



## MEMORANDUM

**TO:** Mayor and Council Members

**FROM:** Lauren Middleton-Pratt, Director, Planning Department  
Rosie Truelove, Director, Housing Department

**THROUGH:** Veronica Briseño, Assistant City Manager

**DATE:** June 5, 2023

**SUBJECT:** **Update on the Timing of Land Development Code Amendments**

---

This memo proposes staff's recommended timeline to draft and adopt all active Land Development Code (LDC) amendments. Staff understands the urgency of these amendments, particularly those that have the potential to increase housing supply and income-restricted housing for the Austin community. Many of the active code amendments, even those that appear simple on their surface, are quite complex and interrelated, and may involve unintended consequences or trade-offs that need to be evaluated and addressed as the amendment moves forward. Some of the amendments on the list overlap or would be better addressed through a more comprehensive amendment to the LDC. Finally, in order to ensure that the amendments stand up to legal scrutiny and that we achieve our transparency goals as a City, it is imperative that we meet the minimum process requirements of the Land Development Code and go above and beyond those processes in some cases in order to fully engage the stakeholders who will be impacted by these changes.

### **Code Amendment Process**

The code amendment process is prescribed by [LDC 25-1, Article 11](#), which requires a multi-stage process including formal initiation and public notification for all amendments to the Land Development Code. See **Attachment A: Land Development Code Amendment Process Flow Chart** for a visual representation of the code amendment process. The process begins with initiation by the Planning Commission or City Council, as depicted in the Initiation Stage. After initiation, the amendment moves into the Development and Engagement Stage, where the complexity and content of the amendment determine the necessity and scope of inter-departmental review, stakeholder and community engagement, and other assessments such as the [Affordability Impact Statement](#). While the LDC does not mandate stakeholder engagement beyond required hearing notification, stakeholder and community engagement may include, but is not limited to, consultation with the following groups: neighboring residents and property owners, neighborhood organizations, community organizations, and the development community. Informed by these efforts, a draft ordinance and staff recommendation are formulated and presented to Boards and Commissions for review and recommendation to City Council. This Review and Adoption Stage, mandated by [§ 25-1-502](#), requires a review by the Codes and Ordinances Joint Committee and Planning Commission prior to reaching the City Council, and may also include additional Boards and Commissions depending on the scope of the amendment. During this stage, Commissioners have the opportunity to provide input and

propose amendments to the staff recommendation. Following the recommendations and amendments from the Commissions, the amendment is brought for a public hearing followed by consideration and adoption by ordinance by City Council.

### Active Code Amendments

There are currently 38 active code amendments that have previously been initiated by Planning Commission or City Council, or that are proposed for initiation at the June 8th City Council meeting. **Twelve** of those have entered the review and adoption phase or have been scheduled to move into the review and adoption phase. An additional **22** of those amendments are in the pre-development or development stages. **Twenty-four** of the active code amendments benefit housing capacity. **Attachment C: Table of Active Land Development Code Amendments** includes all active code amendments initiated by the Planning Commission or City Council, as well as those proposed for initiation at the upcoming June 8th City Council meeting. The amendments presented in this table were broadly addressed in the May 23rd Housing and Planning Committee meeting and are further detailed in the previous staff memorandum (**Attachment D: LDC Code Cabinet Report on Initiated Code Amendments**). The Housing and Planning Committee recommended a [prioritization of active code amendments](#) for full Council consideration at the June 8th Council meeting.

### Implementing Active Code Amendments

To align with Council's priorities, staff has prepared a draft implementation plan for the active code amendments, which is provided in **Attachment B: Draft Schedule for Active Code Amendments**. Each active code amendment includes a timeline that is color-coded based on the Land Development Code amendment process:

 The yellow marker indicates the initiation stage by Planning Commission or City Council. In instances where the initiation stage is not featured, it occurred prior to June 2023.

 The blue marker indicates the development stage based on complexity, stakeholder engagement, and staff capacity.

 The green marker indicates the review and adoption stage by Boards, Commissions, and Council.

 The arrow marker acknowledges the code amendments that have scheduled dates for review and adoption, and will occupy staff capacity through October 2023. The active code amendments that follow have been initiated, development has begun or will begin imminently, but review and adoption dates have not been scheduled. The development start date and timeline for these code amendments are projected based on the Housing and Planning Committee's recommendation, amendment complexity, and staff capacity.

 The purple house icon indicates that the amendment will have a substantial benefit to housing capacity or cost within the City.

The chart also includes a list of code-related studies and other major analysis underway, as well as a list of amendments that staff recommends addressing through more comprehensive code amendments or another method such as programmatic or informational campaigns.

The implementation timeline presented in Attachment B reflects staff's estimate of the timing of code amendment processes based on anticipated staffing and financial resources and the priorities as expressed by the Housing and Planning Committee. While it is anticipated that most of the items on the list can be undertaken within the bounds of existing committed resources, additional resources would likely be needed for staff and consultant augmentation in order to undertake the comprehensive approaches to density bonus programs and zoning on the timelines indicated. The timing presented is subject to change based on future changes to priorities, resources, commission and community bandwidth, and additional analysis related to the complexity of particular amendments.

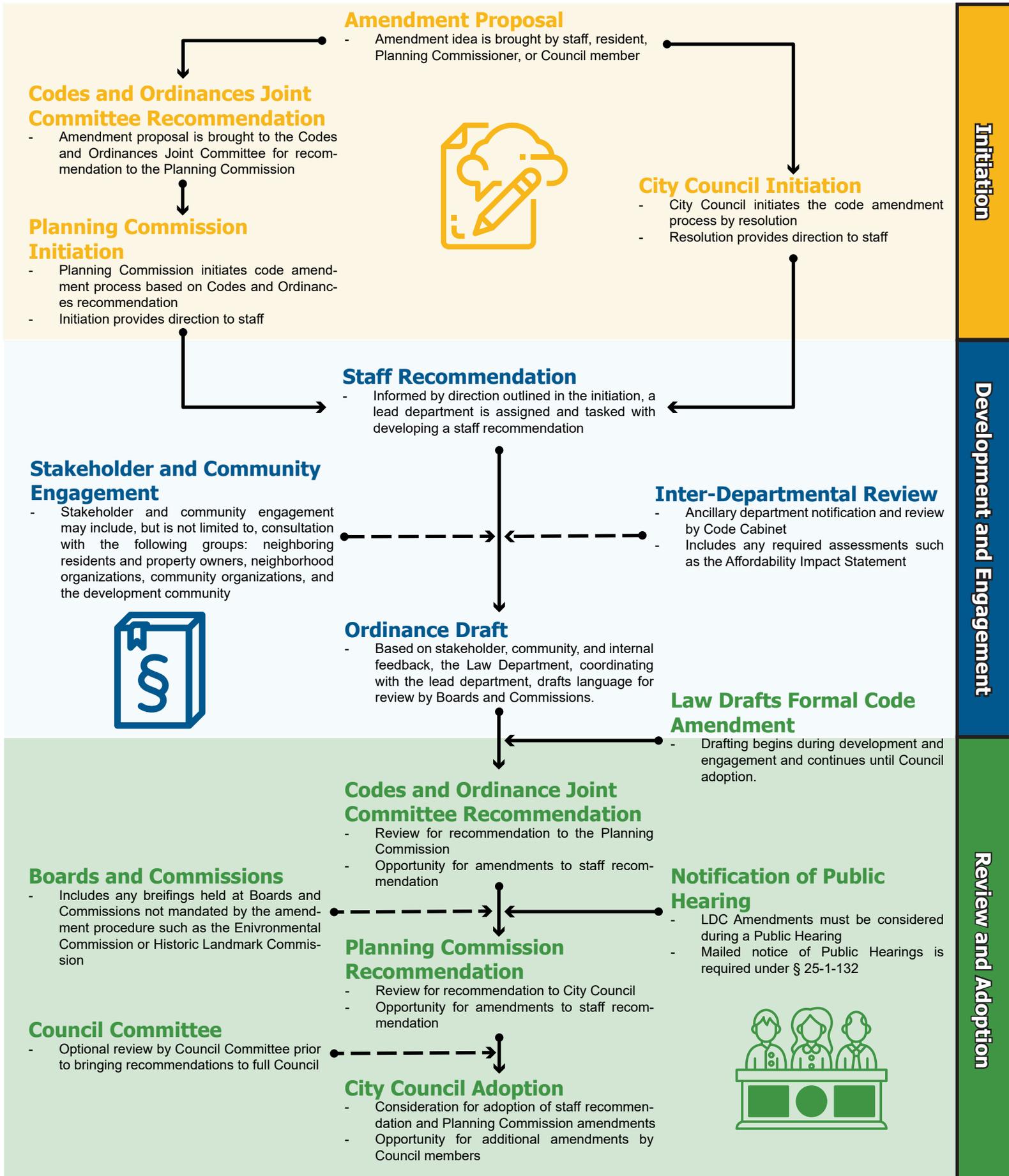
We appreciate the opportunity to discuss code amendment priorities and implementation with City Council and to effectively deliver land development solutions to the Austin community moving forward.

If you have any questions, please contact Andrea Bates, Interim Assistant Director, Planning Department at 512-974-2291 or [andrea.bates@austintexas.gov](mailto:andrea.bates@austintexas.gov) or Erica Leak, Development Officer, Planning Department, at 512-974-9375 or [erica.leak@austintexas.gov](mailto:erica.leak@austintexas.gov).

cc: Jesús Garza, Interim City Manager  
Veronica Briseño, Assistant City Manager  
Andrea Bates, Interim Assistant Director, Planning Department

# Land Development Code Amendment Process

*Amendment procedure as established in Article 11 of the Land Development Code*



## Amendment Proposal

- Amendment idea is brought by staff, resident, Planning Commissioner, or Council member

## Codes and Ordinances Joint Committee Recommendation

- Amendment proposal is brought to the Codes and Ordinances Joint Committee for recommendation to the Planning Commission



## City Council Initiation

- City Council initiates the code amendment process by resolution
- Resolution provides direction to staff

## Planning Commission Initiation

- Planning Commission initiates code amendment process based on Codes and Ordinances recommendation
- Initiation provides direction to staff

## Staff Recommendation

- Informed by direction outlined in the initiation, a lead department is assigned and tasked with developing a staff recommendation

## Stakeholder and Community Engagement

- Stakeholder and community engagement may include, but is not limited to, consultation with the following groups: neighboring residents and property owners, neighborhood organizations, community organizations, and the development community



## Inter-Departmental Review

- Ancillary department notification and review by Code Cabinet
- Includes any required assessments such as the Affordability Impact Statement

## Ordinance Draft

- Based on stakeholder, community, and internal feedback, the Law Department, coordinating with the lead department, drafts language for review by Boards and Commissions.

## Law Drafts Formal Code Amendment

- Drafting begins during development and engagement and continues until Council adoption.

## Codes and Ordinance Joint Committee Recommendation

- Review for recommendation to the Planning Commission
- Opportunity for amendments to staff recommendation

## Boards and Commissions

- Includes any briefings held at Boards and Commissions not mandated by the amendment procedure such as the Environmental Commission or Historic Landmark Commission

## Notification of Public Hearing

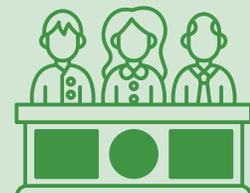
- LDC Amendments must be considered during a Public Hearing
- Mailed notice of Public Hearings is required under § 25-1-132

## Planning Commission Recommendation

- Review for recommendation to City Council
- Opportunity for amendments to staff recommendation

## Council Committee

- Optional review by Council Committee prior to bringing recommendations to full Council



## City Council Adoption

- Consideration for adoption of staff recommendation and Planning Commission amendments
- Opportunity for additional amendments by Council members

Initiation

Development and Engagement

Review and Adoption



## Active Code Amendments

Case Number	Name	Description	Initiated By	Resolution Deadline	Stage	Status	Lead Department	Sub Department
C20-2023-019	Citywide Compatibility	Amendments to modify height and setbacks triggered by proximity to single-family zoning and uses (also known as "Compatibility Standards").	<a href="#">City Council</a>	12/1/2023	Initiation	City Council Initiated - Pending assignment of case manager.	Planning	Housing
C20-2023-018	Fire Safety Standards for Animal Facilities	Amendments to provide minimum fire safety standards for facilities housing or holding animals on a 24-hour basis.	<a href="#">City Council</a>	None Specified	Initiation	City Council Initiated - Pending assignment of case manager.	FIRE	
C20-2023-017	Affordability Unlocked Expansion	Amendments to create a new tier within the Affordability Unlocked Development Bonus Program ("Affordability Unlocked") for developments that do not utilize City of Austin housing development assistance programs.	<a href="#">City Council</a>	10/19/2023	Initiation	City Council Initiated - Pending assignment of case manager. Anticipated to be part of Bonuses (Comprehensive Approach).	Housing	Planning
C20-2023-016	Single-Family Ownership Bonus Program	Amendments to create an affordable housing bonus program that achieves the following goals: 1. creates ownership units in single-family residence zoning; 2. allows for participation in additional bonus programs; 3. makes ownership units available to households with the lowest median family incomes possible; and 4. applies only to developments that do not rely on development assistance from the City (for purposes of this goal, the SMART Housing Program is not considered development assistance).	<a href="#">City Council</a>	10/19/2023	Initiation	City Council Initiated - Pending assignment of case manager. Anticipated to be part of Bonuses (Comprehensive Approach).	Housing	Planning
C20-2023-015	Eliminate FLUM Amendment Filing Deadlines	Amendment to to allow applicants to request changes to Future Land Use Maps (FLUM) at any time.	<a href="#">City Council</a>	7/20/2023	Initiation	Development through September with adoption anticipated in November 2023.	Planning	
C20-2023-014	Underground Electric Utility Distribution Lines	Amendments to City Code Title 25 necessary to implement converting existing overhead electric distribution lines to underground electric utility distribution lines and advancing the development of underground electric utility infrastructure in new construction projects.	<a href="#">City Council</a>	None Specified	Development and Engagement	Pending assignment of case manager.	AE	DSD

Case Number	Name	Description	Initiated By	Resolution Deadline	Stage	Status	Lead Department	Sub Department
C20-2023-013	Butler Trail Amendments	Amendments to City Code Title 25 (Land Development) to allow the Butler Trail to remain within the setbacks applicable to Lady Bird Lake; and to allow capital improvements made to the Butler Trail to comply with the recommendations from the 2015 Butler Trail Urban Forestry and Natural Area Management Guidelines, maintenance standards of care listed in the Butler Trail POMA, and the recommendations provided in the Butler Trail Safety and Mobility Study.	<a href="#">City Council</a>	10/1/2023	Development and Engagement	City Council Initiated - Pending assignment of case manager.	WPD	PARD
C20-2023-012	Eliminate Non-related Adult Occupancy Limits	Amendment to eliminate the dwelling unit occupancy limit for residential uses.	<a href="#">City Council</a>	10/19/2023	Initiation	City Council Initiated - Pending assignment of case manager.	Planning	DSD
C20-2023-011	Infill-Lot Plat Process	Amendment to Title 25 relating to the plat process to facilitate the creation of infill lots within existing residential subdivisions through a streamlined amended plat process and changes to the resubdivision process.	<a href="#">City Council</a>	11/9/2023	Development and Engagement	In Process - Will move forward with Substandard Lots (C20-2023-003).	DSD	Planning
C20-2023-010	Eliminate Parking Requirements	Amendment to Title 25 to eliminate minimum off-street motor vehicle parking requirements in the City.	<a href="#">City Council</a>	12/31/2023	Development and Engagement	Pending assignment of case manager. Development anticipated to begin late Summer with a Spring 2024 adoption date. Will move forward with Cocktail Lounge Use Parking (C20-2023-008).	TPW	Planning,DSD
C20-2023-009	Little Bear Aquifer Recharge Enhancement Site Specific SOS Amendment	Site-specific amendments to Title 25, including Chapter 25-8, Subchapter A, Article 13 (Save Our Springs Initiative), as necessary to allow for completion of the Little Bear Aquifer Recharge Enhancement Project, located within the Barton Springs Zone.	<a href="#">City Council</a>	None Specified	Review and Adoption	In Process - → Codes & Ordinances 6/21/2023 → Planning Commission 7/25/2023 → City Council 8/31/2023	WPD	
C20-2023-008	Cocktail Lounge Use Parking Requirements	Amendment to Title 25 to eliminate non-accessible parking requirements for cocktail lounge use.	<a href="#">City Council</a>	10/19/2023	Development and Engagement	Pending assignment of case manager. Development anticipated to begin late Summer with a Spring 2024 adoption date. Will move forward with Eliminate Parking Requirements (C20-2023-010).	TPW	Planning,DSD
C20-2023-004	ETOD Amendments	Amendments to Title 25 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.	<a href="#">City Council</a>	None Specified	Development and Engagement	In Process - Scoping and procurement underway; anticipate presentation to Council September 2024.	Planning	Housing

Case Number	Name	Description	Initiated By	Resolution Deadline	Stage	Status	Lead Department	Sub Department
C20-2023-003	Substandard Lots	Amendment to Title 25 to allow the disaggregation of substandard lots and lots that qualify for small-lot amnesty.	<a href="#">City Council</a>	None Specified	Development and Engagement	In Process - Will move forward with Infill-Lot Plat Process (C20-2023-011).		
C20-2023-001A	Childcare Services Part 1	Amendment to Title 25 to create separate zoning use classifications and modify definitions to increase opportunities for childcare services around the city.	<a href="#">City Council</a>	7/20/2023	Development and Engagement	Pending assignment of case manager. Providing memo to City Council at 7/20 City Council meeting. Proposed to be split into two pieces with Phase 1 anticipated by October 2023.	Planning	DSD
C20-2023-001B	Childcare Services Part 2	Amendment to Title 25 to modify parking, and occupancy allowances pertaining to childcare and daycare services to increase opportunities for childcare services around the city.	<a href="#">City Council</a>	7/20/2023	Development and Engagement	Pending assignment of case manager. Providing memo to City Council at 7/20 City Council meeting. Proposed to be split into two pieces with Phase 1 anticipated by October 2023.	Planning	DSD
C20-2022-022	Live Music Venue and Creative Space Bonus (Definitions)	Amendment to Title 25 of the City Code to modify land use definitions related to live music venue, theater, personal improvement services, creative spaces, and live/work unit as well as creating the Performance Venue combining district (PV) to enhance the development and preservation of performance venues in response to City Council Resolutions 20220728-094 and 20220901-089.	<a href="#">City Council</a>	None Specified	Review and Adoption	In Process - → Codes & Ordinances 4/19/2023 (Postponed with recommendations) → Codes & Ordinances 6/21/2023 → Planning Commission 6/27/2023 → City Council 7/20/2023	EDD	
C20-2022-020B	Site Plan Lite Part 2	Amendment to Title 25 that developments of five to sixteen residential units, create a site plan review process that is tailored appropriately for missing middle housing, with fewer requirements than that of full site plan review.	<a href="#">City Council</a>	6/1/2023	Development and Engagement	Proposed response to second directive, which requires developing a revised process for larger missing-middle projects, requires further interdepartmental review and coordination, with Council action anticipated in early 2024.	DSD	Planning
C20-2022-020A	Site Plan Lite Part 1	Amendment to Title 25 to establish that development of three or four residential units on a site will be permitted in the same manner as the City reviews one or two residential units, through the residential permitting process with no site plan submittal required.	<a href="#">City Council</a>	3/9/2023	Review and Adoption	In Process - This is a response to the first directive in the resolution related to residential review for triplexes and fourplexes. → Codes & Ordinances 6/21/2023 → Planning Commission 7/11/2023 → City Council 7/20/2023	DSD	Planning

Case Number	Name	Description	Initiated By	Resolution Deadline	Stage	Status	Lead Department	Sub Department
C20-2022-017	Tenant Notification and Relocation	Amendment to Title 25 to create tenant notification and relocation protections and to amend the site development regulations for mobile home parks to preserve mobile home parks as long-term residential uses.	<a href="#">City Council</a>	4/1/2023	Review and Adoption	In Process - → Codes & Ordinances 6/21/2023 → Planning Commission 8/8/2023 → City Council 8/31/2023	Housing	Planning
C20-2022-016	SOS Site Specific Brodie Oaks PUD	Site-specific amendment to Title 25-8-514 (Save our Springs) necessary for the Brodie Oaks PUD.	<a href="#">City Council</a>	None Specified	Review and Adoption	In Process - → City Council 7/20	WPD	Planning
C20-2022-012	North Burnet/Gateway Regulating Plan Amendments	Amendments to the North Burnet/Gateway Regulating Plan to implement the 9 recommendations in the resolution to provide cohesive alignment with the original Vision Plan, Imagine Austin, and Austin's Strategic Housing Blueprint.	<a href="#">City Council</a>	10/19/2023	Development and Engagement	In Process - Potential for multiple amendments. → Codes & Ordinances 8/16/2023 → Planning Commission 9/12/2023 → City Council 10/19/2023	Planning	Housing
C20-2022-009	Sixth Street Height Exception	Amendment to section 25-2-643 to allow a structure located on East Sixth Street and east of Neches Street and west of Sabine to have a maximum building height of 140 feet or that allowable under the Capitol View Corridor, whichever is less; and to create design standards, with specific guidelines for the preservation of facades on historic structures, to ensure any redevelopment is compatible with the character of the Sixth Street National Register Historic District.	<a href="#">City Council</a>	None Specified	Review and Adoption	In Process - → Historic Landmark Commission 6/7/2023 → Codes & Ordinances Joint Committee 6/21/2023 → Planning Commission 6/27/2023 → City Council 7/20/2023	Planning	Housing
C20-2022-005B	Environmental and Stormwater Management Amendments - Part 1	Amendments to Title 25 to increase water quality and erosion protections along the Colorado River below Longhorn Dam and amendments to Title 25 to adopt new landscaping requirements for high-intensity development, with the goal of increasing health and well-being for people and the environment	<a href="#">City Council</a>	11/1/2022	Development and Engagement	Pending additional analysis and stakeholder input. Went to Council on 10/27/2022 and was partially adopted with remainder of content postponed. Several individual ordinances likely, each brought to Council between Nov. 1, 2023 and May 30, 2024.	WPD	Planning
C20-2022-005C	Environmental and Stormwater Management Amendments - Part 2	Amendments to Title 25 to provide increased stormwater management for redeveloping properties that do not have modern drainage infrastructure; previously referred to as "greenfields stormwater management."	<a href="#">City Council</a>	11/1/2022	Development and Engagement	Pending additional analysis and stakeholder input. Went to Council on 10/27/2022 and was partially adopted with remainder of content postponed. Several individual ordinances likely, each brought to Council between Nov. 1, 2023 and May 30, 2024.	WPD	Planning

Case Number	Name	Description	Initiated By	Resolution Deadline	Stage	Status	Lead Department	Sub Department
C20-2022-004A	Compatibility on Corridors Correction	Amendment to Ordinance No. 20221201-056 to ensure that Title 25, Corridor Overlay (COR) is applied to corridors consistently with City Council intent as described in Resolution No. 20220609-066.	<a href="#">City Council</a>	None Specified	Review and Adoption	In Process - → Codes & Ordinances 4/19/2023 (Vote: 4-0-1) → Planning Commission 5/23/2023 (Vote: 10-0) → City Council 6/8/2023	Planning	Housing
C20-2021-015	Safe Fencing Regulations	Amendment to Title 25-12 Technical Codes to amend fence regulations to ensure safer fences.	<a href="#">City Council</a>	None Specified	Review and Adoption	In Process - → Codes & Ordinances Joint Committee 4/19/2023 (Vote: 6-0) → Planning Commission 5/23/2023 (Vote: 8-0) → City Council 6/8/2023	DSD	
C20-2021-011	ADU Expansion	Amendment to Title 25 that clarifies and expands where ADUs can be allowed.	<a href="#">City Council</a>	2/1/2022	Development and Engagement	Pending interdepartmental review for staff recommendation. Briefing provided at Planning Commission on April 25,2022 which covered key concepts and potential options for a more streamlined approach.	DSD	Planning
C20-2020-007	Demolition and Building Permit Contractor Registration	Amendment to establish a contractor registration program for building and demolition permitting.	<a href="#">City Council</a>	12/31/2021	Development and Engagement	DSD recommends an alternative approach to contractor registration. The recommendations are administrative, do not require a code amendment and focus on leveraging education and existing tools to achieve the desired outcome.	DSD	
C20-2023-017	SOS Site Specific Barton Springs Bathhouse	Site specific amendments to SOS (Save our Springs) Ordinance as necessary for the Barton Springs Bath House capital improvements. This site is in the Barton Springs Zone.	<a href="#">Planning Commission</a>	8/31/2023	Initiation	To be initiated at Planning Commission on 6/27.	WPD	
C20-2023-007	Town Zoning	Amendment to Title 25-2 to create a new zoning overlay.	<a href="#">Planning Commission</a>	None Specified	Development and Engagement	Planning Commission Initiated - Pending assignment of case manager.	Planning	
C20-2023-006	Compatibility Standards Waiver	Amendment to Title 25-2 relating to waivers for compatibility standards.	<a href="#">Planning Commission</a>	None Specified	Development and Engagement	Planning Commission Initiated - Pending completion of Compatibility Study in 7/2023 - Methodology memo sent to City Council on 5/5. After completion of the study and combined with Citywide Compatibility (C20-2023-019).	Planning	

Case Number	Name	Description	Initiated By	Resolution Deadline	Stage	Status	Lead Department	Sub Department
C20-2023-005	Compatibility on Corridors Expansion	Amendment to Title 25-2 Corridor Overlay Combining District to add additional corridors.	<a href="#">Planning Commission</a>	None Specified	Development and Engagement	Planning Commission Initiated - Pending completion of Compatibility Study in 7/2023 - Methodology memo sent to City Council on 5/5. After completion of the study and combined with Citywide Compatibility (C20-2023-019).	Planning	Housing
C20-2022-018	Noxious Land Uses	Amendments to Title 25 to create new land uses or conditional uses for certain zoning districts.	<a href="#">Planning Commission</a>	None Specified	Development and Engagement	Pending assignment of case manager.	Planning	
C20-2022-003	South Central Waterfront Regulating Plan	Amendment to Title 25 to implement the South Central Waterfront Regulating Plan to execute the Vision Plan and other applicable City of Austin goals and policies.	<a href="#">Planning Commission</a>	12/1/2022	Development and Engagement	Conducting additional density bonus analysis.	Planning	Housing
C20-2021-002	Affordability Unlocked Site Plan Changes	Amendment to Title 25 site plan regulations related to Affordability Unlocked.	<a href="#">Planning Commission</a>	None Specified	Development and Engagement	Combining with Site Plan Lite 2 - Proposed response to this directive will be included in response to second directive under "Site Plan Lite."	DSD	
C20-2021-001	UNO Sign Correction	Amendment to Title 25 to correct an error in UNO sign code that prohibits all illuminated signs.	<a href="#">Planning Commission</a>	None Specified	Review and Adoption	In Process - → Codes & Ordinances 8/16/2023 → Planning Commission 8/22/2023 → City Council 9/21/2023	Planning	
C20-2018-004	Mirrored Glass	Amendment to Title 25 to rewrite definition of mirrored glass to incorporate best practices.	<a href="#">Planning Commission</a>	None Specified	Development and Engagement	Planning Commission Initiated - Pending assignment of case manager.	Planning	



**To:** Mayor and Council  
**From:** Land Development Code Cabinet  
**Through:** Veronica Briseño, Assistant City Manager & Acting Cabinet Chair  
**Date:** May 22, 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.

---

##### 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

---

---

\* 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.

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.

---

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

---

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

---

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

---

**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.
-

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.

---

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

---

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

---

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

---

**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.
- 

**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.

**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. 1.B.1, above, which would eliminate parking minimums citywide.]*
- Complexity of Amendment:** N/A
- Implementation Challenges:** N/A
-

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

---

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

---

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.

---

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

---

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.

---

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

---

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. **AISD 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.