

CodeNEXT Policy Table

Item	Subtopic	Code Citation	Proposed Code Changes	Rationale	Policy Considerations for Proposed Changes			Key Criteria Changes
					Advantages	Challenges	Policy Alternatives	
Affordability								
Article 23-3E: General Planning Requirements, Affordable Housing chapter								
A1	Citywide Affordable Housing Bonus Program	23-3E-1 Citywide Affordable Housing Bonus Program	<p>NEW PROPOSAL</p> <ul style="list-style-type: none"> A new citywide bonus program is proposed, tying available bonuses to zoning districts, rather than a specific geographic area. The program requires income-restricted affordable rental units to be provided for households at or below 60% of the median family income (MFI) for 40 years and ownership units for households at or below 80% MFI for 99 years. Non-residential projects would pay a fee on the amount of bonus they access. More information about specific aspects of the proposal is provided in the next 3 lines, below. 	<p>The City currently administers multiple density bonus programs, tailored to specific geographies and each with their own unique requirements. Utilizing a citywide bonus program based on zoning districts will allow a more consistent and streamlined approach that is clearer for City staff to administer and developers to access.</p> <p>Bonus programs are important tools for generating income-restricted affordable units in new developments, especially because state law prohibits inclusionary zoning and linkage fees (mandatory policies employed in most other states to generate new affordable housing). It is important to note that bonus programs are voluntary and must be well-calibrated to attract participation from the development community as well as generate needed affordable housing.</p>	<p>The proposed citywide bonus program would cover much more land area than current programs, and sets more ambitious affordability requirements than most of the city's current programs.</p> <p>Employing one program citywide will make administration of the program more streamlined and can help developers understand how to comply with the requirements.</p> <p>Much focus is being placed on modeling of development and market conditions to ensure that the program is carefully calibrated to attract as much participation as possible and to generate as much affordable housing as possible. This is especially important for a voluntary program that developers can always choose not to participate in.</p>	<p>Bonus programs work best when the "bonus" provided above base entitlements is substantial - the more revenue a bonus can generate, the more units or deeper levels of affordability the developer can provide in exchange for that bonus. Several proposed changes throughout the code (such as parking reductions, more types of permitted uses, and more flexible zones) make it easier to build all types of new developments, but this flexibility also limits the efficacy of proposed bonuses, lowering the potential affordable unit yield.</p> <p>Modeling has indicated that more units could be provided in "missing middle" housing types in the proposed code, where 1 affordable unit could be provided in an 8-plex or other small multifamily development. Monitoring 1 or 2 units in many different developments will have higher per unit monitoring costs than monitoring many units in 1 large development, as is common at present.</p>	See next 3 lines below for discussions of alternatives to aspects of the policy	No criteria manual applies
A2	Citywide Affordable Housing Bonus Program	23-3E-1030 General Provisions for the Citywide Affordable Housing Bonus Program	Includes requirements for proportionate bedroom mixes; construction phasing for market-rate and affordable units; unit dispersion; and access to on-site amenities, common areas, and facilities.	<p>These general requirements were added in keeping with best practices from other cities' bonus programs. Specifying these elements in code will help ensure developers understand the program requirements before applying for a bonus.</p>	<p>Proportionate bedroom mix requirements help prevent situations where the affordable units in a development with multiple-bedroom units are only efficiencies or 1-bedrooms. There is a need for affordable family friendly housing in Austin, and requiring the affordable units to have the same number of bedrooms in proportion to the market-rate units is one way to help address that. Another incentive that is proposed in this section is to allow a developer to build fewer units if family friendly units are provided (i.e., a developer can meet his/her requirement for 2 units by building one 2-bedroom unit instead).</p> <p>Construction phasing is important in mixed income projects with multiple buildings to ensure that affordable units come on-line at the same pace that market-rate units do.</p> <p>Requirements related to dispersion and access ensure that mixed income developments do not violate Fair Housing requirements by segregating affordable units or denying residents access to common amenities.</p>	<p>The more requirements imposed on developers, the fewer developers may choose to participate in the program, thereby reducing the number of affordable units that could be provided.</p> <p>Including these requirements in the land development code rather than rules or guidelines makes them more difficult to amend as conditions change or new issues arise.</p>	<ul style="list-style-type: none"> Incorporate all requirements on affordable units into program rules or guidelines, instead of code. Do not place any additional requirements on affordable units to make the program simpler to administer and more attractive/easier to comply with. 	No criteria manual applies
A3	Citywide Affordable Housing Bonus Program	23-3E-1040 Affordable Housing Bonus Calculation	<ul style="list-style-type: none"> Bonus may include more units in building, more dwelling units per acre, more Floor-Area Ratio (FAR), or more height depending on the zoning district Affordable unit requirement is calculated as a percentage of bonus units 	<p>CodeNEXT consultants have been modeling the proposed base zones and calibrating bonus entitlements based on that modeling. Some base zones do not have unit maximums, some do not have FAR maximums. Thus, the bonus offered in a zone depends on the characteristics of that zone.</p> <p>Modeling has shown that, given the limited additional entitlements (bonus) offered, the required affordable units should be based on a percentage of the bonus units, rather than all the units in a development.</p>	<p>The Affordable Housing Bonus Program is being calibrated to ensure that the potential for participation is as high as possible. Given the bonuses proposed in each zoning category, setting the number of required affordable units as a percentage of the bonus units provides a balance that ensures developers will still participate in this voluntary program. If the affordable unit requirement is set too high, developers will simply choose not to participate in the bonus program and will only build what is allowed by the base zoning. In that case, the City will not realize any affordable units, or fees for affordable housing, from that development.</p>	<p>The current Vertical Mixed Use (VMU) program is able to provide a significant bonus to developers in increased units or FAR, parking reductions, and reduced site area minimums, enabling a developer to provide a percentage of the total units in the development as affordable, rather than just a percentage of the bonus units. By creating more flexible base zones and structuring the bonus program so that the only levers are units, FAR, or height, the bonus becomes smaller and therefore the percentage of affordable units that can be provided becomes smaller as well.</p>	<ul style="list-style-type: none"> Refine base zoning entitlements from the perspective of creating attractive bonuses, rather than increasing entitlements or flexibility of zones as part of the base entitlements. 	No criteria manual applies

CodeNEXT Policy Table

Item	Subtopic	Code Citation	Proposed Code Changes	Rationale	Policy Considerations for Proposed Changes			Key Criteria Changes
					Advantages	Challenges	Policy Alternatives	
Affordability (Continued)								
A4	Citywide Affordable Housing Bonus Program	23-3E-1050 Alternatives to On-Site Production of Bonus Units for Residential Developments	<ul style="list-style-type: none"> For projects with a residential component, there may be alternatives to providing affordable units on-site. To use any of the following alternatives, a project must be reviewed by a designated review committee and the use of the alternative must be approved by the Housing Director. Off-site affordable units: provide the affordable units at another location within a mile of the bonus project, or in an area approved by the Housing Director (such as a high opportunity area) Land donation Fee-in-lieu of affordable units: fee is paid into the Housing Trust Fund to be used for affordable housing 	<p>Several of the City's existing bonus programs contain an option for payment of a fee in lieu of on-site units. Other cities also offer off-site units and land donation options to increase flexibility and make the program more attractive.</p> <p>The designated review group would be comprised of members who have subject matter expertise in development and affordable housing and are qualified to assess bonus applications and projects to determine if a project cannot provide units on-site. This information on group composition will be included in Draft 3. This is a much higher level of project scrutiny than is currently required by any of the City's bonus programs.</p>	<p>Because this program is voluntary, having multiple options for providing the affordable housing community benefit is important for a high level of participation. Depending on the project, provision of on-site units may not be feasible, or the same amount of money could provide more units, family friendly units, or units reaching deeper levels of affordability nearby. These options provide the flexibility to obtain as much community benefit as possible in the manner that is best for each project. However, it is important to note that on-site affordability is still preferred, as any alternative option will require project-level review and approval.</p>	<p>There has been much discussion of whether to allow alternatives to on-site affordability considering that an affordable housing bonus applicant will prefer to meet the affordability requirement by the cheapest option. Unless fees are set to reflect the cost of providing an on-site affordable unit, on-site affordability will continue to be the most expensive option, and therefore the least attractive from an economic standpoint.</p> <p>With voluntary bonus programs, there is a trade-off between requiring on-site affordability and broad-based participation in the program. There will be cases where developers will not be able to provide units on-site, and so will not participate in the bonus program at all if there is not an alternate way to participate. In those cases, without alternatives, the City would lose any opportunity to obtain income-restricted affordable units through that project.</p>	<ul style="list-style-type: none"> Eliminate any alternatives to providing on-site affordable units. Require any project seeking an off-site alternative to obtain City Council approval, similar to the PUD process. 	No criteria manual applies
A5	Downtown Density Bonus Program	23-3E-2 Downtown Density Bonus Program	<p>EXISTING POLICY</p> <ul style="list-style-type: none"> The Downtown Density Bonus Program exists in current code and is included in CodeNEXT substantially unchanged. One change that has been proposed is to subject properties in the Rainey Street area to the same requirements as the other properties in the Downtown Density Bonus program. 	<p>The Downtown Density Bonus Program is proposed to continue as its own unique bonus program, rather than be replaced by the citywide Affordable Housing Bonus Program, due to the unique nature of development in the downtown area. Costs of construction (and rents/sale prices) are very high downtown and multiple community benefits have also been negotiated into the Downtown Density Bonus Program other than affordable housing.</p> <p>Making the Rainey Street area consistent with the rest of downtown will make the program easier and less confusing to implement.</p> <p>The set-asides and fees will be re-calibrated by the consultant team to ensure that these elements are up-to-date.</p>	N/A	N/A	N/A	No criteria manual applies
A6	Tenant Notification and Relocation Assistance	23-3E-3 Tenant Notification and Relocation	<p>EXISTING POLICY</p> <p>The Tenant Notification and Relocation Assistance Ordinance, passed in September 2016, is included in CodeNEXT substantially unchanged.</p>	<p>The Tenant Notification and Relocation Assistance Ordinance was passed by City Council very recently, and developed with targeted and in-depth stakeholder outreach.</p>	N/A	N/A	N/A	No changes to rules required

CodeNEXT Policy Table

Item	Subtopic	Code Citation	Proposed Code Changes	Rationale	Policy Considerations for Proposed Changes			Key Criteria Changes
					Advantages	Challenges	Policy Alternatives	
Affordability (Continued)								
A7	S.M.A.R.T. Housing	23-3E-4 S.M.A.R.T. Housing	EXISTING POLICY SUBSTANTIAL CHANGES S.M.A.R.T. Housing is carried forward into CodeNEXT with the following changes: <ul style="list-style-type: none"> Lengthening the affordability period from 5 years to 40 years for rental units and initial sale to 99 years for ownership units Decreasing the income level for affordable units from 80% median family income (MFI) for rental to 60% MFI Removing tiered approach of providing a percentage of affordable units in exchange for a percentage of fee waivers, replacing this with full permitting/review fee waivers for 10% affordable units 	Increasing the affordability restrictions brings this program's requirements in line with other programs and helps address the City's affordability needs. Removing the tiered approach to fee waivers is necessary because the increased requirements are not offset by the incentives offered, especially since capital recovery fee waivers are no longer being applied to all units within a S.M.A.R.T.-certified development and expedited review for S.M.A.R.T. projects is no longer offered.	Increasing the affordability restrictions provides longer term affordability at a deeper income level. Removing the tiered requirements helps make the program more attractive despite this change.	The S.M.A.R.T. Housing program does not offer sufficient incentives to attract private developers of market-rate housing. Other incentives that would help increase participation by private or for-profit developers include expedited permit review and waivers of more development fees. Additional incentives that could be included in other chapters in the code, or as programs outside of the code, include cost sharing for required infrastructure improvements, abatements of City taxes, or fund transfers to help buy down affordability. Additionally, these incentives could make S.M.A.R.T. Housing an option for smaller projects (like infill or ADUs).	<ul style="list-style-type: none"> To make S.M.A.R.T. Housing a tool for private developers as well as non-profit affordable housing developers, provide additional incentives such as cost sharing for required infrastructure improvements, City tax abatements, fund transfers to buy down affordability, expedited site plan and building permit review. Amend the S.M.A.R.T. Housing program as recommended in the draft, but do not provide any additional incentives. In this scenario, the program would only be used by affordable housing developers who are also seeking low income housing tax credits or have other substantial subsidies. 	No criteria manual applies
A8	Additional Affordable Housing Incentives	23-3E-5 Additional Affordable Housing Incentives	NEW PROPOSAL and EXISTING POLICY Carries forward elements of current code that provide incentives for S.M.A.R.T. Housing-certified affordable housing, and includes a new proposal for a parking reduction per affordable unit.	Section 25-2-1407 of current code provides various incentives (slightly higher impervious cover limits, flexibility for ADUs & noncomplying structures, etc.) for S.M.A.R.T. Housing-certified affordable housing projects within Neighborhood Plan combining districts. Staff wanted to ensure that any existing incentives for affordable housing were not omitted from CodeNEXT. A parking reduction of 0.6 fewer parking spaces per affordable unit was recommended by the consultant team based on their modeling of what incentives are necessary to support production of affordable units. It responds to the current issue many non-profit affordable housing developers face: current code often requires them to provide more spaces than their residents need. For certain populations, very little parking (less than 1 space per unit) is needed, and the land can be used to build more units or provide amenities/open space.	Carrying current incentives through into CodeNEXT ensures that no incentives for the production of affordable housing are lost. Multiple incentives are needed to help non-profit affordable housing developers and for-profit developers provide as much affordable housing as possible in a state where mandatory inclusionary zoning and linkage fees are prohibited, and in a city where housing supply is low and prices for land and units are continually increasing. To that end, the additional parking reduction would help affordable housing developers provide more units and could incentivize private developers to provide an additional unit and set it aside as affordable. The parking reduction could be particularly important for missing middle housing, where even the CodeNEXT parking requirements can take up significant portions of smaller infill lots.	Stakeholders have indicated that no Neighborhood Plan (NP) combining district has adopted the elements of Section 25-2-1407, and consequently these incentives have not been used. Expanding these incentives beyond NP combining districts could make these incentives more widely utilized; however, concerns have been expressed regarding the 5% increase in impervious cover and potential flooding impacts if many properties take advantage of this incentive. Therefore, staff recommends removing this item [23-3E-5010 (B)(1)(a)] from Draft 3.		No criteria manual applies
A9	Affordability Impact Statements	23-3E-6 Affordability Impact Statements	NEW TO CODE Existing Policy Ordinance No. 20071129-100 created the process and requirements for developing Affordability Impact Statements. This information is proposed to be inserted into the land development code.	Including these requirements in the code improves transparency and makes the requirements easier to find.	Ease of use; clarity.	None.	N/A	No criteria manual applies

CodeNEXT Policy Table

Item	Subtopic	Code Citation	Proposed Code Changes	Rationale	Policy Considerations for Proposed Changes			Key Criteria Changes
					Advantages	Challenges	Policy Alternatives	
Affordability (Continued)								
A10	Neighborhood Commercial zones revised as Mixed Use Zones and Main Street Zones (denoted with a "-A")	23-4D-4 Mixed-Use Zones 23-4D-5 Main Street Zones	NEW PROPOSAL Zones which currently only allowed commercial activity are rezoned with "-A" which requires affordable housing if a residential component is built, and are mapped in areas which previously did not allow housing as a land use.	More housing is needed in order to overcome the current affordability and housing crisis that Austin faces. Draft 3 has revised zones to expand housing into areas where housing was not previously allowed as well as creates new housing types which provide greater walking access to jobs, entertainment, and shopping options. The addition of the "-A" to existing commercial properties ensures the preservation of VMU-type requirements that existing today.	<ul style="list-style-type: none"> Increases the overall housing stock Introduces new housing options Puts people in closer proximity to everyday amenities such as jobs, shopping, and entertainment Requires affordable units if residential is built 	<ul style="list-style-type: none"> In order to fit into the community character of neighborhoods, some of these rezonings have been viewed as a downzone. Most of the locations of these zones is on corridors and is not yet serving the need for areas of Austin that do not have commercial options. 	<ul style="list-style-type: none"> Allow more of these zones in neighborhood transition areas 	<ul style="list-style-type: none"> Expands housing into areas that were solely commercial, and requires some portion of that housing to be affordable.
A11	Housing/ Permitting & Process	23-5C-2040 Flag Lots	NEW PROPOSAL Remove variance requirement for flag lots but retain the following standards: <ul style="list-style-type: none"> Driveway/utility plan for residential lots Minimum lot width (20') with option for narrower width (15') Addresses for flag lots posted at closest point to street access 	<p>To contribute to housing affordability and diversified housing options, flag lots should be allowed without a variance.</p> <p>The current code allows flag lots by-right for unplatted land, but requires a variance for platted lots when resubdividing. This is not a best practice.</p> <ul style="list-style-type: none"> A variance is an additional cost and creates uncertainty. The plat can be denied at the very end of the variance request process. Flag lots have no size difference compared to traditional lots. The flag portion must meet minimum requirements of the applicable zone (size, width, etc.). The pole does not count toward lot size. The Austin Fire Department reviews flag lots for conformance with the fire code. 	<ul style="list-style-type: none"> Flag lots are an important tool to address affordability and missing middle housing. Flag lots encourage infill and fight sprawl. Eliminating the requirement of a variance for flag lots will support equity in the land development code. 	Flag lots have potentially higher costs for utility maintenance.	Require a variance.	Due to new state-mandated underground utility separation requirements, Austin Water may need to develop an alternative detail for wastewater cleanouts placed in private driveways of flag lots.

CodeNEXT Policy Table

Item	Subtopic	Code Citation	Proposed Code Changes	Rationale	Policy Considerations for Proposed Changes			Key Criteria Changes
					Advantages	Challenges	Policy Alternatives	
Environment								
Division 23-2A-3: Residential Development Regulations								
E1	Environment & Drainage	23-2A-3030 One to Two-Unit Residential	<p>SUBSTANTIVE CODE AND PROCESS REVISION</p> <p>Require lot level compliance with certain environmental regulations and assessment of lot-to-lot drainage impacts when permitting one- and two-unit residential construction; and require review for those regulations during the building permit process.</p> <p>Require review for and compliance with the following requirements:</p> <ul style="list-style-type: none"> • Zoning impervious cover limits and all other applicable zoning regulations* • Engineer's certification that any drainage changes will not negatively impact adjacent properties, if the construction, remodel, or expansion is larger than 300 square feet and is located on an unplatted tract or within a subdivision approved more than 5 years previously • 100-year floodplain regulations* • Erosion hazard zone regulations* • Creek buffers based on subdivision date and within 75 feet of the shoreline of Lake Austin • Construction on slopes requirements, for properties subdivided on or after May 18, 1986 (except Urban watersheds) • Cut/fill limits (except Urban watersheds) • Erosion and sedimentation controls* • Tree protections* • Applicable restrictions from plat note or restrictive covenant* <p>*Currently reviewed for 1-2 unit residential building permit</p> <p>Create an administrative modification or alternative process to address situations when redevelopment of an existing platted property becomes impractical or impossible under these regulations.</p>	<p>Historically, most of the environmental and drainage regulations Land Development Code Chapters 25-7 and 25-8 have technically applied to one- and two-unit residential construction, but compliance with these regulations has not been reviewed or enforced during the building permit process. Full compliance with some of the existing environmental and drainage regulations (e.g., onsite detention, water quality controls) is impractical on individual, single-family scale lots due to cost, inspection, and maintenance constraints. Furthermore, staffing has not been adequate to achieve this level of plan review or inspections.</p> <p>The proposed code revisions specify which environmental and drainage regulations apply to one- and two-unit residential construction. The proposed requirements maintain key environmental protections applied at the time of subdivision, help address lot-to-lot drainage impacts, and with additional resources, are feasible to review as part of the building permit process.</p> <p>The applicable environmental requirements generally reflect the regulations that were in place when the lot was created, which means that most residential properties will have adequate buildable area outside of any protected features. However, the proposed administrative modification process will address situations where developing or redeveloping an existing platted property is infeasible due to the environmental regulations.</p>	<ul style="list-style-type: none"> • Clarifies code requirements and provides a more thorough review than the current process. The applicable regulations were selected to balance environmental protection, flood risk reduction, and timing and cost of the review process. • This proposal will result in an engineering evaluation of environmental and drainage conditions and should result in better protection of neighboring properties from construction related erosion and lot-to-lot drainage impacts caused by redevelopment of existing residential properties. • The requirement for an engineer's certification focuses more attention by the owner/designer on the potential drainage impacts of redevelopment on adjacent private property, which is a common concern. • Ensures compliance at building construction for creek buffer and steep slope requirements, which can be applied using a GIS tool available to staff and the public. 	<ul style="list-style-type: none"> • Applying elements of Article 23-3D (Water Quality) and requiring the services of a Professional Engineer to complete the drainage certification will increase costs for the preparation of design documents for residential plan applications. • Reviewing for the additional requirements will likely require an increase in resources and costs for Residential Plan Review, resulting in higher fees related to one- and two-unit development. That team is not currently staffed for the expanded review requirements. • The additional requirements do not address existing localized and creek flooding issues. 	<ul style="list-style-type: none"> • Apply current one- and two-unit review process, which does not include most environmental and drainage requirements: lower cost, staffing, and time to process, but less oversight and protection. Would result in development within creek buffers, development on steep slopes, lot-to-lot drainage impacts, and severe grading on some parcels. • Develop alternative drainage regulations and review process to try to address localized and creek flooding impacts for one- and two-unit development. Would have significant staff/process/permit cost and timing impacts. • Provide more prescriptive solutions for addressing drainage issues. 	<ul style="list-style-type: none"> • Define the elements that an engineer must review to certify that any drainage changes will not negatively impact adjacent properties. • Clarify eligibility for administrative modification. Make changes to existing criteria if needed to clarify how regulations apply to one- and two-unit development. • Define the elements that an engineer must review to certify that any drainage changes will not negatively impact adjacent properties. • Clarify eligibility for administrative modification. Make changes to existing criteria if needed to clarify how regulations apply to one- and two-unit development.

CodeNEXT Policy Table

Item	Subtopic	Code Citation	Proposed Code Changes	Rationale	Policy Considerations for Proposed Changes			Key Criteria Changes
					Advantages	Challenges	Policy Alternatives	
Environment (Continued)								
Article 23-3D: Water Quality								
E2	Water Quality Protection	23-3D Water Quality	NO SUBSTANTIAL CHANGES Key historical water quality protection standards, including watershed impervious cover limits, stream and lake buffers, floodplain protections, cut and fill limits, steep slope protections, erosion and sedimentation control requirements, and protections for critical environmental features are all carried forward.	The major provisions of this Article were revised entirely in the 2013 Watershed Protection Ordinance.	N/A	N/A	N/A	N/A
E3	Green Stormwater Infrastructure and Beneficial Use of Stormwater	23-3D-6 Water Quality Control and Beneficial Use Standards	NEW PROPOSAL <ul style="list-style-type: none"> Require the use of green stormwater infrastructure (GSI) on commercial and multi-family development to address water quality, water conservation, and ecological functions. Allow use of conventional controls on commercial sites with more than 80% impervious cover if irrigation demands are met using rainwater harvesting. Offer incentives for rainwater harvesting for projects at all impervious cover levels by crediting stored rainwater up to 25% of water quality volume. Exceptions offered for residential subdivisions, regional ponds, difficult site conditions, and "hot-spot" land uses with highly contaminated runoff (e.g., auto repair facilities). 	Current water quality requirements are typically met with sedimentation/filtration controls, which are effective at filtering polluted runoff and mitigating the impacts of impervious cover on stream channel erosion, but they do not significantly address other important ancillary goals such as supporting on-site vegetation, increasing rainwater infiltration, and reducing potable water consumption. The use of green stormwater controls can offer additional benefits to the more traditional controls (see list at right). Recommended by the Green Infrastructure Working Group. Implements Actions CFS A38, CFS A42, LUT A37, LUT A39, and CE A6 in Imagine Austin.	<ul style="list-style-type: none"> Green controls have been used and tested across the US and allowed (but not required) in Austin for water quality compliance since 2007. Where infiltration practices are adopted, improves hydrology (increased creek baseflow, reduced runoff). Conserves water, reduces potable irrigation. Rainwater harvesting credit addresses traditional conflict between water quality and conservation goals. Provides green function / ecosystem services (resilience in heat and drought, natural habitat, ambient cooling). Provides human and cultural benefits (health, well-being, green oasis, lowered stress). Smaller scale enables simple, familiar routine maintenance (landscaping, irrigation operation, etc.). Typically can double up GSI location with other site elements (e.g., landscaping). 	<ul style="list-style-type: none"> GSI controls can require more detailed attention during design and construction than conventional controls. Potentially higher initial and ongoing maintenance cost for some GSI applications compared to more traditional methods (e.g., complex plantings, pumps, etc.). Require more frequent routine, light maintenance (trash removal, sediment buildup, etc.). Small scale increases number of controls and may require additional review and inspection. Some GSI types have larger footprint than grey equivalents (e.g., rain gardens vs. sand filters). Proposal allows for reduced average annual rainfall treatment for systems that use a 25% rainwater harvesting conservation component. Lack of local data on long-term maintenance (e.g., how to re-construct green controls in the landscape when water quality volume needs to be re-established). 	<ul style="list-style-type: none"> Maintain or expand current toolbox of engineering alternatives (traditional and GSI) and allow owner to select their preferred approach to meet WQ requirements based on site conditions. Adjust the rainwater harvesting system to provide more or less conservation vs. standard water quality storage volume. Require 100% use of green controls even on sites with more than 80% impervious cover (may require indoor use of rainwater). Require use of GSI on all residential development, including building permits (for 1-6 unit development) and residential subdivisions. 	<ul style="list-style-type: none"> Describe new requirements and exceptions for using GSI. Refine design criteria for some options. Clarify eligibility for payment-in-lieu of on-site controls.
Article 23-3C: Urban Forest Protection and Replenishment								
E4	Environment	Article 23-3C Urban Forest Protection and Replenishment	EXISTING CODE TO REMAIN Protected and Heritage Tree Ordinances remain.	The Protected Tree Ordinance adopted in 1983 and the Heritage Tree Ordinance adopted unanimously by Council in 2010 remain with preservation standards remaining unchanged. These two ordinances are foundational to our nationally recognized tree protection standards.	<ul style="list-style-type: none"> Remain national leader in tree preservation. Preserve quality of life. Hallmark ordinances with broad community support. 	Tree ordinances have faced scrutiny by State legislators.	None suggested	N/A
E5	Permitting and Process	Article 23-3C Urban Forest Protection and Replenishment	NEW PROPOSAL Move tree regulations from the environmental section to general requirements applicable to all property in the zoning jurisdiction.	In current code, tree regulations are in the environmental chapter along with watershed regulations. Tree regulations are an extension of Home Rule Authority, not our water quality and stormwater regulations.	Improved alignment of tree regulations with enabling authority.	Tree ordinances have faced scrutiny by State legislators.	Retain tree regulations in the environmental code section and defend the water quality and stormwater benefits of trees. Not recommended.	N/A

CodeNEXT Policy Table

Item	Subtopic	Code Citation	Proposed Code Changes	Rationale	Policy Considerations for Proposed Changes			Key Criteria Changes
					Advantages	Challenges	Policy Alternatives	
Environment (Continued)								
E6	Permitting and Process	Article 23-3C Urban Forest Protection and Replenishment	NEW PROPOSAL Significant consolidation, updating of terms, and editing of administrative processes.	The administrative content of tree regulations has not been revised since 1983. Terms and processes are confusing, reference incorrect code sections, and lack clarity and conciseness.	<ul style="list-style-type: none"> • Significant reduction in unneeded word count. • Clarify that tree regulations only apply in the zoning jurisdiction. • Improved definitions. • Renamed 8 inch- 18 inch diameter trees "Keystone Trees". Current code refers to this classification as just 8-18 inch trees. • Significant consolidation of administrative processes. 	None	None suggested	N/A
E7	Permitting and Process/ Environment	Article 23-3C-1 and 23-3C-2	NEW PROPOSAL Reconcile public tree code in Code 6-3 with the Land Development Code (LDC) and cross reference right-of-way (ROW) tree regulations proposed in the transportation section.	Code 6-3 and the LDC are not in alignment regarding public tree regulations. The proposed code addresses public tree regulations. 2 inch- 7.9 inch diameter public trees in the ROW are preserved if possible, but at the discretion of the applicant. 8" and greater ROW trees have a greater standard of protection. ROW tree planting regulations have been collaboratively developed by the Austin Transportation Department, Development Services Department, and the Public Works Department.	<ul style="list-style-type: none"> • Provides clarity on public tree regulations. • Establishes preservation standards. • Reconciles two code sections. • Clarifies that the City Arborist administers public tree regulations. • Establishes joint responsibilities between Public Works and the City Arborist for the adoption of rules related to ROW tree planting regulations. 	Some stakeholders want all public trees in the ROW to be preserved and/or replaced when development occurs.	Preserve and/or require mitigation for trees 2-7.9 inch diameter in the ROW. Not recommended.	8-18 inch trees in the ROW will now be regulated when adjacent to residential property. Currently 8-18 inch ROW tree only apply when adjacent to commercial property.
Division 23-9E-6: Sidewalks, Urban Trails, and Street Trees								
E8	Sidewalk/Urban Trail Connection	23-9E-6040 Street Tree Requirements	NEW PROPOSAL: Street Tree Requirements	Requiring street trees provides for an important safety buffer between pedestrians and vehicles, increasing pedestrian comfort which supports Imagine Austin's goal to increase non-vehicle trips. Street trees also provide an important environmental benefit of both shade and climate resiliency.	Street trees will be required as identified as an important safety enhancement and as a sustainability tool in accordance with Imagine Austin goals; placement of street trees will be context-sensitive depending on existing and proposed roadway infrastructure.	Increased training for review and inspection staff. Additional guidelines will need to be crafted in conjunction with various city departments and in conjunction with multiple criterial manual rewrites.	N/A	TCM, ECM, DCM, UCM
Division 23-4E-4: Landscape								
E9	Environment	23-4E-4 Landscape	SIGNIFICANT CODE REVISION Landscaping requirements will now be applied throughout the site.	Current code limits placement of landscape to the streetyard and surface parking lots. The limitation does not provide space for plants to thrive. For projects that are required to comply with the Land Development Code's Commercial Design Standards, streetyards are removed as a placement area, thereby leaving no area for landscape. New schemes are intended to provide landscape elements distributed throughout the site.	<ul style="list-style-type: none"> • Landscape is distributed throughout the site • Provide landscape elements and ecosystem services for sites with high impervious cover allowance (Functional Green) • Required landscape area compliments tree preservation • Tree placement is more purposeful in that it will provide shade and site benefits • Compliments green stormwater infrastructure by sharing the space and stressing the use of stormwater for on-site benefits instead releasing it into storm sewer • Responds to form based code concept • Contributes to several Imagine Austin Priorities 	Net benefit but initial cost may be greater due to construction techniques (curb cuts, soil volume) and increased square footage of required landscape.	No change which would delay implementation of Imagine Austin priorities regarding landscaping, climate, and nature in Austin.	Extensive revisions to Environmental Criteria Manual, including the detail associated with Functional Green applicability

Item	Subtopic	Code Citation	Proposed Code Changes	Rationale	Policy Considerations for Proposed Changes			Key Criteria Changes
					Advantages	Challenges	Policy Alternatives	
Environment (Continued)								
Article 23-10E: Drainage Infrastructure								
E10	Flood Mitigation for Redevelopment	23-10E-3 Standards for Approval	<p>SIGNIFICANT CODE REVISION</p> <p>Require all commercial, multifamily, and residential subdivision development--both new and redevelopment--to provide flood mitigation through on- or off-site controls, conveyance improvements, and/or payment-in-lieu. The level of mitigation required is based on the reduction of post-development peak flow rates of discharge from new and redeveloped impervious cover to match those for undeveloped conditions (zero impervious cover). Existing impervious cover associated with public roadway improvements will not be considered in determining compliance. This provision applies to both public and private improvements of public roadways.</p>	<p>Since 1974, development has been required to provide stormwater detention to ensure that post-development stormwater peak flows not exceed those that exist from the site at the time of application. This helps minimize adverse flood impacts downstream that the new development would contribute to. This current code does not account for impervious cover on a site that existed before 1974 that impacts existing flood hazards. By requiring all sites to either match the peak runoff rates generated by undeveloped conditions or provide a payment-in-lieu of detention, this proposal asks that redevelopment account for its proportionate share of downstream flooding by either constructing on-site controls, downstream conveyance improvements, or providing funding for the City to address other citywide flood hazards.</p> <p>☑ Recommended by the Flood Mitigation Task Force. Implements Action CFS A42 and CFS A45 in Imagine Austin.</p> <p>The exemption for existing impervious cover associated with public roadway improvements is proposed because public roadways provide a public benefit and provide conveyance infrastructure for adjacent private properties as well as the roadway itself; compliance with no adverse impact and conveyance standards represents a significant improvement to existing drainage infrastructure.</p>	<ul style="list-style-type: none"> • Helps reduce existing flooding and erosion hazards created by existing development--not just hold the line on existing problems. • Each development addresses its proportional share of the problem. • Establishes consistent stormwater detention requirements for greenfield and redeveloped sites. • Many options for compliance, including onsite detention, improving downstream conveyance, and payment-in-lieu which would be determined based on drainage conditions at and downstream of each development. • Redevelopment with existing, compliant detention and conveyance is not affected. • Exception for existing impervious cover associated with public roadway improvements enables the maximization of funds for mobility purposes while ensuring that roadway projects do not cause any additional adverse flooding impact. 	<ul style="list-style-type: none"> • May add cost to many redevelopment projects. • Some types of detention facilities require additional land area. • May discourage redevelopment, which would prevent other benefits of such redevelopment from being realized. • Incremental benefits may take a long time to show results. • Exception for existing impervious cover associated with public roadway improvements does not fully capture the opportunity to reduce flood risks. 	<ul style="list-style-type: none"> • Apply only to larger sites and exempt smaller sites. • Require the stormwater detention, but at a lower level of control (e.g., 10-year control rather than full 100-year control). • Exempt areas that do not have known flooding or drainage problems. • Maintain status quo and continue to address existing flood hazards primarily via public capital projects. • Allow payment-in-lieu as an option for existing impervious cover associated with public roadway improvements at discretion of WPD. 	<ul style="list-style-type: none"> • Update to include new proposal for redevelopment sites. • Define "undeveloped conditions."
E11	Regional Stormwater Management Program (RSMP)	23-10E-3 Standards for Approval	<p>NEW TO CODE Existing Program</p> <p>Add a code reference to the RSMP, which is currently outlined in the Drainage Criteria Manual (DCM).</p>	<p>Providing a reference to this program in the code will codify its existence and promote its use.</p>	<p>Ease of use; clarity.</p>	<p>None.</p>	<p>N/A</p>	<ul style="list-style-type: none"> • Revise to describe process.

CodeNEXT Policy Table

Item	Subtopic	Code Citation	Proposed Code Changes	Rationale	Policy Considerations for Proposed Changes			Key Criteria Changes
					Advantages	Challenges	Policy Alternatives	
Housing								
Article 23-4D Specific to Zones								
H1	Applicability to more zones	23-4D-2 Residential House-Scale Zones	SIGNIFICANT CODE REVISION In today's code ADU's are only allowed in SF-3 and higher intensity single and multi-family zones. Draft 3 proposes the allowance of ADU's in more R2 zones and higher intensity zones as well as RM Zones, and some MU zones.	The increased allocation of ADU's provides the opportunity for additional housing in high opportunity areas at a lower price point than the typical single family house. It also serves as a supplement to the income of the property owner who decides to rent out their ADU to another household.	<ul style="list-style-type: none"> Creates housing that is affordable and accessible to a diverse range of people & incomes. Increase housing stock in a manner that encourages walkability, bikeability, and access to transit. Maintain current community character by allowing residential house-scale development through incremental infill consistent with the neighborhood. Places more affordable housing in high opportunity areas 	<ul style="list-style-type: none"> Fear that increased densities may change the community character or alter the quality of life in Austin. Not all areas are a candidate for incremental infill and its application may be disproportionate without a policy change. 	<ul style="list-style-type: none"> Restrict ADUs to fewer zoning districts than Draft 3 proposes Allow ADUs in every residential house-scale zone, beyond what Draft 3 proposes 	<ul style="list-style-type: none"> Increases incremental infill housing options while maintaining community character
H2	R2 Zones, R3 Zones, R4 Zones	23-4D-2 Residential House-Scale Zones	SIGNIFICANT CODE REVISION The code has been revised to include a larger variety of housing types in a house-scale residential form. This would allow for the integration of housing at different sizes and more units allowed on one lot.	Austin is in a housing crisis where the scarcity of housing has escalated the cost of housing beyond the means of the median family income earner. Different types of housing (small single-family homes, townhomes, small multiplexes) at varying price points are rare.	<ul style="list-style-type: none"> Creates housing that is affordable and accessible to a diverse range of people & incomes. Increase housing stock in a manner that encourages walkability, bikeability, and access to transit. Maintain current community character by allowing residential house-scale development through incremental infill consistent with the neighborhood. 	<ul style="list-style-type: none"> Barriers to development such as deed restrictions. Fear that increased densities may change the community character or alter the quality of life in Austin. Current process (without residential heavy) is still costly and time consuming. Not all areas are a candidate for incremental infill and its application may be disproportionate without a policy change. 	<ul style="list-style-type: none"> Require that all areas of town opt in to the new code and zone change. 	<ul style="list-style-type: none"> Increases housing options and allows for more diverse housing types and different price points.
H3	Preservation Incentive	23-4D-2 Residential House-Scale Zones	SIGNIFICANT CODE REVISION If the existing residential structure is preserved then the FAR used for an ADU will not count toward the total FAR for the lot.	Staff does not want the increased ability to build an ADU to incentivize the demolition of existing structures and would prefer to incentivize the construction of new ADUs and the preservation of existing housing, which is generally more affordable.	<ul style="list-style-type: none"> Provides a bonus to developers willing to preserve the existing residential structure on a lot Helps maintain existing community character by preserving the original/existing house while allowing new incremental missing middle housing 	<ul style="list-style-type: none"> The exact way that an existing residential structure is to be preserved is yet to be determined. 	<ul style="list-style-type: none"> Allow additional building coverage, impervious cover, or other site development changes (other than FAR) in return for preservation. Continue current practice of counting ADU FAR against total FAR in all circumstances. 	<ul style="list-style-type: none"> Increases incremental infill housing options while maintaining community character
Article 23-4E Supplemental to Zones								
H4	Location of ADU & existing structure	23-4E-6030 Accessory Dwelling Unit - Residential	SIGNIFICANT CODE REVISION In current code, ADU's are only allowed to be behind or to the side the primary unit. Draft 3 proposes that an ADU can be built on the front, back, or side of the primary unit. In addition the existing unit can also now be considered the ADU as long as it is under 1,100 SQFT.	By allowing some flexibility on where the ADU is located and which structure is considered the ADU it increases the opportunity to develop missing middle housing while decreasing the need to demolish existing properties in the process.	<ul style="list-style-type: none"> Creates housing that is affordable and accessible to a diverse range of people & incomes. Increase housing stock in a manner that encourages walkability, bikeability, and access to transit. Maintain current community character by allowing residential house-scale development through incremental infill consistent with the neighborhood. Places more affordable housing in high opportunity areas 	<ul style="list-style-type: none"> FAR & impervious cover requirements still restrict what can be developed on a lot. 	<ul style="list-style-type: none"> Continue to require ADUs to be behind or to the side of the primary unit. 	<ul style="list-style-type: none"> Increases incremental infill housing options while maintaining community character.

CodeNEXT Policy Table

Item	Subtopic	Code Citation	Proposed Code Changes	Rationale	Policy Considerations for Proposed Changes			Key Criteria Changes
					Advantages	Challenges	Policy Alternatives	
Mobility								
Article 23-9C Transportation Review and Analysis								
M1	Transportation Impact Analysis (TIA) updates	23-9C-2 Comprehensive Transportation Review	NEW PROPOSAL: Comprehensive Transportation Review	Managing demand is the fastest and most cost effective way to manage congestion. The Introduction of a Comprehensive Transportation Review is the analysis of multi-modal transportation to be generated by a proposed development and identifies transportation infrastructure improvements for any development with at least 1,000 net vehicle trips per day or 100 peak hour trips AFTER deducting any trip reductions in conjunction with an approved Transportation Demand Management plan.	An active modes analysis will aid in identifying existing and proposed multi-modal impacts from developments and will assist in identifying multi-modal infrastructure improvements in conjunction with the adopted Bicycle Master Plan and Pedestrian Safety Action Plan, and transit plans.	Methodology for collecting data and analysis will need to be developed. Public education facilities is excluded per the development agreement between the COA and AISD.	N/A	TCM
M2	Transportation Impact Analysis (TIA) updates	23-9C-2010 Purpose and Applicability	NEW PROPOSAL: TIA threshold changed from 2,000 vehicle trips per day to 1,000 net vehicle trips per day or 100 peak hour trips per day.	By decreasing the TIA threshold through demand strategies, the code will provide for improved mitigation from a larger range of developments to ensure their impact on the transportation system is properly mitigated based on rough proportionality.	Context-sensitive transportation demand management strategies may allow projects which generate a significant amount of vehicle traffic to be reviewed by ATD staff to lower the overall trip generation which can possibly effect mitigation requirements.	Additional staff training for new approach.	N/A	TCM
M3	Transportation Impact Analysis (TIA) updates	23-9C-2020 Transportation Impact Analysis	NEW PROPOSAL: TIA validity changed from having no expiration date to being valid for up to 5 years.	Instituting TIA expiration allows for consistency and reliability of TIA's findings; engineering standards require traffic counts to be updated every 2 years	An expiration timeline for TIAs will ensure outdated and insufficient infrastructure mitigation is avoided, while ensuring mitigation adheres to current COA policies.	N/A	N/A	TCM
Article 23-9D Development Conditions and Mitigation								
M4	Transportation Impact Analysis (TIA) updates	23-9D-2020 Tier 2 Transportation System Improvements	NEW PROPOSAL: Tier 1 & Tier 2 Infrastructure Improvements	T1 and T2 transportation infrastructure improvements will be based on Comprehensive Transportation Review requirements, providing for consistent and reliable transportation mitigation guidelines.	T1 and T2 guidelines will ensure holistic transportation infrastructure mitigation is based on proper review and adheres with adopted transportation plans.	Additional staff training for new approach.	N/A	TCM
M5	Transportation Impact Analysis (TIA) updates	23-9D-2040 Reduced Transportation Mitigation	NEW PROPOSAL: Transportation Demand Management (TDM)	Managing demand is the most cost effective way to manage congestion approach; TDM can be used to reduce a project's total vehicle trip rate, thus reducing the need for a TIA.	TDMs can provide for innovative and context-sensitive solutions to reduce single occupancy vehicle trips, thus providing for required alternative modes of transportation of new development. Projects along Imagine Austin growth corridors will be encouraged to promote transit usage. TDM can be used to decrease total vehicle trips generated by a project, thus eliminating the need for a TIA and potentially reducing mitigation requirements.	Methods to monitor compliance and provide enforcement to be developed.	N/A	TCM

CodeNEXT Policy Table

Item	Subtopic	Code Citation	Proposed Code Changes	Rationale	Policy Considerations for Proposed Changes			Key Criteria Changes
					Advantages	Challenges	Policy Alternatives	
Mobility (Continued)								
Article 23-9E Right-Of-Way Construction								
M6	Sidewalk/Urban Trail Connection	23-9E-6010 General Sidewalk Requirements	NEW PROPOSAL: Sidewalk installation required concurrently with new street construction, or in accordance with a phased plan which adheres to ADA and City guidelines.	Sidewalks will be required along with the construction of new streets, which will provide for ADA accessible and COA acceptable connectivity to/from all new development.	In accordance with the Pedestrian Safety Action Plan, code changes allow for increased connectivity during new development construction and ensure sidewalks are constructed at the beginning stages of development for safe pedestrian access.	Increased training for review and inspection staff.	N/A	TCM
M7	Sidewalk/Urban Trail Connection	23-9E-6020 Fee in Lieu of Sidewalk Construction	NEW PROPOSAL: Enhanced fee-in-lieu guidelines	Sidewalks identified in policy documents are more likely to be installed; the sidewalk fee-in-lieu guidelines have been enhanced to consider area transportation plans, neighborhood plans, and the sidewalk master plan.	By ensuring plan implementation and that pedestrian safety is considered, fee-in-lieu requests will be reviewed based on adopted city transportation plans and the sidewalk master plan, ensuring pedestrian safety is considered in conjunction with Imagine Austin's compact and connected goals.	Increased training for review and inspection staff.	N/A	TCM
M8	Sidewalk/Urban Trail Connection	23-9E-6030 Urban Trails	NEW PROPOSAL: Urban trail connections	Urban trails provide for active transportation and increases non-vehicle trips in accordance with Imagine Austin goals.	Connections required per the TCM and identified through adopted city urban trail plans will be required of new developments, allowing for implementation of the Urban Trails Master Plan, consistent with Imagine Austin's goals for increasing non-vehicle trips.	Amend the TCM to implement the policy.	N/A	TCM
Article 23-9F Street Design								
M9	Street Layout	23-9F-3040 Dead End Streets	NEW PROPOSAL: Dead end streets are prohibited	Dead end streets result in a disconnected transportation network, contrary to Imagine Austin's policy to be a compact and connect city. Code is strengthened to prohibit dead end street unless site-specific topographical, natural features, or unusual conditions are identified.	Imagine Austin calls for a compact and connected city, prohibiting dead end streets increases overall public safety in accordance with adopted safety policies such as the Vision Zero and emergency response recommendations.	Increased training for review and inspection staff.	N/A	TCM
M10	Street Layout	23-9F-3050 Block Dimensions	NEW PROPOSAL: Updated Block Lengths	Updated block length standards are context sensitive and vary by zone; long block lengths are contrary to an effective street grid related to all modes.	Context sensitive block lengths allow for street layouts that make all trips as short as possible, allows pedestrian and bicycle traffic to flow without inconvenience, and helps to relieve vehicle congestion by providing alternative routes in accordance with Imagine Austin's goals for a compact and connected city.	Increased training for review and inspection staff.	N/A	TCM, DCM
M11	Parking Standards	23-4D-2040 Parking Requirements	SIGNIFICANT CODE REVISION Parking requirements are reduced to one parking spot per unit in all house-scale residential zones (R Zones)	Trends nationwide detect that car ownership will continue to decrease as new generations prefer on more environmentally and economically feasible forms of transportation. As congestion continues to rise in most major cities, commuters are looking to other options. By requiring only one parking spot per unit, it reduces the cost of development that can be passed down to the user. It also opens up space for more units and creative integrity in design.	<ul style="list-style-type: none"> • Lowers the cost of development • Does not require those who choose not to own a vehicle to pay the exorbitant development costs of parking • Incentivizes active modes of transportation and/ or supporting businesses within walking distance 	<ul style="list-style-type: none"> • Unless homeowners with multiple vehicles decide to build additional spaces they will have to park on the street 	<ul style="list-style-type: none"> • Create an incentive for/ or for not building additional parking 	<ul style="list-style-type: none"> • Reduces the parking minimums from 2 spaces per unit to 1

CodeNEXT Policy Table

Item	Subtopic	Code Citation	Proposed Code Changes	Rationale	Policy Considerations for Proposed Changes			Key Criteria Changes
					Advantages	Challenges	Policy Alternatives	
Process & Permitting								
Article 23-2G Nonconformity								
P1	Permitting & Process/Mobility	23-2G-1070 Alteration of Non-Conforming Structures	<p>NEW PROPOSAL</p> <p>Allows alteration of a legal non-conforming, Commercial (Non-Residential) structure, as follows:</p> <ul style="list-style-type: none"> • Projects that propose to remove less than 50% of exterior walls are required to remove head-in parking off major roadways and correct any other unsafe parking conditions. • Projects that propose to remove more than 50% of the exterior walls, are required to remove head-in parking off major roadways and correct any other unsafe parking condition, and must also correct unsafe driveway approaches and comply with applicable sidewalk standards. <p>Projects meeting these requirements will qualify for a site plan exemption and will not have to bring the entire site into compliance with the Land Development Code. Projects will have to comply with all building code requirements. The construction involved in correcting unsafe parking/driveways and providing sidewalk improvements does not count towards the construction limits permitted under a site plan exemption. Staff commits to revisiting this code provision a year after implementation to evaluate effectiveness and impacts.</p>	Alterations of legal non-conforming structures should be required to provide additional site improvements, without triggering a full site plan submittal.	<ul style="list-style-type: none"> • Current code is silent on the degree of building modification that can occur before triggering full site compliance with current Code. Projects have been allowed to demolish all but one exterior wall with no requirement for site improvements. This proposal will: <ul style="list-style-type: none"> • Allow existing buildings to be upgraded • Benefit the City with the removal of unsafe parking/drives, and the addition of compliant sidewalks based on degree of modification • Maintain affordability and time benefit for small businesses by allowing the work to proceed with a site plan exemption Establish policy guidance for review staff for these project types 	When sidewalk improvements are triggered, those will need to be designed and plans sealed by a professional engineer, which will impose an additional cost to the applicant that generally is not required with a site plan exemption today.	Maintain current code which is currently silent on the degree of building modification that can occur before triggering full site compliance with current Code.	N/A
Article 23-4D Specific to Zones								
P2	Changes to existing McMansion Ordinance	23-4D-2 Residential House-Scale Zones	<p>NEW PROPOSAL</p> <ul style="list-style-type: none"> • Elimination of McMansion Tent • Elimination of exemptions for parking structures and attics • Provide allowances for architectural encroachments 	These modifications to the McMansion ordinance simplify the standards for legibility by the general public. The elimination of the tent allows for more creative, architectural integrity and differentiation to better fit the character in which the building resides. The FAR (floor to area ratio) requirements and height standards are proposed to remain the same.	<ul style="list-style-type: none"> • Easy to understand • Allows for a differentiated product and encourages architectural creativity • Preserves the main form controls of existing McMansion standards 	<ul style="list-style-type: none"> • Some people may feel the simplified form controls offer less overall design control when compared to existing McMansion regulations. 	<ul style="list-style-type: none"> • Keep ordinance as-is, preserving the existing complex requirements. • Completely remove any form controls from house-scale R zones. 	<ul style="list-style-type: none"> • Simplifies standards • Allows architectural encroachments • Eliminates exemptions
Elimination of Conditional Overlay (CO) Process								
P3	Removal of the ability to create conditional overlays and process by which conditional overlays are applied to base zoning districts.	NA- Absent from the draft code.	<p>SIGNIFICANT CODE REVISION</p> <p>Conditional Overlays (COs) will no longer be a process included in the Land Development Code. The mapping of the proposed code strives to replace existing CO's with the zone that best meets the restrictions and permits of the original overlay.</p>	In essence Conditional Overlays have become spot zoning, which is a complex and messy process. It is not easily legible by a lay person and adds layers of confusion to any zoning decision. Staff has tried to address this issue by creating better zones and removing this process for future zoning/rezoning.	<ul style="list-style-type: none"> • Simplifies understanding of the zones and prevents delays in the development process which account to increased costs. • Prevents what has inevitably become spot zoning. • Prevents every zoning case from becoming a protracted negotiation. 	<ul style="list-style-type: none"> • Matching new zones to the previous agreements of the old code, which has created a rezoned map with new zones and F25 zones. 	<ul style="list-style-type: none"> • Eliminate all COs regardless of what is stated in the overlay so that all properties will have to comply with the new code. • Preserve all existing COs and do not rezone any existing COs to the new zoning spectrum. 	<ul style="list-style-type: none"> • Conditional Overlays will no longer exist as a process once CodeNEXT is passed.

CodeNEXT Policy Table

Item	Subtopic	Code Citation	Proposed Code Changes	Rationale	Policy Considerations for Proposed Changes			Key Criteria Changes
					Advantages	Challenges	Policy Alternatives	
Article 23-2A: Residential Development Regulations								
Process & Permitting (Continued)								
P4	Environment & Drainage/Housing/Permitting & Process	23-2A-3040 Three to Six-Unit Residential	<p>NEW PROPOSAL</p> <p>Create a new, scaled and streamlined single-permit process for 3 to 6 unit development on residentially-platted lots.</p> <p>Qualifying projects will not be required to submit a full site plan but must be located outside the Barton Springs Zone, cannot exceed 45% impervious cover, and cannot require a Land Use Commission variance.</p> <p>Require review for and compliance with the following requirements:</p> <ul style="list-style-type: none"> • Zoning impervious cover limits and all other applicable zoning regulations* • Engineer's certification that any drainage changes will not negatively impact adjacent properties, if the construction, remodel, or expansion is larger than 300 square feet and is located on an unplatted tract or within a subdivision approved more than 5 years previously • 100-year floodplain regulations* • Erosion hazard zone regulations* • Creek buffers based on subdivision date and within 75 feet of the shoreline of Lake Austin. • Construction on slopes requirements, for properties subdivided on or after May 18, 1986 (except Urban watersheds) • Cut/fill limits (except Urban watersheds) • Erosion and sedimentation controls* • Tree protections* • Applicable restrictions from plat note or restrictive covenant* • Scaled tree mitigation rates (when project is SMART Housing certified) • Scaled Austin Energy requirements <p>Engineered plans will still be required to demonstrate compliance with Austin Water, Fire, and Transportation related requirements.</p>	<p>Very few small, multi-family projects (3 to 6 units) are proposed or submitted for review due to the development cost required to meet full site plan requirements and the time associated with a full site plan process. The development costs reportedly make this type of project economically unfeasible.</p> <ul style="list-style-type: none"> • This option offers a streamlined path (compared to a full site plan) for residential projects that provide a diversification of housing types while maintaining impervious cover and resulting environmental and drainage impacts at current levels. • Under the proposal, 1 to 2 and 3 to 6 unit development both occupy residential parcels with the same impervious cover limit (i.e., indistinguishable from a drainage impact perspective). As the only difference between the potential products is the number of units, the drainage requirements should be consistent across both products. • Limiting the new permit process to residentially-platted lots maintains key environmental protections applied at the time of subdivision. As of 1986, residential subdivisions have complied with the Comprehensive Watersheds Ordinance (CWO) or 2013 Watershed Protection Ordinance (WPO). • CWO/WPO allows lots to include creek buffers and steep slopes if sufficient buildable area remains. Subsequent development on those lots should preserve the creek buffer and slopes as planned at the time of subdivision. • Pre-CWO lots and subdivisions were not created with current creek buffer and other environmental requirements in place. Applying these now may create unbuildable lots. <p>It is impractical to require water quality controls on individual, single-family scale lots due to cost, inspection, and maintenance constraints, and most projects will not exceed the 8,000 square foot threshold for water quality controls.</p>	<ul style="list-style-type: none"> • Current development patterns reflect a tendency to replace existing single-family homes with larger single-family homes. Scaling the review process for 3- to 6-unit projects will reduce review time, as well as design and permit costs. The end result is intended to expand a property owner's housing options on a site and reduce the cost of residential units. • Limiting the new process to residential parcels with the same impervious cover limit as 1- to 2-unit development ensures that 3- to 6-unit products maintain the same drainage and environmental impacts as currently-allowed products. • The requirement for an engineer's certification focuses more attention by the owner/designer on the potential drainage impacts of redevelopment on adjacent private property, which is a common concern. • Ensures compliance at building construction for creek buffer and steep slope requirements, which can be applied using a GIS tool available to staff and the public. 	<ul style="list-style-type: none"> • Will likely require additional City review staff. • Offers a lower level of environmental and drainage review than current projects with 3 or more units, which now require a full site plan. • While the proposed engineer's certification addresses lot-to-lot drainage issues, it does not address existing localized and creek flooding issues. 	<ul style="list-style-type: none"> • Apply current one- and two-unit review process, which does not include most environmental and drainage requirements: lower cost, staffing, and time to process, but less oversight and protection. Would result in development within creek buffers, development on steep slopes, lot-to-lot drainage impacts, and severe grading on some parcels. • Apply current multifamily site plan requirements during building permit process: higher cost, staffing, and time to process, but more oversight and protection. • Require on-site installation of water quality controls to mitigate for peak flow increases: better water quality and conservation but more cost and unknown inspection and maintenance outcomes. 	<ul style="list-style-type: none"> • Define the elements that an engineer must review to certify that any drainage changes will not negatively impact adjacent properties. • Make changes to existing criteria to clarify how regulations apply to 3- to 6-unit development.