

Proposed Amendments in Favor of Transit-Supportive Land Use

Section	Summary/Subject	Solution	Alternative Text/Code Revision	Impact
Chapter 23-1: Introduction				
Division 23-1A-2: Authority	23-1A-2030 Limitations on Authority (A) Effect of Land Development Code	Provide clarifications regarding Technical Criteria Manuals and other applicable documents.	The standards and procedures applicable to the development of property within the city limits and within the City's extraterritorial jurisdiction are stated in the LDC or technical criteria manuals as adopted per the provisions of the LDC, shall control in the event of a conflict with a representation made by a city official, orally, in writing, or via a policy manual.	Major
Division 23-1A-5: Rules of Interpretation	23-1A-5020 Rules of Interpretation (B) Internal Consistency (1)	Recommend new language.	Wherever possible, the director shall have the authority to interpret this title in a manner that gives effect to all provisions and wherever possible, shall avoid interpretations that render a provision of this Title in conflict with one or more other provisions. Interpretations shall be posted online within two business days.	Minor
Chapter 23-2: Administration and Procedures				
Division 23-2A-3: Residential Development Regulations				
Article 23-2B: Application Review and Fees				

Division 23-2B-2: Review Procedures	23-2B-2010 Review and Processing. Deadlines would be laid out within code or through administrative rule through the administrative rule process and posted publicly. Also, Directors should not be able to set policy via memo	Recommend new language requiring adoption by rule. Delete language	Replace with: The responsible director may adopt application requirements under this Section by administrative rule, and shall post required application forms and all relevant rules on the City's website.	Major
Article 23-2G: Nonconformity	23-2G-1050 (B) Continuation of Nonconforming Use and Structures. Allow housing cooperatives in nonconforming buildings to be expanded or altered without requiring conformity with current design and zoning standards.	Add language	(6) Conversion to Cooperative Housing. A nonconforming use operating within a multifamily building may be replaced by Cooperative Housing and allowed to expand or extend beyond the floor area that is occupied on the date it became a nonconforming use if: a) Cooperative Housing is allowed or conditional use within the zoning district. b) The responsible party determines that the new use meets the definition of Cooperative Housing in 23-13A-2030.	Major
Division 23-2G-1: General Provisions	23-2G-1050 (B)(4). Conversion to lesser uses should be allowed in building.	Delete language.	Amend to delete "single-family or multi-family"	Major
Division 23-2G-2: Specific Types of Nonconformity	23-2G-2020 (D). Any previously platted lot, regardless of lot dimensions and characteristics, is a legal lot.	Add subsection.	Any previously platted lot, regardless of lot dimensions and characteristics, is a legal lot.	Major
Chapter 23-3: General Planning Requirements				

Division 23-3C-1: General Provisions	23-3C-1040/2020 (A)(2): Demonstration of preservation of existing natural character	Rules for preservation percentage must be clearly stated in code.	"Demonstrate that the site will preserve the existing natural character of the landscape, including the retention of trees 8" or larger to the extent feasible" shall be replaced with "Provide a narrative regarding the natural character of the site and prioritization of environmental elements that led to site design."	Major
	23-3C-1030 Terms (A)(4). Any rule adopted under this section should be subject to the administrative rules process.	Recommend new language	This list of eligible tree species may be supplemented, but not reduced as prescribed by rule, in accordance with the administrative rule process.	Major
	23-3C-1030 Terms (B). This amendment ensures that a blanket protection of all canopy on a given site is permitted, without consideration of the density allowed. It also clarifies that preference will be given to preserved canopy over individual trees.	Recommend new language.	Natural character varies across geographic and physiographic landscapes in the city and could be influenced by prior land use practices. In general, protecting natural character on developed land is principally through protecting individual trees, greenfield development shall take reasonable steps to protect intact wooded area with contiguous canopy coverage and individual trees within the development project, to the extent possible, while still allowing development of a property to the density permitted in the applicable section of Ch. 23-4. Greenfield development may prioritize protection of canopy, in lieu of protecting individual trees...	Major

	23-3C-1040 Administration (B). Clarifies that any rule adopted under this section must abide by the administrative rules process.	Recommend new language.	The City Arborist shall adopt administrative rules, in accordance with the administrative rules process...	Major
	23-3C-1040(B) and 1050(B): Requirement of mitigation prior to SDP approval is cart before the horse and unachievable; Request to post fiscal surety for tree mitigation is a large cost and seems unnecessary as staff can ensure the trees are planted prior to acceptance of a building/CO.	Recommend removal of language	Remove: "The city arborist may not release the site plan until applicant satisfies the requirements or posts fiscal surety to ensure performance of the condition."	Major
Division 23-3C-2: Young Public, Keystone, and Protected Trees	23-3C-2020: Proposal to add language that establishes preservation guidelines.	Add guidelines language.	<p>a. Preservation of trees shall not be the cause of a requirement to relocate a building or reduce the proposed building or density of a proposed site plan.</p> <p>b. Tree removal is allowed as required to achieve within 10% allowed IC less required open space on all project sites.</p> <p>c. Projects along a corridor or within 1/2 mile of transit that preserve more than 25% caliper inches on site are only required to mitigate to 75% of code requirement.</p>	
	23-3C-2020(A)(2): Allowed removal of a tree over 19" is very narrow in scope.	Recommend modified language.	Modify section to add language "Protected tree(s) shall be allowed to be removed if preservation of more than 25% of protected trees keeps the site from achieving its maximum FAR."	Major

Division 23-3C-3: Heritage Trees	23-3C-3020 (B) Removal of Heritage Trees	Recommend new language	Insert new language in 3020 "If a property is unreasonably encumbered by the location and/or quantity of heritage trees, the Land Use Commission shall consider a variance under this section to allow appropriate development of the property in accordance with Ch. 23-4. Definition of unreasonably encumbered: 50% or more of the site is undevelopable or more than 10% of the potential unit yield lost."	Major
	23-3C-3 Urban Forest Protection and Replenishment	Change the mitigation requirements.	1. Include clear determination of goal from tree removal of various sizes by % or other method into the code, not the ECM and provide mitigation requirements below and above this % in an incentivizing manner, i.e. Below target the mitigation requirement is lower, and above the target mitigation requirement is higher. 2. Allow all tree removal by administrative rule if meeting clear code definition and allow heritage tree removal process to go through a public/semi-judicial process.	
Division 23-3D-6: Water Quality Control and Green Stormwater Infrastructure Standards	23-3D-6040 Fee in Lieu in Urban Watersheds	Recommended added language	Add item (E) "In an urban watershed, any commercially zoned property located along a corridor or within the CBD shall be approved for WQ Fee in Lieu with the option to provide on-site green controls as a Community Benefit for density bonus"	Minor

Division 23-3E-1: Citywide Affordable Housing Bonus Program	23-3E-1030(D): Modify the types of affordable units.	Modify the unit types of affordable housing.	Modify to allow affordable units to be any mix of units and include allowance that multi-bed units count and multiple affordable units (based on number of bedrooms).	Minor
	23-3E-1030 (E): Provide the option to cluster or float units for developer.	Amend language.	Modify the option to cluster or float units at developer's option.	Minor
	23-3E-1080 Include an early application and review process.	Add in a new application and review process.	Include an early application/review process for affordable housing compliance that can be obtained within 30 days and in advance of development permit submission	Minor
Division 23-3E-2: Downtown Density Bonus Program	23-3E-2070 (B) (6) Proportionate Bedroom Requirements. Requiring a percentage of bonus area units to be affordable, AND requiring the affordable unit mix to match the unit mix of the building, make downtown residential with on-site affordable housing infeasible.	Remove section.	Strike 23-3E-2070 (B) (6)	Major
	23-3E-2030 (A)(2) Design Commission Evaluation. The Design Commission oversight for compliance with the Urban Design Guidelines was always intended to be an interim solution until design standards were codified, as they will be in CodeNEXT.	Remove section.	Strike 23-3E-2030 (A) (2) Design Commission evaluation should be removed. It will no longer be necessary and was always intended to be a temporary solution.	Major
Division 23-3E-5: Additional Affordable Housing Incentives	23-3E-5010 (B): Restricted to SMART housing.	Recommend modified text	Should read "For developments providing on-site affordable housing, the following incentives apply at the percentage of the affordable units to the overall units"	Major

Chapter 23-4: Zoning Code				
Article 23-4C: General to All Development	New section: Parking Reduction Matrix	Direct staff to add a table/matrix to allow reductions of up to 200% for parking, and create a menu of options for a developer to deliver community benefits in exchange for parking	Include reductions in car parking for items including but not limited to exceeding bike parking, meeting TDM requirements, exceeding TDM requirements, providing indoor bike storage, providing bike maintenance facilities for residential uses, contributing to a bike share infrastructure cost, providing bus passes, charging for parking spaces when not used by on-site uses, providing increasing percentages of affordable housing. being within a 1/4 mile of a corridor, 1/4 mile of a corridor with a rapid bus, 1/2 mile of a train station or planned train station, 1/4 of a TOD, 1 mile from downtown, fronting a corridor, fronting a corridor with a rapid bus, 1/4 mile of a train station or planned train station, in a parking management district, in a parking benefit district, resident permit parking, serving alcohol, showers for bikers or pedestrians, near public parking, providing car share spaces, electric bike charging, within the UNO or south central waterfront overlays, within downtown, a development with fewer than 6 units, a development with fewer than 10 units, a development with fewer than 30 units, a development that exceeds green	Major

Division 23-4C-1: Large Site Requirements	23-4C-1030 (E)(4) and (5): Tight sites need to have flexibility for where open space is provided.	Remove restrictions.	Remove the restriction on amount of open space that can be located on a balcony, roof or other above ground area.	Minor
	23-4C-1040: Civic Open Space; This is a totally new requirement that overlaps with Common Open Space and extends parkland dedication requirements to areas in which parkland dedication is not currently required.	Strike - redundant and unnecessary with Common Open Space and existing parkland requirements. Will dramatically reduce yield in high opportunity urban areas,.	Strike	Major
	23-4C-1040 (A)	Amend language	"An applicant for a site plan or subdivision that results in one or more parcels greater than 4 acres must designate civic open space..."	Minor
	23-4C-1040 (B)	Amend language	"Land dedicated to the City to meet the applicable parkland dedication requirements in Art. 23-3B will contribute to satisfying the requirements of this section."	Minor
	23-4C-1040 (B) (2): Net development site acreage definition.	Edit definition.	Definition should include street rights-of-ways, public sidewalks, required landscaping areas, parkland dedication, land located between the property line and a building setback, water quality features and detention areas not located within buildings.	Minor

Division 23-4C-2: Civic Open Space	Strike Division. Civic Open Space is a new requirement that overlaps with Common Open Space and extends parkland dedication requirements to areas in which parkland dedication is not currently required.	Strike - redundant and unnecessary with Common Open Space and existing parkland requirements. Will dramatically reduce yield in high opportunity urban areas,.	Strike Division	Major
Article 23-4D: Specific to Zones	23-4D, All subsections. Allow cooperatives in more zones	Amend language	Allow cooperatives by MUP in R1, R2B-E, R3B-C, R4C, RR and MH; Allow cooperatives by right in zones R4A-C, RM1A-B; Allow cooperatives by right in MH, MS1A, MU3B, MU4	Major
	23-4D, All subsections. Allow daycares of all sizes and senior living facilities in all zones	Amend language		Major
	23-4D All subsections. Allow bars under 2500 sqft. Will reduce drunk driving deaths by allowing small neighborhood bars within walking distance.	Amend language		Major
	23-4D-2040: Minimum Parking Requirements; Decrease in parking requirements for all residential unit types	Reference NEW Parking Reduction Matrix proposed in 23-4C	Allow more flexibility for parking reduction among all zones	Major

	23-4D-2100; Applies to R2A: R2A's only difference vs R2B is limiting duplexes to corner lots. Delete R2A.	Limited application with little or no impact on capacity. Simplify the R2 zones as much as possible	delete 4D-2100 R2A	Major
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	<p>23-4D-2120: Add Small Lot Uses to R2C: Allow small lots with Single Family, Single Family & ADU, Duplex or Other Allowed Uses on lots from 3000-4999sf in this zone, similar to SF-3 urban and cottage lots. Reduce small lot minimum building size from 2300sf to 1850sf and adjust other zoning regulations to match R2D small lot zone.</p>	<p>Small Lot Single Family: min. lot size: 3000sf (same as Portland, San Antonio, Denver), max lot size 4999sf, min. lot width: 30', Convert SF Attached to Small Lot Single Family Attached: (no changes), Small Lot Duplex: min. lot size: 3000sf, max lot size 4999sf, min. lot width: 40' All Small Lot Building Sizes are limited to the greater of .4 FAR or 1850sf. All Small Lots use the following setbacks and IC limits, but are otherwise subject to the same zoning regulations:</p>	<p>Table 4D-2120(A) Add Small Lot Single Family use with min. lot size: 3000sf, max lot size 4999sf, min. lot width: 30', Change SF Attached use to Small Lot Single Family Attached: (no changes to lot width or area), Change Building Size (max) for Small Lot uses to the greater of .4 FAR or 1850sf. All Small Lots use the following setbacks and IC limits, but are otherwise subject to the same zoning regulations: 65%/55% IC, Table 4D-2120(B) Building Placement add Small Lot Setbacks: Front 15', Side St. 10', Side 3.5', Rear 10'. Table 4D-2120(C) Building Form (1) Building Articulation New Construction add "Building Articulation is not required for Small Lot uses."</p>	<p>Major</p>
	<p>23-4D-2100; Applies to R2A</p>	<p>Unsure whether ADUs allowed on most R2</p>	<p>Needs clarification of ADUs allowed on all/most R2</p>	<p>Minor</p>

	23-4D-2100; Applies to R2, Additional parking requirements are not allowed in R2 zones	Take out unnecessary parking restrictions on R2	Allow more parking flexibility in R2	Minor
	23-4D-2150; Applies to R3A: (A) Purpose Residential 3A (R3A) zone is intended for areas that are accessible to mixed use and main street zones by walking or biking. What is accessible range for walking? Biking?	Define "accessible range" in code. Needs clarification for 'accessible range' in measurable amount.	Define accessible range as 1/2 mile .	Minor
	23-4D-2190 through 2210; Cottage courts in R4	Allow all cottage courts within R4 to have 4 units, as is the intent of the zone	All R4 Zones: Table (A) Lot Size and Intensity: Cottage Court use: Minimum 50' lot width allows 4 units maximum. Minimum 100' lot width allows 8 units maximum	Major
Chapter 23-13A				
	23-13A-1030 General Terms - Unified Development Agreement: UDA's are currently not allowed on residential sites. Utilities and other requirements for missing middle housing require the flexibility of a UDA to work around site conditions such as trees.	Allow UDA's for residential sites.	UNIFIED DEVELOPMENT AGREEMENT. An agreement approved at the discretion of the responsible director in order to treat two or more legal lots or tracts, as a single site for the purpose of applying specified regulations of the Land Development Code, including sites zoned for residential use.	Major
Chapter 23-4D				

Division 23-4D-3: Residential Multi-Unit Zones	For all zones in 23-4D-3: Eliminate dwelling units per acre. Dwelling units per acre is a duplicative regulation, given that scale is already regulated through height, IC, FAR, etc. Also, it is a regulation that is wholly internal to the building and doesn't affect the public domain. LDC should regulate the built environment, not those who live within it.	Strike dwelling units per acre	Strike dwelling units per acre	Major
Division 23-4D-6: Regional Center Zones	23-4D-6050 Off-street Parking Exceptions.	Consider removing and providing clarification for use for the downtown zones.	Remove this provision from Regional Center Zones.	Major
Division 23-4D-9: Overlay Zones	23-4D-9080 (A)(2) Boundaries Defined and Figure 23-4D-9080 (1) Pedestrian Activity Street.	Clarification between conflicts and possible removal of street list.	At (2): clarify the conflicts between the Pedestrian Activity Streets listed and those shown on the map on Figure 23-4D-9080(1) or delete street list and refer to the figure. Streets on map that are not listed at (2): Second Street, Sabine Street, Waller Creek, East 6th Street. Streets listed at (2) not on the map: Red River Street.	Minor

	23-4D-9080 (D)(2) Treatment of Commercial Building Fronts	At (a) Minimum Shade Note 3: Clarify if street trees are an acceptable shade device substitute for an awning or canopy. It is recommended to allow this to encourage Great Streets sidewalks which include trees.	At Note 3: Add "street trees are an acceptable shade device if they provide shade in front of the required area."	Minor
Chapter 23-4E				
	23-4E-6150 (A) Cottage Court Requirements. "On a corner lot, the units adjacent to the side street must front both the court and the street."	Strike requirement.		Minor
	23-4E-6150 (A) Cottage Court Requirements. "Driveway and parking areas must be screened from the common court by buildings, fence, or wall"	Delete this section		Minor

Division 23-4E-7: Additional General Standards	23-4E-7040: Allow higher occupancy in a dwelling unit if it is cooperatively owned	Amend language	23-4E-7040 (D)(1) Except as provided in Subsection (D)(2) for a single-family residential or duplex and in Subsection (D)(4) for a cooperative use, not more than four unrelated adults may reside in a structure, in the following zones:...; (D)(4) The requirements of this subsection do not apply if a site has a Cooperative Housing land use designation.; 23-4E-7040 (G) Maximum Occupancy for a Site with Cooperative Housing. Not more than fifteen unrelated adults may reside in each dwelling unit of Cooperative Housing.	Major
	23-4E-7070; Applies to R3 Townhomes	Eliminate side setbacks on attached townhomes	Section 23-4E-7070 Setback Exceptions (C) Side Setback Exemption for Attached Townhouses. Attached townhouses are not subject to side setback requirements.	Major
Chapter 23-9: Transportation				
Article 23-9A: General Provisions	Process language shall be included in code that clarifies transportation study review timelines.	Adjust transportation study review process.	Adjust transportation study review process timeline and allow more transparency.	Minor

Division 23-9A-1: Policy and Administration	23-9A-1010 (A) and (A)(2)	Recommend new language to abide by Imagine Austin Comprehensive Plan.	The Vision of Imagine Austin is to achieve the following core principles: (2) integrate nature into the city;	Minor
	23-9A-1030(D) Requirement for variance to transportation item to go to Board of Adjustment	Recommend modified language	Remove "Board of Adjustment or" from text in item (D)	Minor
	23-9A-2020(B)(3): Language regarding safety of transportation system contingent for plan approval - This language cannot be kept as is because many existing systems are not considered "safe" and therefore would eliminate any ability to develop.	Recommend modified language	Strike the following language in item (B)(3) ".necessary to ensure an effective and safe transportation system that is sufficient to accommodate the traffic generated by a proposed development." and replace with "..that will improve the transportation system immediately affected by the development to best mitigate the increased traffic caused by the development, as much as can be achieved considering physical and financial constraints. This statement shall not be intended as a measure to lessen density or deny development permit approvals along transportation ways that are in poor operating condition prior to proposed new development activity."	Major

Article 23-9C: Transportation Review and Analysis	23-9C-1010. Language modified regarding mitigation.	Amend language.	<p>Language should be modified as mitigation is not always an option for new development in urban environments – language needs to allow for infill development on congested streets that increases transit ridership over time. Language shall be crafted such that infill development is not restricted.</p> <p>By ways of an example, a 2,500 sq ft free standing discount store would require \$30,000 in mitigation fees. This is a prohibitive cost driver for many independent proprietor</p>	Major
	23-9C-1010(B)(1): This section required TIAs for 1,000 trips or 100 peak hour trips, which is unnecessarily low	Proposed modified language	Proposal to change TIA requirement limit to 2,000 trips and remove peak hour trip mark.	Major
	23-9C-1020(B): Need to clearly define accepted guidelines rather than make general statements in code	Proposed modified language	Replace "generally accepted guidelines" with "regulations within this code or the Transportation Criteria Manual and utilizing the federally accepted measures for calculating vehicle trips."	Minor

	23-9C-1010 Mitigation of Transportation Impacts	Recommend new language.	(C) If a proposed development requires a transportation impact analysis under Section 23-9C-2020 (Transportation Impact Analysis Required) or a neighborhood transportation analysis under Section 23-9C-2040 (Neighborhood Transportation Analysis Required), the applicable Director may require an applicant to construct or fund system improvements identified by the analysis, not to exceed the value of the project street impact fee. (C)(1) Strike "or within one-quarter mile of the proposed development site, or within three-fourths of a mile to provide access between the proposed development and a school, transit stop, public space, or major roadway as determined in the transportation plan," (D) The total cost of system improvements required under this section may not exceed the applicant's street impact fee.	Major
	23-9C-2020 (C)(1)(a) and (b). Conflicting statements with TIA requirements for zoning cases.	Adjust language and modify zoning process.	Do not require TIAs at zoning and make it clear to both City Council and others that a TIA will be performed at the same time of site plan submittal.	Minor

	23-9C-3010(B): Determination of who must comply is overly complicated; Needs to be simplified	Propose modified code	Update item (B) to be as follows "A neighborhood transportation impact analysis must be submitted for a development application specified under 23-9C-3020 (Neighborhood Transportation Impact Analysis) if the proposed development generates more than 1,000 trips and is located within 1/2 mile of a neighborhood (defined as more than 10 adjacent lots zoned and used for single family residency)."	Minor
	Section 23-9C-3020 (A)(1) Multi Modal Level of Service definition.	Require a definition for clarification.	Provide clear definition of "multi-modal level of service" to better understand implications of this requirement	Minor
	23-9C-3020 Multi-Modal Level of Service	Clarification about definition.	Clear definition is needed of multi-modal level of service – Code should include list of allowed/approved “modes” and goals regarding mode split for purpose of implementing code policies regarding redirecting traffic to other modes	Minor

<p>Article 23-9D: Development Conditions and Mitigation</p>	<p>23-9D-1010: Language is written to require an unachievable goal for some sites; Needs to be modified to not restrict new development</p>	<p>Propose modified language</p>	<p>Update (A) to read as follows: "This article authorizes the City to condition development approval on agreement to study and attempt to mitigate, or propose payment to assist in City efforts to improve, traffic in the immediate vicinity of a development project. This article shall not be used to deny development improvements along roadways with pre-existing traffic issues that cannot be mitigated due to physical barriers or financial barriers (Including rough proportionality)."</p>	<p>Minor</p>
	<p>23-9D-1020: This code section need to provide clarification in how the two departments organization allows them to make determinations collectively.</p>	<p>Propose modified language.</p>	<p>Add the following to the end of this section "Where disagreements exist between the Transportation department and the Development Services Department, an applicant may request a meeting with both directors and such meeting shall be held within 30 days of such request; Any such meeting shall close only at a collective resolve of the issue between departments such that the development application can proceed."</p>	<p>Minor</p>
	<p>Section 23-9D-1030 Contradiction to Imagine Austin making unviable options for development.</p>	<p>Remove section.</p>	<p>Remove section or allow projects to pay a fee for the infrastructure improvements or building the improvements. Adjust so any project with 800 units/800,000 sf or less will not be subjected to reduced density reardless of the level of service to the main street it fronts.</p>	<p>Major</p>

	23-9D-1030: Adjust language for project delay or density reduction.	Amend language.	Language allowing project delay or density reduction by director based on transportation issues shall be removed for all projects.	Major
	23-9D-2040: Reduced transportation mitigation should be applied to all affordable housing projects regardless of whether they follow the City SMART housing proposal as they serve to benefit all affordable renters	Proposed modified language.	Update item (A) to replace ".. certified under Division 23-3E-4 (SMART Housing)." to read ".. proposing any number of affordable housing units or affordable square footage for commercial use based on the percentage of affordable units/square footage (commercial) against the total units/square footage (commercial) of the project."	Major
Chapter 23-13: Definitions and Measurements				
Division 23-13A-2: Land Uses	23-13A-2030 (C): Cooperative Housing	Amend language	A housing use operated by a cooperative (under Section 251.002 of Texas Business Organizations Code), or a nonprofit or other entity in which residents are entitled equal voting rights, and equal ownership shares if the cooperative sells shares.	Minor

April 16, 2018