

CodeNEXT Policy Table: Drainage and Environmental Standards for Missing Middle

Subtopic	Code Citation	Proposed Code Changes	Rationale	Policy Considerations for Proposed Changes			Key Criteria Changes
				Advantages	Challenges	Policy Alternatives	
Article 23-3D: General Planning Requirements, Water Quality Division							
Environmental & Water Quality Protection Requirements for 3-6 Unit Development	Division 23-2A-3 (Residential Development Regulations)	<p>NEW PROPOSAL</p> <ul style="list-style-type: none">• Create a new, streamlined review process for 3-6 unit development on residentially-platted lots.• Require full Site Plan for projects with 7 or more units.• Must be located outside the Barton Springs Zone and proposed impervious cover must be 45% or less. <p>Require review for and compliance with the following:</p> <ul style="list-style-type: none">• Zoning impervious cover limits*• Comprehensive Watershed Ordinance creek buffers for properties subdivided from May 18, 1986 to Oct. 27, 2013; Watershed Protection Ordinance creek buffers for properties subdivided on or after Oct. 28, 2013 and all properties located within 75 feet of the shoreline of Lake Travis, Lake Austin, Lady Bird Lake, or Lake Walter E. Long• Cut/fill limits (except Urban watersheds)• Steep slope limits, for properties subdivided on or after May 18, 1986 (except Urban watersheds)• Tree protection*• Erosion and sedimentation controls*• Any environmental restrictions on a recorded plat or regulatory covenant* <p>Do not require compliance with the following:</p> <ul style="list-style-type: none">• Prohibition on floodplain modification• Submittal of Environmental Resource Inventory (ERI)• Critical environmental feature (CEF) / wetland protection• Water quality treatment ("ponds") <p>*Currently reviewed for during 1-2 unit residential building permit review.</p>	<ul style="list-style-type: none">• Limiting to 3-6 units at 45% IC offers faster, lower-cost path (compared to Site Plan) for majority (~74%) of Missing Middle eligible properties and maintains impervious cover and resulting environmental and drainage impacts at current levels.• Limiting option to residentially-platted lots maintains key environmental protections applied at the time of subdivision. As of 1986, residential subdivisions have complied with the Comprehensive Watersheds Ordinance (CWO) or 2013 Watershed Protection Ordinance (WPO).• CWO/WPO allows lots to include creek buffers and steep slopes if sufficient buildable area remains. Subsequent development on those lots should preserve the creek buffer and slopes as planned at the time of subdivision.• Drainage regulations prohibit construction of structures in the floodplain, so significant floodplain modification is unlikely.• CWO/WPO requires ERI, CEF protection, and water quality treatment for all residential subdivisions, so further review is not needed for residential lots created after May 1986.• Pre-CWO lots and subdivisions were not created with current creek buffer and other environmental requirements in place. Applying these now is likely to create unbuildable lots. Also, the vast majority are in the Urban watersheds, where floodplain boundaries contain most creek buffers and CEFs.• It is impractical to require water quality controls on individual, single-family scale lots due to cost, inspection, and maintenance constraints, and most projects will not exceed the 8,000 square foot threshold for water quality controls.• Lots eligible for 7-9 units under CodeNEXT are mostly multi-family or commercial subdivisions, which receive full environmental and drainage review at the time of Site Plan rather than subdivision. These lots are not recommended for inclusion.	<ul style="list-style-type: none">• Reduced cost to design and build small multi-family projects compared to current Site Plan; thus contributes to reduced cost of residential units.• Consistent with existing process: impervious cover, tree protection, and erosion/ sedimentation control requirements are already required on 1-2 unit residential lots.• The proposed 3-6 unit requirements provide a greater level of environmental protection than current permitting for 1-2 unit residential lots and apply to the same parcels (i.e., would receive a higher level of review for the same impervious cover on the same parcels).• Ensures compliance at building construction for creek buffer and steep slope requirements, which can be easily applied using a GIS tool available to staff and the public.• Additional design, permit cost, and time is expected to be limited, and is offset by additional financial return on multi-unit development.	<ul style="list-style-type: none">• Will require development of GIS tools by time of implementation.• Will likely require additional City review staff.• Will likely have higher permit cost and turnaround time compared to current 1-2 unit development.• Offers a lower level of environmental review than current projects with 3 or more units, which now require a full Site Plan.	<ul style="list-style-type: none">• Apply only current 1-2 unit review process, which does not include most environmental and water quality requirements: lower cost, staffing, and time to process, but less oversight and protection. Would likely result in development within creek buffers, development on steep slopes, and severe grading on some parcels.• Apply current multifamily Site Plan requirements during Building Permit process: higher cost, staffing, and time to process, but more oversight and protection.• Develop separate permit process for 3-6 units: would likely have staff/ process/permit cost and timing impacts.• Require on-site installation of water quality controls (e.g., rainwater harvesting systems) to mitigate for peak flow increases: better water quality and conservation but more cost and unknown inspection and maintenance outcomes.	<ul style="list-style-type: none">• Minimal as current criteria should be adequate.
Environmental & Water Quality Protection Requirements for 1-2 Unit Development	Division 23-2A-3 (Residential Development Regulations)	Comply with same requirements as 3-6 unit review process; see above.	<ul style="list-style-type: none">• Under the proposal, 1-2 and 3-6 unit development both occupy residential parcels with the same impervious cover limit. As the only difference between the potential products is the number of units, the environmental review should be consistent across both products. This ensures compliance with creek buffer and steep slope requirements for 1-6 unit development.	<ul style="list-style-type: none">• Ensures compliance at building construction for creek buffer and steep slope requirements, which can be applied using a GIS tool available to staff and the public.• Applying a consistent review process over 1-6 units avoids the possibility of incentivizing luxury 1-2 units instead of 3-6 unit projects.	<ul style="list-style-type: none">• Will require development of GIS tools by time of implementation.• Will likely require additional City review staff.• Will likely have higher permit cost and turnaround time compared to current 1-2 unit development.	<ul style="list-style-type: none">• Apply current 1-2 unit review process, which does not include most environmental and water quality requirements. Would likely result in development within creek buffers, development on steep slopes, and severe grading on some	<ul style="list-style-type: none">• Minimal as current criteria should be adequate.

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Subtopic	Code Citation	Proposed Code Changes	Rationale	Policy Considerations for Proposed Changes			Key Criteria Changes
				Advantages	Challenges	Policy Alternatives	
Article 23-10E: Drainage Infrastructure							
Drainage (Flood Mitigation) Requirements for 3-6 Unit Development	Division 23-2A-3 (Residential Development Regulations)	<p>NEW PROPOSAL</p> <ul style="list-style-type: none">• Create a new, streamlined review process for 3-6 unit development on residentially-platted lots.• Require full Site Plan for projects with 7 or more units.• Must be located outside the Barton Springs Zone and proposed impervious cover must be 45% or less. <p>Require review for and compliance with the following:</p> <ul style="list-style-type: none">• 100-year floodplain regulations*• Erosion hazard zone regulations*• Engineer's certification that any drainage changes will not negatively impact adjacent properties, if the new structure, addition, or change in roof pitch is larger than 300 square feet and is located on an unplatted tract or within a subdivision approved more than 5 years previously <p>Do not require compliance with the following:</p> <ul style="list-style-type: none">• Conventional adverse impact analysis or other drainage requirements (thus no onsite detention) <p>*Currently reviewed for 1-2 unit residential building permit</p>	<ul style="list-style-type: none">• Simplified drainage review is intended to address frequent concern of lot-to-lot drainage impacts from redevelopment of existing residential lots.• Residential subdivisions whose stormwater runoff drains to drainage systems created after May 1986 should be in compliance with existing drainage requirements, including detention.• Full compliance with existing drainage regulations as currently applied to larger multi-family and commercial development (e.g., onsite detention) is impractical on individual, single-family scale lots due to cost, inspection, and maintenance constraints.• Local flooding and creek flood issues are difficult to address at the scale of individual residential lots.	<ul style="list-style-type: none">• Reduced cost to design and build small multi-family projects compared to current Site Plan; thus contributes to reduced cost of residential units.• Existing process: 100-year floodplain and erosion hazard zone compliance is already required on 1-2 unit residential lots.• Minimizes design, construction, and permitting costs and permit review time by limiting drainage analysis required.• Focuses more attention by owner/designer on impacts of redevelopment on adjacent public and private property, which is a common concern.	<ul style="list-style-type: none">• Reliance on engineer's certification without City review may reduce reliability of drainage impact analysis.• Will increase permit cost (engineer's certification).• Doesn't address local and creek flood issues.	<ul style="list-style-type: none">• Apply current 1-2 unit review process, which does not include drainage requirements other than floodplain and erosion hazard zone review.• Require full compliance with drainage regulations including No Adverse Impact and drainage analysis based on undeveloped conditions: significantly higher cost, complexity, staffing, and time to process, but more oversight and protection.• Develop City staff drainage review process for 3-6 units: would likely have staff/process/permit cost impacts.• Require on-site installation of structural controls (e.g., rainwater harvesting systems) to mitigate for peak flow increases:	<ul style="list-style-type: none">• Define the elements that an engineer must review to certify that any drainage changes will not negatively impact adjacent properties.
Drainage (Flood Mitigation) Requirements for 1-2 Unit Development	Division 23-2A-3 (Residential Development Regulations)	Comply with same requirements as 3-6 unit review process; see above.	<ul style="list-style-type: none">• Under the proposal, 1-2 and 3-6 unit development both occupy residential parcels with the same impervious cover limit (i.e., indistinguishable from a drainage impact perspective). As the only difference between the potential products is the number of units, the drainage requirements should be consistent across both products.	<ul style="list-style-type: none">• Provides a more thorough review than current process. Focuses more attention by owner/designer on impacts of redevelopment on adjacent public and private property, which is a common concern.• Applying a consistent review process over 1-6 units avoids the possibility of incentivizing luxury 1-2 units instead of 3-6 unit projects.	<ul style="list-style-type: none">• Reliance on engineer's certification without City review may reduce reliability of drainage impact analysis.• Will increase permit cost (engineer's certification).• Doesn't address local and creek flood issues.	<ul style="list-style-type: none">• Apply current 1-2 unit review process, which does not include drainage requirements other than floodplain and erosion hazard zone review.• Develop City staff drainage review process for 1-2 units: would likely have staff/process/permit cost and timing impacts.	<ul style="list-style-type: none">• Define the elements that an engineer must review to certify that any drainage changes will not negatively impact adjacent properties.