8. Ensuring Protest Rights and Process for our Community

Direction:

A. **AMENDMENT 1: RECOGNIZING PROTEST RIGHTS EXIST WITH COMPREHENSIVE REVISIONS.** The City of Austin shall recognize and give full legal effect to property owners' valid petition rights to protest the rezoning of their or nearby properties made pursuant to Texas Local Government Code, Section 211.006(d) whether those rights are asserted in connection with the rezoning of one property, multiple properties, or through comprehensive revisions of the zoning map, and the City shall require a supermajority vote of 3/4th vote of the entire Council for the protested rezoned properties to become effective.

B. **Amendment 2: AMENDMENT TO PROTECT AUSTIN PROPERTY OWNERS' VALID PETITION RIGHTS SHOULD A COURT HOLD THAT THE CITY'S LEGAL POSITION IS WRONG.** The City shall not finalize the rezoning of properties under the proposed LDC map until a Court has entered a final order on whether protest rights exist for a comprehensive LDC revision. If a Court rules that property owners have protest rights under a comprehensive revision, the City shall post conspicuously and clearly the finding on its website, do extensive public outreach, and allow Austin property owners at least 60 additional days from the order's date to file their valid petition forms pursuant to Texas Local Government Code, Section 211.006. Valid petitions filed during this period shall be considered timely filed.

9. Prioritizing SMART Housing Project Review

Direction:
Consider a "Prioritized" Expedited Review for S.M.A.R.T. Housing projects program in which projects would be reviewed ahead of other applications included where an expedited review fee has been paid.

Specific Language provided by housing groups:

23-3E-4060 Prioritized Expedited Review.
Prioritized Fast-Track review means a S.M.A.R.T. Housing project under this section is reviewed before all other applications including those where an expedited review fee has been paid. Prioritized fast-track review shall include all City of Austin departments including, but not limited to Watershed Protection, Development Services, Austin Energy, Water Utilities, and the Austin Fire Department.

NOTES:
The primary purpose of the SMART Housing Program to incentivize market development to include restricted affordable housing units where other Affordable Housing Bonus Programs (AHBP) are ineffective or to increase the number of affordable units within an AHBP area. It does this by reducing development costs and development time by waiving fees, reimbursing specific expenses and by expediting plan review, building inspections and other City services. In order for the program to work effectively, the benefits of waived fees, reimbursements and expedited review must compensate the developer for reduced revenue from rent or sale of the housing being developed. It, therefore, is essential that the value of waived fees, cost reimbursement and expedited service is sufficient for SMART Housing to be a successful program.

10. <u>Facilitating Residential Cooperatives in the Code</u>

Direction:

1. Review the definitions for "Group Residential" and "Co-Housing" in all Residential and MU/MS zones and consider the distinctive structure of cooperatives as compared to conventional dwelling units. For example, consider restoring the exemption from occupancy limits in the definition for "Group Residential" that we currently have in the code, and since "Co-Housing" is new, consider inserting a similar exemption in its definition.

   <u>Suggested Language:</u> "**GROUP RESIDENTIAL.** The use of a site for occupancy by a group **of more than six people** who are not a family on a weekly or longer basis in which sleeping units are separate from, but located in the same building, common areas that include kitchen, laundry, and other shared facilities."

2. Consider allowing "Group Residential" by right in R2B and R2C and align "Group Residential" and "Co-Housing" in the "R" zones with the "Adult Care – Large" (7 adults and up), which is allowed by CUP in all residential zones.