

Proposed Land Development Code Amendments

**Environmental Commission Meeting
August 16, 2017**

7 Proposed Code Amendments

Phase 1: 41 amendments adopted on June 15, 2017

Phase 2: 6 amendments deferred for further review;
1 additional amendment identified by staff

Redevelopment Exception amendments	6
Water quality control requirements for agricultural improvements	1

2007 BSZ Redevelopment Exception

Goal:

- Address the water quality pollution generated by existing non-compliant development in the Barton Springs Zone by providing an opportunity for high-quality redevelopment

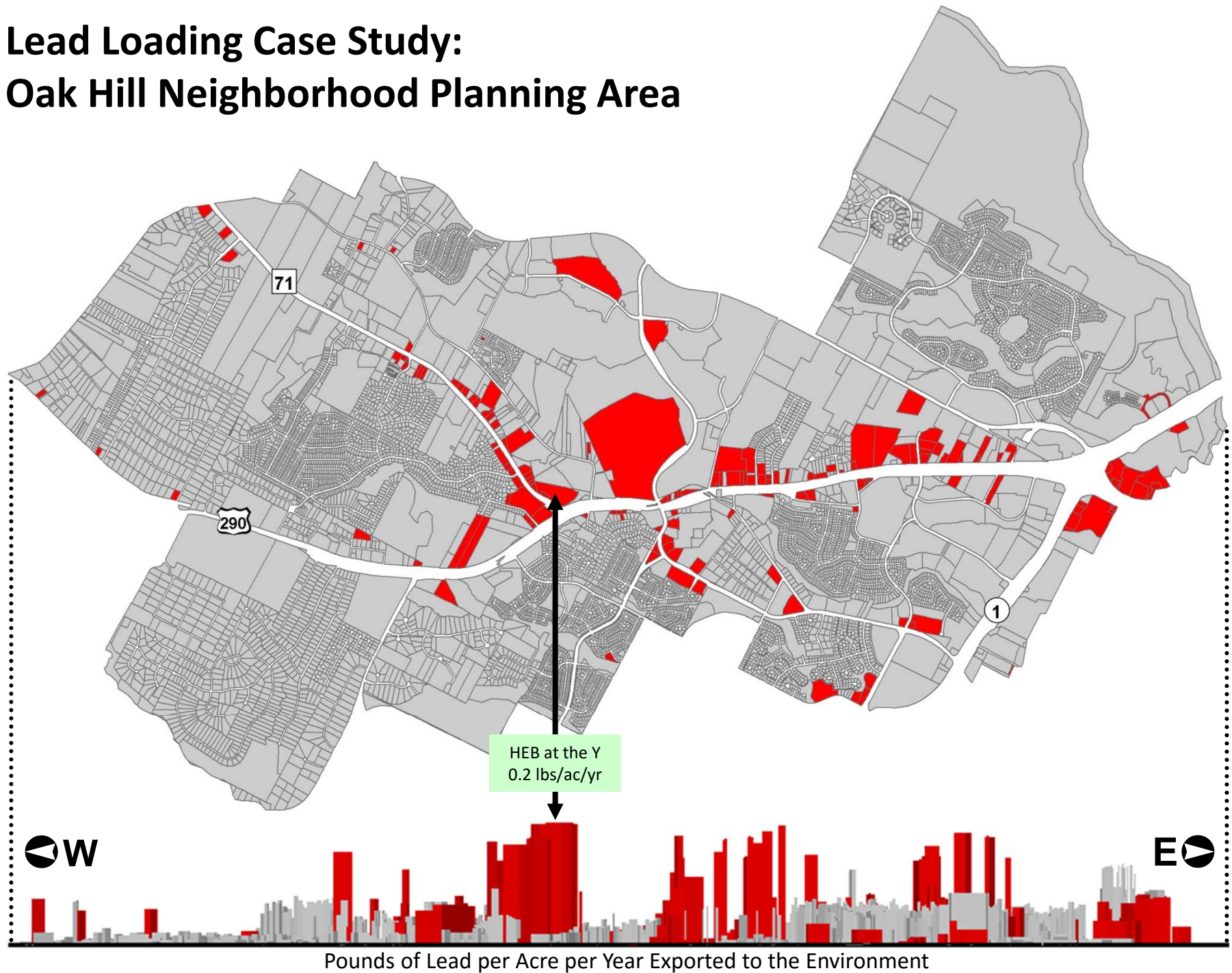
Strategies:

- Retrofit water quality structural controls where no or poor controls existed before
- Offset highly impervious sites with off-site land mitigation

BSZ Redevelopment Exception: The Basics

- Available to sites with existing commercial development
- Property gets to keep (but not increase) all existing impervious cover and development in creek and CEF buffers
- Sites with less than 40% impervious cover
 - Must use non-degradation (SOS) water quality controls
 - No mitigation land required
- Sites with greater than 40% impervious cover
 - Minimum of sedimentation/filtration controls required on-site
 - Must be mitigated by the purchase of off-site land to reach an overall impervious cover target of 20%

Lead Loading Case Study: Oak Hill Neighborhood Planning Area



Council Resolution 20121213-066

To improve redevelopment opportunities and environmental protection, consider:

1. Impact of expanding Redevelopment Exception to residential properties in and beyond the Barton Springs Zone;
2. Impact of partial site Redevelopment Exception; and
3. Other amendments that could encourage redevelopment while providing environmental benefits in and beyond the Barton Springs Zone.

Redevelopment Exception Amendments

- **§25-8-26(A), Extend applicability to multifamily land use**
 - Allow BSZRE to be used for properties with existing residential development with greater than two dwelling units per lot (i.e., multifamily residential)
 - Require Council approval for properties with more than 25 existing dwelling units [§25-8-26(F)]
- **Benefits**
 - Increases potential for water quality retrofits and preservation of open space
 - Requiring Council approval provides additional scrutiny for large multifamily projects

Redevelopment Exception Amendments

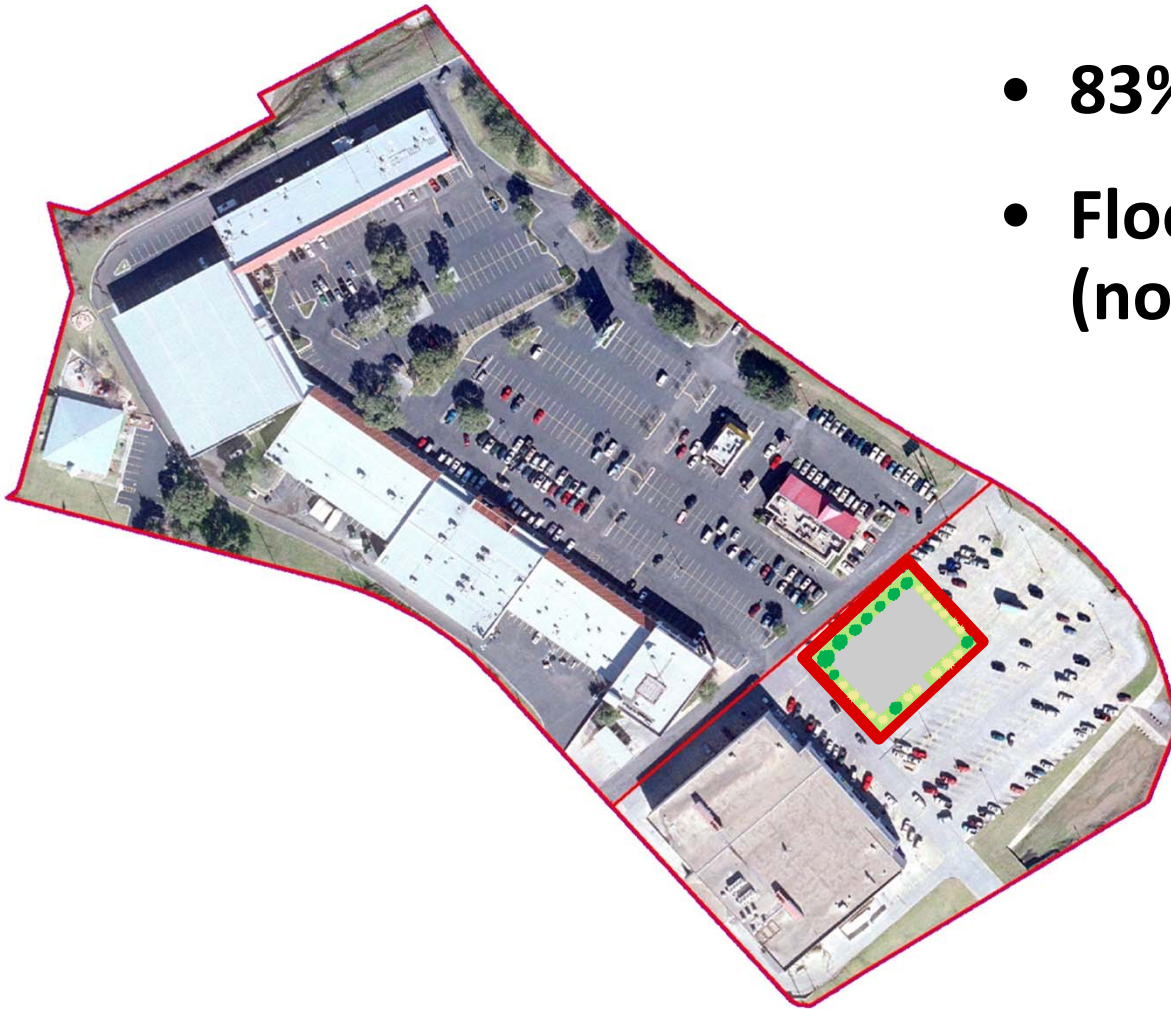
- **§25-8-25(A)/26(A)/27(A), Extend applicability to sites that previously contained unpermitted development**
 - Allow the redevelopment exception to be used if any development constructed without a permit after January 1, 1992 has been removed and the area restored
- **Benefits**
 - Redevelopment cannot take advantage of illegal development
 - Increases potential for water quality retrofits and preservation of open space

Redevelopment Exception Amendments

- **§25-8-26(E)/(H), Allow use on a portion of a site**
 - Change water quality and mitigation requirement from the entire site to an impervious area at least twice the size of the redeveloped impervious area
- **Benefits**
 - Allows gradual redevelopment of larger sites/projects
 - Smaller projects often more feasible/practical
 - Achieve water quality retrofit and open space preservation on a shorter time-scale
 - Doubles the treatment area proposed in 2013
 - Consistent with original partial site option (up to 25%) in 2000 Redevelopment Exception unintentionally eliminated by WPO

Case Study: Oak Hill Plaza

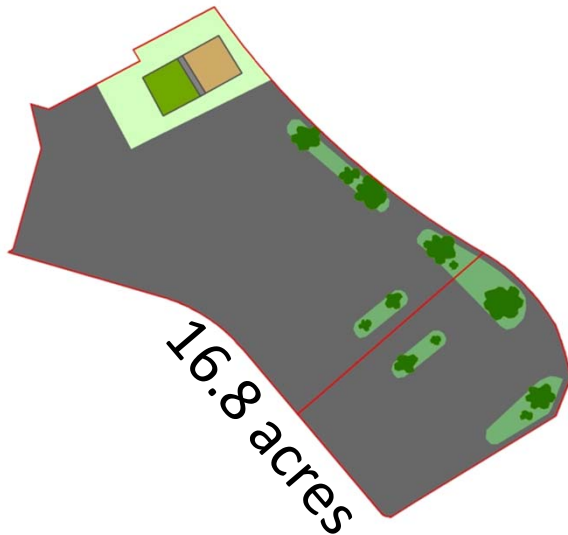
- 16.8 acres
- 83% IC
- Flood control only
(no WQ controls)



Case Study: Existing Code

(Oak Hill Plaza)

Sed/fil pond for
entire site



+



Mitigation land
for entire site

52.9 acres or
\$1,458,817
mitigation fee

Case Study: Partial Site Redevelopment

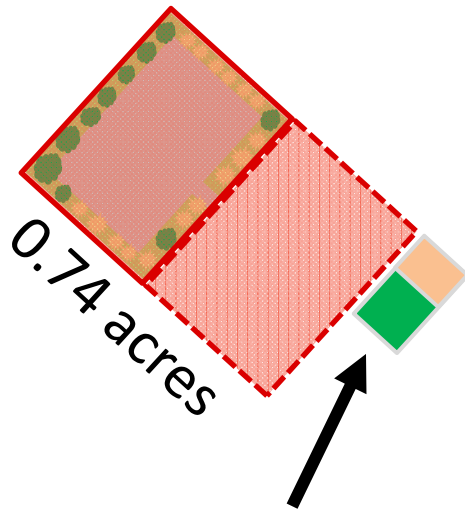
(Oak Hill Plaza)

- 16,000 square feet / 0.37 acres



Case Study: Partial Site Redevelopment

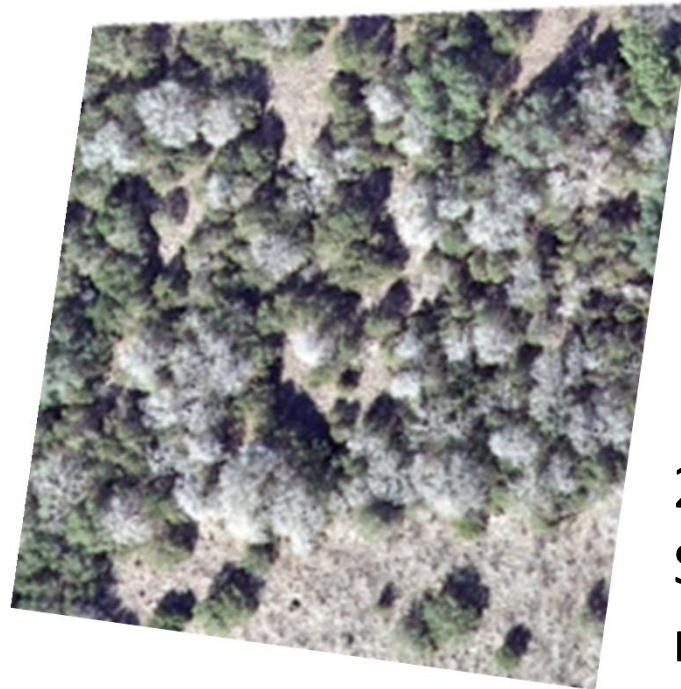
(Oak Hill Plaza)



**Sed/fil pond for 2x
redeveloped area**

+

**Mitigation land for
2x redeveloped area**



2.78 acres or
\$76,526
mitigation fee

Redevelopment Exception Amendments

- **§25-8-26(F), City Council approval**
 - Require Council approval for properties with more than 25 existing dwelling units
 - Allow projects with existing civic land uses to be reviewed and approved administratively
- **Benefits**
 - Provides additional scrutiny for large multifamily projects
 - Simplifies use of redevelopment exception for small civic and multifamily projects
 - Other triggers for Council review remain in place

Redevelopment Exception Amendments

- **§25-8-26(H)/27(G), Mitigation credit for on-site restoration**
 - Provide 1:1 mitigation credit for removing impervious cover from and restoring creek or CEF buffers
- **Benefits**
 - Provides incentive to restore lost natural function in environmentally sensitive areas
 - Allowing on-site mitigation as an option will not be a barrier to redevelopment

Regulations Applicable to Agricultural Activities

- **§25-8-211/30-5-211, Water quality control requirements**
 - Exempt agricultural improvements (like barns) from water quality control requirements if they are located in an urban or suburban watershed and total impervious cover does not exceed 20% of gross site area

Contact Information

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