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# LAND DEVELOPMENT CODE REVISION

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AUSTIN CITY COUNCIL  
SPECIAL CALLED WORK SESSION  
September 26, 2019

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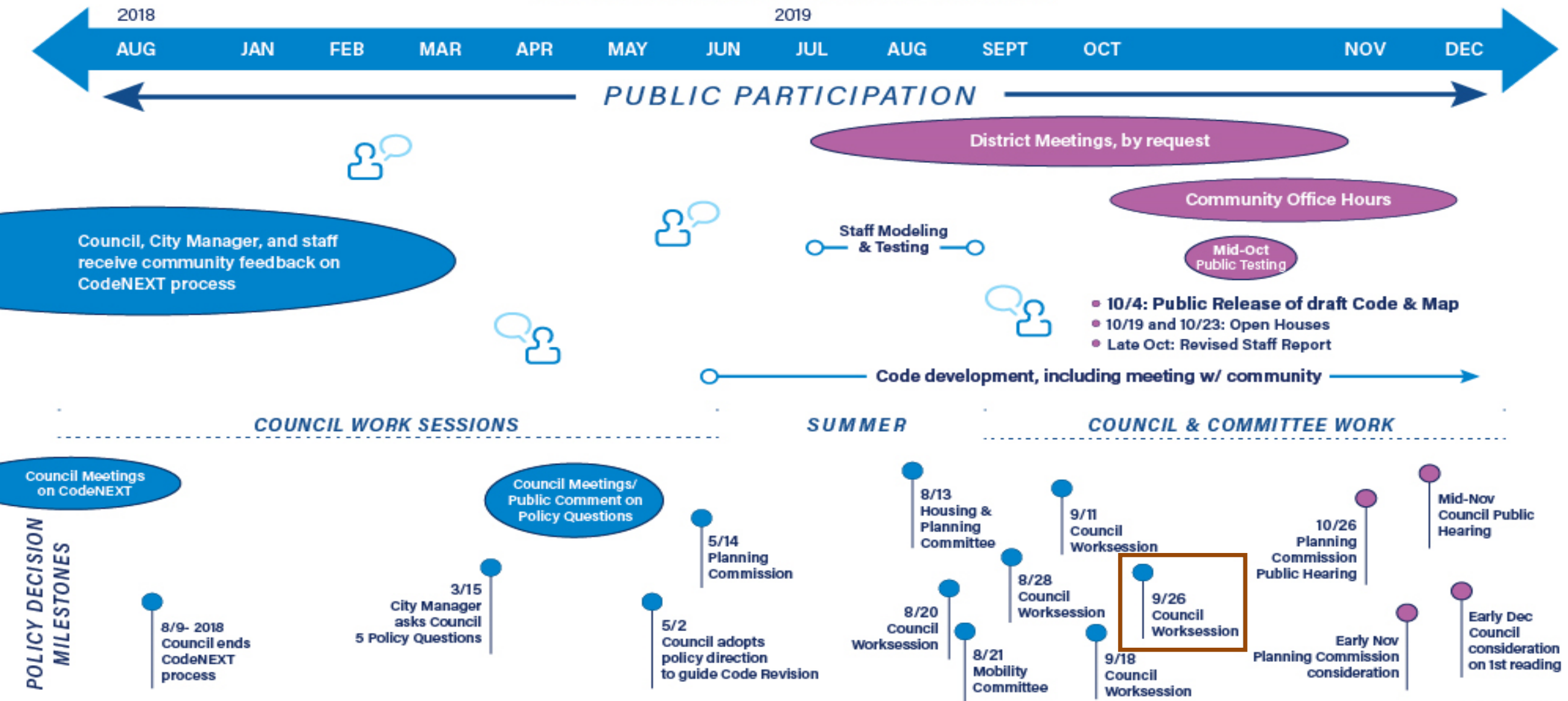
# AGENDA

- Drainage and Water Quality
- Administrative and Permitting Process Chapters



# Land Development Code Revision: **Proposed Timeline\***

\*Proposed dates, subject to change based on Council direction & outcome of public process



Updated 9/17/2019

# DRAINAGE AND WATER QUALITY

## Council Direction

*“The new code should prioritize **all types of homes for all kinds of people in all parts of town** (our Strategic Housing Blueprint goals) and a development pattern that **supports 50/50 Transportation Mode share** by 2039 (our Austin Strategic Mobility Plan).”*

*“The revised Code text and map should result in **reduced allowable city-wide impervious cover, improved city-wide water quality, and reduced overall flood risk.**”*

*“Non-zoning regulations should provide **flexibility to allow for higher unit yields** for parcels within activity centers and activity corridors. The code should create **alternative equivalent means** to ensure the balance of needs, **while protecting environment, sustainability, public safety, transportation, utility and right of way needs.**”*

# DRAINAGE AND WATER QUALITY

1. Impervious Cover
2. Flood Risk Reduction
3. Water Quality Controls and Green Stormwater Infrastructure (GSI)
4. Additional Water Quality Improvements
5. Missing Middle Housing

# IMPERVIOUS COVER

## Council Direction

*“The revised Code text and map should result in **reduced allowable city-wide impervious cover**, improved city-wide water quality, and reduced overall flood risk.”*

*“Methods to measure and options to **reduce allowable impervious cover in each watershed** relative to current code, and methods to measure and options to improve water quality in each watershed, should be developed for the new code and the following goals incorporated:*

- Reductions in impervious cover city-wide should either **decrease allowable impervious cover for, or make no change to, each individual watershed** (relative to current code).”*

# FLOOD RISK REDUCTION

## Council Direction

*“The revised Code text and map should result in reduced allowable city-wide impervious cover, improved city-wide water quality, and **reduced overall flood risk.**”*

*“The Manager will report on how revisions to the land development code will likely affect existing environmental regulations, understanding that the goal of the council is to **preserve, or increase, our current level of environmental protections and sustainability with respect to flooding,** water quality and usage, air quality, and greenhouse gas emissions.”*

# FLOOD RISK REDUCTION

Current Code	Draft 3	Potential Revisions	Effect of Change
<ul style="list-style-type: none"> <li>Commercial and multifamily redevelopment that does not increase impervious cover is not required to contribute to stormwater management</li> </ul>	<ul style="list-style-type: none"> <li>Redeveloping sites are required to manage stormwater as if they had 0% impervious cover ("greenfield standard")</li> </ul>	<ul style="list-style-type: none"> <li>"Greenfield standard" carried forward</li> <li>Special considerations for small sites (discussed below)</li> </ul>	<ul style="list-style-type: none"> <li>Equal treatment of redevelopment and "greenfield" sites</li> <li>Redevelopment sites must provide or contribute to detention and/or conveyance proportional to their impact to the drainage system</li> <li>Reduce flood risk in areas with existing problems</li> <li>Increase resilience to changing climate</li> </ul>





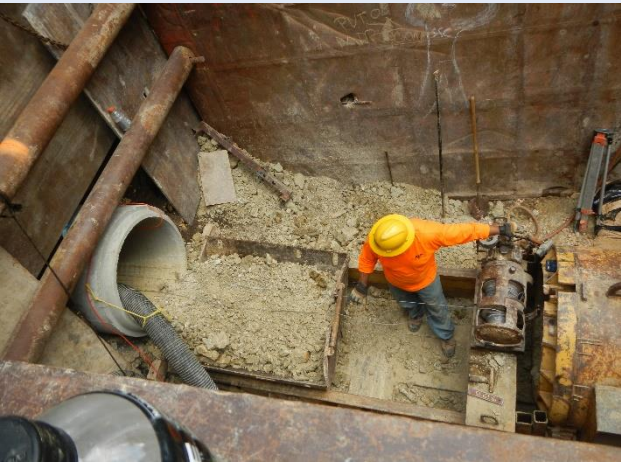
*Existing Site with No Flood Management*



*Flood Detention*



*Conveyance Upgrades*



*Regional Solutions*



*Regional Solutions*



# FLOOD RISK REDUCTION

## Council Direction

*“Non-zoning regulations should provide **flexibility** to allow for higher unit yields for parcels within activity centers and activity corridors. The code should create **alternative equivalent means** to ensure the balance of needs, **while protecting environment, sustainability, public safety, transportation, utility and right of way needs.**”*

*“The new LDC provisions should: improve the City’s fiscal health by (1) **facilitating fiscally sound infrastructure investment** for both public and private interests; and (2) applying the code in strategic locations that **maximize public infrastructure investment and minimize long term obligations.**”*

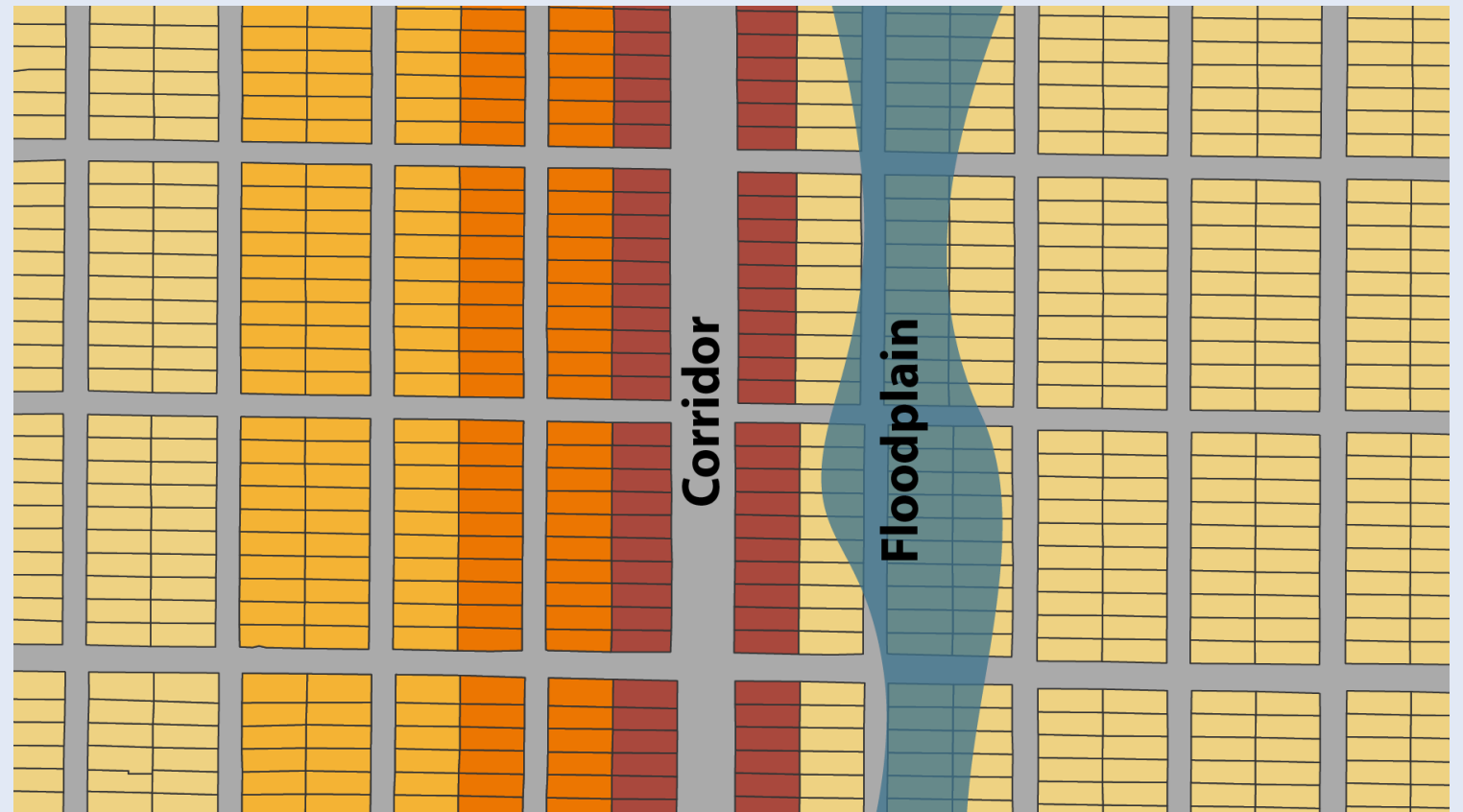
# FLOOD RISK REDUCTION

Current Code	Draft 3	Potential Revisions	Effect of Change
<ul style="list-style-type: none"> <li>• If required, on-site drainage improvements are standard regardless of site size</li> <li>• Participation in the Regional Stormwater Management Program (RSMP) requires staff analysis and approval</li> </ul>	<ul style="list-style-type: none"> <li>• No change from current code: RSMP participation requires staff analysis and approval regardless of site size</li> </ul>	<ul style="list-style-type: none"> <li>• Allow automatic RSMP eligibility for small sites that meet the requirements in the Drainage Criteria Manual</li> </ul>	<ul style="list-style-type: none"> <li>• More efficient use of private and public resources for small sites</li> <li>• Private development helps construct or fund necessary off-site drainage improvements</li> <li>• Maximizes public investment and minimizes long-term public obligations</li> </ul>

# FLOOD RISK REDUCTION

**Council Direction:** *“The Atlas 14 floodplain regulations should be approved and incorporated with the most current rainfall data **as soon as possible.**”*

The 500-year floodplain informed the mapping of potential transition zones and other properties in floodplains



# WATER QUALITY CONTROLS AND GSI

## Council Direction

*“Expand the use of Green Stormwater Infrastructure (GSI) controls to treat residential subdivisions including roads.”*

*“Developments should retain more water on-site and encourage beneficial reuse.”*



Rain Garden



Rainwater Harvesting



Biofiltration

# WATER QUALITY CONTROLS AND GSI

Current Code	Draft 3	Potential Revisions	Effect of Change
<ul style="list-style-type: none"> <li>Using GSI for water quality treatment is allowed but not required</li> </ul>	<ul style="list-style-type: none"> <li>Commercial and multifamily development must use GSI for water quality treatment</li> <li>Exception for sites with more than 80% impervious cover</li> </ul>	<ul style="list-style-type: none"> <li>Residential subdivisions, including roads, must also use GSI for water quality treatment</li> <li>Exception for sites with more than 90% impervious cover</li> </ul>	<ul style="list-style-type: none"> <li>Additional use of GSI</li> <li>Developments will retain more water on-site and have options for beneficial reuse</li> </ul>
<ul style="list-style-type: none"> <li>Landscape code allows integration of GSI into landscaped areas</li> </ul>	<ul style="list-style-type: none"> <li>Landscape code allows integration of GSI into landscaped areas, includes GSI elements in Functional Green scoring, and requires parking medians to be graded to accept stormwater</li> </ul>	<ul style="list-style-type: none"> <li>GSI-related elements carried forward from Draft 3</li> </ul>	<ul style="list-style-type: none"> <li>Landscape and water quality requirements are encouraged to and have more opportunities to overlap</li> <li>Developments will retain more water on-site</li> <li>Encourages beneficial reuse</li> </ul>



# WATER QUALITY CONTROLS AND GSI

## Council Direction

*“Require developments where total of new and redeveloped impervious cover is **5,000 sq. ft. and greater to treat water quality**. Through the land development code process, this provision should be tested, and staff should potentially create **separate requirements for missing middle housing** if such separate requirements are needed to achieve the goals of producing more small and missing middle housing types, while improving water quality in the city and the region overall.”*

Current Code	Draft 3	Potential Revisions	Effect of Change
<ul style="list-style-type: none"><li>Water quality controls required for more than 8,000 square feet of impervious cover</li></ul>	<ul style="list-style-type: none"><li>No change from current code: threshold is 8,000 square feet</li></ul>	<ul style="list-style-type: none"><li>Water quality controls required for more than 5,000 square feet of impervious cover</li></ul>	<ul style="list-style-type: none"><li>Additional developments must provide water quality controls or payment-in-lieu</li></ul>

# WATER QUALITY CONTROLS AND GSI

## Council Direction

*“The revised Code text and map should result in reduced allowable city-wide impervious cover, **improved city-wide water quality**, and reduced overall flood risk.”*

*“The new LDC provisions should: improve the City’s fiscal health by (1) **facilitating fiscally sound infrastructure investment** for both public and private interests; and (2) applying the code in strategic locations that **maximize public infrastructure investment and minimize long term obligations**.”*

Current Code	Draft 3	Potential Revisions	Effect of Change
<ul style="list-style-type: none"><li>• Payment in lieu of on-site controls allowed for small residential subdivisions in Urban watersheds</li></ul>	<ul style="list-style-type: none"><li>• Payment-in-lieu allowed for small residential subdivisions in Suburban watersheds</li></ul>	<ul style="list-style-type: none"><li>• Payment-in-lieu allowed for small residential subdivisions in all watersheds</li><li>• <i>SOS amendment for Barton Springs Zone</i></li></ul>	<ul style="list-style-type: none"><li>• Improved water quality through off-site water quality retrofits</li><li>• More efficient use of private and public resources for small sites</li></ul>



# WATER QUALITY IMPROVEMENTS

## Council Direction

*“The new land development code **should not weaken** current City of Austin floodplain regulations, drainage criteria, and **water quality regulations and criteria**. ... [M]ethods to measure and options to **improve water quality in each watershed**, should be developed for the new code and the following goals incorporated:*

- Improvements in water quality city-wide should result in improvements in water quality for each individual watershed.”*

*“The Manager will report on how revisions to the land development code will likely affect existing environmental regulations, understanding that the goal of the council is to **preserve, or increase, our current level of environmental protections and sustainability** with respect to flooding, **water quality** and usage, air quality, and greenhouse gas emissions.”*

# WATER QUALITY IMPROVEMENTS

- **Wetlands.** Add protection for wetlands along shoreline of Lady Bird Lake.
- **Environmental Resource Inventory.** Change triggers to increase protections for sensitive features (e.g., wetlands) in eastern watersheds.
- **Variance findings.** Revise findings to consider whether the proposed development as a whole provides greater overall protection than would be required without the variance.
- **Waterway crossings.** Establish new design standards to promote connectivity and minimize environmental disturbance.
- **Soil decompaction.** Require any soils that are compacted during site grading and construction operations to be decompacted for areas that will remain pervious.
- **Critical environmental features.** Prohibit proposed residential lots from containing critical environmental feature buffers.

# WATER QUALITY IMPROVEMENTS

## Council Direction

*“Provide options to **significantly reform** and/or remove exemptions to impervious cover limits in the **redevelopment exceptions** throughout the water quality section for all watersheds. Provide such options with the goal of actually **achieving the most meaningful reductions in impervious cover locally and regionally**, while balancing near-term and longer-term needs to **reduce impervious cover and improve water quality.**”*





*Redevelopment of Non-Compliant Site*



*Off-Site Land Preservation*



*On-Site Water Quality Control*







*View from Williamson Creek of Development in Oak Hill*

## *Disproportionate Pollutant Loads from Older Sites*

Analysis for Commercial Sites  
in the Barton Springs Zone:

1% of Total Land Area

- ⇒ 8% of Total Runoff
- ⇒ 9% of Sediment Load
- ⇒ 11% of Nitrogen Load
- ⇒ 17% of Lead Load

# WATER QUALITY IMPROVEMENTS

Current Code	Draft 3	Potential Revisions	Effect of Change
<ul style="list-style-type: none"> <li>• Three redevelopment exceptions across city</li> <li>• Allow environmentally non-compliant properties to redevelop existing impervious cover in exchange for providing water quality treatment and off-site open space preservation</li> </ul>	<ul style="list-style-type: none"> <li>• No change from current code</li> </ul>	<ul style="list-style-type: none"> <li>• Expand eligibility to additional sites</li> <li>• Increase protections for creeks and critical environmental features</li> <li>• Streamline the approval process</li> <li>• Allow partial site redevelopment in the Barton Springs Zone</li> <li>• <i>SOS amendment for Barton Springs Zone</i></li> </ul>	<ul style="list-style-type: none"> <li>• Increased use of the redevelopment exceptions</li> <li>• Reduced pollutant loads</li> <li>• Reduced impervious cover along waterways</li> <li>• Increased open space preservation</li> <li>• Increased development of greyfields/reduced pressure on greenfields</li> <li>• Additional community benefits</li> </ul>

# MISSING MIDDLE HOUSING

## Council Direction

*“The new code should prioritize **all types of homes for all kinds of people in all parts of town** (our Strategic Housing Blueprint goals)...”*

*“The **goal of providing additional missing middle housing** should inform the **mapping** of missing middle zones, consistent with the direction provided throughout this document.*

- a. **Map new Missing Middle housing in transition areas adjacent to activity centers, activity corridors, or the transit priority network.**”*

*“**Reduced site development standards** as appropriate for missing middle housing options such as duplexes, multiplexes, townhomes, cooperatives and cottage courts in order to facilitate development of additional units. Council will need to determine the appropriate criteria to achieve more affordable housing while protecting environment and sustainability, public safety, transportation, utility and right of way needs.”*



# MISSING MIDDLE HOUSING

Current Code	Draft 3	Potential Revisions	Effect of Change
<ul style="list-style-type: none"> <li>• Most drainage and water quality regulations are written such that they apply to all types of development</li> <li>• 1- and 2-unit developments are reviewed for very few regulations</li> <li>• 3+-unit developments are reviewed for all regulations</li> </ul>	<ul style="list-style-type: none"> <li>• Established a set of streamlined drainage and water quality requirements that apply to all 1- and 2-unit development and some small scale missing middle development</li> <li>• Missing middle must meet specific eligibility requirements</li> </ul>	<ul style="list-style-type: none"> <li>• Increase unit cap to 9 and max. impervious cover to 50%</li> <li>• Apply to missing middle citywide</li> <li>• Remove requirement for engineer's certification; enforce existing Plumbing Code provision</li> <li>• Streamline requirement for waterway setbacks; remove requirement for construction on slopes</li> <li>• <i>SOS amendment for Barton Springs Zone</i></li> </ul>	<ul style="list-style-type: none"> <li>• Streamlined regulations facilitate development of small scale missing middle housing</li> <li>• Establishes regulatory parity; ensures that projects of very similar scale, with the same potential for environmental and drainage impacts, are subject to the same requirements</li> </ul>



# PERMITTING PROCESSES

## Council Direction

*“The new LDC provisions should.... Continue including and enhance a site plan process that assesses the infrastructure needs of developments, including the cumulative impact of development, and facilitate the installation of new infrastructure funded in whole or in part by new development.”*

*“Code revisions for Council approval should include provisions to achieve the following ASHB ‘Key Actions’ that are related to the Land Development Code in addition to those already included in response to City Managers question 1 to 5 (\* indicating strategies with highest potential impact):*

- *\*Streamline City Codes and Permitting Processes”*

# PERMITTING PROCESSES

Current Code	Draft 3	Potential Revisions	Effect of Change
<ul style="list-style-type: none"> <li>• No ability to scale submittal requirements, outside of a strict “small project” list.</li> <li>• Code language often does not adequately describe actual practice, resulting in confusion, delay, and cost.</li> <li>• Too much emphasis on whether a project is “site plan exempt,” rather clearly defining what regulations apply and the scope of review.</li> </ul>	<ul style="list-style-type: none"> <li>• Carried forward “small projects” list.</li> <li>• Attempted to provide a change by introducing a separate process for 3-8 units.</li> <li>• Allowed staff to require more materials for an application, but not fewer.</li> </ul>	<ul style="list-style-type: none"> <li>• Mandate that application requirements be scaled to the intensity of a project and the LDC requirements that apply.</li> <li>• Clearly define the review process for projects historically called “site plan exempt,” with appropriate flexibility to address safety and environmental impacts.</li> <li>• De-emphasize “exemption” language, in favor of more accurate terminology.</li> </ul>	<ul style="list-style-type: none"> <li>• Reduce needless costs by directing that application requirements be proportionate to the regulations a project has to meet.</li> <li>• Provide predictability by matching labels with expected outcomes.</li> </ul>

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# QUESTIONS

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