

## Proposed LDC 2<sup>nd</sup> Reading Amendments V2

### Updated 02/11/2020 8:30 AM

#### I. RESIDENTIAL [R1-R3]

##### [HARPER-MADISON-1] DUPLEXES

Adjust duplex FAR to 0.5.

##### [HARPER-MADISON-2] MINIMUM LOT SIZE URBAN RESIDENTIAL

Using site development regulations for townhouse as a reference, modify R2B to allow smaller houses on smaller lots.

##### [CASAR-1] PRESERVATION BONUS

- a. Reduce the required age of a qualifying home to be preserved from 30 to 15 years.
- b. To the greatest extent possible, for lots utilizing the preservation bonus: (1) Simplify the subdivision process by allowing the creation of lots through the “amended plat” process authorized by state law or other streamlined administrative approvals; and (2) Reduce minimum lot sizes. Council recognizes that, due to the wide variety of development typologies, not all projects will be able to take advantage of this process, but the intent of this amendment is to maximize opportunities for fee simple ownership in cases where homeowners wish to build additional structures, preserve an existing structure, and divide the property to make separate ownership as easy as possible.
- c. To the greatest extent possible, the Multi-Unit Preservation Incentive should meet the relocation and right to return standards of Affordability Unlocked.
- d. To the greatest extent possible, consider further reducing the requirements for preserved structures to obtain “amnesty COs” in cases where: (1) minor code violations exist, but the structure otherwise meets all applicable requirements for the Preservation Incentive and complies with applicable health and safety standards administered by the Building Official.
- e. Subject to applicable site development standards, as well as technical code requirements, allow the preserved unit to be moved on the property, but not moved away from street frontage.

##### [TOVO-4]

Amend 23-3C-3060 House-Scale Preservation Incentive

(D)(2)

(b) Wall Demolition and Removal.

- (i) Except as provided in Paragraph (iii), no more than ~~50~~25 percent of exterior walls of the façade and supporting structural elements, including load bearing masonry walls, and in wood construction, studs, sole plate, and top plate, of an existing structure may

be demolished or removed. For purposes of this requirement, exterior walls and supporting structural elements are measured in linear feet and do not include interior or exterior finishes.

- (ii) The exterior wall of the preserved structure must be retained, except that a ~~private~~ frontage porch, per Section 23-3D-5 (Private Frontages), may be added to a preserved structure that does not have a private frontage.

#### **[ADLER RES1] R2A FAR and IC**

For consideration on 3rd Reading, propose appropriate text revisions to achieve the following objectives:

For parcels mapped Residential 2A (R2A) that are not wholly or partially located in the Urban Core, within Activity Centers, along Activity Corridors, or within Transition Areas (as defined in the amended IACP Growth Concept Map), the Base Standard for FAR and Size Maximum should be .75, and the maximum allowable impervious cover 45% for one unit.

## **II. TRANSITION AREAS [R4, RM1]**

#### **[HARPER-MADISON-3] MINIMUM LOT SIZE TOWNHOME**

Reduce townhouse lot size in all zones to 1400 square feet, and adjust site development regulations to allow three story units on smaller lots.

#### **[HARPER-MADISON-4] MISSING MIDDLE OPEN SPACE REQUIREMENT**

- 1) Amend subsection A(2) of section 23-3D-4020 to read as follows:  
A multifamily use with ~~10~~ 12 or more dwelling units in a building.

- 2) Strike subsection B of section 23-3D-4020.

#### **[CASAR-2] PROPORTIONATE FEE-IN-LIEU**

Subject to appropriate criteria, authorize NHCD to determine the proportion of the required fee in-lieu amount in R4 and RM1 based on the number of units over the base as part of a program to buy down affordable units in R4 and RM1 zones throughout the city.

#### **[KITCHEN-1]**

##### New Amendment:

To address need for contextual setbacks where more intensive zones with 0' setbacks (such as MS3) share side and/or rear property lines with R4 house-scale transition zones: (sometimes created when neighborhood streets intersect corridors at an angle and deviate from a perpendicular street grid)

- Establish a setback / step back and vegetative buffer requirement for commercially zoned tracts that share side and/or rear property lines with an R4 zoned property to provide remedy toward a more gradual transition between the zoning intensity levels; or

Alternatively:

- Reassign the zoning of the R4 tracts to R3 to trigger draft code compatibility requirements to address this condition; or
- Create a new R3a zoning category which triggers compatibility on the side, but not the rear and allows live/work uses.

## **[KITCHEN-2]**

Amend 23-3D-6080 Visual Screening: To address visual screening and dumpster requirements consistent with the existing East Riverside Corridor Regulating Plan

### **(B) Items to be Screened.**

- (1) Screening shall be accomplished with vegetation or a combination of vegetative and non-vegetative elements, as prescribed in the ECM:
  - (a) An area used for loading and service;
  - (b) An outdoor storage area including inoperable vehicle(s), appliance(s), tire(s), building material(s), equipment, raw material(s), or aboveground storage tank(s) ~~that are located within 200 feet of a public right of way;~~
  - (c) An exterior shopping cart or other commercial storage area that is located adjacent to a single-family development;
  - (d) Ground-level mechanical equipment, except for utility meters;
  - (e) A water quality and detention pond, except for a rain garden, biofiltration pond, or wet pond; and
  - (f) Telecommunication equipment and facilities up to 8 feet.

### **(2) Dumpster Requirements.**

Dumpsters, including large landfill trash containers, organics diversion containers, recycle containers, and similar large resource recovery containers, along with associated collection areas, shall:

- a. Be screened with materials that are the same as, or of equal quality to, the materials used in the principal building and shall be incorporated into the overall design of the building and landscape so that the visual impacts of these functions are fully contained and out of view from adjacent properties and streets; and
- b. Be located at least ~~15~~ 50 feet from a property zoned R3 or more restrictive. The location of and access to any permanently placed refuse receptacle, including a dumpster, must comply with guidelines published by the City. The Planning and Development Review Department shall review and must approve the location of and access to each refuse receptacle on a property.
- c. The noise level of mechanical equipment may not exceed 70 db at the property line of a triggering property.

- d. Collection or dumping of any permanently placed refuse receptacle 100 feet or less from adjoining triggering property is prohibited between 10:00 pm and 7:00 am.

**[KITCHEN-3]**

New Amendment:

**Local Bus Routes and Transition Zones**

Remove R4 zoning that has been mapped along Local bus routes that are not on the Transit Priority Network (TPN) and have no plans for transit investment or expansion, including parcels along Westgate Blvd between W William Cannon Dr. and Cameron Loop. Any further upzoning along transit routes must be coordinated with Capital Metro and use current and future mobility plans to inform a planning process that is data-based and context-sensitive.

**Rationale:** Previous Council direction was to map R4 along the TPN because those are High Frequency Routes (15 minutes or less). Local bus routes that are not on the TPN do not have the same level of service. W William Cannon Dr is an example of an area mapped R4 where there is no frequent service or any planned investments to expand service.

**[KITCHEN-4]**

New Amendment:

To ensure the success of transition zones, provide for public safety, walkability, and access to multimodal transportation, reduce parking requirements and map missing middle zoning behind corridors, only after the following:

- Sidewalks for these transition areas are prioritized in Sidewalk Master Plan Scoring Matrix.
- Funding for sidewalk infrastructure is included in the City's 5-year CIP plan

**[FLANNIGAN-12]**

Reduce front yard setbacks in Residential 3 (R3) Zone from 15' to 10' and Residential 4 (R4) Zone from 15' to 10' to facilitate a more pedestrian-friendly environment

**[FLANNIGAN-13]**

For R4 and RM1, ensure that a combination of house forms, such as multiple ADUs, will be allowed up to the total allowable number of dwelling units in the base zone.

**[POOL-1] REDUCING PROPOSED IMPERVIOUS COVER IN AREAS WITH LOCALIZED FLOODING**

**Direction:**

- Reduce or eliminate transition zoning (R4, RM1) with its higher impervious cover limits from areas identified as having local area flooding issues. *(Still working with staff to identify parcels in flooding areas that need our attention, but those details should be available by second reading).*

**[TOVO-5]**

Lots within documented localized flooding areas should be removed from transition zones unless stormwater infrastructure has been planned and funding in the immediate vicinity.

**[TOVO-6]**

To foster complete communities per Imagine Austin, do not up-zone existing childcare centers, local businesses, cultural venues, historic districts or grocery stores located within transition areas or elsewhere.

**[TOVO-12]**

To the greatest extent feasible, where the proposed distance methodology for application of missing middle zones results in depths of greater than two lots in transition areas, develop appropriate zone criteria that reduce the depth to two lots for transition areas located on transit priority networks that are determined to produce negligible increases in housing capacity as per the Cascadia capacity analysis, which was based on land values, local market conditions, and building pro-formas.

**[TOVO-13]**

To the extent feasible, revise the criteria for application of missing middle zones to exclude transition area parcels that lack direct connectivity to the corridor.

**[ALTER-6]**

Provide the impact on housing capacity if the mapping and zoning criteria for transportation corridors were revised to zone RM1 and R4 residential zones no more than 2 lots in from Project Connect corridors identified in the Long-Term Vision Plan.

### **III. CENTERS AND CORRIDORS [RM/MU/MS/CC/DC/UC]**

**[HARPER-MADISON-5] DRAINAGE/ON-SITE DETENTION**

- 23-3C-7050 Add item (C)
  - (C) Properties located within a Regional Center Zones that are less than 2 acres shall be initially exempt from the requirements of Section 23-9E-3010(B)(2), except:
    - (1) Where a local watershed study has been completed at a minimum of 10 years after adoption of the Title 23,
    - (2) The local watershed study documents multiple properties over 2 acres in size have complied with Section 23-9E-3010(B)(2), and
    - (3) The local watershed study provides evidence that compliance with Section 23-9E-3010(B)(2) for sites less 2 acres will have a reduction in local watershed flooding of at least 10%, then
    - (4) This exemption may be removed for specific watersheds.
- 23-3C-6050 Add item (D)

- (D) Properties located within Main Street Zones that are less than 2 acres shall be initially exempt from the requirements of Section 23-9E-3010(B)(2), except:
- (1) Where a local watershed study has been completed at a minimum of 10 years after adoption of the Title 23,
  - (2) The local watershed study documents multiple properties over 2 acres in size have complied with Section 23-9E-3010(B)(2), and
  - (3) The local watershed study provides evidence that compliance with Section 23-9E-3010(B)(2) for sites less 2 acres will have a reduction in local watershed flooding of at least 10%, then
  - (4) This exemption may be removed for specific watersheds.

#### **[CASAR-3] MS TO SUPPORT TRANSIT**

To the extent feasible, map MS zones along Project Connect High Capacity and Metro Rapid streets where they are Level 3 streets.

#### **[CASAR-4] MICROBREWERIES**

Regulate Microbreweries as follows:

- <5,000 barrels per year, increase tasting room size to 75% of the floor area
- 5,000-15,000, maintain 50% tasting room of the floor area

#### **[CASAR-5] UNIVERSITY NEIGHBORHOOD OVERLAY**

Expand the West Campus subdistrict boundaries and add height as an affordability bonus in the manner recommended by the Planning Commission in 2019.

#### **[CASAR-8] PEDESTRIAN ORIENTED USE**

Only allow a portion of the pedestrian oriented uses to be a residential lobby or resident-only uses, unless staff grants a waiver.

#### **[CASAR-9] DOWNTOWN: NORTHWEST DISTRICT**

- a. Density Bonus:
  1. Boundaries
    - South of 15th Street, in areas that were ineligible for the Downtown Density Bonus in the Downtown Austin Plan;
    - North of 15th Street, in areas that the Downtown Austin Plan designated as eligible for the Downtown Density Bonus with reduced maximum bonus entitlements (height limits of 90, 100, or 120 feet, and FAR caps of 3:1, 4:1, or 5:1).
  2. FAR: For the purpose of the density bonus, above-ground parking will count towards FAR. The maximum allowable FAR available for a property under the Northwest District Density Bonus will depend on the base zoning as follows:

CC-40	CC-60	CC-80	CC-120
3.0	4.5	7.5	7.5

3. Height: Properties in the Northwest District south of 15th Street are eligible for additional height up to 50% greater than the height allowed by base zoning, but only for the purposes of improved design or compatibility: for example, to protect trees, save historic building facades, or reproduce original building set-backs. Above-ground parking is not permitted in projects that utilize bonus height.
  4. Fifteenth Street: On the south side of Fifteenth Street, rezone properties currently zoned CC to CC-120 and make them eligible for the Northwest District Density Bonus.
- b. Compatibility standards A, B, and C described in 23-3C-10080(E) shall not apply to properties south of 15th Street. However, compatibility standards would still apply for properties north of 15th St.
  - c. FAR and Height Limits:
    - For the area along the west side of Nueces, from a half-block north of 15th up to MLK, the height limit should remain 90', but the FAR cap should be raised to 7:1;
    - For the area along the east side of Nueces, from a half-block north of 15th up to 18th, the height limit should be raised to 140', and the FAR cap should be raised to 8:1;
    - The third area, much of which is along San Antonio, should have unlimited height and FAR, like the other areas to the east.
  - d. Setbacks: If the smallest existing front setback on the blockface is smaller than the setback shown, the minimum required front setback will be equal to the smallest existing front setback on that blockface. The maximum front setbacks in the Northwest District shall be the setbacks described in 23-3C-100070(D)(4).
  - e. Northwest District Uses:
    - Properties that front the following East-West streets must be dedicated entirely to residential uses: 7th, 8th, 9th, 10th, 11th, 13th, and 14th.
    - Properties that front the following North-South streets must be dedicated entirely to residential uses above their ground floor: Guadalupe, San Antonio, Rio Grande, West, and Shoal Creek south of 15th Street. All uses allowed by base zoning,

including residential uses, will continue to be allowed on the ground floor of these properties.

- Properties south of 15th Street that front Nueces Street must be dedicated to residential or hotel uses above their ground floor. All uses allowed by base zoning, including residential and hotel uses, will continue to be allowed on the ground floor of these properties.
- All uses allowed by base zoning will continue to be allowed on properties that front 12th Street and the south side of 15th Street.
- Properties north of 15th Street shall be predominantly dedicated to residential uses.

Downtown Austin Plan Amendment – Council recognizes that amendments to the Downtown Austin Plan are necessary to implement the 1<sup>st</sup> Reading Draft, as well as direction on the Northwest District provided at 2<sup>nd</sup> Reading, and will be considered by Planning Commission in the near future and presented to Council in advance of action on 3<sup>rd</sup> Reading.

#### **[KITCHEN-5] USES ALONG CORRIDORS RECEIVING SIGNIFICANT PUBLIC INVESTMENTS**

##### New Amendment:

To maximize housing and to create walkable, multi-modal, pedestrian friendly environments along corridors receiving significant public dollar investments from bond elections:

- Reduce allowance of uses that do not provide path for inclusion of residential units in the development or are in conflict with the vision for public spaces and multi-modal use, such as drive-through uses and storage facilities.
- Remove mapping of MU5B, which allows storage facilities, on Project Connect and corridors identified for bond investments; and
- Amend Current Draft Code for Storage Facilities:

23-3D-1300 Personal Storage

(A) Location Restrictions. A Personal Storage use requires a conditional use permit and is prohibited ~~if it is located~~ within 1000 feet of another property with a Personal Storage use and must comply with Subsection 23-3B-1040(E)(2) (Conditional Use Permit). The distance is measured to the lot line

#### **[FLANNIGAN-14]**

For the parking design requirements in the DC and CC zones, allow the headlight screening of a parking structure to be designed and constructed to provide a minimum of 70% opaque screening of the first 42” above the surface of a vehicle parking space oriented towards an adjacent lot or lot across a street, other than an alley, from the parking structure. Allow a Vegetated Wall meeting the requirements of the Functional Green Landscape section to be acceptable for meeting the requirements of headlight screening requirements for the purpose of achieving 70% opaque screening.

**[FLANNIGAN-15]**

Parking maximums for regional center zones (UC, CC, DC) should match the parking maximums as defined in Main Street zones for lots with frontage on a corridor or wholly or partially located within a center.

**[POOL-2] Make changes to the North Burnet Gateway Regulating Plan subdistricts as part of the new code and maps, treating this regional center intended as Austin's "Second Downtown" as a "test case" for amending existing regulating plans and Transit Oriented Districts (TODs).**

Direction:

- a. Revise the Transit Oriented District (TOD) and Commercial Mixed Use (CMU) subdistricts within the NBG area to right-size entitlements for desired development, focusing on the parcels between the Broadmoor and McKalla Place tracts for changes.
- b. Revise Neighborhood Mixed Use (NMU), Neighborhood Residential (NR), and Warehouse Mixed Use (WMU) subdistricts to accommodate a wider variety of housing types, especially missing middle, and generally higher housing density.
- c. Update the NGB Regulating Plan density bonus program requirements to more closely align with or exceed the proposed Affordable Housing Bonus Program (AHBP) requirements and to help meet the Austin Strategic Housing Blueprint (ASHB) goals; tie all increases of entitlements in all of the subdistricts to an affordability requirement.
- d. Review the Warehouse Mixed Use (WMU) and Commercial Industrial (CI) subdistricts, and the existing parcels within, for opportunities to transition to residential and live/work uses.

**[POOL-3] ADJUSTMENTS TO PROMOTE FAMILY-FRIENDLY MIXED-USE DEVELOPMENTS WITHIN NEIGHBORHOODS.**

Direction:

- Adjust MU2 to require a Conditional Use Permit (CUP) for Bar/Nightclub uses to allow for more community input.

**[POOL-4] PROMOTING LIVE/WORK CHARACTER DISTRICTS**

Direction:

- a. Review District 7 application of new zones for consistency, especially in areas with recent "Character" or "Special" district designations as part of a recently adopted neighborhood plan.
- b. For example, Buell Avenue in the North Shoal Creek neighborhood is designated as the "Buell Avenue Special District". Notably, this growing live/work area is a community asset identified in the recent neighborhood plan as a gathering space to "incorporate

spaces for tradespeople, shop keepers, craftspeople, artists, and residents to interact while enjoying the calm live/work environment.” An adjustment to the mapping on Buell Avenue from "MU5B-Q" to "IF" on both sides of the avenue, for instance, would better reflect consistency and alignment with the North Shoal Creek Neighborhood Plan designation on the Future Land Use Map (FLUM).

**[ELLIS-1] BARTON SPRINGS ZONE COMMERCIAL ZONING REVIEW**

Re-review the application of comparable equivalent zoning categories for commercial properties within the Barton Springs Zone.

**[TOVO-2]**

Maintain current Floor-to-Area entitlements for the Rainey Street District until mobility improvements have been implemented per the City’s Transportation Plan.

**[TOVO-3]**

Maintain the maximum FAR of 15:1 in the Rainey Street Subdistrict Regulations of the Downtown Density Bonus Program codified in § 25-2-739.

**[TOVO-9]**

Zone properties in the Barton Springs Zone (BSZ) identified in Oak Hill Study that would have entitlements not consistent with current code as F25.

**[ALTER-3]**

Consider appropriate changes to mapping and zoning criteria for Centers, with the goal of better tailoring density levels to the context of each individual center. To the extent more refined mapping and zoning criteria cannot be incorporated into the LDC Revision, propose a work program for more individualized map changes to be considered following LDC adoption.

**[ADLER CC1] LIVE MUSIC VENUE USE**

Propose appropriate text revisions to achieve the following objectives: include a stand-alone definition for Live Music Venue use (separate from Performance Venue use and Bar/Nightclub use), that describes 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.

## **IV. AFFORDABLE HOUSING**

**[HARPER MADISON-6] GROUP RESIDENTIAL PERMITTED USE**

Allow group residential by CUP in less intense R zones.

**[CASAR-6] ALL EXISTING MULTIFAMILY**

To the greatest extent feasible, map all existing non-mixed use apartments citywide to an RM zone as follows:

- RM2 – Three or fewer story multifamily properties
- RM3 – Four or more story multifamily properties

Apply the discretionary bonus procedures from the equity program citywide to these existing apartments.

#### **[CASAR-7] THIRD PARTY AFFORDABLE HOUSING MANAGEMENT**

For projects taking advantage of an affordable housing density bonus program, require developments with any number of affordable units to utilize a City-approved entity to manage income-restricted units, but allow a waiver when infeasible or when staff approves an alternative plan.

#### **[KITCHEN-7] PRESERVING EXISTING AFFORDABLE MULTIFAMILY**

New amendment:

1. Use available data, such as Apartment Trends, to identify multifamily properties and zone those properties to reflect existing use, and approximate number of units, height and floor to area ratio, with the goal of preserving existing housing by not triggering redevelopment.
2. Continue efforts to fine-tune the proposed “Preservation Incentive” for older multifamily to ensure that existing affordable units are either preserved or replaced if new units are added. Those efforts should include proposing a definition of affordable to be used when calculating the # of units that should be replaced. Such definition should be based on a review of rental data in existing older multifamily properties as compared to market rents or renter incomes

#### **[POOL-5] PRESERVING EXISTING AFFORDABLE MULTIFAMILY**

Direction:

- a. Use available data, i.e. Apartments Trends, to identify multifamily properties and zone those properties to reflect the existing use, and approximate number of units and height, and floor to area ratio, with the goal of preserving existing housing by not triggering redevelopment.
- b. Continue efforts to fine-tune the proposed “Preservation Incentive” for older multifamily to support the preservation of existing multifamily developments; consider providing a definition of “market-affordable” to use when calculating the number of units in existing market-affordable multifamily structures.

#### **[POOL-6] INCREASE MULTI-BEDROOM HOUSING TO BENEFIT FAMILIES WITH CHILDREN AND OTHER MULTI- GENERATIONAL HOUSEHOLDS**

Direction:

- Review a potential multi-bedroom requirement for the residential zones starting with R4 and provide a method to target these requirements in areas within ½ mile of our urban public schools.

#### **[ELLIS-2] MISSING MIDDLE STRS FOR AFFORDABLE HOUSING**

To help small developments cross-subsidize the cost of providing affordable units, allow Type 3 STRs in the R4 and RM1 zones on lots where the property is participating in the affordable housing bonus program, and only for the duration of participation in the affordable housing bonus program. The STR unit(s) and the affordable unit(s) shall be distinct from one another, and no greater number of STRs than affordable units shall be allowed. If NHCD monitoring and enforcement reveals a property is no longer in compliance with the AHBP, the Type 3 STR license shall be revoked.

#### **[TOVO-1]**

Apply to All Programs: Amend General Requirements (Section 23-4E-1030) to require an applicant to provide tenant protections like those found in Section 23-4E-3020(B)(1)(b).

#### **[TOVO-14]**

If a compatibility waiver is granted for a development that participates in the Affordable Housing Bonus Program, require the developer to provide on-site income-restricted units and waive the possibility of a fee-in-lieu.

#### **[TOVO-15]**

(In reference to Casar CC5 | Downtown mapping and bonus calibration, First Reading): Remove the fee-in-lieu option in areas that were previously non-Commercial Center (CC) bonus areas and require on-site affordable housing.

## **V. NON-ZONING**

#### **[HARPER-MADISON-7] SLEEPING UNIT DEFINITION**

SLEEPING UNIT. ~~A-room~~ **Rooms** or space in which people sleep, which can also include permanent provisions for living, eating, and either sanitation or kitchen facilities but not both. Such rooms and spaces that are also part of a dwelling unit are not sleeping units.

#### **[HARPER-MADISON-8] CO-HOUSING DEFINITION**

CO-HOUSING A residential development of three or more sleeping units in which sleeping units are separate and detached from a single dwelling or sleeping unit with common areas that include kitchen, laundry, and other shared facilities. At most one sleeping unit may be attached to these common areas. Includes cooperative housing. For the purpose of calculating density, each sleeping unit in a co-housing use equates to a dwelling unit, Each sleeping unit may be occupied by no more than ~~two~~ **6** unrelated individuals.

#### **[HARPER-MADISON-9] GROUP RESIDENTIAL DEFINITION**

~~GROUP RESIDENTIAL. The use of a site for occupancy by a group who are not a family on a weekly or longer basis in which sleeping units are separate from, but located in the same building with, common areas that include kitchen, laundry, and other shared facilities. This includes, but is not limited to, fraternity and sorority houses, dormitories, residence halls, boarding houses, and cooperative housing. For the purpose of calculating density, each sleeping unit in a group residential use equates to a dwelling unit, and each sleeping unit may be occupied by no more than six unrelated individuals.~~

The use of a site for occupancy by a group of more than six persons who are not a family on a weekly or longer basis in which sleeping units are separate from, but located in the same building with, common areas that include kitchen, laundry, and other shared facilities. This includes, but is not limited to, fraternity and sorority houses, dormitories, residence halls, boarding houses, and cooperative housing.

#### **[HARPER-MADISON-10] IMPERVIOUS COVER EXEMPTIONS**

The Land Development Code shall specify exclusions to impervious cover calculations for all residential zones, including the following:

- Artificial grass surfaces, such as synthetic turf, that have a permeable backing that allows water to permeate the material and filter down to the soil;
- Pervious technologies;
- Unpaved portions of driveways including the unpaved portions of ribbon driveways;
- Uncovered decks, including wooden and metal grate decks, that have drainage spaces between the deck boards or drainage spaces in the patterns and is located over a pervious surface;
- All areas and items currently excluded from impervious cover calculations as outlined in Section 1.8.1 – *Calculations* of the City's Environmental Criteria Manual.

A partial impervious exemption shall be allowed for the following:

- Pervious concrete or porous pavement including patios, plaza, sport courts, or other non-walkway pedestrian surfaces;

#### **[KITCHEN-6] AMEND 23-3D (LANDSCAPING)**

Throughout the landscape section, expand the Green Infrastructure provision (currently applied to parking lot tree islands (section- 23-3d-3050 (E)) which adds a requirement that planted areas must be graded to receive stormwater) to other landscape categories, including:

- front yard planting (23-3d-3040),
- landscaped medians without trees (23-3d-3046), and
- parking lot perimeter (23-3d-3047).

Exceptions to receiving stormwater may be made for natural undisturbed areas, or where receiving stormwater is impossible due to design constraints such as conflicts with utilities.

**Rationale:** The landscape section of the code has a stated purpose to "enhance, improve, and maintain the quality of the Austin landscape" including to "improve the environment's ecological balance by contributing to air purification, oxygen regeneration, ground water recharge, and storm water infiltration processes and aids in abating noise, glare, and heat."

**[FLANNIGAN-6]**

Allow for a proportional impervious cover bonus if an applicant provides oversized drainage infrastructure designed to collect rainwater and reduce stormwater runoff.

**[FLANNIGAN-7]**

Detention requirements should be more flexible in the Downtown area to encourage fee-in-lieu rather than onsite detention.

**[FLANNIGAN-8]**

Landscape buffering should be based on an objective and measurable goal and not based on subjective requirements such as "protecting property values".

**[FLANNIGAN-9]**

Allow applicants to choose to dedicate bicycle or pedestrian pathways to create new mixed-use pathways through or between properties to enhance pedestrian and bicycle connectivity in order to satisfy a portion of parkland dedication requirements.

**[FLANNIGAN-10]**

Revise Ch. 23-7 (Signage) of Land Development Code Draft 2 to make no changes which would directly or indirectly limit off-premise signage. Including but not limited to adding any new language, provisions, sections, districts, or overlays which would in any way change any existing code with respect to off-premise signage. Ch. 23-7 should reflect current off-premise signage standards as exist under Ch. 25-10 (Sign Regulations) and staff should make no direct or indirect limitations to off-premise signage.

**[FLANNIGAN-11]**

The City Manager should initiate a separate public process for new off-premise signage requirements as discussed during the 8.22.2019 City Council Item 83.

**[ELLIS-3] SUPPLEMENTAL HERITAGE TREE PRESERVATION PROGRAM (aka Heritage Tree Housing aka Transit-Oriented Trees):**

Create a Supplemental Heritage Tree Preservation Program for developments in Imagine Austin Centers and along Imagine Austin Corridors and the Transit Priority Network. To the extent possible, the program should, in exchange for the preservation of an existing, healthy heritage tree that could otherwise qualify for a variance for removal, offer flexibility in development standards that will allow the site to achieve equivalent building entitlements to

those that would have been possible had the heritage tree been removed via variance. The applicable development standards should account for and attempt to mitigate the loss of development potential resulting from tree preservation. The program should be administratively approved, and, since no additional entitlements beyond those already available are being granted, the program should not negatively impact the viability of an applicable affordable housing bonus program. The full operational details of the Supplemental Heritage Tree Preservation Program may be finalized following the third reading of the LDC revisions.

**[TOVO-7]**

To the extent feasible, create options for creating distinct definitions for co-operative housing, fraternity and sorority housing, dormitories and residence halls.

**[TOVO-10]**

Expand Great Streets boundary to include the Rainey Subdistrict of the Downtown Density Bonus Program.

**[ALTER-1]**

To the extent feasible, consider amendments to LDC review procedures and/or site development standards to ensure that the Austin Fire Department requires the same level of Fire Code compliance for multi-unit development utilizing a condominium regime as for development located on individual lots. Required compliance should include, but not be limited to, safe evacuation and ingress/egress requirements.

**[ALTER-2]**

Consider appropriate LDC revisions, as well as amendments to interlocal agreements or changes in procedures, that will help to ensure parking and transportation-related requirements meet the needs of school districts at individual campuses. To the extent changes cannot be implemented through LDC adoption, identify measures to be initiated for future consideration.

**[ADLER NZ1] PARKLAND DEDICATION FOR CENTER AND CORRIDOR SITES BETWEEN 1.66 AND 6 ACRES**

Payment of a fee-in-lieu of parkland dedication shall be authorized for development on parcels within activity centers and fronting activity corridors that are greater than 1.66 acres in size and less than 6 acres in size (any applicable fees in lieu of dedication will still be required).

1. The foregoing notwithstanding, dedication of parkland may be required if one or more of the following conditions are met:
  - a. Required dedication of parkland would occur:
    - i. on land necessary to accommodate a named project in the Urban Trails Master Plan or to otherwise provide for pedestrian connectivity that does not currently exist, or
    - ii. in a flood plain, or
    - iii. on land with drainage facilities or environmental buffers with amenities suitable for park use, and

- iv. required dedication of land will be credited at 100% toward fulfillment of parkland dedication requirements (with any remaining applicable fees in lieu of dedication still being required).
- b. Other specific conditions to be defined by staff and approved by Council that are clear, predictable, and are relevant to a critical need for parkland.
- 2. An applicant may appeal a requirement for land dedication to the Land Use Commission.
- 3. The director may request that the Land Use Commission approve dedication of parkland when none of the above conditions are met if doing so is necessary to address a critical shortage of parkland for an area identified in the Deficient Parkland Area Map or provide connectivity with existing or planned parks or recreational amenities.

## **VI. PROCESS**

### **[HARPER-MADISON-11] RULES COMMITTEE**

- 1. Create a transparent, new process for criteria manuals whereby a committee of the LDC revision team, departmental representatives, and the city auditor reviews for consistency and resolves interdepartmental conflicts prior to final adoption of a manual update.
- 2. Develop a standardized list of requirements for criteria manuals that includes:
  - a. A unified semi-annual adoption schedule across all departments
  - b. Determine a centralized location, such as the Development Services Department, whereby notices, posted drafts, and posted final manuals are collect and displayed
  - c. Departments must include an impact statement for proposed rules which includes, but is not limited to:
    - i. Potential added costs to the city and the customer
    - ii. Impact on affordability of all types of development
    - iii. Impact on health and safety
    - iv. Resources required to implement and enforce
    - v. Primary policy that the rule is intended to implement or enforce

### **[HARPER-MADISON-12] NEIGHBORHOOD PLAN AMMENDMENTS**

The responsible director may accept an application to amend a neighborhood plan recommendation relating to an individual property throughout the year.

### **[KITCHEN-8] REZONING SCHOOL PROPERTIES AND PARKLAND**

#### **New Amendment:**

To address consistency across AISD properties with the following city mapping policy as it relates to zoning assignments for school properties and associated park land:

- School properties shall be zoned P for Public or F25 to preserve existing conditional agreements associated with the tract.
- Associated existing property next to or part of school tracts shall be zoned PR for Park if:

- The City has an interest in the property as parkland, in part or whole through agreement with Austin Independent School District
- The tracts have a history of being mapped as parkland as well as being recognized and utilized as parkland by the school, surrounding community, and city through studies and analysis related to parkland locations and deficiencies

Including:

- St. Elmo and Cunningham Elementary: Map School tract “P” and associated park “PR”.
- Joslin Elementary: School tract “P” and maintain “PR” on park.
- Barton Hills Elementary: Maintain “P” designation on the school tract portion and map associated park “PR”.

In addition, consider avenues for affordable housing in the event of a change of use

### **[KITCHEN-9] ZONING PUBLIC LANDS, INCLUDING SPECIAL DISTRICTS**

#### **New amendment:**

Ensure that zoning assignments for state-owned and other publicly owned lands, including lands controlled by Special Districts with elected boards, align with current uses.

The Tanglewood Forest Limited District, a special district with an elected board, contains designated parks and recreational sites integral to the District’s agreement, with proposed zoning that does not reflect their use, and should be zoned “PR.” Those parks are:

1. Tanglewood Forest Park	9809 Curlew Drive, Austin, Texas 78748
2. Greenbrier Park	2810 Slaughter Lane, Austin, Texas 78748
3. Lindshire Park	10204 Lindshire Lane, Austin, Texas 78748
4. Gazebo Park	2905 Jubilee Trail, Austin, Texas 78748
5. Woodlands Park	3011 Slaughter Lane, Austin, Texas 78748
6. Howellwood Park	2524 Howellwood, Austin, Texas 78748
7. Idyllwild Park	2204 Slaughter Lane, Austin, Texas 78748
8. Renaissance Park	2204 Tybor Court, Austin, Texas 78748
9. Kempler Park	9302 Kempler Drive, Austin, Texas 78748

#### **[FLANNIGAN-1]**

Expand the administrative Alternative Equivalent Compliance (AEC) process to allow for minor modifications, within a specified threshold, to Residential House-Scale site development requirements, such as setback, height or FAR, in order to achieve the City’s housing goals in a context-sensitive manner.

#### **[FLANNIGAN-2]**

The administrative AEC process should allow some water quality controls, such as rain gardens, to be allowed in Parkland areas.

**[FLANNIGAN-3]**

The administrative AEC process should allow minor changes to impervious cover if the following improvements are included in the development: artificial grass surfaces, such as synthetic turf, that have a permeable backing that allows water to permeate the material and filter down to the soil; pervious concrete or porous pavement including patios, plaza, sport courts, or other non-walkway pedestrian surfaces; pervious technologies; unpaved portions of driveways including the unpaved portions of ribbon driveways; uncovered decks, including wooden and metal grate decks, that have drainage spaces between the deck boards or drainage spaces in the patterns and is located over a pervious surface; solar panels if located within an area considered pervious; and all areas and items currently excluded from impervious cover calculations as outlined in Section 1.8.1 – Calculations of the City’s Environmental Criteria Manual.

**[FLANNIGAN-4]**

Provide greater flexibility for placement of the Water Quality controls on a site and establish a more efficient process whereby innovative and unique solutions may be presented and accepted for meeting the requirements.

**[FLANNIGAN-5]**

Create an open and transparent process to establish or alter rules in the Land Development Code and Criteria Manuals that best meet the policies and goals of the city. Rules should be vetted and approved cross-departmentally, independently and publicly reviewed, and provided to the City Manager for approval with a limited possibility of appeal to the City Council. The City Auditor should establish an independent board of appointed policy and subject matter experts that are not City employees to hold public meetings, hear public comment, review and deliberate proposed rules.

**[ELLIS-4] RESIDENTIAL CONSTRUCTION SIGNAGE**

Require placement of an informational sign at residential construction project sites on lots zoned R1, R2, R3, R4, and RM1 for any project in which one or more dwelling units is to be built. The signage should include a description of the project that clearly indicates the total number of dwelling units to be present on the lot when complete, as well as contact information and a method to learn more about the project (e.g. the building permit number and <https://abc.austintexas.gov>), if possible. This requirement should apply to greenfield construction, construction following demolition, and the addition of dwelling unit(s) with no demolition.

**[ELLIS-5] POST-LDC MAPPING REFINEMENTS**

The City Manager is directed to develop a work program for bringing forward subsequent zoning map refinements to be considered following LDC adoption. Consider map refinements where the comparable equivalent zoning applied during the comprehensive LDC revisions produced results

contrary to the May 2nd policy direction. Examples of such refinements could include: applying appropriate zoning to reduce nonconformity, correcting split zoning, and improving zoning uniformity and consistency among adjacent lots to improve development potential. The refinements should precede the district-level planning process.

**[TOVO-8]**

Remove 23-2G-2040 Administrative Modifications for Residential Structures.

**[TOVO-11] PLANNING COMMISSION AND CRITERIA MANUALS**

Alternate Version of Casar P2 on Criteria Manuals

- a. Allow appeal of specific changes to criteria manual to PC if an affected person believes that the proposed change is inconsistent with the Land Development Code as approved by City Council and the City Manager has denied all administrative appeals.
- b. Majority approval of the PC is required to substantiate the appeal that a specific provision of a criteria manual has no enabling basis in the Land Development Code or is inconsistent with the enabling provision for that criteria in the Land Development Code. If the PC substantiates the appeal, the criteria manual provision in question cannot be implemented as drafted and must be revised in a subsequent rule revision process.
- c. Allow PC to initiate code amendments for Council approval to address policy issues as currently allowed.
- d. Direct staff to present future revisions of the criteria manuals to the most applicable technical advisory commission for input as part of the stakeholder process, although technical advisory commission approval is not required for criteria manual changes.

**[ALTER-4]**

To the extent feasible, consider amendments to the LDC zoning procedures that would restrict or prohibit revising zoning applications to change the proposed boundary following a public hearing on a zoning case following the Land Use Commission's public hearing and/or after a specified number of days following submittal of the application. If revisions to proposed boundaries are proposed after the deadline, a new application would be required and would be subject to general restrictions on submitting the same or substantially similar zoning applications.

**[ALTER-5]**

Consider revisions to proposed LDC provisions related to private deed restrictions to avoid implying that zoning regulations override or affect private obligations imposed by deed restrictions.