, for clarity and ease of use, staff recommends including language that references how compatibility is measured in relation to the triggering property line in each applicable zone.

**CMP-2 Compatibility Allowances**

Clarify what is allowed to be constructed in the compatibility setback, similar to what is provided for under current code.

✓ *New recommendation:*

**CMP-3 Distance from Triggering Property**
Revise the compatibility standards of CR and all MU and MS zones to have height reductions within 100 feet of a triggering property lot line.

— **COMPREHENSIVE PLAN & RELATED ZONING MAP CHANGES**

✓ *New recommendations:*

**CPA-1 Map Changes**

Where a neighborhood plan FLUM includes transition areas or similar planning designations, consider appropriate adjustments to the boundaries of the proposed transition area zones and corresponding land use designation shown on the Growth Concept Map.

**CPA-2 Text Changes**

Consider additional text changes to ensure consistency between the comprehensive plan and zoning map, particularly as it relates to the use of comparable equivalent zoning outside of transition areas and the broader allowance for colocation of residential and commercial uses.

— **CRITERIA MANUALS**

✓ *New recommendation:*

**CM-1 Relocate More Substantive Requirements to Code**

Recognizing the important role that criteria manuals play in LDC implementation, consider code revisions that relocate more significant and impactful requirements to code rather than relying solely on criteria manuals.

— **DEMOLITION PERMITS**

✓ *Included in Supplemental Report No. 1 and recommended by Planning Commission:*

**DP-1 Exemption for Interior Demolitions**

Revise Section 23-6C-2010 (*Permit Requirements*) to eliminate the permit exemption for interior demolitions in Subsection (B).

— **DOWNTOWN REGULATIONS**

✓ *New recommendations:*

**DT-1 Commercial Core (CC) Subzone Bonuses**

Staff supports the Planning Commission recommendation to allow all Commercial Core (CC) subzones to participate in the Downtown Density Bonus Program (DDBP), with no cap on floor area ratio (FAR) or height. This will help achieve greater market-rate and income-restricted residential units.
DT-2 Research and Development - Non-Hazardous Substantive Revision
Allow Research and Development - Non-Hazardous as a permitted use in CC and DC zones.

HEIGHT
✓ Included in Supplemental Report No. 1 and recommended by Planning Commission:

HGT-1 Residential 4 (R4) Height Clarification
Revise applicable R4 standards to clarify that bonus height, for purposes of the affordable housing density bonus, applies to both top plate and overall height.

HGT-2 Top Plate Clarification
Revise Section 23-12A-1030 (General Definitions) to clarify that the definition of “top plate” applies only to the Residential House-Scale Zones and not to the general concept of top plate.

HISTORIC REGULATIONS
✓ Included in Supplemental Report No. 1 and recommended by Planning Commission:

HIST-1 Restrictions on Permit Issuance Substantive Revision
Revise Section 23-6E-1050 (Process of Historic Review) to allow the building official to approve building, demolition, or relocation permits if the Historic Landmark Commission has not conducted a public hearing within 60 days from the date of application.

✓ New recommendation:

HIST-2 Applicability of Historic Districts & Historic Zoning Clarification
Recognizing that a more restrictive requirement prevails over the less restrictive, consider ways that continued applicability of historic district regulations within transition areas can be more firmly emphasized.

LANDSCAPE REQUIREMENTS
✓ Included in Supplemental Report No. 1 and recommended by Planning Commission:

LSC-1 Surface Parking Lot Perimeter Landscape Substantive Revision
Revise Section 23-3D-3070 (Surface Parking Lot Perimeter Landscape) to allow use of use of trees in perimeter landscape, provided that they comply with Diversity Standards and do not replace required shrubs.

LSC-2 Submittal Requirements Substantive Revision
Revise 23-3D-3140 (Submittal Requirements) to remove requirement to identify all existing vegetation, soils, landscape features, and rock materials.
LSC-3  **Front Yard Planting**  
Revise Section 23-3D-3040 (Front Yard Planting) to adjust front yard planting setback categories to better match zoning front and side yard setback—i.e., 5 -15 feet and greater than 15 feet.

LSC-4  **Vegetated Roof**  
Revise Section 23-3D-3130 (Functional Green Landscape Elements) to eliminate requirement that a vegetated roof be located over an occupied space.

—  **LOCALIZED FLOODING**

✓  **New recommendation:**

**LCF-1 Potential Map Changes**  
Pending outcome of ongoing analysis of impervious cover changes within local flood problem areas, consider reducing the application of missing middle zones, if warranted, to mitigate the risk of drainage problems.

—  **LOT LINES**

✓  **Included in Supplemental Report No. 1 and recommended by Planning Commission:**

**LOT-1 Front Lot Line**  
Revise Section 23-12A-1030 (General Definitions) to clarify that, for a corner lot, the street providing primary “pedestrian access” determines the front lot line.

**LOT-2 Side Lot Line**  
Revise Section 23-12A-1030 (General Definitions) to clarify that an alley does not count as right-of-way for purposes of determining a side lot line.

—  **MISSING MIDDLE HOUSING | MAP CHANGES**

✓  **New recommendations:**

**MAP-1 Transition Area Mapping**  
• (a) Apply comparable equivalent R2 zoning in areas defined as “Susceptible” or “Early – Type 1” by the UT Uprooted Report. (b) Apply R3 in areas identified as “Dynamic” to support incremental increases in housing diversity. (c) Similar to the October 4 draft, apply R4 to areas identified as Late to support more missing middle housing.

• Consistent with proposal from Supplemental Staff Report No. 1, on predominantly residential corridors where transition zones are mapped, reduce the depth of the transition zone (i.e. R4, RM1) by adjusting the depth to include the residential properties fronting the corridor. In general, this would result in the citywide reduction of transition zone application depth by one lot on predominantly residential corridors.
- Where transition areas are reduced or eliminated, identify alternative options for increasing the supply of missing middle housing.

**MAP-2 High Opportunity Areas**  
*Substantive Revision*

To increase the supply of missing middle housing in recognized high opportunity areas, consider map revisions that locate additional missing middle housing opportunities near:

- Imagine Austin Centers
- Parks
- Schools
- Grocery stores
- Corner lots
- Mobility bond-funded improvements

**MAP-3 Map Corrections**

Continue updating the “LDC Map Corrections” spreadsheet as errors in applying established criteria are identified, with greater attention to typography and its relationship to walkshed routes.

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**MISSING MIDDLE HOUSING | TEXT CHANGES**

✔ *Included in Supplemental Report No. 1 and recommended by Planning Commission:*

**MM-1 Type 3 Short-Term Rentals**  
*Substantive Revision*

Revise Sections 23-3C-3030 and -4030 (*Allowed Uses and Permit Requirements*) to prohibit Type 3 STRs in the two transition area zones: R4 and RM1. Consider allowing them for projects providing on-site affordability to help off-set the cost associated with those on-site affordable units.

**MM-2 Impervious Cover for Two-Unit Residential**  
*Substantive Revision*

Revise Section 23-3C-3130 (*Residential House-Scale 4 Zone*) and Section 23-3C-4060 (*Residential Multi-Unit 1 Zone*) to limit impervious cover to 45%, rather than 50% or 60%, respectively, for projects with two units or less. In staff’s view, the additional impervious cover is not necessary to accommodate the construction of two units in an R4 or RM1 zone because other residential zones that allow two units on a similarly sized lot are limited to 45% impervious cover.

**MM-3 Unified Development Agreements**  
*Clarification*

Revise applicable provisions to clarify that no more than two lots may be joined for purposes of applying site development standards under a unified development agreement.
✓ **New recommendations:**

**MM-4  Reductions in Maximum FAR**  
- Revise RM1 regulations to reduce maximum FAR from 0.8 to 0.6 for residential development of three units or less. Consider additional FAR reductions as needed to incentivize housing capacity and discourage larger size units in missing middle zones.
- Revise R2 regulations to reduce maximum FAR for two-unit projects on larger lots, with current code as a point of reference, while ensuring that FAR limits are sufficient to allow construction of ADUs on lots less than 7,000 square feet.

**MM-5  Floor Area Calculations**  
Revise calculation of gross floor area to better account for usable space, such as garages and attics, which contribute to size and mass. Use current McMansion ordinance as a point of reference, but ensure that proposed rules are simple and open to less interpretation.

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**PARKLAND DEDICATION**

✓ **Included in Supplemental Report No. 1 and recommended by Planning Commission:**

**PLD-1  Private Parkland**  
Revise Section 23-4B-2030 (*Private Parkland*), Subsection (A), to require that easements granting access be approved by the city attorney.

**PLD-2  Private Parkland**  
Revise Section 23-4B-2030 (*Private Parkland*), Subsection (E), to require that access be granted by easement, to eliminate the fiscal surety requirement in Paragraph (E)(2), and to consolidate and clarify the remaining provisions.

✓ **New recommendation:**

**PLD-3  Applicability to Missing Middle Housing Types**  
Clarify applicability of PLD requirements to missing middle housing categories.

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**PARKING**

✓ **Included in Supplemental Report No. 1 and recommended by Planning Commission:**

**PRK-1  ADA Parking Calculations**  
Revise Section 23-3D-2040 (*Parking for Persons with Disabilities*) to clarify: (i) that ADA parking is required for structures of 6,000 square feet or more, notwithstanding the size of individual uses within the structure; and (ii) how ADA parking requirements are determined for buildings containing multiple uses with different ADA parking requirements.
PRK-2  **ADA Parking Applicability**  

Clarify whether ADA parking is required for single-family or duplex units, less than 6,000 square feet, that meet the qualifications to have a 100% reduction in off-street parking.

**PROCESS**

✓ **Included in Supplemental Report No. 1 and recommended by Planning Commission:**

### PRO-1  Community Organizations  

- Revise Chapter 23-12 (*General Definitions*) to adopt a uniform definition of “registered community organization” and use that term consistently throughout the LDC, in place of “registered neighborhood and environmental organization,” “neighborhood organization,” “neighborhood association,” and other terms used to describe registered groups entitled to notification and other rights under the Land Development Code.

- This change, proposed by the Neighborhood Assistance Center, would correct longstanding inconsistencies in current code, which are carried forward in LDC Chapter 23-2 (*Administration & Procedures*), Chapter 23-3 (*General Planning Requirements*), and Chapter 23-6 (*Permits and Special Approvals*).

### PRO-2  Ex Parte Contacts  

Revise Section 23-1A-3020 (*Classification of Applications and Decisions*) to clarify that prohibition on ex parte contacts is limited to the Board of Adjustment.

**RESIDENTIAL DEVELOPMENT REGULATIONS**

✓ **Included in Supplemental Report No. 1 and recommended by Planning Commission:**

### RES-1  Density  

Revise Division 23-3C-3 (*Residential House-Scale Zones*) to clarify the minimum and maximum number of units allowed per lot in each Residential House-Scale zone.

### RES-2  Preservation Incentive  

- Change the limitation on improvements to habitable space from value of structure cost to a percentage increase or absolute amount of square footage.

- Clarify that additional dwelling units added to the lot are through uses permitted in the zone.

### RES-3  Private Frontage  

Where private frontage is required in a residential zone, specify that at least one residential unit must face the public right-of-way and provide private frontage.

✓ **New recommendations:**
RES-4  Additional Changes to Preservation Incentive  

To better achieve the goals of the preservation incentive, revise proposed regulations to:

- Require that a portion of the front façade of the preserved unit be retained and that any modifications include the addition of a private frontage, if one does not exist;
- Limit the floor area that can be added when utilizing the preservation incentive, potentially by requiring the bonus unit to count towards maximum FAR and exempting or partially exempting the preserved unit;
- Clarify the extent to which a preserved structure may be modified, using the requirements applicable to nonconforming structures as a baseline, and include appropriate administrative/enforcement provisions;
- Clarify that a bonus unit added through the preservation incentive may be for any residential use allowed in the base zone, which may result in more than one ADU; and
- Clarify that for a multifamily use that utilizes the preservation incentive, the number of new units that can be added is equal to the number of preserved units plus one additional unit.

RES-5  Fences  

- Clarify that the 4-foot height limit within the front setback is limited to Residential House-Scale Zones and Residential Multi-Unit Zones; all other zones are permitted to have fences up to 8-feet in height in the front setback.
- Clarify the applicable distance restrictions for fences near the intersections of streets and driveways.

RES-6  Graduated Impervious Cover  

- Consistent with Planning Commission’s recommendation, reduce allowed impervious cover to 40% for Residential House-Scale Zones with one unit.

— SIGN REGULATIONS 

✓ Included in Supplemental Report No. 1 and recommended by Planning Commission: 

SGN-1  Landscape Wall Signs  

Revise Section 23-7C-2050 to replace reference to “Low Density” sign district with “Residential House-Scale Sign District.”

SGN-2  Wall Mural Signs  

Revise Section 23-7C-2120 (Wall Mural Sign) to specify that wall mural signs may not be illuminated.
— **SUBDIVISION**

 ✓  *Included in Supplemental Report No. 1 and recommended by Planning Commission:*

**SUB-1  Remainder Tracts  Substantive Revision**

Revise Section 23-5A-1050 (*Remainder Tracts*) to specify that the Commission must approve inclusion of a remainder tract if the omitted portion meets minimum lot area and “substantially complies” with other applicable regulations.

— **TECHNICAL CORRECTIONS & REVISIONS**

 ✓  *New recommendation:*

**TCR-1  Typographical & Wording Errors  Correction**

Continue to update [this document](#), on an ongoing basis, with typographical errors, including mistakes in spelling, grammar, and citation, as well as minor textual cleanups.

**TCR-2  Departmental Comments  Correction**

Continue to review departmental comments to identify process improvements, technical errors, and other non-substantive changes that will improve LDC implementation and usability.

— **TREE PROTECTION**

 ✓  *New recommendation:*

**TRP-1  Limitation on Administrative Variances for Heritage Trees  Correction**

Consistent with October 4 staff report accompanying the LDC Revision, revise applicable regulation to limit allowance for heritage trees variances to be approved administratively to residential projects with sufficient frontage and onsite affordability.

— **TRANSPORTATION**

 ✓  *Included in Supplemental Report No. 1 and recommended by Planning Commission:*

**TRNS-1  Sidewalk Requirements  Clarification**

- Revise Section 23-8E-6010 (*General Sidewalk Requirements*) to clarify that sidewalk dedication may be required at site plan and to specify that dedication for new subdivisions must be by easement depicted on the plat.
- Revise Section 23-8F-2030 (*Joint Use Driveway*) to require that vehicular access through a joint use driveway be depicted in an easement in order to be allowed as an alternative to direct access to an abutting public or private street.

— **WATER QUALITY**
✓ **Included in Supplemental Report No. 1 and recommended by Planning Commission:**

EV-1 **Save Our Springs Ordinance**  
Substantive Revision  
Delete proposed SOS Ordinance amendments in Article 23-4D (Water Quality) and defer them to a subsequent public process, to allow additional time for stakeholder review and discussion.

EV-2 **Project Assessments**  
Clarification  
Revise Section 23-2C-1060 (Project Assessments) to specify that, in addition to “critical environmental features,” review under Subsection (D)(2)(e) may include “critical water quality zone, water quality transition zone, and steep slopes.”

EV-3 **Lake Austin Setbacks**  
Clarification  
Revise Section 23-3D-10070 (Setback Exceptions) to specify, in Subsection (D), that the allowance for pools in setbacks does not apply in the LA Zone. Addresses a longstanding conflict between general setback regulations and heightened restrictions on development applicable in the LA Zone and within critical water quality zones.

EV-4 **Commercial Recreation Shoreline Setback**  
Clarification  
Revise Section 23-3C-8060 (Commercial Recreation Zone) to specify, in Subsection (D), that permanent improvements are prohibited within 100 feet of the shoreline, rather than 75 feet, to coincide with the width of the critical water quality zone.

✓ **New recommendation:**

EV-5 **Clarify Applicability of Barton Springs Zone Overlay**  
Clarification  
Clarify the meaning of “retail uses” for applicability of the BSZO.
PART 3. PROGRAMMATIC MEASURES

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. Programs that work concurrently with the land LDC Revision to meet our City’s vision include, but are not limited to:

- Permitting & Application Procedures, including the City’s AMANDA system
- Technical Criteria Manuals
- Capital Programs
- Housing & Anti-displacement Programs
- Parking Enforcement Programs
- Staff Training
- IT Programs

These and other programmatic measures will be essential to successful implementation of a new Land Development Code. In advance of first reading, the LDC Revision Team will provide a more comprehensive list of programmatic measures deemed essential or desirable for implementation of a new code.
PART 3. APPLICATION OF THE FORMER TITLE 25 (F25) ZONE

1. **Background**

F25 is a placeholder zone that locks in regulations applicable to property under the current Land Development Code (Title 25). As specified in Section 23-3C-9090, the F25 zone is intended to be phased out over time and not applied as a new zone following adoption of the LDC Revision. However, properties zoned F25 would remain subject to current regulations until Council rezones them to one of the newly established zones.

Zoning ordinances covered by F25 are uncodified and generally include specialized, site-specific regulations that were recommended for elimination by the 2014 *Land Development Code Diagnosis* (hereafter “Code Diagnosis Report”). By applying the F25 zone, the City is able to retain these ordinances for particular areas or properties without including them as an authorized zoning classification available in future cases. Staff recommends F25 where property is subject to certain unique zoning requirements that cannot be adequately addressed through new base zone regulations.

The F25 zone was included in Draft 3 and carried forward, consistent with Council direction, on a more limited basis as part of the LDC Revision. The discussion below explains how staff applied F25 in Draft 3 and how that approach was further refined in the draft zoning map for the LDC Revision released on October 4, 2019.

2. **General Standard for Applying F25**

Council’s policy guidance report, issued on May 2, 2019, directed that the new zoning map limit use of F25 to “unique zoning districts (e.g., NCCDs and PDAs) for which no similar district exists under the revised Land Development Code.”

In applying Council’s direction, staff analyzed the many different kinds of uncodified zoning ordinances adopted under current Title 25. If an ordinance included unique, site-specific conditions that cannot be adequately addressed in the LDC Revision’s base zone regulations, staff proposed applying the F25 zone to ensure that those conditions will continue to apply unless the property is subsequently rezoned. However, if the conditions pertain to requirements that are generally covered by the new site development standards, staff proposed applying a comparable equivalent zone established in the LDC Revision.

3. **Specific Applications of F25**

- **Neighborhood Conservation Combining Districts (NCCDs)**

NCCDs are a specialized zoning classification authorized under Section 25-2-371 (*Neighborhood Conservation Combining District Regulations*) of current code and adopted through uncodified
ordinances applicable to particular areas. First adopted in 1986, NCCDs predate the adoption of neighborhood plans and now apply to approximately 875 acres of central Austin.

Based on recommendations in the Code Diagnosis Report, NCCDs were not included as an authorized zoning district in Draft 3. However, because NCCDs include many unique site-specific requirements that cannot be captured in base residential zones, staff proposed classifying NCCDs as F25 rather than remapping them to a new base zone.

Council’s May 2nd policy guidance generally adhered to this approach, but directed the City Manager to consider two changes to the NCCDs. First, Council directed that portions of the NCCDs near corridors be remapped as transition areas consistent with the general criteria for mapping transition areas. Second, Council specified that NCCD development standards should incorporate the minimum lot sizes proposed for the new residential base zones as well as allowance for accessory dwelling units (ADUs), reduced parking minimums, and options to use the proposed preservation incentive and affordability housing density bonus.

As stated in the October 4 report released with the draft LDC Revision, staff proposed remapping portions of NCCDs as transition areas per Council direction using the same criteria applied citywide. However, with the exception of reduced parking minimums and broader allowance of ADUs, staff found that the other proposed changes would require substantially redrafting each of the six adopted NCCD ordinances. Given council direction to retain the NCCDs, as well as the technical challenges such an effort would present, staff did not propose making these changes as part of the LDC Revision. Absent direction from Council to remap NCCDs to one of the new residential base zones, staff believes any significant changes to NCCDs should be deferred to a separate rezoning process.

- **Neighborhood Plan Combining Districts (NPCDs)**

NPCDs, authorized in Chapter 25-2, Subchapter D (Neighborhood Plan Combining Districts), are uncodified zoning ordinances used to implement recommendations in adopted neighborhood plans. Like NCCDs, NPCDs modify base zone regulations and rely on site-specific development standards that vary within different portions of the NPCD.

However, as noted in the Code Diagnosis Report, NPCDs vary from standard base zone regulations less significantly than NCCDs and rely primarily on conditional overlays (COs) rather than standalone regulations. Additionally, many NPCDs include special infill tools that enhance density consistent with the goals of the Imagine Austin Comprehensive Plan.

Based on analysis of approximately 50 adopted NPCD ordinances, staff concluded that most of the land area zoned NPCD was not appropriate for inclusion in the F25 zone and should instead be remapped to a new zoning category consistent with council-approved criteria. Staff reached this conclusion based on the following factors:
(1) The most common types of restrictions included in the NPCDs were incorporated, where appropriate, into the proposed base zones. If a unique requirement is not adequately accounted for through base zones, F25 is applied to individually affected parcels per the approach to mapping COs discussed below.

(2) Many of the infill tools included in NPCDs are applied citywide under the LDC Revision, rather than through the “opt-in / opt-out” measures adopted in individual zoning ordinances.

- **Conditional Overlays (COs)**

  Consistent with the approached described in the October 4 staff report (pp. 15-16), F25 zoning was proposed for COs only if they include unique conditions or requirements not adequately accounted for by the new base zone regulations. Per Council direction to reduce the overall amount of land area included in the F25 zone, staff has proposed including fewer COs in F25 than under Draft 3.

- **Regulating Plans and Planned Unit Developments (PUDs)**

  Existing regulating plans and PUD ordinances incorporate current Title 25 regulations as a baseline for tailoring regulations to particular areas. Because it’s infeasible as part of this process to re-draft those individual ordinances in conformity with proposed changes in the LDC Revision, Draft 3 proposed applying F25 to all existing regulating plans and PUD ordinances. On further review, however, it was determined that F25 zoning is unnecessary in these instances and that existing Title 25 regulations would continue to apply consistent with the terms of individual regulating plans and PUDs. Since both regulating plans and PUDs may continue to be used in the future, the draft zoning map released on October 4 proposed simply applying the existing “PUD” or regulating plan (“ERC,” “NBG,” or “TOD”) map classifications.

  Going forward, staff hopes to propose revisions to conform adopted regulating plans to the new base zones and make the ordinances simpler to apply. The regulations proposed in the LDC Revision will allow future sub-area regulating plans to include fewer and more targeted changes to adopted base zones than existing regulating plans, which substantially modify the current LDC and often function as standalone LDCs.

- **Planned Development Agreements (PDAs) and Other Special Ordinances**

  PDAs, authorized under Section 25-2-441 of current code, are a combining district used in connection with various commercial and industrial zones. Used Consistent with Council direction, the LDC Revision proposes F25 zoning for all existing PDAs.

  F25 is also used for properties subject to certain specialized settlement agreements that reference current zoning regulations and are not proposed for rezoning as part of the LDC Revision.