

LDC Amendments

As Passed on Second Reading 02/13/2020

I. RESIDENTIAL [R1-R3]

[HARPER-MADISON-1] DUPLEXES

Adjust duplex FAR to 0.5 **without allowing a larger single-family unit size.**

[HARPER-MADISON-2] Failed

[CASAR-1] PRESERVATION BONUS

- a. Reduce the required age of a qualifying home to be preserved from 30 to 15 years.
- b. To the greatest extent possible, for lots utilizing the preservation bonus: (1) Simplify the subdivision process by allowing the creation of lots through the “amended plat” process authorized by state law or other streamlined administrative approvals; ~~and~~ (2) Reduce minimum lot sizes. Council recognizes that, due to the wide variety of development typologies, not all projects will be able to take advantage of this process, but the intent of this amendment is to maximize opportunities for fee simple ownership in cases where homeowners wishes to build additional structures, preserve an existing structure, and divide the property to make separate ownership as easy as possible; **and (3) Ensure that SOS requirements remain applicable.**
- c. To the greatest extent possible, the Multi-Unit Preservation Incentive should meet the relocation and right to return standards of Affordability Unlocked.
- d. To the greatest extent possible, consider further reducing the requirements for preserved structures to obtain “amnesty COs” in cases where: (1) minor code violations exist, but the structure otherwise meets all applicable requirements for the Preservation Incentive and complies with applicable health and safety standards administered by the Building Official.
- e. Subject to applicable site development standards, as well as technical code requirements, allow the preserved unit to be moved on the property, but not moved away from street frontage.

[TOVO-4]

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

(D)(2) (b) (ii)

The **front** exterior wall of the preserved structure must be retained, **as a part of the demolition limitations of (D)(2)(b)(i)**, except that a **private frontage porch**, per Section 23-3D-5 (Private Frontages), may be added to a preserved structure that does not have a private frontage.

[ADLER RES1] R2A FAR and IC

For consideration on third Reading, propose appropriate text **and/or map** revisions to achieve the following objectives:

Lots within new residential house-scale subdivisions (of 2 acres or more) in undeveloped (i.e., greenfield) areas outside of Activity Centers and Transition Areas should be allowed a base standard FAR of at least .6 and a maximum allowable impervious cover of 45%.

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Currently proposed requirements including but not limited to SOS, Drainage, Water Quality, Parkland Dedication, and all other non-zoning requirements, should continue to apply.

II. TRANSITION AREAS [R4, RM1]

[HARPER-MADISON-3] MINIMUM LOT SIZE TOWNHOME

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

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

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

[CASAR-2] PROPORTIONATE FEE-IN-LIEU

Subject to appropriate criteria, authorize NHCD to determine the proportion of the required fee in-lieu amount in R4 and RM1 based on the number of units over the base as part of a program to buy down affordable units in R4 and RM1 zones throughout the city, **and bring back on 3rd reading with proposed fee schedule (ordinance).**

[KITCHEN-1]

New Amendment:

Staff is directed to propose potential code and map amendments for consideration at third reading to address need for contextual setbacks where more intensive zones with 0' setbacks (such as MS3) share side and/or rear property lines with R4 house-scale transition zones: (sometimes created when neighborhood streets intersect corridors at an angle and deviate from a perpendicular street grid) **in ways that do not materially reduce housing capacity nor significantly change compatibility standards. To achieve this intent, staff should consider the following amendments along with any others they believe to be appropriate**

- Establish a setback / step back and vegetative buffer requirement for commercially zoned tracts that share side and/or rear property lines with an R4 zoned property to provide remedy toward a more gradual transition between the zoning intensity levels; or
- Reassign the zoning of the R4 tracts to R3 to trigger draft code compatibility requirements to address this condition; or

Create a new R3a zoning category which triggers compatibility on the side, but not the rear and allows live/work uses.

[KITCHEN-2] Failed

[KITCHEN-3] Failed

[KITCHEN-4] Failed

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[FLANNIGAN-12]

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

[FLANNIGAN-13]

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

[POOL-1] Failed

[TOVO-5] Failed

[TOVO-6] Withdrawn

[TOVO-12] Failed

[TOVO-13] Failed

[ALTER-6] Withdrawn, data request

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

[HARPER-MADISON-5] Withdrawn

[CASAR-3] Withdrawn

[CASAR-4] MICROBREWERIES

Regulate Microbreweries as follows:

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

[CASAR-5] UNIVERSITY NEIGHBORHOOD OVERLAY

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

[CASAR-8] PEDESTRIAN ORIENTED USE

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

[CASAR-9] DOWNTOWN: NORTHWEST DISTRICT

a. Density Bonus:

1. Boundaries

- South of 15th Street, in areas that were ineligible for the Downtown Density Bonus in the Downtown Austin Plan;
- North of 15th Street, in areas that the Downtown Austin Plan designated as eligible for the Downtown Density Bonus with reduced maximum bonus entitlements (height limits of 90, 100, or 120 feet, and FAR caps of 3:1, 4:1, or 5:1).

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2. FAR: For the purpose of the density bonus, above-ground parking will count towards FAR. The maximum allowable FAR available for a property under the Northwest District Density Bonus will depend on the base zoning as follows:

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

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

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residential uses above their ground floor: Guadalupe, San Antonio, Rio Grande, West, and Shoal Creek south of 15th Street. All uses allowed by base zoning, including residential uses, will continue to be allowed on the ground floor of these properties.

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

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

[KITCHEN–5] USES ALONG CORRIDORS RECEIVING SIGNIFICANT PUBLIC INVESTMENTS

New Amendment:

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

- Reduce allowance of uses that do not provide path for inclusion of residential units in the development or are in conflict with the vision for public spaces and multi-modal use, such as drive-through uses and storage facilities.
- **Change the mapping of MU5B to MU5A**, which **restricts** storage facilities, on Project Connect and corridors identified for bond investments; and
- Amend Current Draft Code for Storage Facilities:
23-3D-1300 Personal Storage
(A) Location Restrictions. A Personal Storage use **is prohibited** ~~if it is located~~ within 1000 feet of another property with a Personal Storage use. The distance is measured to the lot line.

[FLANNIGAN–14]

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

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meeting the requirements of headlight screening requirements for the purpose of achieving 70% opaque screening.

[FLANNIGAN-15] Withdrawn

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

Direction:

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

[POOL-3] Withdrawn to work with staff

[POOL-4] Withdrawn to work with staff

[ELLIS-1] BARTON SPRINGS ZONE COMMERCIAL ZONING REVIEW

Re-review the application of comparable equivalent zoning categories for commercial properties within the Barton Springs Zone **to ensure appropriate water quality protections for the area covered by the 1985 Oak Hill Area Study.**

[TOVO-2] Failed

[TOVO-3] Failed

[TOVO-9] Withdrawn, see ELLIS -1

[ALTER-3]

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

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[ADLER CC1] LIVE MUSIC VENUE USE

Propose appropriate text revisions to achieve the following objectives: include a stand-alone definition for Live Music Venue use (separate from Performance Venue use and Bar/Nightclub use), that describes an establishment where live music programming is the principal function of the business and/or the business is a live music destination, and where the venue clearly establishes the ability of an artist to receive payment for work by percentage of sales, guarantee, or other mutually beneficial formal agreement.

IV. AFFORDABLE HOUSING

[HARPER-MADISON-6] Failed

[CASAR-6] ALL EXISTING MULTIFAMILY

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

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

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

[CASAR-7] Withdrawn, will bring back at 3rd reading

[KITCHEN-7] PRESERVING EXISTING AFFORDABLE MULTIFAMILY

New amendment:

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

[POOL-5] PRESERVING EXISTING AFFORDABLE MULTIFAMILY

Direction:

- a. Use available data, i.e. Apartments Trends, to identify multifamily properties and zone those properties to reflect the existing use, and approximate number of units and height, and floor to area ratio, with the goal of preserving existing housing by not triggering redevelopment.

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- b. Continue efforts to fine-tune the proposed “Preservation Incentive” for older multifamily to support the preservation of existing multifamily developments; consider providing a definition of “market-affordable” to use when calculating the number of units in existing market-affordable multifamily structures.

[POOL-6] Failed

[ELLIS-2] Failed

[TOVO-1] Failed

[TOVO-14] Failed

[TOVO-15] Failed

V. NON-ZONING

[HARPER-MADISON-7] Withdrawn

[HARPER-MADISON-8] Failed

[HARPER-MADISON-9] Failed

[HARPER-MADISON-10] IMPERVIOUS COVER EXEMPTIONS

The ~~Land Development Code~~ staff shall consider and specify **partial or full** exclusions to impervious cover calculations, if and as appropriate, for all residential zones, including the following:

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

~~A partial impervious exemption shall be allowed for the following:~~

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

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

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

- front yard planting (23-3d-3040),
- landscaped medians without trees (23-3d-3046), and

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- parking lot perimeter (23-3d-3047).

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

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

[FLANNIGAN-6] Withdrawn

[FLANNIGAN-7] Withdrawn

[FLANNIGAN-8] Withdrawn

[FLANNIGAN-9]

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

[FLANNIGAN-10]

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

[FLANNIGAN-11]

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

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

Create a Supplemental Heritage Tree Preservation Program for developments in Imagine Austin Centers and along Imagine Austin Corridors and the Transit Priority Network. To the extent possible, the program should, in exchange for the preservation of an existing, healthy heritage tree that could otherwise qualify for a variance for removal, offer flexibility in development standards that will allow the site to achieve equivalent building entitlements to those that would have been possible had the heritage tree been removed via variance. The applicable development standards should account for and attempt to mitigate the loss of development potential resulting from tree preservation. The program should be administratively approved, and, since no additional entitlements beyond those already available are being granted, the program should not negatively impact the viability of an applicable affordable housing bonus

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program. The full operational details of the Supplemental Heritage Tree Preservation Program may be finalized following the third reading of the LDC revisions.

[TOVO-7] Withdrawn

[TOVO-10]

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

[ALTER-1]

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

[ALTER-2]

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

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

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

1. The foregoing notwithstanding, dedication of parkland may be required if one or more of the following conditions are met:
 - a. Required dedication of parkland would occur:
 - i. on land necessary to accommodate a named project in the Urban Trails Master Plan or to otherwise provide for pedestrian connectivity that does not currently exist, or
 - ii. in a flood plain, **creaks, and trails** or
 - iii. on land with drainage facilities or environmental buffers with amenities suitable for park use, and
 - iv. required dedication of land will be credited at 100% toward fulfillment of parkland dedication requirements (with any remaining applicable fees in lieu of dedication still being required).
 - b. Other specific conditions to be defined by staff and approved by Council that are clear, predictable, and are relevant to a critical need for parkland.
2. An applicant may appeal a requirement for land dedication to the Land Use Commission.
3. The director may request that the Land Use Commission approve dedication of parkland when none of the above conditions are met if doing so is necessary to address a critical shortage of parkland for an area identified in the Deficient Parkland Area Map or provide connectivity with existing or planned parks or recreational amenities.

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VI. PROCESS

[HARPER-MADISON-11] Fail, but direction given as follows:

City Council directs staff to come back with a post initial adoption criteria manual process.

[HARPER-MADISON-12] NEIGHBORHOOD PLAN AMMENDMENTS

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

[KITCHEN-8] Withdrawn, will work with staff

[KITCHEN-9] Withdrawn

[FLANNIGAN-1]

Expand the **23-3B-4040 Special Exception—Level 2** process to allow for minor modifications, within a specified threshold, to Residential House-Scale site development requirements, such as setback, height or FAR, in order to achieve the City's housing goals in a context-sensitive manner.

[FLANNIGAN-2] Withdrawn

[FLANNIGAN-3] Withdrawn

[FLANNIGAN-4] Withdrawn

[FLANNIGAN-5] Withdrawn

[ELLIS-4] RESIDENTIAL CONSTRUCTION SIGNAGE

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

[ELLIS-5] Withdrawn

[TOVO-8] Failed

Direction given to bring back at third reading an amendment to provide quarterly reports regarding how frequently administrative modifications are used under section 23-2G-2040.

[TOVO-11] Withdrawn

[ALTER-4]

To the extent feasible, consider amendments to the LDC zoning procedures that would restrict or

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

[ALTER-5]

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

VII. TRAUNCH 2

[HARPER-MADISON-13] Withdrawn

[HARPER-MADISON-14] AMENDED PLATS

To the extent feasible **and without impacting our watershed rules** allow administratively amended plats to replat up to 6 new lots in accordance with the Texas Local Government Code by acknowledging R4 and RM1- zones as "residential improvement areas" under state law.

[HARPER-MADISON-15] PRE-EXISTING CONDITIONS

To the extent feasible, consider expanding the range of repairs and improvements that can be done without triggering full code compliance for existing structures.

[HARPER-MADISON-16] Withdrawn

[CASAR-10] INTERNAL SUITE

Present the option, to the extent feasible, for house-scale residential zoning to allow one internal suite. The internal suite could be attached to a unit (with a door connecting the suite and the unit) and could have its own cooking and dwelling areas and an external door, thereby supporting multi-generational and more shared housing options. Potential rules could include: an internal suite would not be an ADU, would not have its own address or utility accounts, would not have a door facing the street, would not be walled off from the main unit, and would not constitute as an additional unit. A limit on the overall size of the suite could keep the suite small (efficiency to small 2 bedroom).

[TOVO 14] Failed