

CodeNEXT: DRAFT 3 DELIBERATION

1. Provide by Wednesday (5/2/18) at 10pm any amendments, additions, removals of code language you plan for action taken during our CodeNEXT deliberations.
2. Mark a simple "x" in the column labeled "A" if you have no exceptions, minor (such as wordsmithing or something you believe is in line with Draft 3 but only slight differentiation) or major (departure from Draft 3 intent or character). I recognize this is somewhat subjective between minor and major, such as suggesting a small height or setback change that may be small in number that in actuality may be viewed by some as major change. All will be discussed regardless and this is simply an initial organizational tool.
3. Mark an "x" under your name in column "B".
4. Under "C", include the most simple identification that can organize code discussions during our deliberations. For Example, "Parking, Compatibility, Environment, ADU, Form, Admin, Mapping, Flooding, Uses, Transportation, etc."
5. If you need staff available related your questions, concerns, proposed amendments that authored related code text, please mark a YES/NO under column "D" so that I can notify Director Guernsey provide necessary
6. Under column "E", if your proposed comments, questions, concerns are general or broad in nature, mark an "x" in the "General" column. However, it is critical for our efforts to identify, as specifically as possible, which section of code you are addressing with your comments. If you must identify the whole division that is understandable, however as we organize any potential motions using specific code sections will be most beneficial to our efforts. In doing so, you will allow the opportunity to see if there are similar offerings for consideration. In addition, you will give me better support to organize our deliberation efforts most efficiently. There may be instances where potential draft changes extend to other sections of code or are contingent upon specific information included in other sections. Please utilize the Notes column as much as needed to describe your intentions. This can help fellow commissioners understand your suggested changes or questions and thereby reduce additional discussion time during our deliberations.
7. Utilize column "F" for specific draft code you propose related to that section.
8. This spreadsheet format has been left editable. Obviously there will be the need to add rows between Divisions so that multiple sections can be addressed within the respective Division. It was not feasible to add all the sections within each division. Add as many rows between divisions as you need to address your full list. I will combine them together.

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	MUCKOLS	OLIVER	SCHSSLER	SEGER	SHIEH	THOMPSON	WHITE	SHAW	BURKARDT	MENDOZA	TEICH	TOPIC AREA	REQ. ADD'L STAFF FEEDBACK	GENERAL	SPECIFIC SECTION	SUBSTITUTE LANGUAGE	COMMISSIONER NOTES	YES/NEUTRAL /NO	STAFF RESPONSE	
GENERAL																						YES/NO								
	All Non 23-4 Divisions		x	x																				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																						YES/NO	YES/NO							
Article 23-1A General Provisions																														
1.1	Division 23-1A-1	Title, Purpose, and Scope																												
1.3	Division 23-1A-2	Authority	C	x									Jsc												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.			
1.4	Division 23-1A-3	Classification of Application and Decisions																												
2.6	Division 23-1A-4	Classification of Application and Decisions											Jsc												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			
1.5	Division 23-1A-4	Consistency with Comprehensive Plan	C																											
1.7	Division 23-1A-5	Rules of Interpretation	C	x									Jsc												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.			
Article 23-1B Responsibility for Administration																														
2.1	Division 23-1B-1	City Council	C																											
2.2	Division 23-1B-2	Boards and Commissions	C																											
2.3	Division 23-1B-3	Administration	C																											
2.4	Division 23-1B-4	Neighborhood Planning																												
2.5	Division 23-1B-4	Neighborhood Planning												KM												23-1B-4010	Neighborhood Contact Teams may submit plan amendments.	This should not be removed.		
2.7	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.				
Chapter 23-2: Administration and Procedures																						YES/NO	YES/NO							
A.3.0.1	GENERAL	Administration & Procedures		x																				x						
Article 23-2A Purpose and Applicability																														
3.1	Division 23-2A-1	Purpose and Applicability																												
3.2	Division 23-2A-2	Development Process																												

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
3.3	Division 23-2A-2 Development Process	x																	Admin & Procedures	No	No	23-2A-2010 (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.				
3.4	Division 23-2A-3 Residential Development Regulations																										
3.5	23-2A-3030 One to Two-Unit Residential	x																TS	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			
3.6	Division 23-2A-3 23-2A-3040 Three to Six Unit Residential																										
3.7																						engineers letter	Amendment: Replace language. (2) An engineer's certification that any changes to existing drainage patterns will not negatively impact adjacent property if the construction, remodel, or expansion: a. Is more than 300 square feet; and b. Located on an unplatted tract or within a residential subdivision approved more than five years before the building permit application was submitted WITH (2) Provide acceptable drainage improvements on site to preserve OR IMPROVE existing drainage patterns if the construction, remodel or expansion: A. Is more than 750 square feet; and B. in an area subject to localized flooding, as determined by the Watershed Protection Department on an annual basis.	too costly, and spending money on things that do not may not make much difference			
3.8																							C. Located on an unplatted tract or within a residential subdivision approved more than five years before the building permit application was submitted 1. Acceptable drainage improvements include, 1. An engineer's certification that any changes to existing drainage patterns will not adversely impact adjacent properties 2. swales, grading, gutters, rain gardens, rainwater harvesting systems or other methods on site to preserve OR IMPROVE existing drainage patterns as calculated by: i. grading plan ii. per Table X-X-XX (gallons per sf of impervious cover and grade changes+12") iii. a fee in lieu is available at the director's discretion if a water mitigation project has been identified in the area to be implemented within 12 months.				
3.9	Division 23-2A-3030 & 3040 (B) Residential House-Scale Zones	x	x																residential and affordability	NO	NO	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, which no engineer would ever agree to without obscene fees. At first blush, 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 citywide. Furthermore, "Negative Impact" is vague & subjective. The term 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.				
	letter of no impact	x																	water mitigation	X		23-2A-3030 & 3040 (B)	please see Exhibit TW Additional language	Comment: 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.			
4	Article 23-2B Application Review and Fees																										
4.1	Division 23-2B-1 Application Requirements																										
4.3	Division 23-2B-1 Application Requirements	x																	Admin & Procedures			Add new (A)(4) that states (4): An application that has been submitted and not rejected as incomplete in 45 days shall be automatically approved under this section.	This would create certainty that applications that meet all requirements of completeness will be accepted				
4.4	Division 23-2B-1 Application Requirements	x																	Admin & Procedures			23-2B-1010 (b) Replace with: The responsible director may adopt application requirements under this Section by administrative rule or by policy memo, and shall post required application forms and all relevant rules on the City's website.	This clarifies that directors are empowered to adopt application requirements and deadlines only through an administrative rule process, and not via policy memo. The administrative rule process provides due process for all residents and stakeholders.				

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	MUCKOLS	OLIVER	SCHISLER	SEGER	SHIEH	THOMPSON	WHITE	SHAW				BURKARDT	MENDOZA					TEICH	GENERAL	SPECIFIC SECTION
4.5	Division 23-2B-1	Application Requirements		X																	Admin & Procedures		23-2B-1030 Application Completeness (A)(4)(New)	Add (4): An application that has been submitted and not rejected as incomplete in 45 days shall be automatically approved under this section.	This would create certainty that applications that meet all requirements of completeness will be accepted			
4.6	Division 23-2B-1	Application Requirements		X																	Admin & Procedures		23-2B-1040 Update and Expiration (D)(New)	Add new (D) "(D) If an applicant has submitted an application and subsequent updates but is unable to resolve outstanding comments after the third submittal, the City Manager shall require a meeting of all reviewers and the applicant to take place within 2 weeks following the third set of comments such that conflicting issues can be resolved in a timely manner"	If, after 3 rounds of comments, there is still conflict between departments, a meeting will help resolve and expedite the process for everyone, limiting staff time and developer costs			
4.7	Division 23-2B-1	Application Requirements		X																	Admin & Procedures		23-2B-1050(B)(1)(d)(New)	Add (d): (d) the application is being delayed due to review by the legal department.	This section lists different reasons that a delay shouldn't lead to an application expiring. A common delay that isn't on this list is legal review. Because legal review is outside the control of the applicant, it makes sense to not having an application expire when the city legal department is reviewing it.			
4.8	Division 23-2B-1	Application Requirements		X																	Admin & Procedures		23-2B-1060	Remove entire section (23-2B-1060) If an application expires, all other unapproved applications for that development, which are listed below the expired application under Section 23-2A-2010 (Order of Process), also expire.	There's no reason to have all other items expire when one does - effectively resetting something back to zero. Other applications may still be going through a normal due process.			
4.9	Division 23-2B-2	Review Procedures																										
4.10	Division 23-2B-2	Review Procedures		X																	Admin & Procedures		23-2B-2010 (A)	(A) The responsible director shall establish standards for complete staff review and comment within 21 days of the initial submission of pending applications, and within seven days for an updated application, including deadlines for issuing comments on pending applications for purposes of determining when an application expires under Division 23-2B-1. (Application Requirements)	This would add certainty to the development review process and ensure staff is meeting timely deadlines. The director should not be responsible for setting his/her own deadlines.			
4.13	Division 23-2B-3	Fees and Fiscal Surety																										
4.14	Division 23-2B-3	Fees and Fiscal Surety		X																	Admin & Procedures		23-2B-2030(C)	Add (3) the improvements for which the fiscal surety esd posted are not constructed within ten years	This is current policy for improvements such as transportation improvements.			
4.12	Division 23-2B-2	Review Procedures		X																	Admin & Procedures		23-2B-2050	"Add (E) All development assessments shall have an expiration dated 2 years after issuance of development assessment by City of Austin. (F) Determinations or Code interpretations made at the time of a Development Assessment shall be upheld through the application review process for all project development applications so long as the initial application for development is submitted prior to expiration of the development assessment."	Uncertainty drives complexity and project cost, and having an upfront development assessment will significantly improve outcomes.			
5	Article 23-2C Notice																											
5.1	Division 23-2C-1	General Provisions		C																								
5.2	Division 23-2C-2	Notice Requirements																										
5.3	Division 23-2C-3	General Notice Procedures		C																								
5.4	Division 23-2C-4	Notice of Public Hearings		C																								
5.5	Division 23-2C-5	Notice of Applications and Administrative Decisions																										
5.6	Division 23-2C-5	Notice of Applications and Administrative Decisions																			Notice of Application	NO	23-2C-5010 (D)	(D) Action on Application. Unless otherwise provided by this Title, the responsible director may not approve an application for which notice is required under this section sooner than 44 30 days after the date that notice is provided.	Change to 30 days. 14 days is not enough time after notice issued for impacted parties to receive notice and respond. [This is process required by MUPs]			
6	Article 23-2D Public Hearings																											
6.1	Division 23-2D-1	Conduct of Public Hearings																										
6.2	Division 23-2D-1	Conduct of Public Hearings		x																	Public Hearing Order	NO	23-2D-1010	Add: (A)(6) With approval of the chair, the order of presentation of those supporting and opposing the application or proposal may be modified to accommodate those present.	23-2D-1020: Suggest alternating between those opposed and supporting instead of allowing all supporting presentations to go first.			
6.3	Division 23-2D-2	Timing and Location of Public Hearing		C																								
7	Article 23-2E Legislative Amendments																											
7.1	Division 23-2E-1	Text Amendments		C																								
7.2	Division 23-2E-2	Plan and Map Amendments																										
7.3	Division 23-2E-2	2030 -Neighborhood Plan Amendment		x																	Neighborhood Plan Amendments	NO	2030 -Neighborhood Plan Amendment	ADD: (L) CONVERSION OF NEIGHBORHOOD PLANS FUTURE LAND USE MAPS (FLUMs) No Neighborhood Plan Amendments will be amended until such time as the Land Use Department Director has converted Chapter 25 zones to new Chapter 23 zones within the land use classifications identified in the Neighborhood Plan FLUM.	Where there are conflicts with approved neighborhood plan and new zoning requirements, which takes precedent when and individual or entity requests an amendment?			

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					
7.4	Division 23-2E-2 2030 -Neighborhood Plan Amendment	X																		Admin & Procedures		23-2E-2030	"(...) (B) Applicability (1) Individual Property. A neighborhood plan amendment regarding an individual property may be initiated by: (a) The owner of the subject property; (b) The council; (c) The Planning Commission; or (d) The responsible director.; or (e) The neighborhood plan contact team for the planning area in which the property is located (...) (D) Meetings, Hearings, and Notice (...) (5) Responsibility for Cost of Notice (a) Individual Property (i) For a neighborhood plan amendment regarding an individual property, the applicant is responsible for the cost of notice, unless the applicant is a neighborhood plan contact team if the applicant is the owner of the subject property. (ii) If the applicant is a neighborhood plan contact team, the City is responsible for the cost of notice. "	In this minor amendment to neighborhood plans, neighborhood contact teams should not be allowed to initiate the down zoning of specific parcels.		
7.5	Division 23-2E-2 Plan and Map Amendments	X																	Admin & Procedures		23-2E-2030 (K)	(K) Map and Filing Date. The responsible director shall establish a map designating the area of the City for which a neighborhood plan amendment must be submitted in February and the area for which an application must be submitted in July.	In this minor amendment to neighborhood plans, amendments may be submitted at any time, and not just one time per year. This once per year regulation creates an unnecessary burden on amending neighborhood plans.			
7.6	Division 23-2E-2 2030 -Neighborhood Plan Amendment	x																	Neighborhood Plan Amendments	NO	2030 -Neighborhood Plan Amendment (H)	(H) Director's Recommendation. The responsible director may recommend approval of the neighborhood plan amendment only if the applicant meets all of the following requirements: demonstrates that:	(H) Does applicant have to demonstrate that all conditions are met? If so, wording should state that.			
7.7	2030 (E) Pre-application Meeting																					... Application to amend a Neighborhood Plan or for a zoning change where a FLUM was not created but a neighborhood plan was adopted.	Some NP's do not have FLUMS and therefore are not currently entitled to a Pre-application meeting for a zoning change. The meeting is important especially when changing zoning to a more intense zone.			
8	Article 23-2F Quasi-Judicial and Administrative Relief																									
8.1	Division 23-2F-1 Variances and Special Exceptions																									
8.2	Division 23-2F-1 Variances and Special Exceptions	x																	Public Hearing and Notification	No	23-2F-1040(C)	(C) An administrative modification granted under Section 23-2F-2040 does not need a public hearing or public notification.	This proposed language clarifies that a public hearing and public notification is not needed for administrative variances since administrative variances are determined by the land use official, not the board of adjustments.			
8.3	Division 23-2F-2 Administrative Relief Procedures																									
8.4	2040																		Administrative Modifications		23-2F-2040 (B) (1) (a) (b)	The allowed modification should not exceed 2% for coverage, setback or height.	Condones large errors. Designers should build in room for minor construction errors.			
8.8	Division 23-2F-2 Administrative Relief Procedures																		Nonconformity	No	23-2F-2030 Exempt Residential Uses and Structures	(A) Purpose. (1) This section authorizes the building official to issue a certificate of occupancy for certain noncompliant residential structures established before the effective date of this Title. (2) The purpose of this section is to avoid the unnecessary loss of residential housing opportunities available to Austin residents and reduce the costs to homeowners associated with remedying longstanding code violations which do not threaten public health and safety. (3) This section further seeks to minimize the costs to the City associated with enforcing residential code violations that predate the advent and implementation of electronic property records and tracking methods and that do not pose a threat to public health and safety.	This section is a major shift from the current Land Development Code Amnesty Certificate of Occupancy (CO) provisions that will potentially have major impact. By restricting and limiting the exemptions for CO to only residential uses, many people will be unable to get certificates of occupancy for older commercial structures and thus will be unable to get financing to continue with the project (which requires a CO through the Amnesty program currently in place). The effect is that commercial properties will have to come into compliance with current code to get a CO, to do upgrades, tenant improvements, etc. This will be time consuming and expensive. Further, this could cause defaults under many financing documents.			
8.9	Division 23-2F-2 Administrative Relief Procedures																		Nonconformity	No	23-2F-2030 Exempt Residential Uses and Structures	(D) Status of Affected Properties: If the building official approves a certificate of occupancy under this section (1) The structure becomes a nonconforming structure under Article 23-2G (Nonconformity); if the structure does not comply with applicable site development regulations on the date it receives the certificate of occupancy; and (2) The use becomes a nonconforming use under Article 23-2G (Nonconformity) if it is unpermitted in the applicable base zone on the date the structure in which the use or occupancy is located receives the certificate of occupancy.	This section needs to be rewritten. Under current Code, the general restrictions applicable to nonconforming uses and structures are limited to cases of noncompliance with zoning regulations. However, issues of nonconformity frequently arise in other contexts as well, such as where a structure does not meet current watershed or drainage regulations but did meet the regulations applicable at the time it was constructed. This section relates back to Article 23-G and this is another issue. By extending the concept of nonconformity to other site development regulations of the Land Development Code, besides just zoning district regulations, Article 23-2G clarifies staff's authority to limit modifications that increase the degree of nonconformity with other kinds of City regulations.			
8.10																						23-2F-2040(c)(2)	In Table 23-4F-2040(A), delete "Decrease in minimum open space adjacent to bus rapid transit (BRT) stations."	Imagine Austin calls for complete communities. Complete communities need open space near BRT stops, so don't allow it to be eliminated.		
8.11	Division 23-2F-3 Limited Adjustments																									
8.5	Division 23-2F-2 2050 - Alternative Equivalent Compliance																		Alternative Equivalent Compliance	NO	2050 - Alternative Equivalent Compliance (C)	(C) Modification Thresholds (1) If the director finds that a request for an alternative equivalent compliance meets the criteria in Subsection (D), the numeric standard for the design feature listed in Table (A) (Types of Alternative Equivalent Compliance Allowed) may be modified by: (a) Up to 10 percent, for any design purpose; (b) Up to 20 percent, if necessary to protect an existing natural site feature; or (c) Any amount, if necessary to preserve a heritage tree.	Protection of natural site features and heritage trees is required. This will result in abuse.			

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	MCKGOLS	OLIVER	SCHISLER	SEGER	SHIEH	THOMPSON	WHITE	SHAW	BURKARDT				MENDOZA	TEICH					
8.6	2050 - Alternative Equivalent Compliance		x																Alternative Equivalent Compliance	NO	2050 - Alternative Equivalent Compliance; Table 23-2F-2040(A)	Remove from Table: Decrease in the minimum distance between a building and installed utilities, Modification of internal circulation routes, Decrease in minimum drive-through circulation lane width, Modification of building design standards, Modification of building articulation requirements, Modification of building entrance requirements, Modification of entryway spacing and location, Increase of the portion of open space above ground level that may be counted towards compliance, Decrease in minimum open space adjacent to bus rapid transit (BRT) stations	Too broad. Remove all items that are not specific enough to know affect of 10% reduction or that should be decided in consult with other departments.				
8.7	Division 23-2F-2 Administrative Relief Procedures		x							Jsc								Alternative Equivalent Compliance	No	23-2F-2050(A)(2)	(2) Alternative equivalent compliance may <u>only</u> be used for development located in Mixed Use, Main Street, Regional Center, or Commercial and Industrial Zones any Zone as authorized in this section, and may not be used to vary or modify zone regulations, such as height, setbacks, impervious cover, building coverage, or floor area ratio.	This proposed language allows alternative equivalent compliance in any zone. The City should support alternative equivalent compliance where appropriate as it encourages creative and original design and accommodates developments where particular site conditions or the nature of a proposed use prevent strict compliance with the code and therefore should be allowed in all zones					
9 Article 23-2G Nonconformity																											
9.1	Division 23-2G-1 General Provisions																										
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.					
9.6	Division 23-2G-1 General Provisions									Jsc										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.					
9.11	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.					
9.14	1010- Purpose, Applicability and Review Authority																	Non-conformity	NO	1010 (A) (2)	Delete	Too onerous					
9.7	Division 23-2G-1		x							Jsc							TS			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.					
9.12	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.					
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					
9.10	Division 23-2G-1 General Provisions		x							Jsc								Continuation of Nonconformity	No	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 <u>any</u> 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.					

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	
		NONE	MINOR	MAJOR	ANDERSON	HART	KAZI	KENNY	MCGRAW	NUCKOLS	OLIVER	SCHISLER	SEGER	SHIEH	THOMPSON	WHITE	SHAW	BURKARDT	MENDOZA	TEICH	GENERAL	SPECIFIC SECTION					
Chapter 23-3: General Planning Requirements																											
15	Article 23-3A Purpose and Applicability																										
15.1	Division 23-3A-1 Purpose and Applicability		C																								
16	Article 23-3B Parkland Dedication																										
16.1	Division 23-3B-1 Parkland Dedication																										
16.2	Division 23-3B-1 General Provisions		x								Jsc																
16.5	Division 23-3B-2 Dedication																										
16.6	Division 23-3B-2 Dedication			X				GA																			
16.7	Division 23-3B-2 Dedication										Jsc																
16.8	Division 23-3B-2 Dedication			x				GA			Jsc																
16.9	Division 23-3B-2 Dedication			x							Jsc																
16.10	Division 23-3B-2 Dedication			x							Jsc																
16.11	Division 23-3B-2 Dedication			x							Jsc																

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
16.28	Division 23-3B-3	Fees		x																		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.		
16.23		3030 - Fee Payment and Expenditure																		TS		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.		
7 Article 23-3C Urban Forest Protection and Replenishment																										
17.1	Division 23-3C-1	General Provisions																								
17.2	Division 23-3C-1	General Provisions		x							JSc											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		
17.3	Division 23-3C-1	General Provisions		x							JSc											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									JT		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											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 without 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											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											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		x							JSc											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.		

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				
18.6	Division 23-3D-2																			23-3D-2050 ©	(C) Requirements for Redevelopment Exception. The requirements of this article do not apply to the redevelopment of property under this section if the redevelopment meets all of the following conditions: (4) The water quality controls for the redeveloped areas or an equivalent area on the site must provide a level of water quality treatment that is equal to or greater than that which was previously provided. At a minimum, the site must provide water quality controls-sedimentation/filtration ponds for the areas of increased impervious cover or an equivalent area on the site.	Clarifies the area on a site subject to this regulation and establishes a minimum type of acceptable water quality controls.			
18.7																				23-3D-2070 ©	(e) Necessary to allow reasonable development of the property according to the level of development allowed under 23-4.	This amendment requires Watershed to consider the reasonable amount of			
18.8	Division 23-3D-2 Exceptions and Variances		x																	23-3D-2090 (NEW)	"23-3D-2090 Residential Construction of three to ten units on one acre or less with Increased Water Quality Control Measures (A) An applicant seeking to construct three to ten units on one acre or less may increase, up to 65%, the amount of impervious cover on the site above the impervious cover amounts in the base zone listed in 23-4, provided that the applicant comply with all of Article 23-3D (Water Quality), 23-10E (Drainage), and Division 23-2A-3 (Residential Development Regulations)."	This is necessary to allow missing middle to fit on a property, in some cases, but forces the developer to opt in to water quality and drainage rules that apply to commercial property			
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-1030 (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.			
18.11	Division 23-3D-3 Impervious Cover																								
18.14	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 cisterns; (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 infrastructure. Subsurface water quality controls and subsurface cisterns should not count towards impervious cover.			
18.12	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.			
18.13	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.			
18.15	Division 23-3D-4 Waterway and Floodplain Protection																								
18.16	Division 23-3D-4 Waterway and Floodplain Protection		x																	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 analysis to reduce water quality boundaries on a case by case basis.			

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	MUCKOLS	OLIVER	SCHISLER	SEGER	SHIEH	THOMPSON	WHITE	SHAW	BURKARDT				MENDOZA	TEICH						GENERAL	SPECIFIC SECTION
19.13			x					x													new division	Mandate that all city departments involved in site plan review, permit review, or other development services immediately prioritize projects participating in the affordable housing program over all projects that do not have an affordable program participation.	Re-instates skip-the-line for affordable housing program projects.						
19.14									x										Yes	23-3E-1050 (c)(2)	append at the end of the section "except that an applicant may pay the fee in lieu on partial units with the proportional fee in lieu per unit, with a minimum fee-in-lieu of 20% of the per-unit fee in lieu.	This allows payment of partial fee in lieu for the citywide affordable bonus program.							
19.15	Division 23-3E-1 Citywide Affordable Housing Bonus Program	X																	No	23-3E-1010	"(A) The purpose of this division is to establish general requirements and procedures for the submittal and review of an application for the Citywide Affordable Housing Bonus Program (AHBP), which is a voluntary, incentive-based density bonus program that provides enhanced development potential for projects that increase the supply of moderate to lower-cost housing consistent with the requirements of this division. (B) The intent of the AHBP is to financially incentivize new development to include affordable homes or pay fees-in-lieu for affordable homes to: (1) Implement the goals and policies of the Austin Comprehensive Plan and the Austin Strategic Housing Blueprint; (2) Increase housing supply, diversity, and affordability while preserving and enhancing the unique character of the City's neighborhoods; (3) Actively desegregate Austin's neighborhoods and dismantle institutional racism in the location and cost of housing; and (3) Narrow the housing deficit for households that cannot afford market-priced rental or for-sale housing."								
19.16	Division 23-3E-1 Citywide Affordable Housing Bonus Program		x																No	23-3E-1020 (A)	(A) Applicability (1) The AHBP applies citywide, except in the following zones: (a) Downtown Zones. A density bonus request in the Downtown Core (DC) Zone and Commercial Center (CC) Zone must meet the requirements of Division 23-3E-2 (Downtown Density Bonus Program). (b) University Neighborhood Overlay Zone. A density bonus request in the University Neighborhood Overlay (UNO) Zone must meet the requirements of Section 23-4D-9130 (University Neighborhood Overlay Zone). (c) Planned Unit Development (PUD) Zone. A density bonus request in the Planned Unit Development (PUD) Zone must meet the requirements of Section 23-4D-8130 (Planned Unit Development (PUD) Zone). (d) Former Title 25. A density bonus request in the Former 25 (F25) Zone, established in Section 23-4D-8100 (Former 25 Zone), shall be subject to the requirements and density bonus incentives, if any, as available under Former Title 25. (2) Requirements for participation in the AHBP are determined based on the zone in which the development is proposed, as provided under Article 23-4D (Specific to Zones). For Former Title 25 (F25) Zone, the Director shall determine which zone in 25-4D most appropriately matches the zoning of former Title 25, and designate by rule which AHBP zone requirements match the F25 zoning.	A substantial number of lots are zoned F25. We need to allow F25 participation in our AHBP.							
19.17	Division 23-3E-1																				(d) Former Title 25. A density bonus request in the Former 25 (F25) Zone, established in Section 23-4D-8100 (Former 25 Zone), shall be subject to the requirements and density bonus incentives, if any, as available under Former Title 25. (2) Requirements for participation in the AHBP are determined based on the zone in which the development is proposed, as provided under Article 23-4D (Specific to Zones). For Former Title 25 (F25) Zone, the Director shall determine which zone in 25-4D most appropriately matches the zoning of former Title 25, and designate by rule which AHBP zone requirements match the F25 zoning.								
19.18	floating units																			23-3E-1030(E)		add language to ensure that the affordable unit occupancy rate is at least similar to the market rate occupancy of that building. And the owner should alert the city to its vacancy							
19.19	Division 23-3E-1 Citywide Affordable Housing Bonus Program		x																No	23-3E-1080 (E)	(E) The Director shall provide a process for a potential applicant to seek out and receive an early determination for AHBP compliance. Such a determination shall be made by the Director within thirty days of the submission of a complete determination request. If the approved application matches the information submitted in the early determination request, then the determination shall be binding for two years.	An early determination decreases the risk that an applicant may face and lowers the cost of providing affordable homes.							
19.20	Division 23-3E-2 Downtown Density Bonus Program																												
19.24	Division 23-3E-2 Downtown Density Bonus Program		X																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																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																No	23-4E-2040 (B)	<u>(B) Appeal.</u> (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)							

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	MUCKOLS	OLIVER	SCHISLER	SEGER	SHIEH	THOMPSON	WHITE	SHAW				BURKARDT	MENDOZA				
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.		
19.27	Division 23-3E-2 Downtown Density Bonus Program	X	GA	AH					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.			
19.21	Division 23-3E-2	X														TW	AHDB	x	23-3E-2060-E-1-c	A unit is affordable for purchase if the maximum sales price for the unit does not exceed three times the annual income for a household at 120 percent of the MFI...The maximum sales price can be up to 3.5 times the annual income for a household at +20 80 MFI if a household member has completed a City- approved homebuyer counseling of education class.	I think we can do better. 3.5x 120MFI for a one bedroom is \$239,400; 3.5x 80MFI is \$159,600 for a one bedroom; this is comparable to a teacher's salary			
19.22	Division 23-3E-2 Downtown Density Bonus Program	X														TW	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			
19.29	Division 23-3E-2 Downtown Density Bonus Program	X	AH					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.				
19.33	Division 23-3E-3 Tenant Notification and Relocation	C																						
19.34	Division 23-3E-4 S.M.A.R.T. Housing																							
19.35	Division 23-3E-4 S.M.A.R.T. Housing	X	GA														SMART	No	23-3E-4010 - 4090	SEE EXHIBIT ANDERSON-1	SMART housing needs to be strong. These adjustments come from Mark Rogers at GNDC and Nicole Joslin spent a lot of time going over them with me. They are better than what we have today.			
19.36	Division 23-3E-4 S.M.A.R.T. Housing		GA														SMART	No						

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
19.37	Division 23-3E-4	S.M.A.R.T. Housing	GA															SMART	No							
19.38	Division 23-3E-4	S.M.A.R.T. Housing	GA															SMART	No							
19.39	Division 23-3E-4	S.M.A.R.T. Housing	GA															SMART								
19.40	Division 23-3E-4	S.M.A.R.T. Housing	GA															SMART								
19.41	Division 23-3E-4	S.M.A.R.T. Housing	GA															SMART								
19.42	Division 23-3E-4	S.M.A.R.T. Housing	GA															SMART								
19.43	Division 23-3E-4	S.M.A.R.T. Housing	GA															SMART								

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			
19.44	Division 23-3E-4	S.M.A.R.T. Housing																												
A-19.44.1	Division 23-3E-4	S.M.A.R.T. Housing		X														TW			X									
19.45	Division 23-3E-5	Additional Affordable Housing Incentives																												
19.46	Division 23-3E-5	23-3E-5010 Additional Affordable Housing Incentives																			5010 (A)									
19.47	Division 23-3E-5	23-3E-5010 Additional Affordable Housing Incentives		X																										
19.48	Division 23-3E-6	Affordability Impact Statements																												
19.49	23-3F	Art, Music, and Culture																GA												
19.50																														

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				
19.51										<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>			
19.52										<p>23-3F-1060 Art, Music, and Culture Nomenclature and Definitions (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 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. 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. 			
19.53										<p>23-3F-1070 Codify of Agent of Change Principle.</p> <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. 			

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				
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: <ul style="list-style-type: none"> • 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. 		
19.55																			<ul style="list-style-type: none"> • Revise the density bonus program in targeted areas such as cultural districts by adding the preservation or creation of an existing creative venue or business as a Community Benefit. Density bonus fee-in-lieu requirements will be evaluated for 501(c)(3)s to promote emerging small non-profits. The existing density bonus provisions will be evaluated to determine if they can incorporate preservation or development of a music or creative venue that will be used for rehearsal, gallery, studio, performance, or exhibit spaces and offices. • The opportunity to expand live/work units will be found in all form-based code districts in order to promote the opportunity for the small businesses, including artists to be able to work where they live. The allowance of live/work units will be both within the uses regulated by the different form-based code districts but also in the regulation of building types to ensure the proper form to allow for live-work units. <p>[1] see https://codenext.civiccomment.org/chapter-23-3-general-planning-standards-all</p>		
19.56																			<p>The New Flex Industrial zoning may cover this....</p> <p>In 23-3F and in 23-2M In Division 23-4D-7: Commercial and Industrial Zones Accessory Use as a Theater or Art Gallery (as would be in 25-2-865, for example</p> <p>A) This section applies to the following uses and zoning districts: 1) LIGHT MANUFACTURING use with IP, MI, LI, CS, MU zoning district 2) LIMITED WAREHOUSE AND DISTRIBUTION use with IP, MI, LI, CS, MU zoning district 3) GENERAL WAREHOUSE AND DISTRIBUTION use with IP, MI, LI, CS, MU zoning district 4) ART WORKSHOP use with IP, MI, LI, CS, MU zoning district</p> <p>B) The use of the space as ART GALLERY and THEATER: 1. is a permitted accessory use 2. shall not exceed 33 percent or 5,000 square feet of the total floor area of the principal developed use, whichever is less</p> <p>C) During the Permitting Process the Council on appeal or Planning Commission may increase the square footage allowed under subsection B.</p>		

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	MUCKOLS	OLIVER	SCHISLER	SEGER	SHIEH	THOMPSON	WHITE	SHAW				BURKARDT	MENDOZA					TEICH
22.13	Division 23-4C-1 Large Site Requirements	X																	Parkland and Open Space		23-4C-1030 (B)	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.	No	common open space types described in table 23-4C-1030(A) are compatible in urban environments
22.14	Division 23-4C-1 Large Site Requirements	X																Parkland and Open Space		23-4C-1030 (C) (5)	(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.	Pending	text needs clarification	
22.15	Division 23-4C-1 Large Site Requirements	X																Parkland and Open Space		Delete 23-4C-1030 (E) (4) & (5)	(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 section. Required common open space cannot include areas occupied by mechanical equipment or structures not associated with designated recreation areas. (5) Up to 50 percent of the required common open space may be located on a roof, balcony, or other area above ground level, if a minimum of 50 percent of the common open space is located on the roof, balcony, or other area above ground level is designed as a vegetated or green roof.	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.	Neutral		
22.16	Division 23-4C-1 Large Site Requirements	X																Parkland and Open Space		23-4C-1030 ADD (I)	(I) 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.	Neutral	Need to revisit "partially complies" language in 23-4C-1030	
22.17	1040 Civic Open Space	X															TS	Civic Open Space	NO	1040 Civic Open Space (B) (3)	(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 be defined in terms of connectivity and be safe and walkable. Refer to section Division 23-4E-6: Specific to Use/6240- Multi-Family. This needs to take into consideration park deficient areas. If there is not a safe route to the Civic Space, then the exemption should not be allowed.		For i), PARD supports the existing 4-acre threshold for civic space, instead of the two acres proposed. PARD supports ii). PARD does not agree with iii). Civic space is not part of the park deficiency map unless it is dedicated as parkland; and is, therefore NOT permanent open space. Civic space provides a design criteria for open spaces on a property. If it is not not parkland, it may go away when the site is redeveloped.	
22.18	Division 23-4C-1 1040 Civic Open Space	X															TS	Civic Open Space	NO	1040 Civic Open Space (B) (4) (a) and (b)	(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.	No	no definition for safe pedestrian travel distance or means of measurement	
22.19	Division 23-4C-1 1040 Civic Open Space	X															TS	Civic Open Space	NO	1040 Civic Open Space (B) (5)	...at least a quarter acre	missing unit	Yes	errata	
22.20	Division 23-4C-1 Large Site Requirements	X																Parkland and Open Space		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	Civic space is a design standard that requires a publicly accessible location and well-designed open space. It does not require a public easement unless the land is counted for 23-3B.	
22.21	Division 23-4C-1 Large Site Requirements	X																Parkland and Open Space		23-4C-1040 (A)	(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.	No	the purpose is to work with projects at 4 acres or larger	
22.22	Division 23-4C-1 Large Site Requirements	X																Parkland and Open Space		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 include: 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.	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	
22.23	Division 23-4C-1 Large Site Requirements	X																Parkland and Open Space		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 5-10 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.	No	staff agrees with 10%	
22.24	Division 23-4C-2 Civic Open Space																								
22.25	Division 23-4C-2 Civic Open Space	X																Parking		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	Civic space is a design standard that requires a publicly accessible location and well-designed open space. It does not require a public easement unless the land is counted for 23-3B.	

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	MUCKOLS	OLIVER	SCHISLER	SEGER	SHIEH	THOMPSON	WHITE	SHAW				BURKARDT	MENDOZA					TEICH	GENERAL	SPECIFIC SECTION	
23.20	Division 23-4D-4 Mixed Use Zones																		Compatibility	No	Yes	General	In all the Compatibility Setback sections, add "width of alley should be subtracted from the compatibility setback"					
23.211	6060-6080; CC, UC, DC																		Compatibility	NO		Table 23-4D-XXX(B)- Building Placement	tbd	Review setback requirements related to compatibility with Residential House Scale				
A-23.211.1																							See Compatibility Exhibits 1-3: "Within 45' of the property line of any zone or use of R4C or lower, a use higher than R4C shall establish a vegetative buffer complying with the Environmental Criteria Manual. Within 25' and 50' of the property line of any zone or use of R4C or lower, the height of buildings is restricted to 25', notwithstanding any other provision of this code. Within 50' and 150' of the property line of any zone or use of R4C or lower, the height of buildings is restricted to 45', notwithstanding any other provision of this code. Within 150' and 225' of the property line of any zone or use of R4C or lower, the height of buildings is restricted to 45', notwithstanding any other provision of this code. However, building heights may reach up to 65' based on the affordable housing density bonus program. Within 225' and 360' of the property line of any zone or use of R4C or lower, the height of buildings is restricted to 65', notwithstanding any other provision of this code. However, building heights may reach up to 85' based on the affordable housing density bonus program."	If there is a "third rail" of Austin zoning politics that is dangerous for anyone (especially elected Council members) to touch, it's probably compatibility. PC needs to have the courage to address compatibility, as well as all other aspects of CodeNext, head on. The bottom line is this: Imagine Austin said our city will both increase density and preserve neighborhood character. Those who argue against either extreme now are just re-litigating IA, which just wastes PC's time. Neither density advocates nor neighborhood character advocates won all they wanted when IA was adopted. So both sides need to stop trying to take a second bit at the apple and re-litigate IA. Density advocates? Y'all lost because IA says to preserve neighborhood character. Neighborhood character advocates? Y'all lost because IA says to add density. The only option that makes sense is for CodeNext to balance between the two. This proposal does exactly that. It's time for everyone to stop demanding ideological purity and reach a pragmatic compromise instead.				
23.133	Division 23-4D All zones with compatibility setbacks																		Adjust compatibility	No	No	All zones with compatibility	Two version of compatibility: 1) Based on a 35 foot single family home built next door to a 50-foot-wide lot; (35' height at 25' distance; 50' height at 50' distance; 65' height at 75' distance; and 80' height at 100' distance; 2) for compatibility imposed on a project utilizing an affordable bonus, the compatibility is based on a 45 foot single family home built next door to a 50-foot-wide lot (45' height at 25' distance; 65' height at 50' distance; 85' height at 75' distance; 105' height at 100' distance)	This bases compatibility on the view of a 5-foot-tall person standing in the middle of their backyard, that would be no more restrictive than their view if a 35' tall single family home was built next door. The compatibility for affordable housing projects is similar, but with a 45' tall home built next door.				
23.3	Division 23-4D All Subsections	x																	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																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																											
23.6	Division 23-4D-1 Purpose																				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	
23.14	Division 23-4D-2 23-4D-2030 Use Tables																						x	Make coops MUP in R2B and up. And make Daycares 7-20 MUP in all R zones		No/Yes	Related to coops: 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 MUP in R zones; Staff supports daycares 7-20 having an MUP in residential zoning	
23.7	All Zones																									No	Add specific to use language for Bars/Nightclubs with same language as Restaurants when referring to distance and CUPs	
23.8																									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 23-4D-2070 through 23-4D-2210: R1-R4 Maximum Height Limit Amendment: Amend maximum height limit.	Okay with 35' overall due to consistency but disagree with other suggestions	Yes/No
23.10																								delete frontyard impervious regulation		No	purpose is to prevent full front yard pavement - if removed from D3, it will be removing a NP subset from some mcmansion areas, can	
23.11																								Encroachment table for Pools and Fountains		Yes	Make pool encroachments same as fountains in all Residential house scale zones	

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
23.47	Division 23-4D-2 Residential House-Scale Zones	X																	residential		GENERAL	SPECIFIC SECTION	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-21020(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.	No	R2D and R2E are the small lot zones, a new use seems redundant
23.48	Division 23-4D-2 2030- Allowed Land Uses and Permit Requirements	X																		NO				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	comment
23.49	Division 23-4D-2 2030- Allowed Land Uses and Permit Requirements																			NO				Group Home Removed.	N/A	comment
23.50	Division 23-4D-2 2030- Allowed Land Uses and Permit Requirements	X																		NO				Addenda - allowed cottage court in R4C and removed Townhouses from R4A and R4B.	N/A	comment
23.51	Division 23-4D-2 2040- Parking Requirements (Residential House Scale)	X																		NO		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)	X																		NO		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)	X																		NO		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) - ADUs 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.	No	staff supports not requiring parking for ADUs as incentive and furthering affordability capability
23.54	Division 23-4D-2 2040- Parking Requirements (Residential House Scale)	X																		NO		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.	No	staff does not support requiring more parking near schools
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	see above
23.56	Division 23-4D-2 2040- Parking Requirements (Residential House Scale)	X																	Residential use parking	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	No	staff supports the parking recommendations in D3 addendum
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 supports the parking recommendations in D3 addendum
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 similar 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.	No	Incorporated into CodeNEXT from neighborhood plan tool. Suggest changing applicability rather than removing completely.
23.59		X																	parking			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)		No	Parking structure regulations are different than Frontyard IC limits. Staff does not recommend changing parking.

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	MUCKOLS	OLIVER	SCHISLER	SEGER	SHIEH	THOMPSON	WHITE	SHAW	BURKARDT	MENDOZA	TEICH								
			GENERAL	SPECIFIC SECTION																						
23.112	Division 23-4D-2 Residential House-Scale Zones	X																residential		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.	Yes			
23.113	Division 23-4D-2 Residential House-Scale Zones	X																residential		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.	No	R2A zone matches existing conditions of duplexes on corners within neighborhoods, allows for consistent mapping, and encourages infill through ADUs within neighborhoods.		
23.114	Division 23-4D-2 Residential House-Scale Zones	X																residential		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." Table 4D-2102(G) Impervious Cover add "(2) Small Lot Impervious Cover 65% max, 55% building cover max	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.	No	Staff supports proposed R2D, R2E, R4 small lot zones.		
23.115	Division 23-4D-2 Residential House-Scale Zones	X																residential		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.	No	See above		
23.116	Division 23-4D-2 Residential House-Scale Zones	X																residential		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.	No	R3A matches lot size pattern of existing neighborhoods and can be mapped through future small area plans.		
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 unit 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.	Neutral	See above		
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.	Neutral			
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.	Yes	Footnote unclear. 3' limit should only apply to uncovered steps. Recommended language: Uncovered Steps may not exceed 3' above ground.		
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 limits.	No	Bonus available in R4.		
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.	No	R4C allows townhomes and therefore wider building.		
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) Facade(s), Table (D) (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.	No	R4 Zones are designed to be compatible with R2 and R3 in the urban core.		
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. i. 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.	Neutral	Unlikely to fit 4 or 8 units of the smallest lots sizes respectively.		
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.	Yes			

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
23.139																				Yes	All RM zone uses	Allow "Parking Facility" as a CUP use in all RM zones with the following design requirements specific to this use: (A) Screening: All areas used for parking, storage, waste receptacles or mechanical equipment shall be screened from a triggering property. Such screening may be a fence, berm or vegetation and shall be maintained by the property owner. Fences shall not exceed six feet in height. (B) Lighting: Exterior lighting shall be hooded or shielded so that it is not visible from a triggering property. (C) Noise: The noise level of mechanical equipment shall not exceed 70 db at the property line of a triggering property. (D) Waste: Waste receptacles, including dumpsters, shall not be located within 20 (or 50) feet of a triggering property. The City shall review and approve the location of and access to each waste receptacle. Collection of such receptacles shall be prohibited between 10 pm and 7 am. (E) From a parking structure facing and located within 100 feet of a triggering property: (1) Vehicle headlights shall not be directly visible; (2) Parked vehicles shall be screened from the view of any public right of way; and (3) All interior lighting shall be screened from the view of a triggering property. (F) No vehicle entrances or exits from parking accessible to a MS or MU property may be located within 100 feet of a triggering property.	This allows corridor-fronting MS and MU properties to acquire and jointly develop an adjacent RM property to better accommodate parking. The parking must be fully screened and there cannot be an exit to the parking within 100 feet of a triggering property. The idea is to allow the structure to cross the lot line but not have it be externally perceivable or impact nearby residential properties. Conditional Use Permit required to provide review of compliance with these requirements.	No			
23.140																				23-4D-3050	60% impervious cover allowed in RM1A for "Other Use" (more than SF)		No				
23.141	Division 23-4D-3	Residential Multi-Unit Zones																	No	23-4D-3050	"Option 1: Eliminate compatibility setback within 1/10 of a mile of an Imagine Austin corridor or Core Transit Corridor."	Multiple pages: 4D-2 pg. 91	No				
23.142	Division 23-4D-3	Residential Multi-Unit Zones																	No	23-4D-3050	Require R-Zone Table (D) (1) Primary and Accessory Building and Table (E) (2) Height Encroachment to apply in lieu of compatibility restrictions.	Small RM tracts under RM1A/RM1B would still be undevelopable under CodeNEXT like they are today due to compatibility. Maintains current code standards and provides flexibility to increase unit capacity while maintaining neighborhood character and scale.	No	Support removal of compatibility setbacks but height would need further discussion.			
23.143	Division 23-4D-3	Residential Multi-Unit Zones																	No	23-4D-3050	"Option 1: Eliminate compatibility setback, consider changing landscape buffer to semi-opaque. Option 2: 1. Eliminate additional setback if Intermittent Visual Obstruction Buffer (20 ft) is kept 2. Reduce landscape buffer height to 23-4E-4100 (Semi Opaque Buffer, 6 ft) and reduce setback to 15 feet on side and rear 3. Eliminate additional setbacks and just have Semi-Opaque Buffer 4. Change which residential house scale zones trigger compatibility - ie R4A & R4B with MF allowed should not trigger compatibility for other MF"	Compatibility is one of the key drivers of the reduction of housing yield.	No	Option 1 not recommended. Option 2, reducing setback to 15' and requiring more intense buffer, open to discussion (Option 2.2).			
23.144	Division 23-4D-3	Residential Multi-Unit Zones																No	23-4D-3050	Eliminate compatibility setback within 1/10 of a mile of an Imagine Austin corridor or Core Transit Corridor when an affordable housing bonus program is sought.	Multiple pages: 4D-2 pg. 91	No					
23.145	Division 23-4D-3	3050 - 3090; RM1A-RM5B																NO	3050 - 3110; RM1A-RM3B; 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 Compatability working group.	Yes	Staff supports measurement from triggering property line. Recommend 30 ft instead of 25 ft.				
23.146	Division 23-4D-3	3050 - 3090; RM1A-RM5B															NO	3050 - 3110; RM1A-RM3B; 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.	No						
23.147	Division 23-4D-3	3050 - 3090; RM1A-RM5B															NO	3050 - 3090; RM1A-RM3B; Table 23-4D-XXXX(G), (H) 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.	No	See addendum					
23.148	Division 23-4D-3	Parking and Loading															no	Section 23-4E-3060 A	(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.	Same language appears in current code but was dropped from latest draft.	No	Removed intentionally.					
23.149	Division 23-4D-4	Parking and Loading															no	Section 23-4E-3060 A	One space for each on-street metered parking spaced located w/n 250 feet of the site, measured as the shortest practical and legal walking distance to the nearest principal entrance of the site.	One reason for metering parking is to ensure turnover, so that a space will generally be available when needed. The council approved this language on first reading on 12/11/14 (Resolution 20131024-058)	No	Parking districts would best implement this reduction.					
23.150	Division 23-4D-3	Residential Multi-Unit Zones															No	23-4D-3070	Either, eliminate setback, eliminate landscape buffer, or eliminate stepback. It's the combination that makes no sense. These clauses need to be looked at together.	In this zone the height is limited to 40 feet and there is a 20 tall landscape buffer, so limiting the building to 2 stories or less than the buffer makes no sense, especially since the height is limited to 2 stories for 25 feet from property line but the setback is 20 ft from side lot and 30 from rear, so you can't even use that.	No						

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	MCKGOLS	OLIVER	SCHISLER	SEGER	SHIEH	THOMPSON	WHITE				SHAW	BURKARDT					MENDOZA	TEICH	GENERAL	SPECIFIC SECTION
23.151	Division 23-4D-3 Residential Multi-Unit Zones																		Multi-Family	No	No	23-4D-3070	Either, eliminate setback, eliminate landscape buffer, or eliminate stepback. It's the combination that makes no sense. These clauses need to be looked at together.	Max height is 40 feet, yet limited to 35 feet until 50 feet from property line and then up to 40. Seems silly given that you can probably get three stories in 35 feet and there is a 20 foot buffer. This is only 5 feet higher than the adjacent SF.	No		
23.152	Division 23-4D-3 Residential Multi-Unit Zones																		Multi-Family	No	No	23-4D-3070	Either, eliminate setback, eliminate landscape buffer, or eliminate stepback. It's the combination that makes no sense. These clauses need to be looked at together.	Same issue of previous section as the graduated height went up to 100 feet from property line. Applicable to RM2B, RM3A, MU3A&B, MU4A, MS3A, MS3B.	No		
23.153	Division 23-4D-3 Residential Multi-Unit Zones																		Multi-Family	No	No	23-4D-3070	Either, eliminate setback, eliminate landscape buffer, or eliminate stepback. It's the combination that makes no sense. These clauses need to be looked at together.	Same issue of previous section as the graduated height went up to 50 feet from property line for both MU2A&B and MS2A-C.	No		
23.154	Division 23-4D-3 3050 - 3090; RM1A-RM5B																		RM2A, RM2B, RM3A, RM4A, and RM5A Compatibility Height Stepbacks	NO		3070 - 3110; RM2A-RM5A; Table 23-4D-XXXX- Height (4) Compatibility Height Stepback	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.	No	Staff supports information within each zone.	
23.155	Division 23-4D-4 Mixed-Use Zones																										UTC: Exempt from Comp Std w/in 1/4 mile of transit/A corridors
23.156	Division 23-4D-4 Mixed-Use Zones																		Corridor and Centers	No		23-4D-4 All MU Zones	Increase overall height maximums in all MS zones: MU1A, MU1B: 32' to 52' MU1C, MU1D, MU2A: 45' to 65' MU2B, MU3A, MU3B: 60' to 80' MU4A, MU4B: 60' to 80', 120' with AHBP Bonus MU5A: 100'	In order to properly absorb density along our corridors, we must increase overall height maximums in proposed corridor and center zoning types	No		
23.157																			Adjust compatibility and height for MU1	No	No	MU1A-MU1D	The setback when adjacent to an R zone property is changed to 10 ft for all MU zones. The height is restored to 40'. Stepback heights 10'-20' from lot line are 25', 20'-25' from lot line is 35', and full height is allowed at 30'.	This restores compatibility to more closely mimic a legal single family home next door, restores the entitled height under current zoning, and removes articulation requirements from walls hidden behind a required vegetative screen.	Yes/No	Support reducing setback in MU1A/B which have the same height restrictions as Rzones. In MU1C/D, open to reducing side setbacks.	
23.158	Division 23-4D-4 4030 - Allowed Uses and Permitting Requirements																		Uses	NO		Table 23-4D-4030(A)		ADDENDA: Added Townhouses as permitted use to zones MU3, MU4 and MU5		Commentary	
23.159	Division 23-4D-4 4030 - Allowed Uses and Permitting Requirements																		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.		Commentary	
23.160	Division 23-4D-4 4030 - Allowed Uses and Permitting Requirements																		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.		Commentary	
23.161	Division 23-4D-4 4030 - Allowed Uses and Permitting Requirements																		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	No	Specific to use standards clarifies when use if P vs. CUP.	
23.162	Allowed Uses																		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	No	Zones are designed for small buildings.	
23.163	Allowed Uses																		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	Neutral		
23.164	Division 23-4D-4 Mixed-Use Zones																		Corridor and Centers	No	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.	No		
23.165	Division 23-4D-4 4040 - Parking Requirements																		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.	Yes	Addendum matches suggestion	
23.166	Division 23-4D-4 4040 - Parking Requirements																		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.	Yes	Addendum makes parking requirements consistent for schools.	
23.167	Division 23-4D-5 Parking and Loading																		Parking	No	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.	No	MS zones intended for more walkable development.	
23.168	Division 23-4D-4 Mixed-Use Zones																		Process	No	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.	Pending	Needs law review	
23.169	Division 23-4D-4 Mixed-Use Zones																		Process	No	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.	Pending	Needs law review	
23.170	Division 23-4D-4 4060-4160; MU1A - MU5A																		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.	No	see above	
23.171	Division 23-4D-4 4060-4160; MU1A - MU5A																		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.	No	see above	

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	MCKGOWAN	MUGKOLS	OLIVER	SCHISLER	SEGER	SHIEH	THOMPSON	WHITE									SHAW	BURKARDT	MENDOZA	TEICH
23.172	Division 23-4D-4	4060-4160; MU1A - MU5A																	MU2A, MU2B, MU3A, MU3B, MU4A, MU4B, MU5A Compatibility Height Stepbacks	No	GENERAL	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.	No	see above	
23.173	Division 23-4D-4	Mixed-Use Zones																	Add Microbrewery and Live Music Venue as permitted use in all MU zones	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.	No		
23.174																			Adjust compability for MU1	No	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.	Yes/No	Support reducing setback in MU1A/B which have the same height restrictions as Rzones. In MU1C/D, open to reducing side setbacks.	
23.175	Division 23-4D-5	Main Street Zones																									UTC: Exempt from Comp Std w/in 1/4 mile of transit/A corridors
23.176	Division 23-4D-5	Main Street Zones																	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.	No	Articulation requirements were calibrate for the Main Street zones	
23.177	Division 23-4D-5	Main Street Zones																	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.	No	5' is the minimum required from the utility departments. The intent is still for buildings to be placed at the back of sidewalks	
23.178	Division 23-4D-5	Main Street Zones																	Corridor and Centers	No		23-4D-5 All MS Zones	Increase overall height maximums in all MS zones: MS1A, MS1B: 35' to 55' MS2A, MS2B, MS2C: 45' to 65' MS3A, MS3B: 60' to 80', 120' with AHBP Bonus	In order to properly absorb density along our corridors, we must increase overall height maximums in proposed corridor and center zoning types	No	The proposed heights would go against the intent of the MS1 and MS2 zones. If there is a desire for a taller MS zone district this is a possibility.	
23.179																			Adjust compability and height for MS1	No	No	All MS1 zones	The setback when adjacent to an R zone property is changed to 10 ft for all MU zones. The height is restored to 40'. Stepback heights 10'-20' from lot line are 25', 20'-25' from lot line is 35', and full height is allowed at 30'.	This restores compatibility to more closely mimic a legal single family home next door, restores the entitled height under current zoning, and removes articulation requirements from walls hidden behind a required vegetative screen.	No		
23.180																			Create MS3C, MS4A, and MSSA zones	Yes	No	New sections	Create new MS3C, MS4A, and MS5A zones with 60' of base height bonuses 180' of height, 275', and uncapped, respectfully, with bonus IC/BC of 95/90, uncapped units, and uncapped FAR.	If the CC zone is going to be restricted to downtown, we need MS zoning that goes very high as an option for mapping.	?	Proposed MS zones with taller heights should be limited to IA centers, alternative would be to allow UC in all Imagine Austin centers, noit just Imagine Austin regional centers	
23.181	Division 23-4D-5	Main Street Zones																	Corridor and Centers	No	No	23-4D-5 All MS Zones	Eliminate building articulation requirements. E.g. Table 23-4D-5060(C)(2)	On every main street in the world, main street buildings are placed side-by-side and expand to the entire envelope of the lot, creating an active pedestrian experience. This is best practice. As such, articulation should be eliminated in all MS zones.	No		
23.182	Division 23-4D-5	Main Street Zones																	Corridor and Centers	No	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.	No	5' is the minimum required from the utility departments. The intent is still for buildings to be placed at the back of sidewalks	
23.183	Division 23-4D-5	Main Street Zones																	Corridor and Centers	No		23-4D-5030	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.	No	Uses in MS zones stagger based on integrating Cos	
23.184	Division 23-4D-5	Main Street Zones																	Parking All Zones except RC			23-4D-2040, 23-4D-3040, 23-4D-4040, 23-4D-5040 Parking		Reduced parking citywide will create safety and welfare problems. Applying a citywide rule will damage our neighborhoods and the areas surrounding public/private schools. The neighborhood's welfare damage is from no parking requirements for the first 2,500 sq. ft. adjacent to Main Street uses. AISD has repeatedly requested COA to reinstate Chapter 25 parking requirements around schools for the safety of children. A one-size parking scheme does not work in residential areas outside the City Core with no alternative transportation modes just automobiles. Reevaluate parking requirements.	No		
		allowable uses																	TW			23-4D-5030(A)	Level 1 Night club & Restaurant w/alcohol sales CUP in MS1B; MS2B; MS2C	see exhibit Table 23-4D-5030 (A) for more clarity	Neutral		
		allowable uses																	TW			23-4D-5030(A)	Micro-Brewery/Micro-Distillery/Winery CUP in MS1B; MUP in MS2B; MS2C	see exhibit Table 23-4D-5030 (A) for more clarity	Neutral		
		allowable uses																	TW			23-4D-5030(A)	General Retail>5000 & <10,000 & w/onsite production MUP in MS1B; MS2B; MS2C	see exhibit Table 23-4D-5030 (A) for more clarity	Neutral		
		allowable uses																	TW			23-4D-5030(A)	Outdoor Formal CUP in MS1A; MS1B; MS2A MS2B; MS2C	Outdoor Formal includes shooting ranges, paintball courses, batting cages etc. see exhibit Table 23-4D-5030 (A) for more clarity	Neutral		
		allowable uses																	TW			23-4D-5030(A)	Community Agriculture P in MS1A; MS1B; MS2A MS2B; MS2C	I understand having a MUP for the higher intensity MS zones but why would we discourage a community garden if that's what the owners feel is appropriate for the site; see exhibit Table 23-4D-5030 (A) for more clarity	Neutral		
23.190																			Parking Reqs	No			The parking requirements for MS zones include a 2,500sf exemption for most uses. (Table 23-4D-5040(A), Parking requirements for MS1A-MS3B.) The parking requirements for Mixed Use zones do not, except for offices. (Table 23-4D-4040(A) Off-street Parking Requirements for Mixed-Use Zones.)	Solution: Incorporate the 2500sf exemption for MS into MU zones.	No		

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				
A-23.206.2	CC																	X		Revise CC zones to allow exceptions for small sites downtown.	Create exceptions for small sites downtown. DC and CC zones are required to have a minimum of 60% (or 75% on designated streets per the Downtown Plan Overlay Zone) of their street frontage in approved active commercial or civic uses. 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 the intent is to provide more active pedestrian frontage, consider reducing the amount of required frontage, creating an exception for small sites, or allowing building support spaces (AE vault, fire pump, etc.) to be located directly on the ROW.			
A-23.206.3	CC																	X		Revise CC zones to increase heights & FAR.	Increase CC sub-zone height limits and FAR maximums to better match or exceed allowable density under existing code. Consider adjusting height limits to better accommodate common floor-to-floor heights: 40ft to 50ft (4 floors); 60ft to 75ft (6 floors), 80ft to 90ft. Height limits proposed do not align with common building heights based on standard floor-to-floor heights plus taller retail spaces on first floor. Regulating maximum number of floors may be more flexible to limiting building height without penalizing buildings providing generous floor-to-floor heights			
23.207	6030 - Allowed Uses and Permitting Requirements																			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 discuss changes to P, CUP, MUP permitting and Specific to Use Requirements that should be added.	?	
23.208	Division 23-4D-6 6030 - Allowed Uses and Permitting Requirements																			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	No	Specific to Use clarifies P and CUP
23.209	Division 23-4D-6 6030 - Allowed Uses and Permitting Requirements																			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	No	Specific to Use clarifies P and CUP
23.203	Division 23-4E-5 Specific to Use																			Section 23-4D-6030	After "Max 550 sf on a second floor," add "unless located within the primary structure."	Size limited 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.	Yes	
23.204	Division 23-4D-6 Regional Center Zones																			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.	No	Parking Facility is defined in 23-3M page 13A-2 pg. 10. Do not recommend changing definition
23.205	Division 23-4D-6 Regional Center Zones																			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'.	Neutral	Alternative is to allow up to 30 feet in particular situations but not all.
23.210	Division 23-4D-6 6040 - Parking Requirements																			Table 23-4D-6040(A)		No parking required. Isn't this where we would want parking maximums?	No	If we create a maximum then we need to state a clear maximum, pick a number or reference other zones like main street
23.212	Division 23-4D-6																			23-4D-6040		Retain no parking requirements in RC zones	N/A	comment
23.213	Division 23-4D-6 23-4D-6060(A) Lot Size and Intensity																			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.	No	Will need discussion about the effects on potential density bonus ramifications
23.214	Division 23-4D-6 Regional Center Zones																			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.	No	23-4D-6060(B) refers to compatibility setbacks
23.215	Division 23-4D-6 23-4D-6060(B) Building Placement																			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.	Yes	Clarification regarding setbacks in CC zones and Downtown Plan Overlay have been addressed in the addendum.

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
			GA						JSc																	
23.216	Division 23-4D-6 Regional Center Zones	X																		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.	Neutral	Will require a recalibration of the downtown density bonus program and a change to the DAP.		
23.217	Division 23-4D-6 Regional Center Zones	X																		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.	Neutral	Will require a recalibration of the downtown density bonus program and a change to the DAP.		
23.218	Division 23-4D-6 Regional Center Zones	X																		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."		No	Process for license agreement resides outside of the LDC.		
23.220	Division 23-4D-6 Regional Center Zones	X																		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.	Neutral	staff would support a motion to reduce maximum for smaller sites		
23.221	Division 23-4D-6 Regional Center Zones	X																		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.	Neutral	staff would support exception		
23.222	Division 23-4D-6 Regional Center Zones	X																		23-4D-6060(H) Impervious Cover	Increase impervious cover and building cover maximums to 100%.	Bring entitlement back to match existing code	Yes	Staff supports aligning CC with current code IC and BC standards		
23.223	Division 23-4D-6 Regional Center Zones	X																		23-4D-6080 (A) Lot Size and Intensity	Change DC zone FAR max to 12:1.		Neutral	Will require a recalibration of the downtown density bonus program and a change to the DAP.		
23.224	Division 23-4D-6 Regional Center Zones	X																		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.	Yes	language referencing IF has been updated to reference the Downtown Overlay 23-4D-9070; full development standards may not be attainable due to the need for additional utility or right of way easements		
23.225	Division 23-4D-6 Regional Center Zones	X																		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.	Neutral	see line 23.220		
23.226	Division 23-4D-6 Regional Center Zones	X																		23-4D-6080(I) 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.	No	Coordination with AE would be required.		
23.227	Division 23-4D-6 Regional Center Zones	X																		23-4D-6080(K) Additional Compatibility	Add "except for additional setbacks or height setbacks."	To better align this with 23-4D-6080(B)(2), add "except for additional setbacks or height setbacks."	No	Section 23-4D-6080(B)(2) has been corrected in the addendum to reflect Downtown Plan Overlay Zone additional setback standards		
23.228	Division 23-4D-7 Commercial and Industrial Zones	X																							-	
23.229	Division 23-4D-7 Commercial and Industrial Zones	X																			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.	No	The staff recommendation of 15,000 barrels for microbreweries falls within national standards for microbreweries/ brewpubs. Large scale breweries are only permitted within the higher intensity industrial zones and are not capped on production		
23.230	Division 23-4D-7 Commercial and Industrial Zones	X																							-	

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	MUCKOLS	OLIVER	SCHISLER	SEGER	SHIEH	THOMPSON	WHITE	SHAW				BURKARDT	MENDOZA					TEICH	GENERAL	SPECIFIC SECTION								
23.244																				No	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.	No	Staff does not recommending adding regulations regarding F25.										
24 Article 23-4E Supplemental to Zones																																			
24.1	Division 23-4E-1 Private Frontages																																		
24.2																																			
24.3	Division 23-4E-1 Private Frontages																		No	No	23-4E-1040 and 1060	Delete "Stoop"; revise "Porch: Projecting" to stoop minimum dimensions of 5' width (clear) and 5' depth (clear); maintain other porch regulations	The differentiation between stoops and porches seems arbitrary and unnecessarily complicates the code.	Neutral	Porch is intended for areas with front yards while stoops are intended for more urban areas										
24.4	Division 23-4E-1 Private Frontages																		No	No	23-4E-1040 (A)	Delete "furniture areas" and "clear path" of travel mandates in Table 23-4E-1040(A)	Overly prescriptive furniture area dimensions; does not allow for flexibility to work around various site conditions like trees. For example, stair leading up a porch to the front door would not be allowed, as the required "furniture area" forces the porch to be offset.	Yes	Okay as long as other deminsions are maintained										
24.5																					23-4E-1040 - 1080	C. ... fence that does not exceed FOUR feet....	3' is too short for privacy, safety, and can cause conflicts between codes... this is fence not a handrail - change to 4'	Neutral	3' is to ensure an aesthetic fence, but staff could be okay with 4' if it's the desire of a front fence to provide more safety										
A-24.5.1	porches																		X				Allow Engaged Porches open only on one side. The restriction that an Engaged Porch must be open on two sides prohibits an architectural strategy to recess the porch entirely in the front façade, with interior spaces projecting on either side (similar to the Stoop frontage). This architectural strategy is not incompatible with other frontages in residential zones and maintains a similar street frontage. Therefore, this type of porch should be allowed. The code should not dictate architectural style.												
24.6	Division 23-4E-2 Outdoor Lighting																																		
A-24.6.1																																			
24.7	Division 23-4E-3 Parking and Loading																																		
24.8	Division 23-4E-3 Parking and Loading																		Yes		Remove all parking minimums	Places as diverse as Mexico City and Buffalo NY are dropping parking requirements. Just like downtown Austin (where there are no requirements) it doesn't mean parking doesn't get built. Just that developers let the market determine how many to build.	No	maintaining parking minimum is part of the Austin Bargain											
A-24.8.1	Parking and Loading																		X				Consider scalable Parking Lot Landscaping standards. The Parking Lot Landscaping standards, particularly the Tree Island frequency standard, are too restrictive for small-scale, low-intensity Mixed-Use and Main Street zones. For these smaller lots, a parking lot may only need nine or ten spaces, but the Tree Island frequency requirement of every 8 parking spaces may result in the loss of area for a parking space within the width of the lot. At this scale, the loss of even one parking space can be detrimental to development, and the addition of Impervious Cover for the drive-aisle to access spaces further away is significant. Moreover, developments of this scale are most often in well-developed neighborhoods where mature trees exist along the side property lines. A proximity standard may be more appropriate.												
24.9	3020 - Applicability																		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.	N/A	comment											
24.10	Division 23-4E-3 Parking and Loading																		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.													

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	MUCKOLS	OLIVER	SCHISLER	SEGER	SHIEH	THOMPSON	WHITE	SHAW	BURKARDT				MENDOZA	TEICH					GENERAL	SPECIFIC SECTION
24.42	6160 - Duplex		x																		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.	No	staff supports reducing too prescriptive duplex design standards from today's code to continue with concept of simplicity			
24.43			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.	No	Staff does not support complete removal but does support adding language suggested on line xxx that removes this standard from internal or attached ADUs; staff can also support exempting ADUs not in the back of the lot from this standard			
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.	No	signs allowed in residential house scale is limited and staff does not believe they will disrupt the fabric of a neighborhood			
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.	No	block sizes differ among neighborhoods and areas of town, so there are times when it is appropriate for townhomes to only cover a portion of a block or live on the same street as a single house			
24.46																						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																						(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.	Yes/No	Live/ Work is only permitted in Multi-unit Residential and Main Street zones. In both zones, 1 space per unit is required. Live/ Work is a residential use, and does not receive the 2500 sf parking reduction that is permitted for MS commercial uses Staff supports requiring landscaping for all projects that meet the criteria stated in 23-4E-4 (landscaping). If the project does not meet the applicability requirements, it would be exempt.			
24.48			x																			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 zonewhile only an MUP in R zones (residential).	Yes	In the addendum, Item D relating to three employees was eliminated, and Item F was modified to "The sale of merchandise directly to a customer on the premises is prohibited." Additionally another provision was added that limits home occupation to generating no more than 4 vehicular trips each day (which includes trips to and from the site, essentially limiting customers to 2).			
24.49	Group Residential		x																				Need standards for co-operative housing.		same motion as line 24.41			
24.50	6240- Multi-Family		x																			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.					
24.51	6310 -Restaurant Late Night Operation		x																			CORRECTION NEEDED: Section 4-9-4	No section 4-9-4 can be found.	No	This refers to City code Chapter 4-9-4 Minimum Distance From Certain Uses, not house inside the LDC			
24.52	6310 -Restaurant Late Night Operation		X																			(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?	No	Restaurants w/it Late Night Operations are regulated through the Use Charts in 23-4D			
24.53	23-4E-6340 Short Term Rentals							KM														Eliminate Short Term Rental as a legal use	In order to make existing housing stock available to serve Austin's "dire housing shortage"	No	not sure if we can legally do this			

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
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.		Code Citations: •Current code: 25-4-233 "Single-Family Attached Residential Subdivision" •Code Next: 23-5C-2060 "Single-Family Attached Lots" The concept of the "small lot subdivision" is no longer applicable. Instead, the minimum lot size varies by zone and the subdivision chapter does not regulate lot size, except in the ETJ. In the same manner, if the applicable base zone allows single-family attached dwellings, the subdivision chapter should not impede the creation of those type of lots. The applicable zone will also regulate the lot size, setbacks and impervious cover standards. Those standards are no longer in the subdivision chapter. The definition of Single-Family Attached is located in 23-13A 2030 "Land Uses". There is no definition for "small lot" because that term is no longer used.
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.	Neutral	this appears to be language added to Specific to Use that pertains to Cooperatives, need to be sure it does not conflict with definition of cooperative housing	
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 Title. 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.		This is going to require coordination with NHCD on addressing the AHBP aspects, ramification, and necessary language of the motion	
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	Neutral	Depth solidifies the size of the open space but staff can support only having one demission, so long as we maintain some form of open area requirement	
24.59	Division 23-4E-6 Specific to Use	X																AH	Residential		23-4E-6150 (A)	Table 4E-6150 (A) Cottage Court Requirements Area 1,000 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.		need more clarification on where the language is that this motion refers to, also clarity on how the motion defines the adjustment for 3 unit cottage courts	
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.	yes	to allow for more flexibility and for cottage courts to be a viable product, staff can support a 10' minimum on thinner lots	
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.		see above	
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.	No	this language can be clarified to say that on corner lots the pedestrian main entrance needs to be accessible from at least one front street, though the concept of the open space is to have pedestrian access and it seems reasonable that a corner lot would have some kind of path or access from both streets	
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.	Neutral		
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.	yes	to make development more viable and keep costs down	

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
24.65	Division 23-4E-6 Specific to Use	x	AH															Affordability	No	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.		same motion as line 24.55	
24.66	Division 23-4E-6 Specific to Use	x	AH															Affordability	No	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 Title. 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.		same motion as line 24.56	
A-24.66.1	Schools	X														TW		schools	X	X		Amend Section 23-4E-6320 School to incorporate corrections submitted by Susan Moffat as vetted by the law department. Please see exhibit	Amend Section 23-4E-6320 School to incorporate corrections submitted by Susan Moffat as vetted by the law department. Please see exhibit			
24.67	Division 23-4E-6 Specific to Use	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.		same motion as line 24.43	
A-24.67.1	23-4E-6	x								PS								Definitions			23-4E-6xxx	Add definition for Cooperative Housing	Need to understand and define difference between group residential and coops.			
24.68	Division 23-4E-7 Additional General Standards																									HLC: Use Front Yard setback of block, add new language to match bklidg 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												Affordability	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.	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.	Neutral	Not limiting the cooperative occupancy to 4 would allow them to be more feasible, NEED TO DISCUSS	
24.70	Division 23-4E-7 Additional General Standards									JSh								Dwelling Unit Occupancy Limit			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	Neutral		
24.71	Division 23-4E-7 Additional General Standards	x								JSh													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		commentary	
24.72	Division 23-4E-7 Additional General Standards	X	GA	AH														Coops	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:... 23-4E-7040 (D)(4) The requirements of this subsection do not apply if a site has a Cooperative Housing land use designation. 23-Se-7040 (G) Maximum Occupancy for a Site with Cooperative Housing. Not more than two unreleated 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	no	In a housing crisis it is not staff's opinion to further restrict occupancy limits	
24.73	Division 23-4E-7 Additional General Standards	X	GA	AH														Affordability	No		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	no	there are grandfathering rights that are associated with these dates (need confirmation)	

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	
26.2		1050 - Variance Determination		x															TS	Large Residential and PUD platting requirements	NO	1050	(B) Variance Criteria for Specially Approved Development.(1) If a preliminary plan or final plat is associated with a mass housing project, a planned unit development, or a similar specially approved development, the Land Use Commission may grant a variance from a requirement of Article 23-5C (Platting Requirements) if the Land Use Commission determines that: Consent disapprovals for subdivisions may be set to either land use commission for review and action.	remove special variance for PUDs. PUDs should demonstrate criteria in 1050 (A) for variance.	neutral	This is from the current code. The item is to remove impediments to affordable housing projects.			
A-26.2.1																			JSh			23-5B-							
A-26.2.2		1100		x															TS	Plat Notes	NO	23-5B-1100 Plat Notes	(B) General Standards. City of Austin Land Development Code Draft 3 February 2018 5B-1 pg. 7 General Requirements 23-5B-1100 (1) The director may not require a notation on a plat unless the note is directly related to the subdivision of land and necessary to ensure compliance with the requirements of this Title. A plat may not contain notations other than those required or allowed by the director. (2) Other than engineering notes, <u>topographical information</u> , and other required technical information, plat notations required by the City shall be limited to the dedication of easements, parkland, and common areas and to the provision of facilities and other infrastructure to serve development within the plat. (3) If a regulation imposes a buffer or similar non-dedicatory limitation on development within the plat, the director may require <u>building setback lines</u> and an informational plat note describing the general nature of the requirement and referencing the appropriate City department or other official resource for more detailed information. (C)Parkland Dedication. (1) In approving a subdivision that is required to dedicate parkland under Article 23-3B (Parkland Dedication), the director must may require a notation on the plat indicating that land has been dedicated or a fee in-lieu paid as required by that article.	23-5B-1100 Plat Notes Delete the last sentence, "A plat note may not contain notations other than those required or allowed by the director." Reason: Could create unnecessary delay for the applicant. Subsequent subsections in the plat notes contain plat note requirements. 23-5B-1100 (2) Add topographical information and restrictive covenants between "engineering notes" and "other requirements." Reason: Topographical information is critical to drainage calculation. 23-5B-1100 (3) Add building setback lines. 23-5B-1100 Change "may" to "must." Reason: The local government code 212.004 requires that the dimensions of parkland be noted on the final plat. 23-5B-2080 D Add the word "residential" between the words a change in land use for up to 25% of the land area included in a preliminary plan.					
A-26.2.3	TS	1100																TS				(2) If an application for a preliminary plan or final plat is submitted for a non-residential development that is exempt from parkland dedication under Section 23-3B-1010(Purpose and Applicability), the director must may require a plat notation stating that any subsequent residential development within the subdivision may be required to dedicate parkland or make payment in-lieu of dedication as required by Article 23-3B (Parkland Dedication) or other applicable ordinance. (3) If a plat note prohibiting residential uses was required by the City of Austin in order to document an exemption from parkland dedication for a non-residential subdivision on or after July 25, 1985, the applicant must may amend the plat in order to conform the notation authorized by this subsection.							
26.3	Division 23-5B-2	Preliminary Subdivision Plan	C																										
26.4	Division 23-5B-3	Final Subdivision Plat																											
26.5	Division 23-5B-4	Changes to Recorded Plats	C																										
26.6	Division 23-5B-5	Subdivision Construction Plan																											
27	Article 23-5C Platting Requirements																												
27.1	Division 23-5C-1	Property Markers, Easements, and Alleys		x																		23-5C-1020	Easements for public utilities and drainage ways shall be retained in all subdivisions in the widths and locations determined necessary by the director. All easements <u>as defined by the criteria manual</u> shall be dedicated to public use for the named purpose and shall be aligned to minimize construction and future maintenance costs.	This clarifies the section	neutral				
27.2	Division 23-5C-1	Property Markers, Easements, and Alleys															JSc												
27.3	Division 23-5C-2	Lots																											
27.4		2040 Flag Lots															KM						Eliminate all entitlements to create Flag Lots inside the city as well as in the ETJ.	Flag lots set up new intrusive patterns in existing neighborhoods and require special agreements in greenfield development . These configurations crowd trash and traffic on to narrow flag poles. Small lot entitlements in certain zones can accommodate the desired density without intrusions to existing neighborhoods. Some areas have deed restrictions that are being ignored.	no	Flag lots are an important tool to address affordability, encourage infill and fight sprawl. The current code allows flag lots by-right for unplatted land, but requires a variance for platted lots when resubdividing. This is not a best practice. Staff's recommendation is to remove the variance requirement, but retain all other current standards. The following standards will remain: • Driveway/utility plan for residential lots. • Minimum lot width (20') with option for narrower width (15') with shared access. • Addresses for flag lots posted at closest point to street access. • The flag portion must meet minimum requirements of the applicable zone (size, width, etc). The pole does not count toward lot size.			
27.5	Division 23-5C-2	Lots		x												AH FK					JSc	Lot Size	No	23-5C-2020 (B)(1)	Lower the minimum lot size to 2,500 sq ft and 3,000 sq ft on a corner lot	The cost of land is a driving factor in household unaffordability.	neutral	This is only applicable in the ETJ of Williamson, Hays and Bastrop Counties. Lot sizes in those areas are more commonly determined by county requirements for septic systems and wells.	
27.6	Division 23-5C-2	Lots		x											AH FK					JSc	Lot Size Affordability	No	23-5C-2020	DELETE section 23-5C-2020	The cost of land is a driving factor in household unaffordability.	neutral	refer to comments on item 27.5		
27.7	Division 23-5C-2	2040- Flag Lots		x																TS	Flag Lots		2040	[See RWG recommendations]	Flag lot requirements provided. No variance required. This is identified as a way to remove barriers to missing middle housing. Flag lots should require an MUP at a minimum.	no	An MUP can not be used to create a lot. It can only be used to allow a use on a platted lot. Refer to 23-		

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	MUCKOLS	OLIVER	SCHISLER	SEGER	SHIEH	THOMPSON	WHITE	SHAW				BURKARDT	MENDOZA					TEICH	GENERAL	SPECIFIC SECTION
27.8																		Jsh		flag lots			23-5C-2040	D. REINSTATE THAT IT REQUIRES VARIANCE FROM LAND USE COMMISSION		no	refer to comments on item 27.4
A-27.8.1	2040 Flag Lots	x															PS		Flag Lot Variance			23-5C-2040	Restore Variance requirement to all Flag Lots	Add Variance requirement for Flag Lots back into code.Originally initiated from ZAP to assist certain neighborhoods in core Austin voice public opinion			
27.9	2060-Single Family Attached																						Delete this use	This was called Small Lots in Version 2 and it was not clear what zones is this allowed? The name has been changed to single-family attached lots. What comments to version 2 drove the need to add this to the code?	no	The concept of the "small lot subdivision" is no longer applicable. Instead, the minimum lot size varies by zone and the subdivision chapter will not regulate lot size, except in the ETJ. In the same manner, if the applicable base zone allows single-family attached dwellings, the subdivision chapter should not impede the creation of those type of lots. The applicable zone will also regulate the lot size, setbacks and impervious cover standards. Those standards are no longer in the subdivision chapter. The definition of Single-Family Attached is located in 23-13A 2030 "Land Uses". There is no definition for "small lot" because that term is no longer used.	
27.10																	Jsh		Single Family Attached			23-5C-2060		C CCRS approved by City Attorney... spell out the requirements... need general language about operations and maintenance... possibly HOA creation... we call out the technical parts but that is it	neutral		
A-27.10.1	2080	x																TS	Changes to Approved Preliminary Plan	NO		23-5B-2080 D	(D) Changes Approved by Commission. For a preliminary plan approved on or after October 28, 2013, an applicant may request that the Land Use Commission approve a residential change in land use for up to 25 percent of the land area included in the preliminary plan. The Commission may approve the request if it finds that the change would not significantly increase the amount of right-of-way required to be dedicated or otherwise impair the orderly planning of roads, utilities, drainage, and other public facilities.	23-5B-2080 D Add the word "residential" between the words a change in land use for up to 25% of the land area included in a preliminary plan. Reason: This requirement was put in to make it easier for an applicant to change single-family residential lots to small lot single-family residential lots. To avoid interpretation questions, the word "residential" should be added.			
27.11	Division 23-5C-3 Utilities	C																									
27.12	Division 23-5C-3 3099 - TRASH																						New section	PROVIDE FOR TRASH COLLECTION AND UTILITY SERVICES FOR EVERY LOT THAT ARE CONSISTENT IN LOCATION ALONG THE SAME PUBLIC ROW FOR ADJACENT LOTS IN ANY SUBDIVISION OR RESUBDIVISION	The city never requires provision for trash services in any subdivision. The rpreponderance of small lots and flag lots requires that this be accounted for. Many central city resubs result in utilities and trash not in locations consistent with adjacent properties. we need to do a better job of planning as we chop up the city into smaller pieces.	neutral	General comments: Each lot has frontage to a public ROW, and the ROW is used for trash collection. The utility providers determine the location of utilities, in accordance with state statutes, city code, and criteria manuals.
27.13	Division 23-5C-4 Trees for Residential Subdivision																										Residential Tree Standards were added to the subdivision chapter in error. Their correct location is in a criteria manual, and a reference to the criteria manual will be added to Article 23-3C: "Urban Forest Protection and Replenishment"
A-27.13.1																	Jsh						23-5C-2020 B1	Revise area values with what is presented in zones			
A-27.13.2																	Jsh						23-5C-2060	B - ADD - 1) zero lot line is allowed only on one side and not allowed on a front, or street-side lot line			
A-27.13.3																	Jsh						23-5C-2060	4) PER TECHNICAL CODES, appropriate and adequate space must be provided for utilities including water meters and wastewater cleanouts (OR DELETE THIS IF THIS IS COVERED IN SECTION C C) ADD: Standard regarding site alterations and IC Maintenance responsibilities Limitations of City liabilities	needs city legal to clarify what is in the CCR's. Condo regiem duplex has agreements this should too		
A-27.13.4																	Jsh						5C-2040	Refeneces SF4a			
A-27.13.5																	Jsh						23-5c-4020	C) Trees preserved REMOVE - A tree required...AND USE... Trees required.... C. Trees of species and caliper inches described in Protected and Heritage trees	this is to allow large preserved caliper trees to suffice for site requirement Heritage and protected trees can already have a huge canopy		
A-27.13.6		x																TS	Trees in Res, Sub	YES		Division 23-5C-4		Ask City Arborist if they reviewed.			
Chapter 23-6: Site Plan			NONE	MINOR	MAJOR														YES/NO	YES/NO							
28	Article 23-6A: Purpose and Applicability																										
28.1	Division 23-6A-1: Purpose and Applicability	C																									
28.2	Division 23-6A-2: Exemptions																										
28.3	Division 23-6A-2: Exemptions	x															FK		Exemptions	Yes		Table 23-6A-2010 (A) Site Plan Exemptions	Construction or alteration of a single-family residential structure, single-family attached, duplex residential structure, accessory dwelling unit, or an accessory structure (1) No more than two residential structures are constructed on a legal lot or tract Structure quantity does not exceed the quantity allowed in the applicable zoning category; and"	The language as proposed, "Structure quantity does not exceed the quantity allowed in the applicable zoning category" has unintended consequences, and will prevent staff from being able to enforce applicable regulations.	No		

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				
41.10																					(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		
41.11	Division 23-9A-2: Proportionality of Transportation Infrastructure Requirements	X								Jsc							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."				
41.14	Division 23-9A-2: Proportionality of Transportation Infrastructure Requirements	X	GA							Jsc							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.			
41.12	Division 23-9A-2: Proportionality of Transportation Infrastructure Requirements	X								Jsc							Proportionality Determination	Yes	23-9A-2020 (B) (3)	(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.				
41.15										Jsc							Rough Proportionality	No		(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			
41.9	Division 23-9A-2: Proportionality of Transportation Infrastructure Requirements	X								Jsc							RP Infrastructure	Yes	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.			
41.13	Division 23-9A-2: Proportionality of Transportation Infrastructure Requirements	X								Jsc							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.				
42	Article 23-9B: Right-Of-Way Dedication and Reservation																							
42.1	Division 23-9B-1: General Provisions																							

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	MUCKOLS	OLIVER	SCHISLER	SEGER	SHIEH	THOMPSON	WHITE	SHAW				BURKARDT	MENDOZA					TEICH	GENERAL	SPECIFIC SECTION	
42.2	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.				
42.3	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.				
42.4	Division 23-9B-2: Right-Of-Way Dedication and Improvement																												
42.5	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 required 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.				
42.6	Division 23-9B-2: Right-Of-Way Dedication and Improvement		X																	Adjacent roadway improvements	Yes		23-9B-2010 (B) (1) (C)	(c) the likelihood that adjoining property will develop in a timely manner.					
42.7	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) (2)	Construction of all required street improvements and transportation facilities, consistent with the applicable standards of this Title, is required within public right-of-way needed to directly serve a proposed development.					
42.8	Division 23-9B-2: Right-Of-Way Dedication and Improvement		X																	Dedication of right of way and construction of improvements	Yes		23-9B-2010 (B)(2) Frontage Roads	(2) Right-of-Way Improvements. Construction of all required street improvements and transportation facilities, consistent with the applicable standards of this Title, is required within public right-of-way needed to directly serve a proposed development.	This section mandates improvements or dedications related to state, federal, or other sole municipality managed transportation networks which is outside of the City's purview. The language in this section is too general and open-ended. This code section should be removed as it creates an unnecessary mandate and additional layer upon the landowner where an existing process is already in place. For example, every project that is adjacent to State right-of-way is currently required to go through TxDOT process for review and approval relating to necessary dedication and improvements.				
42.9	Division 23-9B-2: Right-Of-Way Dedication and Improvement		X																	Determination of Right of Way Dedication and Improvements	Yes		23-9B-2020 (A)(2)(B)	(b) Approval of the rezone would substantially increase the intensity of development allowed on the property to the extent that right-of-way needs may be reasonably assessed without a site plan, subdivision, or other development application. Increase the anticipated traffic generated on the site more than 25% what is allowed under current zoning at maximum build out. A traffic engineer should provide clarification via a signed and sealed letter of the traffic generated by the modified zoning compared with the traffic generated by the existing zoning.					
42.10	Division 23-9B-2: Right-Of-Way Dedication and Improvement		X																	Standards for establishing right of way alignment	Yes		23-9B-2040 (B)(2)(c) (ii)	(ii) if the centerline of the street is proposed to be shifted from its present alignment, such shift shall be shown in a published/approved transportation plan, the proposed right-of-way centerline; or					
42.11	Division 23-9B-3: Right-Of-Way Reservation		C																										
43	Article 23-9C: Transportation Review and Analysis																												
43.1	Division 23-9C-1: General Provisions																												
A-43.1.1	Division 23-9C-1: General Provisions		X																	Transportation Review			23-9C-1010	Proposed new language "If a proposed development does not require transportation analysis under Section 23-9C-2020 (Transportation Impact Analysis Required) or Section 23-9C-2040 (Neighborhood Transportation Analysis Required), the applicable Director may condition approval of the application on funding system improvements or construction of some or all proposed improvements at applicant's discretion, not to exceed the value of the project street impact fee, as described in this section."	The mitigation language needs to be restated in such a way that a development approval and/or permit is not contingent upon development funding and/or building transportation infrastructure improvements to mitigate traffic caused by the development. To accomplish the goals of Imagine Austin, we recommend that this language is modified to allow for a prioritization of density in urban zones (cbd and corridors).				
43.2	Division 23-9C-1: General Provisions																					Yes		Per UTC recommendation, "Specifically remove Level of Service (LOS) as a metric and include VMT as a replacement."					
43.3	Division 23-9C-1: General Provisions		X																	Transportation Review			23-9C-1010(A)(2)	(A) This article establishes procedures for analyzing and mitigating the impacts of new development on the transportation system by: (1) Determining the extent to which streets and other municipal transportation infrastructure are impacted by new development; and (2) Requiring new development to provide transportation infrastructure improvements and other mitigation necessary to address the impacts of new development; and (2) Require new development to provide payment for or improvements to transportation infrastructure improvements and/or other mitigation to best address the impacts of new development, as is feasible given physical constraints of the transportation network and projects financial constraints of Rough Proportionality.	The mitigation language needs to be restated in such a way that a development approval and/or permit is not contingent upon development funding and/or building transportation infrastructure improvements to mitigate traffic caused by the development. To accomplish the goals of Imagine Austin, we recommend that this language is modified to allow for a prioritization of density in urban zones (cbd and corridors).				

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
43.4	Division 23-9C-1: General Provisions			x																	Purpose and Applicability	Yes		23-9C-1010 (A)	This article establishes procedures for analyzing and mitigating the impacts of new development on the transportation system by:	Language should be modified as mitigation is not always an option for new development in urban environments – language needs to allow for infill development on congested streets that increases transit ridership over time. Language shall be crafted such that infill development is not restricted.			
43.5	Division 23-9C-1: General Provisions			x																	Purpose and Applicability	Yes		23-9C-1010 (B)(1)	Division 23-9C-2 (Comprehensive Transportation Review) is the highest level of transportation review and applies to new development anticipated to generate impacts of at least 4,000 2,000 vehicle trips per day or 100 peak-hour trips;	RECA: The lowered TIA threshold of 1,000 trips/day and application of said requirement to downtown discourages density in the urban core and along our corridors. To encourage Imagine Austin density goals and create a critical mass for transit, as well as expedite increased housing supply, the threshold for TIA requirements should be reevaluated.			
43.6	Division 23-9C-1: General Provisions		x																		Trip Calculation	Yes		23-9C-1020 (b)	(B) To determine a street's existing trip count, the director shall rely on most recent data or establish a current trip count based on generally-accepted guidelines, regulations within this code or the Transportation Criteria Manual and utilizing the federally accepted measures for calculating vehicle trips.				
43.7	Division 23-9C-1: General Provisions			x																	Transportation Review			23-9C-1030 (B)	Add "If an affordable development does not require an analysis..." and Delete language: Under(B) (1)-(3), "reasonably priced" because it is too vague and undefined.				
43.8	Division 23-9C-2: Comprehensive Transportation Review																												Dtwn Comm: 2010 exempt TIAs and allow TDMs in CC & DC zones
43.9	Division 23-9C-2: Comprehensive Transportation Review																							23-9C-2010 Purpose and Applicability (B)	(B) Compliance with this division is required if a proposed development is anticipated to generate impacts of at least 1,000 vehicle trips per day or 100 peak-hour trips, after deducting any trip reductions approved by the director under Section 23-9D-2030 (Transportation Demand Management). A Comprehensive Transportation Plan is required when both a TIA and a TDM are required (per section 23-9C-2020 and 2030) and refers to the combined report containing information found in both a typical TIA and TDM.	This section needs to be evaluated. In addition to the suggested modification, consider including a threshold based on alternate methodology that aligns with method of study and determination of impact at intersections (such as peak hour analysis) to provide more certainty and predictability.			
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. (4) 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																									(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			

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	MUCKOLS	OLIVER	SCHISLER	SEGER	SHIEH	THOMPSON	WHITE	SHAW				BURKARDT	MENDOZA					TEICH
57.2	Division 23-13A-1: Attached	X																	DEFINITIONS		13a-1 pg 3	ATTACHED-When used with reference to two or more buildings units, means having one or more common walls or being joined by a roof; covered porch or covered passageway measured 20' in depth from the front lot line to rear.			
57.3	Division 23-13A-1: Conserve	X																	DEFINITIONS			Conserve: to maintain the height, footprint and roof line of an existing building for the first 25' as measured from the building line toward the rear lot line			
57.4	Division 23-13A-1: Gross (GFA)	X																	DEFINITIONS		13A-1 pg.11	GROSS (GFA) The total enclosed area of all floors in a building with a clear height of more than five feet, measured to the outside surface of the exterior walls. The term excludes loading docks, 1st floor porches, stoops, basements, attics, stories below grade plane, parking facilities, driveways, and enclosed loading berths and off-street maneuvering areas	The intention with this change is to reduce the amount of exemptions to reduce the cost of projects by making it easier to calculate the FAR and easier to review. It would also reduce the number of unintentional violations of FAR limits by homeowners who turn exempted space into habitable space. This change would go hand in hand with an .05 increase to the allowable FAR in all residential zones.		
57.5	Division 23-13A-1: Small Area Plan																	X				Small Area Plan (MISSING). Please add.	Small Area Plan (MISSING). Please add. Small area plans are a major city planning tool and are referenced in Draft 3, yet not defined here.		
57.6	Division 23-13A-1: Stepback																	X				Stepback (MISSING). Please add.	Stepback (MISSING). Please add. The term 'stepback' is used in throughout 23-4D, but is not defined. The current draft does define setback, but that is not the same thing.		
57.7	Division 23-13A-1: Urban Core																					Urban Core (MISSING). Please add.	Urban Core (MISSING). Please add. 'Urban Core' is used throughout Draft 3 to describe geographical areas where certain zoning requirements apply so this needs a clear definition, ideally with live link to map. The draft currently defines it only in the context of Parkland Dedication		
57.8	Division 23-13A-1: Valid Petitions																	X				please add a definition for Valid Petitions, including applicability, procedures, etc., similar to what the draft provides for Vested Rights Petitions in 23-K-2	In the interest of fairness, please add a definition for Valid Petitions, including applicability, procedures, etc., similar to what the draft provides for Vested Rights Petitions in 23-K-2		
57.9															JS h				Attached		23-13A-1030	When used with reference to two or more buildings ... ADD - When used with reference to duplex or single family dwellings with dual same street frontage, means being joined by a roof of 20' minimum measured perpendicular to the street frontage.	this will be tweak by working group		
57.10	Division 23-13A-1: Terms and Measurements	X																Jsc	Definitions		23-13A-1030	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																Jsc	Definitions		23-13A-1030	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 <u>finished grade</u> 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																Jsc	Definitions		23-13A-1030	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, <u>including sites zoned for residential use.</u>	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	Division 23-13A-1: Preservation																	KM				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																	JT	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
A-57.14.1		X																TS	Large Site Definition	YES	Division 23-4C-1	Add definition to 23-13 Definitions and Measurements	Large sites is a new term and needs to be defined in 23-2M-1030 Terms.		
57.15																		KM	Definitions		23-13A-1030	REWRITE PER EXISTING MCMANSON CODE	This should say NATURAL grade NOT FINISHED GRADE..		
A-57.15.1																		T W	definitions			Add a definition			
57.16	Division 23-13A-2: Land Uses																								

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				
57.17	Division 23-13A-2: Land Uses	X	GA	FK					Jsc										23-13A-2030(C)	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	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																		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.			
A-57.22.1										Jsh										REINSTATE accessory apartment "USE" ALLOWED IN ALL R ZONES 23-4D-2030 LAND USE TABLE - ADD USE 23-4D-6050 ACCESSORY USES - ADD SECTION 23-13A-2030 LAND USES - ADD DEFINITION 25-2-901 - ACCESSORY APARTMENTS. A An accessory apartment is a separate dwelling unit that is contained within the principal structure of a single-family residence, and that is occupied by at least one person who is 60 years of age or older or physically disabled. B. If space within a principal structure is converted to an accessory apartment, the accessory apartment may not include: 1. converted garage space; or 2. a new entrance visible from a street. REMOVE SECTION C BELOW C. The building official may not issue a building permit for construction or remodeling of an accessory apartment unless the applicant delivers to the building official an affidavit verifying that one of the proposed occupants of the accessory apartment is 60 years of age or older or physically disabled.				
A-57.22.2										Jsh										Accessory Apartment Allowed Use - Reincorporated and allowed use. Internal to an existing home - adaptive reuse Internal to main house. http://www.pigrove.org/documents/faq-accessory-apartments.pdf Should firewall separation be required between the AA and the main dwelling? No. This is required for a duplex, but not normally required for Accessory apartments. It is a substantial cost that would need to be required for most existing situations that might cause difficulties for compliance. An accessory apartment is considered a part of the same home and structure, and normally the main dwelling unit is required to have access to it. proposed definition as refined over the years is: Attached: A subordinate dwelling, which has its own eating, sleeping, and sanitation facilities, within or attached to a single family residential building; or Detached: Within a detached accessory structure associated with a single Family dwelling. https://extension2.missouri.edu/gg14 Mention costs to do an accessory apartment - very VERY affordable vs adu.				
A-57.22.3	Designated Review Group	x																		Please add definition and details	Clearly define Designated Review Group . Draft 3 repeatedly references a "Designated Review Group," which it invests with significant authority, but fails to provide any definition, including how review group members will be selected and by whom, qualifications for membership, terms of service, and whether the group is subject to the Open Meetings Act. Please revise to provide clear standards for this group			
A-57.22.4	micro units, modular, mobile homes	x																		Please add definitions	let's discuss why these aren't included as definitions or uses in our new code?			
57.23	micro units, modular, mobile homes	x																		Please add definitions	let's discuss why these aren't included as definitions or uses in our new code?			