

June 2, 2017

City of Austin CodeNEXT Staff  
CodeNEXT Consultants

Re: How will CodeNEXT affect the Design Commission

The Design Commission has requested a presentation from city staff, and the consultants, to better understand how CodeNEXT will affect the official duties of the Design Commission. Below is a list of items that we would like for you to include in your presentation.

1. Explain any proposed administrative changes that would alter the duties of the Design Commission
2. Describe the proposed changes to the Downtown Density Bonus program
  - a. Affordability Housing Incentive Program
3. Explain the differences between current Alternative Equivalent Compliance regulations and those being proposed in the draft code
  - a. Types of AEC
  - b. Modification Thresholds
4. Describe the differences between current Commercial Design Standards (SubChapter E) and the proposed 23-4D-4050
  - a. Building Placement
  - b. Off-Street Parking
  - c. Internal Circulation and Connectivity
  - d. Vehicular and Pedestrian Connections Between Sites
  - e. Private Common Open Space
5. Clarify the changes proposed for Transportation Impact Analysis regulations
  - a. Proposed thresholds for Trips/Day/Peak Hours
  - b. Neighborhood Transportation Analysis
  - c. Waiver requirements
6. What will new infrastructure and street design standards look like (rewrite of Transportation Criteria Manual)

Sincerely,



David Carroll, AIA  
Chair, Design Commission

## **Downtown Commission CodeNEXT Working Group**

### **CodeNEXT Questions**

**May 30, 2017**

As stewards of the Downtown Austin Plan ("DAP"), the community's adopted vision and policy framework as adopted by the City Council on December 8, 2011, the Downtown Commission formed a working group to prepare questions to the latest CodeNEXT draft and map.

The following is a summary of our questions:

- Just as CBD zoning is not subject to compatibility standards, can the downtown categories CC and DMU not be subject to compatibility standards?
- Can all opportunity sights indicated in the DAP be zoned at recommended categories (i.e. identified DAP opportunity sights)?
- Can zoning for P properties (civic uses/not parks) obtain appropriate zoning to maximize future density and use (such as APD headquarters)?
- To maintain feasibility of high rise development on small sites, can stepback requirements be waived for any site less than 1/2 block?
- Please explain why CBD/DC parking exemptions are not included in the draft. Additionally, can accessory parking not be a conditional use? Small lots need parking and CBD/DC should also include DMU/CC.
- Can Euclidian zoning (non-transect) be applicable in CBD with sensitivity to the context and proximity to historic and other significant structures. This can be further clarified in district planning.
- Can you explain the reasoning behind form based zoning (transect) in the CBD. The working group believes that this type of zoning would minimize downtown density and that required stepbacks can have a significantly negative affect on density.
- Typical downtown projects have requested and routinely receive variances to reduce loading zone requirements. Can requirements for downtown be substantially less than suburban?
- Since CBD onsite detention/water quality is impractical, can consideration for regional participation for all CBD categories for detention/water quality be reviewed?

- Can you explain why CC and DC zoning have limited FAR? Unlimited FAR should be a right and not based on an arbitrary number; density should be encouraged.
- Can DMU category height limits be adjusted to reflect the increases in floor to floor heights dictated by current market conditions? Consideration should be given to the various DMU categories to be adjusted as follows:

DMU-40 - Increase to 50 feet

DMU-60 - Increase to 75 feet

DMU-80 - Increase to 100 feet

- Can assurance be given that the Affordable Housing Incentive Program is calibrated to actually provide an incentive? We do not want to discourage participation and the additional density/tax base.

SHAPING THE AUSTIN WE IMAGINE

# AUSTIN LAND DEVELOPMENT CODE

Joint Board and Commission Meeting:  
Downtown Commission and Design  
Commission  
June 21, 2017



**CODENEXT**  
21-JUN-17





**The imagine Austin Comprehensive Plan was adopted by Austin City Council in June 2012**

**Imagine Austin** lays out our citizens' vision for a complete community that responds to the pressures and opportunities of our growing modern city.

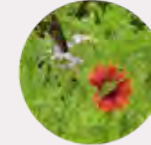


2012

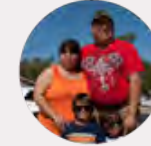
## Core Principles for Action



**Grow as a compact, connected city**



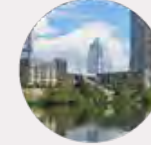
**Integrate nature into the city**



**Provide paths to prosperity for all**



**Develop as an affordable and healthy community**



**Sustainably manage water, energy and other environmental resources**



**Endorse innovation and creativity throughout the city**



In 2013, the City engaged the help of both national and local experts to work with elected officials, staff, appointed representatives, and the community at large on how best to align our land use standards and regulations with the goals of Imagine Austin.

## Process To Date



**2013 – 2014**

**Listening  
to the  
Community**



**2014**

**Code  
Diagnosis**



**2014 – 2015**

**Community  
Character  
Manual**



**2015**

**Alternative  
Approaches  
to the Code**



**2016**

**Code  
Prescriptions**



**2017**

**Draft Code**

*Past reports and documentation of the CodeNEXT process can be reviewed at [austintexas.gov/codenext](http://austintexas.gov/codenext)*

# Top 10 Issues



**1 Ineffective Base Zoning Districts**



**2 Competing Layers of Regulations**



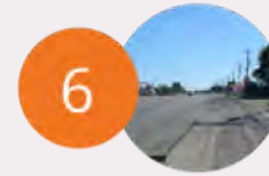
**3 Complicated "Opt-in, Opt-out" System**



**4 Lack of Household Affordability and Choice**



**5 Auto-Centric Code**



**6 Not Always In Line with Imagine Austin**



**7 Lack of Usability and Clarity**



**8 Ineffective Digital Code**



**9 Code Changes Adversely Affect Department Organization**



**10 Incomplete and Complicated Administration and Procedures**



# LIMITATIONS OF CONVENTIONAL ZONING

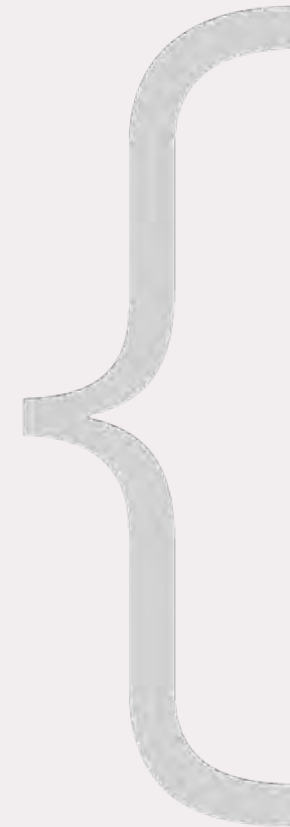
The conventional, use-based approach to zoning has been shown to be ineffective for regulating diverse, urban, mixed-use environments.

*These three parcels have "CS – Commercial Services" as their base zone.*





Creating a  
framework to  
help improve  
quality of life.



- M** MOBILITY
- C** COMMUNITY
- E** ENVIRONMENT
- H** HOUSING
- P** PERMITTING



# MOBILITY

PRIORITIES | 8



**Centers and  
Corridors**



**Urban Trail  
Connections**



**Human-scale  
Street Design**



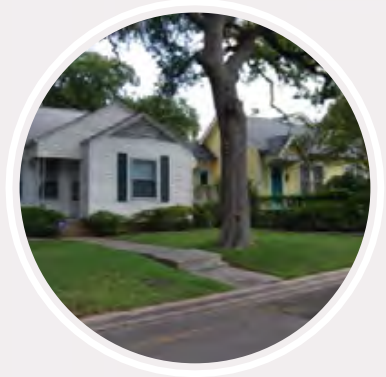
**Multi-modal  
Transportation**



**Walk to Shops  
and Services**

# COMMUNITY

PRIORITIES | 9



**Strengthen  
Neighborhoods**



**Right-size  
Zoning**



**Anticipate  
Future Growth**



**Enable Small  
Enterprises**



**Diverse Places  
for People**

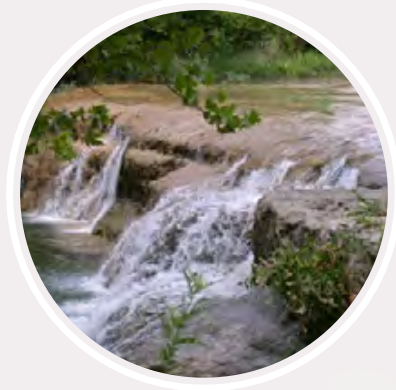


# ENVIRONMENT

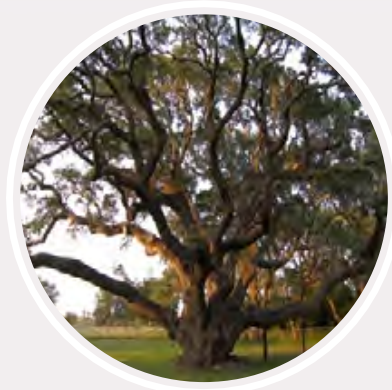
PRIORITIES | 10



**Water  
Stewardship**



**Flood  
Mitigation**



**Urban Forest  
Preservation**



**Open Space  
and Parks**



**Ecosystem  
Services**

# HOUSING

PRIORITIES | 11



**More Diverse  
Housing Choice**



**Affordability  
Incentives**



**Connected  
Subdivisions**



**More Units  
By Right**



**Flexible Live/  
Work Places**

[austintexas.gov/codenext/housing](https://austintexas.gov/codenext/housing)

# PERMITTING

PRIORITIES | 12



**Clearer Zoning Districts**



**Fine-Tuned Uses in Zones**



**Site Planning Process**



**Simplified Permitting**



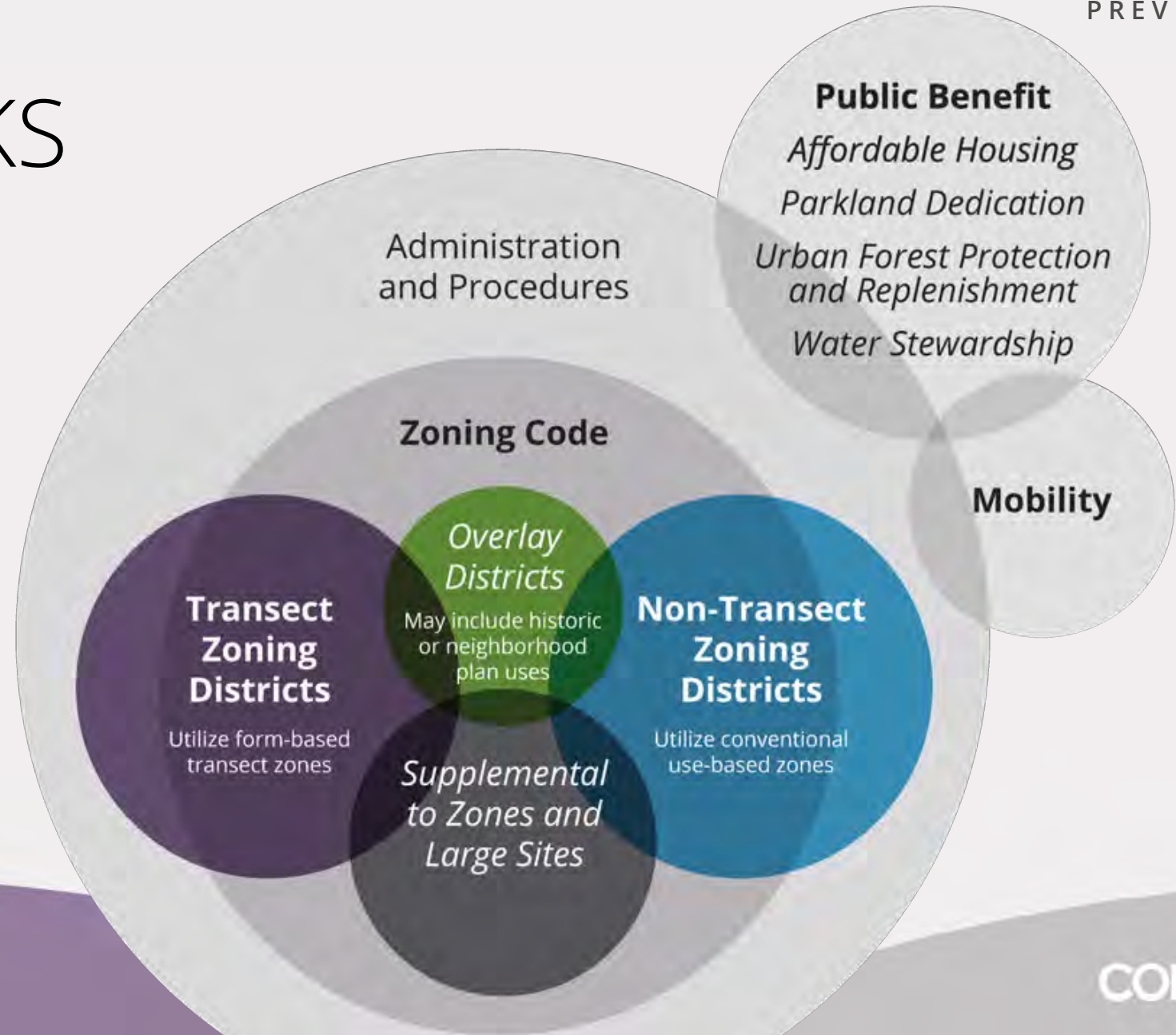
**Organized Graphic Code**



# how the CODE WORKS

## A hybrid approach

A hybrid zoning code brings together the operating systems of Form-Based zoning and conventional use-based zoning to address the unique qualities of the place types that make up our community.



# how the CODE WORKS

## 2 Different Zoning Tools

### **Transect Zones**

Form-Based

New zones based on the form and character of Austin

Most simply, transect zones establish a hierarchy of contexts from smallest/least intense or urban to largest/most intense or urban. Transect zoning standards have a primary focus on building form (width, depth, relationship between buildings, and how they engage the street) with a secondary focus on use.

### **Non-Transect Zones**

Use-Based/Conventional/Euclidean

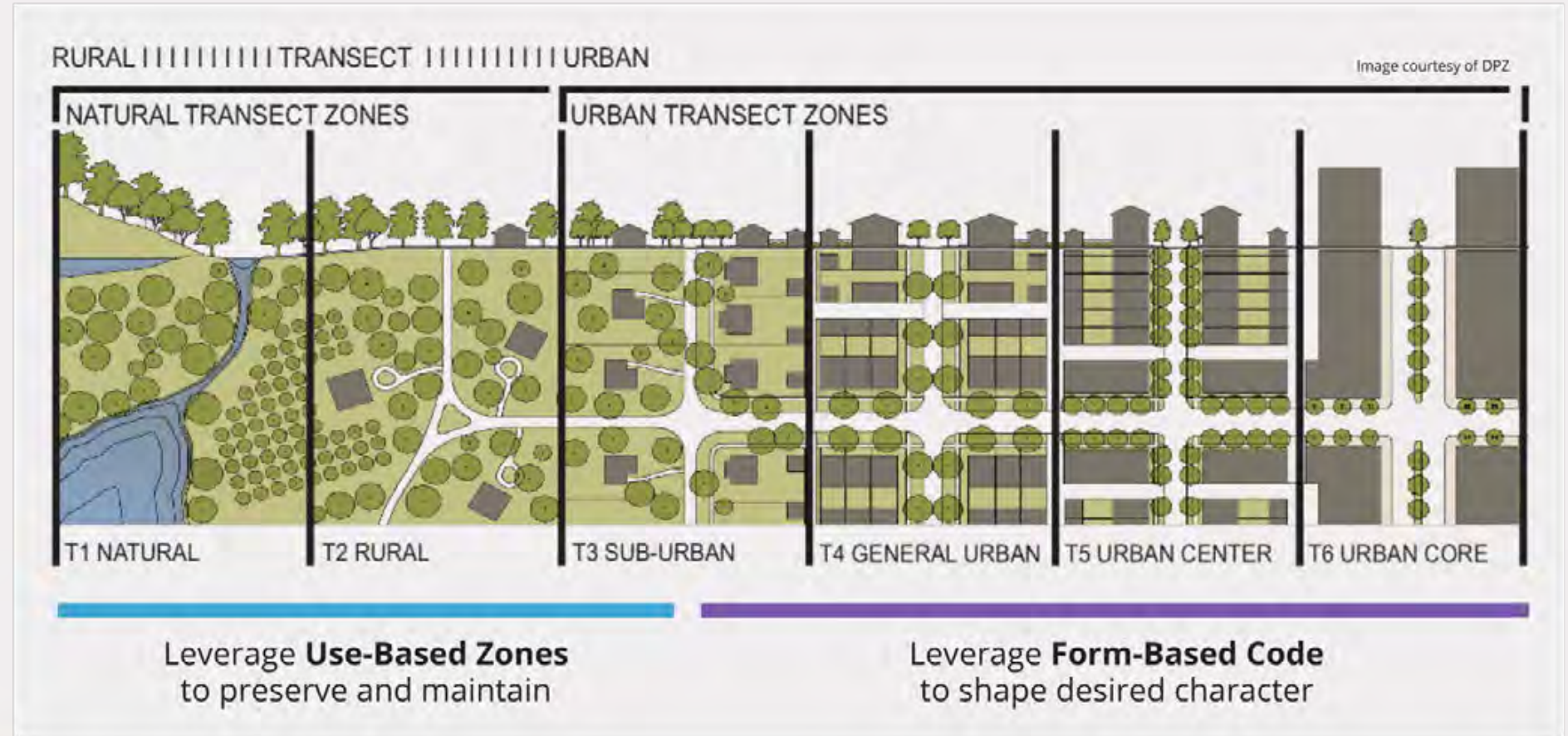
Based on existing Zoning Districts

Non-Transect zoning standards primarily focus on use separation and simple height/bulk standards. Euclidean zoning was designed to limit uses in undesirable locations rather than encourage uses in desired locations.

**Note: Each Lot Will Be Mapped With One Type of Zone District**

## The Natural-to-Urban Transect: Framework for Form-Based Code

*This diagram illustrates a continuum of place types from the most natural to the most urban from left to right.*





# transect zones AT-A-GLANCE

T3

T4

T5

T6

LESS URBAN ←

→ MORE URBAN



\* Zone may be designated with "Open" sub-zone having the same building form regulations but allowing for a more diverse mix of uses.

# transect zones

## FORM DESCRIPTORS



### **Neighborhood Edge**

House building forms with residential uses in a neighborhood setting.



### **Neighborhood**

House building forms with a mix of residential uses and limited non-residential in accessory structures in a neighborhood setting.



### **Main Street**

Buildings that form a street of near continuous building frontage adjacent to a neighborhood.



### **Urban / Urban Core**

Buildings that form a street of near continuous building frontage in a mixed-use urban setting.



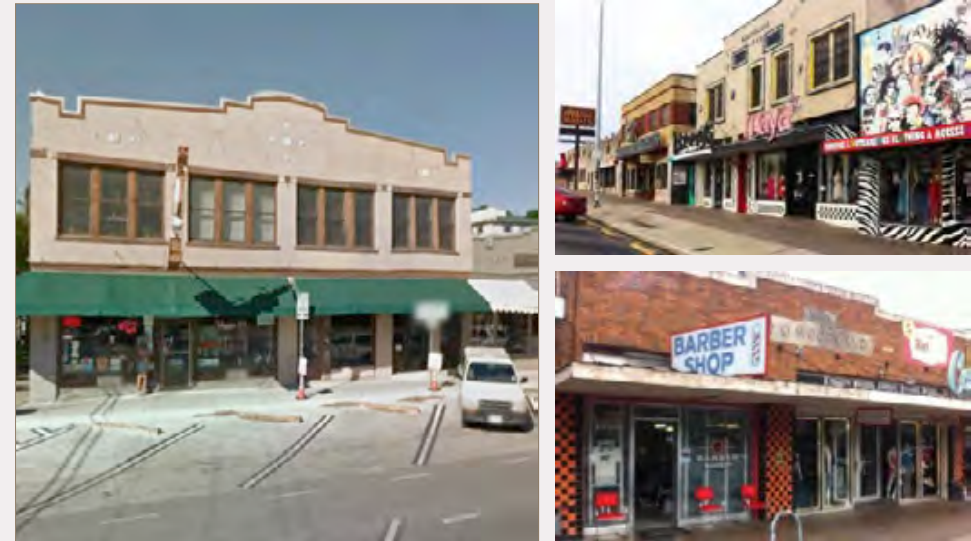
# transect zones

## FORM DESCRIPTORS



### Neighborhood

House building forms with a mix of residential uses and limited non-residential in accessory structures in a neighborhood setting.



### Main Street

Buildings that form a street of near continuous building frontage adjacent to a neighborhood.

# transect zones

## NAMING CONVENTIONS

Transect zones have a four-part naming convention to identify intensity, form, setback, sub-zone and land use variations.

# 13

*Transect  
Zones*

# 20

*total with  
Sub-Zones*

T4N.SS-O

**Transect  
Zone  
Intensity**

T3

T4

T5

T6

**Form  
Descriptor**

Neighborhood  
Edge (NE)

Neighborhood (N)

Main Street (MS)

Urban (U)

Urban Core (UC)

**Lot Size /  
Setback**

Wide Lot (WL)

Deep Setback  
(DS)

Shallow  
Setback (SS)

Intermediate  
Setback (IS)

**Sub-Zone**

Open (O)  
allows  
additional  
land uses

tran  
AT-A

T3  
LESS URBAN ←

T3  
Neighborhood Edge - Wide Lot

T3NE.WL

Building Height  
Up to 2 Stories

Building Types  
Wide House  
Long House  
Duplex: Side-by-side  
ADU

## T3 Zones



**T3**  
Neighborhood Edge -  
Wide Lot

T3NE.WL

Building Height  
Up to 2 Stories

Building Types  
Wide House  
Long House  
Duplex: Side-by-side  
ADU



**T3**  
Neighborhood Edge

T3NE

Building Height  
Up to 2 Stories

Building Types  
Wide House  
Duplex: Side-by-side  
ADU



**T3**  
Neighborhood -  
Deep Setback

T3N.DS

Building Height  
Up to 2 Stories

Building Types  
Small House  
Wide House  
Duplex: Side-by-side  
Cottage Corner  
Cottage Court  
ADU



**T3**  
Neighborhood -  
Intermediate Setback

T3N.IS

Building Height  
Up to 2 Stories

Building Types  
Cottage House  
Small House  
Duplex: Stacked  
Wide House  
Duplex: Side-by-side  
Cottage Corner  
Cottage Court  
ADU

T6

→ MORE URBAN

<p><b>T5U<sup>+</sup></b></p> <p>Building Height Up to 6 Stories</p> <p>Building Types Rowhouse: Large Courtyard Building Low-Rise Mid-Rise ADU</p>		<p><b>T5MS<sup>+</sup></b></p> <p>Building Height Up to 6 Stories</p> <p>Building Types Main Street Live/Work Mid-Rise</p>	
<p><b>T6U</b></p> <p>Building Height Up to 16 Stories</p> <p>Building Types Main Street Mid-Rise High-Rise/Tower</p>		<p><b>T6UC</b></p> <p>Building Height Unlimited Stories</p> <p>Building Types Mid-Rise High-Rise/Tower</p>	



# transect zones AT-A-GLANCE

## T3

LESS URBAN ←



**T3NE.WL** **T3NE** **T3N.DS** **T3N.IS**

Building Height  
Up to 2 Stories

Building Types  
Wide House  
Long House  
Duplex: Side-by-side  
ADU

Building Height  
Up to 2 Stories

Building Types  
Wide House  
Duplex: Side-by-side  
ADU

Building Height  
Up to 2 Stories

Building Types  
Small House  
Wide House  
Duplex: Side-by-side  
Cottage Corner  
Cottage Court  
ADU

Building Height  
Up to 2 Stories

Building Types  
Cottage House  
Small House  
Duplex: Stacked  
Wide House  
Duplex: Side-by-side  
Cottage Corner  
Cottage Court  
ADU

## T4



**T4N.IS\***

Building Height  
Up to 2 Stories

Building Types  
Cottage House  
Small House  
Duplex: Stacked  
Wide House  
Duplex: Side-by-side  
Multiplex: Medium  
Cottage Court  
ADU

## T4 Zones



T4  
Neighborhood -  
Intermediate Setback

**T4N.IS\***

Building Height  
Up to 2 Stories

Building Types  
Cottage House  
Small House  
Duplex: Stacked  
Wide House  
Duplex: Side-by-side  
Multiplex: Medium  
Cottage Court  
ADU



T4  
Neighborhood -  
Shallow Setback

**T4N.SS\***

Building Height  
Up to 2 Stories

Building Types  
Cottage House  
Small House  
Duplex: Stacked  
Duplex: Front-and-back  
Wide House  
Duplex: Side-by-side  
Multiplex: Medium  
Cottage Court  
ADU



T4  
Main Street

**T4MS\***

Building Height  
Up to 3 Stories

Building Types  
Rowhouse: Medium  
Live/Work  
Main Street  
ADU

\* "Open" sub-zone

## T6

← MORE URBAN



**T6U** **T6UC**

Building Height  
Up to 16 Stories

Building Types  
Main Street  
Mid-Rise  
High-Rise/Tower

Building Height  
Unlimited Stories

Building Types  
Mid-Rise  
High-Rise/Tower

transse  
AT-A-C

T3

LESS URBAN ←



T3  
Neighborhood Edge -  
Wide Lot

T3NE.WL

Building Height  
Up to 2 Stories

Building Types  
Wide House  
Long House  
Duplex: Side-by-side  
ADU



T3  
Neighborhood Edge -  
Wide House

T3NE.WH

Building Height  
Up to 2 Stories

Building Types  
Wide House  
Duplex: Side-by-side  
ADU

## T5 Zones



T5  
Neighborhood -  
Shallow Setback

T5N.SS\*

Building Height  
Up to 3 Stories

Building Types  
Multiplex: Medium  
Multiplex: Large  
Rowhouse: Medium  
ADU



T5  
Urban -  
Shallow Setback

T5U.SS\*

Building Height  
Up to 6 Stories

Building Types  
Rowhouse: Large  
Courtyard Building  
Low-Rise  
Mid-Rise  
ADU



T5  
Urban

T5U\*

Building Height  
Up to 6 Stories

Building Types  
Rowhouse: Large  
Courtyard Building  
Low-Rise  
Mid-Rise  
ADU



T5  
Main Street

T5MS\*

Building Height  
Up to 6 Stories

Building Types  
Main Street  
Live/Work  
Mid-Rise

T6

→ MORE URBAN



T5  
Main Street

T5MS\*

Building Height  
Up to 6 Stories

Building Types  
Main Street  
Live/Work  
Mid-Rise



T6  
Urban

T6U

Building Height  
Up to 16 Stories

Building Types  
Main Street  
Mid-Rise  
High-Rise/Tower



T6  
Urban Core

T6UC

Building Height  
Unlimited Stories

Building Types  
Mid-Rise  
High-Rise/Tower

\* "Open" sub-zone



# transect zones AT-A-GLANCE

T3

T4

T5

LESS URBAN ←

T3				T4			T5
							
<b>T3</b> Neighborhood Edge - Wide Lot	<b>T3</b> Neighborhood Edge - Deep Setback	<b>T3</b> Neighborhood - Intermediate Setback	<b>T3</b> Neighborhood - Shallow Setback	<b>T4</b> Neighborhood - Intermediate Setback	<b>T4</b> Neighborhood - Shallow Setback	<b>T4</b> Main Street	<b>T5</b> Neighborhood - Shallow Setback
<b>T3NE.WL</b>	<b>T3NE</b>	<b>T3N.DS</b>	<b>T3N.IS</b>	<b>T4N.IS<sup>+</sup></b>	<b>T4N.SS<sup>+</sup></b>	<b>T4MS<sup>+</sup></b>	<b>T5N.S</b>
Building Height Up to 2 Stories	Building Height Up to 2 Stories	Building Height Up to 2 Stories	Building Height Up to 2 Stories	Building Height Up to 2 Stories	Building Height Up to 2 Stories	Building Height Up to 3 Stories	Building Height Up to 3 Stories
Building Types Wide House Long House Duplex: Side-by-side ADU	Building Types Wide House Duplex: Side-by-side ADU	Building Types Small House Wide House Duplex: Side-by-side Cottage Corner Cottage Court ADU	Building Types Cottage House Small House Duplex: Stacked Wide House Duplex: Side-by-side Cottage Corner Cottage Court ADU	Building Types Cottage House Small House Duplex: Stacked Wide House Duplex: Side-by-side Multiplex: Medium Cottage Court ADU	Building Types Cottage House Small House Duplex: Stacked Wide House Duplex: Front-and-back Wide House Duplex: Side-by-side Multiplex: Medium Cottage Court ADU	Building Types Rowhouse: Medium Live/Work Main Street ADU	Building Types Multiplex: Medium Rowhouse: Medium

## T6 Zones



T6  
Urban

T6  
Urban Core

**T6U**

**T6UC**

Building Height  
Up to 16 Stories

Building Height  
Unlimited Stories

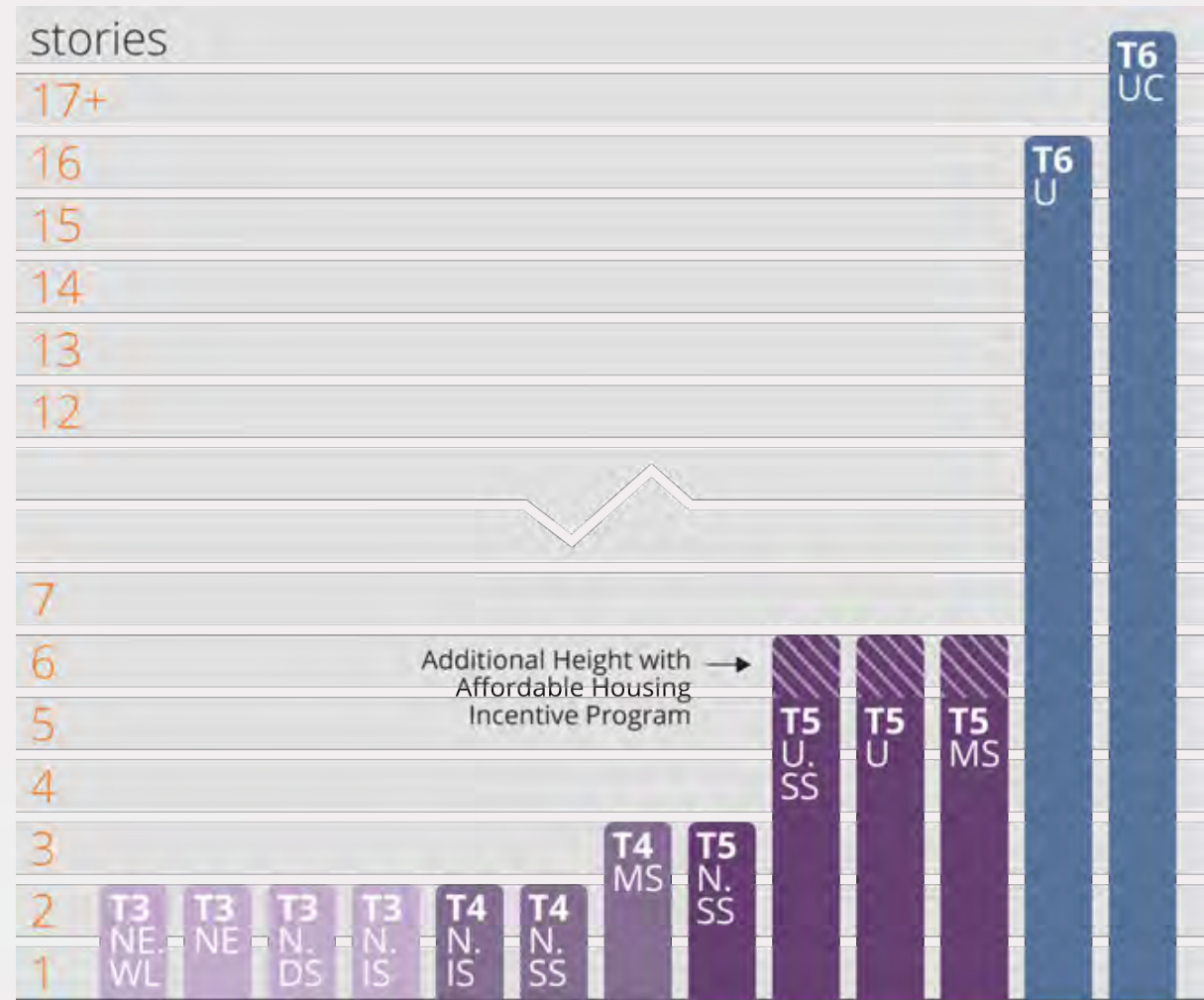
Building Types  
Main Street  
Mid-Rise  
High-Rise/Tower

Building Types  
Mid-Rise  
High-Rise/Tower

# transect zone COMPARISONS

## Building Height

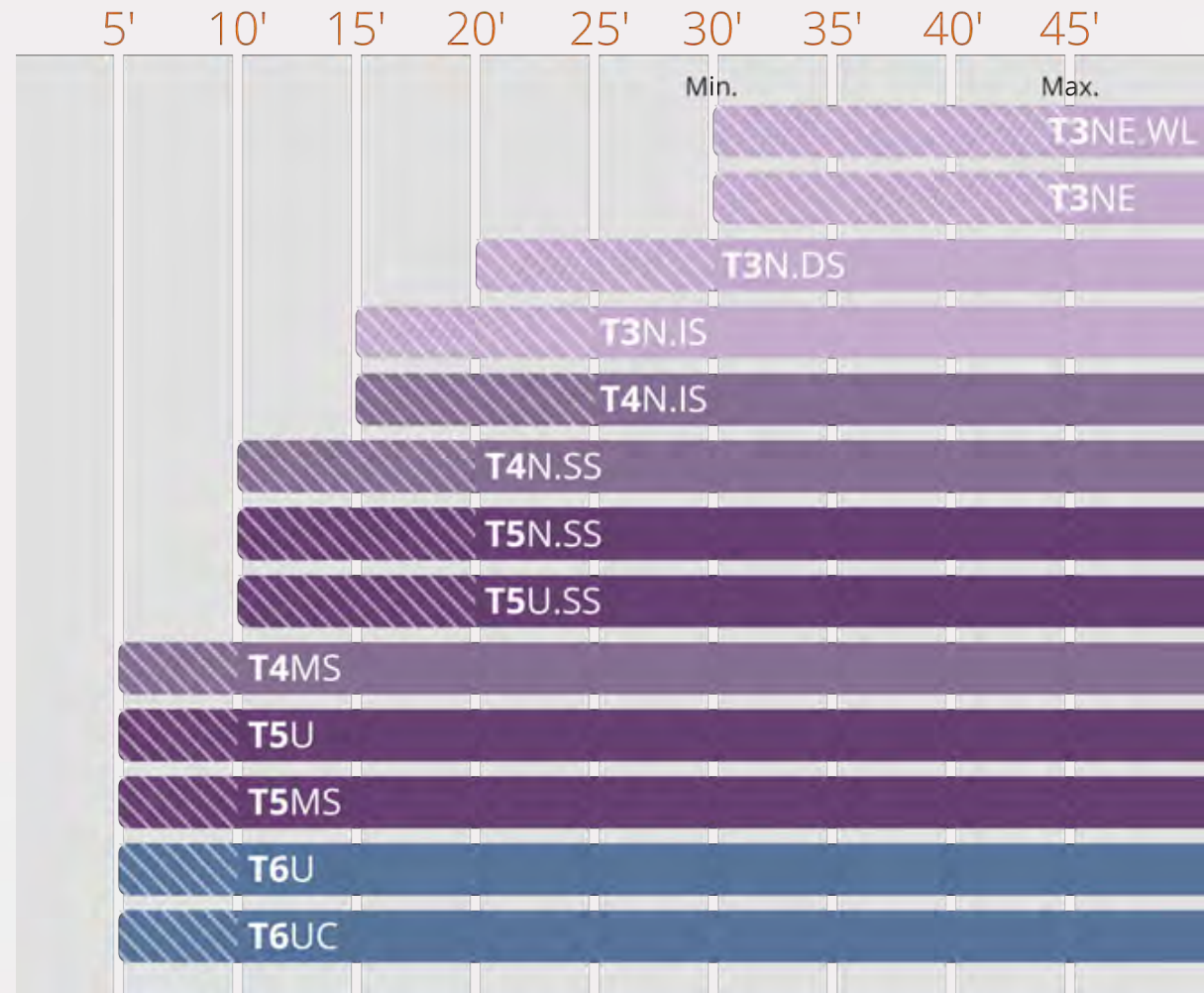
Building height limits preserve community character and ensure smooth transitions between zones to protect neighborhoods and encourage walkability, while focusing high-density development in urban cores.



# transect zone COMPARISONS

## Front Setback

Setbacks are defined as the mandatory clear distance between a lot line and a building. In addition to side and rear setbacks detailed in the code, front setbacks shape the character of a street, neighborhood or district.

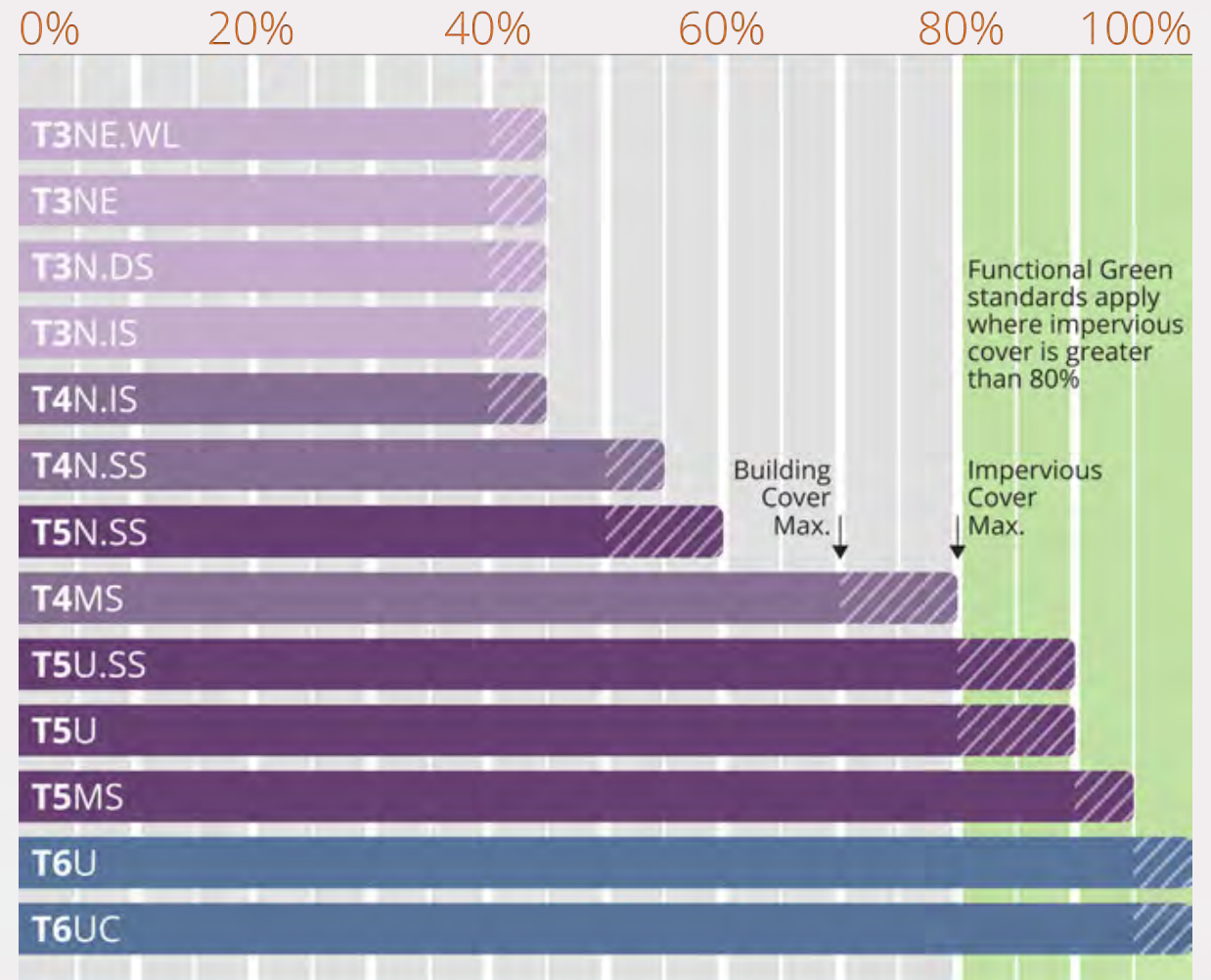




# transect zone COMPARISONS

## Building Cover / Impervious Cover

Building cover and impervious cover maximums protect watersheds and allow for trees and open space within neighborhoods. Impervious cover includes buildings, paving, driveways, walkways and other surfaces that prevent absorption of water into the ground.



# non-transect ZONES

Goal:

Update and roll forward  
existing Use-Based Zones  
(Title 25)

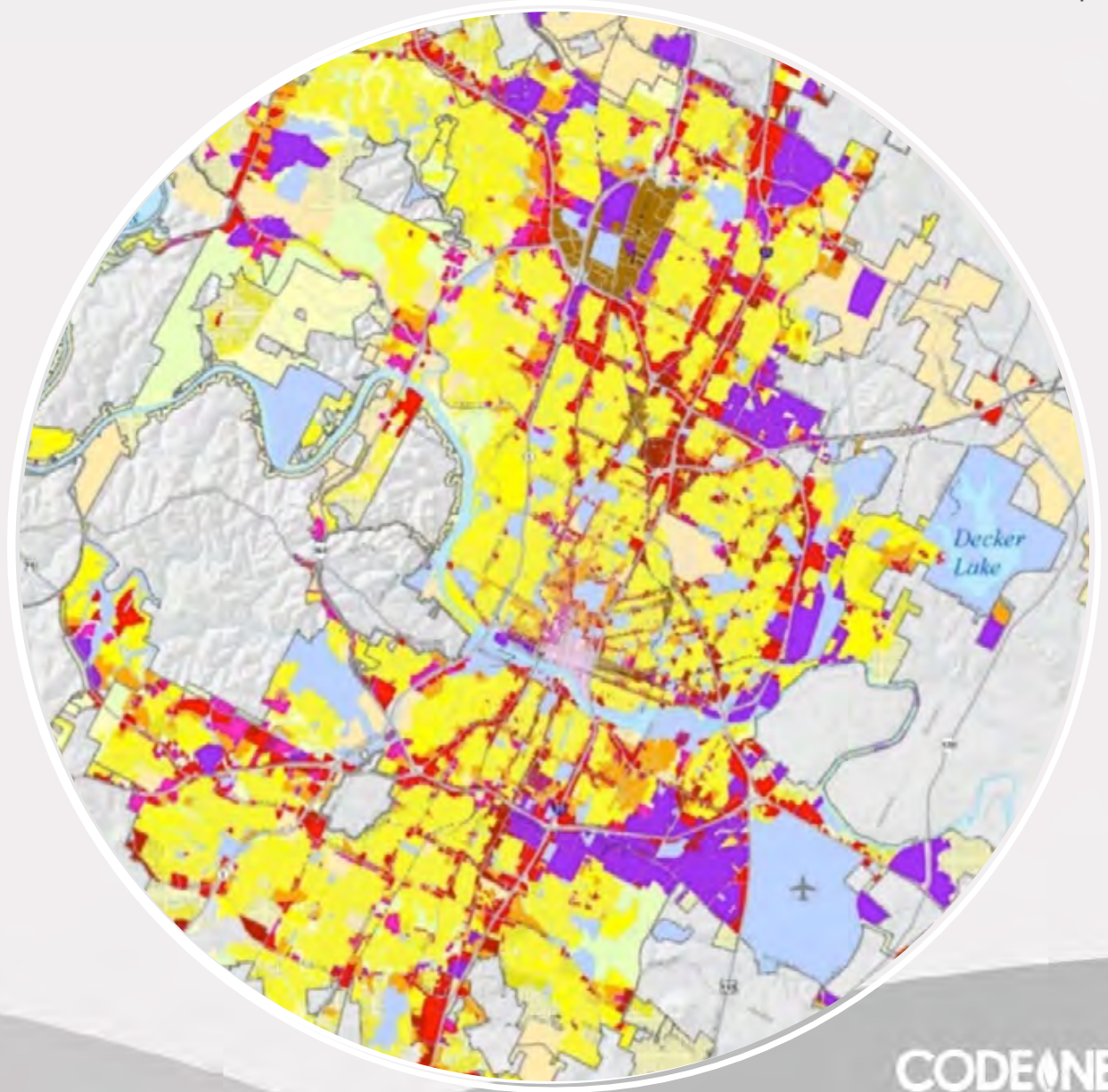
42

*Base Zoning  
Districts  
(Title 25)*



32

*Non-Transect  
Zones  
(Title 23)*



# non-transect ZONES

Approach:

Simplify the number of zones by combining zones with similar development standards and use regulations.

Example	NO	LO	LR	NC
			existing	Proposed
Intensity (FAR)	0.35	0.70	0.5	0.5
Lot Size (min) Area	5,750 sf	5,750 sf	5,750 sf	5,750 sf
Lot Size (min) Width	50 ft	50 ft	50 ft	n/a
Impervious Coverage (max)	60%	70%	80%	60%
Building Coverage (max)	35%	50%	50%	40%
Setbacks (min) front	25	25	25	20
Setbacks (min) side street	15	15	15	15
Setbacks (min) side interior	5	5	-	5
Setbacks (min) back	5	5	-	5
Height (max) feet	35	40	40	35



# non-transect ZONES

Approach:  
Provide better tools to regulate by creating new base zones.

Intensity  
of the CS District

+

Use  
Restrictions  
of the GR District

=

New  
RC Zone

Commercial Non-Transect Zones

23-4D-4090  
Regional Commercial Core (RC) Zone

23-4D-4090 Regional Commercial Core (RC) Zone

(A) Development Standards

Table 23-4D-4090 (A) below describes the development standards in the RC Zone.

Lot Requirements					Landscaping	
Lot Size					Perimeter Planting Area when adjacent to any (one to)	
Impervious Coverage					Medium Intensity Residential Zone:	
Building Coverage					Front or Side Street:	
See Section 23-4E-4080 (Functional Green) for developments with impervious coverage greater than 75%.					Lots ≤ 75' wide	
The maximum impervious coverage may not be attainable due to unique site characteristics, such as trees, waterways, and steep slopes. Where necessary, the project shall reduce the impervious cover to comply with other requirements of this Title.					Lots > 75' wide	
Building Placement					Side or Rear:	
Setback Minimum (Distance from ROW / lot line)					Depth (min.)	
Minimum, except where:					Lots ≤ 75' wide	
Adjacent to Any Lot to Medium Intensity Residential Zone and/or T3 Transect Zone					Lots > 75' wide	
Lots ≤ 75' wide					Building and Parking Lot Landscaping	
Lots > 75' wide					For Lots > 75' wide: Foundation Planting Area for 75% of parking lot or parking aisle frontage	
Intensity					One-story structure	
Floor Area Ratio					Greater than one-story	
Building Form					Planning Requirements and Additional Standards	
Building Height					See Division 23-3E-4 (Landscaping and Screening)	
Height					Additional Requirements	
Building Height Stepback					Affordable Housing	
Distance from Lot Line of Triggering Property					Outdoor Lighting	
Within 50'					Parking and Loading	
50'-100'					Signage	
Greater than 100'					See Article 23-3E	
Adjacent Height					See Division 23-4E-3	
Less than or equal to 30'					See Chapter 23-6	
Less than or equal to 40'						
Set by Zone Standards						

City of Austin Land Development Code | Public Review Draft January 2017

4D-4 pg. 37

# non-transect ZONES

Non-transect zones are consolidated and refined, and will continue to be utilized primarily in suburban areas.



## Low to Medium Intensity Residential

Zone	Similar to
Rural Residential	RR
Very Low Density Residential	SF1
Low Density Residential	SF2
Low to Medium Density Residential	SF3, SF4B
Low to Medium Density Residential - Small Lot	SF4A

## Medium to High Intensity Residential

Zone	Similar to
Medium Density Residential	SF5, SF6
Medium to High Density Residential	MF1, MF2
High Density Residential	MF3, MF4
Very High Density Residential	MF5, MF6
Manufactured Home Park	MH

## Restricted Commercial

Zone	Similar to
Neighborhood Commercial Sub-Zone <b>Limited, Open</b>	NO, LO, LR
Local Commercial Sub-Zone <b>Limited, Open</b>	GO

## Retail and Office Commercial

General Commercial Sub-Zone <b>Limited, Open</b>	GR
Regional Commercial	new

## Mixed-Use Commercial

Commercial Core	DMU
Downtown Core	CBD

## Service and Highway Commercial

Warehouse Commercial	W/LO
Service Commercial Sub-Zone <b>Limited, Open</b>	CS, CS-1
Highway Commercial	CH

## Special Commercial

Commercial Recreation	CR
-----------------------	----

## Industrial Zones

Zone	Similar to
Flex Industrial	LI
General Industrial	IP
Heavy Industrial	MI
R&D	R&D

## Other Zones

Zone
Agricultural
Aviation Services
Development Reserve
East Riverside Corridor
North Burnet/Gateway
Open Space
Public
Planned Unit Development

# non-transect zones NAMING CONVENTIONS

## RESIDENTIAL

Non-Transect zones have a two-part naming convention to identify intensity/character and base zone category.

L D R



### Non-Transect Zone Intensity

Very Low (VLD)

Low (LD)

Low-Medium (LMD)

Medium (MD)

Medium-High (MHD)

High (HD)

Very High (VHD)



### Zone Category

Residential (R)

# non-transect zones

## NAMING CONVENTIONS

### COMMERCIAL

Non-Transect zones have a two-part naming convention to identify intensity/character and base zone category with an optional Sub-zone that allows additional uses.

S C - O

#### Zone Character

Neighborhood (N)  
Local (L)  
General (G)  
Regional (R)  
Downtown (D)  
Service (S)  
Warehouse (W)  
Highway (H)

#### Zone Category

Commercial (C)

#### Sub-Zone

Open (O)  
allows  
additional  
land uses

# non-transect zones

## NAMING CONVENTIONS

### Industrial

Non-Transect zones have a two-part naming convention to identify intensity/character and base zone category.

FI

**Non-Transect  
Zone Intensity**

Flex (F)

General (G)

Heavy (H)

**Zone Category**

Industrial (I)



# anatomy of THE CODE

## How it's organized:

Relocated under a different title number, an extensive reorganization of the Land Development Code elevates community priorities, consolidates procedures, and introduces a hybrid zoning code with new form-based standards.



## Title 23



Introduction



Administration and Procedures



General Planning Standards for All



Zoning Code



Subdivision



Site Plan



Building, Demolition and Relocation Permits and Special Requirements for Historic Structures



Signage



Transportation (Mobility)



Infrastructure



Technical Codes

# anatomy of THE CODE

Each number and letter has significance,  
improving the usability and accessibility of  
the Land Development Code

# 23-3C-3010

Title	Chapter/Article	Division/Section
-------	-----------------	------------------

**New** Land Development Code  
has a unified organizational system  
that is consistent through out,  
providing clarity and usability.

Title "23"

↳ Chapter "3"

↳ Article "C"

↳ Division "3"

↳ Section "010"

# anatomy of THE CODE

## 23-3C-3010

**In this example:**  
**Section 23-3C-3010 (Removal Prohibited)**  
**is located in:**  
**Title 23 (Land Development Code)**  
**Chapter 3 (General Standards to All Planning)**  
**Article C (Urban Forest Protection and Replenishment)**  
**Division 3 (Heritage Trees)**

Division 23-3C-3: Heritage Trees	
Contents	
23-3C-3010	Removal Prohibited . . . . . 1
23-3C-3020	Administrative Variance . . . . . 1
23-3C-3030	Land Use Commission Variance . . . . . 2
23-3C-3040	Appeal . . . . . 3
23-3C-3050	Application for Variance . . . . . 3
23-3C-3060	Variance Prerequisite . . . . . 3
23-3C-3070	Action on Application . . . . . 4
23-3C-3080	Variance Effective Date and Expiration . . . . . 4
23-3C-3010 Removal Prohibited	
For an application that proposes the removal of a heritage tree, the applicant must file a request for a variance to remove the heritage tree under this Division before the application may be administratively approved or presented to the Land Use Commission.	



# anatomy of THE CODE

## Foundational Regulations Maintained and Strengthened

Austin's foundational regulations on watershed, tree preservation, parkland dedication have been brought to the front of the code in a prominent location. Affordable Housing Incentives Program, when completed will join these regulations.

- **Save Our Springs (SOS)**
  - pulled forward
- **Watershed**
  - pulled forward
- **Urban Forest Protection and Replenishment**
  - pulled forward
- **Parkland Dedication**
  - pulled forward

# anatomy of THE CODE

## **Standards Pulled Forward with Clarification and New Organization**

Portions of the code that were buried have been clarified and move to a new location in the new Land Development Code in an easier to use and better organized code.

- **Hill Country Roadways**
- **Historic Districts**
- **Administration and Procedures**

# anatomy of THE CODE

## Integrated

These layers of design related standards have been integrated into the zoning districts and other standards, reducing the number of layers of regulations while maintaining intent.

- **Compatibility**  
(Chapter 25-2 Subchapter C Article 10)
- **Design Standards and Mixed Use (Commercial)**  
(Chapter 25-2 Subchapter E)
- **Residential Design and Compatibility Standards**  
(Chapter 25-2 Subchapter F)
- **Conditional Overlays**  
(Conditional Overlay (CO) Combining District)



# Subchapter E

## Design Standards and Mixed-Use

*purpose:* Better Design...

**Article 1 - General Provisions** – *provides flexibility in standards*

**Article 2 - Site Development** – *improve connectivity and site development for commercial developments*

**Article 3 - Building Design** – *Glazing and facades, entryways, articulation*

# Subchapter E

## Design Standards and Mixed-Use

*purpose:* Mix of Uses, Affordable Housing

### **Article 4 - Mixed Use**

*– Mix of uses and design standards for vertical mixed use, affordable housing incentives.*

### **Article 5 - Definitions**

*– Definitions for this Subchapter*

# Subchapter F

PREVIEW | 42

## Residential Design and Compatibility Standards

*purpose:* compatibility within neighborhoods

**Height** – *overall building height standards*

**Height on Sloping Sites** – *nuanced height standards for sites with slope*

**Building Setbacks** – front, rear and side yard setbacks

**Setback Planes** – standards for building mass that refine building height

**Side Wall Articulation** – standards for side wall length



# Overlay Districts

## Conditional Overlays

*purpose:* adjusts what can be done

Frequently used CO restrictions informed the creation of new zones, informed use tables, and informed new review processes.

# Overlay Districts

## Conditional Overlays

*purpose:* adjusts what can be done

**Integrated into Base Zones.** Where possible COs will be replaced with new base zones (either Transect or Non-Transect) that implement same intent.

**Refined Land Use Tables.** COs typically limited or prohibited auto uses from the base zone. Now, there are base zones at different intensities that prohibit auto uses.

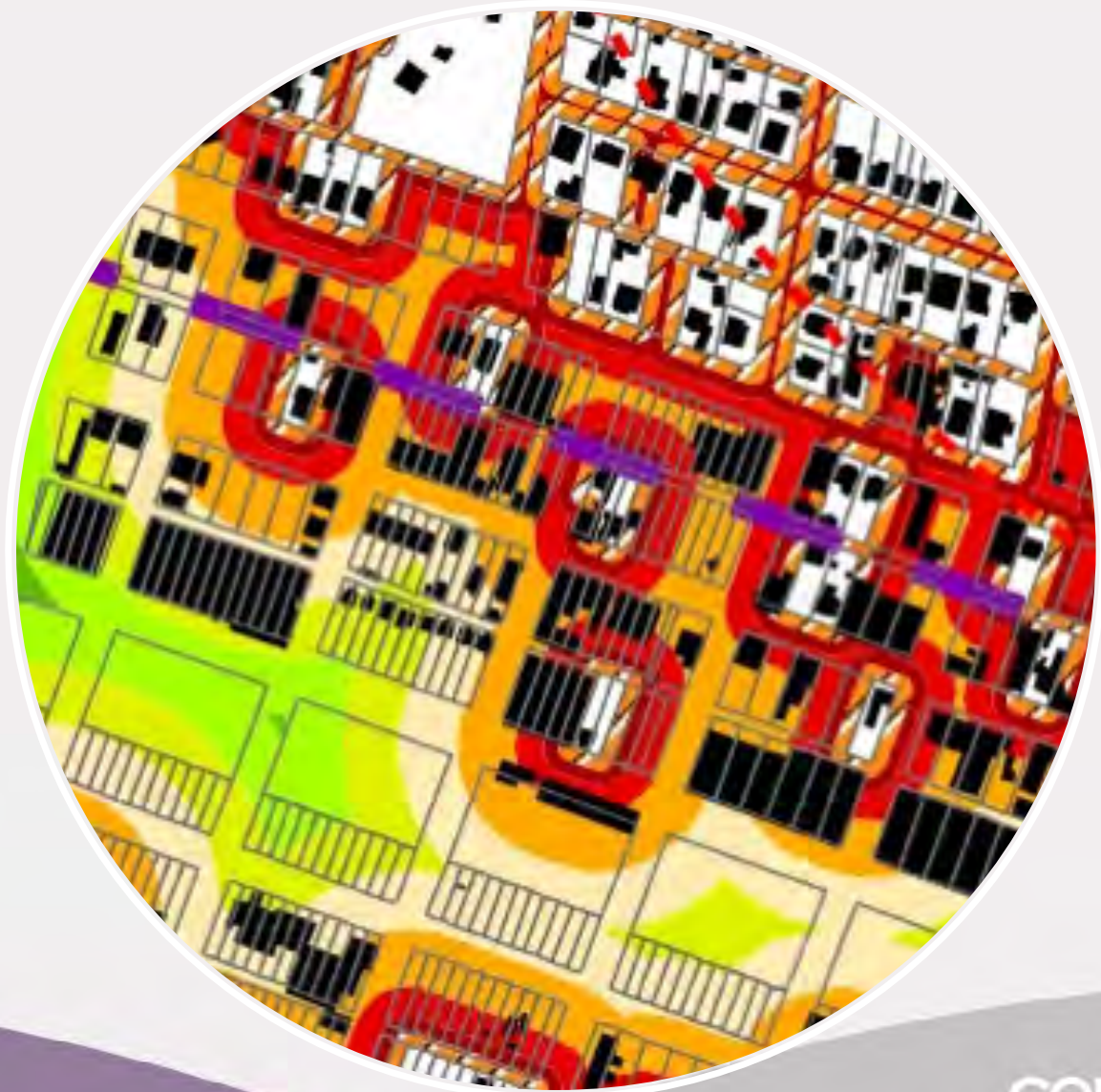
**Additional Levels of Permits.** COs added during re-zoning created a public process for which community and policy makers to mitigate potential impacts of new development. Now, an administrative Minor Use Permit (MUP) and discretionary Conditional Use Permit (CUP) allow for similar discretion and an opportunity to impose conditions of approval during land use permitting.

# Article 10

## Compatibility

PREVIEW | 45

**Height**  
**Building Setbacks**  
**Screening**  
**Building Design**  
**Scale & Clustering**

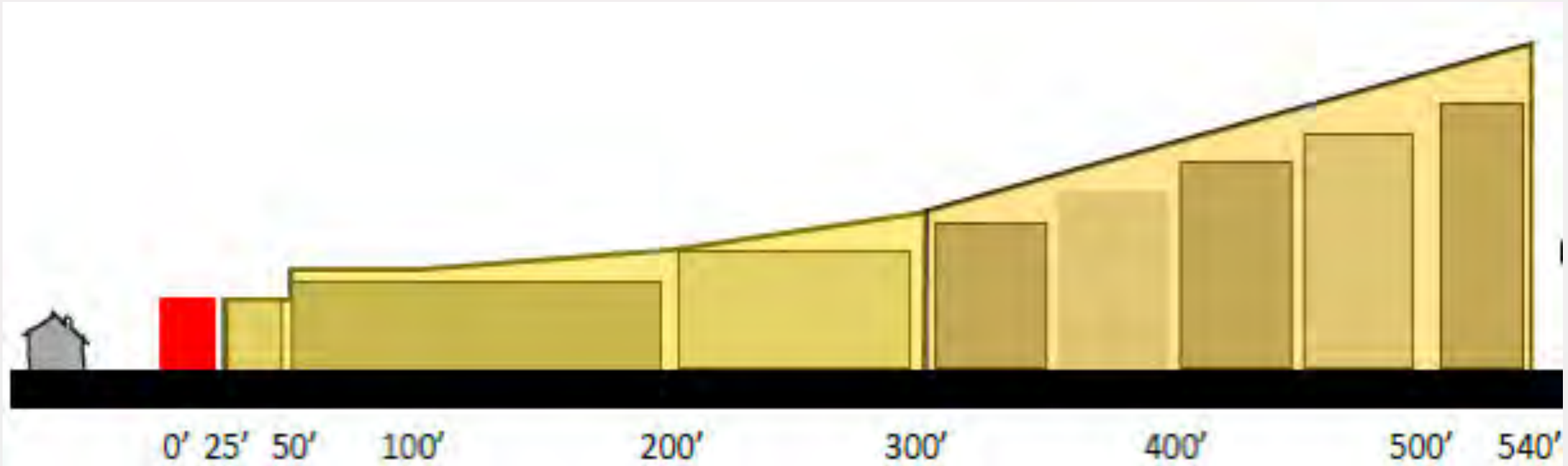




# Article 10

## Existing Compatibility

PREVIEW | 46



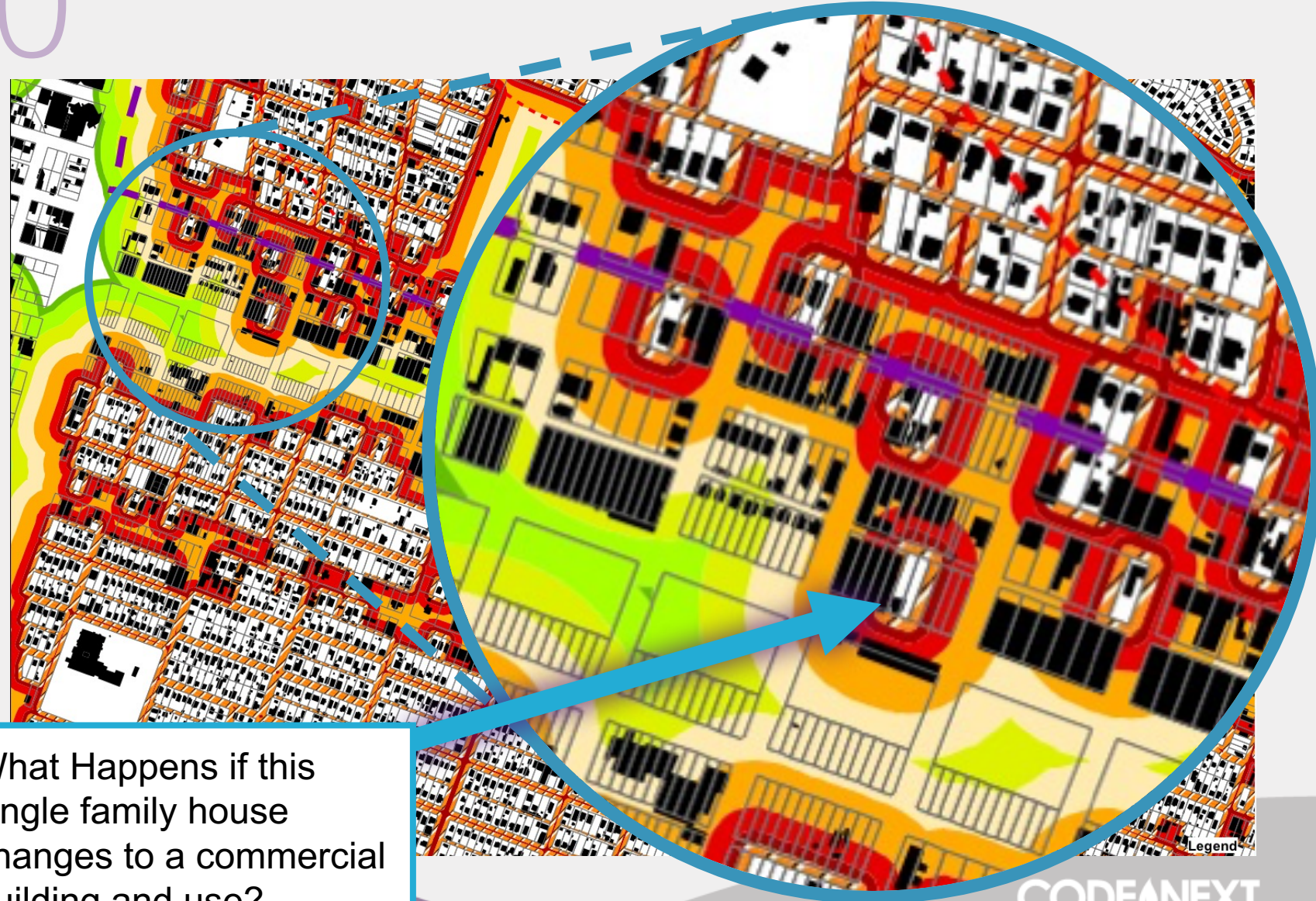
# Article 10

## Compatibility

### Allowed Heights

	No Structure Allowed
	30' or 2 Stories
	40' or 3 Stories
	Up to 50'
	Up to 60'
	Up to 85'
	Up to 110'
	Up to 120'

What Happens if this single family house changes to a commercial building and use?





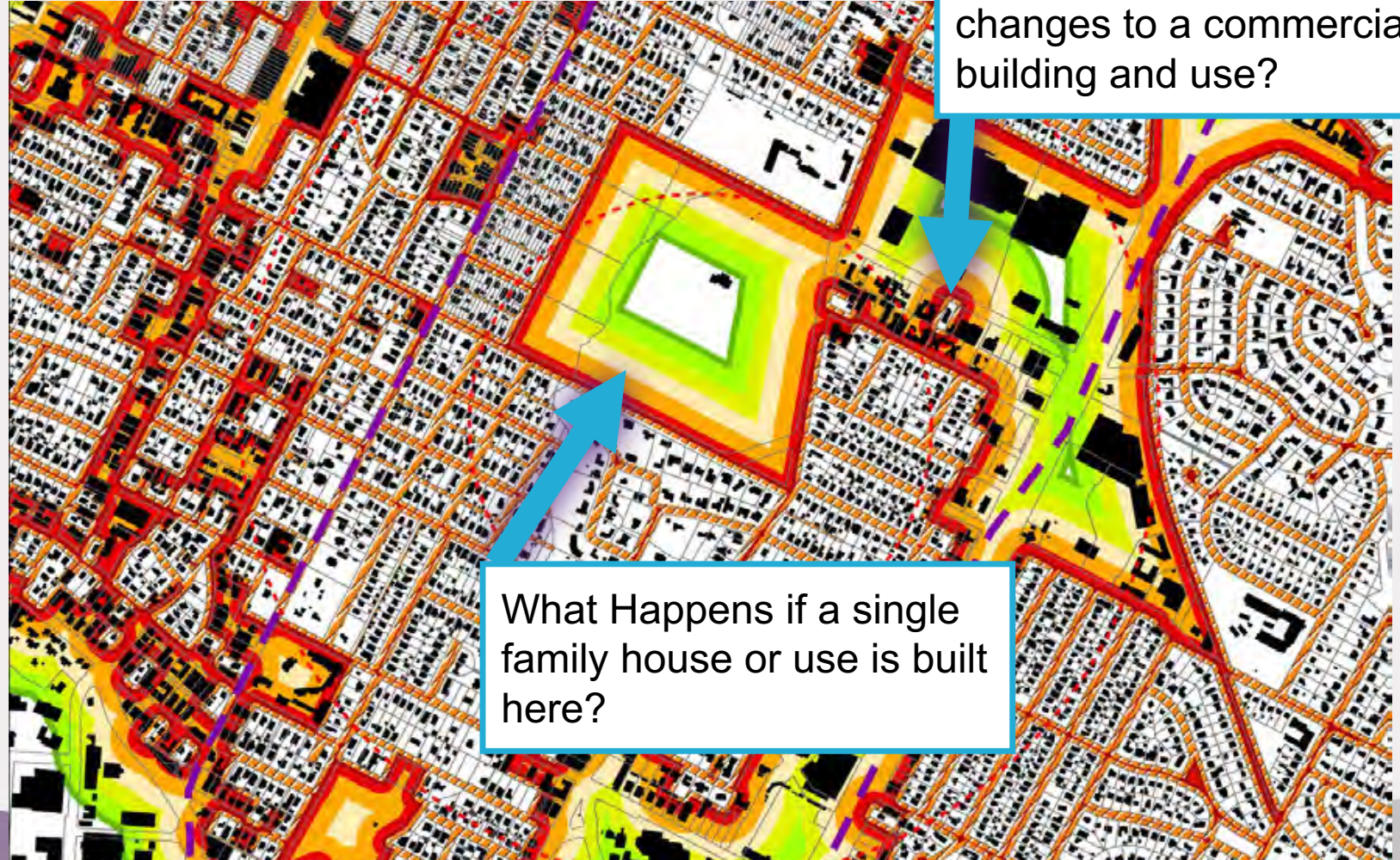
# Article 10

## Compatibility

PREVIEW | 48

### Allowed Heights

	No Structure Allowed
	30' or 2 Stories
	40' or 3 Stories
	Up to 50'
	Up to 60'
	Up to 85'
	Up to 110'
	Up to 120'



# Article 10

## Compatibility

## Applicability

Medium to High Intensity Residential Zone, Commercial Non-Transect Zone, T5 Main Street and T5 Urban located *directly adjacent to or across an alley from* a Low to Medium Intensity Residential Zone or T3 Neighborhood Transect Zone

(considering adding T4 Neighborhood)

### Trigger Zones

- Rural Residential
- Very Low Density
- Low Density
- Low Medium Density
- Low Medium Density- Small Lot
- T3NE and T3N zones
- T4N zones
- Properties with Title 25 zoning that currently trigger compatibility



# Article 10

## Compatibility

## Setbacks

Increase building setback.

Impervious Cover may not be  
due to unique site characteristics, such as  
highways, and steep slopes. Where necessary,  
the project shall reduce the impervious cover to  
comply with other requirements of this Title.

### Building Placement

Setback Minimum (Distance from ROW / Lot Line)	Front	Side St.	Side	Rear
Minimum, except when adjacent to:	10'	15'	5'	10'
Low to Medium Intensity Residential Zone	15'	15'	50'	50'
Medium to High Intensity Residential Zone and/or T3 Transect Zone	15'	15'	25'	25'
Commercial Zone	15'	15'	15'	15'

### Density

Dwelling Units per Acre

54

Ratio (max)

1.0

Affordable Units. Developments

may qualify for a density bonus

if the development meets the

Within

50'-100'

Greater than 100'

### Landscaping

### Perimeter Planting Area

### Front or Side Street

Quantity and location of  
street setback must meet  
Division 23-4E-4 (Landscaping)

### Side or Rear

Any Residential Zone or  
Transect Zone

Commercial Zone

### Building and Parking Lot

Foundation Planting  
parking aisle front

1 story structure

Greater than

### Planting

See

# Article 10

## Compatibility

### Height – Non-transect Zones

Distance from trigger property	Height
0-50'	30' max
50'-100'	40' max
> 100'	Base zone max

are not included in the

g FAR. Residential units are allowed  
n to maximum FAR.

#### ing Form

Building Height	Stories (max.)	Overall (max.)
Height	3	40'

#### Building Height Stepback

Building height stepback required for portions of building adjacent to or across an alley from Low to Medium Intensity Residential Zone and/or T3 Transect Zone.

#### Distance from Lot Line of Triggering Property

#### Allowed Height

Within 50'	Less than or equal to 30'
50'-100'	Less than or equal to 40'
More than 100'	Set by Zone Standards



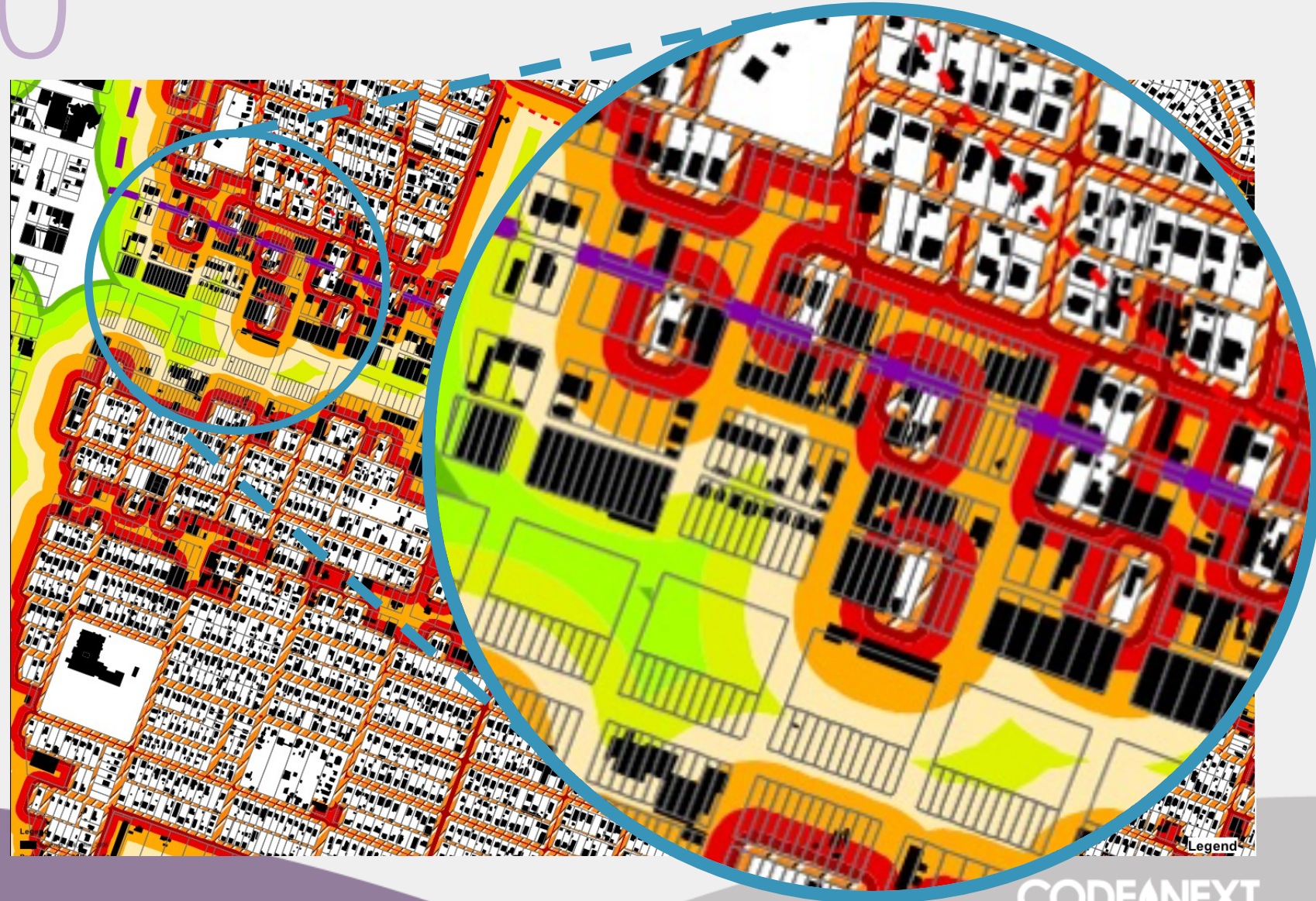
# Article 10

## Compatibility

PREVIEW | 52

### Allowed Heights

	No Structure Allowed
	30' or 2 Stories
	40' or 3 Stories
	Up to 50'
	Up to 60'
	Up to 85'
	Up to 110'
	Up to 120'

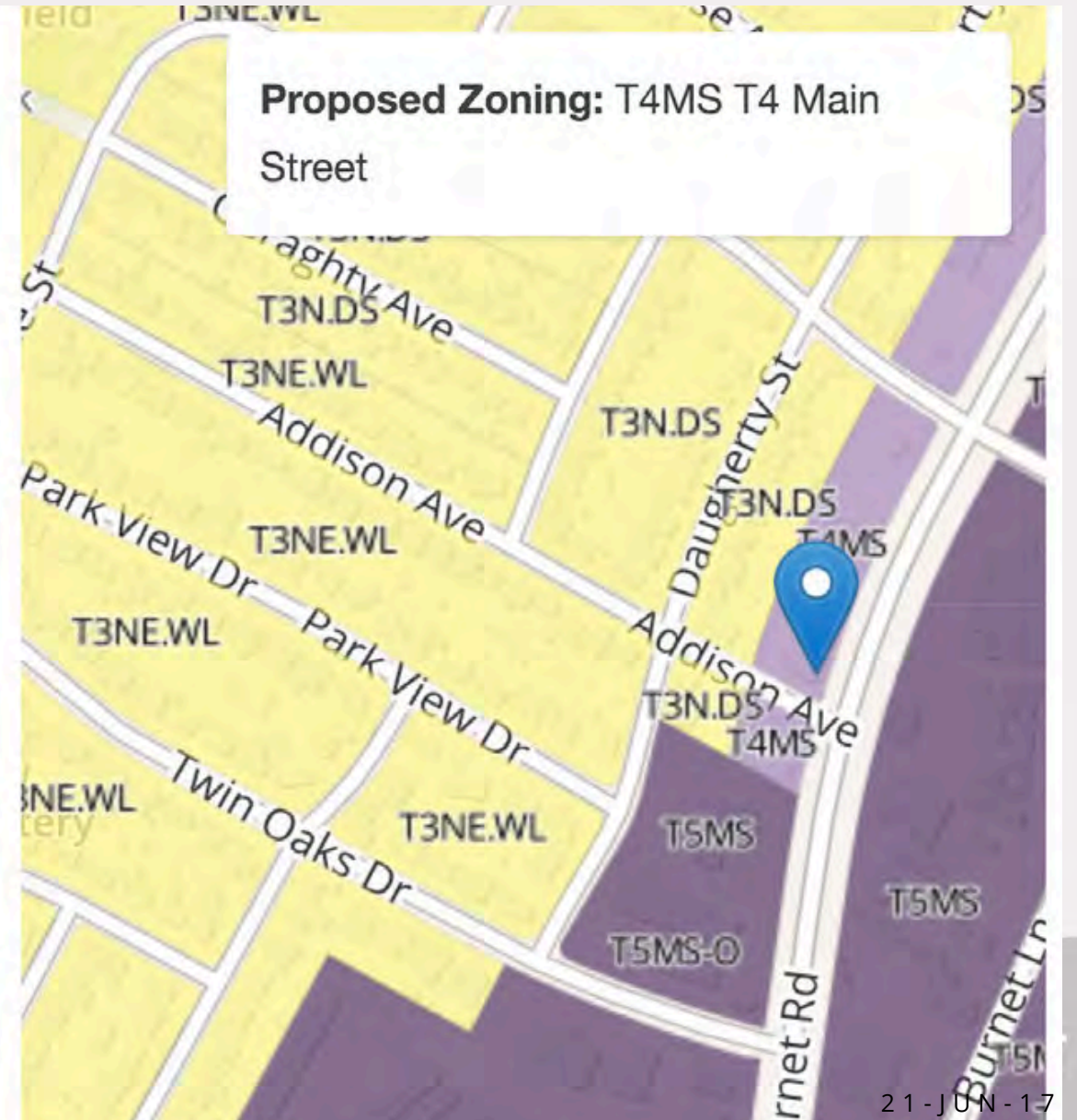
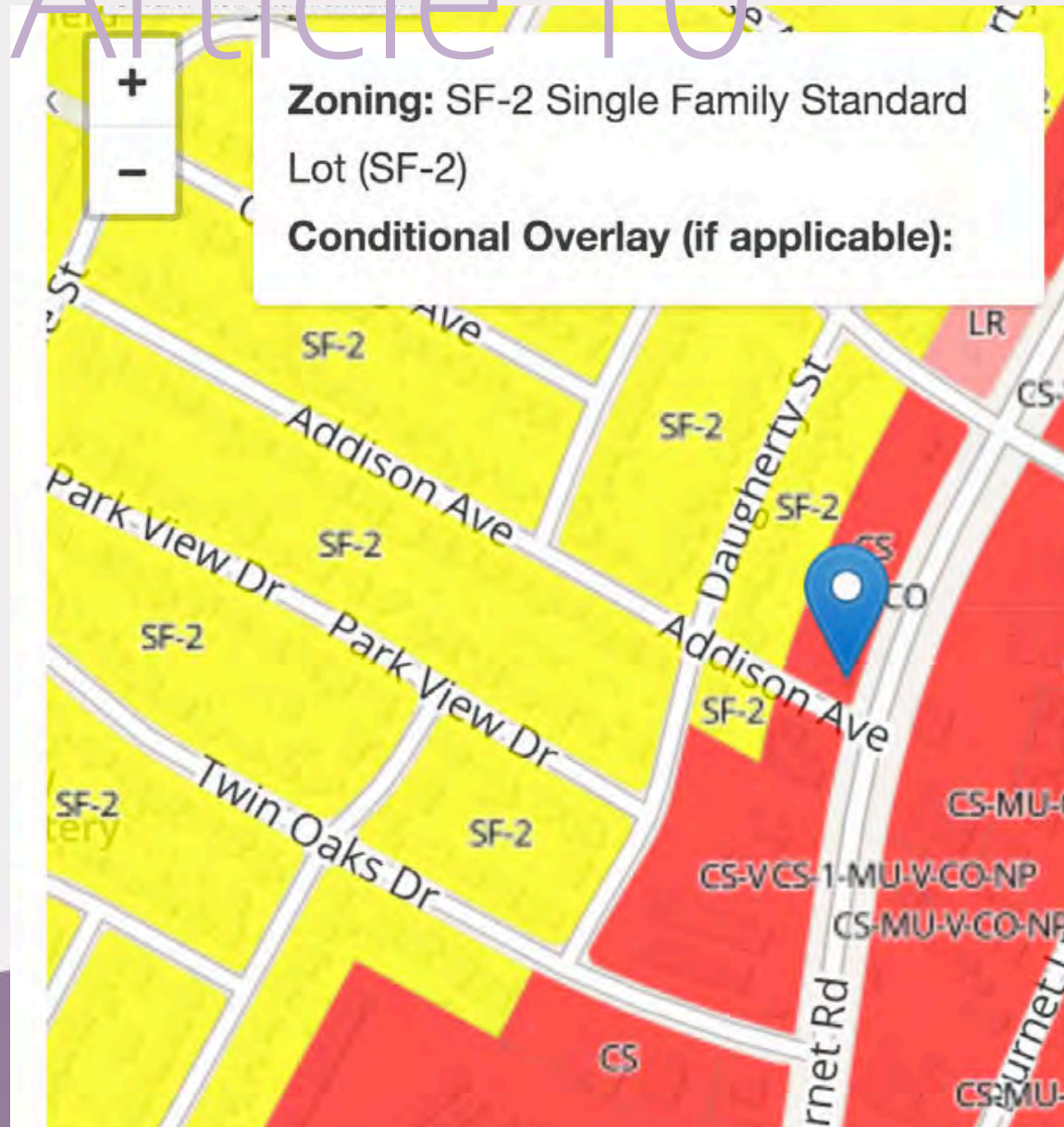


CODENEXT

21-JUN-17



# Article 10

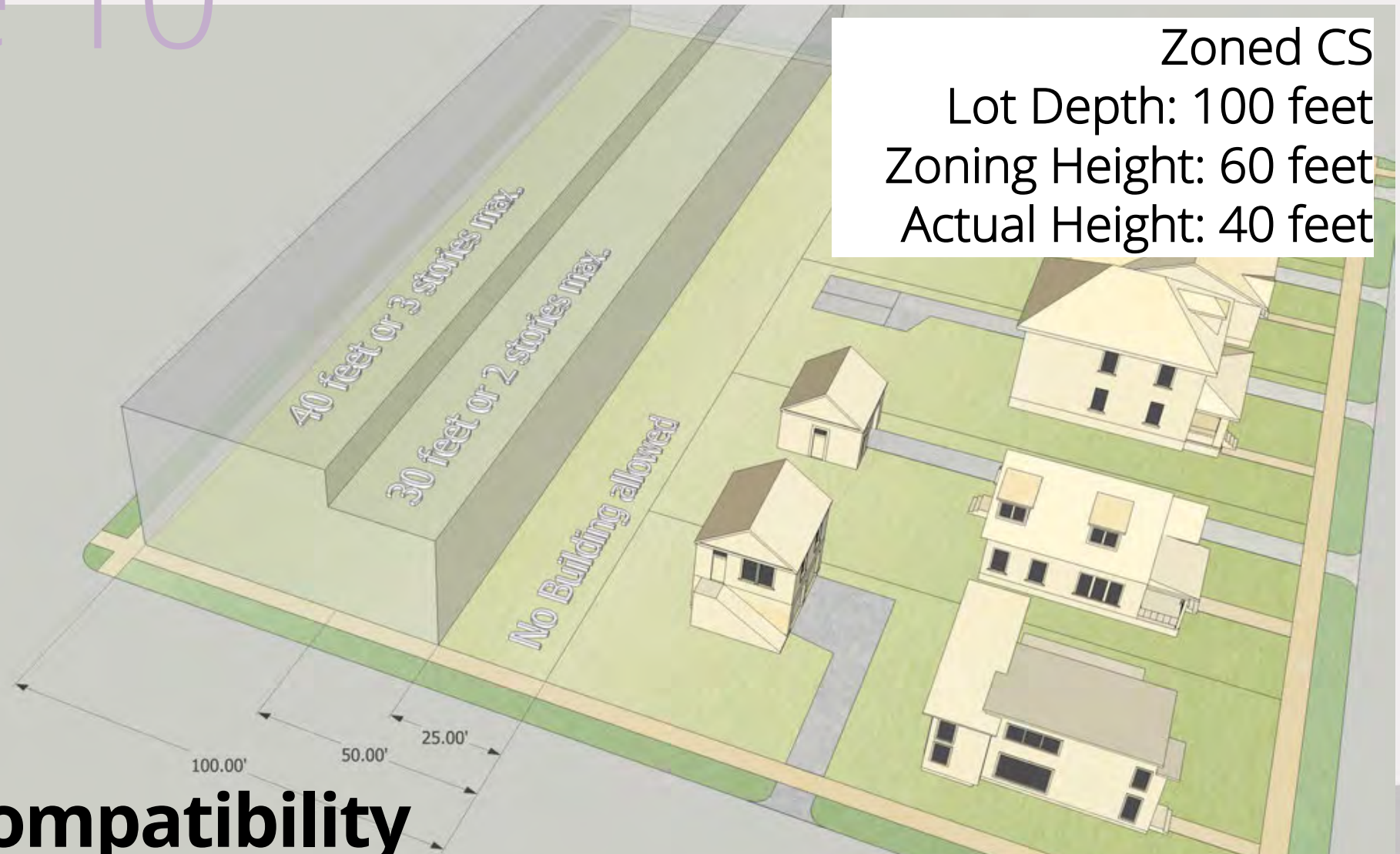




# Article 10

| 54

Zoned CS  
Lot Depth: 100 feet  
Zoning Height: 60 feet  
Actual Height: 40 feet

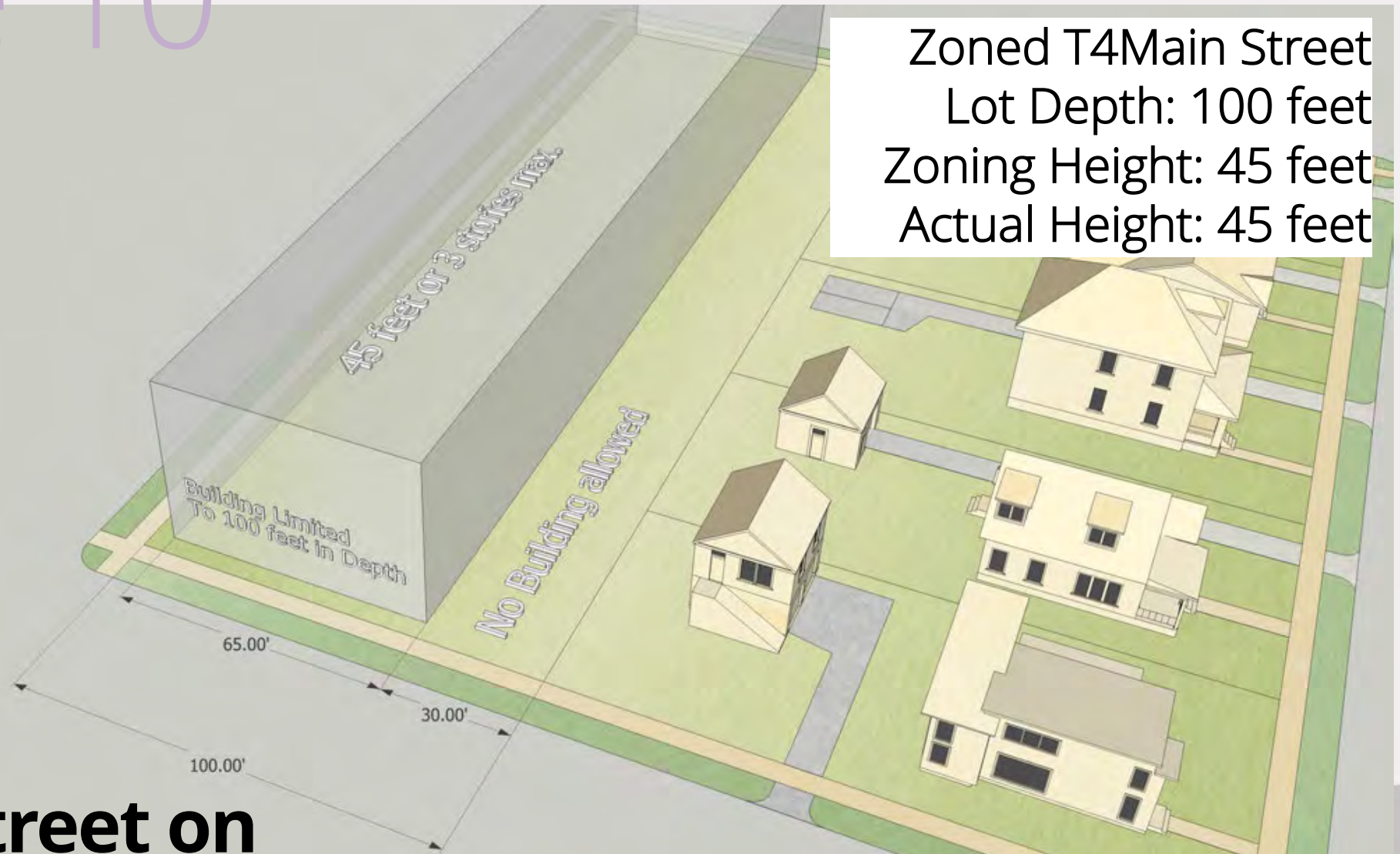


**Existing Compatibility  
on 100 foot deep Lot**

# Article 10

| 55

Zoned T4Main Street  
Lot Depth: 100 feet  
Zoning Height: 45 feet  
Actual Height: 45 feet

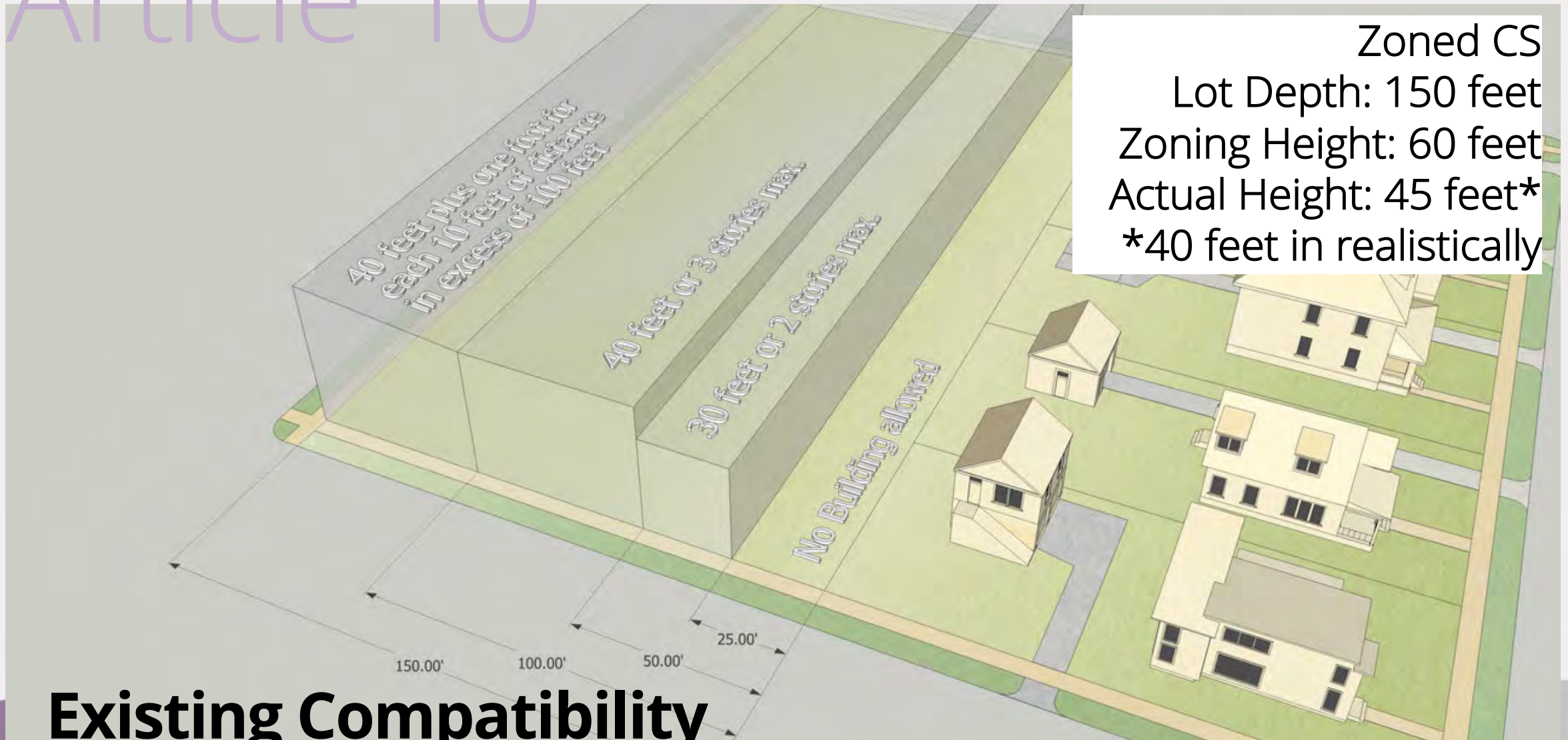


**T4 Main Street on  
100 foot deep lot**



# Article 10

| 56



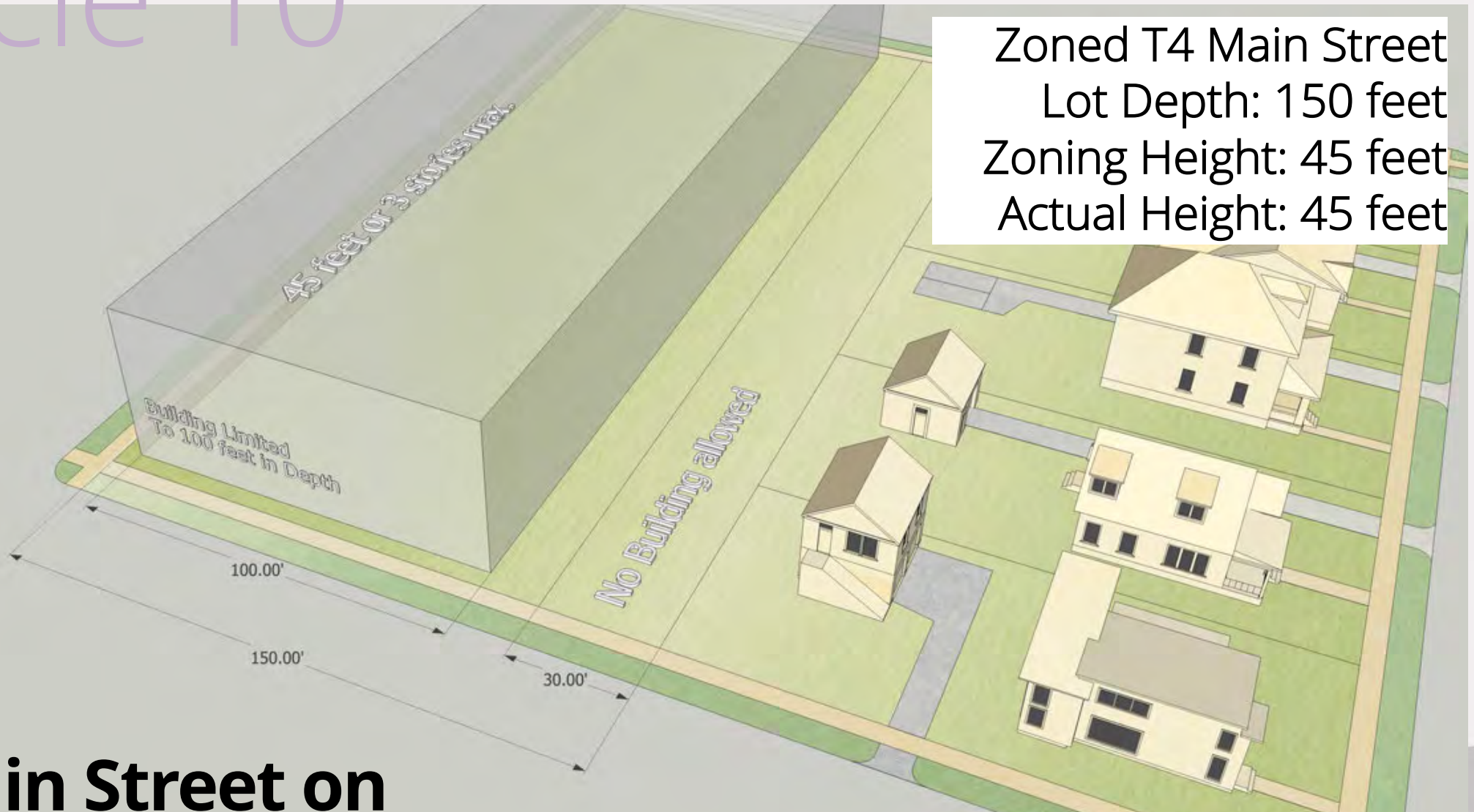
Zoned CS  
Lot Depth: 150 feet  
Zoning Height: 60 feet  
Actual Height: 45 feet\*  
\*40 feet in realistically

**Existing Compatibility  
on 150 foot deep Lot**

# Article 10

| 57

Zoned T4 Main Street  
Lot Depth: 150 feet  
Zoning Height: 45 feet  
Actual Height: 45 feet

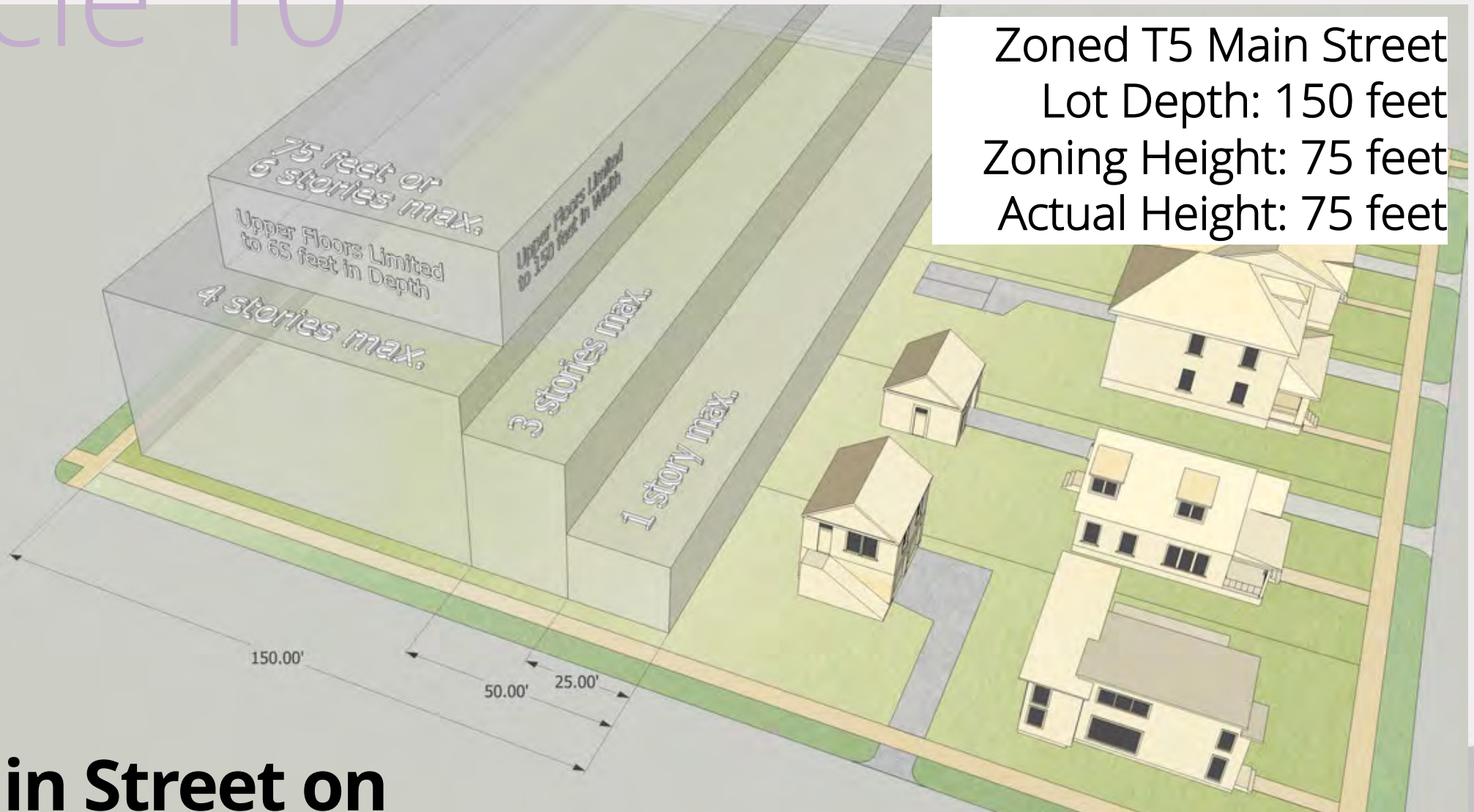


**T4 Main Street on  
150 foot deep lot**



# Article 10

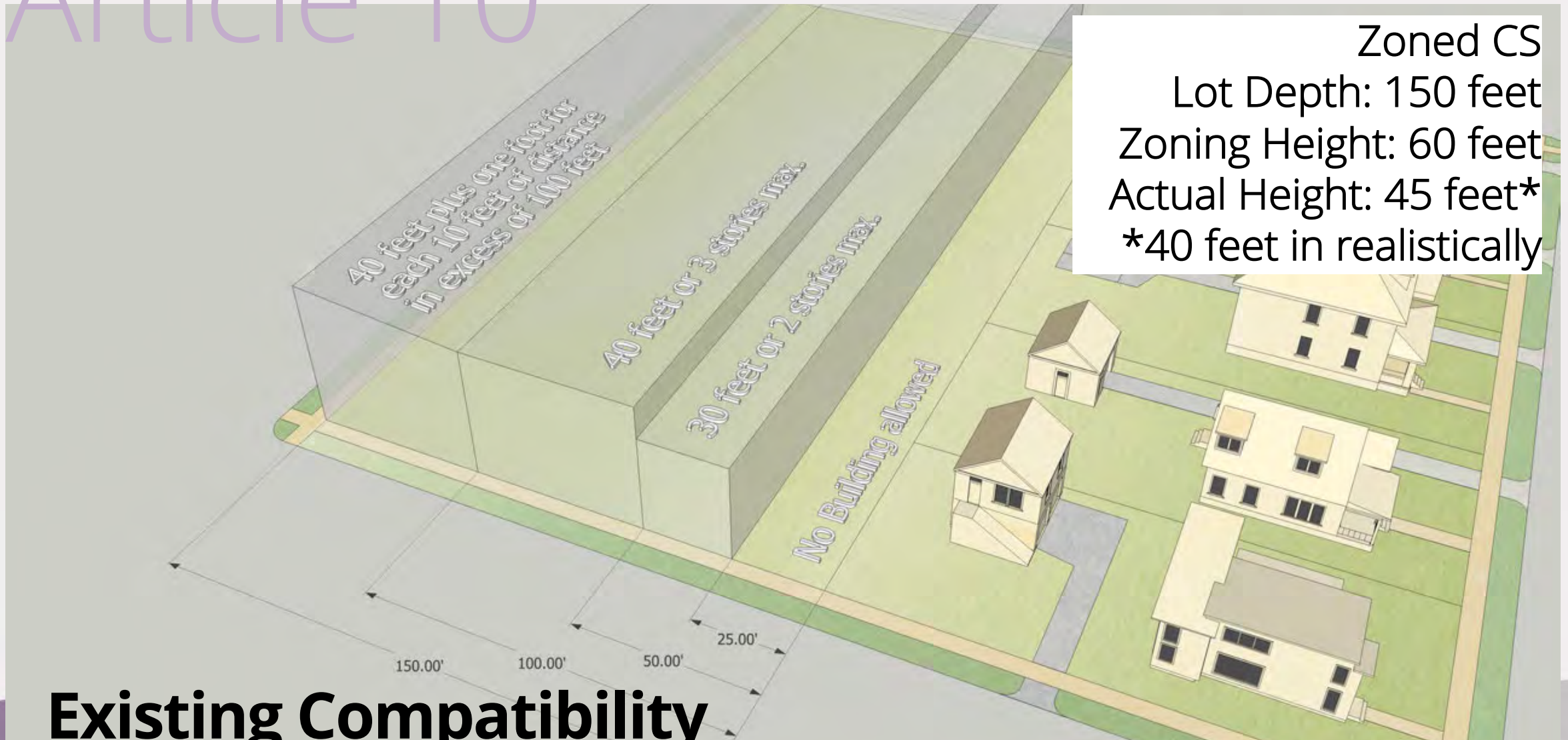
Zoned T5 Main Street  
Lot Depth: 150 feet  
Zoning Height: 75 feet  
Actual Height: 75 feet



**T5 Main Street on  
150 foot deep lot**

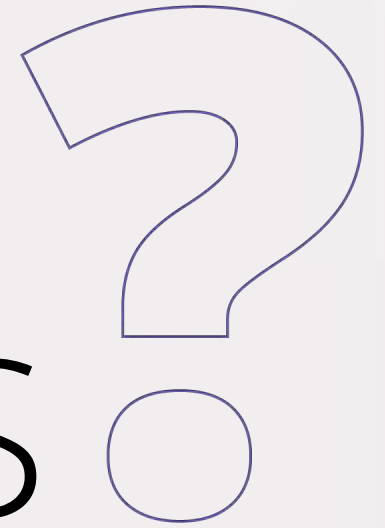
# Article 10

| 59



**Existing Compatibility  
on 150 foot deep Lot**

# questions + ANSWERS





# SHAPING THE AUSTIN WE IMAGINE

## Help us get it right.

We invite you to review and comment on the draft code document, ask questions, and stay connected.

**[www.austintexas.gov/codenext](http://www.austintexas.gov/codenext)**  
**[codenext@austintexas.gov](mailto:codenext@austintexas.gov)**



**CODENEXT**  
21-JUN-17



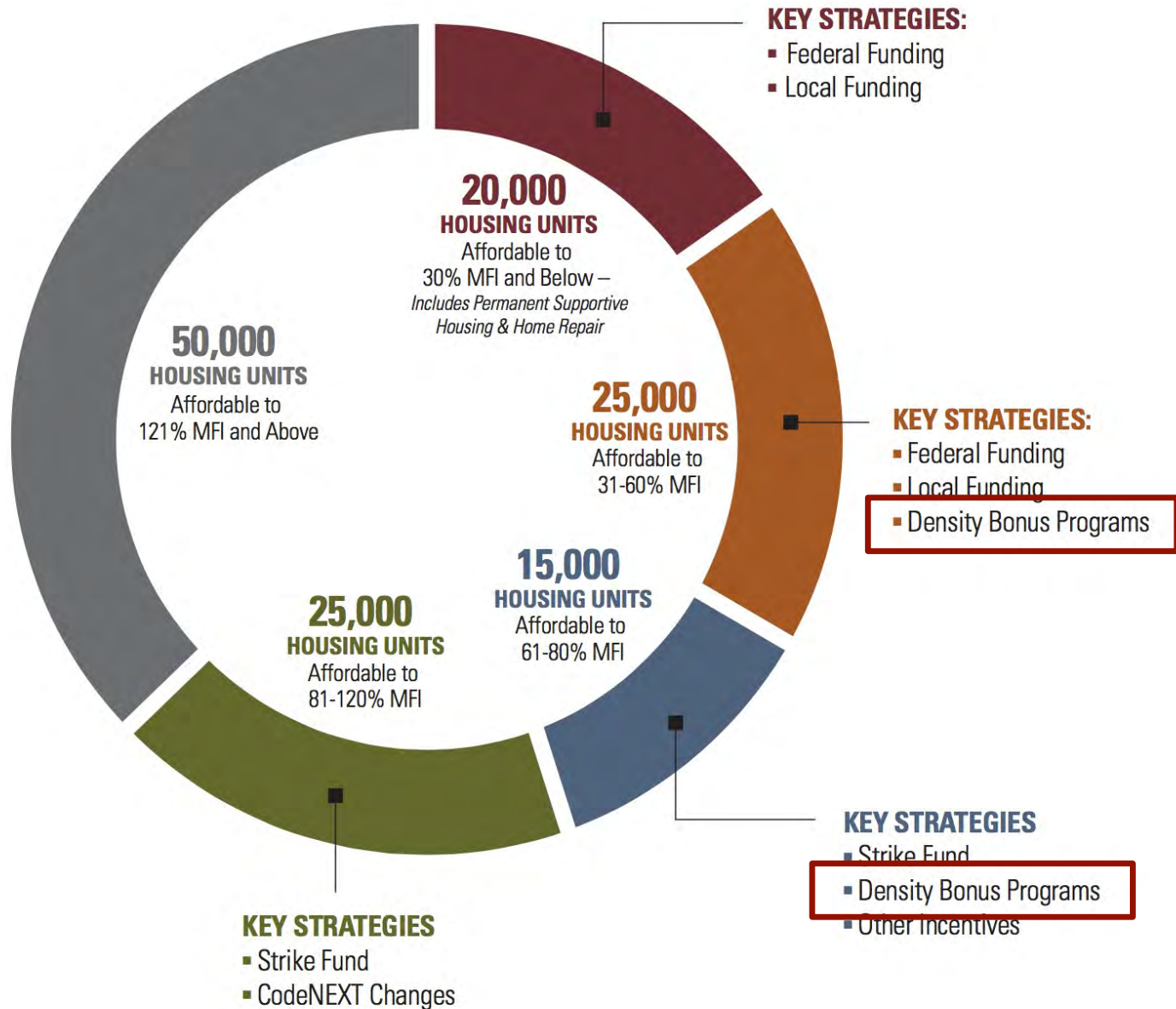
# **Proposal for a Citywide Affordable Housing Density Bonus Program**

City of Austin Council Work Session  
June 21, 2017

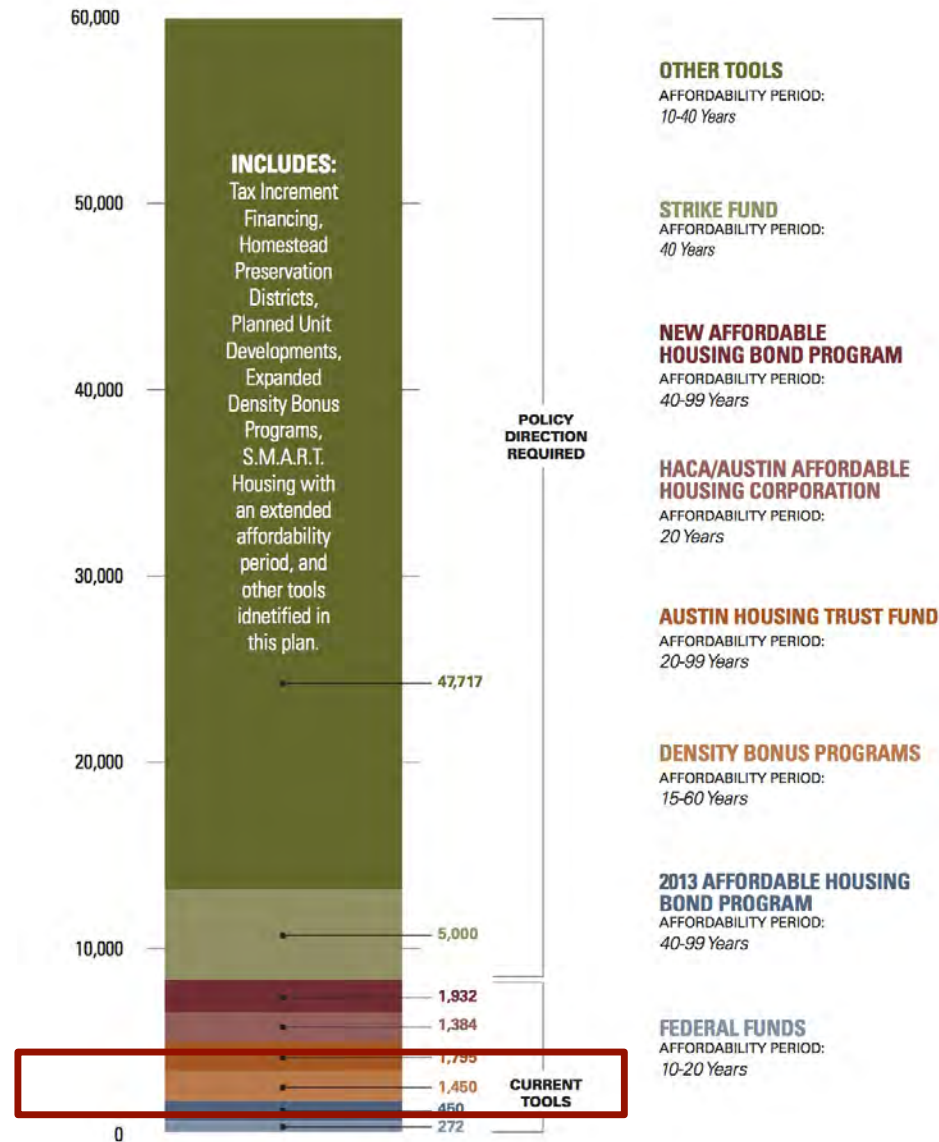
## Proposed Citywide Affordable Housing Density Bonus Program

- Focused on providing density bonuses in proposed CodeNEXT zones
- Targets 60%-80% MFI households per Housing Blueprint
- Downtown Density Bonus and UNO to be retained
- Future of bonuses in TODs, East Riverside, and North Burnett areas under additional evaluation

# Great Need For Affordable Housing



# Density Bonus Program Is One Tool





# Benefits of Affordable Housing Density Bonuses

- Can leverage higher-end markets where development is already happening
- Bonus entitlements can offset developer cost of providing affordable housing without City funding
- Promotes mixed-income buildings and communities



Density bonus programs can provide limited numbers of affordable housing units in high-opportunity locations

# Benefits of Affordable Housing Density Bonuses

- Can leverage higher-end markets where development is already happening
- Bonus entitlements can offset developer cost of providing affordable housing without City funding
- Promotes mixed-income buildings and communities



Density bonus programs offer an opportunity to discuss affordable housing options with developers

# Options Considered for Affordability Toolkit

Private/ Nonprofit	Development- Derived	Regulatory	Tax Exemptions/GO	Federal	Other
Community Land Trust expansion	Existing Density Bonus Programs	Streamline City Codes and Permitting Processes	Multifamily tax exemption program	HUD 202 supportive housing for the elderly	Land Banking, Assembly, Property Price Buy Down
Austin Affordable Housing Corporation	Expanded Density Bonus Programs	Allow development on smaller houses on smaller lots	Targeted Preservation Property Tax Exemption	CDBG and HOME funds	Austin Housing Trust Fund
New Market Tax Credits	Tax Increment Financing	Relax regulations for ADUs	Homestead Property Tax Exemption for communities at risk of displacement	Leverage LIHTC	NHCD Housing Developer Assistance
Strike Fund	Transfer of Development Rights	Relax regulations on more affordable products and cooperatives	2013/16 Affordable Housing Bond	National Housing Trust Fund	Restructured SMART housing with longer affordability periods
Private Sector Fund for Affordable/ Workforce Housing	Planned Unit Developments		General Fund Appropriations		
Philanthropy	Impact Fees				
Public Improvement District	Construction Excise Tax				
Real Estate Transfer Tax	Inclusionary Zoning				
Real Estate Investment Trust	Homestead Preservation District (+Homestead Preservation Reinvestment Zones)				



# South Central Waterfront District Toolkit



Stephanie Bower | Architectural Illustration

# Layered Funding Tools in SCW Funding Toolkit

	Transportation Infrastructure	Parks & Open Spaces	Affordable Housing
Privately Funded			
Public Improvement District	✓	✓	✓
Transfer of Development Rights		✓	✓
Philanthropy		✓	✓
Publicly Funded			
Tax Increment Financing	✓	✓	✓
CIP Funds	✓	✓	
Parking Fund	✓		✓
Affordable Housing (tax abatements/credits, Strike Fund)			✓

# Proposed CodeNEXT Bonuses

# Where are density bonuses available?

- Available in many residential, commercial, and mixed-use CodeNEXT zones
- Offered in T-zones and traditional zones
- Bonuses offered across more land area than current bonuses
- Bonuses proposed in all locations that currently have bonuses



# Bonuses in New CodeNEXT Zones

Bonuses Available		Bonuses Not Available	
<p>MDR MHDR HDR VHDR RC CC DC GC L/O SC L/O T6U/R T6UC</p>	<p>NC L/O LC L/O T4N.DS/O T4N.IS/O T4N.SS/O T4N/O T5N.SS/O T5U.SS/O T5U/O T5MS</p>	<p>RR VLDR, LDR LMDR, LMDR-SL MHP HC, WC CR FI, GI, HI, R&amp;D P, AV AG, OS, DR T3NE.WL T3NE T3N.DS T3N.IS T3MS/O T4MS/O</p>	

# What Bonus Levers Apply?

	<b>Transect Zones</b>	<b>Traditional Zones</b>
Max Units in Main Building	X	
Max DUA	TBD for T6	X
Max FAR		X
Max Height (ft)	Eave height only	X
Max Height (stories)	X	

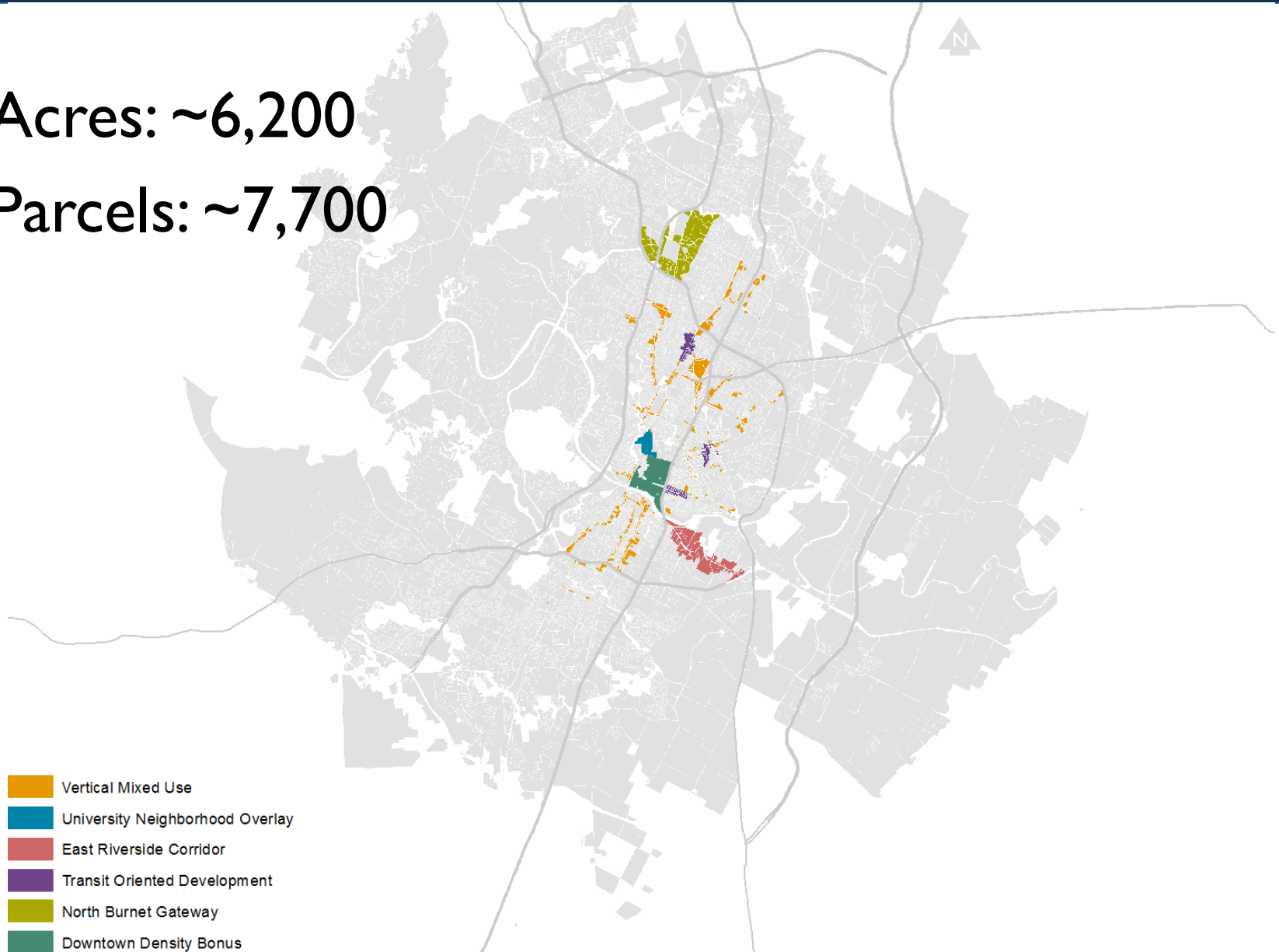
# Density Bonus Levers by Zone Intensity

	Residential				Commercial			
	<b>T4 - Multiplex</b>	<b>T5</b>	<b>T6</b>	<b>Res Non Transect Zone</b>	<b>N'hood Comm (NC)</b>	<b>General &amp; Service Comm (GC)</b>	<b>Regional Comm (RC)</b>	<b>Comm Core (CC, DC)</b>
Max Units	X	X						
Max DUA			TBD	X	X	X		
Max FAR						X		X
Max Height (Feet)		Eave height	TBD				X	X
Max Height (Stories)	X	X						

# Existing Bonus Areas

Acres: ~6,200

Parcels: ~7,700



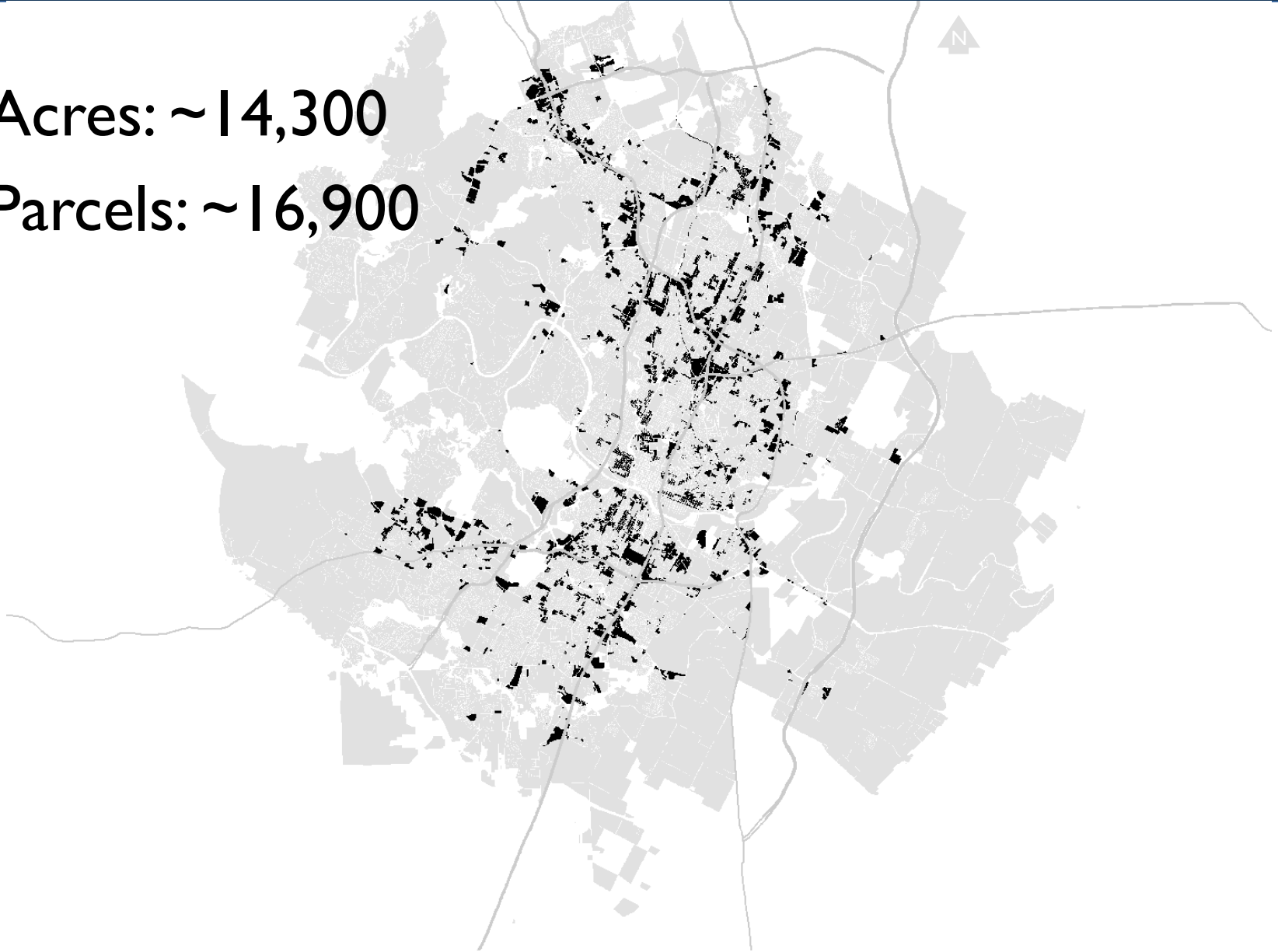
- Vertical Mixed Use
- University Neighborhood Overlay
- East Riverside Corridor
- Transit Oriented Development
- North Burnet Gateway
- Downtown Density Bonus



# Proposed Bonus Areas

**Acres: ~14,300**

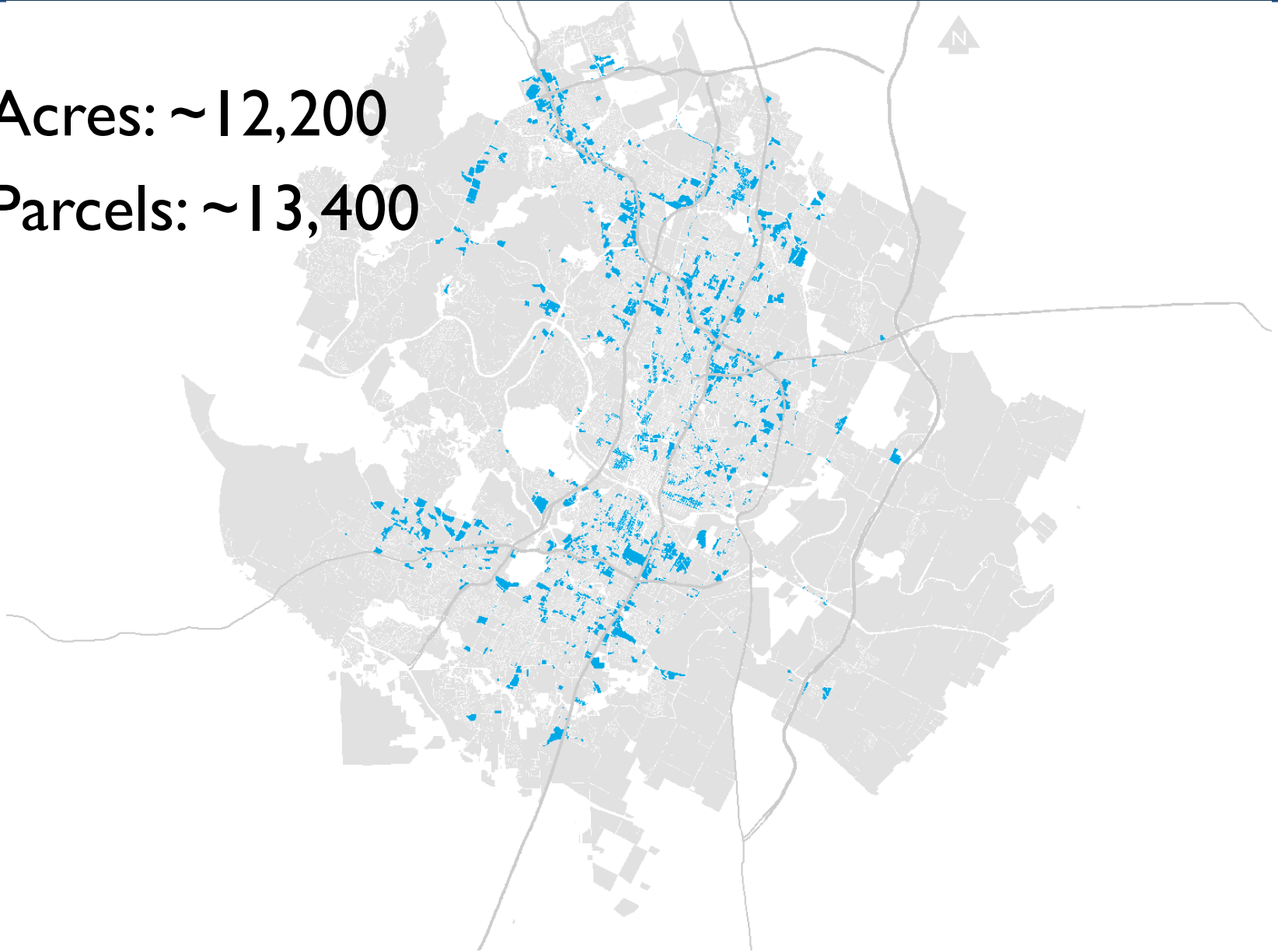
**Parcels: ~16,900**



# Proposed Bonus Areas - Units

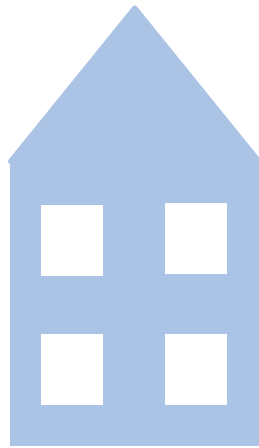
**Acres: ~12,200**

**Parcels: ~13,400**



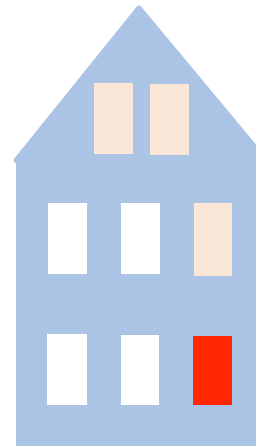
## Transect Zone: T4 – Deep Setback, Multiplex M

**Base**



4 units max  
2 stories max

**Bonus**



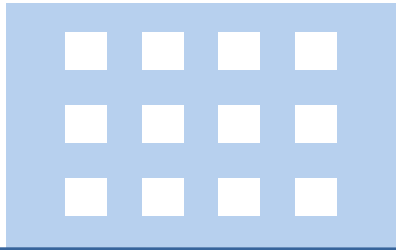
8 units  
2.5 stories max  
**5-20% affordable units**

*Any development must conform to all other building envelope and site restrictions*

# Example Dwelling Units/Acre Bonus

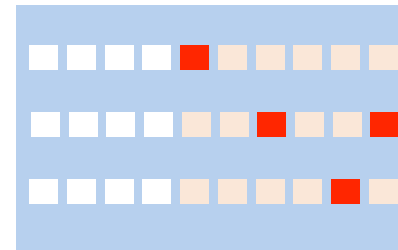
## Traditional Zone: Medium Density Residential (MDR)

**Base**



12 dwelling units/acre

**Bonus**



30 dwelling units/acre  
5-10% of bonus units =  
affordable units

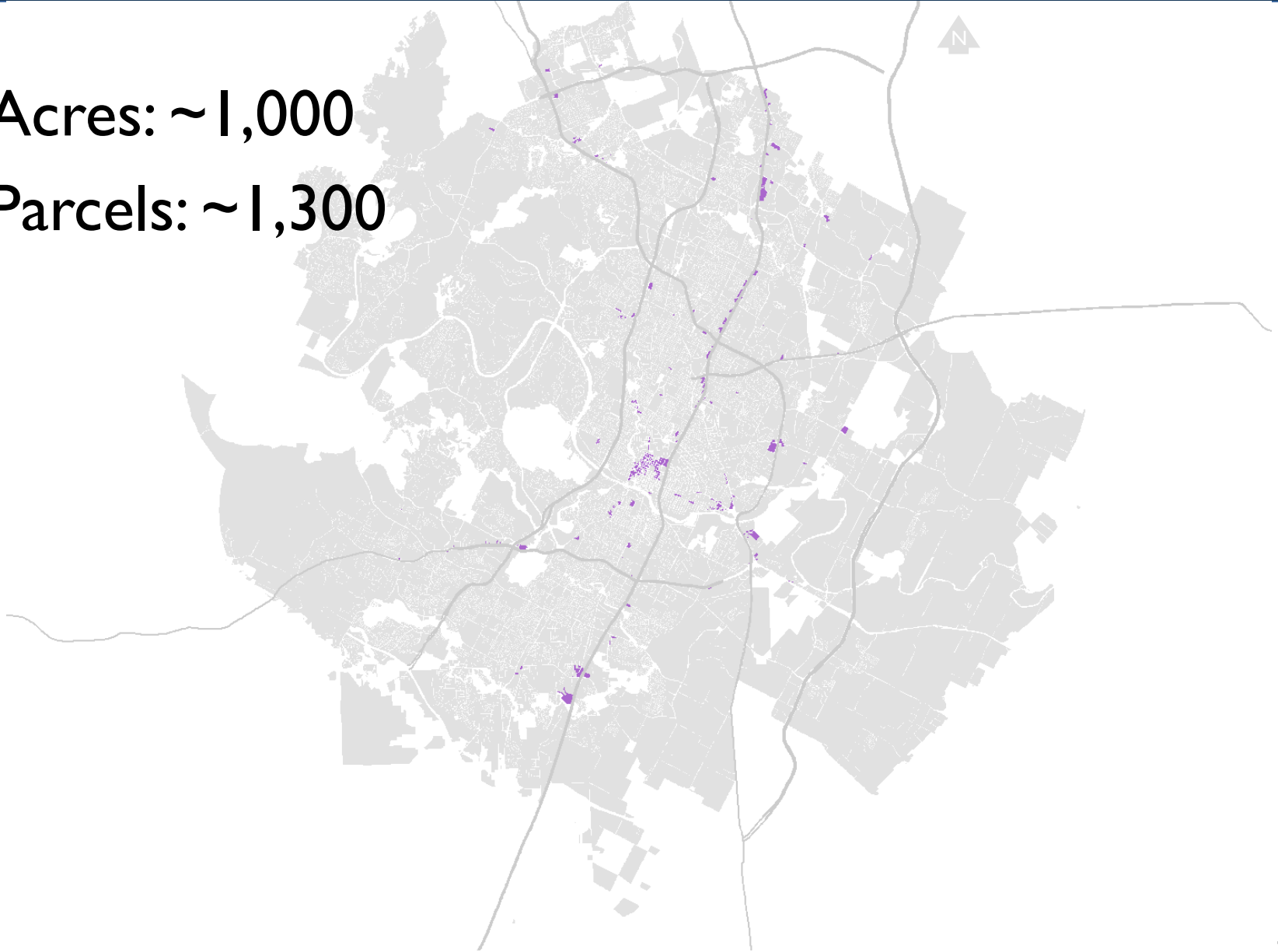
*Any development must conform to all other building  
envelope and site restrictions*



# Proposed Bonus Areas - Height

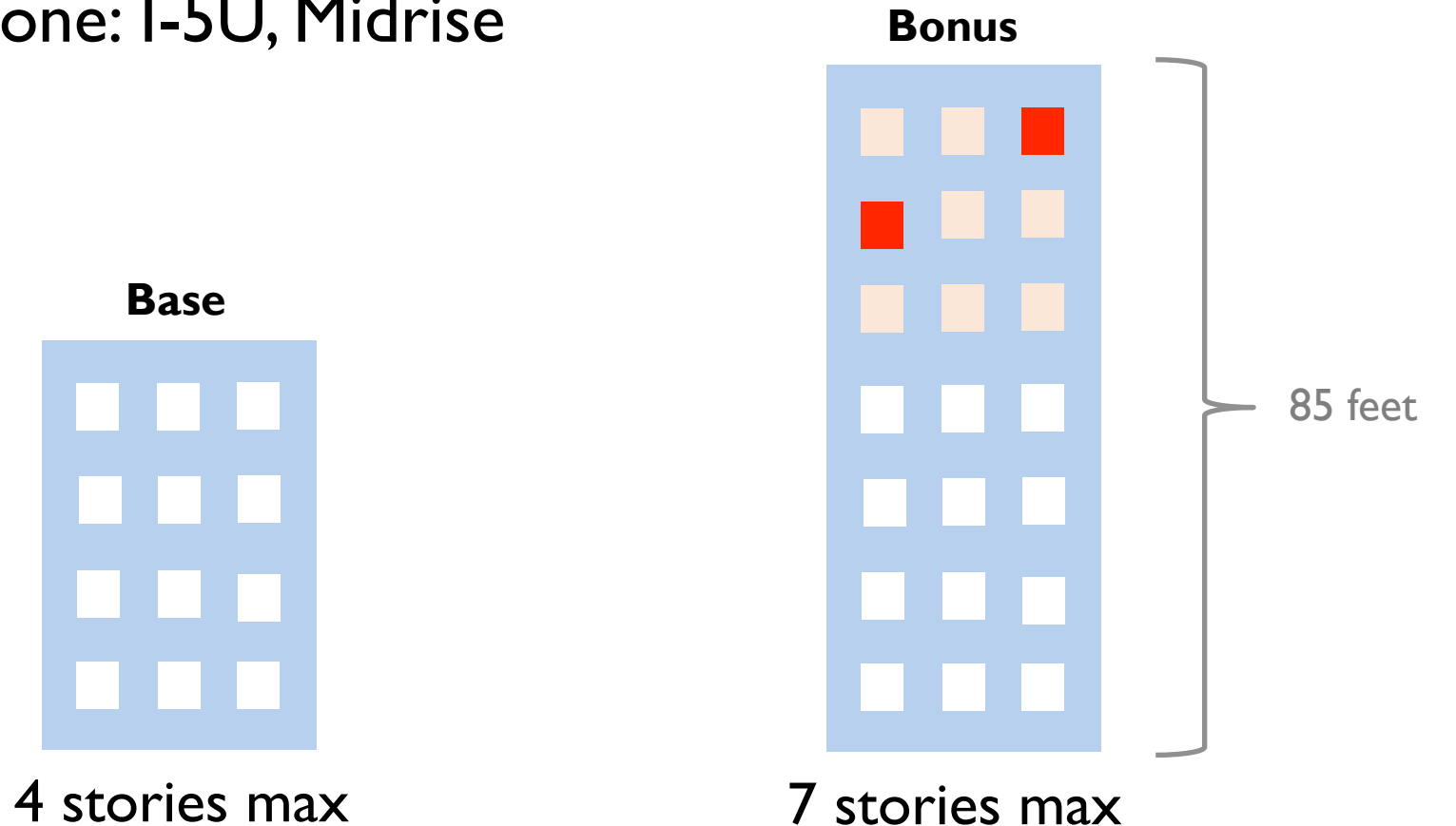
**Acres: ~1,000**

**Parcels: ~1,300**



# Example Height Bonus

Transect Zone: T-5U, Midrise

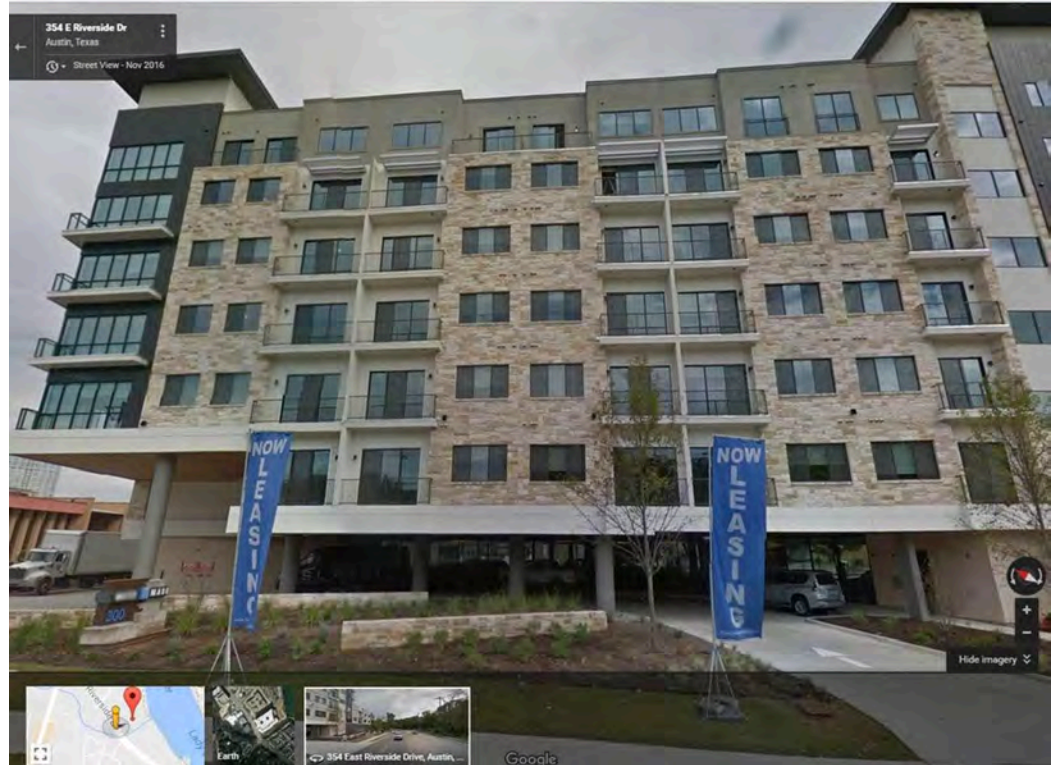


5-10% of bonus units = affordable units

*Any development must conform to all other building envelope and site restrictions*

# Proposal Includes Seven Story Buildings

- Proposed increase from 6-story to 7-story maximum for T5 zones
- International Building Code 2015 allows five-stories of wood construction over multiple stories of concrete podium
- In advance of new building code adoption, 7-story buildings already allowed on a case by case basis in Austin



300 East Riverside

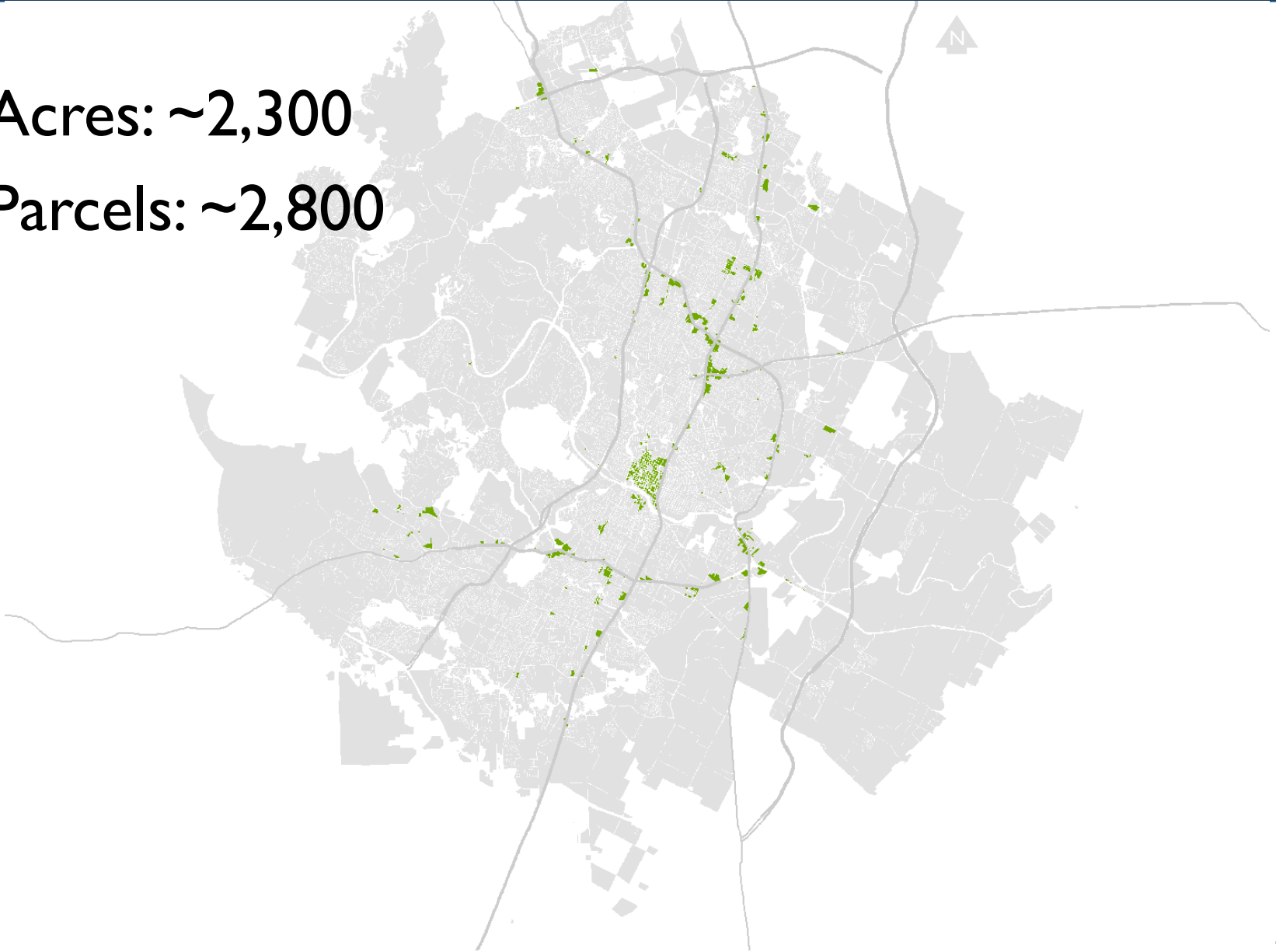
Image: Google Maps 2017

Provided by City of Austin Development Services Department

# Proposed Bonus Areas - Bulk

**Acres: ~2,300**

**Parcels: ~2,800**

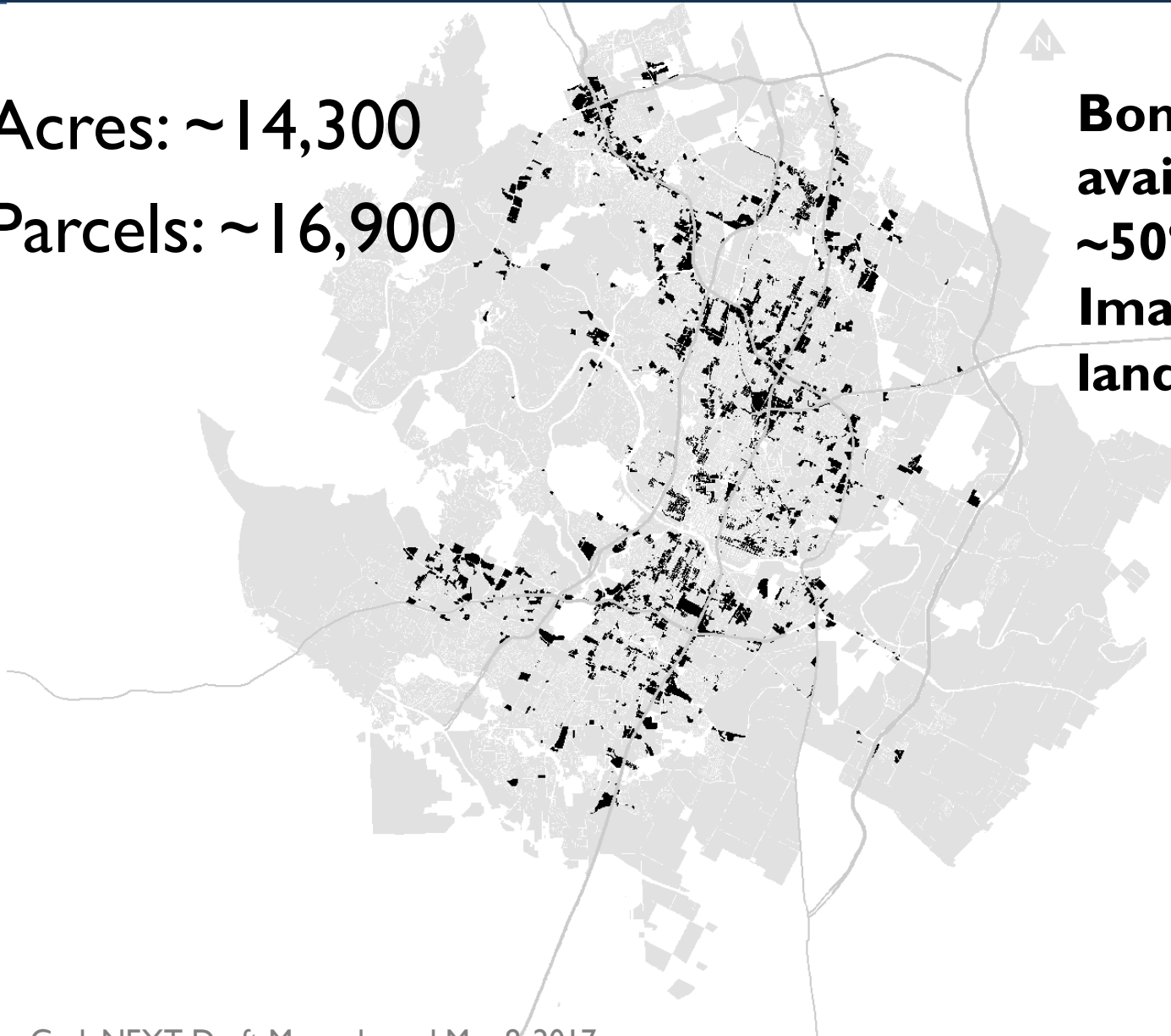




# Proposed Bonus Areas

**Acres: ~14,300**  
**Parcels: ~16,900**

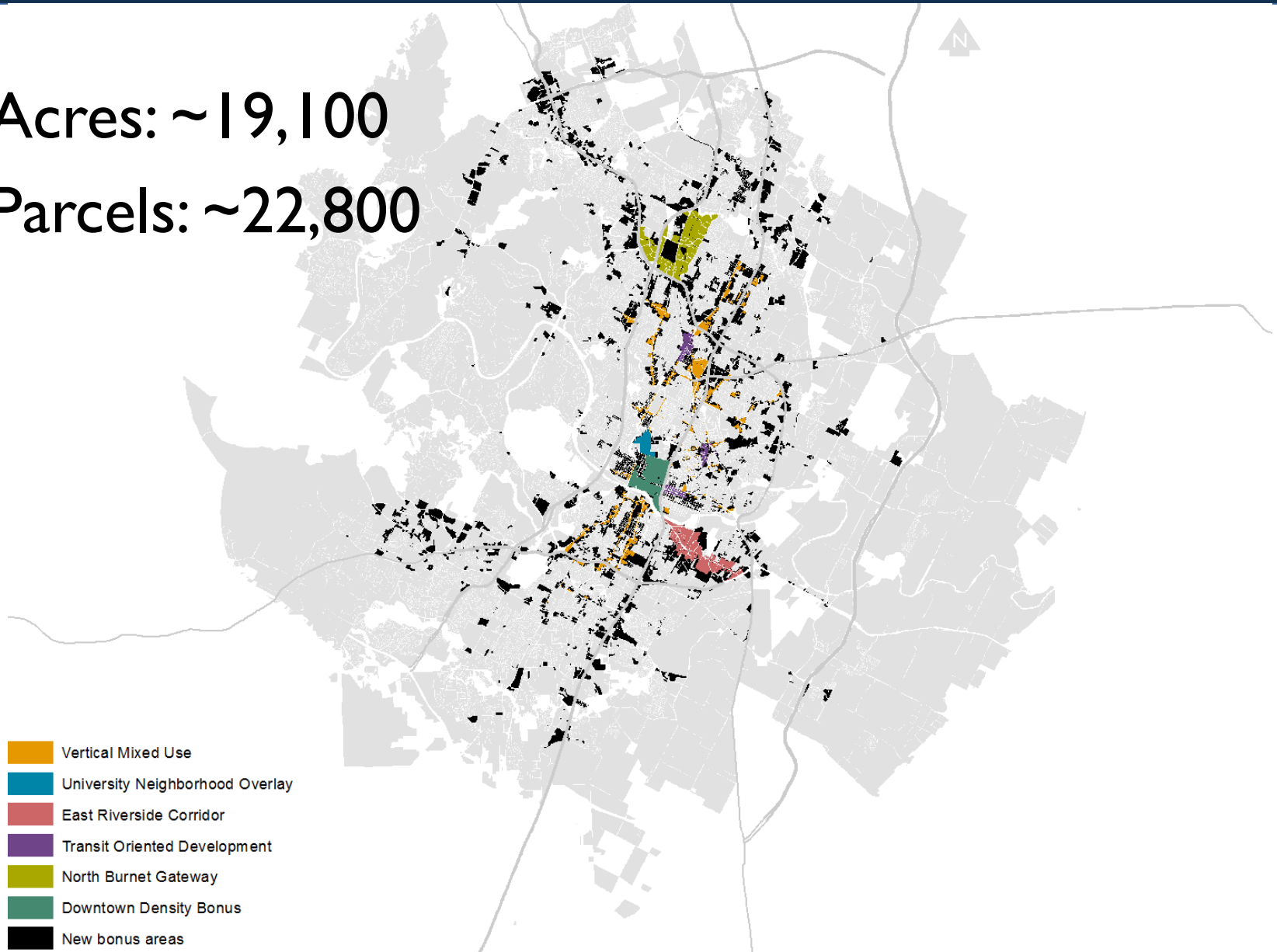
**Bonuses  
available over  
~50% more  
Imagine Austin  
land area\***



# Net Future Bonus Areas

Acres: ~19,100

Parcels: ~22,800



# Bonus Requirements

# How can developers get the bonus?

To build bonus area on a site:

- **Housing developers:**

1. Provide rental units at 60% MFI for 40 years, OR
2. Provide ownership units at 80% MFI for 99, OR
3. Provide at least an equal number of affordable units offsite within one (1) mile of the subject development, OR
4. Pay the Housing Trust Fund a fee-in-lieu of providing affordable units, OR
5. Dedicate land suitable for affordable housing development.

- **Commercial developers (hotel/office/retail):** Pay a fee-in-lieu into the Housing Trust Fund



# How affordable should affordable units be?

## Rental units (60% AMI)

Household Size	Unit Size	Max Annual Income	Max Monthly Rent
1-person	Studio	\$34,200	\$855
2-person	1 BR	\$39,060	\$977
3-person	2 BR	\$43,950	\$1,099
4-person	3 BR	\$48,840	\$1,221

Notes: Based on 2017 HUD Affordability figures (\$81,400 4-Person Household Income)

# How affordable should affordable units be?

## Ownership units (80% AMI)

Household Size	Unit Size	Max Annual Income*	Max Purchase Price**
1-person	Studio	\$45,600	\$171,000
2-person	1 BR	\$52,080	\$195,300
3-person	2 BR	\$58,600	\$219,750
4-person	3 BR	\$65,120	\$244,200

Notes: (\*) Based on 2017 HUD Affordability figures (\$81,400 4-Person Household Income);

(\*\*) Estimated purchase price based on typical first-time buyer mortgage finance criteria

# Required proportion of affordable units

To build bonus area on a site,  
developers can provide affordable  
units onsite:

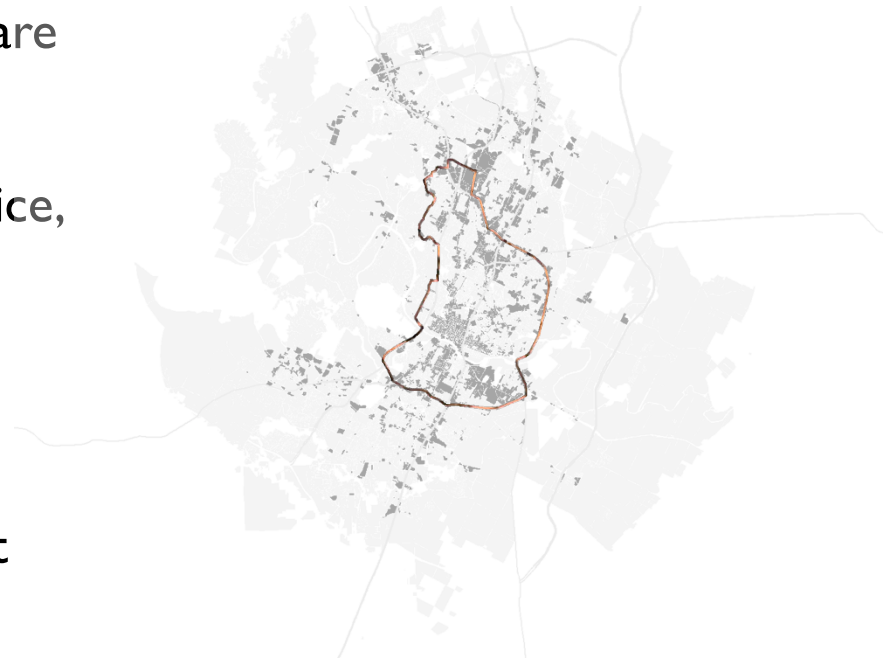
	Multiplex Building Type (T4 Zones)		All Other Zones and Building Types	
	Inner	Outer	Inner	Outer
Own	10% of units at 80% MFI	5% of units at 80% MFI	5% of units at 80% MFI	5% of units at 80% MFI
Rent	20% of units at 60% MFI	10% of units at 60% MFI	10% of units at 60% MFI	10% of units at 60% MFI



Note: Bonus unit and affordable unit calculations round UP to the nearest whole number of units

To build bonus area on a site, developers can pay an in-lieu fee:

- Fees would be defined as a fee per square foot of bonus area
- Fees will be defined for commercial/office, hotel, and residential bonus area
- These fees would be defined and recalibrated administratively
- Fees will be calibrated based on market factors
- Fees may vary by geography
- In-lieu fee payment would have to be approved by NHCD





# Are there alternatives to on-site production?

Developers could deliver offsite housing or dedicate land in limited, NHCD-approved circumstances:

## **Off-site housing units**

- Approved by NHCD
- Off-site production of affordable units must produce as many affordable units or a greater community benefit
- Include the same number of units and same bedroom count mix as would be required onsite
- Built within one (1) mile of the subject development
- Must include payment of a fee, which is held in escrow, until a final certificate of occupancy is issued for the off-site units.

## **Land dedication**

- Approved by NHCD
- The applicant may donate land that the housing director determines is suitable for the construction of affordable units
- The land must be of equivalent or greater value than the value produced by applying the housing in-lieu fees