



To: Mayor and Council
From: Land Development Code Cabinet
Through: Veronica Briseño, Assistant City Manager & Acting Cabinet Chair
Date: May 23, 2023
Subject: LDC Code Cabinet Report on Initiated Code Amendments

I am providing this memo on behalf of the Land Development Code Cabinet, which consists of representatives from the Development Services Department, Housing Department, Planning Department, Transportation and Public Works Department, and Watershed Protection Department. The memo provides an update on prior Council and Planning Commission actions initiating amendments to the Land Development Code. The information is presented in the attached “Code Amendment Report” and accompanying spreadsheet, which includes detailed background on all pending amendments, along with estimated timelines for adoption.

To facilitate broader discussion of Council’s land use priorities, following is a summary of how the amendments are organized and general recommendations for prioritizing amendments going forward. Staff serving on the interdepartmental Code Cabinet will be available to present this information at the Housing & Planning Committee’s briefing on Tuesday, May 23, and to answer further questions.

Categories of Amendments

- I. ***Housing Amendments.*** This category includes amendments previously initiated by Council or Planning Commission that are directly aimed at increasing housing supply. They are further subdivided as follows:
 - A. ***Straightforward Adoption & Implementation.*** Because of the limited number of required revisions, we anticipate these amendments can be adopted more quickly than other amendments and likely can be implemented with few additional staff resources.
 - B. ***Complex Adoption & Implementation.*** Amendments in this category are more complex in nature and/or more challenging to implement.
- II. ***Non-Housing Amendments.*** This category includes amendments previously initiated by Council or Planning Commission that are not directly related to housing.
- III. ***Programmatic Direction & Studies.*** This category includes previous Council directives related to land use that do not require amendments to the Land Development Code but may provide direction for future amendments.

Priorities & Next Steps

To further Council's housing goals, staff recommends prioritizing amendments that fall in category I.A. (i.e., amendments that, at this time, we believe are straightforward to adopt and implement). As these amendments are successfully adopted, staff resources can be shifted to more complex amendments with greater potential to increase housing capacity consistent with other Council goals and priorities.

Code Amendment Report: May 2023

I. HOUSING AMENDMENTS

A. *Straightforward Adoption & Implementation*

1. Infill-Lot Plat Process

[Resolution No. 20230504-023](#)

- Purpose:** To facilitate residential “infill” (i.e., new units within existing subdivisions) by authorizing use of a streamlined “amended plat” process to create new lots in designated areas and, if appropriate, include changes to the re-subdivision process.
- Complexity of Amendment:*** Medium | Careful analysis and interdepartmental coordination will be required to identify geographic areas that are best suited to allowing creation of new lots with a streamlined level of review.
- Implementation Challenges:** Moderate | The amendment will necessitate new categories of plat applications to be reviewed under different standards than other applications. The staff recommendation will identify any anticipated budgetary or staffing impacts and may include proposed changes to the fee schedule.
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2. Substandard Lots

[Resolution No. 20230309-024](#)

- Purpose:** To allow “disaggregating” (i.e., separating) certain previously combined older lots that do not comply with today’s minimum lot area and dimensional standards.
- Complexity of Amendment:** Low
- Implementation Challenges:** Minimal
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* Throughout this document, “complexity” is used to provide a high-level and preliminary assessment of an amendment’s overall level of difficulty based on how many sections of existing code are likely affected, or will need to be drafted, and whether an amendment can be implemented within existing regulatory parameters or requires developing new types of regulations. As work progresses, the assessments may change based on further review by the Law Department and/or analysis by lead departments assigned to the amendment.

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3. **Tenant Notification & Relocation** [Resolution No. 20221027-039](#)
- Purpose:** To provide more tenant protections and notification for properties undergoing redevelopment, including alteration and repair, and to preserve mobile home parks as a long-term residential use.
- Complexity of Amendment:** Medium
- Implementation Challenges:** Moderate | By expanding the number of development applications subject to tenant notification requirements, this amendment will require devoting greater staff time to assessing whether proposed renovation work triggers notification and certifying compliance.
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4. **North Burnet/Gateway Regulating Plan** [Resolution No. 20220519-040](#)
[Resolution No. 20230504-020](#)
- Purpose:** To support more housing opportunities at the two new Project Connect Rail Stations within the North Burnet/Gateway Regulating Plan.
- Complexity of Amendment:** Medium
- Implementation Challenges:** Minimal
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5. **Compatibility on Corridors Correction** [Resolution No. 20220609-066](#)
- Purpose:** To incorporate the full extent of the roadways described in the Resolution into the Corridor Overlay District (COR). (The COR increases housing capacity and supports transit investments on corridors by relaxing compatibility regulations and reducing parking minimums.)
- Complexity of Amendment:** Low
- Implementation Challenges:** Minimal
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6. **Compatibility Standards Waiver** **Planning Commission**
- Purpose:** To allow more flexibility by removing certain conditions required for approval of a waiver of compatibility standards.
- Complexity of Amendment:** Unknown | Staff is deferring development of this amendment pending outcome of citywide compatibility study.
- Implementation Challenges:** Moderate
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7. Compatibility on Corridors Expansion

Planning Commission

- Purpose:** To add additional corridors to the Corridor Overlay District (COR).
- Complexity of Amendment:** Unknown | Staff is deferring development of this amendment pending outcome of citywide compatibility study.
- Implementation Challenges:** Moderate

B. Complex Adoption and Implementation

1. Eliminate Minimum Parking Requirements – Citywide

[Resolution No. 20230504-022](#)

- Purpose:** To eliminate minimum onsite parking requirements, with appropriate provisions for offsite accessible parking.
- Complexity of Amendment:** High | While minimum parking requirements are established primarily in Chapter 25-6 (Appendix A), they are referenced extensively throughout code. Additionally, analysis is required to determine how best to address accessible parking requirements going forward.
- Implementation Challenges:** Significant | Careful planning will be required to anticipate overall impacts of eliminating minimum parking requirements.

2. Equitable Transit-Oriented Development (ETOD) Amendments

[Resolution No. 20230309-016](#)

- Purpose:** Make necessary amendments to LDC to implement the ETOD Policy Plan, including development and application of an ETOD Overlay that would include a bonus program in the vicinity of ETOD stations.
- Complexity of Amendment:** High | While the overlay will require substantial effort to develop, staff has identified resources sufficient to retain consultant services and has begun pre-planning and scoping activities in preparation for community engagement, with the goal of providing a recommendation in 2024.
- Implementation Challenges:** Moderate | The ETOD Overlay should be applied in a manner that works within the context of existing regulations and balances community benefits and development intensity appropriately.
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3. **Site Plan Lite (Missing Middle): Phase I & II** [Resolution No. 20221201-048](#)
- Purpose:** To facilitate the construction of “missing middle” housing by: (1) allowing construction of up to four units through residential building plan review; and (2) developing a modified site plan process for projects of between five and 16 units.
- Complexity of Amendment:** Mixed | Item 1 is low complexity; item 2 is high complexity.
- Implementation Challenges:** Mixed | Item 1 will have minimal impacts on staff resources, as it simply expands the existing residential plan review process from two to four units. Item 2 will have greater impacts, as it requires establishing a new application type and review process.
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4. **Affordability Unlocked Site Plan Changes** **Planning Commission**
- Purpose:** To develop a modified site plan process for Affordability Unlocked projects. *[This item is superseded by Amendment No. I.B.3., above, which will include code changes responsive to Planning Commission’s direction.]*
- Complexity of Amendment:** N/A
- Implementation Challenges:** N/A
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5. **ADU Amendments** [Resolution No. 20211209-064](#)
[Resolution No. 20220609-062](#)
- Purpose:** To facilitate construction of Accessory Dwelling Units (ADUs) through changes to existing site development regulations and implementation of a new “preservation incentive.”
- Complexity of Amendment:** Unknown | Development of draft amendments remains underway.
- Implementation Challenges:** Moderate
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6. **Modify Occupancy Limits for Non-Related Adults** [Planning Commission](#)
- Purpose:** To review and amend the occupancy limits for residential dwelling units, with the goal of achieving consistency across the City, improving health and safety standards, and increasing affordability. *(This item may be superseded by Council action posted on the June 1, 2023, agenda.)*
- Complexity of Amendment:** N/A
- Implementation Challenges:** N/A
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7. Town Zoning

[Planning Commission](#)

- Purpose:** To create a new zone focused on pedestrian and active uses, with modified site development standards available through participation in an affordable housing density bonus program.
- Complexity of Amendment:** High | Due to the resources required to create new zoning districts, staff recommends avoiding the piecemeal creation of districts in favor of a more holistic approach.
- Implementation Challenges:** Significant | Staff resources would be required to identify areas appropriate for this proposed zone and determine how it interacts with existing density bonus programs.
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8. South Central Waterfront Regulating Plan

[Planning Commission](#)

- Purpose:** To adopt a voluntary density bonus program to obtain community benefits in connection with development of properties subject to the South Central Waterfront Regulating Plan.
- Complexity of Amendment:** High | Staff has retained a consultant to support density bonus calibration and is working to develop a proposed regulating plan for the South Central Waterfront, which is anticipated to be presented in Fall 2023.
- Implementation Challenges:** Significant | Steps required for successful implementation remain under review.
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II. NON-HOUSING AMENDMENTS

A. Zoning Amendments

1. Cocktail Lounge Use Parking Requirements

[Resolution No. 20230413-045](#)

- Purpose:** To eliminate minimum onsite parking requirements for cocktail lounge uses, with appropriate provisions for offsite accessible parking. *[Action on this amendment will be incorporated into the staff recommendation for Amendment No. I.B.1, above, which would eliminate parking minimums citywide.]*
- Complexity of Amendment:** N/A
- Implementation Challenges:** N/A
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2. **Childcare Services** [Resolution No. 20230126-055](#)
- Purpose:** To facilitate provision of childcare services throughout the City by allowing a wider range of childcare facilities to be permitted administratively and making other changes to facilitate the provision of childcare in appropriate zoning districts, particularly within “childcare deserts.”
- Complexity of Amendment:** Mixed | To fully implement Council direction regarding childcare deserts will require significant analysis and review; simpler items, such as creation of new “childcare services” land use and changes to the use matrix, are less complex and could be adopted in shorter timeframe.
- Implementation Challenges:** Minimal
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3. **Live Music & Creative Spaces Bonus Incentives** [Resolution No. 20220901-089](#)
[Resolution No. 20220728-094](#)
- Purpose:** To support Austin’s creative community by, among other things, incentivizing development that provides opportunities for working musicians, artists, and other performers. (*This amendment includes both LDC and non-LDC items.*)
- Complexity of Amendment:** Mixed | Scheduled for Planning Commission on June 27, 2023.
- Implementation Challenges:** Mixed
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4. **Sixth Street Height Exception** [Resolution No. 20220609-124](#)
- Purpose:** To allow an increase in maximum building height for properties on East Sixth Street and establish design standards to ensure redevelopment is compatible with the district and preserves the facades of historic structures.
- Complexity of Amendment:** Medium | Revising the Combining District regulations to provide for a height adjustment is fairly straightforward, but establishing design standards is significantly more complex. Work to develop this amendment is underway, with the recommendation to be reviewed by Historic Landmark Commission and Codes and Ordinances Joint Committee in June.
- Implementation Challenges:** Moderate | Addition of design standards may increase the complexity of project review.
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5. **Safe Fencing Regulations** [Resolution No. 20211104-039](#)
- Purpose:** To protect public safety by prohibiting certain fence designs.
- Complexity of Amendment:** Low | Scheduled for Planning Commission on May 23, 2023, and City Council on June 8, 2023.
- Implementation Challenges:** Minimal
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6. **Noxious Land Uses** [Planning Commission](#)
- Purpose:** To create new land uses or conditional uses for certain zoning districts.
- Complexity of Amendment:** High | Significant changes to the land use matrix and other code sections would be required to implement this amendment. The extent of the changes was not known at the time of initiation and remains unclear.
- Implementation Challenges:** Significant | This amendment would significantly impact land use review.
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7. **University Neighborhood Overlay (UNO) Sign Correction** [Planning Commission](#)
- Purpose:** To correct an error in the UNO sign regulations prohibiting illuminated signs.
- Complexity of Amendment:** Medium | UNO sign provisions are referenced in multiple TOD and regulating plans.
- Implementation Challenges:** Minimal
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8. **Mirrored Glass** [Planning Commission](#)
- Purpose:** To rewrite the definition of mirrored glass to incorporate industry best practices and standards.
- Complexity of Amendment:** Unknown | Modification requires architectural expertise and would only apply within Waterfront Overlay.
- Implementation Challenges:** Moderate | Requires staff training and education.

B. *Non-Zoning Amendments*

1. Butler Trail Amendments

[Resolution No. 20230518-044](#)

Purpose: To allow continued use of Butler Trail within applicable lake setbacks and to facilitate construction of proposed improvements per recommendations of the 2015 Butler Trail Urban Forestry & Natural Area Management Guidelines and other planning documents.

Complexity of Amendment: Medium

Implementation Challenges: Minimal

2. Underground Electric Utility Distribution Lines

[Resolution No. 20230323-084](#)

Purpose: To implement prioritize the development of underground electric utility infrastructure in conjunction with new construction by public and private entities.

Complexity of Amendment: High

Implementation Challenges: Significant

3. Environmental and Stormwater Management Amendments

[Resolution No. 20220609-061](#)

Background: In June 2022, Council initiated amendments to the City's environmental and stormwater management regulations. While some of these amendments were adopted by Ordinance No. 20221027-045, the amendments described below were deferred pending additional analysis and stakeholder input. The staff recommendation on these amendments will seek to maximize environmental and stormwater benefits, while minimizing impacts to housing construction and loss of development potential.

a. Colorado River Shoreline Protections

Purpose: To increase water quality and erosion protections along the Colorado River below Longhorn Dam.

Complexity of Amendment: Low

Implementation Challenges: Minimal to Moderate | Increasing erosion hazard protections can likely be achieved through minor code changes to provide improved protections to both the river and proposed development; staff are also studying options and impacts of an enlarged water-quality buffer.

b. Functional Green Landscaping for Highly Impervious Sites

Purpose:	To adopt new landscaping requirements for high-intensity development, with the goal of increasing health and well-being for people and the environment.
Complexity of Amendment:	Medium Staff recommendation remains under review pending the outcome of future testing to assess the feasibility of proposed standards.
Implementation Challenges:	Moderate

c. Stormwater Management for Redevelopment

Purpose:	To provide increased stormwater management for redeveloping properties that do not have modern drainage infrastructure; previously referred to as “greenfields stormwater management.”
Complexity of Amendment:	Medium
Implementation Challenges:	Minimal to Moderate Staff is working on a proposal to focus new requirements on larger developments to achieve the most impactful stormwater benefits.

d. Steep Slope Protections for Urban Watersheds

Purpose:	To increase environmental protections for areas with steep slopes in the Urban Watersheds.
Complexity of Amendment:	Low
Implementation Challenges:	Moderate It is not always clear which steep slopes are natural vs. manmade; the environmental benefits would likely be very modest because net site area calculations are not required in urban watersheds and much of the naturally occurring slopes are already developed.

e. Additional Restrictions on Wastewater Lines in Creeks

Purpose:	To further minimize environmental impacts of wastewater lines in creeks.
Complexity of Amendment:	Low
Implementation Challenges:	Significant Intended benefits may be provided for in current Code and through greater inter-departmental collaboration.

4. **Little Bear Recharge Enhancement – Site-Specific SOS Amendment** [Resolution No. 20221027-038](#)

Purpose: To adopt limited amendments to the Save Our Springs Initiative to allow the construction of an aquifer recharge enhancement project located on water quality protection lands. (*Note: This amendment was initiated at staff's request.*)

Complexity of Amendment: Low

Implementation Challenges: Minimal

5. **Slaughter Lane Mobility – Site-Specific SOS Amendment** [Resolution No. 20221027-038](#)

Purpose: To adopt limited amendments to the Save Our Springs Initiative to facilitate construction of transportation improvements along a portion of Slaughter Lane between Loop 1 & Brodie. (*Note: This amendment was initiated at staff's request.*)

Complexity of Amendment: Low

Implementation Challenges: Minimal

6. **Brodie Oaks PUD – Site-Specific SOS Amendment** [Resolution No. 20221013-076](#)

Purpose: To adopt limited amendments to the Save Our Springs Initiative to allow the development proposed to occur with the approval of the Brodie Oaks Planned Unit Development. (*Note: This amendment was initiated at staff's request.*)

Complexity of Amendment: Low

Implementation Challenges: Minimal

7. **AI SD Interlocal Agreement** N/A

Purpose: To comprehensively update the AISD interlocal land development standards agreement, originally adopted in 1994. (*Note: The update is proposed on the city manager's initiative, in response to request from AISD.*)

Complexity of Amendment: High | The AISD ILA governs all aspects of development for school properties, including water quality, drainage, transportation, land use, compatibility, and signage, as well as application review procedures.

Implementation Challenges: Unknown | Negotiation of update remains ongoing between AISD and multiple city departments.

8. Demo Permit Contractor Registration

[Resolution No. 20201001-011](#)

- Purpose:** To establish a contractor registration program for building and demolition permitting, including stakeholder engagement necessary to build the program.
- Complexity of Amendment:** Medium
- Implementation Challenges:** Significant | DSD recommends an alternative approach to contractor registration that can be adopted administratively, without a code amendment, and will focus on leveraging education and existing tools to achieve the desired outcome.

III. PROGRAMMATIC DIRECTION AND STUDIES

A. *Programmatic Direction*

1. Offset Analysis

[Resolution No. 20221027-042](#)

- Background:** In October of 2022, Council directed the City Manager to develop a process for analyzing the potential impacts of proposed amendments to the Land Development Code on development capacity and housing affordability, including the identification of potential “offsets” to mitigate those impacts. The resolution directed staff to apply this analysis to future code amendment initiations and to provide a “lookback” analysis for amendments adopted or initiated over the past two years.
- Status:** Staff will provide an update to Mayor & Council by the end of July 2023, including a lookback analysis identifying any reductions in development capacity or affordability resulting from LDC amendments initiated since October 27, 2020, and a summary of potential amendments or other measures to offset the identified impacts.

B. *Studies*

1. Citywide Compatibility Study

[Ordinance No. 20221291-056 \(Part 6\)](#)

- Background:** Council’s December 2022 ordinance amending compatibility standards and parking regulations for certain corridors included direction for staff to complete a citywide analysis on the impacts of compatibility regulations on housing, particularly in high-opportunity areas, with the goal of helping to meet targets established by the [Austin Strategic Housing Blueprint](#).
- Status:** On May 5, 2023, the directors of the Housing Department and the Planning Department released [a joint memo](#) summarizing the methodology for performing the analysis. Staff is currently working to provide findings to Mayor & Council, along with recommendations for possible modifications to compatibility regulations by no later than July 15, 2023.

2. **Student Housing Recommendations**

[Resolution No. 20230223-043](#)

Background: This resolution directs the City Manager, in collaboration with the education community, to establish goals for delivering affordable and accessible student housing and to explore opportunities for increasing the supply of student housing near institutions of higher learning within the City.

Status: Staff will report back to the City Council with recommendations for action, fiscal impact, and tools for implementation by December 31, 2023.

3. **Reclaimed Water and Onsite Water Reuse Systems (OWRS)** [Ordinance No. 20210930-117 \(Part 8\)](#)

Background: In September of 2021, Council amended City Code Chapter 25-9 (*Water and Wastewater*) to establish new requirements for water conservation (e.g., onsite reuse, reclaimed water connections, benchmarking, etc.) for new development. Additionally, Council directed staff to provide a report on potential impacts of the onsite reuse and reclaimed water requirements on housing affordability, along with possible actions for Council to consider.

Status: Staff is conducting stakeholder engagement in Summer 2023 will provide a report and possible action for council consideration in Fall 2023.