



To: Jorge Rousselin; Development Services Manager; Planning and Zoning Department

Cc: Jennifer Todd; Principal Planner; Planning and Zoning Department
Tammie Williamson; Assistant Director; Austin Resource Recovery
Emlea Chanslor; Division Manager; Austin Resource Recovery
Tina Bui; Environmental Conservation Program Manager; Austin Resource Recovery

From: Jason McCombs; Senior Planner; Austin Resource Recovery

Subject: Austin Resource Recovery; Staff Recommended CodeNEXT Revisions

Date: October 31, 2017

Austin Resource Recovery (ARR) submits the following recommendations for revisions to the new land development code.

ARR has created these recommendations with the intent of providing constructive feedback for consideration in the development of the new code. ARR will look to the expertise of the CodeNEXT team and Opticos Design to select, prioritize, legally verify, and place the listed recommendations within the next draft of the new code. Should you have any question or concerns, please contact ARR CodeNEXT staff liaison, Jason McCombs at: jason.mccombs@austintexas.gov.

ARR is committed to being a positive and engaged partner throughout the creation of the new land development code and looks forward to opportunities to provide further feedback.

Recommendations:

23-2. Administration and Procedures; General Terms and Phrases; 23-2M-1030; REVISE as follows:
LANDFILL TRASH. Discarded material intended for a landfill.

NOTE: ARR recommends defining "landfill trash" to align with Title 15 (Chapter 15-6) and support recommended revisions. [page 230/1388]

23-2. Administration and Procedures; General Terms and Phrases; 23-2M-1030; REVISE as follows:
ORGANICS DIVERSION. Organic material recovered, collected, or otherwise diverted from the non-hazardous solid waste stream, a substantial portion of which will decompose in a managed compost operation.

NOTE: ARR recommends defining "organics diversion" to align with Title 15 (Chapter 15-6) and support recommended revisions. [page 235/1388]

23-2. Administration and Procedures; General Terms and Phrases; 23-2M-1030; REVISE as follows:
QUALIFIED PROCESSOR. A Facility that meets the qualifications in Division 2 of Article 9 Title 15 (Chapter 15-6, Article 9); Construction and Demolition Materials Diversion Program).

NOTE: The definition of "qualified processor" is recommended to be revised to direct the reader to Title 15 (Chapter 15-6) for qualifications. [page 239/1388]

23-2. Administration and Procedures; General Terms and Phrases; 23-2M-1030; REVISE as follows:
RECYCLING. A process by which materials that have served their intended use or are scrapped, discarded, used, surplus, or obsolete are collected, separated, composted, or processes, and returned to use in the form of raw materials in the production of new products. The definition of recycling does not include waste-to-energy processes, placement in a disposal facility, or use as daily cover in a disposal facility.



NOTE: ARR recommends defining “recycling” to align with Title 15 (Chapter 15-6) and support recommended revisions. [page 239/1388]

23-2. Administration and Procedures; Definitions and Measurements; Land Uses; 23-2M-2030; REVISE as follows: Manufacturing and Storage. The use of a site for manufacturing, production, processing, warehousing, and/or distribution of various products. [...]

3) RESTRICTED

[...]

d. Processing and manufacturing of materials or products ~~predominately from extracted, raw, or recycled materials, or involving hazardous materials including processing, fabrication, assembly/disassembly, or treatment, remanufacturing of recycling products (such as batteries, heavy metals, electronics).~~

NOTE: The definition of “manufacturing and storage” was developed with ARR economic development staff in the first draft of the code to reference terms such as “remanufacturing” and “recycled products.” It is believed that there was an error in translation in the RESTRICTED portion of the definition. Language is recommended to be revised to align with the original intent of restricting hazardous material processing. [page 260/1388]

23-2, Administration and Procedures; Definitions and Measurements; Land Uses; 23-2M-2030; REVISE as follows: Recycling Center (1) ~~Collection and Transfer Station~~. A site, holding all required city, county, state, and federal authorizations which receives recyclable materials for the purpose of collecting, storing, handling, batching, bailing, and/or sorting prior to transferring to a storage and processing facility. Recyclable materials include glass, paper, plastic, cans, or other source separated, inorganic material. This use excludes reverse vending machines, non-hazardous materials that have been recovered or diverted from disposal in a landfill for the purpose of reuse, recycling, or reclamation and a substantial portion of which is used in the manufacture of products, which may other wise use raw or virgin materials.

NOTE: The term “collection and transfer station” is recommended to be revised to “transfer station” to align with industry terminology and that the definition of “recyclable materials” be revised to mirror Title 15 (Chapter 15-6). [page 263/1388]

23-2, Administration and Procedures; Definitions and Measurements; Land Uses; 23-2M-2030; REVISE as follows: Recycling Center (2) ~~Storage and Processing Facility~~. A site, holding all required city, county, state, and federal authorizations, for the storage, sorting, and processing, sorting, compacting, flattening, bailing, shredding, grinding, crushing, of recyclable material. Processing can also include the processing of collected recyclables into aggregate, building materials and other products. Recyclable materials include non-hazardous materials that have been recovered or diverted from disposal in municipal solid waste facilities for the purpose of reuse, recycling, or reclamation and a substantial portion of which is consistently used in the manufacture of products, which may other wise use raw or virgin materials. Processing may also involve composting and the decomposing of organic matter, including leaves, brush, wood waste, and other organic waste in a controlled environment for reuse.

NOTE: ARR recommends the term “storage and processing” be changed to “processing facility” and that the definition of “recyclable materials” be revised to mirror Title 15 (Chapter 15-6). [page 263/1388]

23-2, Administration and Procedures; Definitions and Measurements; Land Uses; 23-2M-2030; REVISE as follows: Recycling Center (3) ~~Compost Facility~~. A site or facility holding all required city, county, state, and federal authorizations where organic component of municipal solid waste is decomposed under controlled conditions for purposes of beneficial reuse. Compostable materials include organic material recovered, collected, or otherwise diverted from the non-hazardous solid waste stream, a substantial portion of which will decompose under controlled conditions for the purposes of beneficial reuse.



NOTE: ARR recommends the creation of a definition for a Compost Facility to accommodate the growing organics diversion industry in Austin. This definition aligns with the definition of “composting facilities” and “compostable materials” in Title 15 (Chapter 15-6). [page 263/1388]

23-2, Administration and Procedures; Definitions and Measurements; Land Uses; 23-2M-2030; REVISE as follows: Repair, Commercial (Non-Vehicular Automotive) The provision of repair and maintenance of non-vehicular automotive items. This includes appliance repair shops, watch or jewelry repair shops, and musical instrument repair shops, and excludes automotive repair services and equipment repair services.

NOTE: The definition of “Repair, Commercial (Non-vehicular)” was developed by ARR economic development staff in the first draft of the code to accommodate the growing reuse and repair industry in Austin. The term “non-vehicular” was revised to “non-automotive” to be more inclusive of bicycle repair shops and clarify the intent of the definition. [page 264/1388]

23-2, Administration and Procedures; Definitions and Measurements; Land Uses; 23-2M-2030; DELETE as follows: Reverse Vending. A vending machine that dispenses cash in exchange for items such as can to be recycled.

NOTE: “Reverse Vending” of recyclable materials is not currently utilized in Texas, Travis County, or Austin. [page 265/1388]

23-2, Administration and Procedures; Definitions and Measurements; Land Uses; 23-2M-2030; REVISE as follows: Utilities. [...]

- 2) MAJOR. A site for the provision of generating plants, electrical switching facilities or primary substations, ~~refuse collection landfill trash or disposal~~ recycling or compost collection and facilities, water or wastewater treatment plants, water or reclaimed water transmission mains, wastewater interceptors, wastewater lift stations, water reservoirs and tanks, water pump stations, or similar facilities.

NOTE: ARR recommends revising the “refuse collection or disposal” to “landfill trash or recycling or compost collection and facilities” to align with mirror Title 15 (Chapter 15-6). [page 267/1388]

23-3. General Planning Standards for All; Water Quality; Impervious Cover; 23-3D-3040; REVISE as follows: Impervious Cover Calculations. [...]

- c) Impervious Cover Calculations exclude:
 - 13) Construction of no more than 100 square feet of impervious pavement designed and installed in compliance with the Environmental Criteria Manual; limited only to the placement of on-site recycling or organics diversions containers and related screening necessary for compliance with Chapter 15-6 of the City of Austin Code of Ordinances; and located outside the Edwards Aquifer Zone.

NOTE: The proposed language was developed in 2015 by City legal, Austin Resource Recovery, and Watershed Protection. This amendment would allow a limited amount of additional impervious pavement for the placement of dumpsters in order to meet the requirements of the Universal Recycling Ordinance. Consensus on this amendment was reached by City staff in 2015, but was put on hold due to the development of the new land development code. [page 332/1388]

23-4, Zoning Code; General to All Development; Civic and Open Spaces; 23-4C-2160(D); REVISE as follows: Community Garden. Typical Uses to include: Small scale, non-commercial, composting compliant with city, county, state, and federal authorizations.

NOTE: This language was developed as a result of the 2015 memo to PAZ staff with the intent of defining small-scale composting activity at community gardens. [page 494/1388]

23-4, Zoning Code; Specific to Zones; Residential Multi-Unit Zones; 23-4D-3120; REVISE as follows:

Manufactured Home Zone

- W) Park Services (continued). ~~Refuse Landfill Trash, Recycling, and Organics Collection and Garbage Handling.~~ The applicant or licensee of a manufactured home park shall provide for the storage, collection, and disposal of refuse landfill trash, recycling, and organics diversion in the park in a manner that does not create a health hazard, rodent harborage, an insect breeding area, an accident or fire hazard, or air pollution

NOTE: This recommended language revision changes the terms “refuse” and “garbage” to align with the Title 15 (Chapter 15-6) terms, “landfill trash, recycling and organics collection.” [page 640/1388]

23-4, Zoning Code; Specific to Zones; Mixed Use Zones; 23-4D-4030; Allowed Uses in Mixed Use Zones; REVISE as follows:

Services (continued)	Specific To Use	MU3A	MU4A	MU4B	MU5A
		MixUse	MixUse	MixUse	MixUse
Repair, Commercial (non-vehicular <u>automotive</u>)		P	P	P	P

P = Permitted Use; CUP = Conditional Use Permit; MUP = Minor Use Permit; TUP = Temporary Use Permit; N/A = Not Allowed

NOTE: The term “non-vehicular” was revised to read “non-automotive” to reflect proposed revisions, with the intent of being more inclusive of bicycles. [page 647/1388]

23-4, Zoning Code; Specific to Zones; Regional Center Zones; 23-4D-6030; Allowed Uses in Regional Center Zones; REVISE as follows:

Services (continued)	Specific To Use	CC	UC	DC
		Com'rcl Center	Urban Center	Dn'twn Center
Repair, Commercial (non-vehicular <u>automotive</u>)		P	P	P

P = Permitted Use; CUP = Conditional Use Permit; MUP = Minor Use Permit; TUP = Temporary Use Permit; N/A = Not Allowed

NOTE: The term “non-vehicular” was revised to read “non-automotive” to reflect proposed revisions, with the intent of being more inclusive of bicycles. [page 757/1388]

23-4, Zoning Code; Specific to Zones; Regional Center Zones; 23-4D-7030; Allowed Uses in Commercial and Industrial Zones; REVISE as follows:

Services (continued)	Specific To Use	CR	CW	IF	IG	IH	R&D
		Com'rcl Rec	Com'rcl Warehse	Indust Flex	Indust General	Indust Heavy	Rs'rch Devlp
Repair, Commercial (non-vehicular <u>automotive</u>)		N/A	P	P	P	CUP	N/A

P = Permitted Use; CUP = Conditional Use Permit; MUP = Minor Use Permit; TUP = Temporary Use Permit; N/A = Not Allowed

NOTE: The term “non-vehicular” was revised to read “non-automotive” to reflect proposed revisions, with the intent of being more inclusive of bicycles. [page 781/1388]



23-4, Zoning Code; Specific to Zones; Regional Center Zones; 23-4D-7030; Allowed Uses in Commercial and Industrial Zones; REVISE as follows:

Services (continued)	Specific To Use	CR	CW	IF	IG	IH	R&D
		Comm Rec	Comm Warehse	Indust Flex	Indust General	Indust Heavy	Rs'rch Devlp
Recycling Center:	23-4E 6270						
Collection and Transfer Station		N/A	P	P	P	P	P
Storage and Processing Facility		N/A	N/A	CUP	P	P	P
Compost Facility		N/A	N/A	CUP	P	P	P
Drop off and Reuse Center	23-4E-6155	N/A	N/A	CUP	P	P	P
Salvage/Junkyard		N/A	N/A	N/A	CUP	P	N/A

P = Permitted Use; CUP = Conditional Use Permit; MUP = Minor Use Permit; TUP = Temporary Use Permit; N/A = Not Allowed

NOTE: The definition of recycling center types was revised to mirror proposed revisions. Permit types have been revised to mirror other recycling center types. Please verify permit types for "Compost Facility" and "Drop Off and Reuse Center." [page 783/1388]

23-4, Zoning Code; Specific to Zones; Other Zones, 23-4D-8030, Allowed Uses in Other Zones; REVISE as follows:

Services (continued)	Specific To Use	AG	AV	DR	P
		Agrct	Avitation	Devlp Rsrv	Public
Repair, Commercial (non-vehicular automotive)		N/A	P	N/A	N/A

P = Permitted Use; CUP = Conditional Use Permit; MUP = Minor Use Permit; TUP = Temporary Use Permit; N/A = Not Allowed

NOTE: The term "non-vehicular" was revised to read "non-automotive" to reflect proposed revisions, with the intent of being more inclusive of bicycles. [page 815/1388]

23-4, Zoning Code; Specific to Zones; Other Zones, 23-4D-8030, Allowed Uses in Other Zones; REVISE as follows:

Services (continued)	Specific To Use	AG	AV	DR	P
		Agrct	Avitation	Devlp Rsrv	Public
Recycling Center:	23-4E 6270				
Collection and Transfer Station		N/A	N/A	N/A	P ¹
Storage and Processing Facility		N/A	N/A	N/A	P ¹
Compost Facility		CUP	N/A	N/A	P ¹
Drop off and Reuse Center	23-4E-6155	N/A	N/A	N/A	P ¹
Salvage/Junkyard		N/A	N/A	N/A	P ¹

P = Permitted Use; CUP = Conditional Use Permit; MUP = Minor Use Permit; TUP = Temporary Use Permit; N/A = Not Allowed

P¹ = Only allowed as an accessory use to or in support of an allowed service, civic, public assembly, performance venue/theater, or outdoor informal recreation use on the same site.

NOTE: The definition of recycling center types was revised to mirror proposed revisions. Permit types have been revised to mirror other recycling center types. Permit types of compost facilities have been modified to be allowed within agricultural areas with a conditional use permit. Please verify permit types for "Compost Facility" and "Drop Off and Reuse Center." [page 818/1388]

23-4, Zoning Code; Supplemental to Zones; Landscape; 23-4E-4130; Visual Screening; REVISE as follows:

- B) Items to be Screened
 - 1) Large waste receptacles (e.g., dumpsters and cardboard recycling containers) and refuse landfill trash containers, recycling containers, organics diversion containers, and associated collection areas; [...]

NOTE: The definition of the types of containers to be screened was revised from “waste receptacle” to be inclusive of the three containers required by Title 15 (Chapter 15-6). The intent of this revision is to increase awareness of the requirements of the Universal Recycling Ordinance among site planners. [page 947/1388]

23-4, Zoning Code; Supplemental to Zones; Specific to Use; 23-4E-6100; REVISE as follows: Camping/RV Park.

- E) Technical Requirements [...]
 - 6) The owner or licensee of recreational vehicle park shall provide the park with facilities for the collection and removal, of waste and garbage and diversion of landfill trash and recyclable material, as required by Title 15 (Chapter 15-6).

NOTE: Revised “waste” and “garbage” to “landfill trash and recyclable material” to align with Title 15 (Chapter 15-6). RV Parks are considered multifamily properties by Title 15 (Chapter 15-6). [page 974/1388]

23-4, Zoning Code; Supplemental to Zones; Specific to Use; 23-4E-6155, REVISE as follows:

23-4E-6141 Drop-off Recycling and Reuse Facility

- (A) A drop-off recycling collection facility must comply with the requirements of this subsection.
 - (1) A facility must be located in an enclosed structure or enclosable trailer, or be screened on three sides by a solid fence or wall not less than six feet high.
 - (2) A facility must be at least 100 feet from an adjoining property that is zoned or used for residential or commercial use.
 - (3) A sign that is visible to the public identifying the facility operator, its telephone number, its hours of operation, and the City of Austin, Austin Resource Recovery, telephone number is required.
 - (4) A facility operator shall exchange a trailer that contains a facility for another trailer when the facility reaches its capacity. The operator shall place a replacement trailer in the exact location of the trailer it replaced, unless the trailer is in the fenced boundaries of a drop-off recycling collection facility site.
 - (5) Storage containers that are marked to identify the materials to be deposited are required. Coverable containers for paper and plastic products are required for an unenclosed facility. A sign near the containers stating materials may only be deposited between the hours of 7:00 a.m. and 10:00 p.m. is required.
 - (6) Storage and unloading areas must be paved.
 - (7) The facility operator shall remove all deposited materials from the facility:
 - (a) at least once a week; or
 - (b) when the containers for a material are full.
 - (8) A facility operator may not remove deposited materials between the hours of 8:00 p.m. and 8:00 a.m.
 - (9) A facility operator shall keep the facility free of refuse and putrescible materials.
 - (10) A facility operator may not use power driven processing equipment at an unenclosed facility.
 - (11) A facility that shares a site with another use may not be designed or operated to interfere with the off-street parking, shared parking, traffic circulation, or access required by the other use.
- (B) The operator may seek a waiver of a requirement of Subsection (A) from the council. The waiver request must demonstrate that:
 - (1) compliance with the requirement is an undue hardship on the applicant;
 - (2) waiver of the requirement will not adversely affect surrounding properties; and
 - (3) the facility substantially complies with requirements of this section.

NOTE: The first draft of the new code did not include provisions governing a “Drop Off Recycling and Reuse Collection Facility,” ARR recommends that existing language (Section 25-2-805) be added (as proposed above) to ensure that ARR’s existing Recycle and Reuse Drop Off Center aligns with the new code. [page 979/1388]

23-4, Zoning Code; Supplemental to Zones; 23-4E-6230; REVISE as follows: Mobile Food Sales.

- I) Debris and Litter.
 - 1) During business hours, the permit holder shall provide a landfill trash ~~receptacle container~~ for use by customers.
 - 2) The permit holder shall keep the area around the mobile food establishment clean of litter and debris at all times. [...]
- L) Landfill trash and diversion of recyclable and organic material. An operator shall divert or dispose of all discarded materials generated by the mobile food establishment in compliance with City Code standards, including Tile 15 (Chapter 15-6, Article 9).

NOTE: ARR recommends adding a reference to “landfill trash and diversion of recyclable and organic material” to align with mobile retail sales and reference the requirements of the Universal Recycling Ordinance. [page 986/1388]

23-4, Zoning Code; Supplemental to Zones; 23-4E-6240; REVISE as follows: Mobile Retail Sales.

- K) ~~Debris and Litter. During business hours a mobile retail establishment shall provide a trash receptacle for use by customers. The mobile retail establishment shall also keep the area around the mobile retail establishment clear of litter and debris at all times.~~
 - 1) During business hours, the mobile retail establishment shall provide landfill trash containers for use by customers.
 - 2) The mobile retail establishment shall keep the area around the mobile retail establishment clean of litter and debris at all times. [...]
- M) ~~Waste Disposal~~ Landfill trash and diversion of recyclable and organic material. An operator shall divert or dispose of all ~~waste~~ discarded materials generated by the mobile retail establishment in compliance with City Code standards, including Tile 15 (Chapter 15-6, Article 9).

NOTE: ARR recommends aligning the formatting of requirements for “debris and litter” with mobile retail sales and revising “waste disposal” to “landfill trash and diversion of recyclable and organic material” to reference the requirements of the Universal Recycling Ordinance. [page 986/1388]

23-4, Zoning Code; Supplemental to Zones; Specific to Use; 23-4E-6280; REVISE as follows:

Recycling Center:

- A) Frontage. A recycling center site must have at least 150 feet of frontage on public thoroughfare.
- B) Outdoor unloading Area. An outdoor loading area for recyclable materials must be at least 50 feet from a Mixed-Use or Main Street Zone or Residential zone.
- C) Screening. The portion of site used for truck maneuvering or the storage, bailing, process, or other handling of recyclable material must be enclosed by a 8 foot tall solid fence or wall with a non-glare finish. This requirement does not apply to a portion of a site that abuts a railroad right-of-way.
- D) Loading/Unloading Area
 - 1) A loading or unloading area or a truck maneuvering area must be paved.
 - 2) A facility operator shall keep the facility free of refuse and putrescense materials.
 - 3) A facility operator shall not use chemical or heating processes on recyclable materials.

NOTE: ARR is proposing this revision to mirror existing code language (25-2-862). [page 990/1388]

END