

INFILL, COMPATIBILITY AND MISSING MIDDLE WORKING GROUP

FEBRUARY 6, 2015

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CURRENT CODE AND INFILL: LAYERS OF REGULATIONS

- Base District Zoning
 - Site development standards (setbacks, building height, FAR, etc.)
 - Permitted Uses (Commercial, Multi-Family, Single-Family, Mixed Use)
- Combining and Overlay Districts
 - Modify base districts or allow different standards
 - CO, MU, NP, NCCD, PUD, VMU
- Parking Requirements and Reductions
- Subchapter E ("Commercial Design Standards") and Subchapter F ("McMansion")
- Compatibility Standards

CURRENT CODE AND INFILL: LAYERS OF REGULATIONS

- Environmental Regulations
 - Water Quality, Detention, Impervious Cover, Tree Protection, Landscape, Cut and Fill, Erosion Hazard Zone, Floodplain
- Density Bonus (Downtown, East Riverside, NBG, VMU, TOD, UNO)
- Infill Tools – Small Lot Amnesty, Secondary Apt., Cottage Lot, Urban Home, Corner Store, Residential Infill, Mixed Use Building, Neighborhood Urban Center
- Technical Criteria Manuals (DCM, ECM, TCM), Requirements for easements, Etc.

SPECIAL USE INFILL OPTIONS



**Small Lot
Amnesty**



**Secondary
Apartments**



**Cottage
Lots**



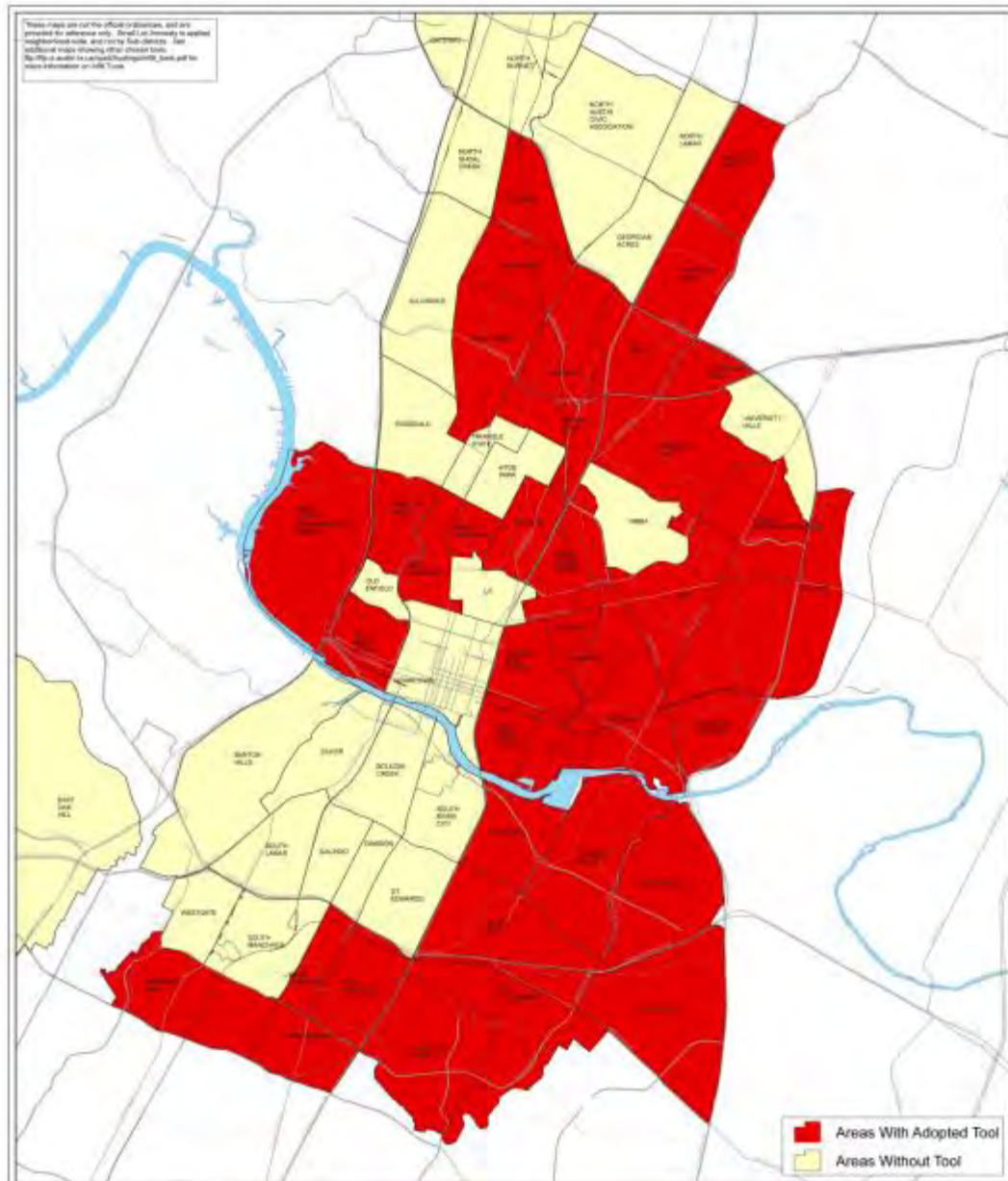
**Urban
Homes**



**Corner
Stores**

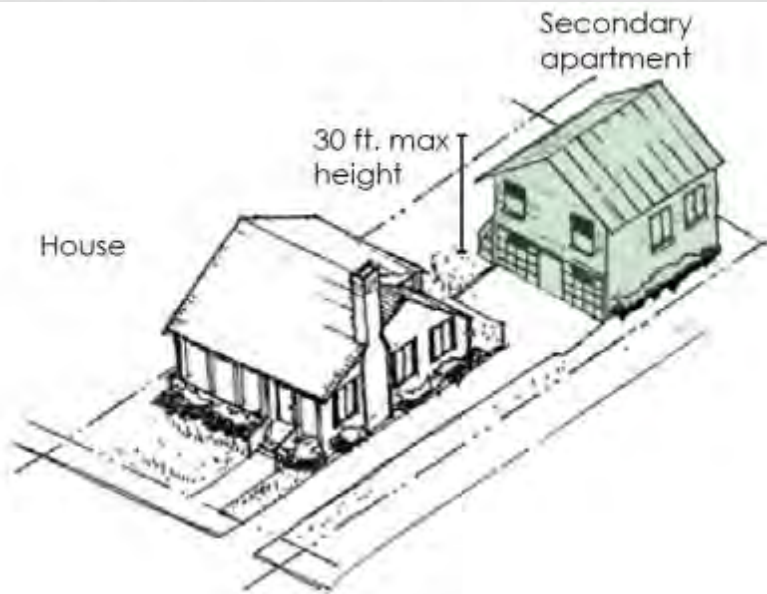
SMALL LOT AMNESTY

- Allows construction or major renovation of homes on legal lots smaller than current minimum size

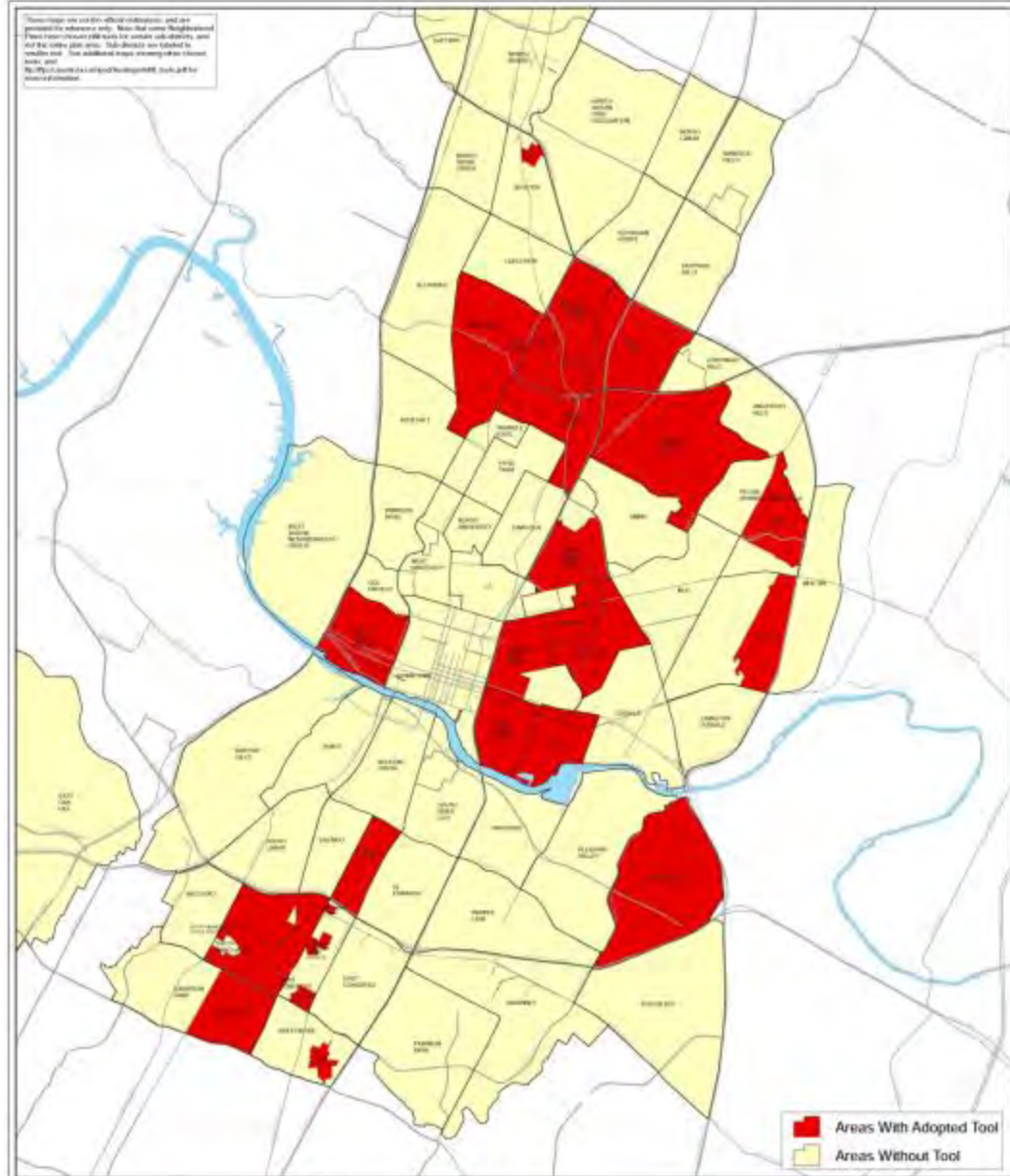


Small Lot Amnesty Infill Tool Chosen in Adopted Neighborhood Plans

SECONDARY APARTMENT*



* May apply to entire area or subdistricts



Secondary Apartment Infill Tool
Chosen in Adopted Neighborhood Plans



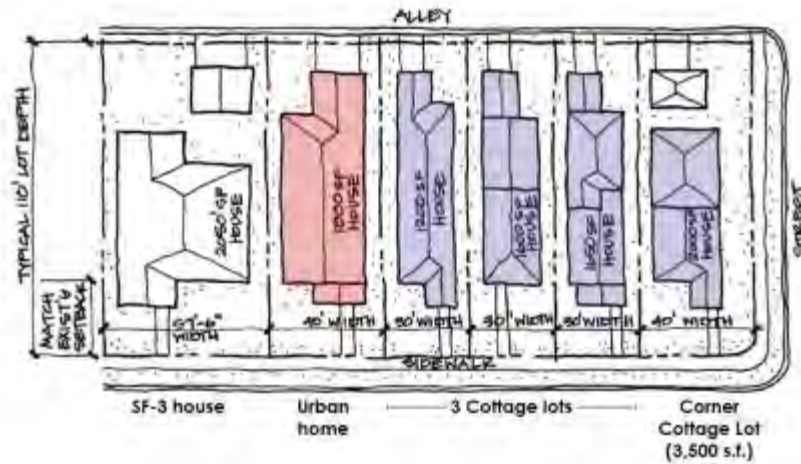
PLANNING AND DEVELOPMENT REVIEW DEPARTMENT

Created: Monday, January 20, 2015
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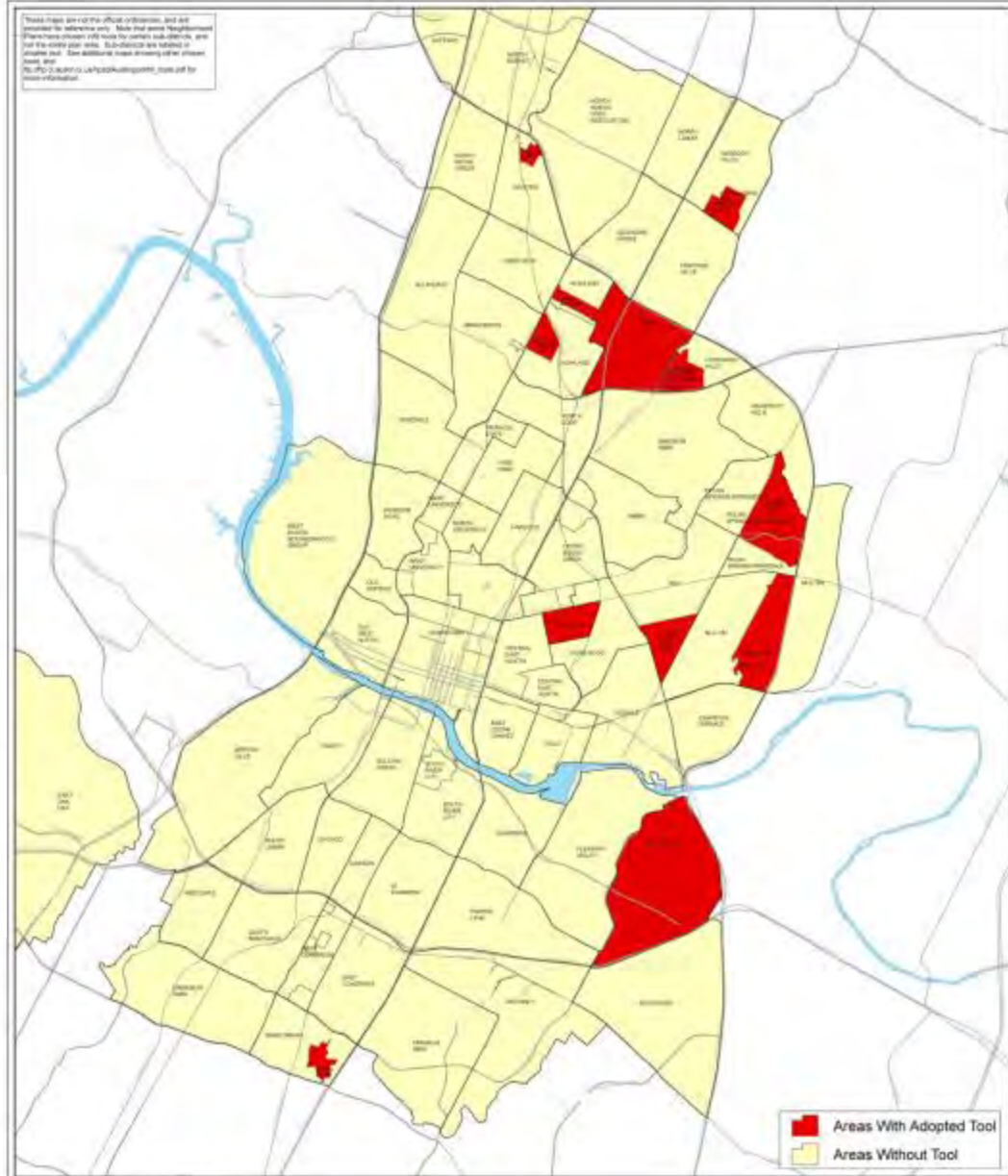
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COTTAGE LOT*



* May apply to entire area or subdistricts



Cottage Lot Infill Tool
Chosen in Adopted Neighborhood Plans



PLANNING AND DEVELOPMENT REVIEW DEPARTMENT

Created: Friday, January 18, 2013
file: cottage_lot_infill_tool.mxd

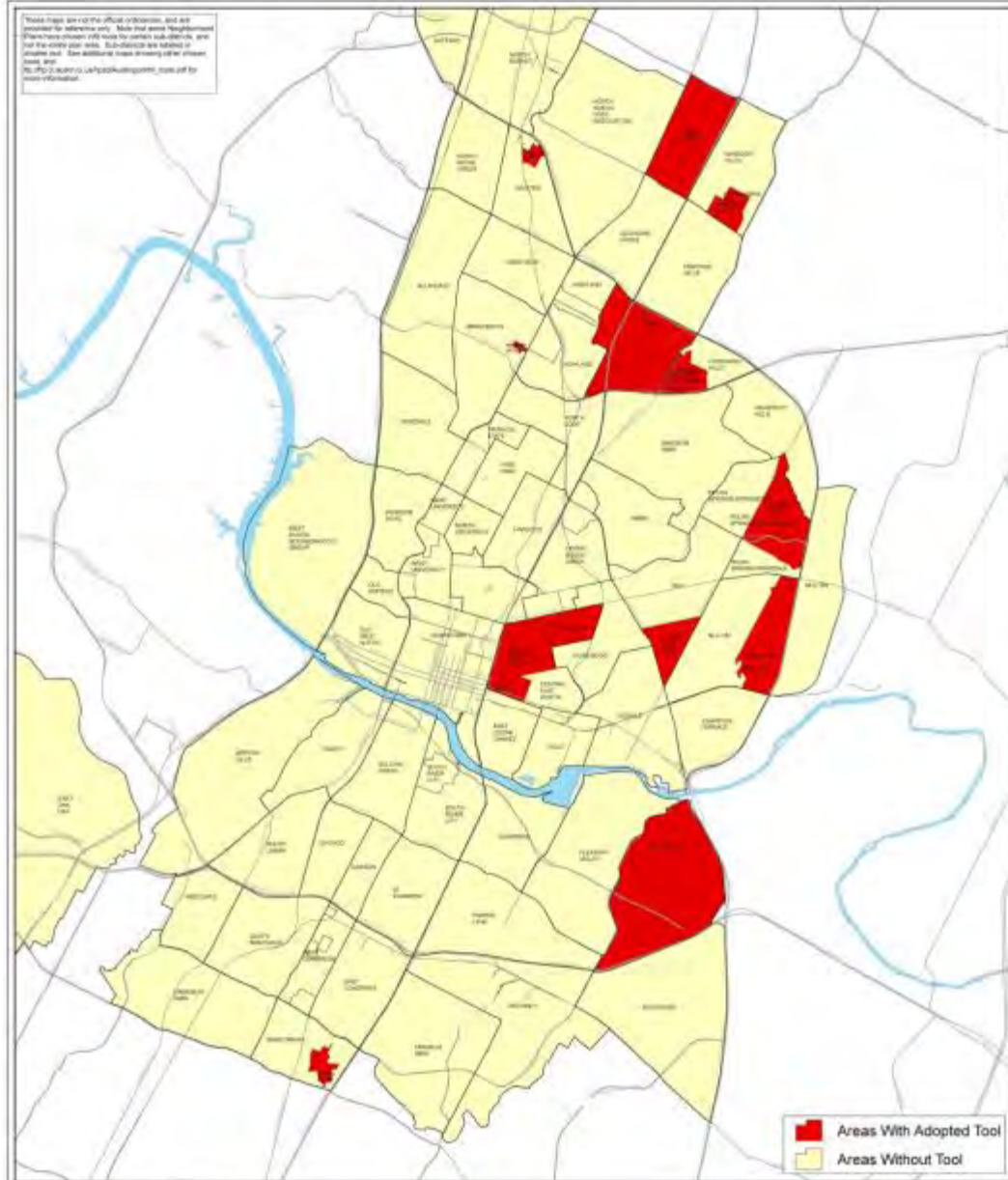
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URBAN HOME*



* May apply to entire area or subdistricts



Urban Home Infill Tool
Chosen in Adopted Neighborhood Plans



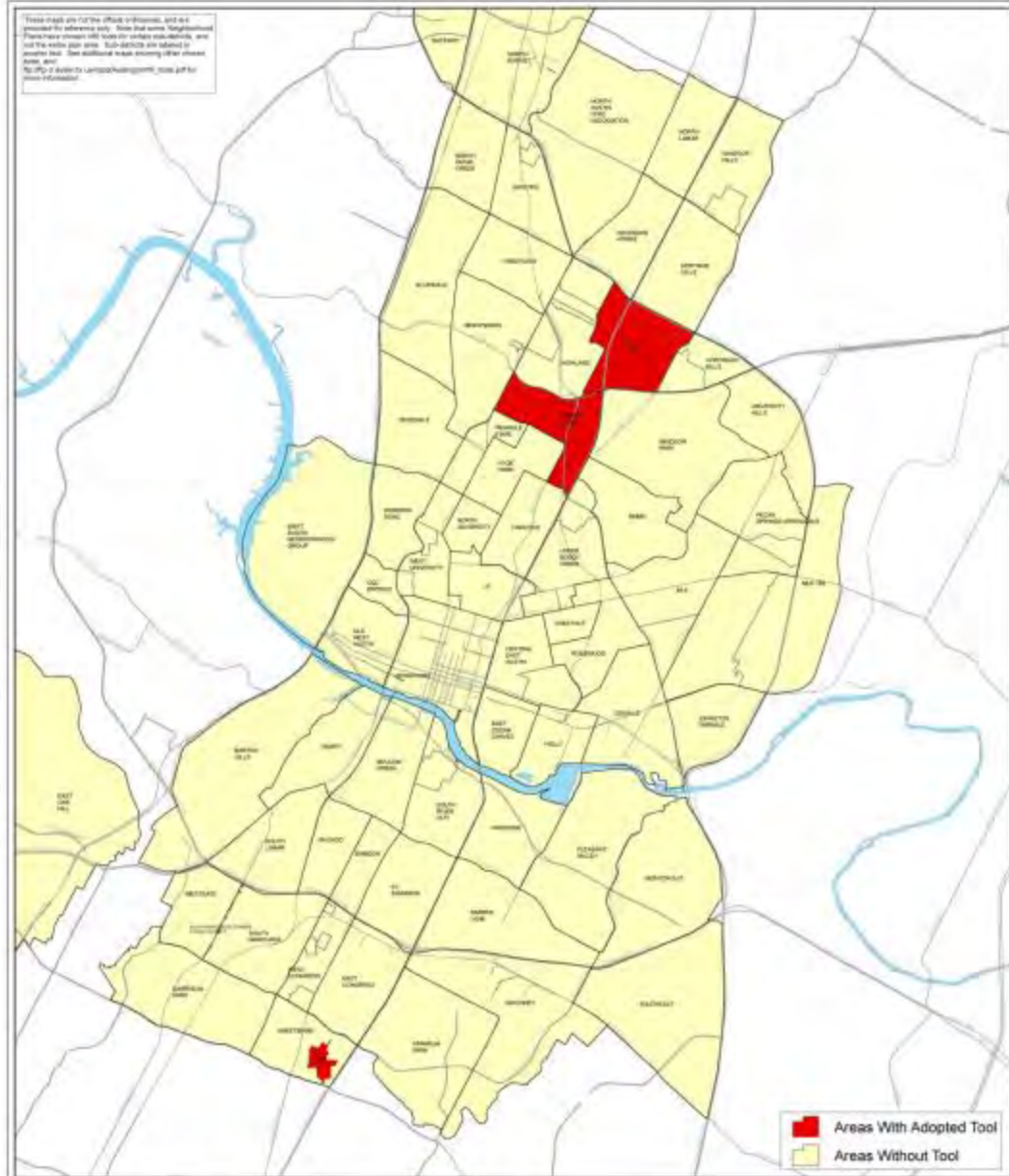
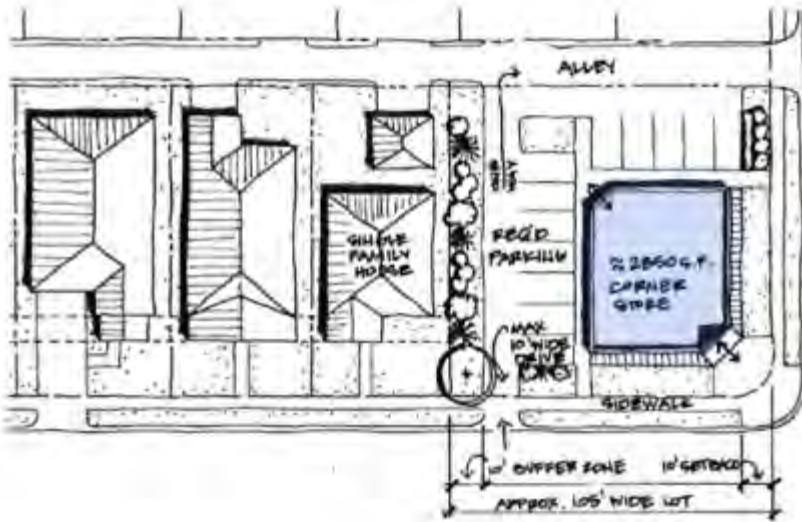
PLANNING AND DEVELOPMENT REVIEW DEPARTMENT

Covered: Friday, January 18, 2013
Map: Urban Home Infill Tool

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CORNER STORE*



Corner Store Infill Tool
Chosen in Adopted Neighborhood Plans

* May apply to entire area or subdistricts



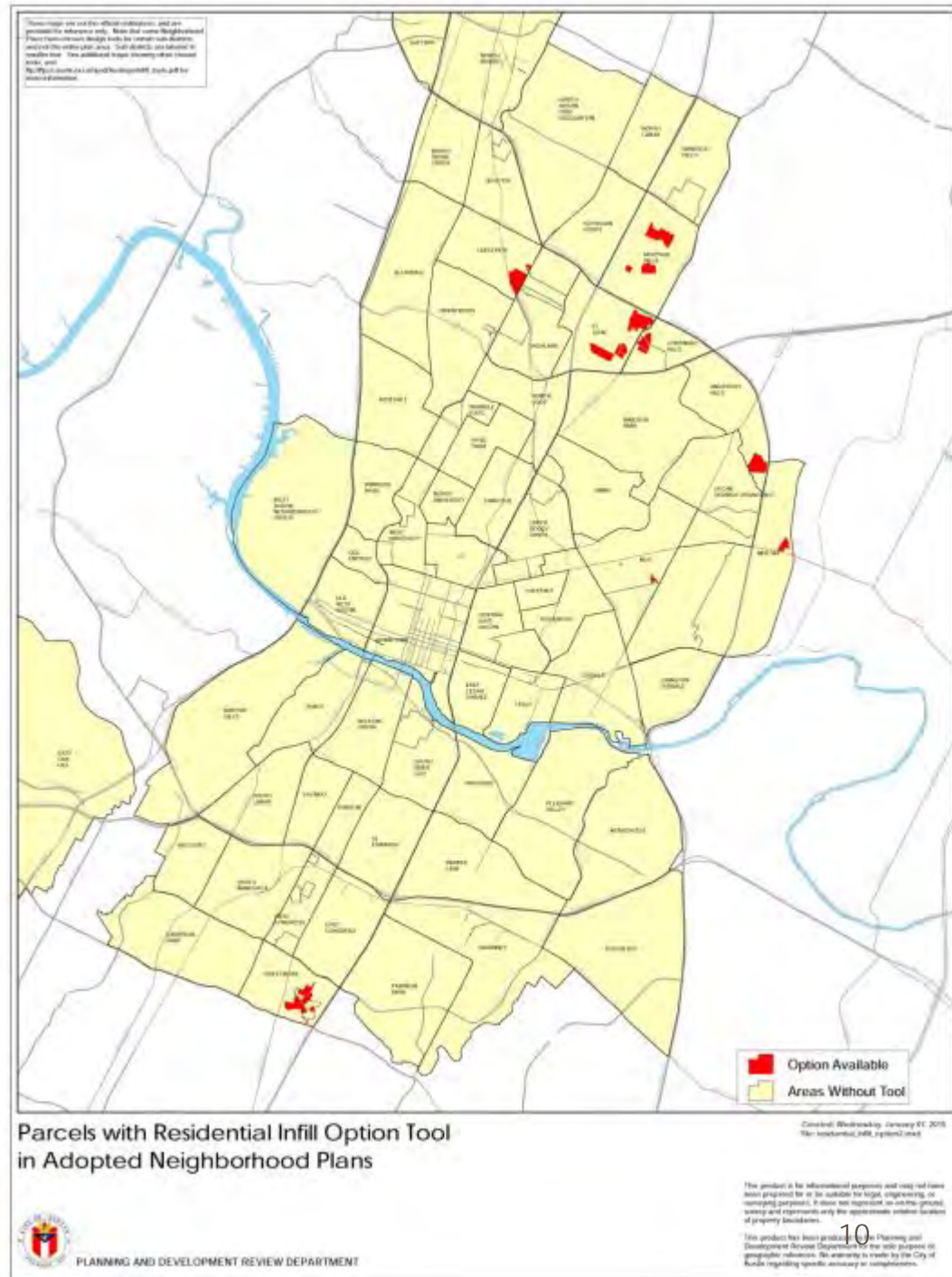
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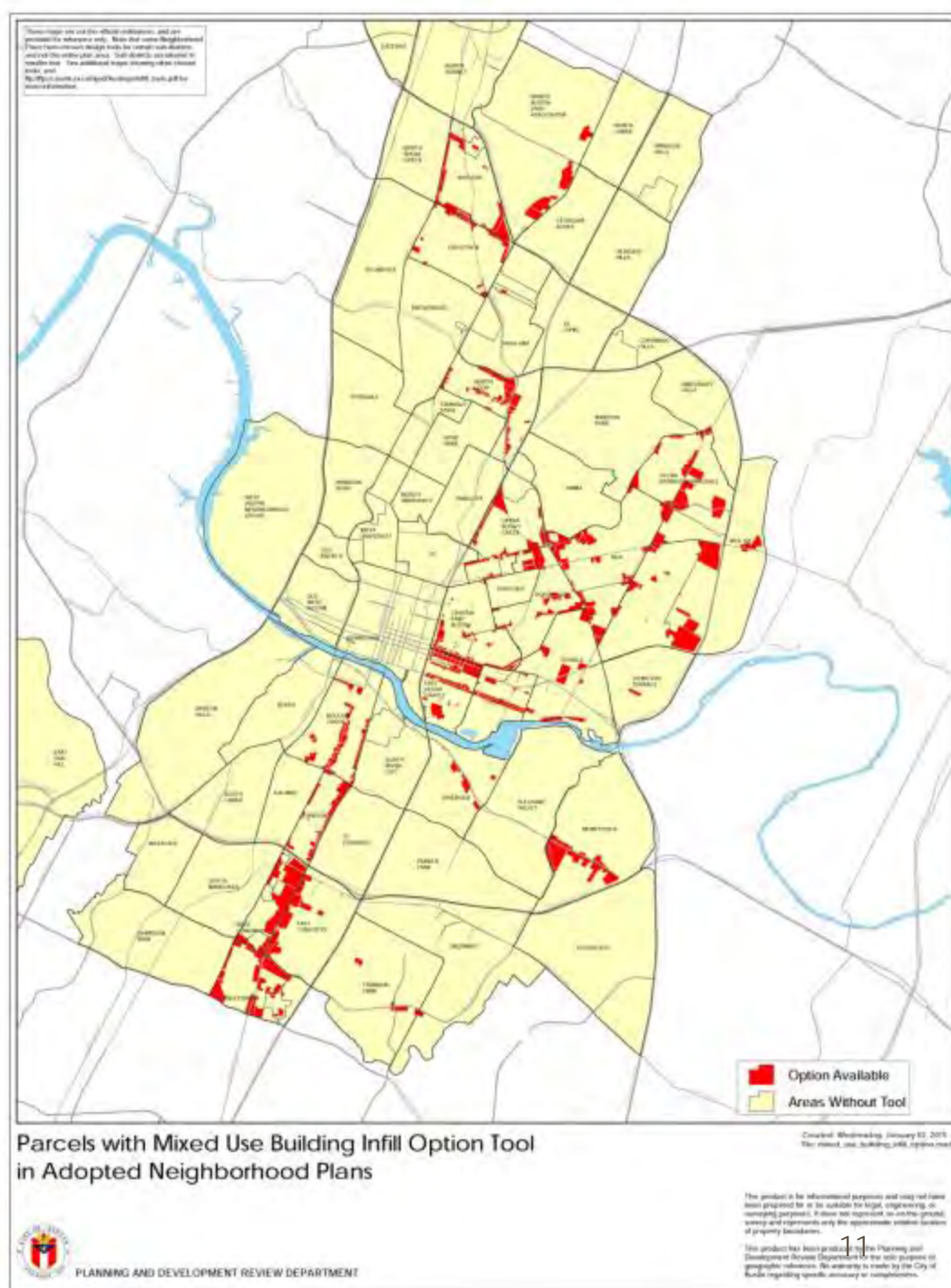
PARCELS WITH RESIDENTIAL INFILL

- Allows mixed housing types and limited retail in residential districts



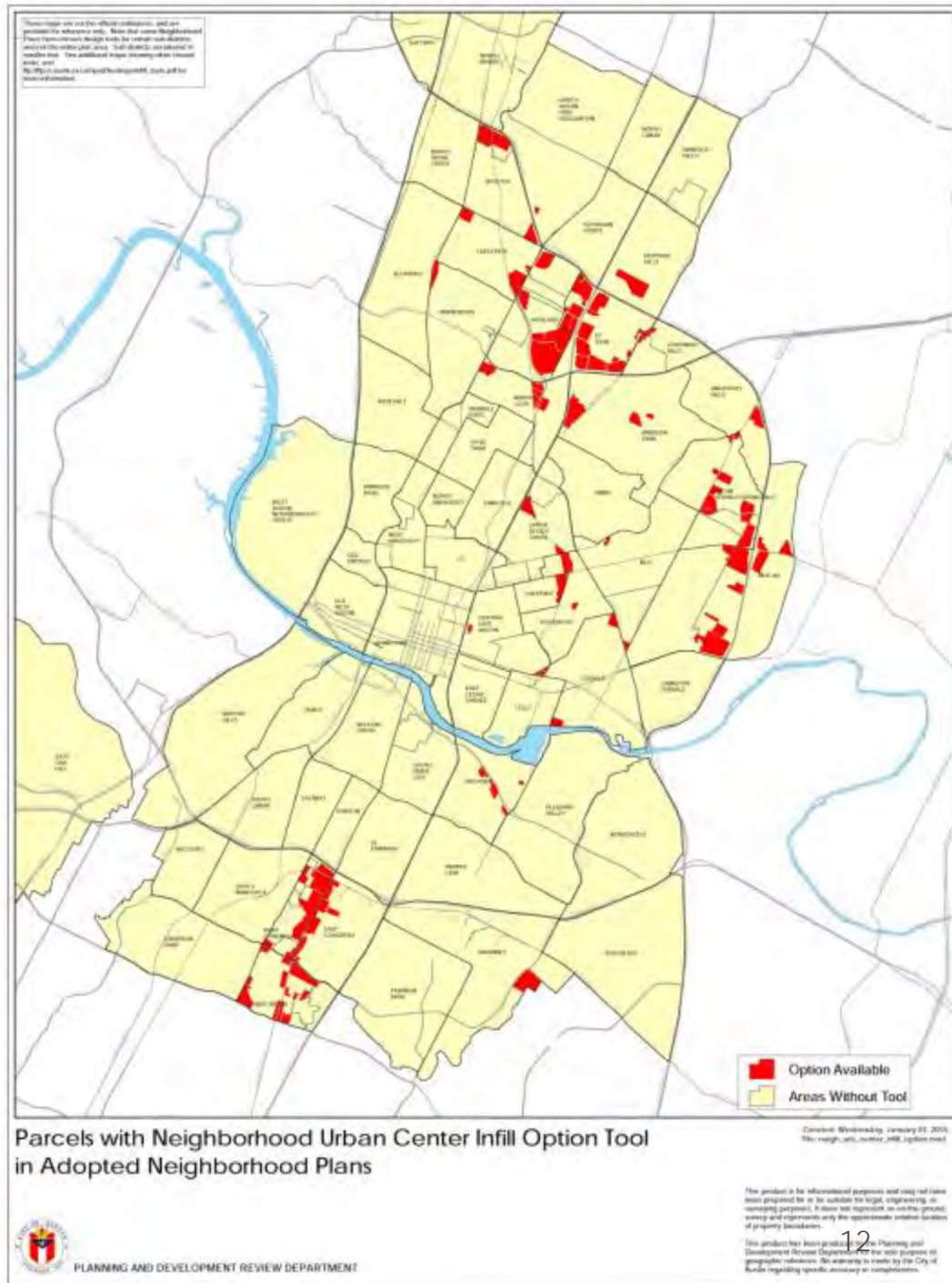
PARCELS WITH MIXED USE BUILDING

- Allows residential uses above ground floor in certain commercial districts
- Maximum lot size 1 acre



PARCELS WITH NEIGHBORHOOD URBAN CENTER

- Allows mix of residential, commercial and civic uses in certain commercial districts



ACTUAL USE OF INFILL TOOLS

- Accessory dwelling units
 - Total built citywide 2007-2014: 239
 - In neighborhoods with infill tool: 103
 - Used infill tool (lots < 7,000 SF): 60
- Number of corner stores – 0
- Number of neighborhood urban centers – 0

WHY AREN'T INFILL TOOLS...

More widely adopted?

- Concern about Teardowns – (Cottage Lot, Urban Home)
- Concern about Neighborhood Impacts – Parking, Privacy, Commercial Creep, others...(Secondary apartment, Corner Store)

More widely used after adoption?

- Complex and Ineffective Regulations – (Residential Infill, Mixed Use Building, Neighborhood Urban Center)
- Lack of Predictability – (Corner Store)
- Lack of Awareness

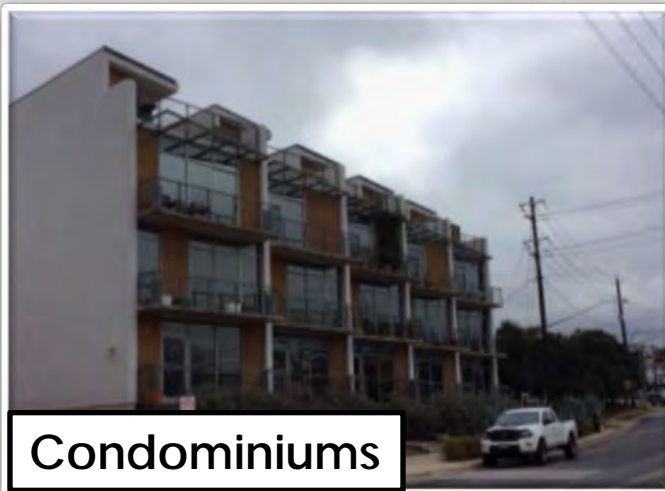
TRENDS IN INFILL IN AUSTIN



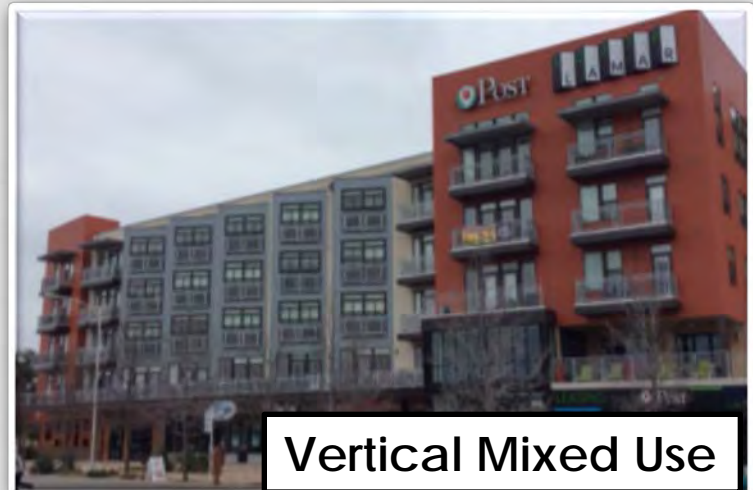
Duplex Condo



Vertical Mixed Use



Condominiums



Vertical Mixed Use

COMPATIBILITY STANDARDS

LDC SECTIONS 25-2-1051 - 1082

16

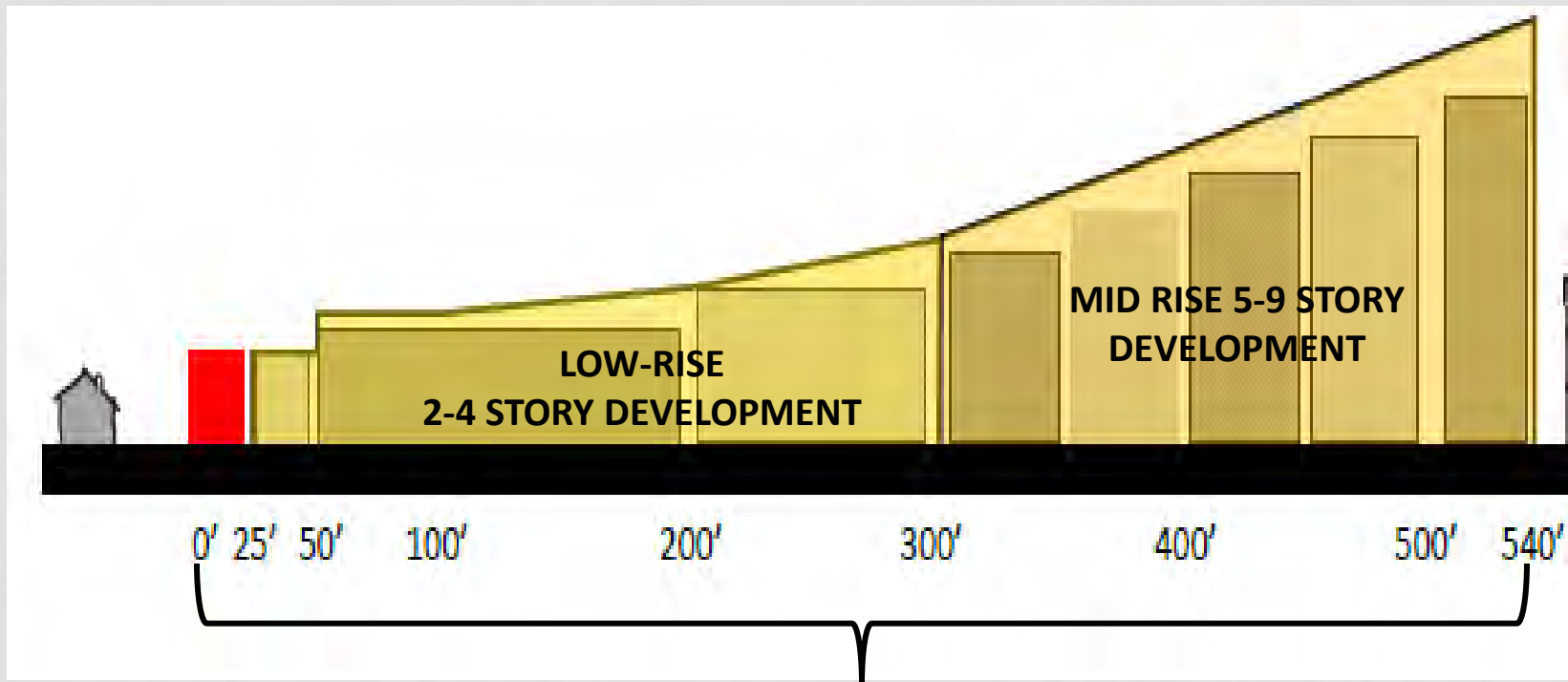
HOW COMPATIBILITY STANDARDS WORK

- Apply to commercial or multifamily when within 540 feet of single-family or duplex uses or zoning
- Can affect height, setback, lighting, screening, design, scale and clustering, and noise
- Supersedes base zoning district requirements

HOW COMPATIBILITY STANDARDS WORK (CONT.)

- Intent is to limit impact on neighboring residences
- Typical setback requirement is 25 feet from abutting residential
- ***No structures may be built in the compatibility setback.***
- Building height required to be stepped back from residential uses
- Typical height requirements are 2 stories or 30 feet if more than 25 feet away, and increase with distance

COMPATIBILITY STANDARDS: HEIGHT AND SETBACKS



- In this area, building heights are limited by both zoning and compatibility standards. After 540', building heights limited by zoning only.

HOW COMPATIBILITY STANDARDS WORK (CONT.)

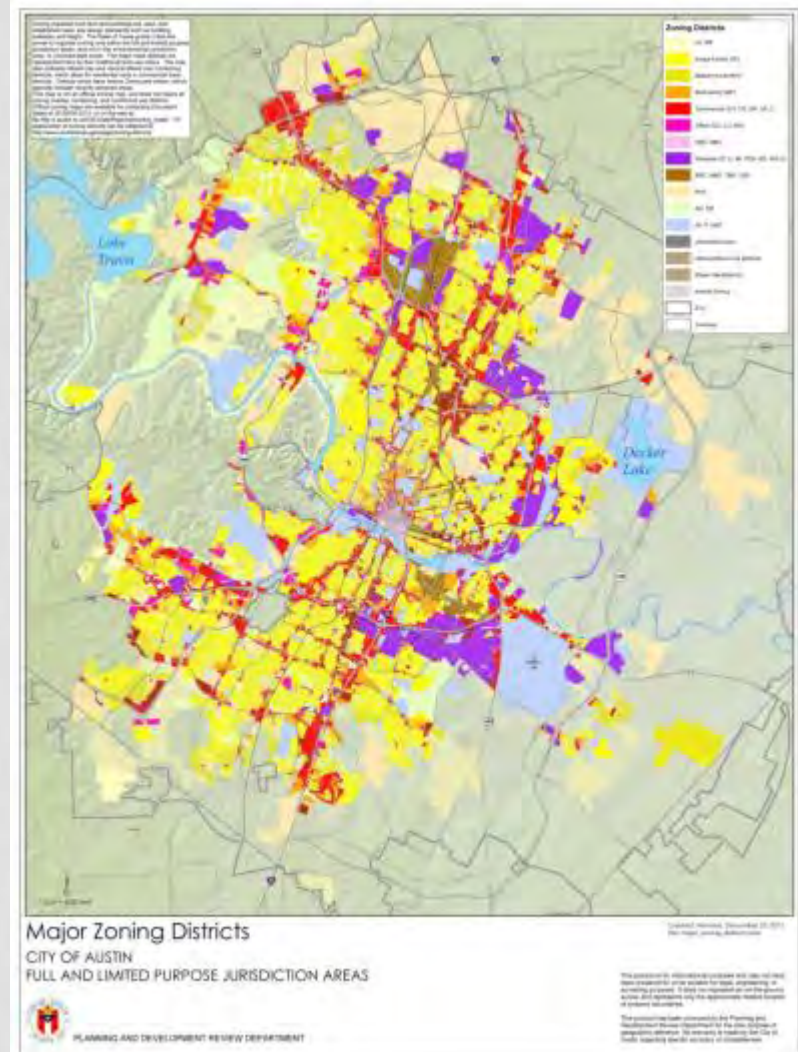
- Scale and Clustering:
 - “variety of scale relationships,” “appearance or feeling of a residential scale,” “human in scale,” “significantly more massive,” etc.
 - These are more subjective and harder to pin down. Essentially, adjacent buildings need to feel residential in size and scale, even if they aren’t.
- Screening:
 - Off-street parking; Mechanical equipment; Storage; Trash
 - Screening may include yard, fence, berm, or vegetation

HOW COMPATIBILITY STANDARDS WORK (CONT.)

- Design regulations for:
 - **Lighting**, which must be hooded or shielded;
 - **Noise**, which cannot exceed 70 db at the property line;
 - **Location of dumpsters**, which cannot be closer than 20' to residential;
 - **Highly reflective surfaces**, such as reflective glass or metal;
 - **Intensive recreational uses** such as pools – 50' or more away from residential;
 - **Parking or driveways** – 25' or more away from residential

WHERE DOES COMPATIBILITY APPLY?

Major Zoning District	Sum of Acres	Percentage
Single-family	52,523.5	25.4%
ROW	30,255.9	14.7%
LA,RR	25,685.9	12.4%
PUD	23,311.4	11.3%
P,AV,UNZ	20,132.3	9.8%
Industrial	10,846.4	5.3%
Commercial	10,553.5	5.1%
AG,DR	9,462.8	4.6%
Multi-family	8,207.7	4.0%
Office	3,556.4	1.7%
Vertical Mixed Use	3,389.4	1.6%
Mixed Use	3,259.9	1.6%
NBG	1,434.4	0.7%
Water	1,212.1	0.6%
ERC	817.6	0.4%
MH	803.9	0.4%
Historic	337.8	0.2%
TOD	332.3	0.2%
CBD, DMU	311.6	0.2%
Grand Total	206,434.8	100.0%



HOW COMPATIBILITY DOESN'T (ALWAYS) WORK

- Sometimes 25' setback isn't enough, or is too much
- Standards based purely on adjacency to single family uses or zoning within the City limits
- Anything less than the required spacing or more than the permitted height requires a waiver
- However, even if a structure meets all the standards, it may still impact the adjoining neighborhood

EXAMPLE 1 – CONDOS ADJACENT TO SINGLE-FAMILY

- Typical example of multifamily adjacent to single-family
- 25' buffer required along rear of property
- Compatibility waiver required on west side adjacent to civic use. Setback reduced to 17' rather than 25'
- 25' provides additional planting area and vegetative buffer but separates similar uses (single-family/single-family condo)
- Buffers contribute to private open space only



EXAMPLE 2 – RESTAURANT IN URBAN AREA

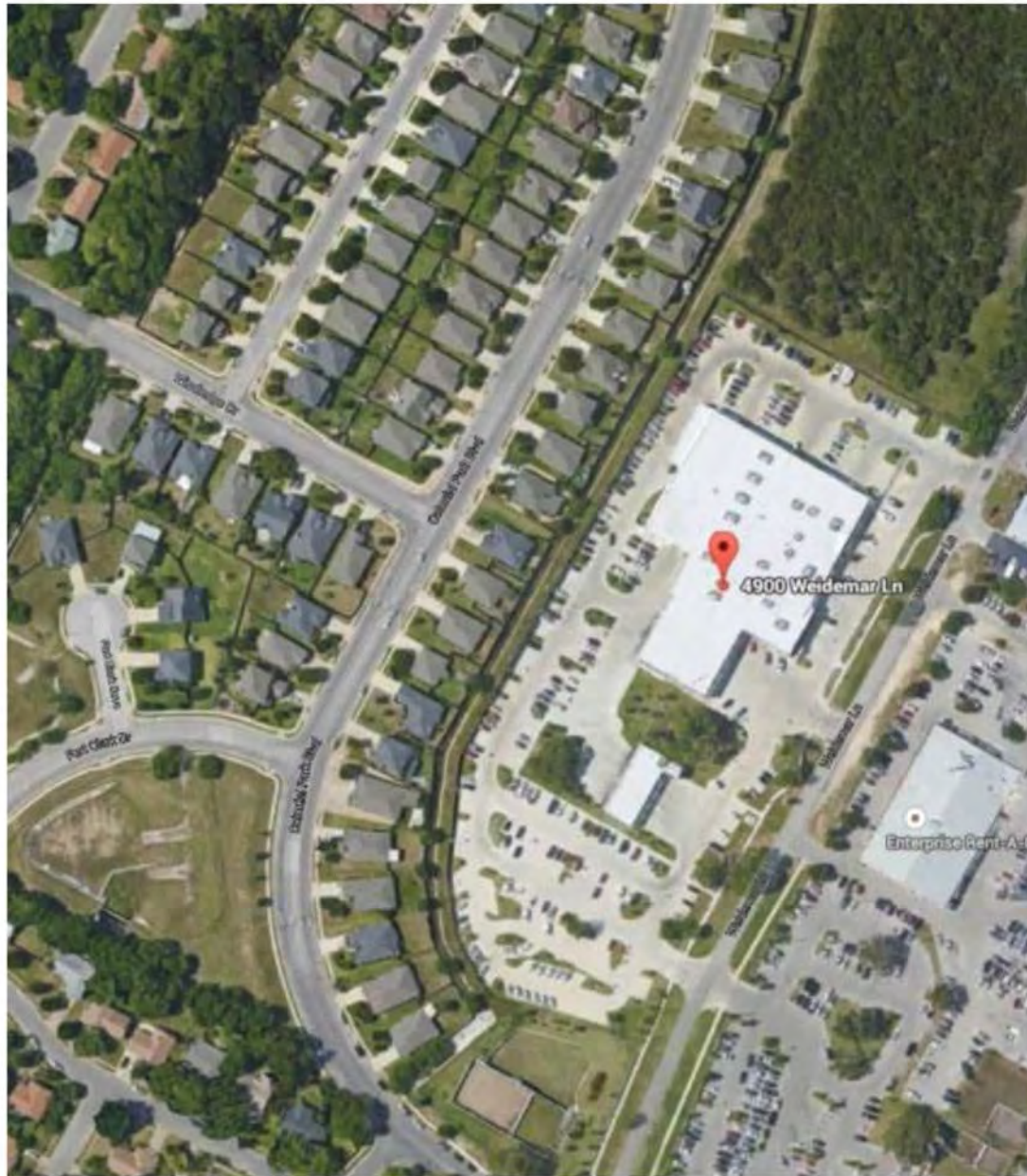
- Site was required to seek a waiver for a 17' rear compatibility setback.
- Site is in an urbanized, walkable area characterized by a mix of residential, commercial, and industrial uses.
- 25' setback is larger than what this area can accommodate without waivers, but the two uses are separated by a platted but unbuilt alley and two fences.

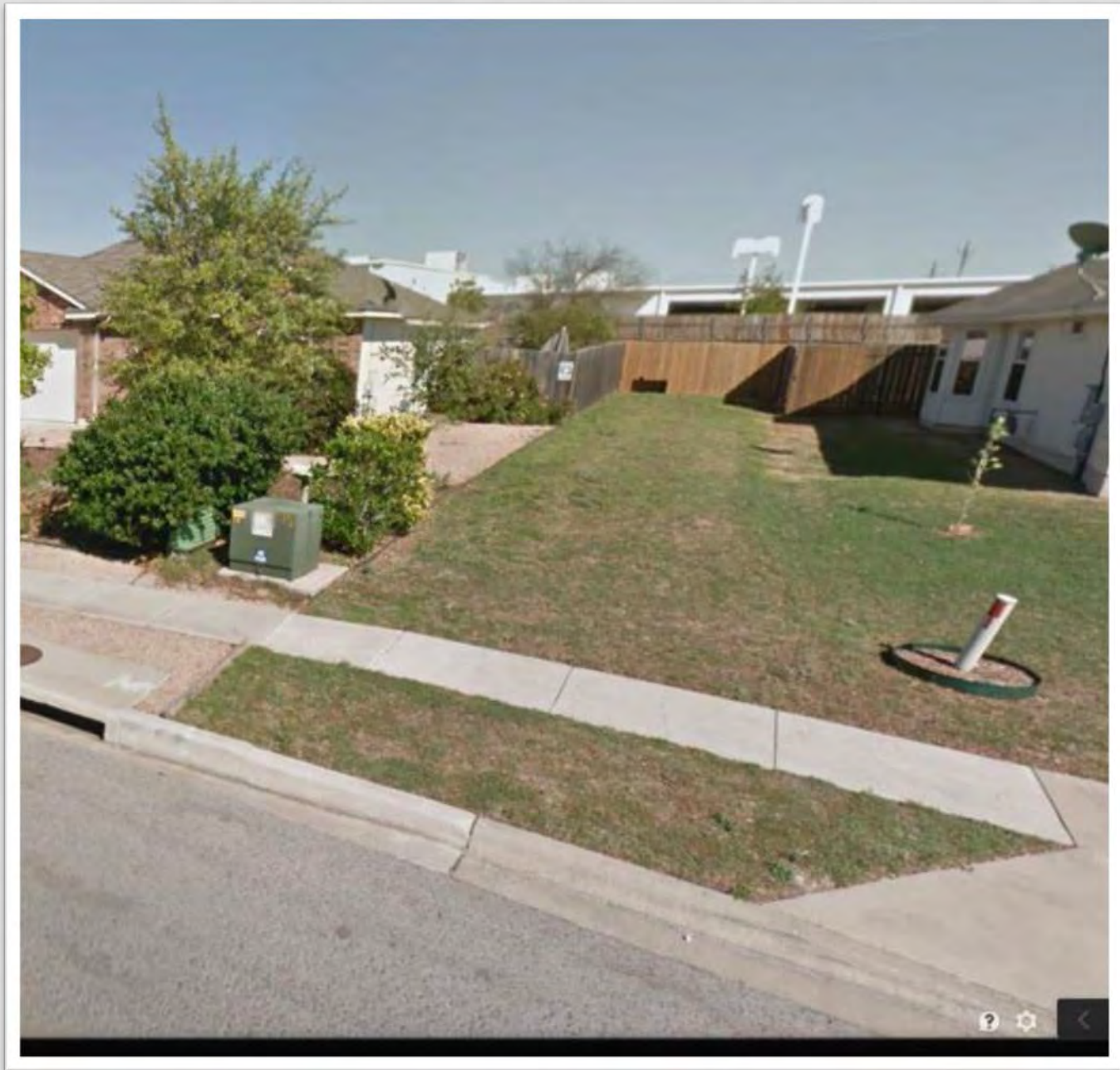




EXAMPLE 3 - AUTO REPAIR ADJACENT TO SINGLE FAMILY

- Auto repair and storage located within a large complex of auto sales and storage uses along I-35
- Adjacent to single-family along the west and southwest property lines
- 25' compatibility setback and all height requirements were met, but the use is visible and audible from the adjacent residences



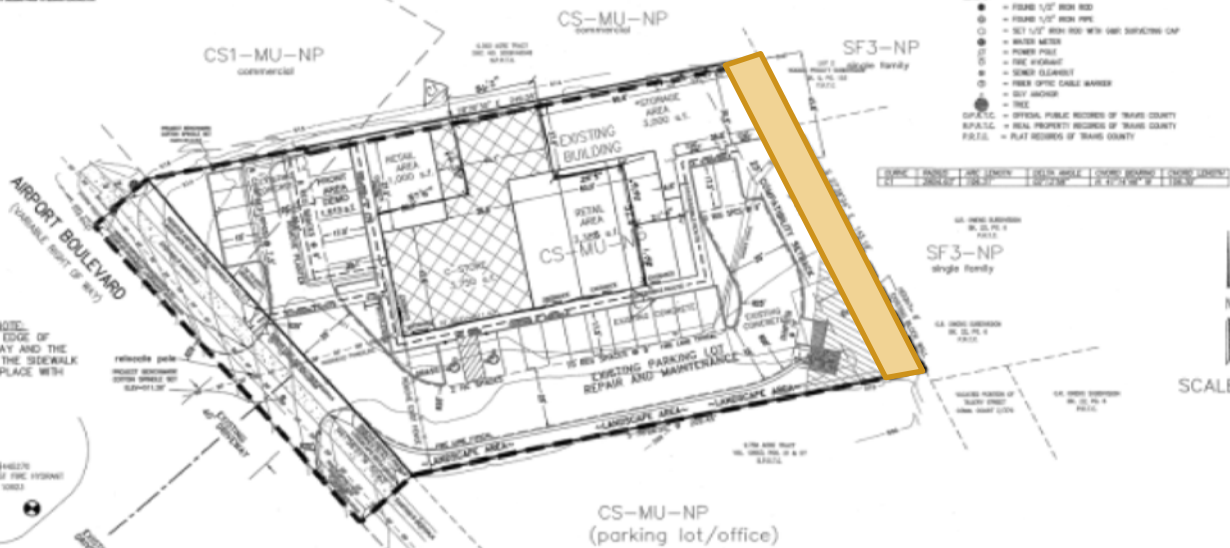


EXAMPLE 4 – TOPOGRAPHY AND COMPATIBILITY

- Where compatibility requirements fall short – literally
- Site was redeveloped for commercial retail along a major thoroughfare
- Immediately adjacent to single-family residential and triggered height and setback requirements, which were met
- However, the ability of the site to buffer is limited because the residential is 30 feet above, and compatibility does not take topography into account



ALL UTILITIES SHOWN ON THIS PLAN ARE BASED ON THE RECORD DRAWINGS OF THE PROJECT. THE ENGINEER HAS CONDUCTED A VISUAL INSPECTION OF THE SITE AND HAS FOUND NO DISCREPANCIES. THE ENGINEER HAS NOT CONDUCTED A FIELD SURVEY OF THE SITE. THE ENGINEER HAS NOT CONDUCTED A FIELD SURVEY OF THE SITE. THE ENGINEER HAS NOT CONDUCTED A FIELD SURVEY OF THE SITE.



TWOOT ASPHALT REMOVAL NOTE:
REMOVE ASPHALT BETWEEN EDGE OF PAVEMENT FOR THE ROADWAY AND THE SIDEWALK AND THEN FROM THE SIDEWALK TO THE PROPERTY LINE. REPLACE WITH LANDSCAPE WITH GRASS.

TO SHEDS
NEAREST FIRE HYDRANT
SEE # 10001

STORAGE AREA NOTE:
STORAGE AREA FOR RETAIL TOWNS ONLY

EXISTING NOTES:

AUSTIN ENERGY HAS THE RIGHT TO PRUNE AND/OR REMOVE TREES, SANITARY AND OTHER UTILITIES TO THE EXTENT NECESSARY TO KEEP THE FACILITIES CLEAR. AUSTIN ENERGY WILL PERFORM ALL TREE WORK IN COMPLIANCE WITH CHAPTER 25-6, SUBCHAPTER 6 OF THE CITY OF AUSTIN LAND DEVELOPMENT CODE.

THE OWNER/DEVELOPER OF THIS SUBDIVISION/LOT SHALL PROVIDE AUSTIN ENERGY WITH ANY EXISTING AND/OR ACCESS REQUIRED, IN ADDITION TO THOSE INDICATED FOR THE INSTALLATION AND Ongoing MAINTENANCE OF OVERHEAD AND UNDERGROUND ELECTRIC FACILITIES. THESE EXISTING AND/OR ACCESS ARE REQUIRED TO PROVIDE ACCESS TO THE BUILDING, AND SHALL NOT BE LOCATED SO AS TO CAUSE THE SITE TO BE OUT OF COMPLIANCE WITH CHAPTER 25-6 OF THE CITY OF AUSTIN LAND DEVELOPMENT CODE.

THE OWNER SHALL BE RESPONSIBLE FOR INSTALLATION OF TEMPORARY EROSION CONTROL, REVEGETATION AND TREE PROTECTION. IN ADDITION, THE OWNER SHALL BE RESPONSIBLE FOR ANY TREE PRUNING AND TREE REMOVAL THAT IS WITHIN 100 FEET OF THE CONTIGUOUS OR THE PROPOSED OVERHEAD ELECTRICAL FACILITIES DESIGNED TO PROVIDE ELECTRIC SERVICE TO THIS PROJECT. THE OWNER SHALL INCLUDE AUSTIN ENERGY'S WORK WITHIN THE LIMITS OF CONSTRUCTION FOR THIS PROJECT.

THE OWNER OF THE PROPERTY IS RESPONSIBLE FOR MAINTAINING CLEARANCES REQUIRED BY THE NATIONAL ELECTRIC SAFETY CODE, OCCUPANCY, SAFETY AND HEALTH ADMINISTRATION (OSHA) REGULATIONS, CITY OF AUSTIN RULES AND REGULATIONS AND TEXAS STATE LAWS RELATING TO CLEARANCE WHEN WORKING IN CLOSE PROXIMITY TO OVERHEAD POWER LINES AND EQUIPMENT. AUSTIN ENERGY WILL NOT PROVIDE ELECTRIC SERVICE UNLESS CLEARANCE AND MAINTENANCE, ALL COSTS INCURRED BECAUSE OF FAILURE TO COMPLY WITH THE REQUIRED CLEARANCES WILL BE CHARGED TO THE OWNER.

NEW PLAN RELEASE NOTES

1. ALL CONSTRUCTION SHALL BE DONE IN ACCORDANCE WITH THE RELEASED PLAN.
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10. ALL CONSTRUCTION SHALL BE DONE IN ACCORDANCE WITH THE RELEASED PLAN.

Compatibility Standard Notes:

1. All exterior lighting will be located or shielded from the view of adjacent residential property. (Section 25-2-1004)
2. All dumpsters and any permanently placed refuse receptacles will be located at a minimum of twenty (20) feet from a property used or zoned as SF-3 or more restrictive. (Section 25-2-1007)
3. The use of highly reflective surfaces, such as reflective glass and reflective metal roofs, whose pitch is more than a run of seven (7) to a rise of twelve (12), will be prohibited. (Section 25-2-1008)
4. The noise level of mechanical equipment will not exceed 70 dBA at the property line adjacent to residential uses. (Section 25-2-1009)

LEGEND

- BASE IMPERVIOUS COVER 100%, SOURCE COA
- PROPOSED IMPERVIOUS COVER ADDITION
- FIRE LANE
- LIMITS OF CONSTRUCTION

APPROVED AND PLANNED
BY: [Signature]
CITY OF AUSTIN

APPROVED
[Signature]
CITY OF AUSTIN
DEPARTMENT OF PUBLIC WORKS

DATE: 11/11/11
CHECKED BY: [Signature]
DATE: 11/11/11
JOB NO: 11111111



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AIRPORT BLVD BUILDING RESTORATION
1000 AIRPORT BLVD, AUSTIN
SITE PLAN

ANNEX NO.
4 of 10

SP-2012-01230





MISSING MIDDLE HOUSING

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OVERVIEW OF MISSING MIDDLE HOUSING

- Missing Middle housing types achieve:
 - medium-density yields
 - high-quality, marketable options between the scales of single-family homes and mid-rise flats for walkable urban living
 - possibility of diverse and complete communities
- They are classified as 'missing' because very few of these housing types have been built since the early 1940's due to:
 - regulatory constraints
 - the shift to auto-dependent patterns of development
 - the incentivization of single-family home ownership

OVERVIEW OF MISSING MIDDLE HOUSING

- The following are defining characteristics of Missing Middle housing:
 - walkable context;
 - medium density but lower perceived density;
 - small footprint;
 - smaller but well-designed units;
 - off-street parking does not drive the site plan;
 - simple construction, community, and marketability.

Dan Parolek, Principal of Opticos Design Inc; *A Better Way to Zone* (Donald L. Elliott); *Suburban Nation, The Rise of Sprawl and the Decline of the American Dream* (Andrea Duany, Elizabeth Plater – Zyberk, and Jeff Speck)

NATIONAL TRENDS

“In 1970, about 50 percent of all families could afford a median-priced home; by 1990, this number had dropped below 25 percent.” (*Suburban Nation*; p.55)

“The median percentage of household income spent to rent a home rose from 19 percent in 1960 to 29 percent in 2005, and the percentage of rental households who spent more than 30 percent of their income on housing rose from 23 percent to 49 percent. ” (*A Better Way To Zone*; p.79)

LOCAL

"Townhouses can provide an effective transition between commercial or higher density multifamily residential and single-family residential areas."

North Loop Neighborhood Plan, Page 12. Adopted by the City Council on May 23, 2002 under Ordinance No. 020523-30

"Encourage a mixture of compatible and appropriately scaled business and residential land uses in the neighborhood and mixed-use development on major corridors to enhance this diversity."

Brentwood/Highland Combined Neighborhood Plan, Page 6. Adopted by the City Council on May 13, 2004 under Ordinance No. 040513-30

DOES AUSTIN'S CODE ALLOW MISSING MIDDLE HOUSING?

Zoning	Permitted Uses	# of lots	Acreage citywide	Percentage of total land area
SF-3 >7000 sf	Duplex , two-family, secondary apartment, single-family attached	43,000 lots	19,543 ac	9.5%
SF4A & B	Small lot single family		2,680 ac	1.5%
SF-5, SF-6	Townhouse, Condominium		2,965 ac	1.5%
MF-2 to MF-6	Multi-family, Condominium		8,207 ac	4.0%

MUELLER

Mueller could not be built under the existing Land Development Code. The Mueller Planned Unit Development (PUD) took carefully crafted compromises and over 60 changes to the existing regulations to build the traditional neighborhood, including:

- Definitions
- Use regulations
- Zoning
- Site development
- Landscaping
- Subdivision
- Transportation
- Signs
- Drainage and environment
- Capitol view corridor

CURRENT CODE AND MISSING MIDDLE

Mueller (PUD)



Hyde Park (Pre-LDC)



Chestnut (TOD)



Bouldin (SF-3)



Brodie @ William Cannon



CONCLUSIONS

- Much of central Austin was built without key elements of current code
- Much of the current code is based on a suburban model or development pattern
- Over the last ~15 years regulations have been added to both encourage and control infill
- Infill is built within this framework of suburban and layered sets of regulations

CONCLUSIONS

- Compatibility Standards lack context and need more flexibility for redevelopment and neighborhood protection
- Austin's code does not allow a full range of missing middle housing
- CodeNEXT is the first opportunity to holistically assess and review these tools

QUESTIONS AND DISCUSSION

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DEVELOPER FUNDING OF INFRASTRUCTURE

- Water and sewer facilities
 - Service extensions
 - Capital recovery fees
- Transportation improvements
 - Construction of new streets
 - Upgrading of substandard abutting streets
 - Mitigation for traffic impacts
 - Sidewalks
 - Right-of-way dedication
- Easement dedication

DEVELOPER FUNDING OF INFRASTRUCTURE

- Drainage improvements
 - On-site or regional stormwater management program
- Water quality facilities
 - On-site or fee-in-lieu
- Parkland dedication
- Electrical facilities
 - Service extensions or upgrades