

CHAPTER ARTICLE	DIVISION TITLE	A		B										C	D	E		F	G		H		
		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	SHIEN	THOMPSON				WHITE	SHAW		BURKARDT	MENDOZA		
5	Article 23-2C Notice																						
5.2	Division 23-2C-2 Notice Requirements																						
5.5	Division 23-2C-5 Notice of Applications and Administrative Decisions																						
5.6	Division 23-2C-5 Notice of Applications and Administrative Decisions													TS	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 14 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]	No	Staff is supportive of retaining the 14 days		
6	Article 23-2D Public Hearings		X																				
6.1	Division 23-2D-1 Conduct of Public Hearings																						
6.2	Division 23-2D-1 Conduct of Public Hearings		x					KM						TS	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.				
7	Article 23-2E Legislative Amendments																						
7.2	Division 23-2E-2 Plan and Map Amendments																						
7.3	Division 23-2E-2 2030 -Neighborhood Plan Amendment			x										TS	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?				
7.4	Division 23-2E-2 2030 -Neighborhood Plan Amendment		X						JSc						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						JSc						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										TS	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							KM										... 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					JSc						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							KM							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													JT	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				x					TN					JT			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																						

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				ANDERSON	HART	KAZI	KENNY	MCGRAW	MUCKOLS	OLIVER	SCHISLER	SHIEH	THOMPSON	WHITE	SHAW				BURKARDT	MENDOZA		TEICH	GENERAL		
8.5	Division 23-2F-2	2050 - Alternative Equivalent Compliance	x																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.		
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 only 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	x							JT								Non-conformity	NO	1010 (A) (2)	Delete	Too onerous			
9.7	Division 23-2G-1		x							JSc										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														23-2G-1050 (B)	Add section: (f) 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 any building may be replaced by another nonconforming use if: (a) The responsible director determines that the requested use is of comparable or lesser intensity to the original nonconforming use; and (b) The original use was not abandoned under Section 23-2G-1060 (Termination of Nonconforming Use).	This proposed language deletes Section 23-2G-1050(B)(3) and clarifies that nonconforming uses in any building can be replaced with another comparable or lesser intensity use. The city should allow a lesser non-conforming use be allowed anywhere, as it reduces intensity of the existing use while preserving the existing building.	No	Not necessary- nonconforming can already change to a permitted used in the zone	

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		NONE	MINOR	MAJOR	ANDERSON	HART	KAZI	KENNY	MCGRAW	MUCKOLS	OLIVER	SCHISLER	SEEGER	SHIEN	THOMPSON	WHITE	SHAW	BURKARDT	MENDOZA	TEICH	GENERAL	SPECIFIC SECTION						
9.2	Division 23-2G-1 General Provisions		X																		Continuation of Nonconformity	No		23-2G-1050(B)(6)	(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.	This proposed language allows a nonconforming use to be converted into a cooperative housing. The City should support cooperative housing wherever possible and avoid burdening the development and expansion of cooperatives.		
9.3	Division 23-2G-1 General Provisions		X																		Uses	X		23-2G-1060-D-1	23-2G-1060-D-1-a except a single family home which is subject to the requirements of 23-2G-1080-D	single family homes on more intense zoning appear all over our poorer neighborhoods as a legacy of previous spot zoning. I don't think we should continue to punish them by not allowing them to repair their home if there's damage. This same type of protection is afforded to non-conforming structures under 23-2G-1080-D		
9.8	Division 23-2G-1 General Provisions		X																					23-2G-1060 Termination of Nonconforming Use	(D) Termination by Destruction (1) A damaged structure used for a nonconforming use may be repaired and the nonconforming use continued only if the building official determines that the cost of repair does not exceed 50 percent of the value of the structure immediately before the damage, as determined by a licensed appraiser in a manner approved by the building official.	A damaged structure used for a nonconforming use may be repaired and the nonconforming use continued only if the building official determines that the cost of repair does not exceed 50 percent of the value of the structure immediately before the damage, as determined by a licensed appraiser in a manner approved by the building official. If it costs more than this (even if you don't do all of the repairs) you lose the use. Current Land Development Code Sec. 25-2-944 allows 90%. This change in Draft 3.0 is problematic for financing		
9.13	Division 23-2G-1 General Provisions			X																	Continuation of Nonconformity	Yes		23-2G-1060		This section needs to be reviewed and rewritten. A damaged structure used for a nonconforming use may be repaired and the nonconforming use continued only if the building official determines that the cost of repair does not exceed 50 percent of the value of the structure immediately before the damage, as determined by a licensed appraiser in a manner approved by the building official. If it costs more than this (even if you don't do all of the repairs) you lose the use. Current Land Development Code allows 90%. This change in Draft 3.0 is problematic for financing and for insurance purposes.		
9.15	Division 23-2G-2 Specific Types of Nonconformity		X																					23-2G-2020(C)(2) and (3)	(2) If a nonconforming lot is used with one or more contiguous lots for a single use or unified development, the standards of this Title apply to the aggregation of lots as if the aggregation were a single lot. (3) A nonconforming lot that is aggregated with other property to form a site may not be disaggregated to form a site that is smaller than the minimum lot area required by this Title.	This proposed language deletes two sections to clarify that all lots that are legally platted and meet the definition in the prior Section 23-2G-2020(C)(1), which has a minimum lot size of 2,500 sq.ft., a frontage of 25 ft. should be allowed to be developed. The City should honor existing legally platted lots and allow them to be developed. Currently one house can sit on two or three legally platted lots which locks up the land from being used as it was platted for.		
9.9	Division 23-2G-2 Specific Types of Nonconformity		X																					23-2G-2020(C)(2) and (3)	(2) If a nonconforming lot is used with one or more contiguous lots for a single use or unified development, the standards of this Title apply to the aggregation of lots as if the aggregation were a single lot. (3) A nonconforming lot that is aggregated with other property to form a site may not be disaggregated to form a site that is smaller than the minimum lot area required by this Title.	This proposed language deletes two sections to clarify that all lots that are legally platted and meet the definition in the prior Section 23-2G-2020(C)(1), which has a minimum lot size of 2,500 sq.ft., a frontage of 25 ft. should be allowed to be developed. The City should honor existing legally platted lots and allow them to be developed. Currently one house can sit on two or three legally platted lots which locks up the land from being used as it was platted for.		
A-9.16.1	Division 23-2G-2 General																									Brent Lloyd's language with EXHIBIT simplicity & housing blueprint goals Is this Kenny's amendment as well?		
10	Article 23-2H Construction Management and Certificates																											
10.2	Division 23-2H-1 General Provisions		X																		Timeline	No		23-2H-1020(B)	No later than seven THREE days	This is standard construction note that three days notice is adequate.		
10.5	Division 23-2H-4 Certificates of Compliance and Occupancy																											
11	Article 23-2I Appeals																											
11.1	Division 23-2I-1 General Provisions																											
11.2	Division 23-2I-2 Initiation and Processing of Appeals																											
11.4	Division 23-2I-4 Action on Appeal																											
12	Article 23-2J Enforcement																											
12.1	Division 23-2J-1 General Provisions																											
12.4	Division 23-2J-4 Appeal Procedures																											
13	Article 23-2K Vested Rights																											
13.2	VALID PETITION RIGHTS																				PROCESS	X	X		add a section outlining the valid petition process	valid petitions should be allowed for both MUP & CUP including a specific section this would help empower people to participate in the democratic process, it shouldn't be a secret and having it right here in the code is transparent and effective		
14	Article 23-2L Miscellaneous Provisions																											
14.3	Division 23-2L-3 Closed Municipal Landfills																											
Chapter 23-3: General Planning Requirements																												
15	Article 23-3A Purpose and Applicability																											
16	Article 23-3B Parkland Dedication																											
16.1	Division 23-3B-1 Parkland Dedication																											
16.2	Division 23-3B-1 General Provisions		X																		Purpose and Applicability	No		23-3B-1010(A)(1)	(1) The City of Austin has determined that recreational areas in the form of public parks and open spaces within 1/4 mile walk of each resident are necessary for the well-being of the City's residents, and a network of greenways and trails promote a compact and connected city.	This proposed language provides clarity to the purpose section of the parkland dedication section of the code. The original language in Draft 3 is too broad and should be clarified.	Yes	Staff proposes the following to better track Imagine Austin language: (1) The city of Austin has determined that recreational areas in the form of public parks and open spaces publicly accessible parks and green spaces are necessary for the well-being of the City's residents. (3) (b) Establishes a fair method for determining the proportionate amount that new development may reasonably be required to contribute based on its direct impacts to the City's park system and the need for high quality parkland and open space the City's existing level of service for the City's residents.
16.5	Division 23-3B-2 Dedication																											
16.6	Division 23-3B-2 Dedication			X		GA															Parkland Dedication	No		23-3B-2010	Remove references to 15% and change to 10%. Add new (6) The 10 percent parkland dedication shall be calculated as a net site area.	Imagine Austin calls for "Increase dense, compact family-friendly housing in the urban core". In many instances, sites within the urban core will be required to dedicate at or near the 15 percent cap which severely limits the density in the urban core and along the major corridors.		PARD does not agree with this substantive change due to the prior negotiations that created 23-3B in 2016. The insertion of a 15 percent cap was made at the very end of the negotiation as a compromise for an agreed upon "Parkland Dedication Urban Core." The parkland dedication calculation for land is based on a current level of service of local Austin parks of 9.4 acres per 1,000 persons. If only 15% of that amount is dedicated in every case across the City we will be effectively lowering the calculation for development to a service level of 1.4 acres per 1,000 persons. That is very crowded parkland and the Austin level of service and its rating by national park advocates will decline over time

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				ANDERSON	HART	KAZI	KENNY	MCGRAW	MUCKLOS	OLIVER	SCHISLER	SEEGE	SHIH	THOMPSON	WHITE	SHAW	BURKARDT	MENDOZA	TEICH		GENERAL	SPECIFIC SECTION					
16.16	Division 23-38-2		x	GA																Parkland Dedication	No	23-38-2010	An applicant seeking a Subdivision or Site Plan for a site that fronts an Imagine Austin Corridor shall not be required to dedicate parkland on site.	Dedication of Parkland - specify that onsite parkland dedication is not required on an Imagine Austin Corridor. Imagine Austin calls for transit-supportive corridors, which in turn require population and job densities along our corridors. Parkland requirements that limit unit yield, while important in other parts of Austin city, should stymie housing along our corridors		PARD does not agree with this substantive change due to the prior negotiations that created this section in 2016. Parks make high density more liveable. Properties on the corridor are often the only re-development in the area and present the only opportunity in a Deficient Area for parkland. Residents along major corridors should have parks within 1/4-mile of residents to meet Comprehensive Plan goals of locating units within walking distance of parks (1/4-mile in the urban core and 1/2-mile outside the urban core). (Imagine Austin, Page 196) PARD tracks this metric every five years.	
16.18	Division 23-38-2 Dedication		x									JT							Process	No	23-38-2010 Dedication of Parkland (A) Dedication Required (1)[NEW]	(A) Dedication Required. An applicant for subdivision or site plan approval must provide for the parkland needs of the residents by the dedication of suitable land for park and recreational purposes under this article or by payment of a fee in-lieu of dedication under Section 23-38-3010 (Fee In-Lieu of Parkland Dedication). (1) An applicant may request a binding determination from PARD regarding whether total land dedication for all types of open space, including but not limited to parkland, common open space, civic open space, private open space, payment of fee in-lieu in land or a combination of fee and land will be required. (a) A binding determination issued under this section shall apply to any development application submitted within 1-year from the date the determination is issued, provided that the number of units has not changed by more than 10% from the number of units originally provided by the applicant and relied upon by PARD to make the determination. A binding determination expires if no subdivision, site plan or building permit application is submitted within one-year from the date the determination was issued. (b) The combined total area between open space and parkland, shall not exceed % of site.	Applicants must be able to predict during their due diligence period what may be required for parkland dedication. Additions in (A)(1) and (A)(1)(a) are taken directly from the existing Parkland Dedication Operating Procedures (PDOP). Leaving such important procedures to be defined and determined outside of the revised LDC process and in the PDOP does not provide clear guidance and predictability. In addition, limiting the maximum required dedication would allow for density to continue and support the principles in Imagine Austin for compact development.	See also 16.7 and 16.9. PARD does not support the (b) addition, but does support the concept of explaining and naming the Early Determination process in Code. PARD believes this concept is already in current code in 23-38-3010 (C) Review Procedure. But supports changing the (C)'s title from: <u>Review Procedure</u> to <u>Early Determination</u> . PARD supports clarifying existing practice that a determination is valid through approval of a subdivision or site plan application by changing 23-38-2010 (C) to: A determination issued under this Subsection is valid for a period of one year from the date of issuance any subdivision or site plan filed within one-year of the determination, provided that the number of units used to make the determination does not increase by more than 10 percent. PARD does not agree with the proposed (b).			
16.3	Division 23-38-1 General Provisions		x								JSc								Review Authority	No	23-38-1020(C)(1)	(1) A Deficient Park Area Map Proximity to Park Area Map illustrating shortages in parkland that shows only required connections to greenways and trails and areas of the City that are more than a one-quarter (1/4) mile walk of an existing park or a school playground or other applicable open space that is at least one acre and is accessible to the public; and		No	PARD does not agree with this substantive change due to the prior negotiations that created this section in 2016. The map in the code is a Deficiency Map, not a Proximity Map. That term Proximity does not match the concept. The City has deficient and non-deficient areas. Further, school playgrounds are not permanent and are not open to be public unless the City has established an interest in them as a School Park.		
16.4	Division 23-38-1 General Provisions		x								JSc								Review Authority	No	23-38-1020(D)	(D) Before the director may adopt or amend a rule under this Article, the director shall present the rule to the Parks Board and Planning Commission for consideration and recommendation to City Council and the City Council will approve, modify, or disapprove the proposed rule.	This proposed language adds a requirement that any new rule or change to an existing rule must be reviewed by the Parks Board and Planning Commission for consideration and recommendation to the City Council. The proposed language also requires the City Council to approve, modify, or disapprove any proposed rule or rule change. This proposed requirement is almost the exact language used for rules related to Solid Waste Services in Section 15-6-3 of our City Code.		No	PARD does not agree with this substantive change due to the prior negotiations that created this section in 2016. The Parkland Dedication Operating Procedures (PDOP) is part of the Building Criteria Manual amended by the City's rules processes that require public notice, staff review by all departments, public comment submittal and response and, finally, adoption. This process is the same for all technical Criteria Manuals in the City.	
16.13	Division 23-38-2 Dedication		x								JSc								Standards for Dedication of Parkland	No	23-38-2020 (E)	(E) The director shall approve the inclusion of additional features that satisfy other regulatory requirements, such as Water Quality features, drainage features, detention features, trails, or other features if they do not disrupt the primary purpose of the dedication.	This proposed language would allow other regulatory requirements that impact the development of a full site's area to be included in parkland dedicated to the city so long as they do not disrupt the primary purpose of the dedication.		No	PARD disagrees with this language. Water quality/detention features must be built as an amenity to count as parkland. To require the director to approve ("shall") does not ensure that the credited acreage will be built as an amenity. The PDOP 14.3.8 already covers this concept. PARD and Watershed Departments are writing a section of the Environmental Criteria Manual to assist with this option for parkland dedication credit.	
16.14	Division 23-38-2 Dedication		x								JSc								Standards for Dedication of Parkland	No	23-38-2020 (F)	(F) Gazebos, pavilions, and other open air structures are permitted.	This proposed language clarifies that gazebos, pavilions, or other open air structures are allowed in parkland that is dedicated.		No	PARD disagrees with this language, the code does not prevent such structures in dedicated parkland. Many dedications include gazebos and pavilions. We cannot single out these two types of amenities when there are a myriad of acceptable amenities.	
A-16.14.1	Division 23-38-2 Dedication		x																	X	X	??	It's unclear whether 23-38-2030 intends for up to 100% of on-site dedication of privately-owned, publicly-accessible parkland to satisfy the requirements, or if privately-owned, publicly-accessible parkland outside of the development can satisfy requirements in the same way public parks would. This section has not changed, and its still recommended that the director update the Deficient Park Area Map to include this new wave of privately-owned, publicly-accessible parks.			The Parkland Dedication Operating Procedures allows for off-site dedication within 1/4-mile of the development. In practice this would apply to private parkland with an easement as well. PARD could propose rule changes to make this more apparent.	
16.17	Division 23-38-2 2010- Dedication of Parkland																		Dedication of Parkland	NO	2010 (G)	(G) PUD Parkland Requirements. Development within a Planned Unit Development (PUD) Zone may, if required by the ordinance adopting the PUD, be subject to additional parkland requirements and may be entitled to count dedicated parkland towards meeting open space requirements under Section 23-4D-8130 (Planned Unit Development Zone). Therefore, the 15% cap limit provisions in 23-38-2010 (H) do not apply to PUD zones.	(H) Add that 15% cap does not apply to PUD's. The rules are already administered this way.		This is in the Parkland Dedication Operating Procedures. OK to add but some non-residential PUDs do not owe parkland so at the end of Shaw's proposal add: for Parkland superiority determinations.		
16.19	Division 23-38-2 2020 - Standard for Dedication of Parkland-		x																Park Standards	NO	2020 - Standard for Dedication of Parkland-	ADD: E) Dedicated Parkland shall meet site condition requirements within the Parkland Dedication Operating Procedures	(A)(3) Does PARD's operating procedures have requirements for min. of 50% meet active play and <10% slope requirements? If not, these need to be added to dedication requirements. (C) 50% is to large amount of 100 yr. floodplain to count as parkland as these areas are not accessible for public use many times during the year.	Yes	PARD is OK with this change. To answer the question: Yes, both of these requirements are in the PDOP. The 50% active play requirement ensures that enough useable land is dedicated even if part of it is floodplain.		
16.20	Division 23-38-3 Fees		x																								
16.24	Division 23-38-3 Fees		x								JSc								Fee In-Lieu of Parkland Dedication	No	23-38-3010(A)	(A) Fee In-Lieu Authorized. The director may require or allow a subdivision or site plan applicant to deposit with the City a fee in-lieu of parkland dedication under Section 23-38-2010 (Dedication of Parkland) if: (1) The director determines that payment of a fee in-lieu of dedication is justified under the criteria in Subsection (B); and (2) The following additional requirements are met: (a) Less than six acres is required to be dedicated under Section 23-38-2010 (Dedication of Parkland); or (b) The land available for dedication does not comply with the standards for dedication under Section 23-38-2020 (Standards for	This proposed language allows a fee in lieu to be used any time the normal standards are met, without regard to total size of the subdivision or site plan. This allows more flexibility for both PARD and the applicant.		No	PARD does not agree with this substantive change. Currently, a project over 376 units generates a requirement for 6 acres and greater of parkland. The 15% cap limits the amount of parkland to only 15% of the site, which, in the urban core, generally creates about a half-acre to one-acre park. Due to the cost in the urban core being more than \$1 million an acre, PARD believes that it will be difficult as the City grows to purchase the land needed to serve all these residents and meet Imagine Austin goals for health and green infrastructure without this requirement.	
16.22	3010 - Fee in Lieu of Dedication		x																Fee in Lieu of Dedication	NO	3010 (A)(2)	ADD: (c) the director determines that land is available in the service areas being considered so as to assure that City will be able to utilize the fees per 23-38-3030.	PARD commented that they have difficulty finding land for parks especially in urban core. In general, all fee-in-lieu of options for developers should be predicated on the City's ability to utilize the fees. If it is more difficult for the city to provide the benefits than the developer.		This could be used by applicants to negate 2 (a)?		

CHAPTER ARTICLE	DIVISION TITLE	A		B										C	D	E		F	G		H			
		DESIRED PROPOSED CHANGES TO D3		INITIATED BY COMMISSIONER										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	SHIEH	THOMPSON			WHITE	SHAW		BURKARDT	MENDOZA			TEICH	GENERAL
16.21	3010 - Fee in Lieu of Dedication															Fee in Lieu of Dedication	NO		3010 (A)(2)(a)	(a) Less than 6.1 acre is required to be dedicated under Section 23-3B-2010 (Dedication of Parkland); or	6 acres is a very large threshold amount of Parkland to be able to be considered for exemption from dedication requirements with fee-in-lieu. This will ensure that even small parcels of dedicated park are made available to serve needs if increased number of residents and developer has option to pay remainder as fee-in-lieu.		The 6-acre threshold has been in the parkland dedication ordinance since 1985. It was chosen because it is the average size of a neighborhood park. It has ensured that projects that owe large acreages are required to give some land. Currently, it is triggered on a SF project of about 250 or more units and on a MF project of 375 units or more.	
16.25	Division 23-3B-3 Fees		x									JSc				Fee In-Lieu of Parkland Dedication			23-3B-3010 (C) Fee-in-Lieu of Parkland Dedication	(C) Site Plan Dedication. (1) For dedication made at site plan the area to be dedicated must be shown on the site plan as "Parkland Dedicated to the City of Austin" and in a deed to the City. The applicant shall dedicate the parkland required by this article to the City by deed before the site plan is released, except that dedication may be deferred until issuance of a certificate of occupancy if construction of amenities is authorized under Section 23-3B-3010 (Fee In-Lieu of Parkland Dedication) or Section 23-3B-3020 (Parkland Development Fee). (2) In negotiating a deed under this section, the director may require that a reasonable portion of the total impervious cover permitted on the site be allocated to the dedicated parkland to allow for construction of parkland amenities without unduly impacting development of the proposed site plan. (3) <u>Parkland dedication that complies with this section shall be included in the gross site area for the parcel dedicating land. Zoning entitlements including but not limited to impervious cover and FAR shall be calculated on the gross site area prior to the parkland dedication.</u>	The language as written does not provide clarity on how gross site areas may be calculated. A major concern is that if the area is calculated after the parkland dedication, the result is that the developable parcel will have less entitlements, including FAR and impervious cover. This recommendation would calculate the gross site area before the dedication and allow for better density on sites, including ones along major corridors		This is referring to 23-3B-2010 (C), not 3010. PARD agrees with the concept. See 16.5.	
16.26	Division 23-3B-3 Fees		x									JSc							23-3B-3010(E)(1)	(1) <u>Construction of Amenities. The director shall allow an applicant to construct recreational amenities on public or private parkland, if applicable, in-lieu of paying the dedication fee required by this section. In order to utilize this option, the applicant must:</u> (a) <u>Post fiscal surety in an amount equal to the development fee; and</u> (b) <u>If a dedication of land is required, construct recreational amenities prior to the dedication in a manner consistent with the parkland dedication operating procedures; and</u> (c) <u>Document the required amenities concurrent with subsection or site plan approval, in a manner consistent with the parkland dedication operating procedures.</u>	This proposed language allows fee-in-lieu to be used on the construction of on-site recreational facilities. This will incentivize the construction of on-site facilities and lower the City's burden on existing parks.	No	PARD does not agree with this change due to fees in lieu of land needing to be spent to purchase land if it is available. The development fee may be used to construct items on existing parkland in lieu of payment 23-3B-3020 (C).	
16.27	Division 23-3B-3 Fees		x									JSc				Fee In-Lieu of Parkland Dedication	No		23-3B-3010(F) and (H)	(F) <u>A fee in lieu for parkland dedication shall be allowed by right on corridors and within 1/2 mile walk of high frequency transit stops.</u> (H) <u>Appeal. If the director rejects a request to pay a fee in-lieu of dedication under Subsection (B), the applicant may appeal the director's decision to the Land Use Commission consistent with the procedures in Article 23-21 (Appeals). Before the Land Use Commission considers the appeal, the director shall present the case to the Parks Board for a recommendation, but failure by the Parks Board to act shall not prohibit the Land Use Commission from considering the appeal.</u>		PARD does not agree with this substantive change due to the prior negotiations that created this section in 2016. Residents along major corridors should have parks within 1/4-mile of residents to meet Comprehensive Plan goals of locating units within walking distance of parks (1/4-mile in the urban core and 1/2-mile outside the urban core). (Imagine Austin, Page 196) PARD tracks this metric every five years. Also, parkland should be located in conjunction with BRT stops to attract more riders and provide a pleasant and safe area around stops.		
16.28	Division 23-3B-3 Fees		x									JSc							23-3B-3010(G)	(G) <u>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.</u>	Initial parkland dedication determination should continue through the site plan process.	Yes	Agree, but see comment in 16.7 to put in 23-3B-3010 (C). This is clarification of existing practice.	
16.23	3030 - Fee Payment and Expenditure														TS	Fee Payment and Expenditure	NO		3030 (C)	C) The City shall expend a fee collected under this article within five years from the date the fees are appropriated for expenditure by the director. This period is extended by five years if, at the end of the initial five-year period: <u>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.</u>	PARD should have a way to request extension for use of funds when there are issues with land availability etc.		According to (D) (1), the fees refundable within five years are only for unbuilt units that are not providing a park impact.	
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				Review Authority	No		23-3C-1020 (C)	(C) The city arborist shall adopt administrative rules, <u>in accordance with the administrative rules process</u> , 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	Neutral	Staff has no objections	
17.3	Division 23-3C-1 General Provisions		X									JSc				Tree Designations	No		23-3C-1030 (B)	Heritage Tree Species. To qualify as a heritage tree, a tree must meet the size requirements listed in Subsection (A) and qualify as one of the following species or as an additional heritage tree species listed in the Environmental Criteria Manual: (1) Texas Ash; (2) Bald Cypress; (3) American Elm; (4) Cedar Elm; (5) Texas Madrone; (6) Bigtooth Maple; (7) All oaks; (8) Pecan; (9) Arizona Walnut; and (10) Eastern Black Walnut.	This proposed language clarifies that only tree species listed in code can qualify as a heritage tree. The list of Heritage Tree Species should be approved by City Council and listed in code; the list should not be subject to administrative change by a criteria manual.	Yes	Staff concurs with the change	
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.	Yes	Staff concurs with the draft in the addendum	
17.5												JSc		JT					23-3C-1040 (A) Tree Requirements for Site Plan (2)	(A) <u>Tree Requirements for Site Plans.</u> 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 <u>or mitigation</u> 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.		warrants further discussion	
17.6	Division 23-3C-1 General Provisions		X									JSc				Application and Review Procedures	No		23-3C-1040 (B)	(B) <u>Restrictions on Removal of Keystone Trees.</u> 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 with <u>withhold the building permit or certificate of occupancy until the applicant satisfies the condition or posts fiscal surety to ensure performance of the condition.</u>	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 a large cost and seems unnecessary as staff can ensure the trees are planted prior to acceptance of a building/CO.		warrants further discussion	

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		DESIRED PROPOSED CHANGES TO D3		INITIATED BY COMMISSIONER												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	SEEGER	SHIEH	THOMPSON	WHITE			SHAW	BURKARDT		MENDOZA	TEICH			GENERAL	SPECIFIC SECTION			
17.7	Division 23-3C-1 General Provisions	X																	JSc			Application and Review Procedures	No		23-3C-1040 (C)	(B) Restrictions on Removal of Protected Trees. For an application for preliminary plan, final plat, building permit or site plan approval that proposed the removal of a protected tree, the city arborist must review the application and make a recommendation before the application is administratively approved or presented to the Land Use Commission or City Council.	Protected tree removal should not need Land Use Commissioner city Council approval.	Yes	There is an appeal process that provides the applicant due process to appeal the staff decision. That appeal terminates at PC/ZAP. Staff concurs with omitting council as that is not a permitting pathway.
17.8	Division 23-3C-1 General Provisions	X																JSc			Review by City Arborist	No		23-3C-1050 (B)	(B) Mitigation Requirements. If a regulated tree is permitted for removal, the city arborist shall require reasonable mitigation, consistent with the applicable requirements of this article and the Environment Criteria Manual. Compliance with required mitigation measures, which may include planting replace trees, must occur before the Development Services Director may approve the application issue a certificate of occupancy.	This proposed language still provides the city arborist the authority to ensure that an applicant satisfies code but simply moves his ability to withhold approval of an application to withhold the certificate of occupancy. The requirement of mitigation prior to SDP approval is cart before the horse and unachievable; Request to post fiscal surety for tree mitigation is a large cost and seems unnecessary as staff can ensure the trees are planted prior to acceptance of a building/CO.	No	Fiscal is not psted for mitigation when mitigation is shown on development plans	
17.9	Division 23-3C-1 General Provisions		x															JSc			Review by City Arborist	No		23-3C-1060	(A) The city arborist may request that a city department waive or modify a policy, rule, or design standard, other than a regulation of this Title, if the waiver provides an opportunity for a tree to be preserved. The city department shall make best efforts to preserve the tree, and any conflicts between the city arborist and the city department shall be resolved by the City Manager within 30 days of the initial request for waiver, enforcement will result in removal of a regulated tree under Section 23-3C-1030 (Tree Designations). (B) At the city arborist's request, a responsible director may waive or modify the applicable policy, rule, or design standard, other than a regulation of this Title, if the director determines that a waiver or modification will not pose a threat to public safety.	Make this authority more explicit, and allow for bonuses.	No	Staff does not concur with the 30 day limit to resolution. Applicant should identify these issues during the due diligence and 30,60,90 plan developmet process and seek staff input via predevelopment consultations	
17.10																		JSc							(C) The city arborist shall have the administrative authority to grant the following additional entitlements that exceed zoning criteria or waive specific regulations to encourage the preservation of a protected or heritage tree. These entitlements are: (1) Additional FAR; (2) Articulation requirements; (3) Parking siting requirements; (4) Minimum parking requirements; (5) Additional height; and (6) Smaller front, side, and rear setbacks (while maintaining fire code fire rating requirements); and (7) other non-zoning regulations. (D) The city arborist shall develop using the administrativerulemaking process described 23-2C-1020 to implement procedures for granting these entitlements."		Neutral		
17.11	Division 23-3C-2 Young Public, Keystone, and Protected Trees																												PARD is concerned that 23-3C-2010 (C) will be onerous for park development. PARD should receive same exemptions as other departments.
A-17.11.1	Division 23-3C-2 Young Public, Keystone, and Protected Trees	x																JSc			Residential Uses	No		23-3C-2020 (B)	(B) Single Family Residential Scale (1) No permit is required to remove or impact a keystone tree located on one or two-unit residential scale (1-10 unit) development (2) Keystone trees may be used to fulfill mitigation requirements for one or two-unit single family residential scale development if Protected Trees and Heritage trees are approved for removal or impact, or to satisfy planting requirements. The city arborist shall review keystone trees proposed for full mitigation or planting requirements during review of the building permit to ensure the keystone trees are identified prior to construction.	Keystone trees should not require a permit for residential scale development. Addendum text only exempts one or two family uses from keystone tree permit requirement, which essentially protects them like 19"+ trees. Residential scale housing that does not require a full site plan (1-10 units) should not be subject to commercial site plan requirements governing removal of keystone trees. The intent of residential heavy permits was to reduce the site plan requirements and expenses like this.			
17.12	Division 23-3C-3 Heritage Trees																												
17.13	Division 23-3C-3 Heritage Trees																	JT							23-3C-3030 Land Use Commission Variance	(B) A variance request under this section is subject to the application requirements in Section 23-2F-1040 (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.	No	Staff does not concur with the metrics used to determine ureasonableness.
18	Article 23-3D Water Quality																												
18.2	Division 23-3D-2 Exceptions and Variances																												
18.3	Division 23-3D-2 Exceptions and Variances	x																JSc			Redevelopmen t Exception in Urban and Suburban Watersheds	No		23-3D-2030(B)	(B) Requirements for Redevelopment Exception. This article does not apply to redevelopment of property under this section if the redevelopment: (1) Does not increase the existing amount of impervious cover; (2) Provides water quality controls that comply with Section 23-3D-6030 (Water Quality Control and Green Stormwater Infrastructure Standards) for the redeveloped area or an equivalent area on the site; (3) Does not generate more than 2,000 vehicle trips a day above the estimated traffic level based on the most recent authorized use on the property. (4) Is consistent with the neighborhood plan adopted by council, if (5) Does not increase non-compliance, if any, with Section 23-3D-4040 (Critical Water Quality Zone Development), Section 23-3D-4050 (Critical Water Quality Zone Street, Driveway, and Trail Crossings), Section 23-3D-5030 (Critical Environmental Features), or Section 23-3D-5040 (Wetland Protection); and (6) Does not place redevelopment within the Erosion Hazard Zone, unless protective works are provided as prescribed in the Drainage Criteria Manual.	This propose language removes language that is not germane to redevelopment exceptions and should be removed. Redevelopment exceptions allow impervious cover to be reduced in the watershed, so non-water quality requirements should be removed	Neutral	The requirement for Council approval if the project meets certain non-water quality related criteria stems from stakeholder discussions for the Redevelopment Exception adopted in 2000 and the Barton Springs Zone Redevelopment Exception adopted in 2007. Watershed staff defer to PAZ, ATD, and DSD staff for potential modifications to the non-water quality related criteria. Note: Changes to the BSZ Redevelopment Exception will need approval from a supermajority of Council.	
18.4																	JSc												See comment above.

CHAPTER ARTICLE	DIVISION TITLE	A		B										C	D	E		F	G		H				
		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	SEEGER	SHIEH				THOMPSON	WHITE					SHAW	BURKARDT	MENDOZA
18.5	Division 23-3D-2	Exceptions and Variances	x															Redevelopmen t Exception in the Barton Springs Zone	No		23-3D-2040 (D) (1)	(D) Council Approval. (1) Applicability. Council approval of redevelopment under this section is required if the redevelopment: (a) includes more than 25 dwelling units; (b) Is located outside the City's zoning jurisdiction; (c) Is proposed on property with an existing industrial or civic use; (d) is inconsistent with a neighborhood plan; or (e) will generate more than 2,000 vehicle trips a day above the estimated traffic level based on the most recent authorized use on the property.	Extensive water quality rules are appropriate in this zone, but there's no need to take the items to a vote at Council for non-water quality items. Requiring this to go to Council adds additional costs to the overall development	Neutral	See comment above.
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														Water Quality Control Measures	No		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	No	This proposal should be located in 23-2A-3 (Residential Development Regulations). In addition, since the early 1980s, water quality and drainage infrastructure in residential subdivisions has been sized assuming 45% impervious cover across the subdivision. Earlier subdivisions often have inadequate drainage infrastructure. Allowing additional impervious cover is likely to create drainage problems in modern subdivisions and exacerbate problems in older subdivisions. Watershed Protection Department staff would recommend additional water quality and drainage requirements on individual lots if impervious cover limits were increased beyond 45%. This would result in substantial design and construction costs as well as additional permit review time and cost.	
18.9	Division 23-3D-3	Impervious Cover																		23-3D-3030 Land Use Commission Variance	(B) A variance request under this section is subject to the application requirements in Section 23-2F-1020 (Application Requirements) and the public notice and hearing requirements in Section 23-2F-1040 (Public Hearing and Notification). (B) If a property is unreasonably encumbered by the location and/or quantity of heritage trees, the Land Use Commission shall consider a variance under this section to allow appropriate development of the property in accordance with Chapter 23-4. Definition: unreasonably encumbered-50% or more of the site is undevelopable or more than 10% of the potential unit yield is lost.	Due to many of the new requirements under Chapter 23-4 to push parking towards the back of the property, impervious cover limitations, new setbacks, landscape buffers, etc. It is now more likely that some sites will be undevelopable due to the prevalence of heritage trees. Adding (B) and renumbering this section would allow the land use commission to take into consideration whether or not the development of a site is being unreasonably encumbered by the heritage trees on the site.			
18.11	Division 23-3D-3	Impervious Cover																							
18.14	Division 23-3D-3	Impervious Cover	x														Impervious Cover Calculations	No		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														Impervious Cover Limits for Suburban Watersheds	No		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.	No	This recommendation represents a change from existing policy. Significant revisions were made to the water quality and drainage regulations during the Watershed Protection Ordinance process in 2013. The intent was to encourage the actual provision of a mixture of commercial and residential and not solely multifamily.	
18.13	Division 23-3D-3	Impervious Cover	x														Impervious Cover Limits for Suburban Watersheds	No		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.	No	See comment above.	
18.15	Division 23-3D-4	Waterway and Floodplain Protection																							
18.16	Division 23-3D-4	Waterway and Floodplain Protection	x														Critical Water Quality Zones Established	No		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 allow the director to use hydrology analysis to reduce water quality boundaries on a case by case basis.	No	The Critical Water Quality Zone for Suburban watersheds does not incorporate the floodplain. However, the applicant may demonstrate a change in the drainage area threshold as part of an engineering analysis.	

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				ANDERSON	HART	KAZI	KENNY	MCGRAW	MUCKOLS	OLIVER	SCHISLER	SEEGER	SHIH	THOMPSON	WHITE				TW	SHAW		BURKARDT	MENDOZA			TEICH	GENERAL
19.22	Division 23-3E-2 Downtown Density Bonus Program		X																AHDB	x		23-3E-2060-E-2-c	A unit is affordable for rent if the maximum monthly rent for the unit does not exceed 30% of the average gross monthly income for a household at 80-60 percent of the MFI.	I think the price of units downtown should be able to handle a little more affordability	Yes		
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.	No	keep bedroom mix as part of policy to encourage larger 'family units'	
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.	No	if the policy is to encourage housing, the procedural incentive to providing housing should remain. Approval of a bonus by right for other benefit (i.e. daycare) doesn't align with housing goals	
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.			
A-19.44.1	Division 23-3E-4 S.M.A.R.T. Housing		X																SMART		X		please see Exhibits TW SMART HOUSING and TW SIMPLICITY HOUSING BLUEPRINT GOALS	There are a number of general and specific changes outlined in the exhibit			
19.45	Division 23-3E-5 Additional Affordable Housing Incentives																										
19.46	Division 23-3E-5 23-3E-5010 Additional Affordable Housing Incentives																		AH Incentives	NO		5010 (A)	(A) An applicant who provides income-restricted affordable units, as verified by the Housing Director, may request a parking adjustment from the Planning Director before the site plan is approved under Article 23-4D (specific to zones).	This does not have any specifics as to the limits that parking can be adjusted. Delete section.	No		
19.47	Division 23-3E-5 23-3E-5010 Additional Affordable Housing Incentives		X																AH Incentives	NO		5010(B)(3)(a), (b), (c)	(a) If at least 10 percent, but less than 20 percent, of the dwelling units are equal to or less than 80% MFI reasonably priced, the maximum cost is reduced by the percentage of affordable units; (b) If at least 20 percent, but less than 50 percent, of the dwelling units are equal to or less than 80% MFI reasonably priced, the maximum cost is reduced by 50 percent; and (c) If at least 50 percent of the dwelling units are equal to or less than 80% MFI reasonably priced, no mitigation may be required.	B)3) grants benefits for providing reasonably priced units. What does this mean? I propose following but should be discussed	Neutral		
19.49	23-3F Art, Music, and Culture		X			GA													Art, Music, and Culture	No		23-3F	please see Exhibit WHITE_EXHIBIT-ART, MUSIC CULTURE Proposed Future CodeNEXT Article 23-3F: Art, Music, and Culture Both the Imagine Austin Comprehensive Plan and the Code Prescription on Household Affordability reference the need for regulations to sustain and strengthen the music and arts industries and communities. To this end, the CAG recommends developing a future code section that would provide city-wide regulations to promote arts, music, and culture with the goals of: protecting existing assets and promote new ones in areas deficient of art, music, and cultural assets, and supporting housing and jobs for musicians and artists, and sustaining these important elements of Austin's economy. Proposed Code Additions: 1. Add arts, music culture to the Purpose Statement of General Planning Standards. The current draft of the new Land Development Code for Austin, dubbed CodeNEXT contains the following purpose statement in Chapter 23-3: General Planning Standards for All [1]. The red underlined clause below would add reference to a to-be-written section governing arts, music and culture.	This is the Live Music Capital of the World and we are not doing nearly enough for our artists! We should also consider a density bonus for music venues.			

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				GA														23-3F	23-3A-1010 Purpose This Chapter provides standards and regulations for the following purposes: to provide parkland; to provide for the protection and replenishment of urban forest resources; to provide for the protection of water quality and protection from flooding; to encourage the creation and preservation of affordable housing; and to sustain the local arts, music, and culture communities and industries. These aspects are all essential to the development of a healthy, sustainable and desirable city environment. The interests of the community and the goals of the Comprehensive Plan and Zoning Code are further ensured through the application of this Chapter. 23-3A-1020 Applicability This Chapter applies to all development within the City of Austin and the ETJ. 2. Working with appropriate city boards and stakeholders, develop a new code section to be numbered 23-3F. Provisions for consideration, several of which are already supported by City of Austin Economic Development Department and the City's Arts Commission and Music Commission, are outlined below. 23-3F-1010 Purpose and Intent (A) The purpose of this division is establish general requirements and procedures to sustain the local arts, music, and culture communities and industries and to guarantee that arts, music, and cultural land uses are distributed across the city in an appropriate manner within neighborhoods, along activity corridors, and within neighborhood, town, and regional centers.	Art, Music, and Culture	No															
				GA														23-3F	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. 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). 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. 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.	Art, Music, and Culture	No															
				GA														23-3F	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.). (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: • 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.	Art, Music, and Culture	No															

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				GA														23-3F	23-3F-1070 Codify of Agent of Change Principle. 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." The proposed new section is also supported by the following policies and priority actions in the Imagine Austin Comprehensive Plan: <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. 																
				GA														23-3F	<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, 																
				GA														23-3F	<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>																
				GA															<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 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>																

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23.133	Division 23-4D	All zones with compatibility setbacks																			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.	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		
23.193		5060-5120; MS1A-MS3B																			NO	5060 - 5120; MS1A-MS3B; 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	
23.144	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 Compatibility 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 Compatibility working group.	No		
23.3	Division 23-4D	All Subsections	x																		No	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	
23.5	Division 23-4D-1	Purpose																									
23.10																											
23.13	Division 23-4D-2	Residential House-Scale Zones																									
23.16	Division 23-4D-2	23-4D 2151																									
23.17	Division 23-4D-2		x																								
23.22																					Yes	23-4D-2 (the "Lot Size and Intensity" table in all R1-R3 Zones); 23-3E-1040 (Affordable Housing Bonus Calculation)	Add a row to the bottom of the table: "Residential Citywide Affordable Accessory Dwelling Unit Incentive: When participating in Affordable Housing Bonus Program, 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." Remove the following line from the table in RR, LA, R1A, R1B, and R1C: "Accessory Dwelling Unit allowed only when participating in Affordable Housing Bonus Program"	This is a new, income-restricted, affordable ADU bonus for all R1-3 zones. Add an affordable bonus that grants the following entitlements when adding a single, income-restricted ADU: ADU does not count towards FAR or unit limit, square footage of income-restricted ADU is also added to FAR limit for non-income restricted unit total on a 1-for-1 basis. Affordability income levels are same as other zone affordable unit bonuses, but affordability periods are 20 years for ownership, 10 years for rental.	No	staff believes in truth in numbers, to do this in R2 then name R2 into R3	
23.23																					Yes	23-4D-2 (the "Lot Size and Intensity" table in all R4 zones.)	For all R4 zones: Table (A) AHBP Bonus Units increased from +4 to +6 and AHBP Bonus FAR increased from .8 FAR to 2 FAR	This makes the bonus pencil out.	No	other site requirements affect building size and parking capabilities too much to make this situation pencil out	
23.24																					No	Applicable zones	Adopt the bonus entitlements recommended by the affordable bonus working group. (See attached table.)	More bonus entitlements got us from 6,000 affordable units to 13,500.			
23.25	Division 23-4D-2																				No	The "Lot Size and Intensity" table in all R zones	Add an affordable bonus that grants the following entitlements when adding a single, income-restricted ADU: ADU does not count towards FAR or unit limit, square footage of income-restricted ADU is also added to FAR limit for non-income restricted unit total on a 1-for-1 basis. Affordability income levels are same as other zone affordable unit bonuses, but affordability periods are 20 years for ownership, 10 years for rental. The ADU may be external or internal.	This is a new, income-restricted, affordable ADU bonus for all R zones.	Neutral	using this will lessen th viability of the preservation incentive	
23.26	Division 23-4D-2																				No	The "Lot Size and Intensity" table in all R zones	Add an affordable bonus that grants the following entitlements when adding a single, income-restricted ADU: ADU does not count towards FAR or unit limit, square footage of income-restricted ADU is also added to FAR limit for non-income restricted unit total on a 2-for-1 bonus basis. A second ADU is also added that does not count against the FAR or unit limits. Affordability income levels are same as other zone affordable unit bonuses, but affordability periods are 20 years for ownership, 10 years for rental. The ADU may be external or internal.	This is a new, income-restricted, affordable DOUBLE ADU bonus for all R zones.	No	See response in line 23.22	
23.27																					NO	<2500 SF Uses w/o Parking		Within Specific to Zones 23-4 parking requirements, remove all references to parking required that allow for use in zone to exclude off-street parking if <2500 SF.	?		
23.31																											

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23.95	Division 23-4D-2 2150-2180; R3A-R3D		x															R3B Lot Size	NO	2160Table 23-4D-2160(A),	RESTORE Single Family and Duplex - min. width from 45' to 50' , min. Area from 5000' to 5750'	Smaller R3 lots used adjacent to corridors.	no	see response on line 23.31
23.96	Division 23-4D-2 2150-2180; R3A-R3D		x														R3C and R3D	NO	2170 Table 23-4D-2170(A), 2180Table 23-4D-2180(A),	DELETE : Other Allowed Uses	What is the purpose of the new use called "other allowed uses." It is not defined and not explained what it will be used for.			
23.97	Division 23-4D-2 2190 - 2210 R4A- R4D	x															Townhouses	NO	2190 - 2210 R4A- R4D; Table 23-4D -XXXX (A)		ADDENDA: Removed Townhouses. Keep the same as shown in Draft 3.	N/A	comment	
23.98	Division 23-4D-2 2190 - 2210 R4A- R4D	x															Side St. Setbacks	NO	2190 - 2210 R4A- R4D; Table 23-4D -XXXX (B)		Single family attached and townhouses do not comply with the side setback requirements and 23-4E-7070 does not provide for exemptions. Add exception to 23-4E-7070.	Yes	Need to add side setback exception.	
23.99	Division 23-4D-2 2150-2180; R3A-R3D		x															NO	2190 - 2210 R4A- R4D; Table 23-4D-XXXX(H)	Remove reference to Common Open Space and Civic Open Space as these are already covered in section specific sections	Common and Civic Open Space requirements conflict between special section and Table H	No	see response in line 23.74	
23.102	Division 23-4D-2 Residential House-Scale Zones																Parking		23-4D-2150 through 2210 (G) (3); Parking Driveway	Edit Parking Table (G) (3) in all R3 & R4 zones to read: 40' max 12' max for single unit driveway 20' max for shared driveway	Allow 12' max curb cuts (current code) for driveways serving a single unit and up to 20' max curb cut for shared driveways that are not fire lanes. Multiple curb cuts are allowed on any street frontage of a lot. A 10' curb cut is too narrow to accommodate multiple vehicles to park; Shared driveways should provide two car access where site conditions allow. 12' is the current code minimum requirement.	Neutral		
23.103	Division 23-4D-2 Residential House-Scale Zones		x														Parking		23-4D-2150 through 2210 (G) (3); Parking Driveway	Delete Parking Table (G)(3) Parking Driveway "When lot has adjacent alley with a right-of-way width of 20' or greater, parking must be accessed only from the alley."	There is already an incentive to park from an alley - better use of IC, better access for ADU parking, etc. so requirement is not necessary. Would require homeowners to pave the alley per staff, with major negative impact on feasibility. 3 or 4 units can't all park from alley (possibly 6+ spaces on 50' lot). Corner lots with three sides Right Of Way are still required to only park off of the alley in v3.	No	Add exception for existing curb cuts to be continued to be used. Need to coordinate with public works on alley improvements.	
23.104	Division 23-4D-2 Residential House-Scale Zones																residential		23-4D-2150 through 2210(G)	Amendment: Required parking space(s) must not be located in front of the front facade of the building, forcing parking to rear of lot	Delete language because it effectively requires two tandem spaces and the resulting impervious cover to comply - the required space behind the setback, and the space on the driveway leading up to it. While not "required", it is a space nonetheless, and will be parked on. Parking setbacks like this limit unit yield by removing flexibility to work around site conditions, such as trees, forcing parking where units should go.	Neutral	If parking setback reduced, recommend adding frontyard IC to R4 Zones.	
23.107	Division 23-4D-2 Residential House-Scale Zones																residential		23-4D-2170, 23-4D-2180, 23-4D-2190, 23-4D-2200, 23-4D-2210 (G) Parking (2) Setback	Table 23-4D-2170 (G) Parking (1) Parking Requirements (1) Setback - Front 30', Side St. 20', Side 2', Rear 5' (2) Parking Driveway	Parking setbacks do not allow enough flexibility for site conditions, such as trees and drainage, particularly when combined with other parking regulations, limiting unit yield and increasing cost. They have the same effect as "required parking behind the front facade", in that two tandem spaces are required to meet the minimum one required space. Adds unnecessary IC to multi-unit sites, where IC is already tight. Required parking cannot be within the setback, but additional parking can.	Neutral	If parking setback reduced, recommend adding frontyard IC to R4 Zones. Consider exceptions for trees.	
23.108	Division 23-4D-2 Residential House-Scale Zones																residential		23-4D-2100, 2120, 2140 Table (C) Building Form	(C) Building Form (2) Facade(s) All Stories: Add "Articulation, Net Area 40 sf", Change Articulation length (min.) to 8' and Articulation depth (min.) to 2'. Add note "Articulation not required for a net building area of less than 2000sf."	Articulation adds expense, causes drainage problems (U-shape captures water) and can't accommodate trees and site conditions. It should be deleted entirely, but if it must stay for R2, the 4x10 dimension is too prescriptive. Net area allows for more flexibility for trees and drainage, etc.	No	See above	
23.109	Division 23-4D-2 Residential House-Scale Zones																residential		23-4D-2150 to 2200 Table(C) Building Form	For R3-R4 "McMansion" Zones Table 24-4D (C) has Building Form (1) Building Articulation New Construction "Articulation is required when adjacent to (list R2A, R2C, R2E ie McMansion zones) for adjacent side walls on additions or new construction ..."	Articulation requirement inherently causes drainage problems due to "U" shape. McMansion rules were intended for 1-2 unit uses. Articulation on interior lots makes it more difficult to accommodate environmental considerations (e.g. trees and drainage). Trees would require routine variances for R3-R4. It is a very prescriptive design standard that has no impact on the public domain. Will preserve neighborhood character in R2 zones, while allowing for additional units to be built in R3 and R4 zones.	No	"U" shape does not cause drainage problems.	
23.110	Division 23-4D-2 Residential House-Scale Zones																residential		23-4D-2100(G) to 2210(G)	Impervious cover R2 to R4: Delete Footnote. The maximum impervious cover may not be attainable due to unique site characteristics, such as trees, waterways, and steep slopes. Where necessary, the project must reduce the impervious cover to comply with other requirements of this Title.	The Impervious Cover Footnote is not in the current code and only serves to reduce flexibility to account for trees, waterways, and steep slopes. Authorizes further reductions in buildable area on site without justification, possibly removing ability to apply for a variance.	No	The footnote does not inherently reduce impervious cover.	
23.111	Division 23-4D-2 Residential House-Scale Zones																residential		Table 23-4D-2100 to 2210(A)	Amendment: Apply Preservation Incentive to every R zone. Preservation Incentive: Accessory Dwelling Unit size does not count toward FAR limit when existing house (at least 10 years old) is preserved.	Not counting ADU toward FAR if on a lot with an existing home that is older than 10 years is a good incentive. Preservation Incentive should apply in every R-type zone.	No	Not all R Zones have an FAR limit.	
23.113	Division 23-4D-2 Residential House-Scale Zones																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.	
23.115	Division 23-4D-2 Residential House-Scale Zones																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																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.	
23.118	Division 23-4D-2 Residential House-Scale Zones																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																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.	
23.121	Division 23-4D-2 Residential House-Scale Zones																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																residential		23-4D-2210: R4C Zone	R4C: Table (C) (2) Building Articulation and (C) (3) Facade(s), Table (D) (3) 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.	
23.124	Division 23-4D-2 Residential House-Scale Zones																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		
23.126	Division 23-4D-2 Residential House-Scale Zones																residential		23-4D-3	Table 23-4D-3xxx Lot Size and Intensity Int: Principal dwelling units per acre	There needs to be a deletion of dwelling units per acre for all multi-unit zones. It is a duplicative regulation, given that the scale is already regulated.	?	If referring to RM1A, table corrected in addendum.	

CHAPTER ARTICLE	DIVISION TITLE	DESIRED PROPOSED CHANGES TO D3	A													C TOPIC AREA	D REQ. ADD'L STAFF FEEDBACK	E		F SUBSTITUTE LANGUAGE	G COMMISSIONER NOTES	H			
			B INITIATED BY COMMISSIONER															EX OFFICIO	AMENDMENT TYPE			SUBSTITUTE LANGUAGE	COMMISSIONER NOTES	YES/NEUTRAL /NO	STAFF RESPONSE
			ANDERSON	HART	KAZI	KENNY	MCGRAW	NICKOLS	OLIVER	SCHISLER	SEEGER	SHIEN	THOMPSON	WHITE	SHAW										
23.231	Division 23-13A-2 (Land Uses), Division 23-4D-7 (Commercial and Industrial Zones), Division 23-13A-2 (Land Uses)	Commercial and Industrial Zones, Land Uses																	Breweries and Microbreweries	Yes - if there are any issues we should be aware of with these changes.	23-4D-7030	Sec. 23-13A-2030, "Manufacturing and Storage", change 3(e) ("Brewery/distillery/winery which manufacture more than 15,000 barrels of beverage...") from 15,000 barrels to 5,000 barrels, and move it from "Manufacturing and Storage - Restricted" to "Manufacturing and Storage - General". Table 23-4D-7030(A), "Allowed Uses in Commercial and Industrial Zones," change Manufacturing and Storage - General from not allowed to CUP in Commercial Recreational, and from CUP to P Industrial Flex. Sec. 23-13A-2030, "Micro-Brewery/Micro-Distillery/Winery," change "15,000 barrels" to "5,000 barrels". Sec. 23-4E-6220(B), "Requirements for a Brewery/Winery/Distillery," change: (1) Allowed. The sale of beer, ale, wine, or distilled liquor produced on-site for on-site consumption must comply with Section 4-9-4 (Minimum Distance from Certain Uses).	This addresses a problem in Draft 3 that incorrectly distinguishes between microbreweries and breweries and is then overly prescriptive for microbreweries. The break between microbreweries and production breweries is about 5,000 barrels per year. This amendment changes the break from 15,000 to 5,000. It restores breweries as an allowed use in Industrial Flex, which is where at least one Austin brewery is today but was left out of the zone. It also removes restrictions on micro-breweries with tasting rooms that far exceed bars or restaurants that serve alcohol, and replaces the restrictions with a reference to the city ordinance that governs distance requirements for alcohol sales and restaurants that serve alcohol.	No	See row 23.299
23.232																		Breweries and Microbreweries	Yes - if there are any issues we should be aware of with these changes.	23-4D-7030	(a) Is an allowed use, if the use is at least 540 feet from any single-family residential use, as measured from lot line to lot line; (b) Is a conditional use, if the use is less than 540 feet from any Residential House Scale Zone, as measured from lot line to lot line; and (c) Except as provided in Subsection (B)(2), must not exceed the lesser of 33 percent or 5,000 square feet of the total floor area of the principal developed use. (2) On-site Consumption Area (a) During a tour, on-site consumption is allowed in an area that exceeds the lesser of 33 percent or 5,000 square feet of the total floor area of the principal developed use. (b) If the use is located in Airport Overlay Zones AO-1, AO-2, or AO-3, on-site consumption is allowed in an area that exceeds the lesser of 33 percent or 5,000 square feet of the total floor area of the principal developed use. (3) Increased Square Footage. During the conditional use permit approval process, the Planning Commission or city council may increase the square footage allowed under Subsection (B)(1)(c).	This addresses a problem in Draft 3 that incorrectly distinguishes between microbreweries and breweries and is then overly prescriptive for microbreweries. The break between microbreweries and production breweries is about 5,000 barrels per year. This amendment changes the break from 15,000 to 5,000. It restores breweries as an allowed use in Industrial Flex, which is where at least one Austin brewery is today but was left out of the zone. It also removes restrictions on micro-breweries with tasting rooms that far exceed bars or restaurants that serve alcohol, and replaces the restrictions with a reference to the city ordinance that governs distance requirements for alcohol sales and restaurants that serve alcohol.	No	See row 23.299	
23.233		7030 - Allowed Uses and Permitting Requirements																TS		NO	Table 23-4D-7030(A)(6)		Bars and Nightclubs not permitted in commercial and industrial zones	N/A	comment
23.235		7050-7100; CR, CW, IF, IG, IH, RD																TS		NO	Table 23-4D-XXXX(D) Height	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.
23.236	Division 23-4D-8 Other Zones																								
23.237	Division 23-4D-8 Other Zones																	X			Division 23-4D-8	(A) Parking. (1) Except as provided in subsections (A)(2) and (A)(3), the director shall determine the minimum off-street motor vehicle parking requirement and minimum off-street loading requirement for a use allowed in a zone included in this division. In making a determination, the director shall consider the requirements applicable to similar uses, the location and characteristics of the use, and appropriate traffic engineering and planning data. (2) For a property owned by the City, the off-street parking requirement for each use allowed in a zone is determined by the director. (3) A property zoned Former Title 25 shall comply with the parking requirements established in the applicable ordinances and agreements adopted prior to the effective date of this Title. For a property zoned Former Title 25, off-street motor vehicle parking requirements are subject to adjustment under section 23-4E-3060, Off-Street Motor Vehicle Parking Adjustments.		Staff is not recommending adding new regulations to F25. However, because current parking regulations are outside of Title 25, staff recommends referencing current parking standards in the F25 Section.	
23.238	Division 23-4D-8 Other Zones																X			23-4D-8040 (A)(3)	(3) A property zoned Former Title 25 shall comply with the parking requirements established in the applicable ordinances and agreements adopted prior to the effective date of this Title. For a property zoned Former Title 25, off-street motor vehicle parking requirements are subject to adjustment under section 23-4E-3060, Off-Street Motor Vehicle Parking Adjustments.	F25 areas should be allowed to get the same parking reductions as Chapter 23 areas. Otherwise, they will have abnormally high parking reqs	No	Staff is not recommending adding new regulations to F25 as any F25 property has standards already set by F25	
23.239	Division 23-4D-8 Other Zones																X			Division 23-4D-8	(A) Parking. (1) Except as provided in subsections (A)(2) and (A)(3), the director shall determine the minimum off-street motor vehicle parking requirement and minimum off-street loading requirement for a use allowed in a zone included in this division. In making a determination, the director shall consider the requirements applicable to similar uses, the location and characteristics of the use, and appropriate traffic engineering and planning data. (2) For a property owned by the City, the off-street parking requirement for each use allowed in a zone is determined by the director. (3) A property zoned Former Title 25 shall comply with the parking requirements established in the applicable ordinances and agreements adopted prior to the effective date of this Title. For a property zoned Former Title 25, off-street motor vehicle parking requirements are subject to adjustment under section 23-4E-3060, Off-Street Motor Vehicle Parking Adjustments.		See 23.237		
23.240	Division 23-4D-8 Other Zones																X			No	23-4D-8080 (D)(2)(a)	Delete 23-4D-8080 (D)(2)(a): (2) F25 Compatibility Standards. (a) Properties within the F25 Zone are subject to the compatibility regulations established under former Chapter 25-2, Subchapter C, Article 10 (Compatibility), which limit the scale and intensity of development based on the existing use and zoning of adjacent properties.	Use based compatibility can trigger compatibility restrictions long after Council has rezoned a property. This eliminates the desired outcome of rezoning, especially along corridors.	No	for the fairness of residential properties in F25 staff supports allowing F25 compatibility to exist

CHAPTER ARTICLE	DIVISION TITLE	A		B												C	D	E		F	G		H		
		DESIRED PROPOSED CHANGES TO D3		INITIATED BY COMMISSIONER												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	SEEGER	SHIEN	THOMPSON	WHITE			SHAW	BURKARDT		MENDOZA	TEICH			GENERAL
24.21	Division 23-4E-3 Parking and Loading		X	GA															On Street Parking	No	GENERAL 23-4E-3060	23-4E-3060 Off-Street Motor Vehicle Parking Adjustments (A) Simple Parking Adjustments. (1) Table (A) (Simple Parking Adjustments) establishes the adjustments allowed when a site meets the requirements described in the table. (2) Minimum off-street parking requirements shall be further reduced as follows: <u>(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.</u>	It's in today's code and we need to keep this § 25-6-478 - MOTOR VEHICLE REDUCTIONS GENERAL. (E) Except for development that does not require a site plan under Section 25-5-2 (Site Plan Exemptions), the minimum off-street parking requirement is reduced by the following amounts: (1) One space for each on-street parking space located adjacent to the site on a public street, including spaces on Internal Circulation Routes that meet public street standards;	No	Parking districts would best implement this reduction.
24.22	Division 23-4E-4 Parking and Loading		X	GA														On Street Parking	No	23-4E-3060	(A) Simple Parking Adjustments. (1) Table (A) (Simple Parking Adjustments) establishes the adjustments allowed when a site meets the requirements described in the table. (2) Minimum off-street parking requirements shall be further reduced as follows: <u>One space for each on-street metered parking space located within 250 feet of the site, measured as the shortest practical and legal walking distance to the nearest principal entrance of the site. Metered parking spaces may not be counted towards the minimum.</u>		No	Parking districts would best implement this reduction.	
24.23	Division 23-4E-3 Parking and Loading																				Eliminate all parking reductions beyond those already in place	Note AISD requests to maintain parking regulations near schools. Note: 2500 SF bars & restaurants near homes w/o parking is not compatible. Using street parking to count for bars is unfair to other businesses and residents. Code already allows extensive reductions in parking that are not enforced. Tandem parking results in many cars already on the streets. Visitors and emergency responders have no place to park when streets are crowded. This also impacts trash and bicyclists.	No		
24.24	Division 23-4E-4 Landscape																								
24.25	Division 23-4E4 Landscape		X																			Is landscape reqs more onerous and difficult to comply and review? Also says foundation buffer reqd all zones. CC and DC zones currently has no setback. No we have to do landscaping with the new setbacks? Does it all have to have landscape architect? what about small projects? maybe req only for 10k sqft or more projects.	No	landscape requirements are more straightforward and specific to site plan elements being propose, e.g., each element such as front yard planting, surface parking, compatibility buffers, etc., have clear requirements when applicable as opposed to general landscape (streetyard) requirements for every site. Green	
24.26																		parking		23-4E-3070	(B) up to 10,000sqft, no off street loading required... DOES NOT WORK WHEN THERE IS NO PARKING REQD for small businesses. In instances where there is no general parking available, then should require at least 1				
A-24.26.1	Front yard Planting reqs		X															landscape	X	X	Reduce the Front Yard Planting Requirements.	The draft requires significantly more trees than existing Street yard code requirements. There is concern for over-planting and the health of the new trees that are planted if they are spaced too closely together, especially for small lots. Reduce, or make scalable, the Front Yard Planting Requirements.		Tree quantities are currently scaleable based on the size of the building setbacks. Testing of quantities is ongoing and quantity requirements will be adjusted as needed to avoid overcrowding. Note that calculations for plant quantities is simply based on only a portion of the area within setback; the actual planting can occur in any available portion of the front yard area.	
24.27																		landscape		23-4E-4020	A-1-C. single family, duplex, and other residential house scale buildings		Yes	Staff concurs: A-1-C. Change to single family, duplex, and other residential house scale buildings	
24.28																		landscape		23-4E-4040	B. This section applies to commercial or non-house scale multi-family development that is located adjacent to a public right of way.			23-2A-3040 for 3 to 6 units and under 45% are exempt from site plan.	
24.30	Division 23-4E4 Landscape		X															Downtown		23-4E-4040 Landscaping	Exempt CC and DC zones (and any other urban zones) from this section as written (and it is recommended that CC does not require any minimum setback).	Currently no landscape requirements downtown to maximize density, Great Street trees are required.	Yes	per table23-E-4E-4040(A) Front Yard Planting Requirements, there are no Front Yard Planting Requirements. No Change needed	
A-24.30.1	Division 23-4E-4 Landscape		X															Landscaping		Table 23-4E-4040(A)	Reduce Front Yard Landscaping to 25%	Architects do not design buildings for them to be hidden by landscaping, current requirement is 20%.	No	Landscape requirements vary but can include shrubs, grasses, groundcover, and trees at various rates based on building setbacks. These are meant to enhance the architecture of the building, add	
24.29																		landscape		23-4E-4050	C. This section applies to commercial zones (says all zones)		Yes	staff agrees: replace "all" with "commercial"	
24.31	Division 23-4E-3 Landscape		X															Landscaping		23-4E-4050	Remove Foundation Buffer because some areas should not have landscaping next to the slabs. Soils engineers are against this on larger buildings.	Architects do not design buildings for them to be hidden, would destabilize soil conditions around foundation, conflicts with AFD Requirements for clear zone for ladders around building	No	Landscape requirements include shrubs, grasses, groundcover, and small trees. These are meant to enhance the architecture of the building and not required as a solid planting against the entire length of the façade, nor directly against the foundation.	
24.32	Division 23-4E-4 Landscape		X															Landscaping		23-4E-4060(D)	Remove island every 8 spaces and make it every 10 spaces	Landscape islands at 10 spaces has been standard for decades, onerous and will make redevelopment costly to retrofit parking lots	No	There is no requirement for landscape island at 10 spaces in the current code. The current code requires each parking space to be within 50' of a tree and the tree doesn't have to be within an island. New code requires a maximum of 8 consecutive spaces before a parking tree island is required. This ensures parking lots will have adequate shade from trees spread uniformly throughout the parking lot thereby reducing the Urban Heat Island Effect and fostering more hospitable human conditions within parking lots.	
24.33	Division 23-4E-4 Landscape		X															Landscaping		23-4E-4060(F)(2)	Modify the 10' landscape islands and make them 9'	Landscape islands have been 9' for decades, 8 is minimum for planting zones, no need to change.	No	Proposed code increases the minimum width for landscaped Islands, medians or peninsulas which contain new trees from eight (8) feet to ten (10) feet, measured from the inside of the curb, to help accommodate new minimum soil volume requirements and to provide significant space for the growth of trees planted within these areas.	

CHAPTER ARTICLE	DIVISION TITLE	A		B												C	D	E		F	G		H		
		DESIRED PROPOSED CHANGES TO D3		INITIATED BY COMMISSIONER												TOPIC AREA	REQ. ADD'L STAFF FEEDBACK	AMENDMENT TYPE		SUBSTITUTE LANGUAGE	COMMISSIONER NOTES		YES/NEUTRAL /NO	STAFF RESPONSE	
				ANDERSON	HART	KAZI	KENNY	MCGRAW	NLUCKOLS	OLIVER	SCHISLER	SEEGER	SHIEH	THOMPSON	WHITE			SHAW	BURKARDT		MEENDOZA	TEICH			EX OFFICIO
A-24.33.1	Street Tree Requirements		x																Street Trees			Per Environmental Commission Recommendation: Reinstate Street Tree Requirements	Reinstate, as written in Draft 2 23-9E-5050 (b)(1,) which states "the width requirements for street tree planting shall apply regardless of the available right-of-way: the street planting area shall extend onto private property, within a public access easement, to fulfill the width requirement when sufficient right-of-way is not available" Recommends that the proposed landscaping requirements be approved, with the following revisions: (1) direct Staff to develop a program to apply the Functional Green scoring system to all landscapes, regardless of impervious cover, to ensure that we are maximizing the benefits to be achieved via landscaping requirements and to ensure simplicity and consistency (2) Revise the width of landscape buffers for compatibility setbacks as follows: (a) intermittent visual obstruction: 15 feet (b) semi-opaque: 15 feet (c) opaque: 15 feet; (3) remove details regarding plant quantities from the draft code and move to Criteria Manual (4) Coordinate with the Water First Task Force to incorporate recommendations that further incentivize requirements for auxiliary water use and beneficial reuse of stormwater for irrigation, with consideration for the need to use potable water during dry periods, especially to help establish new or young vegetation.		
A-24.33.3	Division 23-4E-4 Landscape	X																Landscaping		23-4E-4070(A)	A landscape median separates every other parking run on the interior portion of a parking lot.	Current requirements have already reduced the requirement from every third bay to every other bay.	No	Proposed requirements call for medians between each bay of face to face parking except for lots with greater than 120 spaces. Lots > 120 spaces can skip every other median if slightly larger medians	
24.34	Division 23-4E-4 Landscape		X															Nonzoning	YES	23-4E-4120: Functional Green Requirements.	Requirements of application of Function Green shall be codified including: What sites are required to comply? To what % are sites required to comply? Which team has review authority over decisions? What is allowed to overlap (trees, water quality, other) and what is not? What land can be used for compliance (private land only, parkland, ROW, easements, etc)?		NA	Following Functional Green regulations are codified: *Applicability: 23-4E-4120(C): applies to all sites that proposed an impervious cover total exceeding 80 percent. *Overlap: 23-4E-4120(D): FG landscape plan is required to: 1) comply with all applicable landscape and buffer types; and 2) reach the target score (in ECM). *ROW use: 23-4E-4120(G): Landscape elements may be planted in the ROW. (All plantings on-site can count. Following functional green rules are in criteria: *Score sheet *Landscape element list, with directions on how to apply Review by EV Reviewers	
24.36	Division 23-4E-6 Specific to Use																								
24.37	6030 - Accessory Dwelling Unit - Residential		x														TS	ADU Placement	NO	6030 (A) Table 23-4E-6030 (A)	Placement (1) If detached, minimum 6'- 10' to the front, rear, or side of the primary structure or above a detached garage; may be connected to the primary structure with a covered walkway;	Restore 10' distance between structures equal to setbacks between adjacent single family units.		HLC: limit bldg size as % of lot or existing bldg.	
24.38	6060 - Adult Entertainment		x														TS	Adult Entertainment Use	NO	6060 (D)	(D) Allowed. Except as provided in Subsection (E) (1) An adult entertainment use other than including an adult lounge: (a) - allowed in a MU4B, or MUSA Zone, DC or CC Zone; and (b) - is allowed with a conditional use permit in the MU4B, MUSA, DC or CC Zones; and (2) - An adult lounge is allowed with a conditional use permit in a MU4B, MUSA, DC or CC Zone.	Require CUP for all adult entertainment.			
24.41	Cooperative Housing		x														TS	Co-operative Housing	Yes	23-4E-6 Specific to Use		Need standards for co-operative housing.		specfic language is needed for staff to review on whether we agree or disagree	
24.42	6160 - Duplex		x														TS	Duplex design requirements	NO	6160	ADD:(D) Duplex units are subject to the following requirements: (1) The two units must have a common floor and ceiling or a common wall, which may be a common garage wall, that: (a) extends for at least 50 percent of the maximum depth of the building, as measured from the front to the rear of the lot; and (b) maintains a straight line for a minimum of four foot intervals or segments. (2) The two units must have a common roof. (3) At least one of the two units must have a front porch that faces the front street and an entry to the dwelling unit, except that units located on a corner lot must each have a front porch that faces a separate street and an entry to the dwelling unit. (4) The two units may not be separated by a breezeway, carport, or other open building element. (5) On a lot less than 10,000 square feet the use must not exceed 6 bedrooms.	Add back design requirements and limit on bedrooms to no more than 6 for lots < 10,000 SF.	No	staff supports reducing too prescriptive duplex design standards from today's code to continue with concept of simplicity	
24.43			x															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.	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																				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	
24.46																		Home Occupation		23-4E-6200	C. why is "medical" office referenced if it is a prohibited use... either eliminate it from K or C L. Off street storage of the commercial vehicle is in addition to requirement of the dwelling unit. L. COMPLIANCE TO ADA? Ramps? Etc??? Help!				
24.47																		livework		23-4E-6210	(7) Parking is required....per... (does this mean it can not be deemed as NO parking?) I would assume that since it is a dwelling unit, there is at least one parking (8) Landscaping MAY be required and should comply with.... (small projects shouldnt require)	if live work, one parking space per unit, but because to 2500sqft commercial exemption, then no parking? But what if there is a commercial vehicle? Need to require.	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															Uses		23-4E-6200 Home Occupations	23-4E-6200(D) & 23-4E-6200 (F) add "excluding R1A-R3D residential zones."	The addition of 3 employees and limited retail sales is a burden in residential neighborhoods especially parking and traffic congestion. The Live/Work zone allows up to 2 employees by-right and up to 3 with an CUP. Interesting that a CUP is required for 3 employees in a Live/Work zone while only an 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															Co-operative Housing	Yes	23-4E-6 Specific to Use		Need standards for co-operative housing.		same motion as line 24.41	

CHAPTER ARTICLE	DIVISION TITLE	A		B										C	D	E		F	G		H		
		DESIRED PROPOSED CHANGES TO D3		INITIATED BY COMMISSIONER										TOPIC AREA	REQ. ADD'L STAFF FEEDBACK	AMENDMENT TYPE		SUBSTITUTE LANGUAGE	COMMISSIONER NOTES		YES/NEUTRAL /NO	STAFF RESPONSE	
				ANDERSON	HART	KAZI	KENNY	MCGRAW	MUCKLOS	OLIVER	SCHISLER	SHIEH	THOMPSON			WHITE	SHAW		BURKARDT	MENDOZA			TEICH
24.50	6240- Multi-Family		x														Multi-Family Open Space	YES	6240	DELETE: (B) Required Open Space	Common Open Space is already covered based on zones. This adds confusion as to when common space is required. 23-4C-1030 required common open space for sites greater than one acre in levels of 5% of gross site area. This is based on 10 unit threshold. Also, Personal Open space requirements in (B)(3) are covered in the open space table for each zone regulation. Perhaps this is meant for zones that are not required to have common open space either by zone type or size.		
24.52	6310 -Restaurant Late Night Operation	X														Restaurant Late Night Operation	YES	6310(C)	(C) Live Entertainment. Live entertainment is allowed if the amplified sound does not exceed 70 "A"-weighted decibels from the hours of _____ to _____, measured at the property line of the licensed premises. In this subsection, "premises" has the meaning ascribed to it in the Texas Alcoholic Beverage Code.	Are there hours that this should apply? Should this limit be in all zones?	No	Restaurants wit Late Night Operations are regulated through the Use Charts in 23-4D	
24.53	23-4E-6340 Short Term Rentals							KM										23-4E-6340	Eliminate Short Term Rental as a legal use	In order to make existing housing stock available to serve Austin's "dire housing shortage"	No	not sure if we can legally do this	
24.54	23-4E-6340 Single-Family Attached		X												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 this section."	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 demision, 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@ 4,000-sf. Min-total 200 sf/unit min.	There is already a per unit minimum area spelled out in code. Total minimum area needs to be adjusted to account for 3 unit cottage courts. Total is too large relative to lot size.		need more clarification on where the language is that this motion refers to, also clarify 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		

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				ANDERSON	HART	KAZI	KENNY	MCGRAW	MUCKOLS	OLIVER	SCHISLER	SEEGER	SHIH	THOMPSON	WHITE	SHAW	BURKARDT	MENDOZA	TEICH		GENERAL	SPECIFIC SECTION					
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 this section."	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, marking 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																	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																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 bldg height with neighborhood, add 15 setback for new story addition and 15' setback 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 housing use, not more than four unrelated adults may reside in a structure, in the following zones... 23-4E-7040 (D)(4) The requirements of this subsection do not apply if a site has a Cooperative Housing land use designation. 23-4E-7040 (G) Maximum Occupancy for a Site with Cooperative Housing. Not more than two unrelated adults times the number of bedrooms in a Cooperative Housing unit.	Allowing cooperatives but limiting occupancy to 4-6 unrelated individuals does not allow sufficient residency to make a cooperative viable	Neutral	Not limiting the cooperative occupancy to 4 would allow them to be more feasible, NEED TO DISCUSS Staff suggested language adjustment: Cooperative Housing use, not land use designation
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	Neutral	Need to discuss

CHAPTER ARTICLE	DIVISION TITLE	A			B										C	D	E		F	G		H					
		DESIRED PROPOSED CHANGES TO D3			INITIATED BY COMMISSIONER										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	MUCKOLS	OLIVER	SCHISLER	SEEGER	SHIEH	THOMPSON	WHITE	SHAW	BURKARDT	MENDOZA	TEICH	GENERAL	SPECIFIC SECTION					
A-27.10.1	2080		x																		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.				
27.12	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 preponderance 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																					23-5C-2020 B1	Revise area values with what is presented in zones					
A-27.13.2																					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																					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 regem duplex has agreements this should too				
A-27.13.4																					5C-2040	Refeneces SF4a					
A-27.13.5																					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																		Division 23-5C-4		Ask City Arborist if they reviewed.				
Chapter 23-6: Site Plan																											
28	Article 23-6A: Purpose and Applicability																										
28.2	Division 23-6A-2: Exemptions																										
28.3	Division 23-6A-2: Exemptions		x																			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.	No	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.		
28.4																						23-6A-2	In Table 23-6A-2010(A), amend "Construction and change less than 1,000 square feet and the limits of construction is less than 3000 square feet.", to add the following: "(5) If existing impervious cover is removed and trees are planted and perpetually maintained there, the impervious cover removed does not count toward the 1,000 or 3,000 square feet limit."	Imagine Austin calls for "complete communities." Complete communities need a healthy tree canopy.	Yes (with clarification)	This was discussed by staff in the context of removing impervious cover in existing paved parking/vehicle circulation areas in support of bringing noncompliant parking into better compliance with current parking lot landscaping/tree requirements.	
28.5	Division 23-6A-2: Exemptions		x																			Table 23-6A-2010 (A) Site Plan Exemptions	Residential construction of three to six ten units - Provided the project complies with the requirements of Division 23-2A-3 (Residential Development Regulations).	Missing middle housing shouldn't have to go through a complete site plan - otherwise you'll only get six units and rarely ever seven to ten units.			
A-28.5.1	Division 23-6A-2: Exemptions			x																			direct staff to crete a site plan light for missing middle housing between 6-12 units.	We want to lower the barrier for missing middle; the threshold of 6 for triggering a site plan is a step in the right direction. But we'd like to see more in the way of reducing the number of hurrldes for the 6-10 units as well. Site plan light would include watershed review but not necessarily all departments.			
29	Article 23-6B: Site Plan Review and Filing Requirements																										
29.1	Division 23-6B-1: Application Review and Approval																										
29.2	Division 23-6B-1: Application Review and Approval			x																			23-6B-1010 (D)(1)(a)	(a) For a site plan required due to a use change triggering a conditional use site plan that otherwise meets the criteria under 23-6A-2; Exemptions for Site Plan Review, compliance with requirements of a development or construction site does not apply.		This language reflects how most staff understand code. However, current code is not clear, and there is conflict in review. This language provides clarification; DSD supports this addition	
29.3	Division 23-6B-2: Submittal Waivers																										
29.4	Division 23-6B-3: Release																										
30	Article 23-6C: Expiration																										
Chapter 23-7: Building, Demolition, and Relocation Permits; Special Requirement Permits For Historic Structures																											
31	Article 23-7A: General Provisions																										
31.1	Division 23-7A-1: General Provisions																										
31.2	Division 23-7A-1: General Provisions		x																				23-7A-1020	Historic Properties and Buildings 45-50 or More Years Old (A) The building official must notify the historic preservation officer before issuing a building, demolition, or relocation permit for a building 45 50 or more years old. (B) The building official may not issue a building, demolition, or relocation permit for a property described in Subsection (D) unless all applicable requirements of Division 23-7D have been satisfied.	The national standard for historic protection is 50 years.		

CHAPTER ARTICLE	DIVISION TITLE	A			B										C	D	E		F	G			H							
		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	MUCKOLS	OLIVER	SCHISLER	SEEGER	SHIEH	THOMPSON	WHITE	SHAW	BURKARDT	MEENDOZA	TEICH	GENERAL	SPECIFIC SECTION								
31.3	Division 23-7A-1: General Provisions		X								JSc										Historic Zoning			23-7A-1050	HISTORIC PROPERTY INVENTORY. A list of all properties across the city's zoning jurisdiction that either are historically zones or might qualify for historic zoning protection. The historic preservation officer shall develop this list no later than January 1, 2024 and update it thereafter from time to time. The list should include a mix of commercial and residential properties, be spread geographically throughout the zoning jurisdiction, identify the reasons that the property might be historic, and include no more than one percent of the land area of the zoning jurisdiction. When developing this list, the historic preservation officer shall evaluate properties that are currently zoned historic for delisting. The list should provide sufficient detail for the City Manager to determine the amount of tax waivers are associated with the protections.	This will provide regulatory certainty and identify properties that are not currently protected but should be.				
A-31.3.1	23-7A Historic		X								PS										Historic Preservation			23-7 23-7A-1020	Include Historic Landmark Commission recommendations 20180423. Change 45 back to 50 years	Include HLC changes recommended changes (1) encourage ADUs as a tool to retain older, historic-age residential buildings, 50+ years, while increasing density (2) Maintain the historic street pattern, (3) preserve the built form of low-rise residential neighborhoods and commercial corridors via context-sensitive form-based zoning (4) discourage demolitions of older commercial and residential buildings (compress recommendations) Why is there a change of age from National Historic guidelines of 50+ years. Change back to				
32	Article 23-7B: Building Demolition and Permits																													
32.2	Division 23-7B-2: Permit Applications																													
32.3	Division 23-7B-3: Demolition Permit Expiration and Extension																													
32.4	Division 23-7B-3: Demolition Permit Expiration and Extension										JSc														23-7D-3010	Review for Buildings 45-50 or More Years Old Without Historic Designation (A) This section applies to a building, structure, or site that is: (1) 45-50 or more years old; and (2) Does not have historic designation of any kind.	50 is the national standard			
33	Article 23-7C: Relocation Permits																													
33.1	Division 23-7C-1: Relocation Permits																													
33.2	Division 23-7C-1: Relocation Permits		X								JSc														23-7D-1020	Article 23-7D: Special Requirements for Historic Properties and Buildings-45-50 or More Years Old	50 is the national standard			
33.3	Division 23-7C-2: Relocation Requirements																													
34	Article 23-7D: Special Permit Requirements for Historic Properties and Buildings 45 or More Years Old																													
34.1	Division 23-7D-1: Overview																													
34.2	Division 23-7D-2: Properties with Historic Designation																													
34.3	Division 23-7D-3: Properties without Historic Designation																													
34.4	Division 23-7D-3: Properties without Historic Designation		X								JSc															23-7D-3010	Review for Buildings 45-50 or More Years Old Without Historic Designation (A) This section applies to a building, structure, or site that is: (1) 45-50 or more years old; and (2) Does not have historic designation of any kind.			
34.5	Division 23-7D-4: Pending Historic Designations																													
34.6	Division 23-7D-5: Appeal																													
35	Article 23-7E: Maintenance Requirements																													
35.1	Division 23-7E-1: Maintenance Requirements																													
36	Article 23-7F: Enforcement and Penalties																													
36.1	Division 23-7F-1: Demolition by Neglect and New Construction																													
Chapter 23-8: Signage		NONE	MINOR	MAJOR																										
37	Article 23-8A: General Provisions																													
38	Article 23-8B: Regulations Applicable to All Signs																													
38.2	Division 23-8B-2: On-Premise Signs Allowed Without a Permit																													
38.3	Division 23-8B-2: On-Premise Signs Allowed Without a Permit																													
38.4	Division 23-8B-3: Prohibited Signs																													
38.5	Division 23-8B-4: Non-conforming Signs																													
39	Article 23-8C: Regulations Applicable to Sign Districts and Sign Types																													
40	Article 23-8D: Enforcement and Relief Procedures																													
Chapter 23-9: Transportation		NONE	MINOR	MAJOR																										
41	Article 23-9A: General Provisions																													
41.1	Division 23-9A-1: Policy and Administration																													
41.2	Division 23-9A-1: Policy and Administration		X								GA															23-9A-1030	(4) Proportionality determinations required under Division 23-9A-2 (Proportionality of Transportation Infrastructure Requirements), including standardized procedures for making determinations and criteria for identifying required improvements with an essential nexus to the impacts of proposed development;	This section states that standards for important transportation matters such as Rough Proportionality standards should be set forth in a Transportation Criteria Manual that the public has not seen or had the ability to review and provide input. Leaving such important standards to be determined outside of the revised LDC process and in a criteria manual written in the future does not provide clear guidance and predictability. This should be in code.		
41.3	Division 23-9A-1: Policy and Administration		X								GA															23-9A-1050	MUNICIPAL TRANSPORTATION INFRASTRUCTURE IMPROVEMENTS OR TRANSPORTATION INFRASTRUCTURE IMPROVEMENTS. A transportation improvement that mitigate the impacts of development on the City's transportation system, including the construction or funding of system improvements and the dedication or improvement of right-of-way beyond the boundaries of a development or in excess of that required by generally applicable design standards. The term does not include dedications or improvements to directly serve a development under generally applicable development resolutions.	This definition needs modification and is important as it relates to offsets with rough proportionality requirements. The last sentence in this definition should be deleted. This sentence is problematic because it is unclear what types of improvements would be excluded and could be interpreted in many different ways. rough prop should be allowed for land onsite.		
41.4	Division 23-9A-1: Policy and Administration		X								JSc															23-9A-1030 (B) (4)	Proportionality determinations required under Division 23-9A-2 (Proportionality of Transportation Infrastructure Requirements), including standardized procedures for making determinations and criteria for identifying required improvements with an essential nexus to the impacts of proposed development;	Rough proportionality should be defined in code, not criteria manuals. This section states that standards for important transportation matters such as Rough Proportionality standards should be set forth in a Transportation Criteria Manual that the public has not seen or had the ability to review and provide input. Leaving such important standards to be determined outside of the revised LDC process and in a criteria manual written in the future does not provide clear guidance and predictability.		

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		DESIRED PROPOSED CHANGES TO D3		INITIATED BY COMMISSIONER										TOPIC AREA	REQ. ADD'L STAFF FEEDBACK	AMENDMENT TYPE		SUBSTITUTE LANGUAGE	COMMISSIONER NOTES		YES/NEUTRAL /NO	STAFF RESPONSE				
				ANDERSON	HART	KAZI	KENNY	MCGRAW	NICKOLS	OLIVER	SCHISLER	SEEGER	SHIH	THOMPSON	WHITE	SHAW	BURKARDT	MEENDOZA	TEICH	GENERAL	SPECIFIC SECTION					
41.5	Division 23-9A-1: Policy and Administration		X							JSc									Municipal Transportation Infrastructure	Yes		23-9A-1050	MUNICIPAL TRANSPORTATION INFRASTRUCTURE IMPROVEMENTS OR TRANSPORTATION INFRASTRUCTURE IMPROVEMENTS. A transportation improvement that mitigate the impacts of development on the City's transportation system, including the construction or funding of system improvements and the dedication or improvement of right-of-way beyond the boundaries of a development or in excess of that required by generally applicable design standards. The term does not include dedications or improvements to directly serve a development under generally applicable development regulations.	This definition needs modification and is important as it relates to offsets with rough proportionality requirements. The last sentence in this definition should be deleted. This sentence is problematic because it is unclear what types of improvements would be excluded and could be interpreted in many different ways.		
41.6	Division 23-9A-2: Proportionality of Transportation Infrastructure Requirements																									
41.8	Division 23-9A-2: Proportionality of Transportation Infrastructure Requirements		X							JSc								Codify policies	Yes		23-9A-2		Policies regarding what is considered part of a project rough proportionality shall be included in code, not criteria manual. This includes definition of "Municipal transportation infrastructure improvements" (23-9A-1050)			
41.10										JSc												(D) To aid in making a proportionality determination and identifying required infrastructure improvements, the director may: (1) Adopt administrative guidelines setting forth assumptions, procedures, formulas, and development principles used in making a proportionality determination; and (2) If an applicant contests the director's proportionality determination, require an analysis under Article 23-9C (Transportation Review and Analysis) that would otherwise not be required or other information related to traffic and safety impacts. Proposed modifications to the rough proportionality procedures shall be adopted only via modification to this code section as approved and adopted by City Council.	Cont'd			
41.11	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	A		B												C	D	E		F	G		H				
		DESIRED PROPOSED CHANGES TO D3		INITIATED BY COMMISSIONER												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	SEEVER	SHIEH	THOMPSON	WHITE	SHAW	BURKARDT	MENDOZA	TEICH			GENERAL	SPECIFIC SECTION				
42.2	Division 23-9B-1: General Provisions		X							JSc									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							JSc									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							JSc									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							JSc									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							JSc									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			X							JSc									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							JSc									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							JSc									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				
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							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							JSc									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 Boush 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).			
43.4	Division 23-9C-1: General Provisions		x							JSc									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							JSc									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 1,000 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							JSc									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							JSc									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.				

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		NONE	MINOR	MAJOR	ANDERSON	HART	KAZI	KENNY	MCGRAW	NLUCKOLS	OLIVER	SCHISLER	SEEGER	SHIEH	THOMPSON	WHITE	SHAW	BURKARDT	MEENDOZA	TEICH	GENERAL	SPECIFIC SECTION					
44.5	Division 23-9D-1: Action on Development Application		X								JSc										23-9D-1030 (B)(2)	(2) Reducing the density or intensity of the development, to the extent necessary to ensure that the capacity of the street network is sufficient to accommodate vehicle trips generated by the proposed development.					
44.6	Division 23-9D-1: Action on Development Application		X								JSc										23-9D-1030 (C)	Update section (C) to read as follows: "To the extent authorized under division 23-9D-2 (transportation Infrastructure Improvements), and within limits of a projects approved Rough Proportionality Determination per section 23-9-XX, the director may condition development approval on the construction, dedication or funding of municipal transportation infrastructure improvements that would benefit the transportation system immediately adjacent to the development and assist in mitigating the effects of newly generated traffic from the development."	Need to clarify that application cannot be conditioned based on request over/above RP value.				
44.7	Division 23-9D-2: Transportation Infrastructure Improvements										JSc																
44.8	Division 23-9D-2: Transportation Infrastructure Improvements	X									JSc										23-9D-2010(B)	Replace item (B) with following text "A Comprehensive Transportation Plan is required when both a TIA and a TDM are require (per section 23-9C-2020 and 2030) and refers to the combined report containing information found in both a typical TIA and TDM."	23-9D-2010(B): Requirement of Comp Transpo Plan here creates conflict with requirement for TDM per 23-0C-2030(A)(2)				
44.9	Division 23-9D-2: Transportation Infrastructure Improvements		X								JSc										23-9D-2020(B)(1)	Add item (3) as follows "Identified improvements shall be funded by the applicant based on an estimated cost of the system improvement or, at the discretion of the applicant, may be built by the applicant conditioned on a cost reimbursement from the City of Austin equal to at least 20% of the estimate cost of the improvement."	Requirements for offsite improvements should not be required and rather incentivized (similar to 2010(B) language)				
44.10	Division 23-9D-2: Transportation Infrastructure Improvements		X								JSc										23-9D-2030(B)(2)	Update item (2) to replace "...or refund the fee at the request of the applicant who paid the fee" to say "...automatically upon expiration of the 10 year period to the applicant who paid the fee."	The City shall automatically refund these funds if not used; The City is responsible for managing funds and improvements so this is a way to keep them accountable.				
44.11	Division 23-9D-2: Transportation Infrastructure Improvements		X								JSc										23-9D-2040	Update item (A) to replace "... certified under Division 23-3E-4 (SMART Housing)." to read "... proposing any number of affordable housing units or affordable square footage for commercial use based on the percentage of affordable units/square footage (commercial) against the total units/square footage (commercial) of the project."	Reduced transportation mitigation should be applied to all affordable housing projects regardless of whether they follow the City SMART housing proposal as they serve to benefit all affordable renters				
45	Article 23-9E: Right-Of-Way Construction																										
45.5	Division 23-9E-5: Driveways and Alleys																										
45.6	Division 23-9E-6: Sidewalks, Urban Trails, Street Trees																										
45.7	Division 23-9E-6																				23-9E-6040(B)	Add "if public right-of-way adjacent to the development is of insufficient width for the planting of street trees, street trees shall be planted on the applicant's property."	Imagine Austin calls for "complete communities." Complete communities need a healthy tree canopy.				
46	Article 23-9F: Street Design																										
46.1	Division 23-9F-1: General Provisions																										
46.2	Division 23-9F-2: Access to Major Streets																										
46.3	Division 23-9F-3: Street Layout																										
47	Article 23-9G: Road Utility Districts																										
Chapter 23-10: Infrastructure		NONE	MINOR	MAJOR																							
48	Article 23-10A: Austin Water Service																										
48.1	Division 23-10A-1: General Provisions																										
48.2	Division 23-10A-2: Extension of Service, General Provisions																										
48.3	Division 23-10A-3: Extension of Service, Cost Participation										JSc																
48.4	Division 23-10A-3: Extension of Service, Cost Participation			X							JSc										23-10A-3040 (D)	In many cases the City may deny cost participation due to lack of funding and will still require the developer to build out the new infrastructure or increase the pipe size to serve adjacent properties at the applicant's cost. By limiting it only to servicing the proposed property and proposed development on that site it will limit potential abuse of overreach by AWU.	Disagree with the comment. Based upon case law, if the City requires the oversizing of infrastructure it must pay its proportionate share of costs. If the City has no funds to pay for its proportionate share, it cannot require an oversizing of the infrastructure. It should be noted that the City may require a developer to upsize an existing line, but that	No			
48.5	Division 23-10A-4: Tap Permits										JSc																
48.6	Division 23-10A-4: Tap Permits		X								JSc										23-10A-4080 Refund of Tap Permit Fee (B)	Strike "before the expiration date of the permit" because it should allow a request for a refund to be made at any time			Yes	The deletion is acceptable.	
49	Article 23-10B: Water Districts																										
49.1	Division 23-10B-1: General Provisions																										
A-49.1.1	Division 23-10C-1: General Provisions	X									JSc										23-10C-1030 (C)	Funds may be disbursed as reasonably necessary to carry out the purposes; provided that a fee shall be expended within a reasonable period of time, not to exceed 10 years, from the date the fee is deposited into the account. <u>In the event that a fee is not expended within 10 years of a deposit, it may be reimbursed to the payee.</u>	This clarifies that a fee not used in 10 years may be refunded to the original payee. This should encourage the city to be diligent about expending the funds and performing the capital improvements.		No	Capital Recovery Fees are designated for growth-related projects in the City's service area and are not solely designated for a specific project. As such, Austin Water adjusts its capital spending plan annually to ensure the construction of the most critical growth-related projects. Additionally, Austin Water reassesses its impact fees every five years, in accordance with State law, to	
50	Article 23-10C: Water and Wastewater Capital Recovery Fees																										
50.1	Division 23-10C-1: General Provisions																										
50.2	Division 23-10C-2: Fee Established																										
50.3	Division 23-10C-2: Fee Established		X								JSc										23-10C-2050 (A)(1)	(A) Except as provided by Section 23-10C-2060 (Installment Payment Of Impact Fee), or by a contract with a wholesale customer or with another political subdivision, the impact fee due for new development shall be collected: (1) At the time the City of Austin approves a site plan or building plan review; or	This ensures that the impact fee being paid is directly related to the unit that is performing the impact.		Yes	The deletion is acceptable.	
51	Article 23-10D: Reclaimed Water																										
52	Article 23-10E: Drainage																										
52.1	Division 23-10E-1: General Provisions																										
52.2	Division 23-10E-1: General Provisions			X							JSc										23-10E-1050 Obstruction of Waterways Prohibited	Unless authorized by a development application approved in compliance with Title 23, a person may not place, or cause to be placed, an obstruction in a waterway or drainage easement used for overland conveyance if the obstruction would cause impact to the conveyance of the waterway or drainage easement.	Clarifies that an easement may be obstructed, provided that the obstruction does not cause impact to the conveyance.		No	Obstructions to waterways are also a concern if they affect accessibility for maintenance.	

CHAPTER ARTICLE	DIVISION TITLE	A		B										C	D	E		F	G	H				
		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	SEEGER	SHIH				THOMPSON	WHITE					SHAW	BURKARDT
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.		No	
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.	No	
57.5	Division 23-13A-1: Small Area Plan																		X		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.	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.	Yes	
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.	Yes	
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	No	not needed. Remove from use
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																		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"		PARD does not agree with this substantive change due to the prior negotiations that created this section in 2016. The map in the code is a Deficiency Map, not a Proximity Map. That term Proximity does not match the concept. Changing this concept would require extensive staff time to change the Deficiency Map created over the last 10 years from recommendations from the City's Families and Children Task Force. For reference, here is the definition in the current code and DRAFT 3: PARK DEFICIENCY MAP A map depicting areas that the Parks Director has determined lack sufficient parkland based on locational criteria established by the Parkland Dedication Operating Procedures Article 23-3B (Parkland Dedication) and the parkland policies of the Comprehensive Plan.
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 finished grade and the highest part of the structure directly above. Height in all cases shall include, but is not limited to, any slab, platform, pad, mound or similar elevated base above pre-existing grade.	Provides much needed clarity - height requirements interpretations shouldn't be a subject for debate.	Neutral	
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, including sites zoned for residential use.	UDA's are currently not allowed on residential sites. UDAs facilitate aggregation that is often required to achieve unit yields per AIA Charrettes. Allows more flexible site planning for tree preservation, etc.	Neutral	
57.13	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 consistent with the building's historic fabric.	Per secretary of Interior - proposed by HLC		HLC: 1030 Define Preservation
57.14	Division 23-13A-1: Terms and Measurements																	DEFINITIONS			Preservation is defined as the act or process of applying measures necessary to sustain the existing form, integrity, and materials of an historic property. Work, including preliminary measures to protect and stabilize the property, generally focuses upon the ongoing maintenance and repair of historic materials and features rather than extensive replacement and new construction. New exterior additions are not within the scope of this treatment; however, the limited and sensitive upgrading of mechanical, electrical, and plumbing systems and other code-required work to make properties functional is appropriate within a preservation project.]	Per HLC recommendation, from Dept of Interior.		HLC: 1030 Define Preservation
A-57.14.1		X																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																		Definitions		23-13A-1030	REWRITE PER EXISTING MCMANSION CODE	This should say NATURAL grade NOT FINISHED GRADE..		
A-57.15.1	neighborhood plans																	definitions			Add a definition			
57.16	Division 23-13A-2: Land Uses																							
57.17	Division 23-13A-2: Land Uses	X								JSc								Definitions		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		Yes

CHAPTER ARTICLE	DIVISION TITLE	A		B												C	D	E		F	G		H	
		DESIRED PROPOSED CHANGES TO D3		INITIATED BY COMMISSIONER												TOPIC AREA	REQ. ADD'L STAFF FEEDBACK	AMENDMENT TYPE		SUBSTITUTE LANGUAGE	COMMISSIONER NOTES		YES/NEUTRAL /NO	STAFF RESPONSE
				ANDERSON	HART	KAZI	KENNY	MCGRAW	NICKOLS	OLIVER	SCHISLER	SEEGER	SHIEH	THOMPSON	WHITE	SHAW	BURKARDT	MENDOZA	TEICH	GENERAL	SPECIFIC SECTION			
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.	No	not needed, multi-unit is not a use, it's a zone category
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.	No	all land uses shall be defined
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?	No	only define uses.