

CodeNEXT: DRAFT 3 DELIBERATION

CHAPTER	ARTICLE	DIVISION TITLE	VOTE BY COMMISSIONER											VOTE	SUBSTITUTE LANGUAGE	COMMISSIONER NOTES			
			ANDERSON	HART	KAZI	KENNY	MCGRAW	NUCKOLS	OLIVER	SCHISSLER	SEEGER	SHIEH	THOMPSON					WHITE	SHAW
																F	G		
CHAPTER	ARTICLE	DIVISION TITLE	VOTE BY COMMISSIONER											VOTE	SUBSTITUTE LANGUAGE	COMMISSIONER NOTES	STAFF RESPONSE		
ANDERSON	HART	KAZI	KENNY	MCGRAW	NUCKOLS	OLIVER	SCHISSLER	SEEGER	SHIEH	THOMPSON	WHITE	SHAW							
20.4		Overlay Zones	ANDERSON	HART	KAZI	KENNY	MCGRAW	NUCKOLS	OLIVER	SCHISSLER	SEEGER	SHIEH	THOMPSON	WHITE	SHAW	VOTE: 4-8	Insert Neighborhood Plan Combining Districts and Neighborhood Conservation Combining Districts	NP and NCCD are tools that need to be here to support existing districts and allow for new districts.	
20.5	Division 23-4A-2	Establishment of Zones	ANDERSON (2nd)	HART	KAZI	KENNY	MCGRAW	NUCKOLS	OLIVER	SCHISSLER	SEEGER	SHIEH	THOMPSON (M)	WHITE	SHAW	VOTE: 10-2	Eliminate the Downtown Plan overlay until Small area plan can be completed with funding assistance provided by DAA.		
20.6	Division 23-4A-3	Zoning Map																	
20.7	Division 23-4A-3	2020	ANDERSON	HART	KAZI (2nd)	KENNY (M)	MCGRAW	NUCKOLS	OLIVER	SCHISSLER	SEEGER	SHIEH	THOMPSON	WHITE	SHAW	VOTE: 10-3 (Sub Motion)	Residential house-scale (R) zone category includes single-family detached homes, <u>single-family-attached</u> , duplexes, small multiplexes, cottages, row houses, townhouses, and accessory dwelling units (garage apartments or granny flats). SUBSTITUTE MOTION: Table to 23-4D-2	Add other house types.	
20.8	Division 23-4A-4	How to Use the Zoning Code																	
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	ANDERSON	HART	KAZI (2nd)	KENNY	MCGRAW	NUCKOLS	OLIVER (M)	SCHISSLER	SEEGER	SHIEH	THOMPSON	WHITE	SHAW	VOTE: 13-0	(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	ANDERSON	HART	KAZI	KENNY	MCGRAW	NUCKOLS	OLIVER	SCHISSLER	SEEGER	SHIEH	THOMPSON	WHITE	SHAW (M)	Failed no 2nd	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.	Intent of text is correct

CodeNEXT: DRAFT 3 DELIBERATION

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21.4		Division 23-4B-1 1020 - Conditional Use Permit	ANDERSON (2nd)	HART	KAZI	KENNY	MCGRAW	NUCKOLS	OLIVER (Abstained)	SCHISSLER	SEEGER	SHIEH	THOMPSON	WHITE	SHAW (M)	VOTE: 12-0	(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). AMENDMENT- MOVED TO SEPERATE SECTION 6310 and Definition of Bars	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.	Language already included in 23-4E-6310 Restaurant; staff would support adding specific to use language for Bars/Nighclub
21.5 (Item 1)		Conditional Use Permits	ANDERSON	HART	KAZI	KENNY (Abstained)	MCGRAW	NUCKOLS	OLIVER	SCHISSLER	SEEGER (2nd)	SHIEH	THOMPSON	WHITE (M)	SHAW	VOTE: 4-8	Reinstate LDC 25-5-148 to ensure compliance with conditions imposed by Council or Commissions. See http://www.austintexas.gov/edims/document.cfm?id=298187 , pg 13 of 40.	There are a number of general and specific changes outlined in the exhibit	
21.5 (Item 2)		Conditional Use Permits	ANDERSON	HART	KAZI	KENNY	MCGRAW	NUCKOLS	OLIVER	SCHISSLER	SEEGER	SHIEH	THOMPSON	WHITE	SHAW	Withdrawn	Reinstate existing CUP requirement for late-hours bars and restaurants,including current code's 200' parking buffer in proximity to House-ScaleResidential Zones.See http://www.austintexas.gov/edims/document.cfm?id=298187 , pg 14 of 40. Item withdrawn see 21.4 (Vote 12-0)	There are a number of general and specific changes outlined in the exhibit	
21.5 (Item 3)		Conditional Use Permits	ANDERSON	HART	KAZI	KENNY	MCGRAW	NUCKOLS	OLIVER	SCHISSLER	SEEGER	SHIEH (2)	THOMPSON	WHITE (M)	SHAW	VOTE: 7-6	Reinstate LDC 25-5-150 to prevent revolving door for same CUP requests.See http://www.austintexas.gov/edims/document.cfm?id=298187 , pg 15 of 40.	There are a number of general and specific changes outlined in the exhibit	
21.5 (Item 4)		Conditional Use Permits	ANDERSON	HART (2nd)	KAZI	KENNY	MCGRAW	NUCKOLS	OLIVER	SCHISSLER	SEEGER	SHIEH	THOMPSON	WHITE (M)	SHAW	VOTE: 12-1	Reinstate LDC 25-5-145(C)(4) to ensure Large Retail Uses do not adversely affect future redevelopment.See http://www.austintexas.gov/edims/document.cfm?id=298187 , pg 15 of 40.	There are a number of general and specific changes outlined in the exhibit	
21.5 (Item 5)		Conditional Use Permits	ANDERSON	HART	KAZI	KENNY	MCGRAW	NUCKOLS	OLIVER	SCHISSLER	SEEGER	SHIEH (2nd)	THOMPSON	WHITE (M)	SHAW	VOTE: 13-0	SUBSTITUTE MOTION: ITEM TABLED Reinstate all current requirements in LDC 25-5-145, Evaluation of Conditional Use Site Plan.See http://www.austintexas.gov/edims/document.cfm?id=298187 , pg 15-17 of 40.	There are a number of general and specific changes outlined in the exhibit	
21.5 (Item 6)		Conditional Use Permits	ANDERSON	HART	KAZI	KENNY	MCGRAW	NUCKOLS	OLIVER	SCHISSLER	SEEGER	SHIEH	THOMPSON	WHITE	SHAW (M)	VOTE: 8-5	Reinstate LDC 25-5-143(C) to ensure advisory board input on CUPs in Waterfront Overlay. See http://www.austintexas.gov/edims/document.cfm?id=298187 , pg 17 of 40.	There are a number of general and specific changes outlined in the exhibit	
21.6		Division 23-4B-1 1030 - Minor Use Permit	ANDERSON	HART	KAZI	KENNY	MCGRAW (2nd)	NUCKOLS	OLIVER	SCHISSLER	SEEGER	SHIEH	THOMPSON	WHITE	SHAW (M)	Vote: 3-10	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 44 30 days.	C) (1)Admin Review- requires a 14 day public comment period. 30 days is needed.	
21.7		Division 23-4B-1 1030 - Minor Use Permit																	

CodeNEXT: DRAFT 3 DELIBERATION

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			ANDERSON	HART	KAZI	KENNY	MCGRAW	NUCKOLS	OLIVER	SCHISSLER	SEEGER	SHIEH				THOMPSON	WHITE	SHAW (M)
21.8		Division 23-4B-1 1030 - Minor Use Permit	ANDERSON	HART	KAZI	KENNY	MCGRAW	NUCKOLS	OLIVER	SCHISSLER	SEEGER	SHIEH	THOMPSON	WHITE	SHAW (M)	Failed no 2nd	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.
21.9		Division 23-4B-2 Code Interpretations and Use Determinations																
21.10		Division 23-4B-2 Code Interpretations and Use Determinations	ANDERSON	HART	KAZI	KENNY	MCGRAW (Off dais)	NUCKOLS	OLIVER	SCHISSLER (M)	SEEGER (Abstained)	SHIEH	THOMPSON (2nd)	WHITE	SHAW	VOTE: 10-1	(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			ANDERSON	HART	KAZI	KENNY	MCGRAW (Off dais)	NUCKOLS	OLIVER	SCHISSLER (M)	SEEGER	SHIEH	THOMPSON (2nd)	WHITE	SHAW	VOTE: 10-2	(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	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 -	ANDERSON	HART	KAZI	KENNY	MCGRAW	NUCKOLS	OLIVER	SCHISSLER	SEEGER	SHIEH	THOMPSON	WHITE	SHAW	VOTE: 8-5	SUBSTITUTE MOTION TABLED TO AFTER MAPPING (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.
21.14		Division 23-4B-3 Zoning Map Designations and Amendments	ANDERSON	HART (Abstained)	KAZI	KENNY	MCGRAW	NUCKOLS	OLIVER	SCHISSLER	SEEGER	SHIEH	THOMPSON	WHITE	SHAW	VOTE: 12-0	(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.	
21.15		Division 23-4B-4 Criteria for Variances and Special Exemptions	ANDERSON	HART	KAZI	KENNY	MCGRAW	NUCKOLS	OLIVER	SCHISSLER	SEEGER	SHIEH	THOMPSON	WHITE	SHAW	VOTE: 13-0		
21.16		Division 23-4B-4 Criteria for Variances and Special Exemptions	ANDERSON	HART	KAZI	KENNY	MCGRAW	NUCKOLS	OLIVER	SCHISSLER (M)	SEEGER	SHIEH	THOMPSON (2)	WHITE	SHAW	VOTE: 13-0	(A) This division establishes review criteria for zoning variances and special exceptions considered by the Board of Adjustment, consistent with the standards-regulations 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 regulations 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			ANDERSON	HART	KAZI	KENNY	MCGRAW	NUCKOLS	OLIVER	SCHISSLER (M)	SEEGER	SHIEH	THOMPSON (2)	WHITE	SHAW	VOTE: 13-0	(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;	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.

CodeNEXT: DRAFT 3 DELIBERATION

CHAPTER ARTICLE	DIVISION TITLE	VOTE BY COMMISSIONER											VOTE	SUBSTITUTE LANGUAGE	COMMISSIONER NOTES				
21.18		ANDERSON	HART	KAZI	KENNY	MCGRAW	NUCKOLS (Abstained)	OLIVER	SCHISSLER (M)	SEEGER	SHIEH	THOMPSON (2)	WHITE	SHAW	VOTE: 9-3	(C) Required Findings. The Board of Adjustment may shall 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.	PAZ supports addendum	
Article 23-4C General to all Development																			
22																			
22.1	Division 23-4C-1	Large Site Requirements														agree with clarification of applicability			
22.2	Division 23-4C-1														whats article 23-9H connectivity? Cant find	Staff supports multi-modal offset with more automobile parking			
22.3	Division 23-4C-1	1010 - Applicability	ANDERSON	HART	KAZI	KENNY	MCGRAW	NUCKOLS (2nd)	OLIVER	SCHISSLER	SEEGER	SHIEH	THOMPSON	WHITE	SHAW (M)	Withdrawn	AMENDED TO SUPPURT CURRENT LANGUAGE IN DRAFT 3 (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.	
22.4	Division 23-4C-1																REFERENCE FOR DISCUSSION; OPEN SPACE 1. CIVIC. Open space that is available for use by the public, and includes, but is not limited to, a plaza, square, park, playground, greenbelt, or similar open space.	No to suggested language but staff agrees that "partially complies" needs to be further defined	
22.5	Division 23-4C-1	Large Site Requirements														SUBSTITUE MOTION : (B) Open Space. (1) Common. Sites two acres or larger and that have a zone that requires it must comply with the Common Open Space requirements of Section 23-4C-1050 (Common Open Space); and (2) Civic. Sites 8 acres or larger and that have a zone that requires it must comply with Civic Open Space requirements of Section 23-4C-1060 (Civic Open Space)."	Minor update - not every zone requires open space	Staff agrees that this language needs further clarification though do not agree with amendment	
22.6	Division 23-4C-1	1020 - Internal Circulation														Substitute Motion: Move standard to zone districts, and Insert language "If an applicant chooses to exceed parking maximum, the site must incorporate at least 3 of the option listed in Table 23-4C-1020 A additional measure to improve connectivity.	Requires additional connetivity 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.	Staff agrees with the current text and does not support adding this paragraph	
22.7	Division 23-4C-1	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 <u>any applicable parkland dedication required by Article 23-3B (Parkland Dedication) or Civic Open Space required by 23-4C-1040 .</u>	Similar to 1040 General Section.	Staff does not have policy requirement to remove common open space requirements	

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		ANDERSON	HART	KAZI	KENNY	MCGRAW	NUCKOLS	OLIVER	SCHISSLER	SEEGER	SHIEH	THOMPSON					WHITE	SHAW	
22.8	Division 23-4C-1	1030 - Common Open Space	ANDERSON	HART	KAZI	KENNY	MCGRAW	NUCKOLS	OLIVER	SCHISSLER	SEEGER	SHIEH	THOMPSON	WHITE	SHAW	No Action due to 22.11	(B) Amenity Required. A site that is one acre or more shall provide common open space that complies with the requirements established in Table 23-4C-1030(A) Open Space and Amenities) and the remaining requirements of 24-4C-1030. A site partially complies with this section, if Credit for Common Open Space can be given with approval by Parks Directory on no greater than an acre for acre basis, if (1) The site provides civic open space that complies with Division 23-4C-2 (Civic Open Space) <u>excluding fee-in-lieu</u> ; or (2) The land dedicated in a recreation easement to the City for parkland dedication complies with Article 23-3B (Parkland Dedication) <u>excluding fee-in-lieu</u> .	The term partially complies is subjective. This allows actual dedicated parkland and civic space to count toward the common space requirements as approved by PAR Director (This may also require Planning Director approval)	common open space can be private
22.9	Division 23-4C-1	1030 - Common Open Space	ANDERSON	HART	KAZI	KENNY	MCGRAW	NUCKOLS	OLIVER	SCHISSLER	SEEGER	SHIEH	THOMPSON	WHITE	SHAW	No Action due to 22.11	(5) A site that is located outside <u>inside</u> within the Downtown Core (DC) zones and is more than one acre, must provide at least 150 square feet, plus an additional 100 square feet for, each acre of open space. The amount of open space required may not exceed 1,000 square feet.	Apply this requirement for lower amounts of common open space to DC zones.	common open space types described in table 23-4C-1030(A) are compatible in urban environments
22.10	Division 23-4C-1	1030 - Common Open Space	ANDERSON	HART	KAZI	KENNY	MCGRAW	NUCKOLS	OLIVER	SCHISSLER	SEEGER	SHIEH	THOMPSON	WHITE	SHAW	No Action due to 22.11	ADD: 1030(C)(6) A site that is located outside within the Downtown Core (DC) zones and is more than one acre, must provide at least 5% of the gross site area as common nopen space.	This will align with the 5% of gross site area in Article 23-4D: Specific to Zones/Table J-Open Space and requires all development greater than an acre to provide common open space in all zones 5% of gross site area.	text needs clarification
22.11	Division 23-4C-1	Large Site Requirements	ANDERSON	HART	KAZI (2nd)	KENNY	MCGRAW	NUCKOLS	OLIVER	SCHISSLER (M)	SEEGER	SHIEH	THOMPSON	WHITE	SHAW	Vote: 7-6	Remove section	Common open space is a requirement to provide an amenity. For the market to deliver moderate income housing, sometimes amenities will need to be cut. Amenities onsite shouldn't be a requirement of the zoning code.	
22.12	Division 23-4C-1	Large Site Requirements	ANDERSON	HART	KAZI	KENNY	MCGRAW	NUCKOLS	OLIVER	SCHISSLER	SEEGER	SHIEH	THOMPSON	WHITE	SHAW	No Action due to 22.11	B) Amenity Required. A site that is one acre or more shall provide common open space that complies with the requirements established in Table 23-4C-1030(A) Open Space and Amenities). A site partially complies with this section, if (1) The site provides civic open space that complies with Division 23-4C-2 (Civic Open Space); or (2) The land dedicated in a recreation easement to the City for parkland dedication	As written, there is no incentive to encourage on-site amenities which may be privately maintained. This recommendation encourages private amenity space which lowers the overall burden placed on public facilities and allows for partial credit towards the open space requirement.	Need to revisit "partially complies" language in 23-4C-1030
22.13	Division 23-4C-1	Large Site Requirements	ANDERSON	HART	KAZI	KENNY	MCGRAW	NUCKOLS	OLIVER	SCHISSLER	SEEGER	SHIEH	THOMPSON	WHITE	SHAW	No Action due to 22.11	B) Amenity Required. A site that is one acre or more, and is not on an Imagine Austin Corridor or within an Imagine Austin Center, shall provide...	Onerous requirements along Imagine Austin corridors and centers will decrease the developable area, impacting rents, affordability and transit-supportive density. This amendment would exempt these areas from requirements of this section.	
22.14	Division 23-4C-1	Large Site Requirements	ANDERSON	HART	KAZI	KENNY	MCGRAW	NUCKOLS	OLIVER	SCHISSLER	SEEGER	SHIEH	THOMPSON	WHITE	SHAW	No Action due to 22.11	(5) A site that is located outside of the Downtown Core (DC) zones and is more than one acre, must provide at least 150 square feet, plus an additional 100 square feet for, each acre of open space. The amount of open space required may not exceed 1,000 square feet.	This is an additional ask of land triggered by land already being dedicated for open space and is excessive.	no definition for safe pedestrian travel distance or means of measurement

CodeNEXT: DRAFT 3 DELIBERATION

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22.15	Division 23-4C-1 Large Site Requirements	ANDERSON	HART	KAZI	KENNY	MCGRAW	NUCKOLS	OLIVER	SCHISSLER	SEEGER	SHIEH	THOMPSON	WHITE	SHAW	No Action due to 22.11	(E) Design Criteria. An area used for common open space shall comply the requirements of this subsection:(1) Unless the land includes sensitive natural resources, a common open space area must be readily accessible and usable.(2) A common open space area must be compact and contiguous unless the common open space is used as a continuation of an adjacent or adjoining trail, connection to a transit station, or specific or unique topographic features that require a different configuration.(3) The surface of the common open space must be suitable for outdoor activities, such as lawn or asphalt for designated recreation areas.(4) Not more than 30 percent of the required common open space may be located on a roof, balcony, or other area above ground level, except as otherwise provided in this subsection.	Sites need to maintain flexibility on where the open space is provided. Removing these sections would allow for it to be on a balcony, roof, or other above ground area.	erratta
22.16	Division 23-4C-1 Large Site Requirements	ANDERSON	HART	KAZI	KENNY	MCGRAW	NUCKOLS	OLIVER	SCHISSLER	SEEGER	SHIEH	THOMPSON	WHITE	SHAW	No Action due to 22.11	(1) 100% of the square feet of on-site parkland or on-site Civic Open Space shall be credited toward the requirement for Common Open Space	Common Open Space shouldn't be required in addition to Civic Open Space and Parkland. Our understanding is that this is the staff intent.	parkland dedication on site counts towards civic open space
22.17	1040 Civic Open Space	ANDERSON	HART	KAZI	KENNY	MCGRAW	NUCKOLS	OLIVER	SCHISSLER	SEEGER (2nd)	SHIEH	THOMPSON	WHITE	SHAW (M)	Vote: 1-12	(3) An application for a site plan or subdivision is not required to provide Civic open space when the site is i) less than two acres, ii) located within one-quarter mile of a safe pedestrian travel distance of an existing and developed dedicated parkland that is at least one acre, measured from the boundary of the site to the nearest public entrance of the park, and iii) not located in a Park Deficient Area as determined by the Parks and Recreation Department.	There is very little development at the scale of 8 acres. Therefore, this large threshold is too large and will not allow for the code to meet the intent of this section which is to increase the amount of parks and open space from non-residential development. To align with 4)a) should be worded "and each residential lot is within 1/4 mile" Need to change "park" to "dedicated parkland." How to measure distance of 1/4 mile? The basis for 1/4 mile must defined in terms of connectivity and be safe and walkable.	the purpose is to work with projects at 4 acres or larger
22.18	Division 23-4C-1 1040 Civic Open Space	ANDERSON	HART	KAZI	KENNY	MCGRAW	NUCKOLS	OLIVER	SCHISSLER	SEEGER (2nd)	SHIEH	THOMPSON	WHITE	SHAW (M)	Vote: 11-2	Staff to establish "safe pedestrian route definition " and (4) An applicant shall locate each residential lot within: (a) one-quarter mile of a safe pedestrian travel distance from existing proposed civic open space if the development is located within the urban core; and (b) a half mile of a safe pedestrian travel distance from existing proposed civic open space if the development is located outside of the urban core	Again, the 1/4 mile must be defined as the distance of a safe and walkable route. Remove "existing" as this for new civic space.	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
22.19	Division 23-4C-1 1040 Civic Open Space	ANDERSON	HART	KAZI	KENNY	MCGRAW	NUCKOLS	OLIVER	SCHISSLER (M)	SEEGER	SHIEH	THOMPSON	WHITE	SHAW	Failed no 2nd	...at least a quarter acre	missing unit	staff agrees with 10%
22.20	Division 23-4C-1 Large Site Requirements	ANDERSON (2nd)	HART	KAZI	KENNY	MCGRAW	NUCKOLS	OLIVER	SCHISSLER (M)	SEEGER	SHIEH	THOMPSON	WHITE	SHAW	VOTE: 5-8	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.	
22.21	Division 23-4C-1 Large Site Requirements	ANDERSON	HART	KAZI	KENNY	MCGRAW	NUCKOLS	OLIVER	SCHISSLER (M)	SEEGER	SHIEH	THOMPSON	WHITE	SHAW	Failed no 2nd	(A) General (1) An applicant for a site plan or subdivision that results in one or more parcels greater than 4 acres, 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.	parkland dedication on site counts towards civic open space
22.22	Division 23-4C-1 Large Site Requirements	ANDERSON	HART	KAZI	KENNY	MCGRAW	NUCKOLS	OLIVER	SCHISSLER (M)	SEEGER	SHIEH	THOMPSON	WHITE	SHAW	Failed no 2nd	(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 include: street rights-of-way, public sidewalks, required landscaping, parkland dedication, land located between the	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.	draft purpose language statement applies to all types of development, not just commercial
22.23	Division 23-4C-1 Large Site Requirements	ANDERSON	HART	KAZI	KENNY	MCGRAW	NUCKOLS	OLIVER	SCHISSLER (M)	SEEGER	SHIEH	THOMPSON	WHITE	SHAW	Failed no 2nd	(2) Except as provided in Subsection (B)(3), an applicant for a site plan or subdivision shall designate at least 5 to 10 percent of the net development acreage as civic open space. 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.	This section provides how much of the land that civic open space will take away from providing the primary purpose of the site.	reference to civic open space in zoning is helpful, not sure how it is incorrect
22.24	Division 23-4C-2 Civic Open Space																	staff supports current language

CHAPTER ARTICLE	DIVISION TITLE	VOTE BY COMMISSIONER											VOTE	SUBSTITUTE LANGUAGE	COMMISSIONER NOTES			
		ANDERSON	HART	KAZI	KENNY	MCGRAW	NUCKOLS	OLIVER	SCHISSLER	SEEGER	SHIEH	THOMPSON				WHITE	SHAW	
22.25	Division 23-4C-2 Civic Open Space	ANDERSON	HART	KAZI	KENNY	MCGRAW	NUCKOLS	OLIVER	SCHISSLER (M)	SEEGER	SHIEH	THOMPSON	WHITE	SHAW	Failed no 2nd	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.	
22.26	Division 23-4C-2 2010- Purpose	ANDERSON	HART	KAZI	KENNY	MCGRAW (2nd)	NUCKOLS	OLIVER	SCHISSLER	SEEGER	SHIEH	THOMPSON	WHITE	SHAW (M)	Vote: 3-10	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 comprehensive plan "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.	PARD has discretion over parkland dedication
22.27	Division 23-4C-2 2020 - Applicability and Conflict	ANDERSON	HART	KAZI	KENNY	MCGRAW	NUCKOLS	OLIVER	SCHISSLER	SEEGER	SHIEH	THOMPSON	WHITE	SHAW (M)	Failed no 2nd	(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.	
22.28	Division 23-4C-2 2020 - Applicability and Conflict	ANDERSON	HART	KAZI	KENNY	MCGRAW	NUCKOLS	OLIVER	SCHISSLER	SEEGER	SHIEH	THOMPSON	WHITE	SHAW (M)	Failed no 2nd	(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.	parkland dedication on site counts towards civic open space
22.29	Division 23-4C-2 Civic Open Space	ANDERSON	HART	KAZI	KENNY	MCGRAW	NUCKOLS	OLIVER	SCHISSLER	SEEGER	SHIEH	THOMPSON	WHITE	SHAW	No Action due to 22.11	(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.	
22.30	Division 23-4C-2 2050 - Civic Open Space Standards	ANDERSON	HART	KAZI	KENNY	MCGRAW	NUCKOLS	OLIVER	SCHISSLER	SEEGER	SHIEH	THOMPSON	WHITE	SHAW (M)	Failed no 2nd	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.	Staff recommends keeping off street parking adjustments per 23-4E-3060
22.31	Division 23-4C-2 Civic Open Space	ANDERSON	HART	KAZI	KENNY	MCGRAW	NUCKOLS	OLIVER	SCHISSLER (M)	SEEGER	SHIEH	THOMPSON (2nd)	WHITE	SHAW	Vote: 7-6	(D) Parking. The director shall require a specific number of parking spaces for a civic open space that is more than five acres		
22.32	Division 23-4C-2 2050 - Civic Open Space Standards	ANDERSON	HART	KAZI	KENNY	MCGRAW	NUCKOLS	OLIVER	SCHISSLER	SEEGER	SHIEH	THOMPSON	WHITE	SHAW	No Action due to 22.31	(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.	

CHAPTER	ARTICLE	DIVISION TITLE	VOTE BY COMMISSIONER													VOTE	SUBSTITUTE LANGUAGE	COMMISSIONER NOTES	
22.33		Division 23-4C-2 Civic Open Space	ANDERSON	HART	KAZI	KENNY	MCGRAW	NUCKOLS (M)	OLIVER	SCHISSLER	SEEGER	SHIEH	THOMPSON	WHITE (Abstained)	SHAW (2nd)	Vote: 8-4	Substitute Motion: Where appropriate to the nature of the design to the Civic Open Space, the design shall provide shade for people integral to the Open Space.	Shade for football fields? Community Gardens?	
22.34		Division 23-4C-3 (NEW) Parking Reduction Matrix	ANDERSON (2nd)	HART	KAZI	KENNY	MCGRAW	NUCKOLS	OLIVER (M)	SCHISSLER	SEEGER	SHIEH	THOMPSON	WHITE	SHAW	Vote: 13-0	<p>Substitute Motion: TABLED to discussion 23-4E-3060 to Include reductions in car parking for items including but not limited to:</p> <p>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%</p>	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.	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
Article 23-4D Specific to Zones																			
23																			
23.1		General	ANDERSON (2nd)	HART	KAZI	KENNY (M)	MCGRAW	NUCKOLS	OLIVER	SCHISSLER	SEEGER	SHIEH	THOMPSON	WHITE	SHAW	13-0	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															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.	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;
23.3		Division 23-4D All Subsections	ANDERSON	HART (2nd)	KAZI (M)	KENNY	MCGRAW	NUCKOLS	OLIVER	SCHISSLER	SEEGER	SHIEH	THOMPSON	WHITE	SHAW	Vote: 13-0	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.	
23.3		Division 23-4D All Subsections	ANDERSON	HART (2nd)	KAZI (M)	KENNY	MCGRAW	NUCKOLS (Off the dais)	OLIVER	SCHISSLER	SEEGER	SHIEH	THOMPSON	WHITE	SHAW	Vote: 7-3-2	Change Cooperative Housing to P in R3B-C, R4C,R4A-C, RM1A-B;	Cooperative Housing would still have to apply with applicable zoning regulations - it's a model that everyone should support.	