

CHAPTER ARTICLE	DIVISION TITLE	A			B										C	D	E		F	G		H								
		DESIRED PROPOSED CHANGES TO D3	NONE	MINOR	MAJOR	ANDERSON	HART	KAZI	KENNY	MCGRAW	NUCKOLS	OLIVER	SCHISLER	SEEGER	SHIEH	THOMPSON	WHITE	SHAW	BURKARDT	MENDOZA	TEICH	TOPIC AREA	REQ. ADD'L STAFF FEEDBACK	AMENDMENT TYPE	SUBSTITUTE LANGUAGE	COMMISSIONER NOTES	YES/NEUTRAL /NO	STAFF RESPONSE		
GENERAL		NONE	MINOR	MAJOR												YES/NO	GENERAL	SPECIFIC SECTION												
All Non 23-4 Divisions			x	x								SO										FORMAT	YES/NO	X		REDUCE LENGTH OF NON 23-4 SECTIONS BY 20%. CodeNEXT text is overly verbose, consistently difficult to understand. Master Editor should identify measures in Non 23-4 chapters to reduce extreme length to assist in achieving CodeNEXT goal for code simplicity.				
Chapter 23-1: Introduction		NONE	MINOR	MAJOR												YES/NO	YES/NO													
1 Article 23-1A General Provisions																														
1.1	Division 23-1A-1	Title, Purpose, and Scope																												
1.2	Division 23-1A-2	Authority																												
	Division 23-1A-2		x									JSc										Admin & Procedures			23-1A-2030	(A) Effect of Land Development Code. The standards and procedures applicable to development of property within the City limits and within the City's extraterritorial jurisdiction are stated in the land Development Code (LDC) or technical criteria manuals as adopted per the provisions of the LDC, which shall control in the event of a conflict with a representation made by a City official or employee, either orally or in writing, or via a policy manual, summarizing, paraphrasing, or otherwise interpreting the that summarizes, paraphrases, or otherwise interprets the standards and procedures applicable to development.	This clarifies that the technical criteria manuals supercede the statements of city officials or employees.			
1.3	Division 23-1A-3	Classification of Application and Decisions																												
1.4	Division 23-1A-4	Consistency with Comprehensive Plan																												
1.5	Division 23-1A-5	Rules of Interpretation																												
1.6	Division 23-1A-5		x									JSc										Admin & Procedures			23-1A-5020 (b) (1)	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.	Conflicts should be avoided whenever possible inside the LDC. This new language gives the director the authority to interpret the LDC to avoid any potential conflicts wherever possible.			
1.7	2 Article 23-1B Responsibility for Administration																													
2.1	Division 23-1B-1	City Council																												
2.2	Division 23-1B-2	Boards and Commissions																												
2.3	Division 23-1B-3	Administration																												
2.4	Division 23-1B-4	Neighborhood Planning																												
2.5	Division 23-1B-4																					Neighborhood Planning			23-1B-4010	Neighborhood Contact Teams may submit plan amendments.	This should not be removed.			
2.5	Division 23-1B-4																					Neighborhood Planning			23-1A-3020 (C)Administrative Decisions (1)(b)	Move 23-1A-3020(C)(2)(c) to 23-1A-3020(B)(2)(e) and revise 23-1A3020(C)(1) (b) The authority to make administrative decisions is delegated to City departments and to boards and commissions, as provided in Article 23-1B (Responsibility for Administration). A public hearing is required for an administrative decision by a board or commission.	Section 23-2A-2010(A)(2) (c) has subdivisions as quasi-judicial approval, conflicts with 32-1A-3020(C) as administrative decision			
2.6	Division 23-1B-4																					Neighborhood Planning	Yes			When PC first sees a new Neighborhood plan, or small area plan, etc., it is on the dias (or perhaps at SAP) where we are expected to give an up or down vote. There is no method for additional neighborhood feedback other than public hearing. The process should go to PC much sooner so we can provide early feedback.				
2.7	Chapter 23-2: Administration and Procedures																													
3 Article 23-2A Purpose and Applicability																														
	Division 23-2A-1	Purpose and Applicability																												
3.1	Division 23-2A-2	Development Process																												
3.2	Division 23-2A-2																					Development Process			No	23-2A-2010 (2) Quasi-Judicial approvals	(2) Quasi-judicial approvals: (a) Zoning variances and special exceptions; (b) Environmental variances; (c) Subdivisions and subdivision variances; and (d) Conditional use permits.	A business requiring a Conditional use Permit (CUP) and a rezoning should be allowed to submit concurrently. Allowing for concurrent submittals would provide a more transparent process and more certainty to the applicant and interested parties. In addition, there is a concern that this section, along with 23-2A-2020, gives the Director discretionary authority over concurrent applications. Language in existing code (25-1-61) is preferable for this provision which would allow for applications to be submitted and reviewed concurrently.		
3.3	Division 23-2A-3	Residential Development Regulations																												
3.4	23-2A-3030 One to Two-Unit Residential		x																			One-Two Unit Residential	NO		23-2A-3030 One to Two-Unit Residential	A)2) Residential development that is subject to this section must comply with the regulations of this Title specified under this section.	Clearer language			
3.5	23-2A-3040 Three to Six Unit Residential																					One-Two Unit Residential	NO							
3.6	23-2A-3040 Three to Six Unit Residential																					One-Two Unit Residential	NO							

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				ANDERSON	HART	KAZI	KENNY	MCGRAW	NUCKOLS	OLIVER	SCHISLER	SEGER	SHIEH	THOMPSON	WHITE	SHAW	BURKARDT	MENDOZA	TEICH				GENERAL	SPECIFIC SECTION		YES/NEUTRAL /NO	STAFF RESPONSE		
9.3	Division 23-2G-1 General Provisions		X																	Uses	X		23-2G-1060-D-1	23-2G-1060-D-1-a except a single family home which is subject to the requirements of 23-2G-1080-D	single family homes on more intense zoning appear all over our poorer neighborhoods as a legacy of previous spot zoning. I don't think we should continue to punish them by not allowing them to repair their home if there's damage. This same type of protection is afforded to non-conforming structures under 23-2G-1080-D				
9.4	Division 23-2G-1			X				CK												Rezoned Residential Non-Conforming structures	Yes - Brent Lloyd is working on it			in this division	TK from staff	This amendment ensures that any current single-family residential property owner who is rezoned under CodeNEXT does not have a reduction in available entitlements. They maintain their non-conforming (allowed, though not in compliance) and are not subject to the loss of their status through the usual mechanisms (vacancy, etc.). They are also able to maintain and even expand their structures as long as it meets F25 compatibility for their pre-CodeNEXT zoning. They do lose their status if they make an alteration either to the new, conforming use, or to a different non-conforming use.			
9.5	Division 23-2G-1 General Provisions			X				FK												Nonconformity	Yes			23-2G-1050 (B)	Add section: (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 director determines that the new use meets the definition of Cooperative Housing in 23-13A-2030.	Coops work and must be allowed wherever possible			
9.6	Division 23-2G-1 General Provisions																							23-2G-1010 Purpose, Applicability, and Review Authority	(B) Applicability. This article applies to: (1) A use, structure, or lot within the zoning jurisdiction that is nonconforming to land use or site development regulations under Chapter 23-4 (Zoning) or a separately adopted zoning ordinance; and (2) A structure or lot within the planning jurisdiction that is nonconforming to other applicable regulations of this Title.	This section needs to be reviewed and rewritten. This states that any nonconforming uses under the extended definition of "nonconforming" must be in effect reviewed by the Planning Director and will ultimately go to BOA.			
9.7	Division 23-2G-1																							23-2G-1020 Nonconforming Status	(B) Nonconforming Structures (1) A building, structure, or developed area, including a parking or loading area, that does not comply with site development regulations applicable under this Title, or a separately adopted zoning ordinance, is a nonconforming structure if it existed lawfully, in conformance or legal nonconformance with applicable site development regulations, at the time it was constructed. (2) A building, structure, or developed area that is not a nonconforming structure is in violation of this Title if it does not comply with applicable site development regulations.	This section needs to be reviewed and rewritten. This states that any nonconforming uses under the extended definition of "nonconforming" must be in effect reviewed by the Planning Director and will ultimately go to BOA.			
9.8	Division 23-2G-1			X																				23-2G-1060 Termination of Nonconforming Use	(D) Termination by Destruction (1) A damaged structure used for a nonconforming use may be repaired and the nonconforming use continued only if the building official determines that the cost of repair does not exceed 50 percent of the value of the structure immediately before the damage, as determined by a licensed appraiser in a manner approved by the building official.	A damaged structure used for a nonconforming use may be repaired and the nonconforming use continued only if the building official determines that the cost of repair does not exceed 50 percent of the value of the structure immediately before the damage, as determined by a licensed appraiser in a manner approved by the building official. If it costs more than this (even if you don't do all of the repairs) you lose the use. Current Land Development Code Sec. 25-2-944 allows 90%. This change in Draft 3.0 is problematic for financing and for insurance purposes.			
9.9	Division 23-2G-2 Specific Types of Nonconformity			X				FK												Nonconforming Lots	No			23-2G-2020(C)(2) and (3)	(2) If a nonconforming lot is used with one or more contiguous lots for a single use or unified development, the standards of this Title apply to the aggregation of lots as if the aggregation were a single lot. (3) A nonconforming lot that is aggregated with other property to form a site may not be disaggregated to form a site that is smaller than the minimum lot area required by this Title.	This proposed language deletes two section to clarify that all lots that are legally platted and meet the definition in the prior Section 23-2G-2020(C)(1), which has a minimum lot size of 2,500 sq.ft., a frontage of 25 ft. should be allowed to be developed. The City should honor existing legally platted lots and allow them to be developed. Currently one house can sit on two or three legally platted lots which locks up the land from being used as it was platted for.			
9.10	Division 23-2G-1 General Provisions			X																				23-2G-1050(B)(3) and (4)	(3) Conversion to Other Nonconforming Use Prohibited. A nonconforming use may not be established or replaced by another nonconforming use, except as provided in Subsection (B)(4). (4) Conversion of Nonconforming Uses in Residential Buildings. A nonconforming use operating within a single or multi-family any building may be replaced by another nonconforming use if: (a) The responsible director determines that the requested use is of comparable or lesser intensity to the original nonconforming use; and (b) The original use was not abandoned under Section 23-2G-1060 (Termination of Nonconforming Use).	This proposed language deletes Section 23-2G-1050(B)(3) and clarifies that nonconforming uses in any building can be replaced with another comparable or lesser intensity use. The city should allow a lesser nonconforming use be allowed anywhere, as it reduces intensity of the existing use while preserving the existing building.			
9.11	Division 23-2G-1 General Provisions																			Nonconformity	Yes				23-2G-1010 Purpose, Applicability, and Review Authority		This section needs to be reviewed and rewritten. This states that any nonconforming uses under the extended definition of "nonconforming" must be in effect reviewed by the Planning Director and will ultimately go to BOA.		
9.12	Division 23-2G-1 General Provisions																			Nonconformity	Yes				23-2G-1020 Nonconforming Status		This section needs to be reviewed and rewritten. This states that any nonconforming uses under the extended definition of "nonconforming" must be in effect reviewed by the Planning Director and will ultimately go to BOA.		

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			ANDERSON	HART	KAZI	KENNY	MCGRAW	NUCKOLS	OLIVER	SCHISLER	SEGER	SHIEH	THOMPSON	WHITE	SHAW	BURKARDT				MENDOZA	TEICH		GENERAL	SPECIFIC SECTION	YES/NEUTRAL /NO	STAFF RESPONSE
16.12																					<p>(3) The director may request that the Land Use Commission approve onsite dedication for a site that fronts an Imagine Austin Corridor, up to the amount required under Subsection (E), if doing so is necessary to address a critical shortage of parkland for an area identified in the Deficient Parkland Area Map or provide connectivity with existing or planned parks or recreational amenities.</p> <p>(a) Before the Land Use Commission considers a request under this subsection for approval, the director shall present the request to the Parks Board for a recommendation.</p> <p>(b) In considering a request from the director under this subsection, the Land Use Commission may:</p> <p>(i) Deny the director's request; or</p> <p>(ii) Approve the director's request for the full amount requested or a portion of the amount the Land Use Commission finds to be necessary based on the criteria in code and the parkland dedication operating procedures.</p>					
16.13	Division 23-3B-2	Dedication	x							JSc								Standards for Dedication of Parkland	No	23-3B-2020 (E)	(E) The director shall approve the inclusion of additional features that satisfy other regulatory requirements, such as Water Quality features, drainage features, detention features, trails, or other features if they do not disrupt the primary purpose of the dedication.	This proposed language would allow other regulatory requirements that impact the development of a full site's area to be included in parkland dedicated to the city so long as they do not disrupt the primary purpose of the dedication.				
16.14	Division 23-3B-2	Dedication	x							JSc								Standards for Dedication of Parkland	No	23-3B-2020 (F)	(F) Gazebos, pavilions, and other open air structures are permitted.	This proposed language clarifies that gazebos, pavilions, or other open air structures are allowed in parkland that is dedicated.				
16.15	Division 23-3B-2																	Parkland Dedication	No	23-3B-2010	Remove references to 15% and change to 10%. Add new (6) The 10 percent parkland dedication shall be calculated as a net site area	Imagine Austin calls for "Increase dense, compact family-friendly housing in the urban core". In many instances, sites within the urban core will be required to dedicate at or near the 15 percent cap which severely limits the density in the urban core and along the major corridors.				
16.16	Division 23-3B-2																	Parkland Dedication	No	23-3B-2010	An applicant seeking a Subdivision or Site Plan for a site that fronts an Imagine Austin Corridor shall not be required to dedicate parkland on site.	Dedication of Parkland - specify that onsite parkland dedication is not required on an Imagine Austin Corridor. Imagine Austin calls for transit-supportive corridors, which in turn require population and job densities along our corridors. Parkland requirements that limit unit yield, while important in other parts of Austin city, should stymie housing along our corridors				
16.17	Division 23-3B-2	2010- Dedication of Parkland																Dedication of Parkland	NO	2010 (G)	(G) PUD Parkland Requirements. Development within a Planned Unit Development (PUD) Zone may, if required by the ordinance adopting the PUD, be subject to additional parkland requirements and may be entitled to count dedicated parkland towards meeting open space requirements under Section 23-4D-8130 (Planned Unit Development Zone). Therefore, the 15% cap limit provisions in 23-3B-2010.(H) do not apply to PUD zones.	(H) Add that 15% cap does not apply to PUD's. The rules are already administered this way.				
16.18	Division 23-3B-2	Dedication																Process	No	23-3B-2010 Dedication of Parkland (A) Dedication Required (1)[NEW]	<p>(A) Dedication Required. An applicant for subdivision or site plan approval must provide for the parkland needs of the residents by the dedication of suitable land for park and recreational purposes under this article or by payment of a fee in-lieu of dedication under Section 23-3B-3010 (Fee In-Lieu of Parkland Dedication).</p> <p>(1) An applicant may request a binding determination from PARD regarding whether total land dedication for all types of open space, including but not limited to parkland, common open space, civic open space, private open space, payment of fee in-lieu in land or a combination of fee and land will be required.</p> <p>(a) A binding determination issued under this section shall apply to any development application submitted within 1-year from the date the determination is issued, provided that the number of units has not changed by more than 10% from the number of units originally provided by the applicant and relied upon by PARD to make the determination. A binding determination expires if no subdivision, site plan or building permit application is submitted within one-year from the date the determination was issued.</p> <p>(b) The combined total area between open space and parkland, shall not exceed ____% of site.</p>	Applicants must be able to predict during their due diligence period what may be required for parkland dedication. Additions in (A)(1) and (A)(1)(a) are taken directly from the existing Parkland Dedication Operating Procedures (PDOP). Leaving such important procedures to be defined and determined outside of the revised LDC process and in the PDOP does not provide clear guidance and predictability. In addition, limiting the maximum required dedication would allow for density to continue and support the principles in Imagine Austin for compact development.				
16.19	Division 23-3B-2	2020 - Standard for Dedication of Parkland-																Park Standards	NO	2020 - Standard for Dedication of Parkland-	ADD: E) Dedicated Parkland shall meet site condition requirements within the Parkland Dedication Operating Procedures	(A)(3) Does PARD's operating procedures have requirements for min. of 50% meet active play and <10% slope requirements? If not, these need to be added to dedication requirements. (C) 50% is to large amount of 100 yr. floodplain to count as parkland as these areas are not accessible for public use many times during the year.				
16.20	Division 23-3B-3	Fees																								
16.21		3010 - Fee in Lieu of Dedication																	Fee in Lieu of Dedication	NO	3010 (A)(2)(a)	(a) Less than 6 1 acre is required to be dedicated under Section 23-3B-2010 (Dedication of Parkland); or	6 acres is a very large threshold amount of Parkland to be able to be considered for exemption from dedication requirements with fee-in-lieu. This will ensure that even small parcels of dedicated park are made available to serve needs if increased number of residents and developer has option to pay remainder as fee-in-lieu.			

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16.22	3010 - Fee in Lieu of Dedication			x															TS	Fee in Lieu of Dedication	NO		3010 (A)(2)	ADD: (c) the director determines that land is available in the service areas being considered so as to assure that City will able to utilize the fees per 23-3B-3030.	PARD commented that they have difficulty finding land for parks especially in urban core. In general, all fee-in-lieu of options for developers should be predicated on the City's ability to utilize the fees. If it is more difficult for the city to provide the benefits than the developer.			
16.23	3030 - Fee Payment and Expenditure			x															TS	Fee Payment and Expenditure	NO		3030 (C)	C) The City shall expend a fee collected under this article within five years from the date the fees are appropriated for expenditure by the director. This period is extended by five years if, at the end of the initial five-year period: 1) less than 50 percent of the residential units within a subdivision or site plan have been constructed, or 2) City demonstrates hardship in availability of land to purchase for parkland.	PARD should have a way to request extension for use of funds when there are issues with land availability etc.			
16.24	Division 23-3B-3 Fees			x																Fee In-Lieu of Parkland Dedication	No		23-3B-3010(A)	(A) Fee In-Lieu Authorized. The director may require or allow a subdivision or site plan applicant to deposit with the City a fee in-lieu of parkland dedication under Section 23-3B-2010 (Dedication of Parkland) if: (1) The director determines that payment of a fee in-lieu of dedication is justified under the criteria in Subsection (B); and (2) The following additional requirements are met: (a) Less than six acres is required to be dedicated under Section 23-3B-2010 (Dedication of Parkland); or (b) The land available for dedication does not comply with the standards for dedication under Section 23-3B-2020 (Standards for Dedicated Parkland).	This proposed language allows a fee in lieu to be used any time the normal standards are met, without regard to total size of the subdivision or site plan. This allows more flexibility for both PARD and the applicant.			
16.25	Division 23-3B-3 Fees			x																Fee In-Lieu of Parkland Dedication			23-3B-3010 (C) Fee-in-Lieu of Parkland Dedication	(C) Site Plan Dedication. (1) For dedication made at site plan the area to be dedicated must be shown on the site plan as "Parkland Dedicated to the City of Austin" and in a deed to the City. The applicant shall dedicate the parkland required by this article to the City by deed before the site plan is released, except that dedication may be deferred until issuance of a certificate of occupancy if construction of amenities is authorized under Section 23-3B-3010 (Fee In-Lieu of Parkland Dedication) or Section 23-3B-3020 (Parkland Development Fee). (2) In negotiating a deed under this section, the director may require that a reasonable portion of the total impervious cover permitted on the site be allocated to the dedicated parkland to allow for construction of parkland amenities without unduly impacting development of the proposed site plan. (3) Parkland dedication that complies with this section shall be included in the gross site area for the parcel dedicating land. Zoning entitlements including but not limited to impervious cover and FAR shall be calculated on the gross site area prior to the parkland dedication.	The language as written does not provide clarity on how gross site areas may be calculated. A major concern is that if the area is calculated after the parkland dedication, the result is that the developable parcel will have less entitlements, including FAR and Impervious Cover. This recommendation would calculate the gross site area before the dedication and allow for better density on sites, including ones along major corridors			
16.26	Division 23-3B-3 Fees			x															JSc				23-3B-3010(E)(1)	(1) Construction of Amenities. The director shall allow an applicant to construct recreational amenities on public or private parkland, if applicable, in-lieu of paying the dedication fee required by this section. In order to utilize this option, the applicant must: (a) Post fiscal surety in an amount equal to the development fee; and (b) If a dedication of land is required, construct recreational amenities prior to the dedication in a manner consistent with the parkland dedication operating procedures; and (c) Document the required amenities concurrent with subsection or site plan approval, in a manner consistent with the parkland dedication operating procedures.	This proposed language allows fee-in-lieu to be used on the construction of on-site recreational facilities. This will incentivize the construction of on-site facilities and lower the City's burden on existing parks.			
16.27	Division 23-3B-3 Fees			x															JSc	Fee In-Lieu of Parkland Dedication	No		23-3B-3010(F) and (H)	(F) A Fee in lieu for parkland dedication shall be allowed by right on corridors and within 1/2 mile walk of high frequency transit stops. (FH) Appeal. If the director rejects a request to pay a fee in-lieu of dedication under Subsection (B), the applicant may appeal the director's decision to the Land Use Commission consistent with the procedures in Article 23-21 (Appeals). Before the Land Use Commission considers the appeal, the director shall present the case to the Parks Board for a recommendation, but failure by the Parks Board to act shall not prohibit the Land Use Commission from considering the appeal.				
16.28	Division 23-3B-3 Fees			x															JSc				23-3B-3010(G)	(G) A dedication determination issued under this Subsection is valid for a period of one year from the date of issuance and will not expire if a site plan application is filed within one year from the date of issuance.	Initial parkland dedication determination should continue through the site plan process.			
Article 23-3C Urban Forest Protection and Replenishment																												
17.1	Division 23-3C-1 General Provisions			x																Review Authority	No		23-3C-1020 (C)	(C) The city arborist shall adopt administrative rules, in accordance with the administrative rules process, to implement this article and, in consultation with the Public Works Director, additional rules to implement Division 23-9F-5 (Sidewalks, Urban Trails, and Street Trees). Rules adopted under this article shall include:	This proposed language clarifies that the rules must be adopted by the administrative rules process. Rules adopted by this department should follow administrative rules procedures			
17.2																												

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17.3	Division 23-3C-1	General Provisions	X								JSC									Tree Designations	No	23-3C-1030 (B)	Heritage Tree Species. To qualify as a heritage tree, a tree must meet the size requirements listed in Subsection (A) and qualify as one of the following species or as an additional heritage tree species listed in the Environmental Criteria Manual: (1) Texas Ash; (2) Bald Cypress; (3) American Elm; (4) Cedar Elm; (5) Texas Madrone; (6) Bigtooth Maple; (7) All oaks; (8) Pecan; (9) Arizona Walnut; and (10) Eastern Black Walnut.	This proposed language clarifies that only tree species listed in code can qualify as a heritage tree. The list of Heritage Tree Species should be approved by City Council and listed in code; the list should not be subject to administrative change by a criteria manual.		
17.4										TN											23-3C-1030	Ensure that PC recommends what is in the Addenda re: Young Public Trees 2-7.9' and Keystone Trees 8-18.9.	Imagine Austin calls for "complete communities." Complete communities need a healthy tree canopy.			
17.5											JSC										23-3C-1040 (A) Tree Requirements for Site Plan (2)	(A) Tree Requirements for Site Plans. An application for site plan approval must: (1) Include a grading and tree protection plan, as prescribed by the Environmental Criteria Manual and other applicable rules; and (2) Demonstrate that the design will preserve the existing natural character of the landscape, including the retention or mitigation of trees eight inches or larger in diameter to the extent feasible.	Removing conflict. Requiring a plan to preserve existing trees 8 inches or above exceeds code requirements. Trees less than 19 inches have an option for mitigation.			
17.6	Division 23-3C-1	General Provisions	X								JSC								Application and Review Procedures	No	23-3C-1040 (B)	(B) Restrictions on Removal of Keystone Trees. If development under a proposed site plan will remove a keystone tree, the city arborist may require mitigation, including the planting of replacement trees. The city arborist may not release the site plan withhold the building permit or certificate of occupancy until the applicant satisfies the condition or posts fiscal surety to ensure performance of the condition.	This proposed language still provides the city arborist the authority to ensure that an applicant satisfies code but simply moves his ability to withhold a site plan to the ability to withhold the building permit or certificate of occupancy. The 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.			
17.7	Division 23-3C-1	General Provisions	X								JSC								Application and Review Procedures	No	23-3C-1040 (C)	(B) Restrictions on Removal of Protected Trees. For an application for preliminary plan, final plat, building permit or site plan approval that proposed the removal of a protected tree, the city arborist must review the application and make a recommendation before the application is administratively approved or presented to the Land Use Commission or city Council.	Protected tree removal should not need Land Use Commission or city Council approval.			
17.8	Division 23-3C-1	General Provisions	X								JSC								Review by City Arborist	No	23-3C-1050 (B)	(B) Mitigation Requirements. If a regulated tree is permitted for removal, the city arborist shall require reasonable mitigation, consistent with the applicable requirements of this article and the Environment Criteria Manual. Compliance with required mitigation measures, which may include planting replace trees, must occur before the Development Services Director may approve the application, issue a certificate of occupancy.	This proposed language still provides the city arborist the authority to ensure that an applicant satisfies code but simply moves his ability to withhold approval of an application to withhold the certificate of occupancy. The 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.			
17.9	Division 23-3C-1	General Provisions									JSC								Review by City Arborist	No	23-3C-1060	(A) The city arborist may request that a city department waive or modify a policy, rule, or design standard, other than a regulation of this Title, if the waiver provides an opportunity for a tree to be preserved. The city department shall make best efforts to preserve the tree, and any conflicts between the city arborist and the city department shall be resolved by the City Manager within 30 days of the initial request for waiver. enforcement will result in removal of a regulated tree under Section 23-3C-1030 (Tree Designations); (B) At the city arborist's request, a responsible director may waive or modify the applicable policy, rule, or design standard, other than a regulation of this Title, if the director determines that a waiver or modification will not pose a threat to public safety.	Make this authority more explicit, and allow for bonuses.			
17.10											JSC											(C) The city arborist shall have the administrative authority to grant the following additional entitlements that exceed zoning criteria or waive specific regulations to encourage the preservation of a protected or heritage tree. These entitlements are: (1) Additional FAR; (2) Articulation requirements; (3) Parking siting requirements; (4) Minimum parking requirements; (5) Additional height; and (6) Smaller front, side, and rear setbacks (while maintaining fire code fire rating requirements); and (7) other non-zoning regulations. (D) The city arborist shall develop using the administrative rulemaking process described 23-2C-1020 to implement procedures for granting these entitlements."				
17.11	Division 23-3C-2	Young Public, Keystone, and Protected Trees																								
17.12	Division 23-3C-3	Heritage Trees																								

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			ANDERSON	HART	KAZI	KENNY	MCGRAW	NUCKOLS	OLIVER	SCHISLER	SEGER	SHIEH	THOMPSON	WHITE	SHAW	BURKARDT				MENDOZA	TEICH				
18.9	Division 23-3D-3 Impervious Cover																				23-3C-3030 Land Use Commission Variance	(B) A variance request under this section is subject to the application requirements in Section 23-2F-1020 (Application Requirements) and the public notice and hearing requirements in Section 23-2F-1040 (Public Hearing and Notification). (B) : 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 Chapter 23-4. Definition: unreasonably encumbered-50% or more of the site is undevelopable or more than 10% of the potential unit yield is lost.	Due to many of the new requirements under Chapter 23-4 to push parking towards the back of the property, impervious cover limitations, new setbacks, landscape buffers, etc. It is now more likely that some sites will be undevelopable due to the prevalence of heritage trees. Adding (B) and renumbering this section would allow the land use commission to take into consideration whether or not the development of a site is being unreasonably encumbered by the heritage trees on the site.		
18.10	Division 23-3D-3 Impervious Cover	x																		23-3D-3040(C)	(C) Impervious cover calculations exclude: (1) Sidewalks in a public right-of-way or public easement; (2) Multi-use trails open to the public and located on public land or in a public easement; (3) Water quality controls, excluding subsurface water quality controls; (4) Detention basins, excluding subsurface detention basins; (5) Ground level rainwater harvesting cisterns, excluding subsurface eisterns; (6) Drainage swales and conveyances; (7) The water surface area of ground level pools, fountains, and ponds; (8) Areas with gravel placed over pervious surfaces that are used only for landscaping or by pedestrians and are not constructed with compacted base; (9) Porous pavement designed under the Environmental Criteria Manual, limited to only pedestrian walkways and multi-use trails, and located outside the Edwards Aquifer recharge zone; (10) Fire lanes designed as prescribed in the Environmental Criteria Manual, that consist of interlocking pavers, and are restricted from routine vehicle access;	This proposed language removes the exclusion of subsurface infracture. Subsurface water quality controls and subsurface cisterns should not count towards impervious cover.			
18.11	Division 23-3D-3 Impervious Cover		x																	23-3D-3070(B)(2)(d)	(d) Impervious cover for a commercial, mixed use, civic, or industrial use may not exceed:	Mixed use should be permitted the same IC as commercial.			
18.12	Division 23-3D-3 Impervious Cover			x																23-3D-3070(B)(2)(e)	(e) Impervious cover for mixed use may not exceed: (i) The limits in Subsection (B)(1)(c) for the portion of the ground floor that is multi-family residential; (ii) The limits in Subsection (B)(1)(d) for the portion of the ground floor that is commercial, civic, or industrial; and (iii) Impervious cover for the entire site is based on the ratios determined on the ground floor.	With the proposed language for 23-3D-3070(B)(2)(d) this section is no longer necessary.			
18.13	Division 23-3D-3 Impervious Cover	x																		23-3D-3040(C)	(C) Impervious cover calculations exclude: (1) Sidewalks in a public right-of-way or public easement; (2) Multi-use trails open to the public and located on public land or in a public easement; (3) Water quality controls, excluding subsurface water quality controls; (4) Detention basins, excluding subsurface detention basins; (5) Ground level rainwater harvesting cisterns, excluding subsurface eisterns; (6) Drainage swales and conveyances; (7) The water surface area of ground level pools, fountains, and ponds; (8) Areas with gravel placed over pervious surfaces that are used only for landscaping or by pedestrians and are not constructed with compacted base; (9) Porous pavement designed under the Environmental Criteria Manual, limited to only pedestrian walkways and multi-use trails, and located outside the Edwards Aquifer recharge zone; (10) Fire lanes designed as prescribed in the Environmental Criteria Manual, that consist of interlocking pavers, and are restricted from routine vehicle access;	This proposed language removes the exclusion of subsurface infracture. Subsurface water quality controls and subsurface cisterns should not count towards impervious cover.			
18.14	Division 23-3D-4 Waterway and Floodplain Protection																			23-3D-4020(B)(6)	(6) Zone boundaries may be reduced based on hydrology analysis or floodplain model as approved by the director.	The proposed language would allows the director to use hydrology analalysis to reduce water quality boundaries on a case by case basis.			
18.15	Division 23-3D-4 Waterway and Floodplain Protection			x																					
18.16																									

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			ANDERSON	HART	KAZI	KENNY	MCGRAW	NUCKOLS	OLIVER	SCHISLER	SEGER	SHIEH	THOMPSON	WHITE	SHAW				BURKARDT	MENDOZA		TEICH	GENERAL	SPECIFIC SECTION	YES/NEUTRAL /NO	STAFF RESPONSE
18.17	Division 23-3D-4 Waterway and Floodplain Protection	x																	Critical Water Quality Zone Development	No	23-3D-4040(E)(4)	(E) A utility line, including a storm drain, is prohibited in the critical water quality zone, except as provided in Subsection (E) or for a necessary crossing. A necessary utility crossing may cross into or through a critical water quality zone only if: (1) The utility line follows the most direct path into or across the critical water quality zone to minimize disturbance; (2) The depth of the utility line and location of associated access shafts are not located within an erosion hazard zone, unless protective works are provided as prescribed in the Drainage Criteria Manual; and (3) In the Barton Springs Zone, is approved by the Watershed Director.	The amendment clarifies that the department/person requiring the alignment of a utility parallel to and within a critical water quality zone is responsible for the payment.			
18.18	Division 23-3D-4																				23-3D-4070	(A) All <u>natural</u> floodplain modification within a critical water quality zone is prohibited except as allowed under Section 23-3D-4040 (Critical Water Quality Zone Development). (B) All <u>natural</u> floodplain modification outside a critical water quality zone is allowed only if the modification proposed: (C) All <u>natural</u> floodplain modifications must :	Clarifies that floodplain must be naturally occurring.			
18.19	Division 23-3D-5 Protection for Special Features																				23-3D-5010(A)	(A) An applicant must shall file an environmental resource inventory with the director for proposed development located on a tract that may cause disturbance to: (1) Within the Edwards Aquifer recharge or contributing zone; (2) Within the Drinking Water Protection Zone; (3) Containing a water quality transition zone; (4) Containing a critical water quality zone; (5) Containing a floodplain; or (6) With a gradient of more than 15 percent. For applications with a <u>tract containing a gradient of more than 15 percent the environmental resource inventory shall be required for the portion of the site within 150 linear feet from the slope over 15 percent.</u>	Clarifies that an environmental resource inventory only applies to developments where any of these features may be disturbed, as it would be a severe cost to the applicant to do this for every site. In addition, the clarification for (6) allows for flexibility when working with larger sites which may have varying types of typography.			
18.20	Division 23-3D-5 Protection for Special Features	x																	Environmental Resource Inventory	No	23-3D-5010(A)	(A) An applicant must shall file an environmental resource inventory with the director for proposed development located on a tract that may cause disturbance to: (1) Within the Edwards Aquifer recharge or contributing zone; (2) Within the Drinking Water Protection Zone; (3) Containing a water quality transition zone; (4) Containing a critical water quality zone; (5) Containing a floodplain; or (6) With a gradient of more than 15 percent. For applications with a <u>tract containing a gradient of more than 15 percent the environmental resource inventory shall be required for the portion of the site within 150 linear feet from the slope over 15 percent.</u>	Clarifies that an environmental resource inventory only applies to developments where any of these features may be disturbed, as it would be a severe cost to the applicant to do this for every site. In addition, the clarification for (6) allows for flexibility when working with larger sites which may have varying types of typography.			
18.21	Division 23-3D-6 Water Quality Control and Green Infrastructure Standards																				23-3D-6010(B)(3)	Delete "8,000" and substitute "5,000."	Nationwide, best practices for exemptions from undertaking water quality control measures is 5,000 sf, not 8,000 sf. Imagine Austin calls for "complete communities." Complete communities need water quality controls.			
18.22	Division 23-3D-6 Water Quality Control and Green Infrastructure Standards	x																	Optional Payment Instead of Structural Controls in Suburban Watersheds	No	23-3D-6050 (B)	(B) Instead of providing the water quality controls required by Section 23-3D-6010 (Applicability of Water Quality Control Standards), in a Suburban watershed an applicant may request approval to deposit with the City a nonrefundable cash payment. The director shall review the request and approve or disapprove the request based on the standards in the Environmental Criteria Manual. To be eligible to request the optional payment, the development must: (1) Be located within the zoning jurisdiction; (2) Be (a) a residential subdivision less than two acres in size (b) a commercial property with less than an acre of the site that is requesting optional payment; or (c) a vertical commercial, residential, or mixed-use development with structured parking below the primary building, up to three acres in size.; and (3) Demonstrate exemption from the preliminary plan standard as determined by Section 23-5B-2010 (Preliminary Plan Requirement).				
18.23	Division 23-3D-6 Water Quality Control and Green Infrastructure Standards																				23-3D-6050 (B)	(B) Instead of providing the water quality controls required by Section 23-3D-6010 (Applicability of Water Quality Control Standards), in a Suburban watershed an applicant may request approval to deposit with the City a nonrefundable cash payment. The director shall review the request and approve or disapprove the request based on the standards in the Environmental Criteria Manual. To be eligible to request the optional payment, the development must: (1) Be located within the zoning jurisdiction; (2) Be (a) a residential subdivision less than two acres in size (b) a commercial property with less than an acre of the site that is requesting optional payment; or (c) a vertical commercial, residential, or mixed-use development with structured parking below the primary building, up to three acres in size.; and (3) Demonstrate exemption from the preliminary plan standard as determined by Section 23-5B-2010 (Preliminary Plan Requirement).				
18.24	Division 23-3D-6 Water Quality Control and Green Infrastructure Standards	x																	Dedicated Fund	No	23-3D-6080(C)	(C) The Watershed Director shall use the <u>administrative rules process to propose rules that administer the fund, calculate the fee, collect the fee and allocate the fund for appropriate projects, and report annually to the Council regarding the status of the fund and the monitoring and maintenance program described in this section. The proposed rules should be presented to the Environmental Commission for a recommendation to Council. The Council shall approve the proposed rules, reject them, or approve them with modifications.</u>				
18.25	23-D-6010 - Applicability of Water Control Standards																		Water Quality Controls	NO	6010(B)(3)	(B)(3) If the total of new and redeveloped impervious cover exceeds <u>5,000 8,000</u> square feet.	Per Environmental Commission.			
18.26	Division 23-3D-7 Erosion and Sedimentation Control	C																								
18.27	Division 23-3D-8 Additional Standards in All Watersheds	C																								
18.28	Division 23-3D-9 Save Our Springs Initiative	C																								

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19.22	Division 23-3E-2 Downtown Density Bonus Program	X																	AHDB	x		23-3E-2060-E-2-c	A unit is affordable for rent if the maximum monthly rent for the unit does not exceed 30% of the average gross monthly income for a household at 80-60 percent of the MFI.	I think the price of units downtown should be able to handle a little more affordability			
19.23	Division 23-3E-2 Downtown Density Bonus Program	X	GA																Downtown	No		23-3E-2060(B)	If the applicant chooses to achieve 100 percent of the density bonus by providing community benefits described in Subsection (C) through (strike E and insert) (F), the director may approve the density bonus administratively.	With Amendment this would match current LDC. Does not appear to require "designated review group" for downtown, but does not indicate how projects receive approval for using codified community benefits other than 100% affordable housing. This seems to be an oversight since downtown projects can currently earn density via a menu of options, as long as at least 50% of the bonus area is earned through providing housing on site or paying a fee in lieu.			
19.24	Division 23-3E-2 Downtown Density Bonus Program	X							JSC										Application Review	Yes	Yes	23-3E-2030 (B)(6)	NHCD Director should not be able to adjust without a proper, third-party calibration study. Applying some sort of index does not accurately reflect market conditions.	23-3E-1070 gives NHCD Director authority to recommend FIL or % units to City Council annually. 23-3E-2030 (B) (6) states that downtown fees may vary by use and district (ok). Claims nine districts, but unclear what those are.			
19.25	Division 23-3E-2 Downtown Density Bonus Program	X							JSC										Downtown Density Bonus Gatekeeper Requirements	No		23-3E-2040 (A)(2)	(2) The Design Commission shall evaluate and make recommendations regarding whether the development is in substantial compliance with the City's Urban Design Guidelines and the director shall consider comments and recommendations of the Design Commission.	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.			
19.26	Division 23-3E-2 Downtown Density Bonus Program	X							JSC										Downtown Density Bonus Gatekeeper Requirements	No		23-4E-2040 (B)	(B) Appeal. (1) An applicant may appeal to the city council the director's determination that the gatekeeper requirements have not been met. (2) An applicant must appeal the determination within 30 days from the date of the director's denial (3) An appeal is subject to the procedures set forth in Section 23-2D-1 Conduct of Public Hearings and 23-2D-2 Timing and Location of Public Hearings.	Current code allows applicant to appeal to the City Council if director determines that the gatekeeper requirements have not been met. This proposed language replicate ability to appeal in the current LDC 25-2-586 (J) (1 - 3)			
19.27	Division 23-3E-2 Downtown Density Bonus Program	X							JSC										Community Benefits	No		23-3E-2060 (B)	Administrative Approval. If the applicant chooses to achieve 100 percent of the density bonus by providing community benefits described in Subsection (C) through (strike E and insert) (F), the director may approve the density bonus administratively.	This proposed language replaces the phrase "(C) through (E)" with "C through F." The density bonus program provides alternatives for community benefits including affordable housing, green roofs, music/cultural spaces, provision of day care, etc. This allows administrative approval for any of the community benefits listed in this section to not discourage some kinds of benefits over others. By allowing administrative approval, the need to go to Council and Planning Commission to approve something allowed by code is eliminated, simplifying the process.			
19.28	23-3E-2060(B) Administrative Approval of Downtown Density Bonus	X	X																Downtown	No		23-3E-2060(B)	23-3E-2060(B) Proposed Code Language Administrative Approval. If the applicant chooses to achieve 100 percent of the density bonus by providing community benefits described in Subsection (C) through (strike E and insert) (F), the director may approve the density bonus administratively.	With Amendment this would match current LDC. Does not appear to require "designated review group" for downtown, but does not indicate how projects receive approval for using codified community benefits other than 100% affordable housing. This seems to be an oversight since downtown projects can currently earn density via a menu of options, as long as at least 50% of the bonus area is earned through providing housing on site or paying a fee in lieu.			
19.29	Division 23-3E-2 Downtown Density Bonus Program	X							JSC										Rainey Street Subdistrict Bonus	No		23-3E-2070 (B) (1)	(1) A development in the Rainey Street Subdistrict may exceed the 40 foot height limit Subsection 23-4D-9140(F)(7)(iii) and achieve a floor area ratio of up to 8:1 if at least five percent of the square footage of the dwelling units developed within that floor area ratio of 8:1 is available to house persons whose household income is 80 percent or below the MFI HOME Limits, as amended per household size, and as defined by the U.S. Department of Housing and Urban Development for the Austin-Round Rock Metropolitan Statistical Area. The Housing Director conducts the income determination.	The proposed language amends this section to keep current standards. To achieve density above 40 up to 8:1 FAR, support continuing the on-site affordable housing requirement. Support reverting to the on-site requirements in place before 2014, 5% of the number of bonus units (as opposed to 5% of the bonus square footage) be designated affordable to 80% Median Family Income.			
19.30	Division 23-3E-2 Downtown Density Bonus Program	X							JSC										Rainey Street Subdistrict Bonus	No		23-3E-2070 (B) (6)	Strike 23-3E-2070 (B) (6)	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. Except for those that were already entitled and therefore exempt, only one new residential projects has been proposed on Rainey Street after this requirement was imposed in 2014, and they declined to build any 3-bedroom units in order to make this new provision feasible.			
19.31	Division 23-3E-2 Downtown Density Bonus Program	X							AH										Affordability	No	No	23-3E-2060 (B)	"(B) Administrative Approval. If the applicant chooses to achieve 100 percent of the density bonus by providing community benefits described in Subsection (C) through (EF), the director may approve the density bonus administratively."	The density bonus program provides alternatives for community benefits including affordable housing, green roofs, music/cultural spaces, provision of day care, etc. This allows administrative approval for any of the community benefits listed in this section to not discourage some kinds of benefits over others. By allowing administrative approval, the need to go to Council and Planning Commission to approve something allowed by code is eliminated, simplifying the process.			
19.32	Division 23-3E-2 Downtown Density Bonus Program	X							AH										Affordability and Affordable Housing	No	No	23-3E-2070 (B)(1)	23-3E-2070 (B) (1): A development in the Rainey Street Subdistrict may exceed the 40 foot height limit Subsection 23-4D-9140(F)(7)(iii) and achieve a floor area ratio of up to 8:1 if at least five percent of the square footage of the number of the dwelling units developed within that floor area ratio of 8:1 is available to house persons whose household income is 80 percent or below the MFI HOME Limits, as amended per household size, and as defined by the U.S. Department of HUD for the Austin-Round Rock Metro Statistical Area. The Housing Director conducts the income determination.	To achieve density above 40 up to 8:1 FAR, we support continuing the on-site affordable housing requirement. We support reverting to the on-site requirements in place before 2014, 5% of the number of bonus units (as opposed to 5% of the bonus square footage) be designated affordable to 80% Median Family Income.			
19.33	Division 23-3E-3 Tenant Notification and Relocation	C																									
19.34	Division 23-3E-4 S.M.A.R.T. Housing																										

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19.49	23-3F Art, Music, and Culture	X	GA															Art, Music, and Culture	No	23-3F	<p>Proposed Future CodeNEXT Article 23-3F: Art, Music, and Culture</p> <p>Both the Imagine Austin Comprehensive Plan and the Code Prescription on Household Affordability reference the need for regulations to sustain and strengthen the music and arts industries and communities. To this end, the CAG recommends developing a future code section that would provide city-wide regulations to promote arts, music, and culture with the goals of: protecting existing assets and promote new ones in areas deficient of art, music, and cultural assets, and supporting housing and jobs for musicians and artists, and sustaining these important elements of Austin's economy.</p> <p>Proposed Code Additions: 1. Add arts, music culture to the Purpose Statement of General Planning Standards. The current draft of the new Land Development Code for Austin, dubbed CodeNEXT contains the following purpose statement in Chapter 23-3: General Planning Standards for All [1]. The red underlined clause below would add reference to a to-be-written section governing arts, music and culture. 23-3A-1010 Purpose</p>	<p>This is the Live Music Capital of the World and we are not doing nearly enough for our artists! We should also consider a density bonus for music venues.</p>		
19.50																					<p>This Chapter provides standards and regulations for the following purposes: to provide parkland; to provide for the protection and replenishment of urban forest resources; to provide for the protection of water quality and protection from flooding; to encourage the creation and preservation of affordable housing; and to sustain the local arts, music, and culture communities and industries. These aspects are all essential to the development of a healthy, sustainable and desirable city environment. The interests of the community and the goals of the Comprehensive Plan and Zoning Code are further ensured through the application of this Chapter.</p> <p>23-3A-1020 Applicability This Chapter applies to all development within the City of Austin and the ETJ.</p> <p>2. Working with appropriate city boards and stakeholders, develop a new code section to be numbered 23-3F. Provisions for consideration, several of which are already supported by City of Austin Economic Development Department and the City's Arts Commission and Music Commission, are outlined below.</p> <p>23-3F-1010 Purpose and Intent (A) The purpose of this division is establish general requirements and procedures to sustain the local arts, music, and culture communities and industries and to guarantee that arts, music, and cultural lad uses are</p> <p>23-3F-1020 Artist Live/Work and Live/Work/Sell (A) Allow artists to sell finished goods from their live/work home studios. Specify in which districts a live/work artist may "sell", including performance art. This is an important distinction as multidisciplinary spaces are becoming increasingly common – where both object-based art and experience-based art are being created (i.e. "work") and offered to the public within a single building envelope.</p> <p>23-3F-1030 Density Bonus Provisions for Art and Music (A) In designated town/regional centers and activity corridors allow density bonus rules to trade greater building entitlements for including art galleries, studio space, live theater, dance performance space, live music venues, or other forms of performance art on the first floor or for preserving an existing an iconic venue on the tract (e.g., Broken Spoke).</p> <p>23-3F-1040 Art Districts (A) Describe the basis for designating arts districts (similar to that provided for historic districts) in neighborhood plans, neighborhood centers, town centers, and regional centers, and target one or more arts districts per Council District.</p> <p>23-3F-1050 Theater and Art Venue Scale (A) In establishing capacity rating for theater or arts venue consider how the venue is used in addition to overall size.</p>			
19.51																								

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			ANDERSON HART KAZI KENNY MCGRAW NUCKOLS OLIVER SCHISLER SEGER SHIEH THOMPSON WHITE SHAW BURKARDT MENDOZA TEICH					GENERAL	SPECIFIC SECTION			YES/NEUTRAL /NO	
19.52										<p>23-3F-1060 Art, Music, and Culture Nomenclature and Definitions</p> <p>(A) Add explicit definitions that clearly distinguish types of arts/music spaces for flexible and hybrid uses in city ordinances and other regulation (i.e. distinguish terms "gallery", "theater", "studio", "live music venue," etc.).</p> <p>(B) Live Music Venue Use</p> <p>An establishment where live music programming is the principal function of the business and/or the business is a live music destination, and where the venue clearly establishes the ability of an artist to receive payment for work by percentage of sales, guarantee or other mutually beneficial formal agreement.</p> <p>A live music venue is a destination for live music consumers, and its music programming is the primary driver of its business as indicated by the presence of at least five (5) of the following:</p> <ul style="list-style-type: none"> • defined performance and audience space; • mixing desk, PA system, and lighting rig; • back line (e.g., sound amplification or video equipment for performers on or behind the stage); • at least two of: sound engineer, booker, promoter, stage manager, security personnel; • applies cover charge to some music performance through ticketing or front door entrance fee; • marketing of specific acts through show listings in printed and electronic publications; • hours of operation coincide with performance times. <p>23-3F-1070 Codify of Agent of Change Principle.</p>			
19.53										<p>Imagine Austin and Code Prescriptions Support New Code Section Justification for the proposed new code section comes from the Imagine Austin Comprehensive Plan and more recent work done in developing the CodeNEXT draft. Priority Program 5 (among 8 Priority Programs) in the 2012 Imagine Austin Comprehensive Plan is "Grow and invest in Austin's creative economy." A short term (1-3 years) work program item is: "Explore and reimagine existing City development tools, such as incentives, regulations, and financing options, with a focus on creative industries' facility needs. Expand access to affordable and functional studio, exhibition, performance space, museums, libraries, music venues, and office space."</p> <p>The proposed new section is also supported by the following policies and priority actions in the Imagine Austin Comprehensive Plan:</p> <ul style="list-style-type: none"> • Develop regulations to mitigate the sound from live music venues through a collaborative process that includes the City of Austin, musicians, venue operators, property owners, and residents. • Create incentives and programs to preserve iconic and established music venues and performance spaces throughout Austin and its extraterritorial jurisdiction (ETJ). • Expand access to affordable and functional studio, exhibition, performance, and office space for arts organizations, artists, and creative industry businesses. 			
19.54										<ul style="list-style-type: none"> • Explore existing City policies, processes, and regulations regarding the arts to determine what changes can be made to coordinate these with other goals, such as historic preservation, affordable housing, and high-density development. • Incorporate the arts and cultural preservation themes and elements into small area plans, such as neighborhood and corridor plans. • Create incentives, and programs to promote the inclusion of public art into new development. • Encourage artists and other creative individuals by promoting the creation of live/work spaces and creative industry hubs, districts, and clusters as retail, community, or neighborhood anchors and activity generators to attract and support other economic and community enterprises. • Establish incentives and regulations to promote the creation of artists' live/work space in residential areas that allow for limited gallery space. Further, the Code Prescription on Household Affordability written in 2016 in response to the CodeNEXT consultant's Code Diagnosis, specifically addressed affordability impacts to small businesses and the cultural arts in the following three prescriptions: • Allow for compatible retail and commercial uses by right including arts, culture and creative uses such as rehearsal, gallery, studio, performance or exhibit spaces and offices in areas where form-based zones have been applied and a diversity of uses is desired. This includes adequate commercial space allowances in corridors, centers, and in between these areas and neighborhoods. 			

CHAPTER ARTICLE	DIVISION TITLE	DESIRED PROPOSED CHANGES TO D3	INITIATED BY COMMISSIONER														EX OFFICIO	TOPIC AREA	REQ. ADD'L STAFF FEEDBACK	AMENDMENT TYPE		SUBSTITUTE LANGUAGE	COMMISSIONER NOTES	YES/NEUTRAL /NO	STAFF RESPONSE
			ANDERSON	HART	KAZI	KENNY	MCGRAW	NUCKOLS	OLIVER	SCHISLER	SEGER	SHIEH	THOMPSON	WHITE	SHAW	BURKARDT				MENDOZA	TEICH				
20.7	Division 23-4A-3	2020																	NO		2020 A)1	Residential house-scale (R) zone category includes single-family detached homes, single-family-attached , duplexes, small multiplexes, cottages, row houses, townhouses, and accessory dwelling units (garage apartments or granny flats).	Add other house types.	Yes	
20.8	Division 23-4A-4	How to Use the Zoning Code	C																						
21 Article 23-4B Zoning Administration and Procedures																									
21.1	Division 23-4B-1	Land Use Approvals																							
21.2	Division 23-4B-1	Land Use Approvals	x				AH												No	No	23-4C-2020 (D)	(D) Civic open space that complies with this division may be used to satisfy Section 23-4C-1030 (Common Open Space) if the civic open space is publicly accessible.	Strike this section as it conflicts with the requirements of section 23-4C-1010 as common open space and civic open space are triggered by size of the site and not required at the same time.		See addendum
21.3	Division 23-4B-1	1020 - Conditional Use Permit																	NO		1020 Conditional Use Permit (F)1	Delete (F)1	F)1) Land Use Commission may impose conditions such as limits on FAR, setbacks etc. This seems to perpetuate zoning classes with additional conditions like we have now.	No	Intent of text is correct
21.4	Division 23-4B-1	1020 - Conditional Use Permit																	NO		1020 Conditional Use Permit (F)2	(2) Late Hours Permit (a) If the Land Use Commission approves a conditional use permit for a bar, nightclub, or restaurant with a late-hours permit or with out-door seating, the having a parking area associated with the use must be a minimum of less than 200 feet from a Residential House-Scale Zone is required to obtain approval of a conditional use permit , unless the use is located within an enclosed shopping center. (b) The Land Use Commission may waive the 200-foot restriction if it finds that the effects of a parking area are sufficiently mitigated based on the criteria in Subsection (E).	Reword to require all bars,nightclubs andrestaurants w/ alcohol that have late night hours and/or outdoor seating that are close to neighborhoods to obtain a CUP. F)2) Late Hours Permit - This minimum distance should be included in the Division 23-4E-6: Specific to Use section for Bars/NightClubs and Restaurants.	Yes	Language already included in 23-4E-6310 Restaurant; staff would support adding specific to use language for Bars/Nightclub
21.5		Conditional Use Permits																			23-4B-1020	please see Exhibit TW Conditional Use Permits	There are a number of general and specific changes outlined in the exhibit		
21.6	Division 23-4B-1	1030 - Minor Use Permit																	NO		1030 - Minor Use Permit (C)1	C) Administrative Review Process (1) Notice of Application. The director shall provide notice of an application for a minor use permit under Section 23-2C-5010 (Notice of Application) and allow parties to submit comments on the application for a period of at least 14 30 days.	C) (1)Admin Review- requires a 14 day public comment period. 30 days is needed.	No	Staff believes timeline is appropriate
21.7	Division 23-4B-1	1030 - Minor Use Permit																	NO		1030 - Minor Use Permit (E)	Delete (E)	E) Allows Director to impose conditions same as Conditional Use Permit. Land Use Commission may impose conditions such as limits on FAR, setbacks etc. This seems to perpetuate zoning classes with additional conditions like we have now.	No	Staff supports this digression
21.8	Division 23-4B-2	Code Interpretations and Use Determinations																							
21.9	Division 23-4B-2	Code Interpretations and Use Determinations																							
21.10	Division 23-4B-2	Code Interpretations and Use Determinations																			23-4B-2030 Use Determinations	(A)-Purposes and Applicability. This section establishes procedures for obtaining a determination by the director regarding:(1) The appropriate classification of an existing or proposed land use or activity under Article 23-4D (Specific to Zones); or (2) Whether an existing use or structure is non-conforming under Article 23-2G (Nonconformity).	This section needs to be explained and possibly rewritten or deleted. We seek clarification and understanding of why we need this section included for classified zoning uses and when this determination would come into play. The existing LDC section is for use determinations not particularly defined or classified within the zoning code. Further, Article 23-2G states that a property that is legally nonconforming is appealable to the BOA. The property owner is required to prove a lot of information that they may not have in order to avail itself to the legally nonconforming provisions of CodeNEXT 3.0. This will be costly and in a lot of instances, just not possible, as the information may not be available.		
21.11	Division 23-4B-2	Code Interpretations and Use Determinations																			23-4B-2040 Administrative Appeal	(A) Project Interpretations. A project code interpretation or use determination issued under this division for a particular development application may be appealed to the Board of Adjustment under Article 23-2I (Appeals). If the code interpretation or use determination is not appealed, or is upheld by the Board on appeal, a subsequent decision by the director to approve or disapprove a development application associated with the interpretation or determination may not be appealed under this section. (B) Non-project Interpretations. A non-project code interpretation or use determination issued under this division may be appealed to the Board of Adjustment under Article 23-2I (Appeals). (C) Permitting Decisions. Except as provided in Subsection (A), a decision by the Development Services Director or another responsible director to approve or disapprove a development application because of non-compliance with the zoning code may be appealed to the Board of Adjustment under Article 23-2I (Appeals).	Section 23-4B-2040 Administrative Appeal states that a decision by the Development Services Director or another responsible director to approve or disapprove a development application may be appealed to the BOA under Article 23-2I (Appeals). This is broader than just site development standards under the Zoning Code. This Section should be limited. A development permit that is issued should only be appealable because of non-compliance with the zoning code and the provision of the code not correctly interpreted was the zoning code (not building, fire, electric, etc.).		
21.12	Division 23-4B-3	Zoning Map Designations and Amendments																							
21.13	3100 - Requirement for Approval from 3/4 of Council -																		NO		3100 - Requirement for Approval from 3/4 of Council (A) (2)	(2)The assignment of a Planned Unit Development zoning designation to previously unzoned property if the Land Use Commission recommends denial of the application; or	(A)2) is the recent Council decision to require disapproval by 3/4 of the Land Use Commission to trigger requirement for approval by 3/4 of Council for PUDs on unzoned property which is a higher bar than PUDs on zoned properties. This was a rule created by Council during the Grove at Shoal Creek PUD hearings and needs to be reconsidered. There is no justification for PUD's related to unzoned properties to be handled any differently than zoned properties. Suggest that this section be deleted so that requirements for all PUDs are equal.		
21.13	Division 23-4B-3	Zoning Map Designations and Amendments																			23-4B-3040	(1) A zoning map amendment regarding a Historic District Overlay Zone may be initiated by: (a) The Historic Landmark Commission; (b) A petition of the applicants owners of at least 51 percent of the land, measured by land area, in the proposed zone or at least 51 percent of the applicants owners of individual properties in the proposed zone; or (c) The council.		Neutral	
21.14	Division 23-4B-4	Criteria for Variances and Special Exemptions	C																						
21.15	Division 23-4B-4	Criteria for Variances and Special Exemptions	C																						

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					ANDERSON	HART	KAZI	KENNY	MCGRAW	NUCKOLS	OLIVER	SCHISLER	SEGER	SHIEH	THOMPSON	WHITE	SHAW				BURKARDT	MENDOZA		TEICH	GENERAL		
21.16	Division 23-4B-4 Criteria for Variances and Special Exemptions																					23-4B-4010 Purpose and Applicability (A) and (B)	(A) This division establishes review criteria for zoning variances and special exceptions considered by the Board of Adjustment, consistent with the standards <u>regulations</u> of this Title and Chapter 211 (Municipal Zoning Authority) of the Texas Local Government Code. (B) An application for a variance or special exception authorized under this division is subject to the application, notification, and other standards <u>regulations</u> established under Division 23-2F-1 (Variances and Special Exceptions).	The current Land Development Code uses the term "regulations" as it relates to the zoning district. Regulations are laws and are codified. The use of "standards" is problematic because these are not codified law. Standards provide for guidelines, with which compliance is not mandatory. The current language suggests that the BOA would look outside of the zoning code regarding development regulations, which is not consistent with the current Code or State law.			
21.17																					23-4B-4020(B)(1)(c)(iii)	(B) General Findings (1) The Board of Adjustment may grant a variance from a site development standard adopted under this chapter if the Board determines that: (a) The requirement does not allow for a reasonable use of property; (b) The hardship for which the variance is requested is unique to the property and is not generally characteristic of the area in which the property is located; and (c) Development in compliance with the variance does not: (i) Alter the character of the area adjacent to the property; (ii) Impair the use of adjacent property that is developed in compliance with the City requirements; or (iii) Impair the purposes of the standards <u>regulations</u> of the zone in which the property is located.	The current Land Development Code, Section 25-2-474(A)(3), uses the term "regulations" as it relates to the zoning district. The sentence in (iii) of Draft 3.0 is problematic because it uses the word "standards" and these are not codified law. The use of the phrase "impair the purposes of the standards of the zone" in this section could possibly result in a subjective determination by the BOA to not grant a variance. The use of standards is not consistent with the current Code or State law regarding development regulations.				
21.18																					23-4B-4030 (C) Special Exceptions Required Findings	(C) Required Findings. The Board of Adjustment may <u>shall</u> approve a special exception in compliance with this section if the Board finds that:	The word "shall" is currently used in the Land Development Code, Section 25-2-476 pertaining to special exceptions and this is a change to "may" in Draft 3.0. The wording of "may" in Draft 3.0 infers that the BOA determines that the special exception meets the findings set forth in this section and has discretion to grant a special exception or not and this is not consistent with the currently accepted general practice. Using the word "shall" in this instance is consistent with a quasi-judicial decision that is only appealable to a court. If the wording changes to "may" as it is in this current draft 3.0, and it is discretionary for BOA to grant a special exception, then there is virtually no way to appeal the decision to a court.				
22	Article 23-4C General to all Development																										
22.1	Division 23-4C-1 Large Site Requirements																										
22.2	Division 23-4C-1		x																								
22.3	Division 23-4C-1 1010 - Applicability			x														TS	Common Open Space	YES	1010 Applicability (C)	(C) A site that is <u>more than</u> one acre but less than four shall comply with Section 23-4C-1030 (Common Open Space).(B) A site that is one or more acres shall comply with Section 23-4C-1030 (Common Open Space).	ADDENDA Common Open Space - A site that is two or more acres shall comply with Section 23-4C-1030 (Common Open Space). Draft 3 reduced the threshold for compliance from 2 acres to 1 acre based on PARD recommendations. PARD also recommended rewording in ADDENDA so that common open space required for all development greater than an acre. PARD did not recommend changing threshold back to 2 acres in latest addenda. This section conflicts with Article 23-4D: Specific to Zones/Table J-Open Space as several zones do not require Common Open Space. PARD contact - Marilyn Lamenesdorf.	No	PAZ supports addendum		
22.4	Division 23-4C-1																	TS									
22.4	Division 23-4C-1 Large Site Requirements	x		X														JSc	Parkland and Open Space		23-4C-1010	(B) Open Space. (1) Common. Sites two acres or larger <u>and that have a zone that requires it</u> must comply with the Common Open Space requirements of Section 23-4C-1050 (Common Open Space); and (2) Civic. Sites four acres or larger <u>and that have a zone that requires it</u> must comply with Civic Open Space requirements of Section 23-4C-1060 (Civic Open Space)."	Minor update - not every zone requires open space	Yes	agree with clarification of applicability		
22.5	Division 23-4C-1 1020 - Internal Circulation			x														TS	Reduced Parking	NO	1020 - Internal Circulation (M)(2)	Delete 1020(M)(2)	Requires additional connectivity measures when exceeding over 125 % of parking required. Planning Staff have said that they are only establishing minimum parking requirements, but developers are allowed to provide parking at levels that is established by market. If this is the approach, we should not make it more costly for developers to provide parking they need.	No	Staff supports multi-modal offset with more automobile parking		
22.6	Division 23-4C-1 1030 - Common Open Space																	TS	Common Open Space	NO	1030 - Common Open Space	ADD AND RENUMBER (A) General (1) An applicant for a site plan or subdivision <u>must designate common open space that complies with the requirements 23-4C-1030.</u> (2) An exemption described in this Section does not exempt the development from any applicable parkland dedication required by Article 23-3B (Parkland Dedication) or Civic Open Space required by 23-4C-1040.	Similar to 1040 General Section.	Neutral			
22.7				x																							

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																					GENERAL	SPECIFIC SECTION				
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22.19	Division 23-4C-1	1040 Civic Open Space		X															NO	1040 Civic Open Space (B) (5)	...at least a quarter acre	missing unit	Yes	erratta		
	Division 23-4C-1	Large Site Requirements			X					JSc										23-4C-1040	Strike 23-4C-1040 AND all of 23-4C-2	Civic Open Space is a new requirement that heavily overlaps with parkland dedication. For proof, just look at the kinds of civic open space mentioned in the next division: It includes things called parks! Requiring an entirely new on-site parkland dedication requirement when Austin already has one of the strongest parkland ordinances in the state is totally unnecessary.	No	parkland dedication on site counts towards civic open space		
22.20	Division 23-4C-1	Large Site Requirements		X						JSc										23-4C-1040 (A)	(A) General (1) An applicant for a site plan or subdivision <u>that results in one or more parcels greater than 4 acres</u> , must designate civic open space that complies with the requirements of Division 23-4C-2 (Civic Open Space).	This would not require civic open space on parcels less than 4 acres and would allow for better use of density on smaller parcels.	No	the purpose is to work with projects at 4 acres or larger		
22.21	Division 23-4C-1	Large Site Requirements		X						JSc										23-4C-1040 (B)	(B) Civic Open Space Amounts and Locations(1) Land dedicated to the City to meet the applicable parkland dedication requirements in Article 23-3B (Parkland Dedication) may shall contribute to satisfying the requirements of this section. (2) Except as provided in Subsection (B)(3), an applicant for a site plan or subdivision shall designate at least 10 percent of the net development acreage as civic open space. The net development acreage does not includes: <u>street rights-of-way, 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.</u>	This clarifies that civic open space does count towards parkland dedication requirements and redefines the net development acreage as the portion of land where the development actually occurs.	Yes/No	Staff agrees that "may" needs review and will need to coordinate with legal. Staff does not agree with added language and change of net development acreage		
22.22	Division 23-4C-1	Large Site Requirements		X						JSc										23-4C-1040 (B) (2)	(2) Except as provided in Subsection (B)(3), an applicant for a site plan or subdivision shall designate at least 10 40 percent of the net development acreage as civic open space. <u>The net development acreage does include street rights-of-way, water quality and detention features not located in a building, sidewalks, and other features located inside the development acreage.</u>	This section provides how much of the land that civic open space will take away from providing the primary purpose of the site.	No	staff agrees with 10%		
22.23	Division 23-4C-2	Civic Open Space								JSc																
22.24	Division 23-4C-2	Civic Open Space		X						JSc										STRIKE 23-4C-2	STRIKE DIVISION	Civic Open Space is a new requirement that heavily overlaps with parkland dedication. For proof, just look at the kinds of civic open space mentioned in this division: It includes things called parks! Requiring an entirely new on-site parkland dedication requirement when Austin already has one of the strongest parkland ordinances in the state is totally unnecessary.	No	parkland dedication on site counts towards civic open space		
22.25	Division 23-4C-2	2010- Purpose																		2010- Purpose	Purpose - This division sets the requirements for a wide range of civic open space types that are appropriate for the City. Civic Open Space aligns with Imagine Austin Priority "Use green infrastructure to protect environmentally sensitive areas and integrate nature into the city" and will ensure adequate open spaces are incorporated into mixed use developments creating complete communities.	Revise Purpose Section to show alignment with IA priorities. Marilyn Lamensdorf stated that intent of Civic Spaces is to provide the additional open space needs for commercial development.	No	draft purpose language statement applies to all types of development, not just commercial		
22.26	Division 23-4C-2	2020 - Applicability and Conflict			X															2020 - Applicability and Conflict (B)	(B) A required civic open space shall comply with the requirements in this division, Article 23-4D (Specific to Zones) and Division 23-4C-1 (Large Site Requirements).	The tables for Open Space in the 23-4D sections are incorrect and recommend that the civic space section is deleted from each zone table. This along with 2020 (C) will allow residential and mixed use developments to satisfy the residential unit requirements for parkland through 23-3B and provide additional civic space for commercial development through this section.	No	reference to civic open space in zoning is helpful, not sure how it is incorrect		
22.27	Division 23-4C-2	2020 - Applicability and Conflict																		2020 - Applicability and Conflict (C)	(C) parkland dedicated per 23-3B can be used to satisfy the requirements of this division on no more than an acre for acre basis as approved by the Parks and Recreation Department.	The language was not specific enough.	No	staff supports current language		
22.28	Division 23-4C-2	Civic Open Space								JSc										23-4C-2020 Applicability and Conflict (D)	(D) Civic open space that complies with this division may be used to satisfy Section 23-4C-1030 (Common Open Space) if the civic open space is publicly accessible.	Strike this section as it conflicts with the requirements of section 23-4C-1010 as common open space and civic open space are triggered by size of the site and not required at the same time.				
22.29	Division 23-4C-2	2050 - Civic Open Space Standards		X																2050 - Civic Open Space Standards	ADD (F) Parks and Recreation Department shall approve final civic open space type provided based on park and open space needs in the area and Civic Open Space shall comply with Parks and Recreation Department Operating Procedures.	Civic Open Space should comply with PARD Operating Procedures and final park typology should have PARD approval.	No	PARD has discretion over parkland dedication		
22.30	Division 23-4C-2	Civic Open Space			X					JSc										23-4C-2050 (D) Parking Requirements	(D) Parking. The director shall require a specific number of parking spaces for a civic open space that is more than five acres					
22.31	Division 23-4C-2	2050 - Civic Open Space Standards																		2050 - Civic Open Space Standards (D)	(D) Parking. The minimum parking requirements shall comply with 23-4D-8040.	This excludes parking from all of the Civic Open Space Types. It is unlikely that any of the parks will be greater than 5 acres given that this would require a 50 acre development to yield this amount of open space (10% required). The parking should only be exempted when there is other public parking included in the development. 23-4D-8040 is the parking section for parks and specified that the Director will determine parking levels.	No	parkland dedication on site counts towards civic open space		
22.32	Division 23-4C-2	Civic Open Space																								
22.33	Division 23-4C-2	Civic Open Space		X																No	23-4C-2050 E	Delete (No required shade)	Shade for football fields? Community Gardens?			

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22.34	Division 23-4C-3 (NEW) Parking Reduction Matrix		x	GA																Parking Reduction	No			Include reductions in car parking for items including but not limited to: Meeting TDM requirements: 15% exceeding TDM requirements by 50%: 20% providing indoor bike storage for half of jobs/residents: 5% providing bike maintenance facilities for residential uses: 2% contributing 1/2 cost to a bike share dock (if their coverage area): 3% providing bus passes for residents in a 20 yr agreement: 20% X% affordable housing: (X)% being within a 1/4 mile of a corridor: 15% 1/4 mile of a corridor with a rapid bus: 20% 1/2 mile of a train station or planned train station: 10% 1/4 mile of a TOD: 25% 1 mile from downtown: 5% fronting a corridor: 20% fronting a corridor with a rapid bus: 30% 1/4 mile of a train station or planned train station: 100% in a parking management district: 15% Adjacent to a parking benefit district: 15% Adjacent to resident permit parking 20% bar, cocktail, or other alcohol permit use: 30% showers for bikers or pedestrians: 15% near under capacity public parking garage: 15% electric bike charging for 5% of bike parking: 20% within the UNO or south central waterfront overlays, within downtown: 100% a dev. that exceeds Green Stormwater Infrastructure req's by 10%: 10%		If we are ever going to have a viable transit system then we must allow for developments that look to utilize such modes of transit. We have tools such as parking management districts and residential parking permits to address parking in areas where we look to do so.	No	Staff recommends keeping off street parking adjustments per 23-4E-3060
23	Article 23-4D Specific to Zones																											
23.1	General		x					x												Live Music Venue Use	Yes	Yes	All zone allowed use tables	Insert "Live Music Venue" as a use with the same NP/CUP/MUP/P categories as a Performance Venue/Theater, with the same breakdowns for indoor and outdoor, and square footage, in all zones.		Previously Live Music Venue was lumped in with performance venue, which limits alcohol sales to below 50%, which is not consistent with the business model of most music venues. This is the use activation for a definition submitted by Comm. Anderson.		
23.2	General		x					x												Compatibility	Yes	Yes	All zone allowed use tables	In all zones, all instances of properties across alleys must state that the trigger line is based on the Zone of the property across the alley.		Right now D3 reads that compatibility setbacks may start on the property line of the impacted property, not the triggering property. This reverses that clearly.		
23.3	Division 23-4D All Subsections	x			AH	FK														Affordable Housing	No	Yes	23-4D	Change Cooperative Housing to P in R1, R2B-E, R3B-C, R4C, RR and MH; Change Cooperative Housing to P in zones R4A-C, RM1A-B; Change Cooperative Housing to P in MH, MS1A, MU3B, MU4		Cooperative Housing would still have to apply with applicable zoning regulations - it's a model that everyone should support.	Yes/No	4 unrelated adults may reside in a house built since 2014 and 6 unrelated adults may reside in a house built before 2014 which is the reason for not recommending P in R zones; Staff agrees that it can be allowed in MU3B and MU4
23.4	Division 23-4D Use Tables 23-4D-2030(A, B, C)		x					FK												Day Cares	No		23-4D	Change Day Cares <20 to P in all R zones. Change commercial daycares to MUP in R2B and above, and to CUP below.		Need daycares close to families being served and increase affordability of daycare by removing obstacles		
23.5	Division 23-4D-1 Purpose																			Coops	No		23-4D-1-8	Allow cooperatives by MUP in R1, R2B, R2C, R2D, R2E, R3B, R3C, RR; Allow cooperatives by right in zones R4A, R4B, R4C, RM1A, RM1B, MH, MS1A, MU3B, and MU4			Yes/No	4 unrelated adults may reside in a house built since 2014 and 6 unrelated adults may reside in a house built before 2014 which is the reason for not recommending P in R zones; Staff agrees that it can be allowed in MU3B and MU4
23.6	All Zones		x																PS	Alcohol Sales on-site consumption						Require a CUP for bars, night clubs, brew pubs and distilleries within 1,000' of residential properties.		
23.7																			JSh	height			ALL R ZONES	Update each district to max height of "35' from top of slab to top of roof" and limit slab height above finished grade" slab height is limited to a maximum of 5' above finished grade and a maximum of 12" above highest finished grade"		Building Height is defined as height from top of slab to top of roof. Slab Height is defined as height from ??? grade to top of slab. Maximum building height is 35' from top of slab to top of roof. In McMansion Zones: Maximum building height is 22' at 5' from the side lot line. Max Building Height increases by 1' for every 1' past 5' from the side lot line. So 23' at 6' from the side lot line and so on, up to the 35' max height limit. Max Slab Height: 5' above finished grade at any point. Max Slab Height can be no more than 12" above the highest finished grade. Pier and beam foundations are not subject to this limit. Max Slab Height does not apply to portion(s) of building footprint over 10% or greater slope of natural grade. The same Height Encroachments/Exemptions apply to this as apply to current McMansion tent. Multiple pages: 4D-2 pg. 60		
23.8	All Zones except RC		x																PS	Compatibility			Restore existing Compatibility Standards			CodeNEXT eliminated protections given to neighborhoods from encroachments of nearby businesses. Restore existing compatibility standards citywide.		
23.9																			JSh	FY Imp Cov			ALL R ZONES	delete frontyard impervious regulation				
23.10																			JSh	pools fountains			ALL R ZONES	Encroachment table for Pools and Fountains • Side street match interior side • Front match rear				
23.11																												

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																				YES/NEUTRAL /NO	STAFF RESPONSE				
				ANDERSON	HART	KAZI	KENNY	MCGRAW	NUCKOLS	OLIVER	SCHISLER	SEGER	SHIEH	THOMPSON	WHITE	SHAW							BURKARDT	MENDOZA	TEICH
23.38	Division 23-4D-2 Residential House-Scale Zones			x															no	23-4D-2010	This division establishes the land use and building form requirements for property zoned residential house-scale. The requirements are intended to implement the Comprehensive Plan and address the social and environmental values described in 23-1A-1020, are intended to ensure that proposed development is compatible with existing and future development on neighboring properties. Additionally, the requirements are intended to produce an environment of desirable character, consistent with the Comprehensive Plan and any applicable area plan.	The goals of the Title should guide the goals of this Division. The purpose of zoning should be to implement the adopted Imagine Austin Comprehensive Plan.			
23.39	Division 23-4D-2 Residential House-Scale Zones																			23-4D-20XX	Table 23-4D-20XX (F) Impervious Cover (2) Frontyard Impervious Cover – Paragraph (2)(e) Amendment: This requirement should be deleted for parking on paved areas only. (e) A motor vehicle may only be parked or stored on driveway or paved parking space.	Comment: The current city requirements are adequate with gravel being an acceptable parking space material.			
23.40	Division 23-4D-2 Residential House-Scale Zones																			23-4D-20XX	Table 23-4D-20XX (H) Impervious Cover (2) Front yard Impervious Cover Amendment: Delete Frontyard Impervious Cover in every zone.	Removing this section does not alter the total impervious cover limit on the site. Targets low income / high occupancy tenants, where more vehicles are common. It adds \$1000 cost for preparation of site plan and survey. It can't accommodate site conditions like trees, triggering routine variances. 40% IC limit does not allow more than a single car driveway on a 50' lot.			
23.41	Division 23-4D-2 Residential House-Scale Zones																				Remove the following uses and replace with "residence": ADU, Duplex, Single-Family, Single-Family Attached	Agree with Residential Working Group			
23.42	Division 23-4D-2 Use																			23-4D-2030	replace duplex, single family attached, secondary, ADU; with two family, multifamily	reduce the number of uses to reduce the confusion perpetuated by this code. Rely on the definition of dwelling unit to support the zones.			
23.43	23-4D-2 Residential House-Scale Zones																			Table 23-4D-2030 C	Allow triplex as a residential use in R3S - R4C and amend the tables in each zone accordingly	This is a logical house scaled use in this zone that is compatible with existing uses.	No	staff supports current use definitions, aggregation does not address neighborhood character	
23.44	Division 23-4D-2 2030- Allowed Land Uses and Permit Requirements																			Table 23-4D-2030(C) Allowed Uses in Residential House-Scale Zones	CHANGE: Single-Family Attached status from "P" to "-" in R2A, R2B, R2C, R3A, R3B.	Change permit status of Single-Family Attached in Specific Zones to not allowed.			
23.45	Division 23-4D-2 Parking Standards																			Table 23-4D-2040-A-1	Home Occupations 1 if clients come to the site, otherwise none required		No	Home Occupation use limits trips to 4, also addendum prohibits retail sales	
23.46	Division 23-4D-2 STR-2																			all use tables	why are we including this as a permitted use If we're in the process of fading these out over the next 5 years??				
23.47	Division 23-4D-2 Residential House-Scale Zones																			23-4D-2 & 23-4D-3: R2C Zone	Table (A) Add "Small Lot Single Family Use" and "Small Lot Other Allowed Uses" to table of uses. min. lot size: 2500sf. max lot size: 4999sf min. lot width: 36' Building Size (max) for all Small Lot uses: the greater of .4 FAR or 1500sf 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." Table 4D-2102(G) Impervious Cover add "(2) Small Lot Impervious Cover 65% max, 55% building cover max	36' min width for R2C prevents flag lot resubs of 50' lots. Reduced Building Size from 2300 to 1500sf. Zero side yard setback when adjacent to other small lot uses eliminates need for SF-Attached. The proposed minimum lot size of 2500 sf for small lots is still larger than minimum of 2000 sf in Dallas and would improve affordability outcomes through the city. Reducing minimum lot size extends the current code's by right SF-3 Urban and Cottage Lots. Historically, large minimum lot sizes are a product of Jim Crow laws and should be reduced or wholly eliminated. Small lots allow fee simple ownership instead of requiring a condo regime, which is better for owners and for the city.			
23.48	Division 23-4D-2 2030- Allowed Land Uses and Permit Requirements																					Co-op Housing - R3A now allowed with CUP, R4A and R4B changed from P to MUP. ADDENDA -now not allowed in R2 where previously was CUP.		N/A	
23.49	Division 23-4D-2 2030- Allowed Land Uses and Permit Requirements																					Group Home Removed.		N/A	
23.50	Division 23-4D-2 2030- Allowed Land Uses and Permit Requirements																					Addenda - allowed cottage court in R4C and removed Townhouses from R4A and R4B.		N/A	
23.51	Division 23-4D-2 2040- Parking Requirements (Residential House Scale)																				2040 (B) Maximum Number of Parking Spaces	Delete section 2040 (B)	This conflicts with statements from Planning and Zoning Department that the "market" will determine number of parking spaces even though minimums are established and that developers are allowed to put in as many parking spots as they want.	Yes	Staff agrees with only deleting this language in the Residential House Scale zones; and staff supports changing language in Residential Multi-Unit zones to only apply to non-residential zones
23.52	Division 23-4D-2 2040- Parking Requirements (Residential House Scale)																				2040 (2)(a) and (b)		Definition for Building Façade is different than the one in 23-13. Parking Structure definition in this section is not found in 23-13.	Yes	Staff agrees with only deleting this language in the Residential House Scale zones; and staff supports changing language in Residential Multi-Unit zones to only apply to non-residential zones
23.53	Division 23-4D-2 2040- Parking Requirements (Residential House Scale)																				Table 23-4D-2040(A) (1) Residential Accessory Dwelling Unit - Residential	CHANGE: Accessory Dwelling Unit - Residential (Existing or new construction with existing dwelling unit) --None Required ADD: Accessory Dwelling Unit - Residential (new construction and no existing dwelling unit) - 1 per unit.	Table 23-4D-2040(A) - ADU's do not require parking. ADUs allow 3 unrelated adults and it is incomprehensible that none of these adults would require parking. This should be changed to conform to 23-4E-3020 which requires parking for ADUs unless there is an existing unit.		
23.54	Division 23-4D-2 2040- Parking Requirements (Residential House Scale)																				Table 23-4D-2040(A) (1) Residential	ADD: RR, LA, R1, R2, and any Residential House-Scale Zone adjacent to Public School - 2 per unit	Reduce parking in zones that are intended for areas that are accessible to mixed use and main street zones by walking or biking. Maintain parking levels in other residential zones to prevent off-street parking and maintain safe streets for walking and biking. Furthermore, the occupancy limits for residential dwelling units can be from 4-6 unrelated adults. Consider variance if sidewalks in neighborhood. Request from Public schools to maintain parking adjacent to schools.		

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					ANDERSON	HART	KAZI	KENNY	MCGRAW	NUCKOLS	OLIVER	SCHISLER	SEGER	SHIEH	THOMPSON	WHITE	SHAW				BURKARDT	MENDOZA				
23.55	Division 23-4D-2 2040- Parking Requirements (Residential House Scale)			x																NO		Table 23-4D-2040(A) (1) Residential	ADD: All other Residential House-Scale Zones - 1 per unit	Reduce parking in zones that are intended for areas that are accessible to mixed use and main street zones by walking or biking. Maintain parking levels in other residential zones to prevent off-street parking and maintain safe streets for walking and biking.	N/A	
23.56	Division 23-4D-2 2040- Parking Requirements (Residential House Scale)			x																NO		Table 23-4D-2040(A)	Bed and Breakfast - 1 plus 0.8 1-per bedroom Cooperative Housing - 1 plus 1 per every 4 2 bedrooms Group Residential - 1 plus 1 per every 3 2 bedrooms	ADDENDA: Adds Group Homes, B&B's, and Co-op Housing. Need to restore to reasonable levels for residential neighborhoods		
23.57	Division 23-4D-2 2100 - 2140; R2A-R2E			x																NO		Table 23-4D-2040(A)	Change Co-operatives and Group Residential to 1 + 1 per every 2 bedrooms	Addenda reduces parking for Group Homes, B&B's, and Co-op Housing. Need to restore to reasonable levels.	No	staff adjusted parking requirements in the addendum and supports the standards
23.58	Division 23-4D-2 Residential House-Scale Zones			X																		23-4D-2040(C)(3)(a) Parking requirements for R1-R3	Delete 23-4D-2040(C)(3)(a) & Delete similiar text in every zone	Will make thousands of existing homes nonconforming. Limitations on parking locations remove flexibility to accommodate site conditions, such as trees. Rule would require additional IC to get spaces deeper into lot. Pushing parking back into structure leaves less area for units, restricting unit yield. Trades parking for additional units.		
23.59																						23-4D-2040	Parking requirements 3. B and C is described again in each zone. (at least in R3's This is confusing. Pick a spot, otherwise its inconsistent) OFFSTREET HOUSE SCALE TABLE: ADU - should require 1 if more than 1 bedroom HOME OCCUPATION - should require 1 space for commercial vehicle 3. B and C is described again in each zone. (at least in R3's This is confusing. Pick a spot, otherwise its inconsistent)			
23.60																							OFFSTREET HOUSE SCALE TABLE: ADU - should require 1 if more than 1 bedroom HOME OCCUPATION - should require 1 space for commercial vehicle OFFSTREET HOUSE SCALE TABLE: ADU - should require 1 if more than 1 bedroom HOME OCCUPATION - should require 1 space for commercial vehicle OFFSTREET HOUSE SCALE TABLE: ADU - should require 1 if more than 1 bedroom HOME OCCUPATION - should require 1 space for commercial vehicle			
23.61	Division 23-4D-2 Residential House-Scale Zones		X																			23-4D-2040 R1-R3 Zones: Table 23-4D-211x (F) Impervious Cover (2) Frontyard Impervious Cover - paragraph (2)(e)	(e) A motor vehicle may only be parked or stored on driveway or paved parking space.	Gravel is an accepted parking space material in code. While counted as IC, it is more pervious than concrete and less expensive. Not a problem under current code.		
23.62	Division 23-4D-2			x																No	No	Table 23-4D-2050(A), "Lot Size and Intensity"	Strike the entire row of the table starting with "Accessory Dwelling Unit" and replace with the three rows that begin "Accessory Dwelling Unit" in Table 23-4D-2120(A) (R2C Zone)	There is no reason to not have the standard three ADU size brackets in all zones that allow ADUs.		
23.63	Division 23-4D-2 Residential House-Scale Zones		X	x																		23-4D-2050	Strike Accessory Dwelling Unit allowed only when participating in Affordable Housing Bonus Program.	Allowing ADUs in RR by right meets the objectives of the Planning Commission - it's unlikely that ADUs will be built in RR with an affordability requirement.		
23.64	Division 23-4D-2			x																No	No	Table 23-4D-2060(A), "Lot Size and Intensity"	Strike the entire row of the table starting with "Accessory Dwelling Unit" and replace with the three rows that begin "Accessory Dwelling Unit" in Table 23-4D-2120(A) (R2C Zone)	There is no reason to not have the standard three ADU size brackets in all zones that allow ADUs.		
23.65	Division 23-4D-2 Residential House-Scale Zones		X	x																		23-4D-2060	Strike Accessory Dwelling Unit allowed only when participating in Affordable Housing Bonus Program.	Allowing ADUs in LA by right meets the objectives of the Planning Commission - it's unlikely that ADUs will be built in LA with an affordability requirement.		
23.66	Division 23-4D-2			x																No	No	Table 23-4D-2070(A), 23-4D-2080(A), and 23-4D-2090(A), "Lot Size and Intensity" in R1A, R1B, and R1C, respectively.	Strike the entire row of the table starting with "Accessory Dwelling Unit" and replace with the three rows that begin "Accessory Dwelling Unit" in Table 23-4D-2120(A) (R2C Zone)	There is no reason to not have the standard three ADU size brackets in all zones that allow ADUs.		
23.67	Division 23-4D-2 Residential House-Scale Zones		X																			23-4D-2070	Strike Accessory Dwelling Unit allowed only when participating in Affordable Housing Bonus Program.	Allowing ADUs in R1A by right meets the objectives of the Planning Commission - it's unlikely that ADUs will be built in R1A with an affordability requirement. R1 already proposes allowing ADUs for very large lots that are 15,000 sqft. This just strikes the bonus requirement.		
23.68	Division 23-4D-2 Residential House-Scale Zones			X																		23-4D-2070 through 23-4D-2210: R1-R4 Maximum Height Limit	Update each district to max height of "35' from top of slab to top of roof" and limit slab height above finished grade "slab height is limited to a maximum of 6' above finished grade and a maximum of 12" above highest finished grade"	32' to top of roof is too low to accommodate three stories along with roof pitch, etc. 35' max to top of roof is very similar to current code limit of 32' max to average roofline. 35' is limit in non-McMansion zones in v3. Common standard reduces cost and time for regulatory compliance, allows more flexibility for site conditions, and allows enough slab exposure for adequate drainage - identified as a concern by staff under current McMansion tent.		
23.69	Division 23-4D-2 Residential House-Scale Zones		X																			23-4D-2080	Strike Accessory Dwelling Unit allowed only when participating in Affordable Housing Bonus Program.	Allowing ADUs in R1B by right meets the objectives of the Planning Commission - it's unlikely that ADUs will be built in R1B with an affordability requirement. R1 already proposes allowing ADUs for very large lots that are 15,000 sqft. This just strikes the bonus requirement.		
23.70	Division 23-4D-2 2050- 2090; RR, LA,R1A, R1B, R1C			x																NO		2050- 2090; RR, LA,R1A, R1B, R1C	ADD RID which is the same as R1C but without and ADU	Keeps at least on zone for single family residence. Currently all R1 zones allow 2 units.	No	staff supports current proposal and R1 only allows an ADU on lots over 15,000 square feet and it must be affordable
23.71	Division 23-4D-2			x																NO		2050- 2090; RR, LA,R1A, R1B, R1C Table 23-4D-XXXX(A)	Width (min.) = 50', Area (min.) = 5750'	R1B and R1C reduced lot with 45' and lot size 5000 SF needs to revert back to 50' and 5750'. These lots are outside of urban core and should be larger.	No	Staff supports reducing nonconforming lots with 5000 square foot lot

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						GENERAL		SPECIFIC SECTION																		
						ANDERSON	HART	KAZI	KENNY	MCGRAW	NUCKOLS	OLIVER	SCHISLER	SEGER	SHIEH	THOMPSON	WHITE				SHAW	BURKARDT				
23.72	Division 23-4D-2			x														NO	2050- 2090; RR, LA,R1A, R1B, R1C Table 23-4D-XXXX(A)	Remove "Other Allowed Uses"	What is the purpose of the new use called "other allowed uses." It is not defined and not explained what it will be used for.	No	this only refers to condensing parking table			
23.73	Division 23-4D-2	2050- 2090; RR, LA,R1A, R1B, R1C		x														YES	2050- 2090; RR, LA,R1A, R1B, R1C Table 23-4D-XXXX (F) or (G)	DELETE: (2) Front Yard Impervious Cover	Not clear on reason for this.	NA	would limit the amount of surface parking in the front yard and prevents entire front yard from being paved over			
23.74	Division 23-4D-2	2050- 2090; RR, LA,R1A, R1B, R1C		x														YES	2050- 2090; RR, LA,R1A, R1B, R1C Table 23-4D-XXXX (G) or (H)	DELETE: Common Open Space and Civic Open Space	Common and Civic Open Space requirements are not correct in Table and are addressed thoroughly in 23-4C-1 and 23-4C-2 with previous revisions recommended.					
23.75	Division 23-4D-2	Residential House-Scale Zones		x	AH	FK													23-4D-2100, 2120, 2140 Table (D) Height	For All R-type Zones: Building Height is defined as height from top of slab to top of roof. Slab Height is defined as height from finished grade to top of slab. Maximum building height is 35' from top of slab to top of roof. In McMansion Zones: Maximum building height is 22' at 5' from the side lot line. Max Building Height increases by 1' for every 1' past 5' from the side lot line. So 23' at 6' from the side lot line and so on, up to the 35' max height limit. Max Slab Height: 5' above finished grade at any point. Max Slab Height can be no more than 12" above the highest finished grade. Pier and beam foundations are not subject to this limit. Max Slab Height does not apply to portion(s) of building footprint over 10% or greater slope of natural grade The same Height Encroachments/Exemptions apply to this as apply to current McMansion tent.	22' limit restricted all McMansion R2-R4 zones to 2 stories, substantially limiting unit yield and reducing entitlements below current code. Current code "tent" is very complicated and costly to administer and enforce. Amendment is easy to administer, uses one base measurement (max height) and creates the same building envelope without tent sections, can be verified by form boards on site and allows three stories within tent. 35' to top of roof better replicates the average roofline height calc under current code, allowing most existing homes under McMansion to conform. 35' to top of roof as proposed is not an increase in overall height vs today, even including the slab height measurement, due to change from average roofline to top of roof. 32' to top of roof (in v3) does not allow enough room for a third story with much of a pitch on the roof, increasing massing and eliminating finished attics above a second floor on most lots. Three stories, which are allowed under current SF-3 code, are essential to achieving R3 and R4 unit yields while accommodating impervious cover and off street parking.					
23.76	Division 23-4D-2	2100 - 2140; R2A-R2E		x														NO	2100 - 2140; R2A-R2E Table 23-4D-XXXX(A)	CHANGES: 1) Remove Single-Attached and Other Allowed Uses, 2) Restore lot size to 5750 SF, 3) Restore width to 50',	R2 Zones have already been reduced from 7000 s.f. to 5,750 s.f. and now with draft 3 to 5,000 s.f. with an option to subdivide every lot to 2,500 s.f. This will dramatically change the number of units allowed an negatively alter most single family neighborhoods. This version has included small lots with attached housing. The purpose and overview for for R2A, R2B and R2C (previously in Draft 2 matched current single family SF2/SF3) does not mention small lots just duplexes and single family with ADU, but in lot size and intensity permits small lots and attached single family. If allowed, the small lot and attached single family should be relegated to the R2D and R2E which are specifically for small lot. With large enough lot size, single family attached subdivisions would allow 4 units where there is one, a dramatic increase in density for most neighborhoods, encouraging tear downs and increasing on street parking which will make our neighborhoods unsafe. Single family attached do not comply with the side setback requirements and 23-4E-7070 does not provide for exemptions.	No	Staff supports reducing nonconforming lots with 5000 square foot lot and 45' width; Staff does not support removing Single Family Attached use			
23.77	Division 23-4D-2	Residential House-Scale Zones		x	GA	FK													Table 23-4D-2100 to 2210(A)	Amendment: Apply Preservation Incentive to every R zone. Preservation Incentive: Accessory Dwelling Unit size does not count toward FAR limit when existing house (at least 10 years old) is preserved.	Not counting ADU toward FAR if on a lot with an existing home that is older than 10 years is a good incentive. Preservation Incentive should apply in every R-type zone.					
23.78	Division 23-4D-2	Residential House-Scale Zones		x		FK													23-4D-2 & 23-4D-3: All R3 & R4 Zones, RM1A and RM1B Zones	Table (A) Add "Small Lot Single Family Use" and "Small Lot Other Allowed Uses" to table of uses. min. lot size: 2500sf. max lot size: 4999sf min. lot width: 25' Building Size (max) for all Small Lot uses: the greater of .4 FAR or 1500sf Table 4D-2120(B) Building Placement add Small Lot Setbacks: Front 15', Side St. 10', Side 3.5' or 0 when adjacent to Small Lot Uses, Rear 10'. Table 4D-2120(C) Building Form (1) Building Articulation New Construction add "Building Articulation is not required for Small Lot uses." Table 4D-2120(G) Impervious Cover add "(2) Small Lot Impervious	Zero side setback when adjacent to other Small Lots eliminates need for SF-Attached. The proposed minimum lot size of 2500 sf for small lots is still larger than minimum of 2000 sf in Dallas and would improve affordability outcomes through the city. Reducing minimum lot size extends the current code's by right SF-3 Urban and Cottage Lots. Historically, large minimum lot sizes are a product of Jim Crow laws and should be reduced or wholly eliminated. Small lots allow fee simple ownership instead of requiring a condo regime, which is better for owners and for the city.					
23.79	Division 23-4D-2	Residential House-Scale Zones		x		FK													23-4D-2 & 23-4D-3: All R3 & R4 Zones, RM1A and RM1B Zones	Table (A) Delete SF-Attached Use	Small Lot Use replaces SF-Attached Use.					
23.80	Division 23-4D-2	2100 - 2140; R2A-R2E		x			CK											No	Tables 23-4D-2100(A) and 23-4D-2110(A)	Strike the entire rows of the table starting with "Accessory Dwelling Unit" and replace with the three rows that begin "Accessory Dwelling Unit" in Table 23-4D-2120(A) (R2C Zone)	R2A should have the same standard three ADU size brackets in R2A, which is missing the 3500-5000 sq ft. bracket.					
23.81	Division 23-4D-2	2100 - 2140; R2A-R2E		x														NO	2100 Table 23-4D-2100(A), 2110 Table 23-4D-2110(A), 2120 Table 23-4D-2120(A)	1) RESTORE Single Family and Duplex - min. width from 45' to 50' , min. Area from 5000' to 5750' 2) DELETE : Single-Attached, Other Allowed Uses	R2 Zones have already been reduced from 7000 s.f. to 5,750 s.f. and now with Draft 3 to 5,000 s.f. with an option to subdivide every lot to 2,500 s.f. This will dramatically change the number of units, from one to four, allowed and negatively alter most single family neighborhoods. 2500' small lot and attached single family should be relegated to the R2D and R2E which are specifically for this purpose. This will encourage tear downs and increase on- street parking which will make our neighborhoods unsafe. Single family attached do not comply with the side setback requirements and 23-4E 7070 does not provide for exemptions.					
23.82	Division 23-4D-2	2100 - 2140; R2A-R2E		x														YES	2100 - 2140; R2A-R2E Table 23-4D-XXXX(A)	Add design criteria in 23-4E-6	Single family attached should not be in R2 zones. There are also no design criteria for this house form which will lead to abuse.					
23.83	Division 23-4D-2	2100 - 2140; R2A-R2E		x														NO	2100 - 2140; R2A-R2E Table 23-4D-XXXX(A)		If Single-Family Attached remains as option for R2, ADUs should not be allowed on these smaller subdivided lots.					

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			ANDERSON	HART	KAZI	KENNY	MCGRAW	NUCKOLS	OLIVER	SCHISLER	SEGER	SHIEH	THOMPSON	WHITE	SHAW				BURKARDT	MENDOZA					TEICH	GENERAL	SPECIFIC SECTION
23.84	Division 23-4D-2	2100 - 2140; R2A-R2E																		NO		2100 - 2140; R2A-R2E Table 23-4D-XXXX(G)	DELETE: (2) Front Yard Impervious Cover	Not clear on reason for this.			
23.85	Division 23-4D-2	2100 - 2140; R2A-R2E																		NO		2100 - 2140; R2A-R2E Table 23-4D-XXXX(H)	DELETE: Common Open Space and Civic Open Space	Common and Civic Open Space requirements are not correct in Table and are addressed thoroughly in 23-4C-1 and 23-4C-2 with previous revisions recommended.			
23.86	Division 23-4D-2	2150-2180; R3A-R3D																		NO		2150 Table 23-4D- 2150(A), 2160Table 23- 4D-2160(A),	DELETE: Single-Attached and Other Allowed Uses	Keep single-family attached with R3 used adjacent to corridors. What is the purpose of the new use called "other allowed uses." It is not defined and not explained what it will be used for.			
23.87	Division 23-4D-2	2150-2180; R3A-R3D	x																	NO		2150-2180; R3A-R3D Table 23-4D -XXXX (B)		Single family attached and do not comply with the side setback requirements and 23-4E-7070 does not provide for exemptions. Add exception to 23-4E-7070.			
23.88	Division 23-4D-2	Residential House-Scale Zones																		no	no	23-4D-2150 to 2200 Table(A)	For R2-R4 "McMansion" Zones add Note "FAR includes Covered Porches or Balconies above ground level"	Loophole in D3 FAR allows two stories of porches under a finished attic per Chris Allen's drawing. Count 2nd floor porches toward FAR, as they are in current code, to limit attic space, as it is in current code.			
23.89	Division 23-4D-2	Residential House-Scale Zones																		no	no	23-4D-2150 to 2200 Table (A)	For R2-R4 "McMansion" Zones add Note for Single Family and Duplex Uses "+150sf for each three bedroom unit within 500' of public school."	Incentivizes family friendly housing around AISD schools.			
23.90	Division 23-4D-2	Residential House-Scale Zones																				23-4D-2150, 2160, 2170: All R3 Zones	Table (A) Lot Size and Intensity - add footnote +.1 FAR for every unit above Single Family Use	Despite the three-unit capacity, yields will not improve due to FAR limit which is the same as one or two units. Keeping the same FAR for 1 units as for 2 or 3 units does not incentivize building more units. The same .4 FAR for 1, 2 or 3 units is a direct disincentive to build more units versus larger single homes. Current code exemplifies this - 70% demos still 1-1 ratio, not 1-2 despite it being allowed by code. FAR should be increased to encourage more units on the lot. If you have the same FAR for more units, it increases the cost to produce those units (more per unit for taps, etc.) versus single family of same size, while raising cost per unit. A small step up would encourage more Missing Middle housing creation.			
23.91	Division 23-4D-2	Residential House-Scale Zones																		no	no	23-4D-2150 to 2200 Table (A, B, C, D, E)	For R2-R4 Zones: within 500' of public school, use RM2B entitlements if 50% of the units are "family-friendly" (1000+ sf and 3+ BR)	Incentivizes family friendly housing around AISD schools. AISD continues to predict student enrollment decreases we need family friendly housing near schools.			
23.92	Division 23-4D-2	2150-2180; R3A-R3D																		NO		2150-2180; R3A-R3D Table 23-4D-XXXX(F) or (H)	DELETE: (2) Front Yard Impervious Cover	Not clear on reason for this.			
23.93	Division 23-4D-2	2150-2180; R3A-R3D																		NO		2150-2180; R3A-R3D Table 23-4D-XXXX(G) or (I)	DELETE: Common Open Space and Civic Open Space	Common and Civic Open Space requirements are not correct in Table and are addressed thoroughly in 23-4C-1 and 23-4C-2 with previous revisions recommended.			
23.94	23-4D-2150	R3A																						Minimum Lot Size should be 7,000 w/ width of 60'	Likely existing duplex lots.		
23.95	Division 23-4D-2	2150-2180; R3A-R3D																		NO		2160Table 23-4D- 2160(A),	RESTORE Single Family and Duplex - min. width from 45' to 50' , min. Area from 5000' to 5750'	Smaller R3 lots used adjacent to corridors.			
23.96	Division 23-4D-2	2150-2180; R3A-R3D																		NO		2170 Table 23-4D- 2170(A), 2180Table 23- 4D-2180(A),	DELETE: Other Allowed Uses	What is the purpose of the new use called "other allowed uses." It is not defined and not explained what it will be used for.			
23.97	Division 23-4D-2	2190 - 2210 R4A- R4D	x																	NO		2190 - 2210 R4A- R4D; Table 23-4D -XXXX (A)		ADDENDA: Removed Townhouses. Keep the same as shown in Draft 3.			
23.98	Division 23-4D-2	2190 - 2210 R4A- R4D	x																	NO		2190 - 2210 R4A- R4D; Table 23-4D -XXXX (B)		Single family attached and townhouses do not comply with the side setback requirements and 23-4E-7070 does not provide for exemptions. Add exception to 23-4E-7070.			
23.99	Division 23-4D-2	2150-2180; R3A-R3D																		NO		2190 - 2210 R4A- R4D; Table 23-4D-XXXX(H)	Remove reference to Common Open Space and Civic Open Space as these are already covered in section specific sections	Common and Civic Open Space requirements conflict between special section and Table H	No	reference to civic open space in zoning is helpful, not sure how it is incorrect	
23.100																						23-4D-2190 -2210	R4 Zones - 55% impervious cover allowed with Watershed Review (this is to allow parking requirements to work, building cover is still 40% so the increase in IC doesn't get abused for more BC)				
23.101	Division 23-4D-2	Residential House-Scale Zones																				23-4D-2190, 2200, 2210 All R4 Zones	Table (A) Lot Size and Intensity - add footnote "+.1 FAR for every unit above Single Family Use	If you have the same FAR for more units, it increases the cost to produce those units (taps, etc.) versus single family of same size, while raising cost per unit. It is a direct disincentive to build more units. Current code exemplifies this - 70% demos with the continued 1-1 ratio, not 1-2. A small step up would encourage more Missing Middle housing creation, other regulations keep it from being any more massive than current McMansion limits.			
23.102	Division 23-4D-2	Residential House-Scale Zones																				23-4D-2150 through 2210 (G) (3): Parking Driveway	Edit Parking Table (G) (3) in all R3 & R4 zones to read: 10' max 12' max for single unit driveway 20' max for shared driveway	Allow 12' max curb cuts (current code) for driveways serving a single unit and up to 20' max curb cut for shared driveways that are not fire lanes. Multiple curb cuts are allowed on any street frontage of a lot. A 10' curb cut is too narrow to accommodate multiple vehicles to park; Shared driveways should provide two car access where site conditions allow. 12' is the current code minimum requirement.			
23.103	Division 23-4D-2	Residential House-Scale Zones																				23-4D-2150 through 2210 (G) (3): Parking Driveway	Delete Parking Table (G)(3) Parking Driveway "When lot has adjacent alley with a right-of-way width of 20' or greater, parking must be accessed only from the alley."	There is already an incentive to park from an alley - better use of IC, better access for ADU parking, etc. so requirement is not necessary. Would require homeowners to pave the alley per staff, with major negative impact on feasibility. 3 or 4 units can't all park from alley (possibly 6+ spaces on 50' lot). Corner lots with three sides Right Of Way are still required to only park off of the alley in v3.			

CHAPTER ARTICLE	DIVISION TITLE	DESIRED PROPOSED CHANGES TO D3		INITIATED BY COMMISSIONER													EX OFFICIO	TOPIC AREA	REQ. ADD'L STAFF FEEDBACK	AMENDMENT TYPE		SUBSTITUTE LANGUAGE	COMMISSIONER NOTES	YES/NEUTRAL /NO	STAFF RESPONSE
				ANDERSON	HART	KAZI	KENNY	MCGRAW	NUCKOLS	OLIVER	SCHISLER	SEGER	SHIEH	THOMPSON	WHITE	SHAW				BURKARDT	MENDOZA				
23.104	Division 23-4D-2 Residential House-Scale Zones		X																	23-4D-2150 through 2210(G)	Amendment: Required parking space(s) must not be located in front of the front facade of the building, forcing parking to rear of lot	Delete language because it effectively requires two tandem spaces and the resulting impervious cover to comply - the required space behind the setback, and the space on the driveway leading up to it. While not "required", it is a space nonetheless, and will be parked on. Parking setbacks like this limit unit yield by removing flexibility to work around site conditions, such as trees, forcing parking where units should go.			
23.105	Division 23-4D-2 Residential House-Scale Zones		X																	23-4D-2150 through 2210 (G) (3): Parking Driveway	Edit Parking Table (G) (3) in all R3 & R4 zones to read: 40' max 12' max for single unit driveway 20' max for shared driveway	Comment: Allow 12' max curb cuts (current code) for driveways serving a single unit and up to 20' max curb cut for shared driveways that are not fire lanes. Multiple curb cuts are allowed on any street frontage of a lot. A 10' curb cut is too narrow to accommodate multiple vehicles to park; Shared driveways should provide two car access where site conditions allow. 12' is the current code minimum requirement.			
23.106	Division 23-4D-2 Residential House-Scale Zones		X																	23-4D-2150 through 2210 (G)(3): Parking Driveway	When lot has adjacent alley with a right-of-way width of 20' or greater, parking must be accessed only from the alley.	Do not require parking from alleys. There is already an incentive to park from an alley - better use of IC, better access for ADU parking, etc. so requirement is not necessary. Parking from street should be allowed for units in front, parking from alley for rear units. Corner lots have more than adequate ROW and should not be required to park from alley. Would require homeowners to pave the alley per staff, with major negative impact on feasibility. 3 or 4 units can't all park from alley (possibly 6+ spaces on 50' lot). Corner lots with three sides Right of Way are still required to only park from the alley.			
23.107	Division 23-4D-2 Residential House-Scale Zones		X																	23-4D-2170, 23-4D-2180, 23-4D-2190, 23-4D-2200, 23-4D-2210 (G) Parking (2) Setback	Table 23-4D-2170 (G) Parking (1) Parking Requirements (2) Setback - Front 30', Side St. 20', Side 2', Rear 5' (3) Parking Driveway	Parking setbacks do not allow enough flexibility for site conditions, such as trees and drainage, particularly when combined with other parking regulations, limiting unit yield and increasing cost. They have the same effect as "required parking behind the front facade", in that two tandem spaces are required to meet the minimum one required space. Adds unnecessary IC to multi-unit sites, where IC is already tight. Required parking cannot be within the setback, but additional parking can.			
23.108	Division 23-4D-2 Residential House-Scale Zones			X																23-4D-2100, 2120, 2140 Table (C) Building Form	(C) Building Form (2) Facade(s) All Stories: Add "Articulation, Net Area 40 sf", Change Articulation length (min.) to 8' and Articulation depth (min.) to 2'. Add note "Articulation not required for a net building area of less than 2000sf."	Articulation adds expense, causes drainage problems (U-shape captures water) and can't accommodate trees and site conditions. It should be deleted entirely, but if it must stay for R2, the 4x10 dimension is too prescriptive. Net area allows for more flexibility for trees and drainage, etc.			
23.109	Division 23-4D-2 Residential House-Scale Zones				X															23-4D-2150 to 2200 Table(C) Building Form	For R3-R4 "McMansion" Zones Table 24-4D (C) has Building Form (1) Building Articulation New Construction "Articulation is required when adjacent to (list R2A, R2C, R2E ie McMansion zones) for adjacent side walls on additions or new construction ..."	Articulation requirement inherently causes drainage problems due to "U" shape. McMansion rules were intended for 1-2 unit uses. Articulation on interior lots makes it more difficult to accommodate environmental considerations (e.g. trees and drainage). Trees would require routine variances for R3-R4. It is a very prescriptive design standard that has no impact on the public domain. Will preserve neighborhood character in R2 zones, while allowing for additional units to be built in R3 and R4 zones.			
23.110	Division 23-4D-2 Residential House-Scale Zones			X																23-4D-2100(G) to 2210(G)	Impervious cover R2 to R4: Delete Footnote. The maximum impervious cover may not be attainable due to unique site characteristics, such as trees, waterways, and steep slopes. Where necessary, the project must reduce the impervious cover to comply with other requirements of this Title.	The Impervious Cover footnote is not in the current code and only serves to reduce flexibility to account for trees, waterways, and steep slopes. Authorizes further reductions in buildable area on site without justification, possibly removing ability to apply for a variance.			
23.111	Division 23-4D-2 Residential House-Scale Zones			X																Table 23-4D-2100 to 2210(A)	Amendment: Apply Preservation Incentive to every R zone. Preservation Incentive: Accessory Dwelling Unit size does not count toward FAR limit when existing house (at least 10 years old) is preserved.	Not counting ADU toward FAR if on a lot with an existing home that is older than 10 years is a good incentive. Preservation Incentive should apply in every R-type zone.			
23.112	Division 23-4D-2 Residential House-Scale Zones				X															23-4D-2100 to 2210 Accessory Structure Height	Amendment: Amend the accessory structure height to 15'.	Comment: Accessory structure max height is too low at 12' to top of roof. Accessory structures in rear, like garages, are encouraged in v3, yet this seems to be an arbitrary limit inconsistently applied. R2C has no Accessory Structure Height Maximum, only a conflicting footnote allowing 15' accessory structures, for example. "The rear setback is five feet for an accessory structure with a maximum height of fifteen feet." At 12' max height, a 20' wide two car garage roof pitch would be less than the minimum slope for shingles. This requires a lower plate and different roofline than main house. There is no clear benefit or purpose of regulation.			
23.113	Division 23-4D-2 Residential House-Scale Zones			X																23-4D-2100: R2A Zones	Amendment: Delete section.	R2A zone should be deleted entirely because it provides no appreciable increase in unit yield, and there is no equivalent under current code.			
23.114	Division 23-4D-2 Residential House-Scale Zones				X															23-4D-21xx: R2C, All R3 & R4 Zones, RM1A and RM1B Zones	Table (A) Add "Small Lot Single Family Use" and "Small Lot Other Allowed Uses" to table of uses. min. lot size: 2500sf. max lot size: 4999sf min. lot width: 25' Building Size (max) for all Small Lot uses: the greater of .4 FAR or 1850sf 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."	The proposed minimum lot size of 2500 sf for small lots is still larger than minimum of 2000 sf in Dallas and would dramatically improve affordability outcomes through the city. Reducing minimum lot size extends the current code's by right SF-3 Urban and Cottage Lots. Historically, large minimum lot sizes are a product of Jim Crow laws and should be reduced or wholly eliminated. Small lots allow fee simple ownership instead of requiring a condo regime, which is better for owners and for the city.			
23.115	Division 23-4D-2 Residential House-Scale Zones			X																23-4D-2140: R2E Zones	R2E Zones	R2E is not needed when combined with R2C. R2E Zone should be deleted in its entirety due to the amendment above regarding Small Lot Uses. R2D, however, must remain to allow new small lot subdivisions.			
23.116	Division 23-4D-2 Residential House-Scale Zones				X															23-4D-2150: R3A Zones	(A) Purpose Residential 3A (R3A) zone is intended for areas that are accessible to mixed use and main street zones by walking or biking within a half mile.	The R3A zone is a residential zone that provides detached housing and duplexes with accessory dwelling units on lots that are wider than those in R3B and R3C. Accessible range needs to further defined in a measurable amount. R3A zone is meant for areas with access to mixed-use and main street zones within walking or biking distance, which is generally accepted to be half a mile. There is no equivalent zoning for R2A 60' lot widths which requires more land for fewer units. R3A is duplicative and thus should be deleted.			

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			ANDERSON	HART	KAZI	KENNY	MCGRAW	NUCKOLS	OLIVER	SCHISLER	SEGER	SHIEH	THOMPSON	WHITE	SHAW				BURKARDT	MENDOZA					TEICH
23.117	Division 23-4D-2 Residential House-Scale Zones	X																	residential		23-4D-2150, 2160, 2170: All R3 Zones	Table (A) Lot Size and Intensity - add footnote "+.1 FAR for every unit above Single Family Use"	Despite the three-unit capacity, yields will not improve due to FAR limit which is the same as one or two units. Keeping the same FAR for 1 units as for 2 or 3 units does not incentivize building more units. The same .4 FAR for 1, 2 or 3 units is a direct disincentive to build more units versus larger single homes. Current code exemplifies this - 70% demos still 1-1 ratio, not 1-2 despite it being allowed by code. FAR should be increased to encourage more units on the lot. If you have the same FAR for more units, it increases the cost to produce those units (more per unit for taps, etc.) versus single family of same size, while raising cost per unit. A small step up would encourage more Missing Middle housing creation.		
23.118	Division 23-4D-2 Residential House-Scale Zones	X																residential		23-4D-2150, 2160, 2170, 2190, 2200, 2210: Side Street Encroachment	Table 23-4D-2xxx (E) Encroachments Encroachment Type Porch, Stoop, Uncovered Steps Side Street (max.)	An 8' side street encroachment for a porch, stoop, or uncovered steps on corner lots in all zones should be allowed within all zones. It provides the same benefit as required porches in front, more pedestrian friendly, and better articulation along the street.			
23.119	Division 23-4D-2 Residential House-Scale Zones	X																residential		23-4D-2150, 2160, 2170, 2190, 2200, 2210: Grade Limit Encroachment	Table 23-4D-2xxx (E) Encroachments Porch, Stoop or Uncovered steps	In all R-type zones, 3' height above grade limit on an encroachment for porch, stoop or uncovered steps cannot accommodate sloping lots, so the requirement should be deleted.			
23.120	Division 23-4D-2 Residential House-Scale Zones	X																residential		23-4D-2190, 2200, 2210	Table (A) Lot Size and Intensity - add footnote "+.1 FAR for every unit above Single Family Use"	If you have the same FAR for more units, it increases the cost to produce those units (taps, etc.) versus single family of same size, while raising cost per unit. It is a direct disincentive to build more units. Current code exemplifies this - 70% demos with the continued 1-1 ratio, not 1-2. A small step up would encourage more Missing Middle housing creation, other regulations keep it from being any more massive than current McMansion zones			
23.121	Division 23-4D-2 Residential House-Scale Zones	X																residential		23-4D-2190, 2200, 2210: Building Envelope for R4A and R4B	Table 23-4D-2190(C) Building Form (1) Overall Building Envelope Width (max.) 80' 60'	Change maximum building width to 80' under all R4 zones for consistency and simplicity. Building width is only difference between R4A&B and R4C. Limiting building width limits unit yield. 60' building width maximum is too narrow for wider lots.			
23.122	Division 23-4D-2 Residential House-Scale Zones	X																residential		23-4D-2210: R4C Zone	R4C: Table (C)-(2) Building Articulation and (C)-(3) Façade(s); Table (E)-(1) Primary and Accessory Building; Table (E)-(2) Height Encroachment; Table (F)(1) Private Frontage Type	There is not an R4 Zone that does not have McMansion limitations, limiting capacity for newly platted R4 lots. The only difference between Draft 3 R4C and R4A is 15' setback and 80' building width. As proposed here, R4A has 25' front setback with McMansion, R4B has 15' front setback with McMansion, and R4C has 15' front setback without McMansion. R4C should not have front porch requirement as it is not intended to be compatible with McMansion neighborhoods.			
23.123	Division 23-4D-2 Residential House-Scale Zones	X																residential		23-4D-2190, 2200, 2210: R4 Cottage Courts	All R4 Zones: Table (A) Lot Size and Intensity: Cottage Court: Minimum 50' lot width Base Standard § 3 units. 1. Minimum 100' lot width Base Standard § 6 units	Adjusting the minimum lot width and Base Standards units encourages small scale homes over multiplex buildings. These changes allow cottage courts under R4 to have 4 units for 50' minimum width and 8 units for 100' minimum width lots, as is the intent of the zone is to increase unit yield above three per lot. This encourages small scale homes to be built over multiplex buildings.			
23.124	Division 23-4D-2 Residential House-Scale Zones	X																residential		23-4D-2210: R4C Articulation Diagram	Building Articulation Table	Comment: There is a typo within the Articulation Diagram, so there needs to be an update to match wording.			
23.125	Division 23-4D-2 Residential House-Scale Zones	X																residential		23-2A-3030 & 3040 (B)	An engineer's certification that any changes to existing drainage patterns will not negatively impact adjacent property if the construction, remodel, or expansion: Is more than 300 square feet; and Located on an unplatted tract or within a residential subdivision approved more than five years before the building permit application was submitted. (2) Install acceptable drainage improvements, such as swales, grading, gutters, rain gardens, rainwater harvesting systems or other methods on site to preserve existing drainage patterns if the construction, remodel or expansion: Is more than 750 square feet; and Located on an unplatted tract or within a residential subdivision approved more than five years before the building permit application was submitted. And in an area subject to localized flooding, as determined by the Watershed Protection Department on an annual basis.	This section incurs high cost along with liability and enforcement concerns for both engineer and homeowner. V3 language shifts liability from the owner of the property to the engineer. "Negative Impact" is vague & subjective. It does not allow for pre-existing deficient conditions on adjacent properties. Drainage calculations are necessary for engineer review and are known to be inaccurate on small tracts. The cost is estimated at \$3000 in site work plus \$5000 for the letter. Est \$8000 per house for over 5100+ permits last year fitting the requirements = over \$40 million additional cost.			
23.126	Division 23-4D-2 Residential House-Scale Zones	X																residential		23-4D-3	Table 23-4D-3xxx Lot Size and Intensity Lot: Principal dwelling units per acre	There needs to be a deletion of dwelling units per acre for all multi-unit zones. It is a duplicative regulation, given that the scale is already regulated.			
23.127	Division 23-4D-2 Residential House-Scale Zones	X																Parking	No	Yes	23-4D-2040	Do not require parking in Residential Zones			
23.128	Division 23-4D-3 Residential Multi-Unit Zones																								UTC: Exempt from Comp Std w/in 1/4 mile of transit/IA corridors
23.129	Division 23-4D-3 Residential Multi-Unit Zones	X																New, more flexible RM1 zones	Yes	No	23-4D-3xxx	Add three new zones: RM1C has base RM1A entitlements, but has a bonus equal to RM1B bonus with a 45' overall height and no eve/parapet height. RM1D has base RM1A entitlements, but has a bonus equal to the RM2B bonus entitlements with 60' of overall height and no eve/parapet height. RM1E has base RM1A entitlements, but has a bonus equal to the RM4A bonus entitlements with 85' of overall height and no eve/parapet height.	These new zones give flexibility for mapping with entitlements allowing a remapping of R-scale zones with no increase in base height/setback entitlements but high affordable bonus entitlements.		
23.130	Division 23-4D-3 Residential Multi-Unit Zones																			23-4D-3	Minimum lot sizes for RM1A and RM1B should be 5,750 with 50' width	To allow conversion of existing MF districts in neighborhoods. Currently the minimum lot size is 8,000 SF			

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			ANDERSON	HART	KAZI	KENNY	MCGRAW	NUCKOLS	OLIVER	SCHISLER	SEGER	SHIEH	THOMPSON	WHITE	SHAW	BURKARDT						MENDOZA	TEICH	YES/NEUTRAL /NO	STAFF RESPONSE		
23.158	Division 23-4D-4 4030 - Allowed Uses and Permitting Requirements	x																	TS	Uses	NO	Table 23-4D-4030(A)		ADDENDA: Added Townhouses as permitted use to zones MU3, MU4 and MU5			
23.159	Division 23-4D-4 4030 - Allowed Uses and Permitting Requirements		x																TS	Uses	NO	Table 23-4D-4030(A)	Assess Criteria for permitting requirements within zones for uses: Bars and Nightclubs, Restaurants w/ alcohol sales, and Restaurants w/ Late Night Operations	See Attached Table Rest&Bars to discuss changes to P, CUP, MUP permitting and Specific to Use Requirements that should be added. Review Attached Adult Entertainment for Adult Uses in MU4B and MU5B zones.			
23.160	Division 23-4D-4 4030 - Allowed Uses and Permitting Requirements			x															TS	Bars and Nightclubs, Restaurants Uses	YES	Table 23-4D-4030(A)	Assess Criteria for permitting requirements within zones for uses: Bars and Nightclubs, Restaurants w/ alcohol sales, and Restaurants w/ Late Night Operations	See Attached Table Rest&Bars to discuss changes to P, CUP, MUP permitting and Specific to Use Requirements that should be added.			
23.161	Division 23-4D-4 4030 - Allowed Uses and Permitting Requirements				x														TS	Adult Entertainment	NO	Table 23-4D-4030(A)(6)	Change MU4B and MU5B permitting to CUP only	23-4E-6060 permitted adult entertainment other than an adult lounge			
23.162	Allowed Uses					x													TW	uses		Table 23-4D-4030 (A)	Senior Housing <12 P & Senior > 12 MUP in MU1A; MU1B; MU1C; MU1D	Allow Senior/ Retirement housing in MU zones; see exhibit Table 23-4D-4030 (A) for more clarity			
23.163	Allowed Uses						x												TW	uses		Table 23-4D-4030 (A)	Micro-Brewery/Micro-Distillery/Winery to CUP in MU1B; MU1D MUP IN MU2B	Micro-Brewery/Micro-Distillery/Winery change to CUP & MUP see exhibit Table 23-4D-4030 (A) for more clarity			
23.164	Division 23-4D-4 Mixed-Use Zones							x											AH FK	Corridor and Centers	No	23-4D-4030 (A)	Allow by right (P) Residential Care Facilities, Senior/Retirement Housing, Work/Live, Library, Museum, or Public Art Gallery, Meeting Facility, Bar/Nightclub, Mobile Food Sales, General Retail Under 5,000 SF, Performance Venue/Theater, Indoor Recreation (all sizes), Cooperative Housing, Group Residential, Manufactured Home, and all sizes of Day Cares to be built within all MU and MS districts.	Permitted uses in MU and MS zones don't seem to have any true methodology governing them.			
23.165	Division 23-4D-4 4040 - Parking Requirements								x										TS	Parking	NO	Table 23-4D-4040(A) (4) Office, General (non-medical)	1 per 500 sf after first 2,500-sf	If cars are expected to travel and park related to use, then parking should be provided. ADDENDA has this shown this way.			
23.166	Division 23-4D-4 4040 - Parking Requirements									x									TS	Parking	NO	Table 23-4D-4040(A) (5) Civic and Public Assembly	Public/Private Secondary- 1 space per staff member, plus 1 space for each 3 students enrolled in grades 11 and 12	ADDENDA Changed parking for Public and Private Secondary Schools. Keep at levels in Draft 3.			
23.167	Division 23-4D-5 Parking and Loading		x								x									Parking	No	Table 23-4D-4040 A	Provide a 2500 sf exemption in MU similar to exemption in MS zones.	Encourage small businesses in mixed use areas.			
23.168	Division 23-4D-4 Mixed-Use Zones																		JSc JT	Process	No	23-4D-4050 General to Mixed-Use Zones (3)(a)(ii)	(ii) Balconies, pedestrian walkways, porches, accessible ramps, and stoops; provided that no such feature shall extend into the public right-of-way without a license agreement, encroachment agreement, or other appropriate legal document.	Agreements to encroach within a public right-of-way may come in several different forms. The recommended language clarifies that any legal document that authorizes the extension of certain features into public right-of-way, providing any appropriate legal document is presented.			
23.169	Division 23-4D-4 Mixed-Use Zones																		JSc JT	Process	No	23-4D-4060 Mixed-Use 1A (E) Encroachments	Encroachments are not allowed within a right-of-way, public easement, or utility easement, unless a license agreement, encroachment agreement, or other appropriate legal document is in place.	Agreements to encroach within a public right-of-way may come in several different forms. The recommended language clarifies that any legal document that authorizes the extension of certain features into public right-of-way, providing any appropriate legal document is presented.			
23.170	Division 23-4D-4 4060-4160; MU1A - MU5A																		TS	Compatibility Setbacks	NO	4060 - 4160; MU1A-MU5A; Table 23-4D-XXXX(B)(3)(a)	(a) Where a portion of a building is across an alley less than 20 feet in width from a property zoned Residential House-Scale; or is adjacent to a property zoned Residential House-Scale. Then, all structures shall be set back at least 25 feet from a triggering property. minimum setbacks shall be provided along the alley or shared lot line that comply with subsections (b) and (c).	Simplify compatibility requirements. Resulted from ZAP/PC Compatibility working group.			
23.171	Division 23-4D-4 4060-4160; MU1A - MU5A																		TS	Compatibility Setbacks	NO	4060 - 4160; MU1A-MU5A; Table 23-4D-XXXX(B)(3)(b)	DELETE: Table 23-4D-XXXX(B)(3)(b) Compatibility Standards	Simplify compatibility requirements. Need to renumber (3)(c). Simplify compatibility requirements. Resulted from ZAP/PC Compatibility working group.			
23.172	Division 23-4D-4 4060-4160; MU1A - MU5A																		TS	MU2A, MU2B, MU3A, MU3B, MU4A, MU4B, MU5A Compatibility	NO	4100 - 4160; MU2A-MU5A; Table 23-4D-XXXX(D)(2)	RELOCATE AND MODIFY: Table 23-4D-XXXX ()- Height (4) Compatibility Height Stepback to new 23-4E-6 Compatibility	Consolidate compatibility requirements. Simplify compatibility requirements. Resulted from ZAP/PC Compatibility working group.			
23.173	Division 23-4D-4 Mixed-Use Zones																		CK	Add Microbrewery and Live Music Venue as permitted use in all MU zones	No	All sections	Expands the allowed zones for microbreweries and adds the new live music venue use to all MU zones.	More live music and brewpubs throughout the city.			
23.174	Division 23-4D-4 Mixed-Use Zones																		CK	Adjust compability for MU1	No	MU1A-MU1D	Adjust the setbacks and compatibility in all MU1 to mimic R zones; adjust height back to 40', remove articulation when behind a vegetative buffer.	Draft 3 breaks MU1 as a viable zone. This would restore it.			
23.175	Division 23-4D-5 Main Street Zones																		FK	Corridor and Centers	No	23-4D-5 All MS Zones	Eliminate building articulation requirements. E.g. Table 23-4D-5060(C)(2)	Main street buildings are universally placed side-by-side and take up the entire property width to create an active pedestrian experience. Articulation should be eliminated in all MS zones.		UTC: Exempt from Comp Std w/in 1/4 mile of transit/IA corridors	
23.176	Division 23-4D-5 Main Street Zones																		FK	Corridor and Centers	No	23-4D-5 All MS Zones	Example: Table 23-4D-5060(C) Building Form 1) Setback(Distance from ROW / Lot Line) [Maximum and minimum front setbacks should be 0']	MS setback requirements currently range from 5-10'. As every foot counts in a pedestrian environment, all MS setbacks should be 0', in line with near universal practice around the world.			
23.177	Division 23-4D-5 Main Street Zones																										

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					ANDERSON	HART	KAZI	KENNY	MCGRAW	NUCKOLS	OLIVER	SCHISLER	SEGER	SHIEH	THOMPSON	WHITE	SHAW				BURKARDT	MENDOZA				
23.194	5060-5120; MS1A-MS3B			x															NO	5060 - 5120; MS1A-MS3B; Table 23-4D-XXXX(B)(3)(b)	DELETE: Table 23-4D-XXXX(B)(3)(b) Compatibility Standards	Simplify compatibility requirements. Need to renumber (3)(c). Simplify compatibility requirements. Resulted from ZAP/PC Compatability working group.				
23.195	5060-5120; MS1A-MS3B			x															NO	5060 - 5120; MS1A-MS3B; Table 23-4D-XXXX(I)	DELETE: Common Open Space and Civic Open Space	Common and Civic Open Space requirements are not correct in Table and are addressed thoroughly in 23-4C-1 and 23-4C-2 with previous revisions recommended.				
23.196	5060-5120; MS1A-MS3B			x															NO	5080 - 5120; MS2A, MS2B, MS3A, MS3B; Table 23-4D-XXXX(D)(2)	RELOCATE AND MODIFY: Table 23-4D-XXXX ()- Height (4) Compatibility Height Stepback to new 23-4E-6 Compatibility	Consolidate compatibility requirements.Simplify compatibility requirements. Resulted from ZAP/PC Compatability working group.				
23.197	Division 23-4D-6 Main Street Zones			x		AH													No	No	23-4D-5080/90 (B)(D)	"For each of the sections (a), strike Residential House Scale and add in R1, R2, and R3 into text instead."	Allow missing middle transition zones that don't trigger compatibility corridors.			
23.198	Division 23-4D-5 Main Street Zones			x			CK												No	No	All sections	Expands the allowed zones for microbreweries and adds the new live music venue use to all MU zones.	More live music and brewpubs throughout the city.			
23.199				x			CK												No	No	All MS1 zones	Adjust the setbacks and compatibility in all MS1 to mimic R zones; adjust height back to 40', remove articulation when behind a vegetative buffer.	Draft 3 breaks MS1 as a viable zone. This would restore it.			
23.200				x			CK												Yes	No	New sections	Create new MS3C, MS4A, and MS5A zones with 60' of base height and increasing bonus height to 275'.	If the CC zone is going to be restricted to downtown, we need MS zoning that goes very high as an option for mapping.			
23.201	Division 23-4D-6 Regional Center Zones																								Dtwn Comm: 6070(A)(2) Allow Transitional Housing Supportive housing as permitted uses, 6050(B) 0" setbacks, 6050(B) allow 100% IC, Increase DC FAR to 12:1 and 6080 2-Star Grn Bldg min.	
23.202	Division 23-4D-6 Regional Center Zones			x		GA													No		Division 23-4D-6	(A) Parking Required. Regional center zones do not require off-street parking. (B) Decoupling required for residential leases. In a multi-unit dwelling, a parking space must be leased separately from a dwelling unit.	Decoupling in UNO already exists. Helps to allow folks who don't need a car to go without parking. Seattle just passed a similar law city wide where apartments with 10 or more units are required to decouple			
23.203	Division 23-4E-5 Specific to Use			x		x													No		Section 23-4D-6030	After "Max 550 sf on a second floor," add "unless located within the primary structure."	Size limite was intened to promote accessibility in new, exterior buildings, not to existing homes. This change would allow homeowners to remain downstairs in tehir homes and rent out upstairs to provide for aging in place options.			
23.204	Division 23-4D-6 Regional Center Zones			x							JSc								YES		23-4D-6030 Allowed Uses and Permit Requirements	Clarify if parking facility is a defined term in the code and provide the definition. It is not defined in Article 23-3M Definitions and Measurements. Parking facility should not include surface parking lots.	At Table (A)(11) Automobile Related, Parking Facility is listed as an allowed use by Conditional Use Permit. However, as referenced in (A)(2), the term parking facility is not defined in Article 23-3M Definitions and Measurements. Consider prohibiting surface parking lots as an allowed use in the Regional Center Zones.			
23.205	Division 23-4D-6 Regional Center Zones			x							JSc										23-4D-6040 Parking Requirements	At (e): Increase driveway width maximum to 30' to allow for 3 lanes of traffic flow.	Limiting driveways to 25 feet in width will be difficult to achieve on projects that require three parking access lanes and/or on projects which combine loading with their driveway access points. Consider increasing driveway width maximum to 30'.			
23.206	23-4D-6 Regional Center Zones			x							KM										23-4D-6000	Maintain all provisions of the Downtown Plan as it relates to the Judges Hill District	This adopted plan should be respected.			
23.207	6030 - Allowed Uses and Permitting Requirements			x															NO		Table 23-4D-6030(A)(6)	Assess Criteria for permitting requirements within zones for uses: Bars and Nightclubs, Restaurants w/ alcohol sales, and Restaurants w/ Late Night Operations	See Attached Table Rest&Bars to dicuss changes to P, CUP, MUP permitting and Specific to Use Requirements that should be added.			
23.208	6030 - Allowed Uses and Permitting Requirements			x															NO		Table 23-4D-6030(A)(8)	Change CC and DC permitting to CUP only	23-4E-6060 permitted (P) adult entertainment other than an adult lounge			
23.209	6030 - Allowed Uses and Permitting Requirements			x															NO		Table 23-4D-6030(A)(8)	Change IF, IG, and IH permitting to CUP	23-4E-6060 permitted (P) adult entertainment other than an adult lounge			
23.210	6040 - Parking Requirements			x															NO		Table 23-4D-6040(A)		No parking required. Isn't this where we would want parking maximums?			
23.211	6060-6080; CC, UC, DC			x															NO		Table 23-4D-XXXX(B)-Building Placement	tbd	Review setback requirements related to compatibility with Residential House Scale			
23.212				x							PS										23-4D-6040		Retain no parking requirements in RC zones			

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					ANDERSON	HART	KAZI	KENNY	MCGRAW	NUCKOLS	OLIVER	SCHISLER	SEGER	SHIEH	THOMPSON	WHITE	SHAW				BURKARDT	MENDOZA		TEICH	GENERAL		
23.213	23-4D-6060(A) Lot Size and Intensity			X	GA	FK					JSc									Downtown	NO	23-4D-6060(A)	All CC zones should allow 5:1 FAR maximum. Change CC40, CC60, CC80 FAR max to 5:1.	At FAR max: Consider increasing CC zone FAR maximums to better match or exceed allowable density under existing code. There are lots in the Northwest district of downtown, designated as CC-40 and CC-60 with FAR limitations of 1.0 and 2.0 respectively, that are not eligible for density bonuses. Consider applying the principles of the Downtown Austin Plan for this area: maintain compatibility with the two and three-story pattern of development. Also in the Downtown Austin Plan is a stated goal of Northwest District to incentivize housing over office/commercial. In reviewing sites in this area, it is apparent that allowing max FAR of 5:1 for all CC zones would make residential a more viable use, and removing the density bonus exemption could result in more affordable housing. Consider increasing the maximum density on these sites as part of an expanded density bonus, while maintaining the height limits that promote compatibility. It is recognized that a separate planning effort may be necessary for the consideration of these changes.			
23.214	Division 23-4D-6 Regional Center Zones			X							JSc									Downtown	YES	23-4D-6060(B): Overview (2)	Clarify the contradictions between Overview (2) and Table 23-4D-6060(B) Note 1 and the paragraph above it about ROW and utility easements.	(2) conflicts with Table 23-4D-6060(B) Note 1 and the paragraph above it about ROW and utility easements.			
23.215	23-4D-6060(B) Building Placement			X	GA															Downtown	NO	23-4D-6060(B)	Remove all minimum setbacks for all CC zones. Clarify reference to easements. Note 1 section referenced is Industrial Flex Zones and must be incorrect.	The CC zone establishes a minimum setback of 5 feet on all sites, but the map in the Downtown Plan Overlay Zone described (23-4D-9080 as taken directly from the Downtown Austin Plan) has many streets with 0' setbacks. To simplify and clarify, consider removing the 5-foot minimum setback. This setback can create a significant impediment to development on small sites and does not allow downtown to achieve the density needed for regional centers, as stated in Imagine Austin. DMU zoning, which CC is meant to replace in the new code, does not require any setbacks. Therefore, this new regulation is effectively downzoning (reducing entitlements) as compared to the existing code. Also, Regarding "Additional setback and/or easement may be required where street right of way or utilities easement is required" - where is this addressed in the code? And, at Note 1: section referenced is Industrial Flex Zones and must be incorrect.			
23.216	Division 23-4D-6 Regional Center Zones			X	GA						JSc									Downtown		23-4D-6060(C) Sub-Zones	CC subzones should allow for these height maximums: Replace CC40 with CC50; Replace CC60 with CC75; Replace CC80 with CC90.	Consider adjusting height limits to better accommodate common floor-to-floor heights. Consider adjusting 40' to 50' (4 floors); 60' to 75' (6 floors), 80' to 90'. Or, consider providing a height limit OR a floor limit. Height limits proposed do not align with common building heights based on standard floor-to-floor heights plus taller retail spaces on first floor. Providing maximum number of floors may be more flexible to limiting building height without penalizing buildings providing generous floor-to-floor heights.			
23.217	Division 23-4D-6 Regional Center Zones			X	GA						JSc									Downtown		23-4D-6060(D) Height (1) All Buildings	At (1) All Buildings: Replace CC40 with CC50 (50' overall max height); Replace CC60 with CC75 (75' overall max height); Replace CC80 with CC90 (90' overall max height).	At All Buildings: Consider adjusting height limits to better accommodate common floor-to-floor heights. Consider adjusting 40' to 50' (4 floors); 60' to 75' (6 floors), 80' to 90'. Or, consider providing a height limit OR a floor limit. Height limits proposed do not align with common building heights based on standard floor-to-floor heights plus taller retail spaces on first floor. Providing maximum number of floors may be more flexible to limiting building height without penalizing buildings providing generous floor-to-floor heights.			
23.218	Division 23-4D-6 Regional Center Zones			X							JSc									Downtown		23-4D-6060(E) Encroachments	Provide reference to the section that describes the process for "Encroachments within a right-of-way, public easement, or utility easement require a license agreement or encroachment agreement."				
23.219	23-4D-6060(G) Frontages		X		GA															Downtown	No	23-4D-6060(G)	Create exception for <1/2 block sites requiring 60% net of frontage be retail.	spaces (AE vault, fire pump, etc.) that must be located directly on ROW. This requirement (in DC and CC zones and in the Downtown Plan Overlay Zone) is only appropriate for full-block sites. Many, if not most downtown sites, will be unable to comply with the frontage requirements unless all building lobbies are allowed to count towards Commercial Group A compliance. It too restrictive and prescriptive to allow viable development on <1/2 block sites and should be eliminated or relaxed. There is confusion with the frontage requirements. Draft 2 states that frontages within the DC and CC zoning districts are required to have a minimum of 60% of their street frontage in approved active commercial or civic uses and refers to the Downtown Plan Overlay Zone. However, the Overlay Zone allows ground level residential uses in addition to active commercial and civic uses on non Pedestrian-Activity Streets as per Table 23-4D-9080(A). This is consistent with the intent of the Downtown Austin Plan, however the plan should be updated to reflect the conditions in downtown today. Also the definition of active commercial uses (Commercial Group A in the Downtown Plan Overlay Zone) needs to be clarified or refined to allow for ground level office lobbies. Active frontage requirements are very difficult to achieve on small sites due to the amount of space taken up by parking and loading access, utilities, and egress. If intent is to provide more active pedestrian frontage, consider working with city departments to loosen requirements for many building support spaces (AE vault, fire pump, etc.) to be located directly on ROW - this would have a far greater impact on allowing more active uses to take their place. As stated in Imagine Austin, consider prioritizing downtown density, and more specifically more housing units, over these active street frontage requirements. More people living downtown will create active streets and trigger demand for more retail spaces. If active street frontage is prioritized over density, it may result in too many empty retail spaces while limiting the potential for additional residents to support them.			
23.220	Division 23-4D-6 Regional Center Zones			X							JSc									Downtown		23-4D-6060(G): Frontages	Create exception for <1/2 block sites. Either significantly reduce the % gross frontage requirement or change requirement to "net" frontage or only require one block face of the site to comply. Or remove requirement in CC base zone and allow for a district planning process to dictate which streets and which uses are appropriate. And reduce requirements for many building support spaces (AE vault, fire pump, etc.) that must be located directly on ROW.	This requirement (in DC and CC zones and in the Downtown Plan Overlay Zone) is only appropriate for full-block sites. Many, if not most downtown sites, will be unable to comply with the frontage requirements unless all building lobbies are allowed to count towards Commercial Group A compliance. It too restrictive and prescriptive to allow viable development on <1/2 block sites and should be eliminated or relaxed. There is confusion with the frontage requirements.			

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																					YES/NEUTRAL /NO	STAFF RESPONSE					
				ANDERSON	HART	KAZI	KENNY	MCGRAW	NUCKOLS	OLIVER	SCHISLER	SEGER	SHIEH	THOMPSON	WHITE	SHAW	BURKARDT							MENDOZA	TEICH	GENERAL	SPECIFIC SECTION
23.221	Division 23-4D-6 Regional Center Zones		x																Corridor and Centers	No	23-4D-6060 (G)	"Table G: For commercial buildings greater than or equal to one-half block width: Except for building support spaces (including as Austin Energy vault, fire pump), entries must be oriented to the street and located at sidewalk level. No ramps or stairs allowed within public right-of-way or front setback. For commercial buildings less than one-half block width: The primary entry must be oriented to the street and located at the sidewalk level. Prior Notes for Clarity: Create exception for <1/2 block sites. Either significantly reduce the % requirement or only require one block face of the site to comply. Or remove requirement in CC base zone and allow for a district planning process to dictate which streets and which uses are appropriate. And reduce requirements for many building support spaces (AE vault, fire pump, etc.) that must be located directly on ROW."	Create exception for 1/2 block sites and reduce requirements for many building support spaces.				
23.222	Division 23-4D-6 Regional Center Zones		X							JSc									Downtown		23-4D-6060(H) Impervious Cover	Increase impervious cover and building cover maximums to 100%.	Bring entitlement back to match existing code				
23.223	Division 23-4D-6 Regional Center Zones																		Downtown		23-4D-6080 (A) Lot Size and Intensity	Change DC zone FAR max to 12:1.					
23.224	Division 23-4D-6 Regional Center Zones																		Downtown		23-4D-6080(B) Building Placement	Clarify reference to easements. Note 1 section referenced is Industrial Flex Zones and must be incorrect.	Regarding "Additional setback and/or easement may be required where street right of way or utilities easement is required" - where is this addressed in the code? And, at Note 1: section referenced is Industrial Flex Zones and must be incorrect.				
23.225	Division 23-4D-6 Regional Center Zones																		Downtown		23-4D-6080(G): Frontages	Create exception for <1/2 block sites. Either significantly reduce the % gross frontage requirement or change requirement to "net" frontage or only require one block face of the site to comply. Or remove requirement in DC base zone and allow for a district planning process to dictate which streets and which uses are appropriate. And reduce requirements for many building support spaces (AE vault, fire pump, etc.) that must be located directly on ROW. The definition of active commercial uses (Commercial Group A in the Downtown Plan Overlay Zone) needs to be clarified or refined to allow for ground level office or multi-family lobbies. Additionally, revise the requirement that prohibits stairs/ramps in required setbacks to allow them in required setbacks.	More restrictive than LDC. There are no such requirements in existing code.				
23.226	Division 23-4D-6 Regional Center Zones																		Downtown		23-4D-6080(J) Additional Standards	Add "or at least the minimum level LEED Certification as a substitute for Austin Energy Green Building rating."	Consider allowing LEED certification as a substitute for Austin Energy Green Building rating.				
23.227	Division 23-4D-6 Regional Center Zones																		Downtown		23-4D-6080(K) Additional Compatibility	Add "except for additional setbacks or height stepbacks."	To better align this with 23-4D-6080(B)(2), add "except for additional setbacks or height stepbacks."				
23.228	Division 23-4D-7 Commercial and Industrial Zones																										
23.229	Division 23-4D-7 Commercial and Industrial Zones																			Breweries	Yes	Applicable zones	Breweries and brewpubs in MS and MU districts should be limited to 5,000 barrels per year of production. Breweries with more production should be allowed in all industrial zones, but should not have a cap on their production.	This right-sizes brew pubs for the city, but allows breweries to continue to operate without arbitrary production caps that exist in D3.			
23.230	Division 23-4D-7 Commercial and Industrial Zones																										
23.231	Division 23-13A-2 (Land Uses), Division 23-4D-7 (Commercial and Industrial Zones), Division 23-13A-2 (Land Uses)																			Breweries and Microbreweries	Yes - if there are any issues we should be aware of with these changes.	23-4D-7030	Sec. 23-13A-2030, "Manufacturing and Storage", change 3(e) ("Brewery/distillery/winery which manufacture more than 15,000 barrels of beverage...") from 15,000 barrels to 5,000 barrels, and move it from "Manufacturing and Storage - Restricted" to "Manufacturing and Storage - General". Table 23-4D-7030(A), "Allowed Uses in Commercial and Industrial Zones," change Manufacturing and Storage - General from not allowed to CUP in Commercial Recreational, and from CUP to P Industrial Flex. Sec. 23-13A-2030, "Micro-Brewery/Micro-Distillery/Winery," change "15,000 barrels" to "5,000 barrels". Sec. 23-4E-6220(B), "Requirements for a Brewery/Winery/Distillery," change: (1) Allowed. The sale of beer, ale, wine, or distilled liquor produced on-site for on-site consumption must comply with Section 4-9-4 (Minimum Distance from Certain Uses).	This addresses a problem in Draft 3 that incorrectly distinguishes between microbreweries and breweries and is then overly prescriptive for microbreweries. The break between microbreweries and production breweries is about 5,000 barrels per year. This amendment changes the break from 15,000 to 5,000. It restores breweries as an allowed use in Industrial Flex, which is where at least one Austin brewery is today but was left out of the zone. It also removes restrictions on micro-breweries with tasting rooms that far exceed bars or restaurants that serve alcohol, and replaces the restrictions with a reference to the city ordinance that governs distance requirements for alcohol sales and restaurants that serve alcohol.			

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					ANDERSON	HART	KAZI	KENNY	MCGRAW	NUCKOLS	OLIVER	SCHISLER	SEGER	SHIEH	THOMPSON	WHITE	SHAW				BURKARDT	MENDOZA		TEICH	GENERAL	SPECIFIC SECTION
23.241	Division 23-4D-8 Other Zones			x	x															F25	No	23-4D-8080 (d)(new)	(A) Purpose and Applicability (1) The purpose of the former title 25 (F25) zone is to incorporate within the Land Development Code certain specially negotiated regulatory ordinances and agreements applicable prior to the effective date of this Title, but which continue to serve important purposes. (...) (D) F25 Rezoning Policy. In order to achieve compliance with current regulations of this Title and minimize reliance on prior regulations, the City's preferred policy is to: (1) Rezone properties within the F25 zone to current zones established in this Title and gradually eliminate Planned Development Agreements (PDAs), Neighborhood Combining and Conservation District (NCCDs); and conditional overlays (COs); and (2) Rezone properties within an F25 Planned Unit Development (PUD) zoning district or an F25 small-area regulating plan by adopting update PUD zoning ordinances and small-area plans consistent with requirements of this Title.	This brings the language back to what we had in Draft III and was eliminated in the Errata with no reason. F25 is old as stated in Imagine in Austin we need a new land development code.		
23.242	Division 23-4D-8 Other Zones			x																F25	No	23-4D-8080	Delete all parking requirements from F25	If F25 isn't deleted as recommended, at remove parking.		
23.243	Division 23-4D-8 Other Zones																			Corridor and Centers	No	23-4D-8080	Delete F25.	*1) No neighborhood should be exempt from affordability bonuses or the policies in CodeNEXT. 2) F25 is clearly inconsistent with Imagine Austin, so designating areas F25 will open the city to lawsuits challenging F25 zoning. Zoning regulations must be consistent with the comprehensive plan, per state law. F25 was developed prior to the adoption of Imagine Austin so is not permitted. 3) Will cause endless headache and confusion."		
23.244				x																Add Affordable ADU bonuses to F25	Yes	New section E	(E) In addition to any affordable housing incentives available for zones SF1, SF2, and SF3, lots with those zonings are eligible for the Residential Citywide Affordable Accessory Dwelling Unit Incentive: (1) In addition to base entitlements, an additional, income-restricted Accessory Dwelling Unit may be built and the size does not count toward FAR limit and the principal use's FAR limit is increased by the size of the income-restricted Accessory Dwelling Unit. When adding an Accessory Dwelling Unit under this incentive, the total dwelling units per lot may not exceed 4. (2) In taking the incentive, an applicant shall agree to: (a) Continued affordability of all affordable rental units for 10 years, with the affordability period for rental projects begins on the issuance of the last final certificate of occupancy for the development; or (2) Continued affordability of all affordable ownership units for 20 years. The affordability period for ownership units begins on the date of sale for each affordable ownership unit to an eligible buyer.	This adds an affordable ADU to every SF1, SF2, and SF3 lot left in F25.		
23.245				x																F25 compatibility trigger	Yes	In 23-4D-8080 (c)(2)	In 23-4D-8080 (c)(2): Replace (C)(2)(c): Properties within the F25 Zone that are zoned RR, LA, SF1, SF2, SF3, or SF4 shall be treated as Residential House-Scale Zones and trigger the compatibility regulations established in this Title for properties within Zones established in this Title."	This makes clear that it is zoning, not use, in F25 that triggers compatibility on CodeNEXT zones.		
23.246	Division 23-4D-2																			Residential ADU Affordable Bonus available in F25 single family zones	No	23-4D-8080	Add new (E) Regardless of the requirements of the former chapter 25 (including NCCDs and F25 zones): (1) The bonus available as "Citywide Affordable Accessory Dwelling Unit Incentive" available in zone R2C is also available with the same terms (regarding allowable FAR and units) in all Single Family zones (SF1-SF6), including within Neighborhood Combining and Conservation Districts, in former chapter 25. (2) The bonus available as "Corridor Transition Affordable Accessory Dwelling Unit Incentive" available in zone R2C is also available with the same terms (regarding allowable FAR and units) in all Single Family zones (SF1-SF6), including within Neighborhood Combining and Conservation Districts, in former chapter 25.	The affordable ADU bonus should be available in all residential zoning citywide, including in SF zoning left in place through CodeNEXT. This change would not alter setbacks, height, or other requirements, but only the FAR and unit counts.		
23.247	Division 23-4D-8 Other Zones			x																All Zones	No	23-4D-8080	"Add new (E) Regardless of the requirements of the former chapter 25 (including NCCDs and F25 zones): (1) one ADU that meets the base zoning requirements of R2 is allowed per residential lot that that meets the standards of R2 or greater, including but not limited to, placement, height, impervious cover, FAR, and setbacks; (2) the minimum lot size is 2,500 square feet; and (3) Parking requirements are determined by the roughly equivalent requirements from this Title, as determined by the Director. (4) The Director of Neighborhood Housing must determine if a roughly equivalent zone has an AHB that should apply to an F25 zoned	If F25 isn't deleted as recommended, at least ADUs and small lots should be allowed as supported by previous unanimous PC vote		

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			ANDERSON	HART	KAZI	KENNY	MCGRAW	NUCKOLS	OLIVER	SCHISLER	SEGER	SHIEH	THOMPSON	WHITE	SHAW	BURKARDT				MENDOZA	TEICH				
	Division 23-4D-8 Other Zones																	No	23-4D-8090	"(A) Purpose. Public (P) zone is intended for areas that are government-owned civic, public institutions, or public or affordable housing, indoor or outdoor active recreation uses. (B) Additional Requirements (1) Residential Uses. If a residential use is for ten or more dwelling units, then a site plan is required, is allowed in Table 23-4D-7040(A), the site development requirements are the same as the most comparable residential zone. (2) Non-Residential Uses (a) If the site is less than one acre, the site development requirements of the zone on the adjacent property applies. A property owned by the City is not subject to minimum lot size requirements. (b) If a site is larger than one acre, then a conditional use permit and site plan are required."	Allow greater flexibility for housing on publicly owned land.				
23.248	Division 23-4D-8 8110 - Planned Unit Development		x													TS			8110 - Planned Unit Development		A) Purpose and Overview section rewritten and is more thorough. C) Added back in requirement for establishing baseline zoning.		EV Comm: 8110(GF) Tier 1 must exceed landscape req., 8100(G)(2)(c) delete if not GSI superior, 8100(G)(2)(m) replace with preserve 75% all native caliper inches.		
23.249	Division 23-4D-8 8110 - Planned Unit Development															TS			NO	(F) Tier One Requirements	INSERT AND RENUMBER: (F)(8) exceed the minimum landscaping requirements of the City Code.	Add back from current code that all PUDs must exceed the minimum landscaping requirements of the code. Environmental Commission Recommendation.			
23.250	Division 23-4D-8 8110 - Planned Unit Development		x													TS			NO	8110 (G)(2)(c)	DELETE: (c) Uses green water quality controls as described in the Environmental Criteria Manual to treat at least 50 percent of the water quality volume required by this Title.	Environmental Commission recommendation. No longer superior compared to CodeNext.			
23.251	Division 23-4D-8 8110 - Planned Unit Development															TS			NO	8110 (G)(2)(m)	(m) Preserves all heritage trees; preserves 75 percent of the caliper inches associated with native protected size trees; and preserves 75 percent of all of the native caliper inches.	Environmental Commission recommendation.			
23.252	Division 23-4D-9 Overlay Zones		x																						
23.253	Division 23-4D-9 Overlay Zones																		Yes	23-4D-9080	Remove things like exemption from TIA, etc from DD and DC zones and place in overlay	Assuming other regional centers that have less supporting infrastructure than downtown, put these exemptions here.			
23.254	Division 23-4D-9 Overlay Zones									JSc										23-4D-9050	Strike section 23-4D-9050 or make it not effective to the west (Because it impacts a portion of the Guadalupe corridor)	This is overlaps with state law that already regulates protecting Capitol views. Having a height limitation 1/4 of a mile from the Capitol could significantly impacts density.			
23.255	Division 23-4D-9 Overlay Zones		x							JSc										23-4D-9060	Strike this section and 23-4D-9150(A) (which describes the details of CVC regulations)	This is overlaps with state law that already regulates protecting Capitol views. Having a height limitation 1/4 of a mile from the Capitol could significantly impacts density.			
23.256	Division 23-4D-9 Overlay Zones		x							JSc										23-4D-9080(C) Ground Floor Use Requirements	Office, residential, and mixed use building lobbies should be specifically added to the Commercial Group A list to include lobbies as an allowed use.	More restrictive/downzoning: LDC does not require ground floor requirements.			
23.257	Division 23-4D-9 Overlay Zones									JSc										23-4D-9080(D)(1) Development Standards: Driveways, Curb Cuts, and Porte Cocheres	Add Refer to Figure 23-4D-9080(1) Pedestrian Activity Street. Add "exception for corner sites that have frontage on two Pedestrian Activity Streets. These sites will be allowed either a driveway or curb onto the street determined to be secondary of the two streets at the site, or during review process."	More restrictive than LDC. There are no such requirements in existing code.			
23.258	Division 23-4D-9 Overlay Zones		x							JSc									YES	23-4D-9080(D)(2) Treatment of Commercial Building Fronts	Clarify if the definition of commercial building in this context includes multi-family residential uses.	More restrictive than LDC. There are no such requirements in existing code.			
23.259	Division 23-4D-9 Overlay Zones		x							JSc										23-4D-9080(D)(2) Treatment of Commercial Building Fronts	At Note 3: Add "street trees are an acceptable shade device if they provide shade in front of the required area."	More restrictive than LDC. There are no such requirements in existing code.			
23.260	Division 23-4D-9 Overlay Zones									JSc										23-4D-9080(D)(2) Treatment of Commercial Building Fronts	At (a) Minimum Shade Note 3: This requirement will likely force a project to seek a license agreement from the City because they will not want to push the building back to accommodate an awning or canopy. License agreements will incur additional costs and time.				
23.261	Division 23-4D-9 Overlay Zones		x							JSc										23-4D-9080(D)(2) Treatment of Commercial Building Fronts	At (a) Front Setbacks (i) and Figure 23-4D-9080(2) Minimum Front Setback Requirements: Remove setbacks greater than 5' except when a site is within a block with existing greater setbacks. Or At (a) Front Setbacks (i) change to "Minimum front setback is 5' or equal to existing adjacent block front setback when site is within a block with existing greater setbacks" and delete the Figure (2) map until an updated map developed during a district planning process can be codified.	More restrictive than LDC. There are no such requirements in existing code.			
23.262	Division 23-4D-9 Overlay Zones									JSc										23-4D-9080(E) Compatibility	Remove this section. Use base zoning compatibility and the mapping of the zones to achieve the intent of the Downtown Austin Plan. If more restrictive requirements are necessary, use a new district planning process to create additional requirements.	At (2) Additional Screening Requirements for a Parking Structure: These requirements will likely be covered in the Criteria Manual for parking garages. If so, remove them from this section to avoid redundancy.			
23.263	Division 23-4D-9 Overlay Zones		x							JSc										23-4D-9080(F) (2) Screening	If these requirements will be covered in the Criteria Manual for parking garages, remove them from this section to avoid redundancy.	At (2) Additional Screening Requirements for a Parking Structure: These requirements will likely be covered in the Criteria Manual for parking garages. If so, remove them from this section to avoid redundancy.			
23.264	Division 23-4D-9 Overlay Zones									JSc										23-4D-9080(F) (3) Screening	At (3) Surface Parking Facility: Confirm that surface parking facilities are an allowed use in the affected base zones. See 23-4D-6030 Allowed Uses and Permit Requirements	At (3) Surface Parking Facility: Confirm that surface parking facilities are an allowed use in the affected base zones. See 23-4D-6030 Allowed Uses and Permit Requirements			
23.265	Division 23-4D-9 Overlay Zones		x							PS												Keep all plans in place through adoption & implementation of CodeNEXT. Then review plans for appropriateness in CodeNEXT context.			
23.266	Division 23-4D-9 Overlay Zones																								

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				ANDERSON	HART	KAZI	KENNY	MCGRAW	NUCKOLS	OLIVER	SCHISLER	SEGER	SHIEH	THOMPSON	WHITE	SHAW				BURKARDT	MENDOZA		TEICH	GENERAL	SPECIFIC SECTION
24.9	3020 - Applicability	X																	ADU Parking	NO	3020 (A)(4)	(4) new residential units, except for accessory dwelling, on the same lot as an existing dwelling; or	New development where there is not an existing dwelling, would have to provide parking for ADU. New code is going to allow for multiple units including cottage courts.		
24.10	Division 23-4E-3 Parking and Loading		X															ADA Parking	No	23-4E-3050	Add the following language from current code on CBD/DMU Parking: Except for a use occupying a designated historic landmark or an existing building in a designated historic district, off-street motor vehicle parking for persons with disabilities must be provided for a use that occupies 6,000 square feet or more of floor space under the requirements of this paragraph. (a) The following requirements apply if no parking is provided for a use, other than parking for persons with disabilities: (i) the minimum number of accessible parking spaces is calculated by taking 20 percent of the parking required for the use under Appendix A (Tables of Off-Street Parking and Loading Requirements) and using that result to determine the number of accessible spaces required under the Building Code. The accessible spaces may be provided on- or off-site, within 250 feet of the use. (ii) The director may waive or reduce the number of accessible spaces required under Paragraph (2)(a)(i) if the applicant pays a fee in-lieu to be used by the city to construct and maintain accessible parking in the vicinity of the use.	This is from current code. Require ADA parking if any parking is provided or if loading facility is provided.			
24.11				X																	The availability of this option is contingent on the establishment of a fee by separate ordinance and the adoption of a program by the director to administer the fee and establish eligibility criteria. A decision by the director that a use is ineligible for a fee in-lieu is final. (iii) The director may waive or reduce the number of accessible spaces required if no accessible spaces can be provided consistent with the requirements of Paragraph (2)(a)(i) and the use is ineligible for participation in the fee in-lieu program under Paragraph (2)(a)(ii). (iv) An off-site or on-street parking space designated for persons with disabilities that is located within 250 feet of a use may be counted towards the number of parking spaces the use is required to provide under Paragraph (2)(a)(i).				
24.12	3050																	disability parking for single family		23-4E-3050	Parking for Persons with Disabilities A. A NON-RESIDENTIAL site must have.... B. This references single family and duplex, but if we change ramp requirements then can we eliminate this part? Visitability relation to parking is per the ramp. There is not such a thing residential parking space requirements				
24.13	Division 23-4E-3 Parking for Persons with Disabilities		X															parking		23-4E-3050 -A	A non-residential site must have	leaving it as just a site is too vague and could be interpreted to include residential projects			
24.14	Division 23-4E-3 Parking for Persons with Disabilities																	parking	X	23-4E-3050-A-3	the number of accessible parking spaces required by the Building Code or one whichever is greater.	We heard very clearly that our community needs accessible parking spaces			
24.15																		parking		23-4E-3060	(B) 2. References 100% reduction in parking. There should never be a full 100% reduction in parking. Handicap parking, car share parking needs to be considered.				
24.16	3060 - Off-Street Motor Vehicle Parking Adjustments			X														Max. Parking Adjustment	NO	3060 (B)	(B) Maximum Parking Adjustment. (1) Unless the site is part of a TDM program that allows multiple parking adjustments, the maximum cumulative parking reduction is 60% 20%. (2) The maximum cumulative parking adjustment for a site that is part of a TDM program that allows multiple parking adjustments is 40% 40%	Rervert back to draft 2 levels but allow for reasonable increase for TDM. 100% reduction is not practice. TDM programs have not been demonstrated to work at 100% reduction. Consider developments with high levels of affordable housing receiving up to 60%.		HLC: waiver or reduce pkg for maintaining old bldg. UTC: reduce pkg particularly on high tranist/IA activity corridors	
24.17	3060 - Off-Street Motor Vehicle Parking Adjustments			X														Max. Parking Adjustment	NO	Table 23-4E-3060(A)	CHANGES: Transit Corridor 1/4 mile - 10%, Transit Corridor 1/2 mile - 5%, DELETE OR QUANTIFY - Preservation of Trees., CHANGE Car Share - 3 spaces per car share, Buildings Providing Showers - 5%, Affordable Housing Program - Stagger depending on participation 10%, 20%, 30%, 40%	The table provides too great of an adjustment compared to the requirement and many of the requirements are vague and are not quantified. This is especially the case with the AHP bonus, which should only be allowed when affordable units are actually provided above some threshold.		HLC: waiver or reduce pkg for maintaining old bldg. UTC: reduce pkg particularly on high tranist/IA activity corridors	
24.18	Division 23-4E-3		X																			if business have no parking, off street load should be required, parking for disability, home occupation ADA, ada for residential vs commercial, parking reduction too much		HLC: waiver or reduce pkg for maintaining old bldg. UTC: reduce pkg particularly on high tranist/IA activity corridors	
24.19	Division 23-4E-3 Off-Street Motor Vehicle Parking Adjustments		X															parking		23-4E-3060-B	1- Unless the site is part of a TDM program that allows multiple parking adjustments, the maximum cumulative parking reduction is 60% 20% 3-The maximum cumulative parking adjustment for a site with more than 4 deeply affordable units at 50% MFI or below is 90%.				
24.20	residential parking process		X															parking		X	allow for an easier process by which neighborhoods and streets near MS & MU can receive residential parking requirements	The reduction of the parking by 50% for commercial projects alone will not discourage people from driving. We see this all over South Congress and on E. 6th. I think we should discourage street parking for environmental reasons (actual driving reduction) & for safety reasons (street parking is dangerous for pedestrians and cyclist). Let's take this one step further and really mean it when we say we want people to drive less. Open to suggestions on how best to incorporate this aspect into the code			

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			X	ANDERSON	HART	KAZI	KENNY	MCGRAW	NUCKOLS	OLIVER	SCHISLER	SEGER	SHIEH	THOMPSON	WHITE	SHAW				BURKARDT	MENDOZA		TEICH	GENERAL	SPECIFIC SECTION	YES/NEUTRAL /NO
24.21	Division 23-4E-3	Parking and Loading		X	GA															On Street Parking	No	23-4E-3060	23-4E-3060 Off-Street Motor Vehicle Parking Adjustments (A) Simple Parking Adjustments. (1) Table (A) (Simple Parking Adjustments) establishes the adjustments allowed when a site meets the requirements described in the table. (2) Minimum off-street parking requirements shall be further reduced as follows: (a) One space for each on-street parking space located adjacent to the site on a public street, including spaces on Internal Circulation Routes that meet public street standards.	It's in today's code and we need to keep this § 25-6-478 - MOTOR VEHICLE REDUCTIONS GENERAL. (E) Except for development that does not require a site plan under Section 25-5-2 (Site Plan Exemptions), the minimum off-street parking requirement is reduced by the following amounts: (1) One space for each on-street parking space located adjacent to the site on a public street, including spaces on Internal Circulation Routes that meet public street standards;		
24.22	Division 23-4E-4	Parking and Loading		X	GA														On Street Parking	No	23-4E-3060	(A) Simple Parking Adjustments. (1) Table (A) (Simple Parking Adjustments) establishes the adjustments allowed when a site meets the requirements described in the table. (2) Minimum off-street parking requirements shall be further reduced as follows: One space for each on-street metered parking space located within 250 feet of the site, measured as the shortest practical and legal walking distance to the nearest principal entrance of the site. Metered parking spaces may not be counted towards the minimum off-street parking required for residential uses.				
24.23	Division 23-4E-3	Parking and Loading																				Eliminate all parking reductions beyond those already in place	Note AISD requests to maintain parking regulations near schools. Note: 2500 SF bars & restaurants near homes w/o parking is not compatible Using street parking to count for bars is unfair to other businesses and residents. Code Lready allows extensive reductions in parking that are not enforced. Tandem parking results in many cars already on the streets. Visitors and emergency responders have no place to park when streets are crowded. This also impacts trash and bicyclists.			
24.24	Division 23-4E-4	Landscape																								
24.25	Division 23-4E4	Landscape		X																				is landscape reqs more onerous and difficult to comply and review? Also says foundation buffer reqd all zones. CC and DC zones currently has no setback. No we have to do landscaping with the new setbacks? Does it all have to have landscape architect? what about small projects? maybe req only for 10k saft or more projects.		
24.26																			parking		23-4E-3070	(B) up to 10,000sqft, no off street loading required. DOES NOT WORK WHEN THERE IS NO PARKING REQD for small businesses. In instances where there is no general parking available, then should require at least 1				
24.27																			landscape		23-4E-4020	A-1-C. single family, duplex, and other residential house scale buildings				
24.28																			landscape		23-4E-4040	B. This section applies to commercial or non-house scale multi-family development that is located adjacent to a public right of way.				
24.29																			landscape		23-4E-4050	C. This section applies to commercial zones (says all zones)				
24.30	Division 23-4E4	Landscape		X															Downtown		23-4E-4040 Landscaping	Exempt CC and DC zones (and any other urban zones) from this section as written (and it is recommended that CC does not require any minimum setback).	Currently no landscape requirements downtown to maximize density, Great Street trees are required.			
24.31	Division 23-4E-3	Landscape		X															Landscaping		23-4E-4050	Remove Foundation Buffer because some areas should not have landscaping next to the slabs. Soils engineers are against this on larger buildings.	Architects do not design buildings for them to be hidden, would destabilize soil conditions around foundation, conflicts with AFD Requirements for clear zone for ladders around building			
24.32	Division 23-4E-4	Landscape		X															Landscaping		23-4E-4060(D)	Remove island every 8 spaces and make it every 10 spaces	Landscape islands at 10 spaces has been standard for decades, onerous and will make redevelopment costly to retrofit parking lots			
24.33	Division 23-4E-4	Landscape		X															Landscaping		23-4E-4060(F)(2)	Modify the 10' landscape islands and make them 9'	Landscape islands have been 9' for decades, 8 is minimum for planting zones, no need to change.			
24.34	Division 23-4E-4	Landscape		X															Nonzoning	YES	23-4E-4120: Functional Green Requirements.	Requirements of application of Function Green shall be codified including: What sites are required to comply? To what % are sites required to comply? Which team has review authority over decisions? What is allowed to overlap (trees, water quality, other) and what is not? What land can be used for compliance (private land only, parkland, ROW, easements, etc)?				
24.34	Division 23-4E-5	Docks, Bulkheads, and Shoreline		C																						
24.35	Division 23-4E-6	Specific to Use																								
24.36		6030 - Accessory Dwelling Unit- Residential		x															ADU Placement	NO	6030 (A) Table 23-4E-6030 (A)	Placement (1) If detached, minimum 6' 10' to the front, rear, or side of the primary structure or above a detached garage; may be connected to the primary structure with a covered walkway;	Restore 10' distance between structures equal to setbacks between adjacent single family units.	HL.C: limit bldg size as % of lot or existing bldg.		
24.37																										

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				ANDERSON	HART	KAZI	KENNY	MCGRAW	NUCKOLS	OLIVER	SCHISLER	SEGER	SHIEH	THOMPSON	WHITE	SHAW				BURKARDT	MENDOZA		TEICH	GENERAL	SPECIFIC SECTION
24.38	6060 - Adult Entertainment		x																Adult Entertainment Use	NO	6060 (D)	(D) Allowed: Except as provided in Subsection (E) (4)-An adult entertainment use other than including an adult lounge: (a) - allowed in a MU4B, or MUSA Zone, DC or CC Zone; and (b) Is allowed with a conditional use permit in the MU4B, MU5A, DC or CC Zones; and (2) An adult lounge is allowed with a conditional use permit in a MU4B, MUSA, DC or CC Zone.	Require CUP for all adult entertainment.		
24.39	6070- Alcohol Sales		x															Alcohol Sales	YES	6070	CORRECT; Section 4-9-4 (Minimum Distance from Certain Uses).	Added Section 4-9-4 (min. distance from certain uses). This reference number is incorrect-does not exist. As ALCOHOL SALES are defined as The retail sale of alcoholic beverages for off-premises consumption , are distances from certain residential uses required?			
24.40	Add New Bar/NightClub Section (there is a def. for Bar/Nightclub)		x															Bars and Nightclubs	YES	23-4E-6 Specific to Use	ADD AND RENUMBER: 6090 Bars and Nightclubs- (A) Location Restrictions. A use that includes the sale of alcohol must comply with Section 4-9-4 (Minimum Distance from Certain Uses). (B) Late-Hours Permit. A restaurant operating late at with a late-hours permit from the Texas Alcoholic Beverage Commission requires a conditional use permit if it is located within 200 feet of a Residential House Scale Zone. The distance is measured to the lot line. (C) Bar or Nightclub with outdoor seating must be a minimum of 200 feet from a Residential House-Scale Zone, unless the use is located within an enclosed shopping center. (D) Live Entertainment. Live entertainment is allowed if the amplified sound does not exceed 70 "A"-weighted decibels, measured at the property line of the licensed premises. In this subsection, "premises" has the meaning ascribed to it in the Texas Alcoholic Beverage Code.	Include same requirements for restaurants serving alcohol w/ late hours for bars and nightclubs. Need correct reference for 4-9-4			
24.41	Cooperative Housing		x															Co-operative Housing	Yes	23-4E-6 Specific to Use		Need standards for co-operative housing.			
24.42	6160 - Duplex		x															Duplex design requirements	NO	6160	ADD:(D) Duplex units are subject to the following requirements: (1) The two units must have a common floor and ceiling or a common wall, which may be a common garage wall, that: (a) extends for at least 50 percent of the maximum depth of the building, as measured from the front to the rear of the lot; and (b) maintains a straight line for a minimum of four foot intervals or segments. (2) The two units must have a common roof. (3) At least one of the two units must have a front porch that faces the front street and an entry to the dwelling unit, except that units located on a corner lot must each have a front porch that faces a separate street and an entry to the dwelling unit. (4) The two units may not be separated by a breezeway, carport, or other open building element. (5) On a lot less than 10,000 square feet the use must not exceed 6 bedrooms.	Add back design requirements and limit on bedrooms to no more than 6 for lots < 10,000 SF.			
24.43			x				CK											Remove max ADU size on second floor	No	No Table 23-4E-6030(A)	Strike the entire row of the table starting with "Floor Area".	There is no good reason to limit ADUs on a second floor to 550 sq ft.			
24.44	6200 - Home Occupations							KM													Eliminate all new entitlements proposed for Home Occupations Including prohibit Signage associated with home occupations in residential house scale zones.	These new entitlements for additional employees, sales, parking and signs are invasive to peaceful neighborhoods. Live/Work and other mixed use and commercial areas allow for offices.			
24.45	6210 - 6280 - 6390							KM													Townhouse Use and Live/Work uses require at minimum at least one blockface. Prohibit Signage associated with Live-Work in residential house scale zones.	These uses are not compatible with stand alone houses and should only exist in a cohesive development.			
24.46																		Home Occupation		23-4E-6200	C. why is "medical" office referenced if it is a prohibited use... either eliminate it from K or C I. Off street storage of the commercial vehicle is in addition to requirement of the dwelling unit. L. COMPLIANCE TO ADA? Ramps? Etc??? Help!				
24.47																		livework		23-4E-6210	(7) Parking is required....per... (does this mean it can not be deemed as NO parking?) I would assume that since it is a dwelling unit, there is at least one parking (8) Landscaping MAY be required and should comply with.... (small projects shouldnt require)	if live work, one parking space per unit, but because to 2500sqft commercial exemption, then no parking? But what if there is a commercial vehicle? Need to require.			
24.48			x															Uses		23-4E-6200 Home Occupations	23-4E-6200(D) & 23-4E-6200 (F) add "excluding R1A-R3D residential zones."	The addition of 3 employees and limited retail sales is a burden in residential neighborhoods especially parking and traffic congestion. The Live/Work zone allows up to 2 employees by-right and up to 3 with an CUP. Interesting that a CUP is required for 3 employees in a Live/Work zone while only an Need standards for co-operative housing.			
24.49	Group Residential		x															Co-operative Housing	Yes	23-4E-6 Specific to Use					
24.50	6240- Multi-Family		x															Multi-Family Open Space	YES	6240	DELETE: (B) Required Open Space	Common Open Space is already covered based on zones. This adds confusion as to when common space is required. 23-4C-1030 required common open space for sites greater than one acre in levels of 5% of gross site area. This is based on 10 unit threshold. Also, Personal Open space requirements in (B)(3) are covered in the open space table for each zone regulation. Perhaps this is meant for zones that are not required to have common open space either by zone type or size.			

CHAPTER ARTICLE	DIVISION TITLE	DESIRED PROPOSED CHANGES TO D3	INITIATED BY COMMISSIONER													EX OFFICIO	TOPIC AREA	REQ. ADD'L STAFF FEEDBACK	AMENDMENT TYPE		SUBSTITUTE LANGUAGE	COMMISSIONER NOTES	YES/NEUTRAL /NO	STAFF RESPONSE			
			ANDERSON	HART	KAZI	KENNY	MCGRAW	NUCKOLS	OLIVER	SCHISLER	SEGER	SHIEH	THOMPSON	WHITE	SHAW				BURKARDT	MENDOZA					TEICH	GENERAL	SPECIFIC SECTION
24.51	6310 -Restaurant Late Night Operation	x																TS	Restaurant Late Night Operation	NO	6310(A)(4)	CORRECTION NEEDED: Section 4-9-4	No section 4-9-4 can be found.				
24.52	6310 -Restaurant Late Night Operation	X																TS	Restaurant Late Night Operation	YES	6310(C)	(C) Live Entertainment. Live entertainment is allowed if the amplified sound does not exceed 70 "A"-weighted decibels from the hours of _____ to _____, measured at the property line of the licensed premises. In this subsection, "premises" has the meaning ascribed to it in the Texas Alcoholic Beverage Code.	Are there hours that this should apply? Should this limit be in all zones?				
24.53	23-4E-6340 Short Term Rentals																				23-4E-6340	Eliminate Short Term Rental as a legal use	In order to make existing housing stock available to serve Austin's "dire housing shortage"				
24.54	23-4E-6340 Single-Family Attached	X																TS	Single-Family Attached	YES	Add new section	ADD RELEVANT SECTIONS OF 6160 AND (D) Single Family Attached units are subject to the following requirements: (1) The two units must have a common floor and ceiling or a common wall, which may be a common garage wall, that: (a) extends for at least 50 percent of the maximum depth of the building, as measured from the front to the rear of the lot; and (b) maintains a straight line for a minimum of four foot intervals or segments. (2) The two units must have a common roof. (3) At least one of the two units must have a front porch that faces the front street and an entry to the dwelling unit, except that units located on a corner lot must each have a front porch that faces a separate street and an entry to the dwelling unit. (4) The two units may not be separated by a breezeway, carport, or other open building element. (5) On a lot less than 10,000 square feet the use must not exceed 6 bedrooms.	Need design standards for new single family attached. 23-5C-2060 includes Covenants, Conditions and Restrictions.				
24.55	Division 23-4E-6 Specific to Use	x																FK	Affordability	No	23-4E-6	"(A) Purpose: This section established the requirements to develop cooperative housing units and to reuse existing residential buildings to accommodate cooperative housing opportunities. (B) Occupancy Requirement. The bedrooms and residential space within a Cooperative Housing unit on a site must be occupied by residents who have shares if the cooperative corporation sells shares. Bedrooms and residential space may be occupied by residents undergoing a trial period of defined duration for membership in the nonprofit or cooperative corporation. (C) Operation. A Cooperative Housing unit must be operated by a cooperative or nonprofit corporation whose members reside on the site. (D) Additional Requirements for Cooperative Housing in a RR, R1-R4, RM, MS, MU Zone. The requirements of the base zone apply, unless modified by Table A."	Allow housing cooperatives in R zones to have more flexible site development standards to encourage their efficient and effective development.				
24.56	Division 23-4E-6 Specific to Use	x																FK	Affordability	No	23-4E-6	(E) Additional requirements for Cooperative Housing organized as a Cottage Court. a. A housing cooperative may follow the design requirements for Cottage Courts if the Cottage Court type is allowed in the base zone. 2. A housing cooperative organized as a Cottage Court shall follow the Development Requirements established in Section 23-4E-6150 of this Titl. 3. A housing cooperative organized as a Cottage Court shall be eligible for 4 additional bonus units when participating in the Affordable Housing Bonus Program. (F) Combining Lot and Open Space Requirements. Lot area and open space requirements may be combined and shared among cooperative housing units with conditional use approval provided that the overall density remains consistent with standards defined in this Section. (G) Alternative Site Design Compliance. If a multifamily use is converted to a cooperative housing use and participates in the Affordable Housing Density Bonus Program, it may be expanded or altered without requiring related to building placement, open space placement, parking placement, and setbacks.	Allow housing cooperatives in R zones to have more flexible site development standards to encourage their efficient and effective development.				
24.57	Division 23-4E-6	x																JSh					cottage ct diagram wrong, internal drive thru allowed?, Home occupation ADA and parking? Some uses should be allowed, 550sqft adu second floor exempt internal ADU if primary				
24.58	Division 23-4E-6 Specific to Use	X																AH	Residential		23-4E-6150 (A)	Remove depth minimum. Table 4E-6150 (A) Cottage Court Requirements Depth Minimum 20'-clear, min.	Depth minimums are too prescriptive and cannot fit around site conditions, smaller lots or corner lot				
24.59	Division 23-4E-6 Specific to Use	X																AH	Residential		23-4E-6150 (A)	Table 4E-6150 (A) Cottage Court Requirements Area 4,000 sf. Min. total 200 sf/unit min.	There is already a per unit minimum area spelled out in code. Total minimum area needs to be adjusted to account for 3 unit cottage courts. Total is too large relative to lot size.				
24.60	Division 23-4E-6 Specific to Use	X																AH	Residential		23-4E-6150 (A)	Amendment: Change open space width minimum. Replace open space width minimum to 20' clear minimum on lots over 100' wide, and 10' clear minimum on lots less than 100' wide	The 20' width does not fit on lots less than 100' wide.				
24.61	Division 23-4E-6 Specific to Use	X																AH	Residential		23-4E-6150 (A)	Open space requirements cannot be met with open space that is provided in a required front or side-street setback on lots that are 100' or greater in width	Requirement cannot be met on lots less than 100' wide.				
24.62	Division 23-4E-6 Specific to Use	X																AH	Residential		23-4E-6150 (A)	The main entrance to the court from the front street.	This does not allow enough flexibility for corner lots.				
24.63	Division 23-4E-6 Specific to Use	X																AH	Residential		23-4E-6150 (A)	On a corner lot, the units adjacent to the side street must front both the court and the street.	If unit is on corner, they should have access from either main or side street.				
24.64	Division 23-4E-6 Specific to Use	X																AH	Residential		23-4E-6150 (A)	Driveway and parking areas must be screened from the common court by buildings, fence, or wall.	Safety issue parking in fenced/screened area away from residence at night; Parking close to unit is considered a market standard nationwide. Develop regulations to encourage this building type rather than preventing its use.				

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				ANDERSON	HART	KAZI	KENNY	MCGRAW	NUCKOLS	OLIVER	SCHISLER	SEGER	SHIEH	THOMPSON	WHITE	SHAW				BURKARDT	MEENDOZA		TEICH	GENERAL	SPECIFIC SECTION	YES/NEUTRAL /NO
24.65	Division 23-4E-6	Specific to Use		x	AH														No	23-4E-6	"(A) Purpose: This section established the requirements to develop cooperative housing units and to reuse existing residential buildings to accommodate cooperative housing opportunities. (B) Occupancy Requirement. The bedrooms and residential space within a Cooperative Housing unit on a site must be occupied by residents who have shares if the cooperative corporation sells shares. Bedrooms and residential space may be occupied by residents undergoing a trial period of defined duration for membership in the nonprofit or cooperative corporation. (C) Operation. A Cooperative Housing unit must be operated by a cooperative or nonprofit corporation whose members reside on the site. (D) Additional Requirements for Cooperative Housing in a RR, R1-R4, RM, MS, MU Zone. The requirements of the base zone apply, unless modified by Table A."	Allow housing cooperatives in R zones to have more flexible site development standards to encourage their efficient and effective development.				
24.66	Division 23-4E-6	Specific to Use		x	AH														No	23-4E-6	(E) Additional requirements for Cooperative Housing organized as a Cottage Court. a. A housing cooperative may follow the design requirements for Cottage Courts if the Cottage Court type is allowed in the base zone. 2. A housing cooperative organized as a Cottage Court shall follow the Development Requirements established in Section 23-4E-6150 of this Titl. 3. A housing cooperative organized as a Cottage Court shall be eligible for 4 additional bonus units when participating in the Affordable Housing Bonus Program. (F) Combining Lot and Open Space Requirements. Lot area and open space requirements may be combined and shared among cooperative housing units with conditional use approval provided that the overall density remains consistent with standards defined in this Section. (G) Alternative Site Design Compliance. If a multifamily use is converted to a cooperative housing use and participates in the Affordable Housing Density Bonus Program, it may be expanded or altered without requiring related to building placement, open space placement, parking placement, and setbacks.	Allow housing cooperatives in R zones to have more flexible site development standards to encourage their efficient and effective development.				
24.67	Division 23-4E-6	Specific to Use		x				CK											No	Table 23-4E-6030(A)	Strike the entire row of the table starting with "Floor Area".	There is no good reason to limit ADUs on a second floor to 550 sq ft.				
24.68	Division 23-4E-7	Additional General Standards																								HLC: Use Front Yard setback of block, add new language to match bldg height with neighborhood, add 15 setback for new story addition and 15' stepback or 1/3% of existing build for old buildings
24.69	Division 23-4E-7	Additional General Standards		x				FK												23-4E-7040	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.	If another amendment changes the overall occupancy for all zones, this can still work in harmony with it because its a larger limit for co-ops.				
24.70	Division 23-4E-7	Additional General Standards																		23-4E-7040	C. Max occupancy of a duplex not more than 3 per unit or 5 per unit if meets criteria of B1,2,3	increase duplex occupancy allowance under same allowance as SF homes				
24.71	Division 23-4E-7	Additional General Standards		x																		max occupancy duplex up 10 total "if", land use commission able to allow more under CUP - hey Co-ops! Do we allow more occupancy for coops? Fences are too restrictive compared to today... we are okay 4-5' on front property line, and on the property line, intersections okay. Ramp encroachment says allowed only 3' on side, for corner lot more can be allowed				
24.72	Division 23-4E-7	Additional General Standards		x				GA												23-4E-7040	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 housing use, not more than four unrelated adults may reside in a structure, in the following zones... 23-4E-7040 (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 two unrelated adults times the number of bedrooms in a Cooperative Housing unit.	Allowing cooperatives but limiting occupancy to 4-6 unrelated individuals does not allow sufficient residency to make a cooperative viable				
24.73	Division 23-4E-7	Additional General Standards		x				GA												23-4E-7040	(A) Maximum Occupancy. Except as otherwise provided, not more than six unrelated adults may reside in a dwelling unit. The maximum occupancy for a dwelling unit shall be the greater of six unrelated adults, the specifications of (B) through (E) below, or two unrelated adults times the number of bedrooms in the dwelling unit.	Per NHCD's own affordability impact statement the limit as it stands today at four unrelated adults unnecessarily drives up the cost of housing for people who need to share space. This is also supported by the Austin Housing Coalition and Austin Tenants Council				
24.74	Division 23-4E-7	Additional General Standards		x				AH												23-4E-7040	(A) Maximum Occupancy. Except as otherwise provided, not more than six unrelated adults may reside in a dwelling unit. The maximum occupancy for a dwelling unit shall be the greater of six unrelated adults, the specifications of (B) through (E) below, or two unrelated adults times the number of bedrooms in the dwelling unit.	People share rooms to be able to afford to live in Austin.				

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					ANDERSON	HART	KAZI	KENNY	MCGRAW	NUCKOLS	OLIVER	SCHISLER	SEGER	SHIEH	THOMPSON	WHITE	SHAW				BURKARDT	MENDOZA		TEICH	GENERAL
24.75	Division 23-4E-7 Additional General Standards			x	AH														No	23-4E-7040	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.				
24.76	7040 Dwelling Occupancy Limits			x											TS				Yes	7040	(C) Maximum Occupancy in a Duplex and Single Family Attached. Not more than three unrelated adults may reside in each unit of a duplex, unless: (1) Before June 5, 2003: (a) A building permit for the duplex structure was issued; or (b) The use was established; and (2) After June 5, 2003, the gross floor area in the duplex structure does not increase more than 69 square feet unless to complete construction authorized before that date or to comply with the American Disabilities Act. (D) Occupancy Limits in Certain Zones (1) Except as provided in Subsection (D)(2) for a single-family residential or duplex use, not more than four unrelated adults may reside in a unit structure, in the following zones: (a) Lake Austin Residence (LA) Zone; (b) Rural Residential (RR) Zone; (c) Residential House-Scale 1C (R1C) Zone; (d) Residential House-Scale 2A (R2A) Zone; (e) Residential House-Scale 2C (R2C) Zone; (f) Residential House-Scale 2E (R2E) Zone; (g) Residential House-Scale 3A (R3A) Zone; (h) Residential House-Scale 3C (R3C) Zone; and (i) Residential House-Scale 4C (R4C) Zone.	Simplify occupancy limits. Check with staff on provisions to see if there were grandfathering requirements.			
24.77															TS						(2) The requirements of this subsection do not apply if: (a) Before March 31, 2014 a building permit was issued for the unit or the use was established; and (b) After March 31, 2014: (i) The gross floor area does not increase more than 69 square feet, except to complete construction authorized before March 31, 2014 or to comply with the American with Disabilities Act, or (ii) Any interior remodel that requires a building permit does not result in additional sleeping rooms. (3) A structure located on a site exempt from these standards under Subsection (D)(2) that is partially or totally destroyed by a natural disaster, act of god, or fire does not become subject to this subsection, if a building permit to repair or reconstruct the structure is applied for within one year of the date of the partial or total destruction. (E) Maximum Occupancy for a Site with an Accessory Dwelling Unit. Not more than two unrelated adults may reside in the accessory dwelling unit, unless (1) The use was established before November 18, 2004; or (2) A building permit was received before November 18, 2004; and (3) After November 18, 2004, the unit was not remodeled to increase gross floor area more than 69 square feet, unless to finish construction authorized before that date or to comply with the American Disabilities Act.				
24.78	Division 23-4E-7 Additional General Standards			x	AH															23-4E-7060	(5) Fences of any kind, any height, in any zone are prohibited within 20 feet (as measured from the property line) of the intersection of: (a) A driveway and a street or alley; or (b) Two streets; or (c) A street and an alley.				
24.79															JSh					23-4E-7060	B 1- 4' to 5' max for sloped lots in front setback or building line whichever is less, 6' with administrative variance 2- 6' at rear and side property lines (7' max on sloped lots), 8' with administrative variance	fence regulations are considerably more restrictive... Should restore current regulations of modify D3 to our proposal			
24.80	Division 23-4E-7 Additional General Standards			x	AH															23-4E-7070	(D) Side Setback Exemption for Attached Townhouses. Attached townhouses are not subject to side setback requirements.				
24.81															JSh					23-4E-7080	A- Add ADUs — 3B- Ramp must not encroach more that 3 feet into a interior side setback				
24.82	Division 23-4E-8 Building Design Standards																								
Chapter 23-5: Subdivision		NONE	MINOR	MAJOR														YES/NO	YES/NO						
25	Article 23-5A Introduction																								
25.1	Division 23-5A-1 General Provisions																								

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		NONE	MINOR	MAJOR	ANDERSON	HART	KAZI	KENNY	MCGRAW	NUCKOLS	OLIVER	SCHISLER	SEGER	SHIEH	THOMPSON	WHITE	SHAW	BURKARDT	MENDOZA	TEICH	YES/NO	YES/NO								
Chapter 23-9: Transportation																														
41	Article 23-9A: General Provisions																													
41.1	Division 23-9A-1: Policy and Administration			X	GA																	23-9A-1030				(4) Proportionality determinations required under Division 23-9A-2 (Proportionality of Transportation Infrastructure Requirements), including standardized procedures for making determinations and criteria for identifying required improvements with an essential nexus to the impacts of proposed development;	This section states that standards for important transportation matters such as Rough Proportionality standards should be set forth in a Transportation Criteria Manual that the public has not seen or had the ability to review and provide input. Leaving such important standards to be determined outside of the revised LDC process and in a criteria manual written in the future does not provide clear guidance and predictability. This should be in code.			
41.2	Division 23-9A-1: Policy and Administration			X	GA																	23-9A-1050				MUNICIPAL TRANSPORTATION INFRASTRUCTURE IMPROVEMENTS or TRANSPORTATION INFRASTRUCTURE IMPROVEMENTS. A transportation improvement that mitigate the impacts of development on the City's transportation system, including the construction or funding of system improvements and the dedication or improvement of right-of-way beyond the boundaries of a development or in excess of that required by generally applicable design standards. The term does not include dedications or improvements to directly serve a development under generally applicable development regulations.	This definition needs modification and is important as it relates to offsets with rough proportionality requirements. The last sentence in this definition should be deleted. This sentence is problematic because it is unclear what types of improvements would be excluded and could be interpreted in many different ways. rough prop should be allowed for land onsite.			
41.3	Division 23-9A-1: Policy and Administration			X							JSC											23-9A-1030 (B) (4)				Proportionality determinations required under Division 23-9A-2 (Proportionality of Transportation Infrastructure Requirements), including standardized procedures for making determinations and criteria for identifying required improvements with an essential nexus to the impacts of proposed development;	Rough proportionality should be defined in code, not criteria manuals. This section states that standards for important transportation matters such as Rough Proportionality standards should be set forth in a Transportation Criteria Manual that the public has not seen or had the ability to review and provide input. Leaving such important standards to be determined outside of the revised LDC process and in a criteria manual written in the future does not provide clear guidance and predictability.			
41.4	Division 23-9A-1: Policy and Administration			X							JSC											23-9A-1050				MUNICIPAL TRANSPORTATION INFRASTRUCTURE IMPROVEMENTS or TRANSPORTATION INFRASTRUCTURE IMPROVEMENTS. A transportation improvement that mitigate the impacts of development on the City's transportation system, including the construction or funding of system improvements and the dedication or improvement of right-of-way beyond the boundaries of a development or in excess of that required by generally applicable design standards. The term does not include dedications or improvements to directly serve a development under generally applicable development regulations.	This definition needs modification and is important as it relates to offsets with rough proportionality requirements. The last sentence in this definition should be deleted. This sentence is problematic because it is unclear what types of improvements would be excluded and could be interpreted in many different ways.			
41.5	Division 23-9A-2: Proportionality of Transportation Infrastructure Requirements																													
41.6	Division 23-9A-2: Proportionality of Transportation Infrastructure Requirements		X		GA																	23-9A-2020 B				The director shall issue a written determination of an applicant's roughly proportionate share of transportation infrastructure costs attributable to a proposed development during predevelopment process or have a separate 30 day max review process for list of included RP improvements and estimated cost, for projects prior to approval of an application for which dedication of right-of-way or the construction or funding of system transportation improvements is required. Process for submittal and review of RP evaluation shall be defined in code and completely offline/ahead of TIA, TDM, or other traffic study review. A determination issued under this section:	Proposed modifications to the rough proportionality procedures shall be adopted only via modification to this code section as approved and adopted by City Council AJ634			
41.7	Division 23-9A-2: Proportionality of Transportation Infrastructure Requirements			X							JSC											23-9A-2						Policies regarding what is considered part of a project rough proportionality shall be included in code, not criteria manual. This includes definition of "Municipal transportation infrastructure improvements" (23-9A-1050)		
41.8	Division 23-9A-2: Proportionality of Transportation Infrastructure Requirements			X							JSC											23-9A-2020 (C) & (D)				(C) If a proposed development is subject to a proportionality determination under this section, the director shall identify in writing all transportation infrastructure improvements required in conjunction with approval of the development application. The infrastructure improvements may include right-of-way dedication, the construction or funding of system improvements, or any combination thereof, in an amount not to exceed the total roughly proportionate share as established by the proportionality determination. RP definition shall include: (1) The land value (as determined by appraisal) of all dedicated ROW within or adjacent to a property as required by the City. (2) the hard cost of all transportation improvements associated with a project or required of a project by the City except for those associated with private on-site drives and parking. (3) the design and permitting "soft" costs associated with any required transportation improvements determined via a TIA or otherwise required by the City. -	RP requirements and inclusions should be determined prior to adoption of code and listed within Code.			
41.9											JSC															(D) To aid in making a proportionality determination and identifying required infrastructure improvements, the director may: (1) Adopt administrative guidelines setting forth assumptions, procedures, formulas, and development principles used in making a proportionality determination; and (2) If an applicant contests the director's proportionality determination, require an analysis under Article 23-9C (Transportation Review and Analysis) that would otherwise not be required or other information related to traffic and safety impacts. Proposed modifications to the rough proportionality procedures shall be adopted only via modification to this code section as approved and adopted by City Council.	Cont'd			
41.10																														

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					ANDERSON	HART	KAZI	KENNY	MCGRAW	NUCKOLS	OLIVER	SCHISLER	SEGER	SHIEH	THOMPSON	WHITE	SHAW				BURKARDT	MENDOZA		TEICH	GENERAL			SPECIFIC SECTION
41.11	Division 23-9A-2 Proportionality of Transportation Infrastructure Requirements			X																Proportionality Determination	Yes		23-9A-2020 (B)	Strike the following language in item (B): "...prior to approval of an application for which dedication of right-of-way or other construction or funding of system transportation improvements is required." and replace with "within 60 days of submission of a TIA, TDM, or other traffic study for the project."				
41.12	Division 23-9A-2 Proportionality of Transportation Infrastructure Requirements			X																Proportionality Determination	Yes		23-9A-2020 (B) (3)	Shall state the roughly proportionate share attributable to the property owner for the dedication and construction of transportation-related improvements necessary to ensure an effective and safe transportation system that is sufficient to accommodate the traffic generated by a proposed development 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.				
41.13	Division 23-9A-2 Proportionality of Transportation Infrastructure Requirements			X																Proportionality Determination	Yes		23-9A-2020 NEW SECTION (E)	A rough proportionality determination made on a project shall be made with an initial project application and shall be grandfathered through future applications so long as the project has not (1) let any project application expire, (2) been in default of any application, or (3) changed the intended use and/or density in a manner that will increase the traffic generated by the project build out.				
41.14	Division 23-9A-2 Proportionality of Transportation Infrastructure Requirements			X																Rough Proportionality	No		23-9A-2020 B	"(B) The director shall issue a written determination of an applicant's roughly proportionate share of transportation infrastructure costs attributable to a proposed development prior to approval of an application for which dedication of right-of-way or the construction or funding of system transportation improvements is required. A determination issued under this section: (1) Need not be made to a mathematical certainty, but is intended to be used as a tool to fairly assess the roughly proportionate impacts of a development based on the level of transportation demand created by a proposed development relative to the capacity of existing public infrastructure; (2) Shall be completed in compliance with generally recognized and approved measurements, assumptions, procedures, formulas, and development principles; and	A clearly defined Rough Proportionality (RP) review process, including standardized procedures for making determinations, needs to be established. There is no specific process defined in current code nor in Draft 3. The RP review process should be written in a manner that is predictable.			
41.15																				Rough Proportionality	No			(3) Shall state the roughly proportionate share attributable to the property owner for the dedication and construction of transportation-related improvements necessary to ensure an effective and safe transportation system that is sufficient to accommodate the traffic generated by a proposed development. (4) Within 30 days of submission, must provide a list of included/qualified rough proportionality improvements and estimated costs. (5) The Director shall develop rules using the administrative rule process to develop a process for submittal and review of rough proportionality evaluations, and the timing them in relation to TIAs, TDMs, other other traffic study reviews. These rules shall be presented to the Planning Commission for a recommendation to Council. Council shall approve the rules, reject them, or approve them with modifications.	Continued from above			
42	Article 23-9B: Right-Of-Way Dedication and Reservation																											
42.1	Division 23-9B-1: General Provisions			X																Right-of-Way Variance	Yes		23-9B-1030 (A)	If a development application requires approval by the Land Use Commission or city council, an applicant may request a variance under this section from a requirement to dedicate, reserve, or improve right-of-way. The purpose of the variance procedure authorized by this section is to provide for consideration of unique impacts that requirements of this chapter may have on property relative to the transportation needs generated by proposed development.	The language in this section suggests that only an applicant whose development application requires approval by the Land Use Commission or city council is qualified to request a ROW variance. Section 25-6-86 in the current LDC does not limit an applicant who is seeking a ROW variance. The ability to seek a ROW variance should be allowed by all types of development applications, regardless of application type.			
42.2	Division 23-9B-1: General Provisions			X																Right-of-Way Variance	Yes		23-9B-1030 (B)	(B) Application Requirements: A request for a variance under this section must be: (1) Submitted in a manner approved by the director and include any information required by the director to evaluate the variance request; and (2) Associated with a pending development application, unless the director determines that the amount of public right-of-way that would be required for dedication is 15 percent or more of a project site's total land area.	The application requirements need clarification and are too broad. The variance request application submittal requirements give too much discretion to the director for approval. The application process is not predictable for an applicant.			
42.3	Division 23-9B-2: Right-Of-Way Dedication and Improvement																											
42.4	Division 23-9B-2: Right-Of-Way Dedication and Improvement			X																Dedication of right of way and construction of improvements	Yes		23-9B-2010 (A)	Right-of-Way Dedication. A landowner shall dedicate all public right-of-way required to adequately serve the transportation needs of proposed development consistent with the standards of this Title. The amount, location, and alignment of right-of-way to be dedicated shall conform to the Transportation Plan, an approved collector plan, or an approved capital improvement project and may be required within, adjacent to, or outside the boundaries of a proposed development.	Delete with the purpose of re-writing. This section is problematic as it can be interpreted to require dedication of land that the landowner may not own. There is also nothing defined in the code that clarifies what is considered "adequate". We suggest clarification and an edit to this section to ensure that this requirement for right-of-way dedication by the landowner is not required outside of a site plan boundary.			
42.5																												

CHAPTER ARTICLE	DIVISION TITLE	DESIRED PROPOSED CHANGES TO D3	INITIATED BY COMMISSIONER													EX OFFICIO	TOPIC AREA	REQ. ADD'L STAFF FEEDBACK	AMENDMENT TYPE	SUBSTITUTE LANGUAGE	COMMISSIONER NOTES		
			ANDERSON	HART	KAZI	KENNY	MCGRAW	NUCKOLS	OLIVER	SCHISLER	SEGER	SHIEH	THOMPSON	WHITE	SHAW						BURKARDT	MENDOZA	TEICH
43.10	Division 23-9C-2	Comprehensive Transportation Review	X															Transportation		23-9C-2020 Transportation Impact Analysis (B)(1)(c)(d)	(B) Contents. A transportation impact analysis must be consistent with the scope approved by the director under Subsection (A) and must comply with the requirements described in this subsection.(1) A transportation impact analysis must be prepared in accordance with the Transportation Criteria Manual and must establish: (c) the capacity of affected streets intersections before and after the proposed development; (d) deficient streets intersections; and		
43.11	Division 23-9C-2	Comprehensive Transportation Review		X													Transportation		23-9C-2020 Transportation Impact Analysis (B)(1)(c)(d)	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. (a) must be submitted with an application for a site plan or subdivision, or planned unit development zoning district; and (b) may be submitted, at the applicant's discretion, or as required by the city council, for a zoning application other than a planned unit development.			
43.12																			23-9C-2020 Transportation Impact Analysis (C)(1)(b)	(C) Timing of Submittal. (1) Initial TIA. If a proposed development meets the trip threshold established in Section 23-9D-2010 (Purpose and Applicability), an initial transportation impact analysis: (a) must be submitted with an application for a site plan or subdivision, or planned unit development zoning district; and (b) may be submitted, at the applicant's discretion, or as required by the city council, for a zoning application other than a planned unit development.	The conflicting timing concepts between (C)(1)(a) and (C)(1)(b) should be removed. TIA submittal requirements should be clear and predictable. Current draft language suggests that City Council can ask for a TIA even when it is not initially required, which could add 6-9 months to the development process.		
43.13	Division 23-9C-2	Comprehensive Transportation Review			X												Transportation		23-9C-2030 (B)	Need to see TCM draft and vet along with proposed code language	Need more information on trip reduction measures before this section of code can be adopted		
43.14	Division 23-9C-2	Comprehensive Transportation Review			X												Transportation		23-9C-2030(C)	(C) Timing of Submittal. (+) Concurrent with TIA. Except as provided in Subsection (B)(2), a TDM plan that meets the requirements of this section must be submitted concurrent with a transportation impact analysis required under Section 23-9C-2020 (Transportation Impact Analysis). A TDM review shall be submitted with a formal application for zoning, subdivision, preliminary plan, or site plan review. A TDM shall be reviewed and approval provided with formal comment report on the application. If the TDM reduces trips below the TIA threshold, the TDM shall serve to replace a TIA and a TIA shall not be required.	TDM submittal requirements, procedures and timelines are unclear and appear to be inefficient by requiring multiple studies to be reviewed concurrently. The timing of TDM submittal could be simplified. Whether a TDM plan should be submitted in lieu of a TIA and/or concurrent with a TIA needs to be clarified. To be more clear and predictable, we suggest that the timing of a TDM submittal becomes part of a predevelopment meeting and the predevelopment summary identifies any and all studies required for the applicant.		
43.15																			Jsc	(2) In Lieu of TIA. (a) The director may allow submittal of a proposed TDM plan in lieu of a transportation impact analysis if the director finds that implementing the TDM plan is sufficient to reduce vehicle trips generated by a proposed development to a level below the threshold established in Section 23-9C-2010 (Purpose and Applicability). (b) The director shall allow submittal of a proposed TDM plan in lieu of transportation impact analysis if a proposed development is anticipated to generate less than 2,000 trips per day. A TDM plan submitted under this paragraph shall be limited to reasonable design enhancements and other cost-effective strategies that can be efficiently integrated into project design. (c) Compliance with a TDM plan approved under Paragraphs (B)(2)(a) (b) shall be required as a condition to approval of a development application under Division 23-9C-4 (Development Conditions and Mitigation) and may be subject to conditions under Section 23-9C-1030 (Waiver of Transportation Review).	CONTD		
43.16	Division 23-9C-2	Comprehensive Transportation Review			X												Transportation		23-9C-2030(D)	Change text in (d) by removing the following "...and includes reasonable strategies for reducing transportation demand based on the layout, location, and context of a proposed development."	TDM submittal requirements, procedures and timelines are unclear and appear to be inefficient by requiring multiple studies to be reviewed concurrently. The timing of TDM submittal could be simplified. Whether a TDM plan should be submitted in lieu of a TIA and/or concurrent with a TIA needs to be clarified. To be more clear and predictable, we suggest that the timing of a TDM submittal becomes part of a predevelopment meeting and the predevelopment summary identifies any and all studies required for the applicant.		
43.17	Division 23-9C-3	Neighborhood Transportation Impact Analysis																					
43.18	Division 23-9C-3	Neighborhood Transportation Impact Analysis			X												Transportation	Yes	Section 23-9C-3020 (A)(1)	Provide clear definition of "multimodal level of service" to better understand implications of this requirement	The definition of multi-modal transportation is unclear. In order to create a predictable process, multi-modal transportation concepts should be clear and defined in code. The code should include a list of allowable and approved "modes" and specific goals of mode split for purpose of implementing code policies regarding redirecting traffic to other modes.		
43.19	Division 23-9C-3	Neighborhood Transportation Impact Analysis			X												Transportation		23-9C-3020	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			
44	Article 23-9D: Development Conditions and Mitigation																						
44.1	Division 23-9D-1	Action on Development Application																					
44.2	Division 23-9D-1	Action on Development Application			X														Jsc				
44.3	Division 23-9D-1	Action on Development Application			X												Nonzoning		23-9D-1030 (B)	Application Approval will be addressed after the Street Impact Fee regulations are finalized and once the new method of reviewing street impacts is considered.			

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						ANDERSON	HART	KAZI	KENNY	MCGRAW	NUCKOLS	OLIVER	SCHISLER	SEGER	SHIEH	THOMPSON				WHITE	SHAW		BURKARDT	MENDOZA		
44.4		Division 23-9D-1: Action on Development Application			X														23-9D-1030 (B)(1)	(1) Delaying or phasing development until construction of municipal transportation infrastructure required to accommodate vehicle trips generated by the development or other transportation improvements necessary to directly serve the development; or						
44.5		Division 23-9D-1: Action on Development Application			X														23-9D-1030 (B)(2)	(2) Reducing the density or intensity of the development, to the extent necessary to ensure that the capacity of the street network is sufficient to accommodate vehicle trips generated by the proposed development.						
44.6		Division 23-9D-1: Action on Development Application			X														23-9D-1030 (C)	Update section (C) to read as follows: "To the extent authorized under division 23-9D-2 (transportation Infrastructure Improvements), and within limits of a projects approved Rough Proportionality Determination per section 23-9-XX, the director may condition development approval on the construction, dedication or funding of municipal transportation infrastructure improvements that would benefit the transportation system immediately adjacent to the development and assist in mitigating the effects of newly generated traffic from the development."	Need to clarify that application cannot be conditioned based on request over/above RP value.					
44.7		Division 23-9D-2: Transportation Infrastructure Improvements																								
44.8		Division 23-9D-2: Transportation Infrastructure Improvements		X															23-9D-2010(B)	Replace item (B) with following text "A Comprehensive Transportation Plan is required when both a TIA and a TDM are require (per section 23-9C-2020 and 2030) and refers to the combined report containing information found in both a typical TIA and TDM."	23-9D-2010(B): Requirement of Comp Transpo Plan here creates conflict with requirement for TDM per 23-0C-2030(A)(2)					
44.9		Division 23-9D-2: Transportation Infrastructure Improvements			X														23-9D-2020(B)(1)	Add item (3) as follows "Identified improvements shall be funded by the applicant based on an estimated cost of the system improvement or, at the discretion of the applicant, may be built by the applicant conditioned on a cost reimbursement from the City of Austin equal to at least 20% of the estimate cost of the improvement."	Requirements for offsite improvements should not be required and rather incentivized (similar to 2010(B) language)					
44.10		Division 23-9D-2: Transportation Infrastructure Improvements			X														23-9D-2030(B)(2)	Update item (2) to replace "...or refund the fee at the request of the applicant who paid the fee" to say "...automatically upon expiration of the 10 year period to the applicant who paid the fee."	The City shall automatically refund these funds if not used; The City is responsible for managing funds and improvements so this is a way to keep them accountable.					
44.11		Division 23-9D-2: Transportation Infrastructure Improvements			X														23-9D-2040	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."	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					
45		Article 23-9E: Right-Of-Way Construction																								
45.1		Division 23-9E-1: General Provisions		C																						
45.2		Division 23-9E-2: Construction License		C																						
45.3		Division 23-9E-3: Right-Of-Way Permit		C																						
45.4		Division 23-9E-4: General Design and Maintenance Requirements		C																						
45.5		Division 23-9E-5: Driveways and Alleys																								
45.6		Division 23-9E-6: Sidewalks, Urban Trails, Street Trees																								
45.7		Division 23-9E-6: Sidewalks, Urban Trails, Street Trees																	23-9E-6040(B)	Add "If public right-of-way adjacent to the development is of insufficient width for the planting of street trees, street trees shall be planted on the applicant's property."	Imagine Austin calls for "complete communities." Complete communities need a healthy tree canopy.					
46		Article 23-9F: Street Design																								
46.1		Division 23-9F-1: General Provisions																								
46.2		Division 23-9F-2: Access to Major Streets																								
46.3		Division 23-9F-3: Street Layout																								
47		Article 23-9G: Road Utility Districts																								
47.1		Division 23-9G-1: Transportation Demand Management		C																						
47.2		Division 23-9G-2: Construction of Facilities		C																						
Chapter 23-10: Infrastructure			NONE	MINOR	MAJOR																					
48		Article 23-10A: Austin Water Service																								
48.1		Division 23-10A-1: General Provisions																								
48.2		Division 23-10A-2: Extension of Service, General Provisions																								
48.3		Division 23-10A-3: Extension of Service, Cost Participation																								
48.4		Division 23-10A-3: Extension of Service, Cost Participation			X														23-10A-3040 (D)		In many cases the City may deny cost participation due to lack of funding and will still require the developer to build out the new infrastructure or increase the pipe size to serve adjacent properties at the applicant's cost. By limiting it only to servicing the proposed property and proposed development on that site it will limit potential abuse of overreach by AWU.					
48.5		Division 23-10A-4: Tap Permits																								
48.6		Division 23-10A-4: Tap Permits			X														23-10A-4080 Refund of Tap Permit Fee (B)	Strike "before the expiration date of the permit" because it should allow a request for a refund to be made at any time						
49		Article 23-10B: Water Districts																								
49.1		Division 23-10B-1: General Provisions		C																						
49.2		Division 23-10B-2: Procedure for Creation		C																						
49.3		Division 23-10B-3: Conditions and Restrictions on Consent to Creation of District		C																						

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			ANDERSON	HART	KAZI	KENNY	MCGRAW	NUCKOLS	OLIVER	SCHISLER	SEGER	SHIEH	THOMPSON	WHITE	SHAW				BURKARDT	MENDOZA		TEICH	GENERAL		SPECIFIC SECTION
49.4	Division 23-10B-4	Out-of-District Service	C																						
49.5	Division 23-10B-5	Amendment to a Consent Document or an Agreement with a Water District	C																						
49.6	Division 23-10B-6	District Bond Issuance	C																						
50	Article 23-10C: Water and Wastewater Capital Recovery Fees																								
50.1	Division 23-10C-1	General Provisions																							
50.2	Division 23-10C-2	Fee Established		X						JSc										23-10C-2050 (A)(1)	(A) Except as provided by Section 23-10C-2060 (Installment Payment Of Impact Fee), or by a contract with a wholesale customer or with another political subdivision, the impact fee due for new development shall be collected: (1) At the time the City of Austin approves a site plan or building plan review; or	This ensures that the impact fee being paid is directly related to the unit that is performing the impact.			
50.3	Division 23-10C-3	Determination of Service Units	C																						
50.4	Division 23-10C-4	Exemptions	C																						
50.5	Division 23-10C-5	Discounts and Adjustments	C																						
51	Article 23-10D: Reclaimed Water																								
51.1	Division 23-10D-1	Reclaimed Water	C																						
52	Article 23-10E: Drainage																								
52.1	Division 23-10E-1	General Provisions		X						JSc									23-10E-1050 Obstruction of Waterways Prohibited	Unless authorized by a development application approved in compliance with Title 23, a person may not place, or cause to be placed, an obstruction in a waterway or drainage easement used for overland conveyance if the obstruction would cause impact to the conveyance of the waterway or drainage easement.	Clarifies that an easement may be obstructed, provided that the obstruction does not cause impact to the conveyance.				
52.2	Division 23-10E-1	General Provisions		X						JSc									23-10E-1060 Duty to Maintain Unobstructed Waterways	A waterway or other drainage infrastructure located within a City drainage easement of any type shall be maintained by the City of Austin. The person in control of real property traversed by a waterway or drainage easement is prohibited from obstructing the waterway or drainage easement in accordance with 23-10E-1050 and shall be responsible for alerting appropriate City Officials of any obstructions within the waterway or drainage easement promptly upon discovery. Removal of naturally occurring obstructions is the responsibility of the City of Austin. Removal of unauthorized, manmade obstructions within the waterway is the responsibility of the party responsible for placing the obstructions. must keep the waterway free from an obstruction that is not authorized by a development application approved under Title 23.	This clarification eliminates the instances where a property owner would be required to remove the obstruction in a City owned easement as a result of an obstruction (tree or tree branch, etc.) ending up there due to conveyance.				
52.3	Division 23-10E-1	General Comments													TS							Removed the requirement that the engineer must be a Texas Professional Engineer, a professional Engineer from any state can certify plans. Not sure how much Texas's registered Professional Engineers will be open to having other States' registered Professional Engineers being able to do engineering work in Texas.			
52.4	Division 23-10E-2	Drainage Studies; Erosion Hazard Analysis; Floodplain Delineation																							
52.5	Division 23-10C-2	Fee Established		X						JSc									23-10C-2050 (A)(1)	(A) Except as provided by Section 23-10C-2060 (Installment Payment Of Impact Fee), or by a contract with a wholesale customer or with another political subdivision, the impact fee due for new development shall be collected: (1) At the time the City of Austin approves a site plan or building plan review; or	This ensures that the impact fee being paid is directly related to the unit that is performing the impact.				
52.6	Division 23-10E-3	Standards for Approval																							
52.7	Division 23-10E-3	Standards for Approval			X					JSc									23-10E-3010	Proposal would include the following alternative options for site in an urban/suburban watershed that are also along a corridor, within 1/2 mile of transit or within a TOD: Option to develop to existing site impervious cover with 75% water quality volume compliance and detention required up to the 10 year storm for the full impervious cover. Option to develop to reduce existing impervious cover by 10% with 75% water quality volume compliance and no detention required. Option to develop above existing site impervious (if allowed by zoning/watershed code) with full water quality compliance and detention of new impervious to 100 year storm and existing impervious cover to 25 year storm.	Provide alternative options. Potential options listed here				
52.8	Division 23-10E-3	Standards for Approval			X					JSc									23-10E-3020 Regional Stormwater management Program (C) [NEW]	(C) The director may approve additional reductions to participation in the Regional Stormwater Management Program if: (1) The applicant contributes towards the cost of drainage studies for the watershed (2) The applicant constructs off-site improvements in lieu of payment	This amendment incentivizes the developer to participate in drainage studies or construct off-site improvements that benefit the whole watershed.				
52.9	Division 23-10E-3	23-10E-3010 Criteria For Approval of Development Applications																				(A)(5) (f) reduces the post-development peak flow rate of discharge to match the peak flow rate discharge for undeveloped conditions as prescribed on the Drainage Criteria Manual.			
52.10																									

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			X	ANDERSON	HART	KAZI	KENNY	MCGRAW	NUCKOLS	OLIVER	SCHISLER	SEGER	SHIEH	THOMPSON	WHITE	SHAW				BURKARDT	MENDOZA		TEICH	GENERAL	SPECIFIC SECTION
57.10	Division 23-13A-1: Terms and Measurements		X																	23-13A-1030	Definitions	Delete Deficient Park Area Map definition and replace with "Proximity to Park Area Map": "A map depicting areas that the Parks Director has by rule determined lack sufficient parkland based on the criteria in 23-3B-1 and 23-3B-2"	Delete Deficient Park Area Map definition and replace with "Proximity to Park Area Map"		
57.11	Division 23-13A-1: Terms and Measurements		X																	23-13A-1030	Definitions	HEIGHT, ACCESSORY STRUCTURE. Height, for the purpose of establishing required setbacks, shall be defined for every point within the footprint area of an accessory structure, including a tree house, as the vertical distance between finished grade and the highest part of the structure directly above. Height in all cases shall include, but is not limited to, any slab, platform, pad, mound or similar elevated base above pre-existing grade.	Provides much needed clarity - height requirements interpretations shouldn't be a subject for debate.		
57.12	Division 23-13A-1: Terms and Measurements		X																	23-13A-1030	Definitions	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.	UDA's are currently not allowed on residential sites. UDAs facilitate aggregation that is often required to achieve unit yields per AIA Charrettes. Allows more flexible site planning for tree preservation, etc.		
57.13	Preservation																					Preservation is defined as the act or process of applying measures necessary to sustain the existing form, integrity, and materials of an historic property. Work, including preliminary measures to protect and stabilize the property, generally focuses upon the ongoing maintenance and repair of historic materials and features rather than extensive replacement and new construction. The limited and sensitive upgrading of mechanical, electrical, and plumbing systems and other code-required work to make properties functional is appropriate within a preservation project. However, new exterior additions are not within the scope of this treatment. The Standards for Preservation require retention of the greatest amount of historic fabric along with the building's historic form.	Per secretary of Interior - proposed by HLC		HLC: 1030 Define Preservation
57.14	Division 23-13A-1: Terms and Measurements																				DEFINITIONS	Preservation is defined as the act or process of applying measures necessary to sustain the existing form, integrity, and materials of an historic property. Work, including preliminary measures to protect and stabilize the property, generally focuses upon the ongoing maintenance and repair of historic materials and features rather than extensive replacement and new construction. New exterior additions are not within the scope of this treatment; however, the limited and sensitive upgrading of mechanical, electrical, and plumbing systems and other code-required work to make properties functional is appropriate within a preservation project.]	Per HLC recommendation, from Dept of Interior.		HLC: 1030 Define Preservation
57.15																				23-13A-1030	Definitions	REWRITE PER EXISTING MCMANSION CODE	This should say NATURAL grade NOT FINISHED GRADE..		
57.16	Division 23-13A-2: Land Uses																								
57.17	Division 23-13A-2: Land Uses		X		GA	FK														23-13A-2030(C)	Definitions	Cooperative Housing: 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.	Amend Language		
57.18	Division 23-13A-2: Land Uses		X			FK														23-13A-2030-A	Definitions	ACCESSORY DWELLING UNIT 1. RESIDENTIAL. A subordinate dwelling unit added to, created within, or detached from a primary residential structure that provides basic requirements for independent living, sleeping, eating, cooking, and sanitation for one or more persons and which is located on the same lot as the primary structure. A tiny home, Manufactured Home or Recreational Vehicle that does not have a motor may be used as a residential accessory dwelling unit. 2. COMMERCIAL. A subordinate dwelling unit added to, created within, or detached from a primary commercial structure that provides basic requirements for independent living, sleeping, eating, cooking, and sanitation for one or more persons and which is located on the same lot as the primary structure.	Tiny homes provide simple options for families and should be allowed.		
57.19	High Opportunity Area																					High Opportunity Area (INACCURATE, POTENTIALLY OFFENSIVE). Please replace with "Qualifying area" and strengthen the definition to require an area to provide at least three or more of the listed conditions to qualify	High Opportunity Area - a metric needs to be added to mandate how often this area will be redefined		
57.20	Multi-Unit																					Please add definition of Multi-Unit.	Please add definition of Multi-Unit. While Draft 3 still contains a few references to Multi-Family, it replaces this term with Multi-Unit throughout 23-4D. Please provide a definition for both terms.		
57.21	Affordable Housing																					Affordable Housing (INCOMPLETE). Please replace or augment current definition with: "See Article 23-3E: Affordable Housing."			
57.22	live/work & work/live		x																		definitions	remove work/live definition	this is redundant with the definition for live work. I don't see how this simplifies anything and I think it'll end up being subjective which is which.		
57.23	micro units, modular, mobile homes		x																		missing defs	Please add definitions.	let's discuss why these aren't included as definitions or uses in our new code?		