

Review of LDC 2 3-6-20

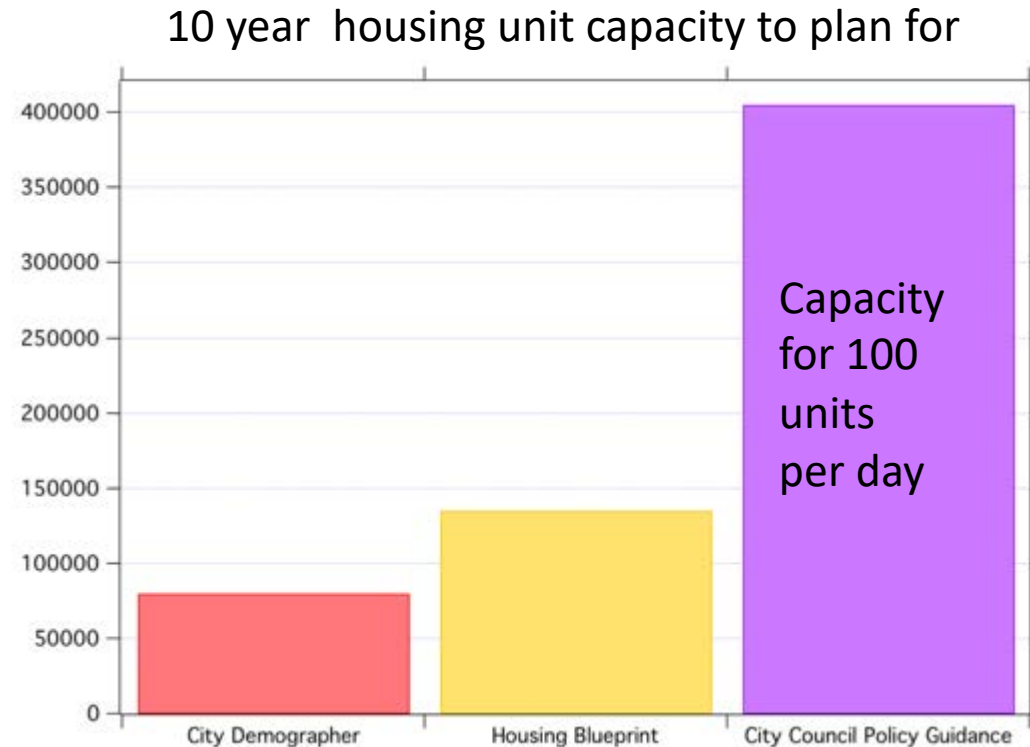
by Community not Commodity

Why are we here?

Housing Capacity = Excessive Upzoning

“The new code and map should allow for housing capacity equivalent to at least three times the Austin Strategic Housing Blueprint (ASHB) goal of 135,000 new housing units”

The city demographer has said we need ~80,000 units in 10 years.



- *When you set a capacity this high and upzone for it, this is not planning.*

Housing Review

- Bonus (Income-Restricted)
- Bonus (Market-Rate)
- Multifamily (excl. Missing Middle)
- Missing Middle
- Small Lot SF
- Standard/Large Lot SF

10% of their housing unit capacity created in this map will be current single family style housing

> 95% of the bonuses given will go to Market rate Housing



Total Market Capacity Breakdown

Bonus (income Restricted)	8841	2.22%
Bonus (Market Rate)	178615	44.88%
Multifamily (excl. Missing Middle)	99787	25.07%
Missing Middle	55286	13.89%
Small Lot SF	15198	3.82%
Standard/Large Lot SF	40239	10.11%
SUM	397966	
Total Bonus Breakdown		
Bonus (income Restricted)	8841	4.72%
Bonus (Market Rate)	178615	95.28%
SUM	187456	

- <https://www.austintexas.gov/edims/document.cfm?id=329103>

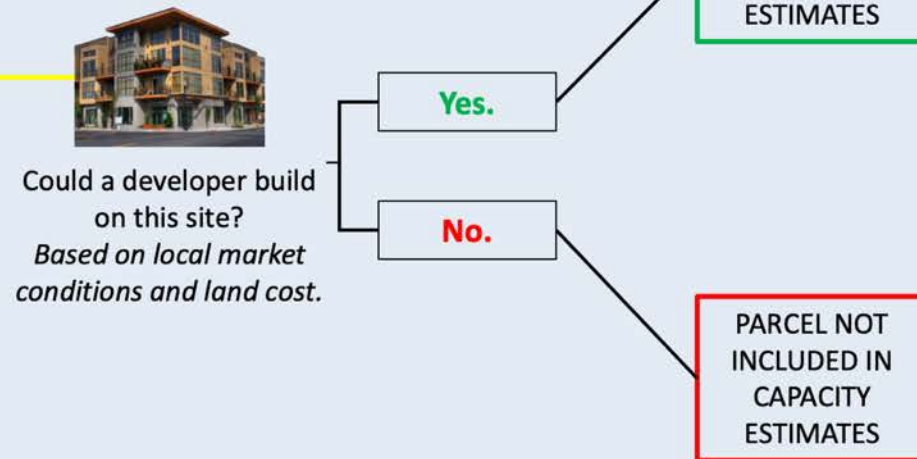
Housing Review

How Do We Estimate Housing Capacity in the Revised LDC?

IDENTIFY ZONE ON PARCEL

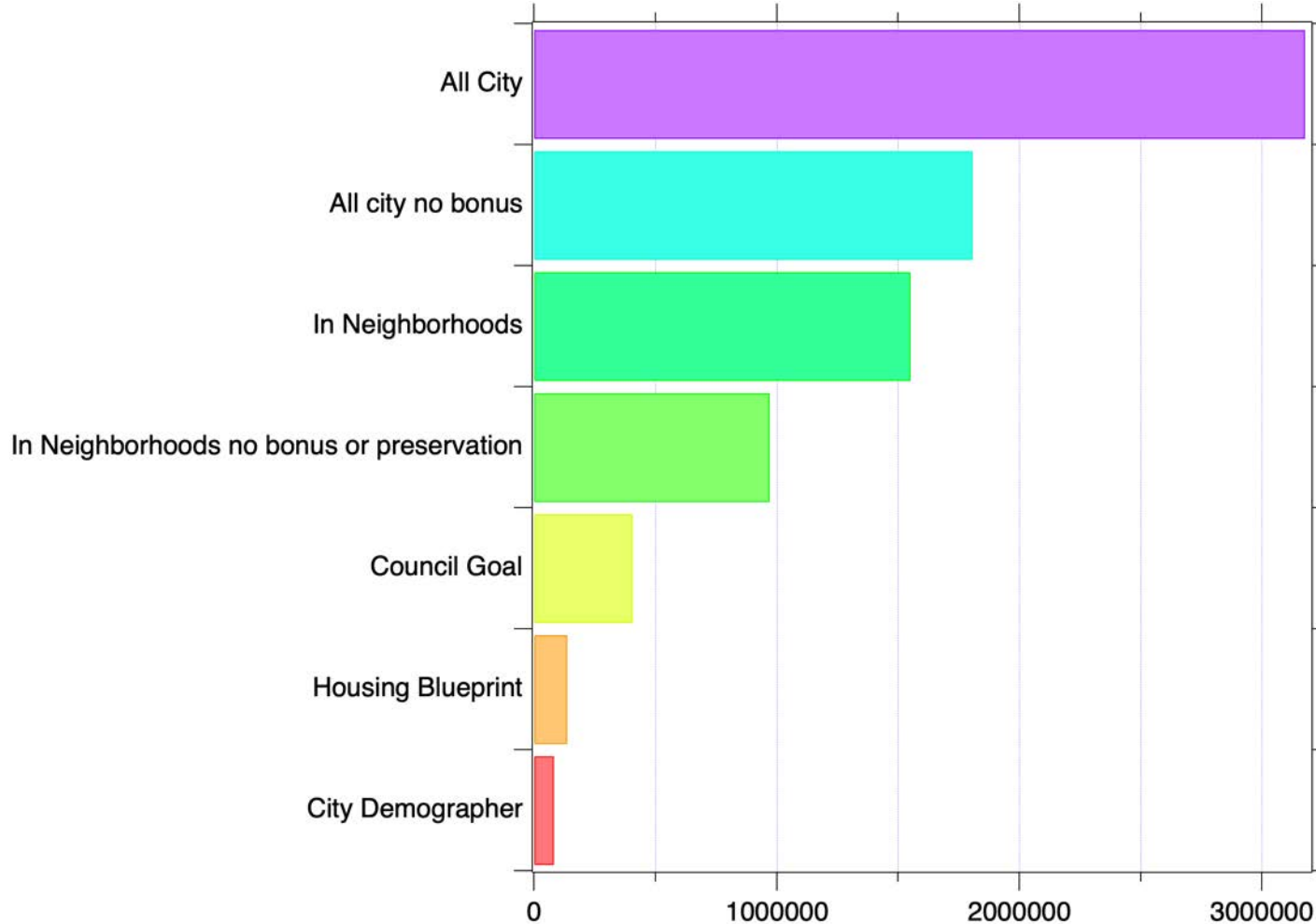


PERFORM FEASIBILITY TEST



Note: they are not measuring all of the capacity they are creating with the upzoning – just what they believe the market will develop. So the real capacity is much higher.

Housing Review



Deregulation of Housing Capacity

The city is upzoning property for additional units, well over the units for what the city demographer says we need for 10 years (80,000 units) or the Housing Blueprint Goal of 135,000 units (capturing a bigger share of MSA growth). The city council's policy was to create capacity for triple the Housing Blueprint policy (405,000 units).

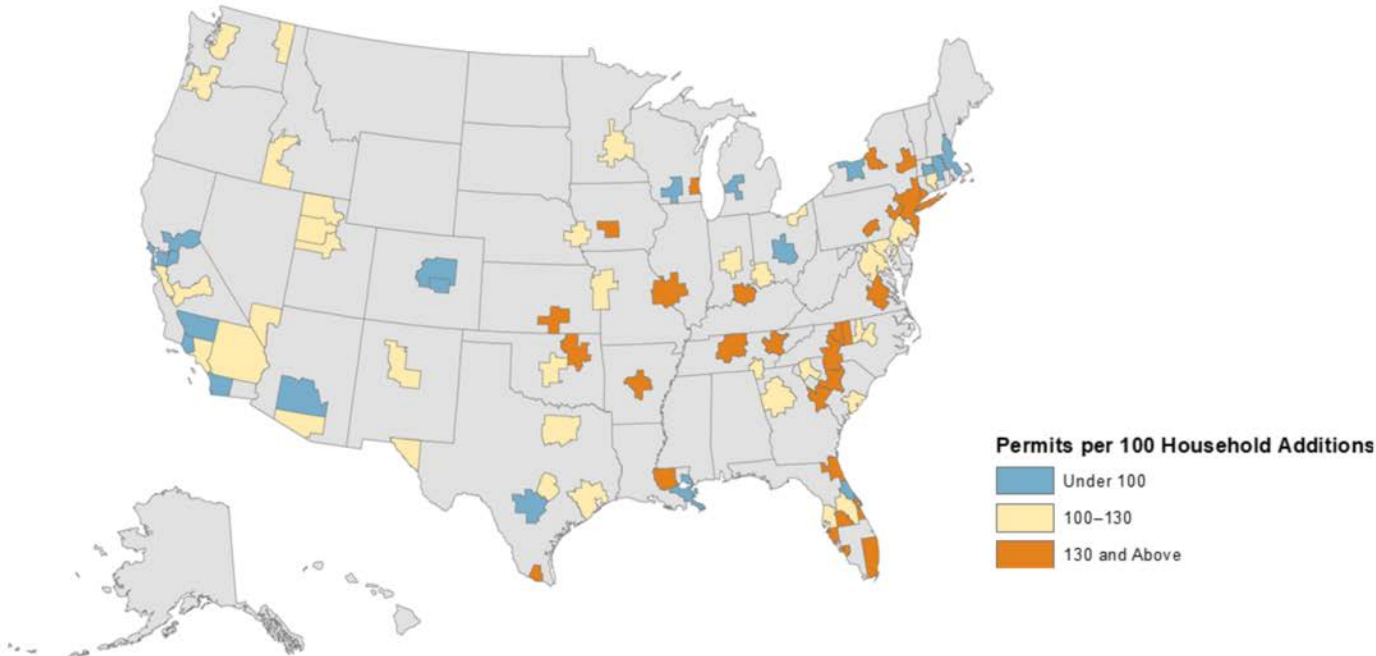
Using their market capacity tool, they say that only around 12% of upzoning capacity will be market desired capacity.

They are upzoning gross capacity for over 3.1 million units, to yield their desired 135,000 units (24:1 ratio).

Around 50% of the gross upzoning capacity is within current neighborhoods (SF-6 or less).

Housing Review

Figure 2. New Construction Was Especially Constrained in the West from 2007 to 2017

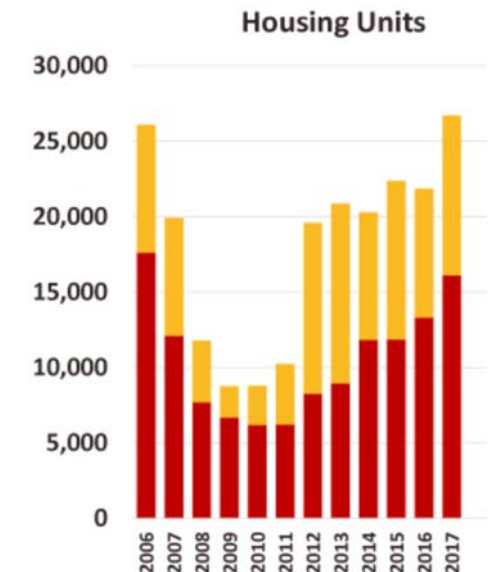


Notes: Data are for the 100 largest metro areas only, excluding 15 markets where household growth was under 3 percent.
Source: JCHS tabulations of US Census Bureau, Building Permits Survey and American Community Survey 1-Year Estimates.

2 | © PRESIDENT AND FELLOWS OF HARVARD COLLEGE

Joint Center for Housing Studies of Harvard University JCHS

According to this study, the Austin area has produced 100-130 housing units for every household moving here.



<https://www.jchs.harvard.edu/blog/where-hasnt-housing-construction-kept-pace-with-demand/>

<https://www.austinchamber.com/blog/08-07-2018-residential-permit-activity>

Housing Review

- The Austin metro ranks sixth for total housing units permitted in the first six months of 2018, surpassed only by Dallas-Ft. Worth, Houston, New York, Atlanta and Los Angeles.
- Austin has the highest level of per capita housing permit activity among the top 50 U.S. metros in 2018.
- Multifamily accounts for 47% of units permitted in the metro in 2018, up from 39% in 2016-2017.
- Half of all units permitted in 2018 were in the City of Austin (2,259 single-family units and 6,192 multifamily units).

	2259
	6192
austin	8451
metro area	16902

Austin ranks as the 31st largest metro based on population, however, more housing units were permitted here in 2017 than in all but eight metros (Dallas-Ft. Worth, New York, Houston, Atlanta, Los Angeles, Phoenix, Seattle, and Washington—each among the top 15 largest U.S. metros). In 2018-to-date, Austin ranks sixth for total permits issued, surpassed only by Dallas-Ft. Worth, Houston, New York, Atlanta and Los Angeles.

Housing Review

Multifamily Reports

2019	1Q19 Report	2Q19 Report	3Q19 Report	4Q19 Report
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Analysis

Austin's multifamily market just keeps building momentum as yet another extremely large raft of incoming product was submitted for site plan review with the City of Austin during the fourth quarter of 2019, roughly 5,700 new units proposed within 28 different projects.

But the true pig in the python this quarter is the number of units to initiate construction, 14 individual developments containing over 3,800 new units--with another 3,400 units clearing the site plan hurdle and now eligible to begin construction. The amount of multifamily housing under construction right now within the City of Austin is simply phenomenal--a phenomenon running orthogonal to the false narrative that housing production within the City is somehow severely constrained by the City's land development code.

And even if the code were to be dramatically opened up with vast increases in entitlements, I'm just not sure we would see levels of production much above what we're currently seeing--the pipeline of production must be nearing a maximum threshold of sorts.

<http://www.austintexas.gov/page/demographic-data>

Housing Review

Demographer's land code analysis scrubbed from Austin city report

Austin city demographer Ryan Robinson's analysis of the city's housing directly conflicts with a central tenet of the effort to update land use codes: that Austin's housing affordability crisis is exacerbated by the decades-old code. [AISD PHOTO]

Robinson's analysis could be explosive because it directly conflicts with a central premise of the controversial effort to update codes governing what can be built and where in Austin: that the city's housing affordability crisis is exacerbated by a decades-old code that is preventing the creation of much-needed housing amid a population boom.



Jerry Rusthoven, assistant director of the city's Planning and Zoning Department, ordered Robinson to delete a portion of his analysis from the report and made Robinson refer all inquiries to Rusthoven.

When Rusthoven spoke to the American-Statesman on Monday, he said he ordered Robinson to remove any mentions of a so-called false narrative in Robinson's report because it was not germane.

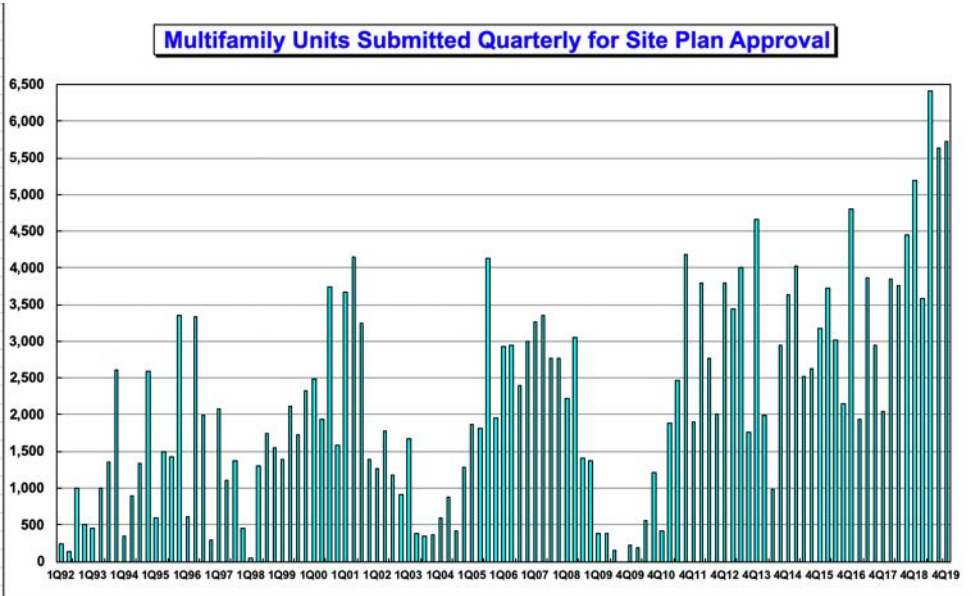


"The purpose of the report is to analyze trends on certain segments and trends in developments," Rusthoven said. "I thought the two sentences that talked about the land development code were not relevant to the purposes of the report."

<https://www.statesman.com/news/20200303/demographer's-land-code-analysis-scrubbed-from-austin-city-report>

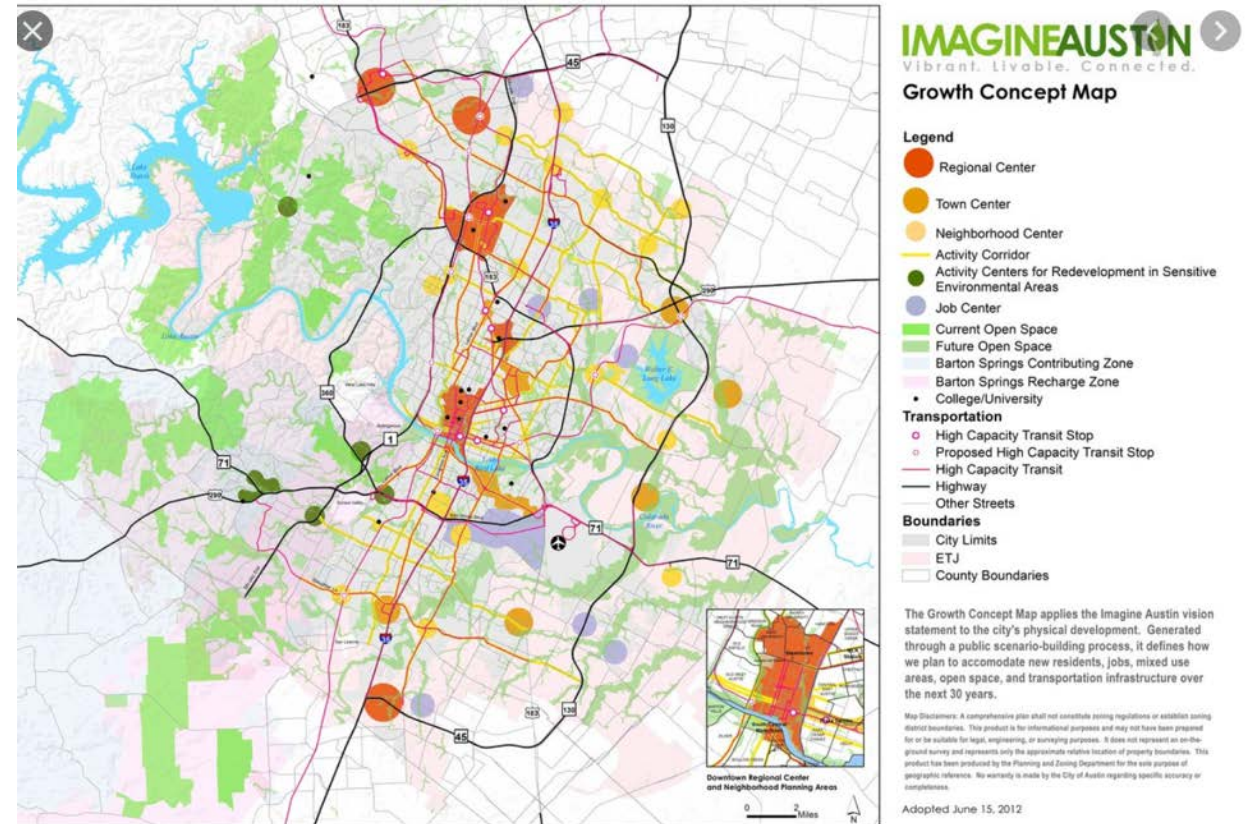
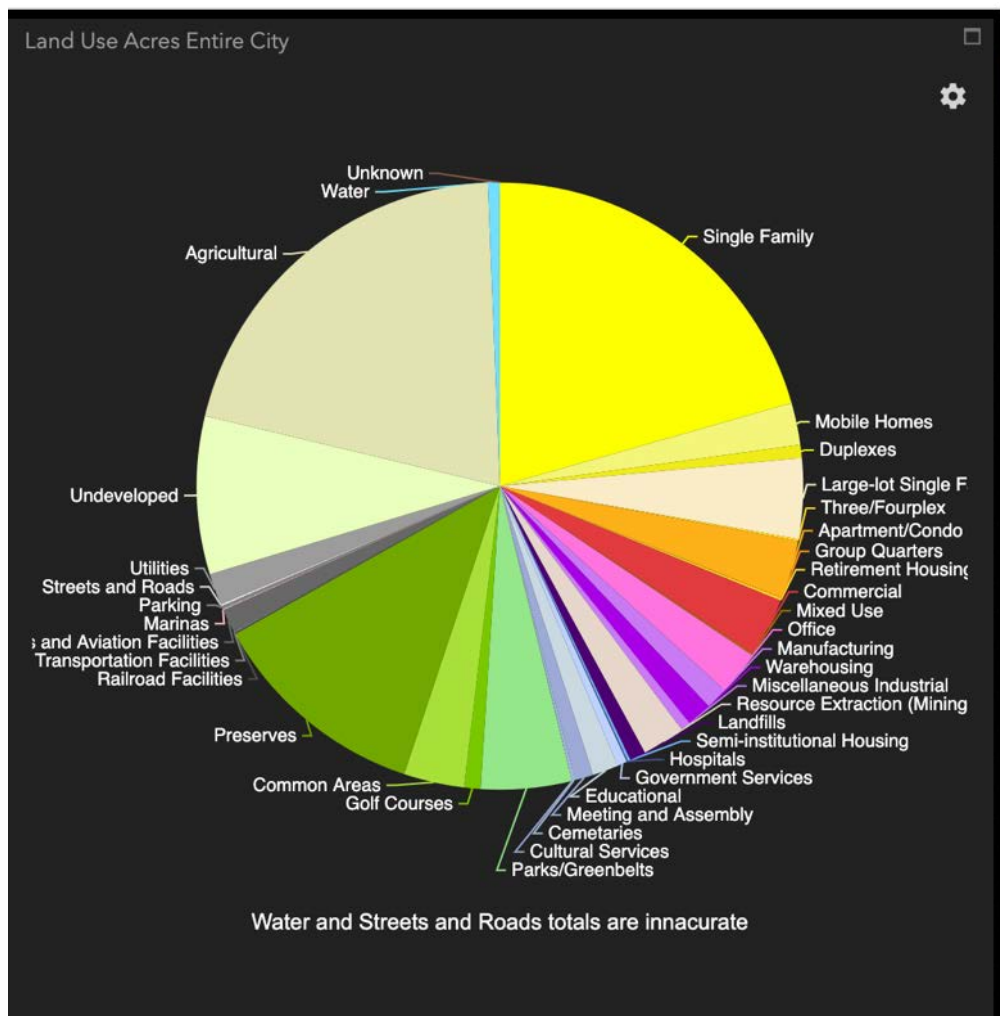
Housing Review

Multifamily Reports



2019	1Q19 Report	2Q19 Report	3Q19 Report	4Q19 Report
Pipeline Summary				
Snapshots of Shifting Shares of Incoming Product by Project Sta				
Quarter	Units in Projects with Site Plans Under Review	Units in Projects with Approved Site Plans	Units Under Construction(2)	Total Incoming Units(1)
4q19	26,121	22,876	25,269	74,266
3q19	24,431	22,555	22,266	69,252
2q19	22,398	21,754	22,533	66,685
1q19	20,219	20,722	20,893	61,834
4q18	18,176	22,051	18,760	58,987
3q18	16,809	20,355	17,819	54,983
2q18				
1q18	REPORT WAS IN HIATUS FOR THESE QUARTERS			
4q18				
3q17				
2q17	11,989	18,594	16,151	46,734
1q17	11,133	17,772	15,348	44,253
4q16	11,318	17,719	16,033	45,070
3q16	10,763	16,789	16,699	44,251

Housing Review



<https://austin.maps.arcgis.com/apps/webappviewer/index.html?id=b8ce59407b2b43f1b14996a0b8724197>

Residential Zones

“Comparable Equivalency”

Zone Conversion

The staff released a Zone conversion document to explain their mapping.

LAND DEVELOPMENT CODE REVISION: ZONE CONVERSION

The Zone Conversion Table in Section 1, below, delineates how each zone established under Title 25 is converted into one or more Title 23 zones on a citywide basis. The official zoning map prepared under Section 23-3A-3010 (*Adoption of Zoning Map*) shall implement the Zone Conversion Table, unless and until such time as the City Council subsequently adopts changes to the boundaries of one or more zones as authorized under Division 23-3B-3 (*Zoning Map Designations and Amendments*).

Rules cited in the Zone Conversion Table are contained in Section 2 (*Zone Conversion Rules*), which specifies conditions applicable to particular zone conversions and general rules for interpreting and applying the table. Words and phrases and measurements applicable to zone conversions are defined in Section 3 (*Definitions*).

§ 1. Zone Conversion Table

Title 25 Zone	Conversion Rules	Title 23 Zone
— Residential		
RR	Comparable Equivalency →	RR
LA	Comparable Equivalency →	LA
	Comparable Equivalency →	R2A
SF-1 SF-2 SF-3	Missing Middle Zones Rule B.1.a, 2.a, 3.a, and 4.a →	RM1
	Rule B.1.b, 2.b, 3.b, and 4.b →	R4
	Rule B.1.c →	R3
	If direct frontage is within ½ mile from a Corridor or TPN →	R2B
	Property area is 2500 - 3500 sq. ft. →	R1
	Property area is 3501 - 5000 sq. ft. →	R2C
SF-4A SF-4B	Comparable Equivalency →	R2C
SF-5	Comparable Equivalency →	R4
SF-6	Comparable Property area < 21K sq. ft. Equivalency	RM1
	Property area ≥ 21K sq. ft.	RM2
MF-1 MF-2	Comparable Equivalency →	RM2

LDC Zone Conversion – Page 1

Title 25 Zone	Conversion Rules	Title 23 Zone
— Residential (cont'd)		
MF-3	Comparable Equivalency →	RM3
MF-4	Comparable Equivalency →	RM4
	Comparable Equivalency →	RM5
MF-5 MF-6	Missing Middle Zones Rule B.1.a, 2.a, 3.a, and 4.a →	RM1
	Rule B.1.b, 2.b, 3.b, and 4.b →	R4
MH	Comparable Equivalency →	MH
— Commercial		
NO LO LR	Comparable Equivalency →	MU3
	Mixed Use & Main Street Zones Rule C.2.b →	MS2
	Rule C.1.a →	MU1
GO	Comparable Equivalency →	MU4
	Mixed Use & Main Street Zones Rule C.2.a →	MS3
	Rule C.1.b →	MU2
GR CS CS-1	Comparable Equivalency →	MU5B
	Mixed Use & Main Street Zones Rule C.1.a →	MU5A
	Rule C.2.a →	MS3
	Rule C.2.b →	MS2
	Rule D (Regional Center Zones) →	UC60
DMU	Comparable Equivalency →	CC Subzone
L	Comparable Equivalency →	UC80
CBD	Comparable Equivalency →	DC
CR	Comparable Equivalency →	CR
W/LO	Comparable Equivalency →	IF
CH	Comparable Equivalency →	MU5B
	Rule D (Regional Center Zones) →	UC60

LDC Zone Conversion – Page 2

Title 25 Zone	Conversion Rules	Title 23 Zone
— Industrial		
IP	Comparable Equivalency →	IG
MI	Comparable Equivalency →	IH
LI	Comparable Equivalency →	IF
R&D	Comparable Equivalency →	R&D
— Special Purpose		
TND	Comparable Equivalency →	RM1
AV	Comparable Equivalency →	AV
AG	Comparable Equivalency →	AG
DR	Comparable Equivalency →	F25
ERC	Comparable Equivalency →	ERC
P	Comparable Equivalency →	P
NBG	Comparable Equivalency →	NBG
TOD	Comparable Equivalency →	TOD
PUD	Comparable Equivalency →	PUD
UNZ	Comparable Equivalency →	UNZ
— Combining Districts & Misc. Classifications:		
— H	Comparable Equivalency →	— H
— HD	Comparable Equivalency →	— HD
— CO	Comparable Equivalency →	Comparable Equivalency per Title 25 Base Zone
	Rule A.2.f (General Provisions) →	F25
— NCCD	Comparable Equivalency →	F25
	Missing Middle Zones Rule B.1.a, 2.a, 3.a, and 4.a →	RM1
	Rule B.1.b, 2.b, 3.b, and 4.b →	R4
	Rule C.2.a (Mixed Use & Main Street Zones) →	MS3
— PDA	Comparable Equivalency →	F25
— CURE	Comparable Equivalency →	F25

LDC Zone Conversion – Page 3

— V	Comparable Equivalency →	— V
I —	Comparable Equivalency →	I —

Zone Conversion

RULE A. GENERAL PROVISIONS

1. Conflicts

- a. Except as provided in Paragraph 1.b, if the Zone Conversion Table and the Zoning Map prepared under Section 23-3A-3010 (*Adoption of Zoning Map*) conflict, the Zone Conversion Table controls.
- b. Notwithstanding Paragraph 1.a., if the City Council amends the zoning classification applicable to a property under Division 23-3B-3 (*Zoning Map Designations and Amendments*) following the effective date of this Title, the classification shown for the property on the Zoning Map shall control.
- c. The Planning Director shall determine whether the Zoning Map is consistent with the Zone Conversion Table if a conflict is alleged with respect to how particular property is zoned. A decision by the Planning Director under this paragraph is appealable to the Board of Adjustment under Article 23-2I (*Appeals*) in the manner provided for use determinations.
- In general, a comparably equivalent zone is similar to its predecessor Title 25 zone in terms of the nature and intensity of development permitted. However, most comparable equivalent Title 23 zones include enhancements intended to further the goals of the Comprehensive Plan and Council-directed policy priorities, including:
 - Increased housing capacity
 - Increased availability of “missing middle” housing options
 - Wider use of affordable housing density bonuses
 - Reductions in minimum parking requirements



Zone conversion table controls map



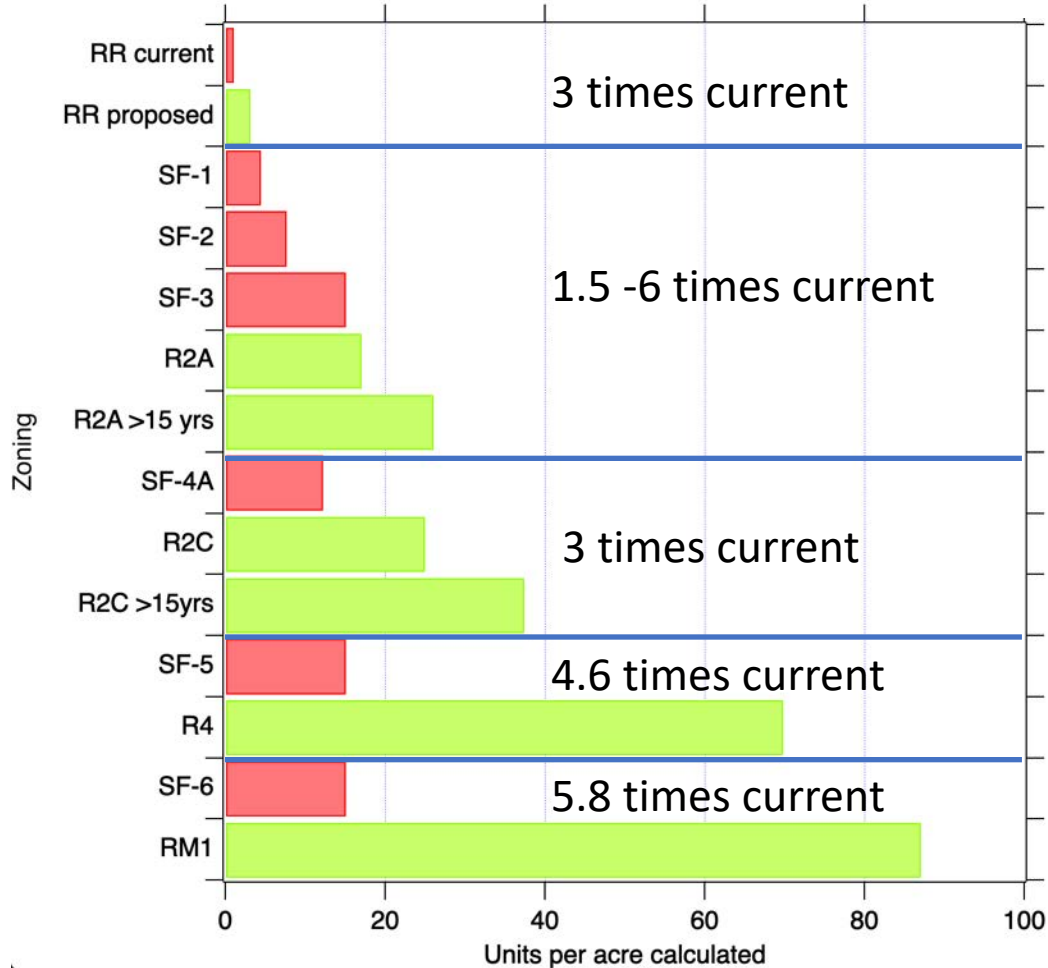
Planning Director determines if there is consistency.



“Equivalent zone” is similar to current in nature and intensity.

Zone Conversion Illustration

- In general, a comparably equivalent zone is similar to its predecessor Title 25 zone in terms of the nature and intensity of development permitted. However, most



§ 1. Zone Conversion Table

Title 25 Zone	Conversion Rules	Title 23 Zone
— Residential		
RR	Comparable Equivalency →	RR
LA	Comparable Equivalency →	LA
SF-1 SF-2 SF-3	Comparable Equivalency →	R2A
	Rule B.1.a, 2.a, 3.a, and 4.a →	RM1
	Missing Middle Zones Rule B.1.b, 2.b, 3.b, and 4.b →	R4
	Rule B.1.c →	R3
	If direct frontage is within ½ mile from a Corridor or TPN →	R2B
	Property area is 2500 - 3500 sq. ft. →	R1
SF-4A SF-4B	Property area is 3501 - 5000 sq. ft. →	R2C
	Comparable Equivalency →	R2C
SF-5	Comparable Equivalency →	R4
SF-6	Comparable Equivalency	Property area < 21K sq. ft.
	Property area > 21K sq. ft.	RM2

The city is saying that the proposed zoning categories are equivalent in intensity to the current zoning. *How can 1.5 to almost 6 times the current density in units per acre be considered equivalent?*

Residential Zones

R2A R2B R2C

3 Kinds of R2 zoning

R2A & R2B

Table 23-3C-3100(A) Lot Size and Intensity				
(1) Allowed Use	Lot			Building
	Dwelling Units per Lot Maximum	Width (min.)	Area (min.)	FAR and Size Maximum
(1) Allowed Use	Base Standard			Base Standard
Single-Family	1	45'	5,000 sf	0.4 FAR
Single-Family + ADU	2	45'	5,000 sf	0.4 FAR or 1300 sf per unit
Single-Family Attached	1	25'	2,500 s	0.4 FAR or 1300 sf per unit
Duplex	2	45'	5,000 sf	0.4 FAR or 1300 sf per unit
Other Allowed Uses	—	45'	5,000 sf	0.4 FAR

R2C

Table 23-3C-3120(A) Lot Size and Intensity				
(1) Allowed Use	Lot			Building
	Dwelling Units per Lot Maximum	Width (min.)	Area (min.)	FAR Maximum
(1) Allowed Use	Base Standard			Base Standard
Single-Family	1	35'	3,500 sf	0.5 FAR
Single-Family + ADU	2	35'	3,500 sf	0.6 FAR
Duplex	2	35'	3,500 sf	0.6 FAR
Other Allowed Uses	—	35'	3,500 sf	0.5 FAR

Table 23-3C-3090(B) Building Placement				
(1) Setback (Distance from ROW / Lot Line)	Front	Side St.	Side	Rear
Minimum	25'	15'	5'	10'

R2A

Table 23-3C-3100(B) Building Placement				
(1) Setback (Distance from ROW / Lot Line)	Front	Side St.	Side	Rear
Minimum	15'	10'	5'	5'

R2B

Table 23-3C-3100(F) Impervious Cover	
(1) Impervious Cover	% (max.)
1 unit	40% ¹
2 units	45%

R2A & R2B

Table 23-3C-3110(B) Building Placement				
(1) Setback (Distance from ROW / Lot Line)	Front	Side St.	Side	Rear
Minimum	15'	10'	3'	5'

R2C

Table 23-3C-3110(F) Impervious Cover	
(1) Impervious Cover	% (max.)
Impervious Cover	65%

R2C

Note: A duplex is not defined as equal size units, or is it mandated to be rented. A single family house could be built with a micro-duplex to use the 0.6 FAR and exceed current McMansion standards even more.

Where did they map R2B?

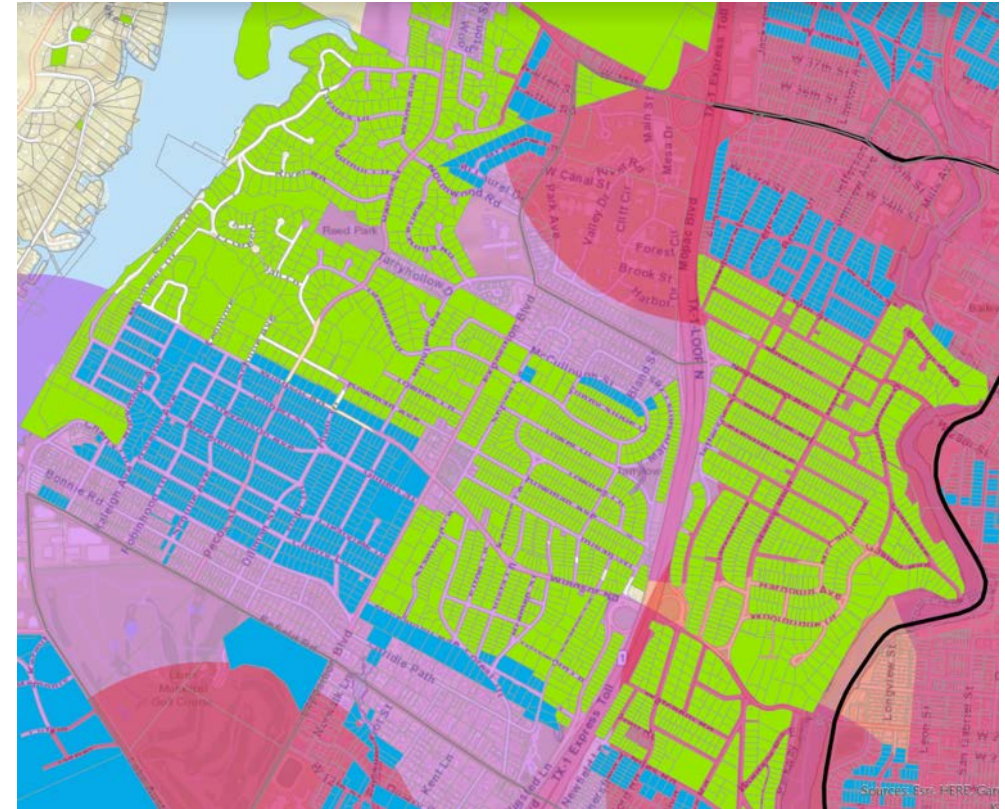
Table 23-3C-3100(B) Building Placement				
(1) Setback (Distance from ROW / Lot Line)	Front	Side St.	Side	Rear
Minimum	15'	10'	5'	5'

SF-1 SF-2 SF-3	Middle Zones	Rule B.1.b, 2.b, 3.b, and 4.b →	R4
		Rule B.1.c →	R3
		If direct frontage is within ½ mile from a Corridor or TPN →	R2B

The rules say R2B was mapped ½ mile from corridor or TPN.

Were the rules suggestions?

Purple and red are ½ mile buffers from corridor

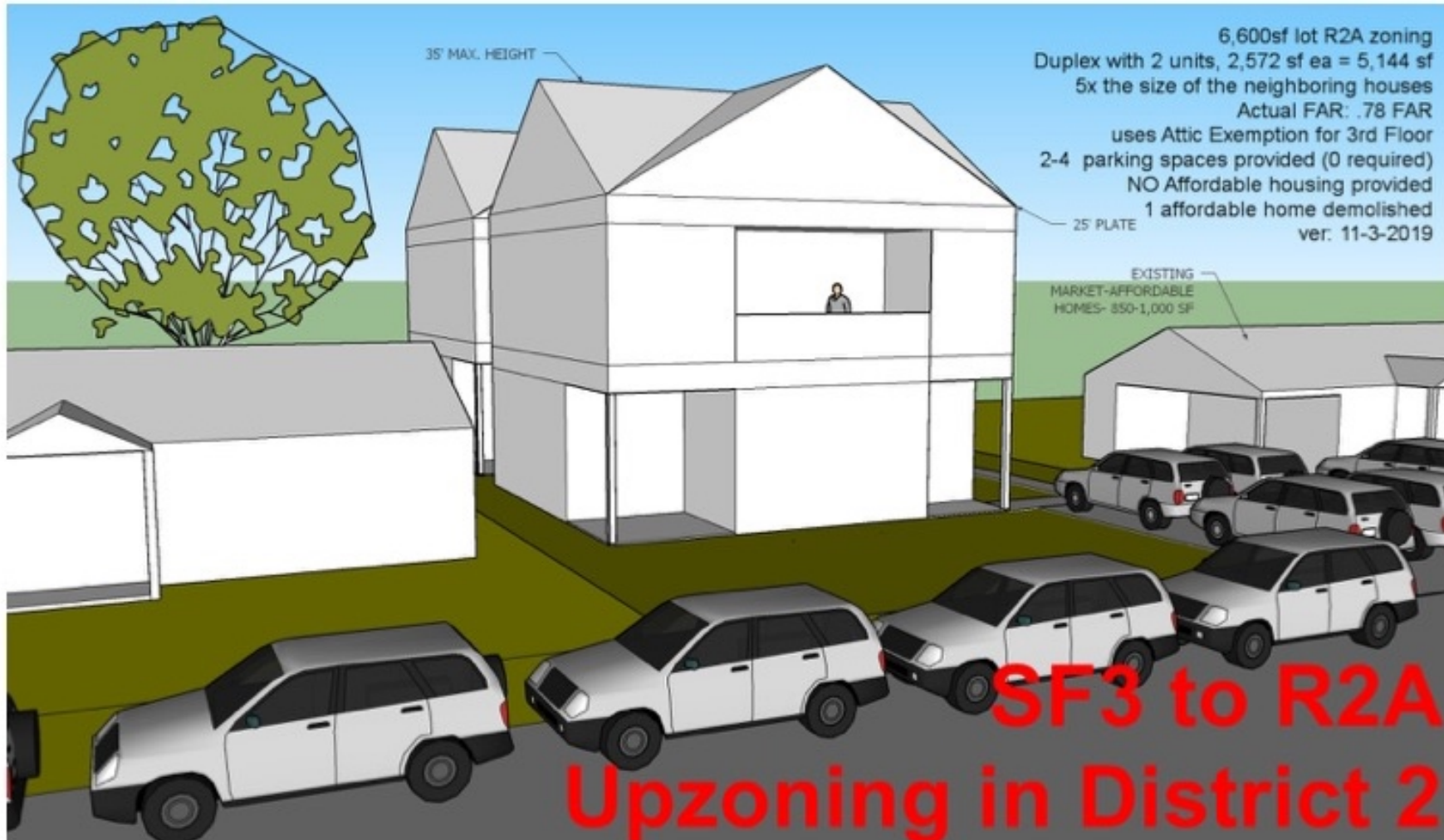


Blue is R2B and green is R2A – both are in ½ mile buffer areas but not translated the same way.

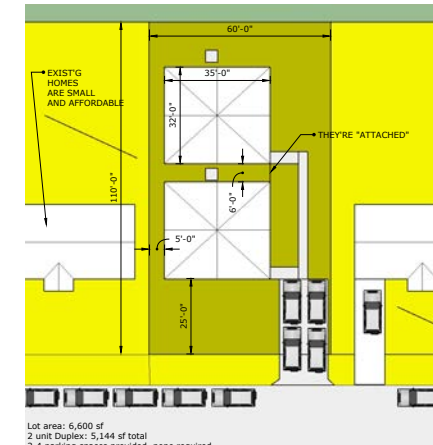
Where did they map R2B?



R2A or R2B



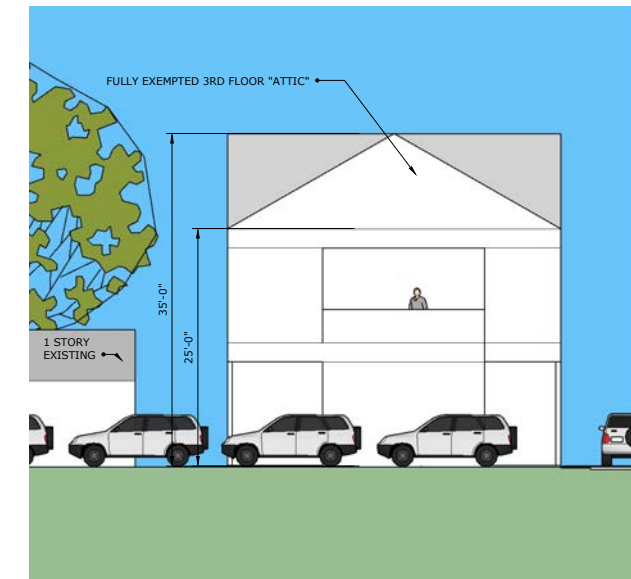
Sweetbriar R2A Duplex
 copyright 2019, Chris Allen, architect
 1"=20'-0" version 11-3-2019



Impervious Cover:
 Drives, walks, a/c pads: 618 sf
 Building Footprints: 2,240sf
 Total: 2,858 sf
 Imp. Cover: =43%

FAR:
 1st Floor: 1,958 sf
 2nd Floor: 2,002 sf
 3rd Floor: 1,184 sf (exempt) Actual FAR: .78 (using attic exemption)

Sweetbriar R2A Duplex
 copyright 2019, Chris Allen, architect
 1/8"=1'-0" version 11-3-2019



R2A

R2A House Scale District As Applied in Oak Forest

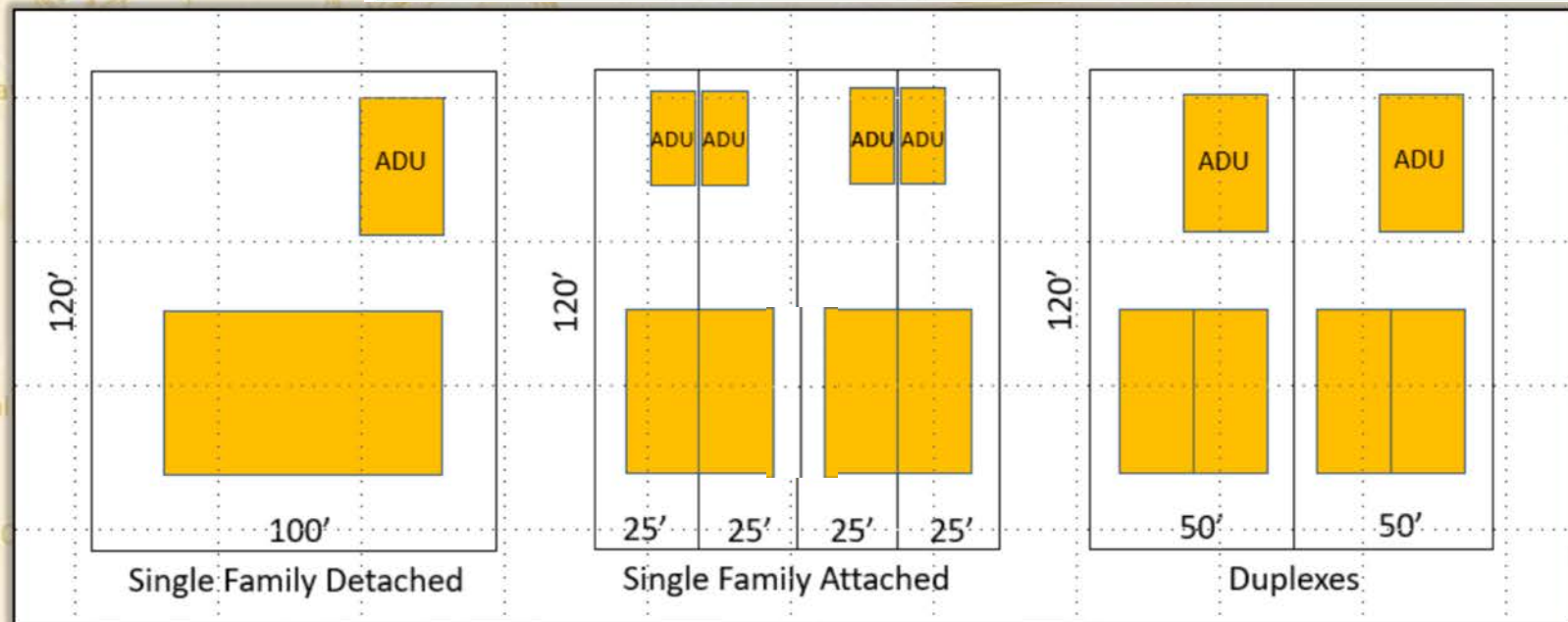
Proposed Zone

ID	89695
Zone	R2A
ABOUT	Residential house scale with large setbacks that allows up to two units on a property
Learn more about the	View

1 of 6

Table 23-3C-3100(A) Lot Size and Intensity

	Lot			Building
	Dwelling Units per Lot Maximum	Width (min.)	Area (min.)	FAR and Size Maximum
(1) Allowed Use	Base Standard			Base Standard
Single-Family	1	45'	5,000 sf	0.4 FAR
Single-Family + ADU	2	45'	5,000 sf	0.4 FAR or 1300 sf per unit
Single-Family Attached	1	25'	2,500 sf	0.4 FAR or 1300 sf per unit
Duplex	2	45'	5,000 sf	0.4 FAR or 1300 sf per unit
Other Allowed Uses	—	45'	5,000 sf	0.4 FAR



Current SF1-> CodeNEXT v5

SF-1

Single Family Residence—Large Lot

Single Family Residence Large Lot district is intended for a low density single-family residential use on a lot that is a minimum of 10,000 square feet. An SF-1 district designation may be applied to a use on land with sloping terrain or environmental limitations that preclude standard lot size or to a use in an existing residential development on a lot that is 10,000 square feet or more.

Site Development Standards

Lot		Massing	
Minimum Lot Size	10,000sq ft	Maximum Height	35 ft
Minimum Lot Width	60 ft	Minimum Setbacks	
Maximum Units Per Lot	1	Front yard	25 ft
Maximum Building Coverage	35%	Street side yard	15 ft
Maximum Impervious Cover	40%	Interior side yard	5 ft
		Rear yard	10 ft
Residential			
Single-Family Residential			

R2A

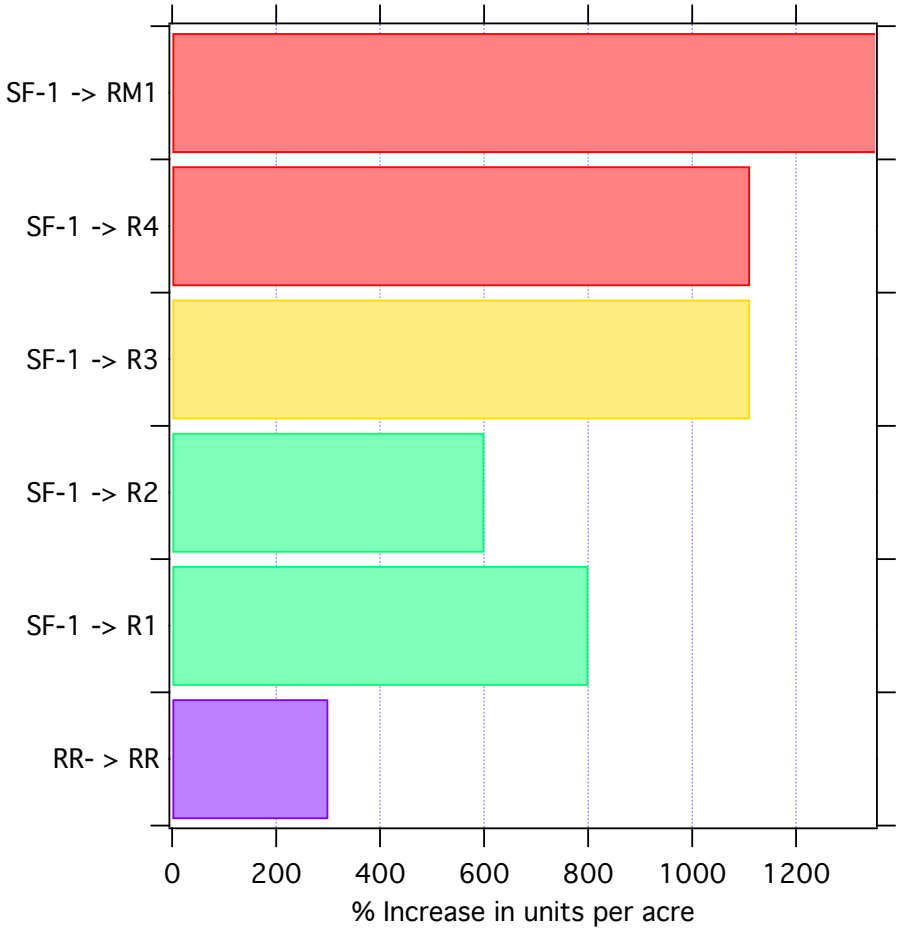
Table 23-3C-3090(A) Lot Size and Intensity				
(1) Allowed Use	Lot			Building
	Principal Dwelling Units per Lot (max.)			Size (max.)
	Base Standard	Width (min.)	Area (min.)	Base Standard
Single-Family	1	45'	5,000 sf	0.4 FAR
Single-Family Attached	1	25'	2,500 sf	0.4 FAR
Duplex	2	45'	5,000 sf	0.6 FAR
Other Allowed Uses	—	45'	5,000 sf	0.4 FAR

Table 23-3C-3090(F) Impervious Cover	
(1) Impervious Cover	% (max.)
Impervious Cover	45%

Current SF-1 has been rezoned to R2 (outside of transition areas), cutting the lot size requirements in half.



Most SF-1 was changed to R2A



Current SF2-> CodeNEXT v5

SF-2

Single Family Residence—Standard Lot

Single Family Residence Standard Lot district is intended for a moderate density single-family residential use on a lot that is a minimum of 5,750 square feet. An SF-2 district designation may be applied to a use in an existing single-family neighborhood that has moderate sized lots or to new development of single-family housing on lots that are 5,750 square feet or more.

Site Development Standards

Lot		Massing	
Minimum Lot Size	5,750 sq ft	Maximum Height	35 ft
Minimum Lot Width	50 ft	Minimum Setbacks	
Maximum Units Per Lot	1	Front yard	25 ft
Maximum Building Coverage	40%	Street side yard	15 ft
Maximum Impervious Cover	45%	Interior side yard	5 ft
		Rear yard	10 ft

Residential

Single-Family Residential

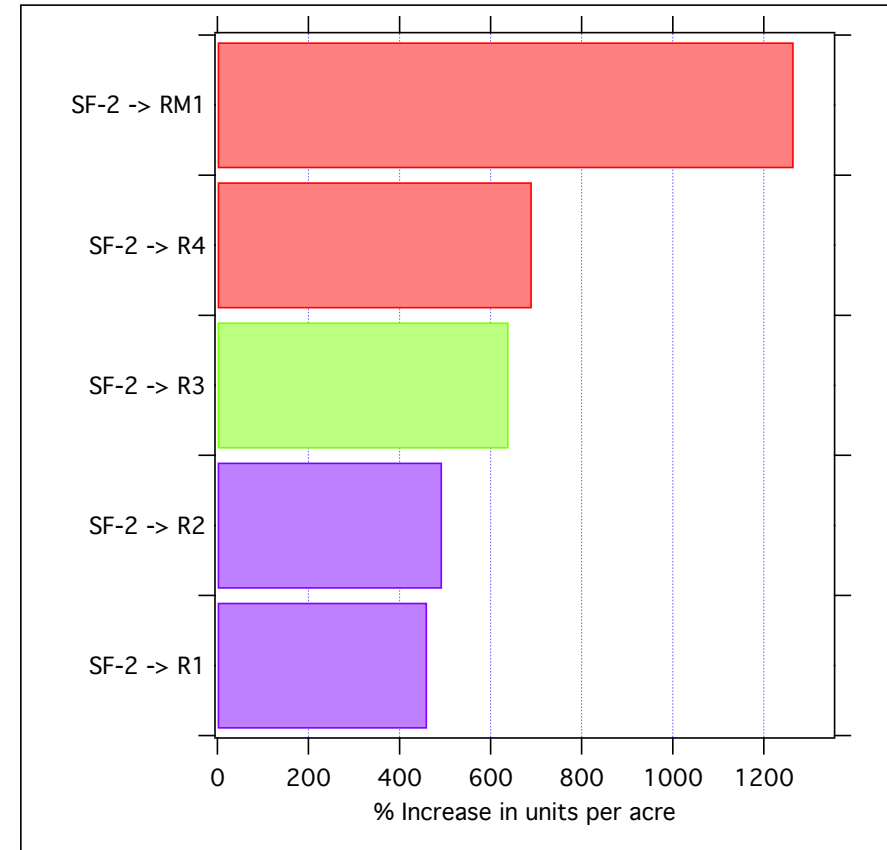
R2A

Table 23-3C-3090(A) Lot Size and Intensity

(1) Allowed Use	Lot			Building
	Principal Dwelling Units per Lot (max.)	Width (min.)	Area (min.)	Size (max.)
	Base Standard			Base Standard
Single-Family	1	45'	5,000 sf	0.4 FAR
Single-Family Attached	1	25'	2,500 sf	0.4 FAR
Duplex	2	45'	5,000 sf	0.6 FAR
Other Allowed Uses	—	45'	5,000 sf	0.4 FAR

Table 23-3C-3090(F) Impervious Cover

(1) Impervious Cover	% (max.)
Impervious Cover	45%



Most SF-2 was changed to R2A or R2B; or to RM1 or R4 in transition zones

Current SF3-> CodeNEXT v5

SF-3

Family Residence

Family Residence district is intended as an area for moderate density single-family residential use, with a minimum lot size of 5,750 square feet. Duplex use is permitted under development standards that maintain single-family neighborhood characteristics. This district is appropriate for existing single-family neighborhoods having typically moderate sized lot patterns, as well as for development of additional family housing areas with minimum land requirements.

Site Development Standards

Lot		Massing	
Minimum Lot Size	5,750 sq ft	Maximum Height	35 ft
Minimum Lot Width	50 ft	Minimum Setbacks	
Maximum Units Per Lot	1	Front yard	25 ft
Maximum Building Coverage	40%	Street side yard	15 ft
Maximum Impervious Cover	45%	Interior side yard	5 ft
		Rear yard	10 ft

Single-Family Attached Residential *

Single-Family Residential *

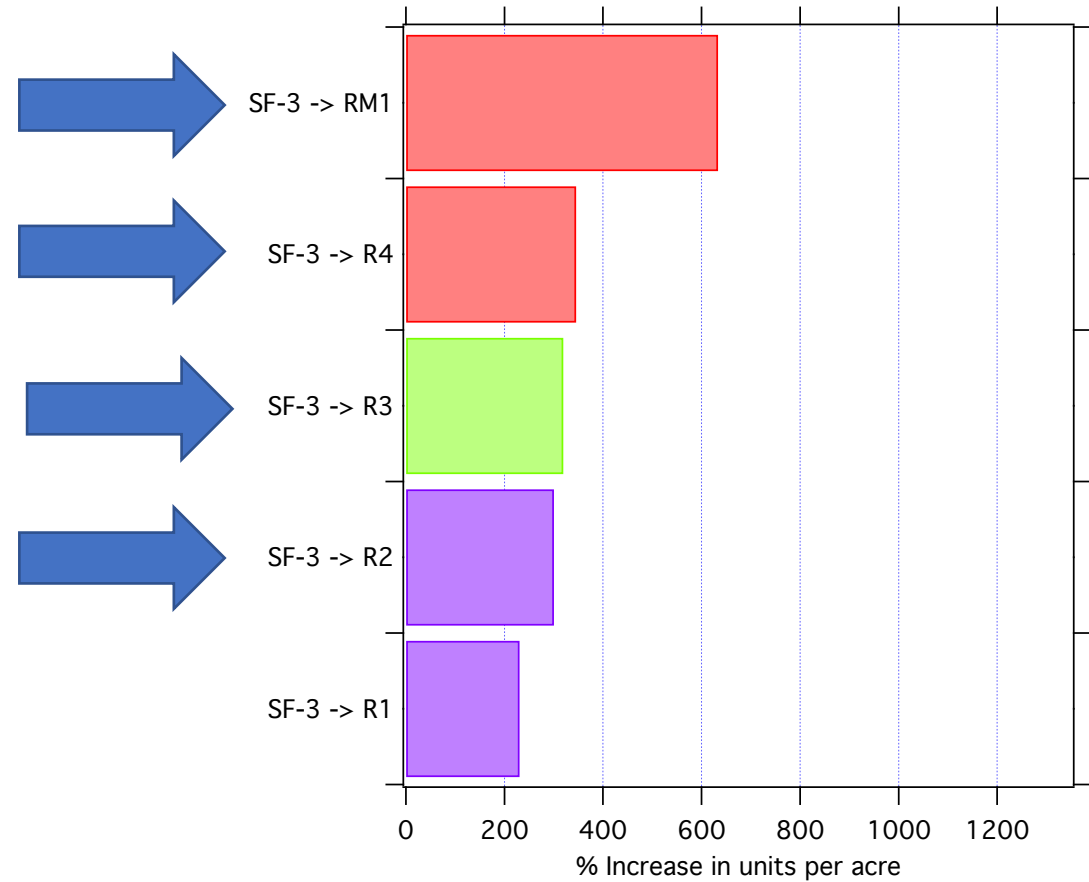
Two-Family Residential *

Duplex Residential *

R2A

(1) Allowed Use	Lot			Building
	Principal Dwelling Units per Lot (max.)	Width (min.)	Area (min.)	Size (max.)
	Base Standard			Base Standard
Single-Family	1	45'	5,000 sf	0.4 FAR
Single-Family Attached	1	25'	2,500 sf	0.4 FAR
Duplex	2	45'	5,000 sf	0.6 FAR
Other Allowed Uses	—	45'	5,000 sf	0.4 FAR

(1) Impervious Cover	% (max.)
Impervious Cover	45%



Most SF-3 was changed to R2A, R2B, R2C, some to R3; RM1 or R4 in transition zones

HB 3167 State Law Impacts: Re-subdivision & Flag Lots

Resubdivision of up to
4 lots is administrative
approval
Flag lot is an
administrative waiver

- Summary of significant changes to Code and Criteria
 - Application life has been shortened from 1 year to 90 days for Preliminary Plan and Plat applications. Subdivision Construction Plans remain one year;
 - Application life starts when deemed complete and formally submitted for review, currently begins a completeness check submittal;
 - Modification of concurrent review of subdivision applications, formal approval required of prerequisite applications in the order of process:
 - Preliminary – Commission approval
 - Final Plat – Administrative or Commission approval
 - Subdivision Construction Plans
 - Creation of prerequisite requirements for all applications;
 - Replat / Resubdivisions of up to 4 lots have been modified to be an administrative approval;
 - Flag lot commission variance has been modified to be an administrative waiver approved by staff;
 - Creation of a Project Assessment process that is available as the application to coordinate the review of prerequisite review items;

Residential Use – Food Sales

Table 23-3C-3030(A) Allowed Uses in Residential House-Scale Zones (continued)									
Use Type	Specific to Use Requirements	LA	RR	R1	R2A	R2B	R2C	R3	R4
(6) Retail									
Food Sales	23-3D-1190	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP

FOOD SALES. The retail sales of food, beverages, and household goods, where a regular or substantial portion is for off-site preparation and consumption. Typical uses include grocery stores, delicatessens, health food stores, meat markets, candy shops, and produce markets. It may include incidental sales of prepared food for take-out consumption, including, but not limited to, an on-site bakery associated with a grocery store. Excludes incidental sale of alcohol for on or off-site consumption.

23-3B-1040	Conditional Use Permit
(A) Purpose and Applicability.	
(1) A conditional use permit approved by the Land Use Commission is required under this section for a use classified as a conditional use under Article 23-3C (Zones).	

23-3D-1190	Food Sales
(A) Additional Requirements. A food sales use that requires a conditional use permit is subject to the following requirements.	
(1) Fresh or frozen produce must be provided.	
(2) The facility is limited in size to 20,000 square feet.	
(3) No on-site parking is required.	

Not a zoning change - you have no petition rights

Residential Use – Home Occupation

HOME OCCUPATION. A commercial use that is accessory to a residential use.

23-3D-1220 Home Occupations

- (A) A home occupation is a commercial use that is accessory to a residential use.
- (B) A home occupation shall be conducted entirely within the dwelling unit or an accessory structure.
- (C) Participation in a home occupation is limited to occupants of the dwelling unit, except two people who are not occupants may participate in a medical, professional, administrative, or business office.
- (D) The owner or occupant shall maintain the residential character of the lot and dwelling. Unless a modification is required to comply with accessibility requirements, a home occupation that requires a structural alteration of the dwelling to comply with a nonresidential construction code is prohibited.
- (E) A home occupation may not generate more than 32 vehicle trips each day of customer-related vehicular traffic.
- (F) The sale of merchandise directly to a customer on the premises is prohibited.
- (G) Equipment or materials associated with the home occupation must not be visible from locations off the premises.

CURRENT § 25-2-900 - HOME OCCUPATIONS.

(C) Participation in a home occupation is limited to occupants of the dwelling unit, except that one person who is not an occupant may participate in a medical, professional, administrative, or business office if off-street parking is provided for that person.

(E) A home occupation may not generate more than three vehicle trips each day of customer-related vehicular traffic.

Residential Use – Co-Housing

October 2019

Table 23-3C-3030(A) Allowed Uses in Residential House-Scale Zones									
Use Type	Specific to Use Requirements	LA	RR	R1	R2A	R2B	R2C	R3	R4
RESIDENTIAL									
(1) Residential									
Accessory Dwelling Unit - Residential	23-3D-1030	P	P	P ¹	P	P	P	P	P
Bed and Breakfast	23-3D-1100	CUP	CUP	CUP	CUP	CUP	CUP	CUP	P
Co-housing		—	—	—	—	—	—	P	P

January 2020

Table 23-3C-3030(A) Allowed Uses in Residential House-Scale Zones									
Use Type	Specific to Use Requirements	LA	RR	R1	R2A	R2B	R2C	R3	R4
RESIDENTIAL									
(1) Residential									
Accessory Dwelling Unit - Residential	23-3D-1030	P	P	P ¹	P	P	P	P	P
Bed and Breakfast	23-3D-1100	CUP	CUP	CUP	CUP	CUP	CUP	CUP	P
Co-housing		P	P	P	P	P	P	P	P

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

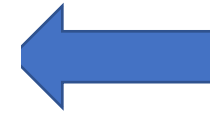
Preservation Bonus Accessory Dwelling Units

All City Preservation Incentive

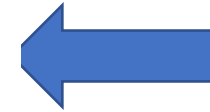
23-3C-3060

House-Scale Preservation Incentive

- (a) Development may exceed the maximum number of units allowed on a site in the base zone by one unit;
- (b) The preserved structure does not count towards the maximum floor area allowed for a site in the base zone;
- (c) Additional units are not subject to minimum parking requirements; and
- (d) Within the Residential-2A (R2A), Residential-2B (R2B), and Residential-3 (R3) zones, development may not exceed a maximum impervious cover of:
 - (i) 45 percent, if the site contains two units;
 - (ii) 50 percent, if the site contains three units; and
 - (iii) 55 percent, if the site contains four units.



+1 dwelling unit



Preserved unit
does not count
towards FAR

- (a) For at least 30 years, the structure has existed as the principal use on the site and has remained in the same location;
- (i) Except as provided in Paragraph (iii), no more than 50 percent of exterior walls and supporting structural elements, including load bearing masonry walls, and in wood construction, studs, sole plate, and top plate, of an existing structure may be demolished or removed. For purposes of this requirement,



~~30~~ years old
15 years old



Preservation = 2 walls

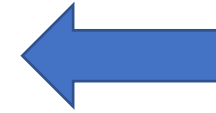
All City Preservation Incentive

23-3C-3060

House-Scale Preservation Incentive

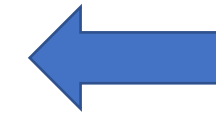
[CASAR-1] PRESERVATION BONUS

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

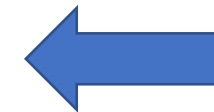


~~30~~ years old

15 years old

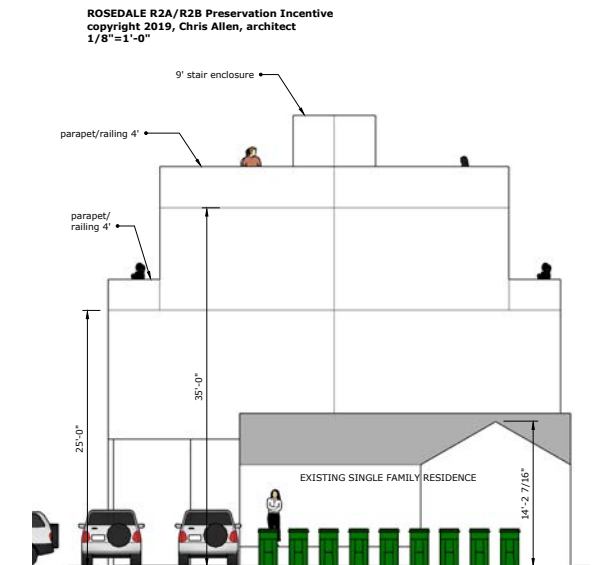
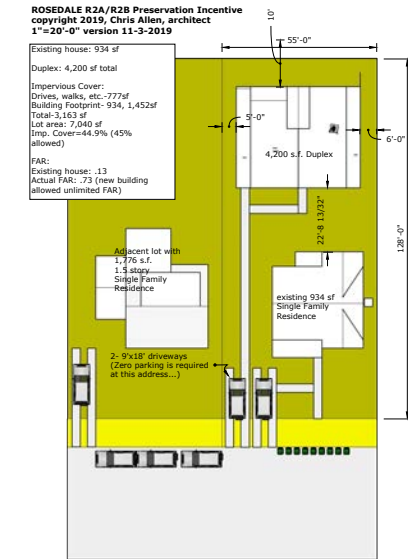
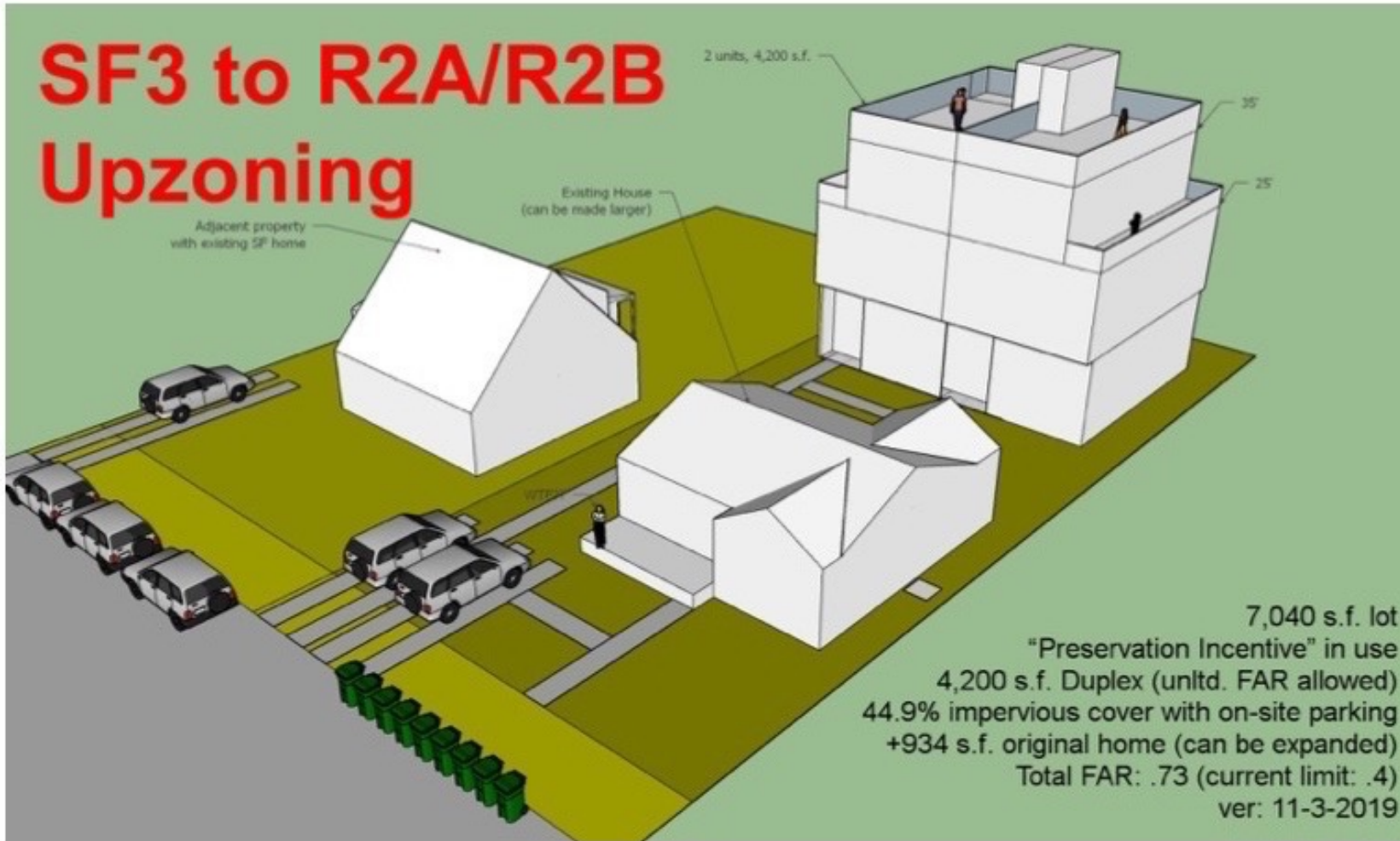


Reduce minimum lot sizes



Move the preserved structure (2 walls)

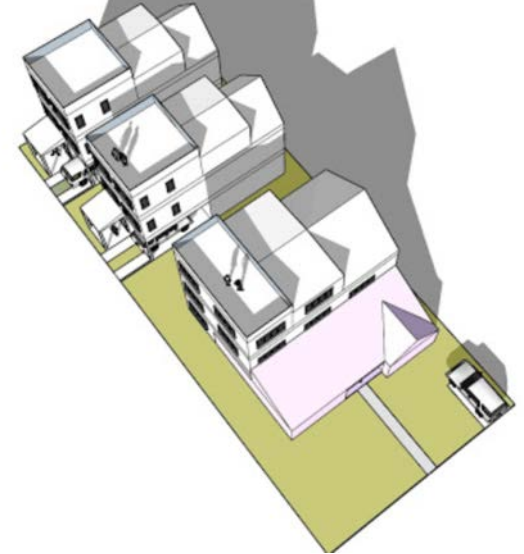
R2A or R2B Preservation Incentive



R2A or R2B Preservation Incentive



Can you even find the "preserved" house in this picture?



Residential Zones

R1 R3

R1 zoning

Property area is 2500 - 3500 sq. ft. →

R1

[http://www.austintexas.gov/sites/default/files/files/LandDevCodeRev/Zone%20Conversion%20Table%20%2B%20Rules%20\(02-28-20\).pdf](http://www.austintexas.gov/sites/default/files/files/LandDevCodeRev/Zone%20Conversion%20Table%20%2B%20Rules%20(02-28-20).pdf)

Residential House-Scale Zones

23-3C-3090

Residential 1 (R1) Zone

Table 23-3C-3090(A) Lot Size and Intensity

	Lot			Building
	Dwelling Units per Lot Maximum	Width (min.)	Area (min.)	FAR Maximum
(1) Allowed Use	Base Standard			Base Standard
Single-Family	1	25'	2,500 sf	0.5 FAR
Other Allowed Uses	—	25'	2,500 sf	0.5 FAR

Table 23-3C-3090(B) Building Placement

(1) Setback (Distance from ROW / Lot Line)	Front	Side St.	Side	Rear
Minimum	15'	10'	3'	5'

(a) Setback exceptions are provided in Section 23-3D-10070 (Setback Exceptions).

(b) The side setback is allowed to be reduced to a zero lot line for internal lots. A zero lot line is not allowed on a front or street-side lot line.

Table 23-3C-3090(C) Height

(1) All Buildings	
To Top Plate (maximum)	25'
Overall (maximum)	35'

Table 23-3C-3090(F) Impervious Cover

(1) Impervious Cover	% (max.)
Impervious Cover	65%

(a) See Division 23-4D-3 (Impervious Cover) for additional standards.

R3 zoning

Residential 3 (R3) Zone

Table 23-3C-3130(A) Lot Size and Intensity				
(1) Allowed Use	Lot			Building
	Dwelling Units per Lot Maximum	Width (min.)	Area (min.)	FAR Maximum
	Base Standard			Base Standard
Single-Family	1	45'	5,000 sf	0.4 FAR
Single-Family Attached	1	25'	2,500 sf	0.4 FAR
Duplex	2	45'	5,000 sf	0.4 FAR
Cottage Court	3	45'	5,000 sf	0.6 FAR
Multifamily	3	45'	5,000 sf	0.6 FAR
Townhouse	1	18'	1,800 sf	0.6 FAR
Other Allowed Uses	—	45'	5,000 sf	0.4 FAR

Table 23-3C-3130(B) Building Placement				
(1) Setback (Distance from ROW / Lot Line)	Front	Side St.	Side	Rear
Minimum	15'	10'	5'	5'

(a) Setback exceptions are provided in Section 23-3D-10070 (Setback Exceptions).

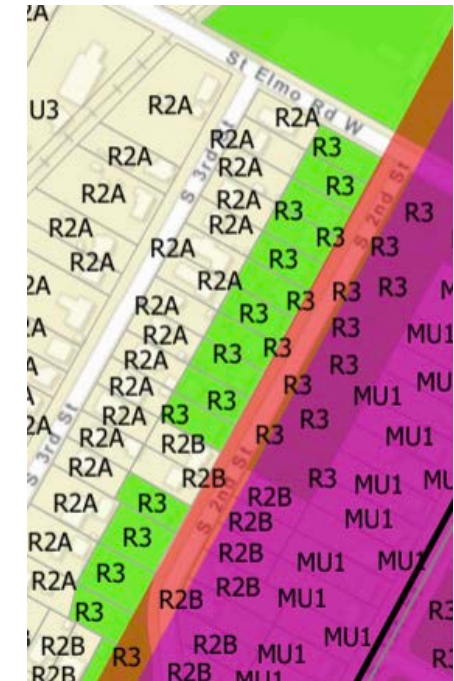
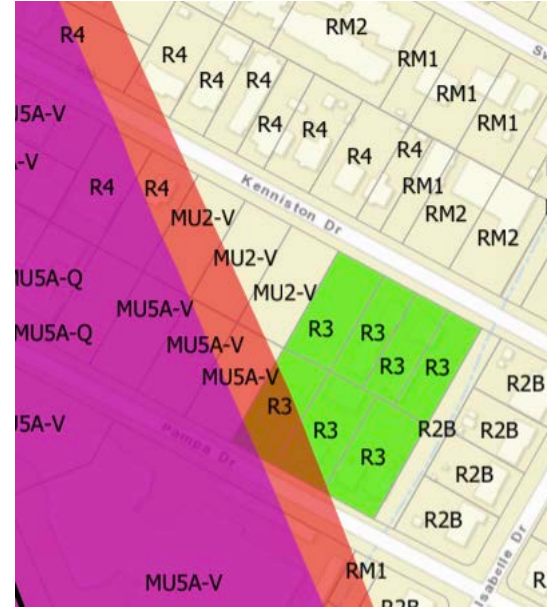
Table 23-3C-3130(C) Height	
(1) All Buildings	
To Top Plate (maximum)	25'
Overall (maximum)	35'

Table 23-3C-3130(G) Impervious Cover	
(1) Impervious Cover	% (max.)
1 unit	40% ¹
2 units	45%
3 units	50%

Missing Middle Zones	Rule B.1.a, 2.a, 3.a, and 4.a →	RM1
	Rule B.1.b, 2.b, 3.b, and 4.b →	R4
	Rule B.1.c →	R3

- c. Application of R3 Zoning. Land within the SF-1, SF-2, SF-3, and –NCCD zoning districts established under Title 25 is converted to R3 if located:
- i. Within 450 feet of a Corridor/TPN and meets one or more Transition Area Factors; and
 - ii. Within a Type-B neighborhood typology.

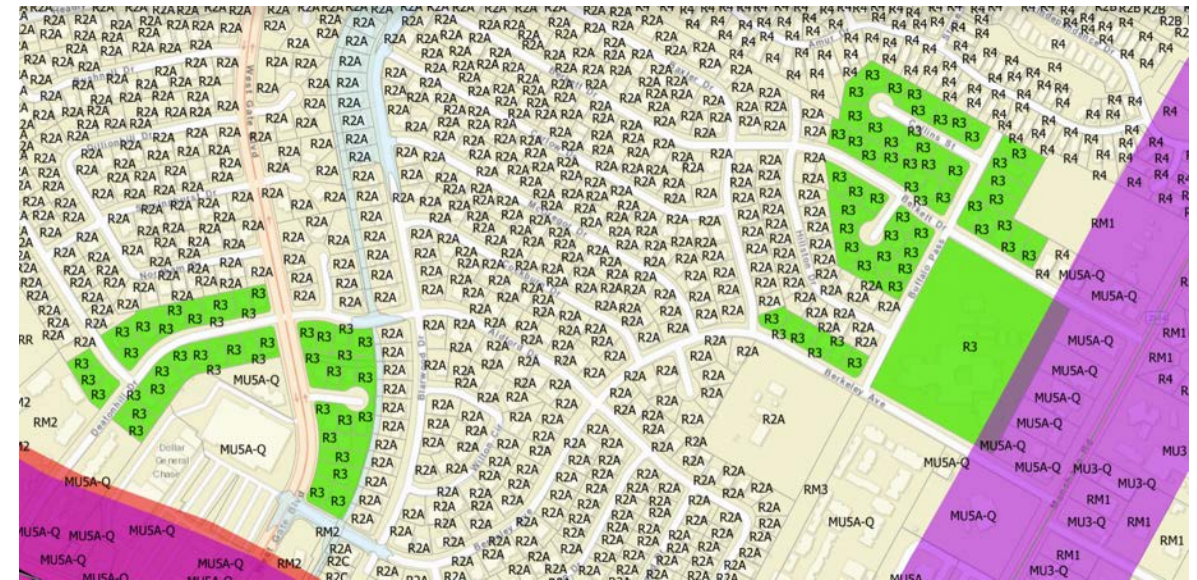
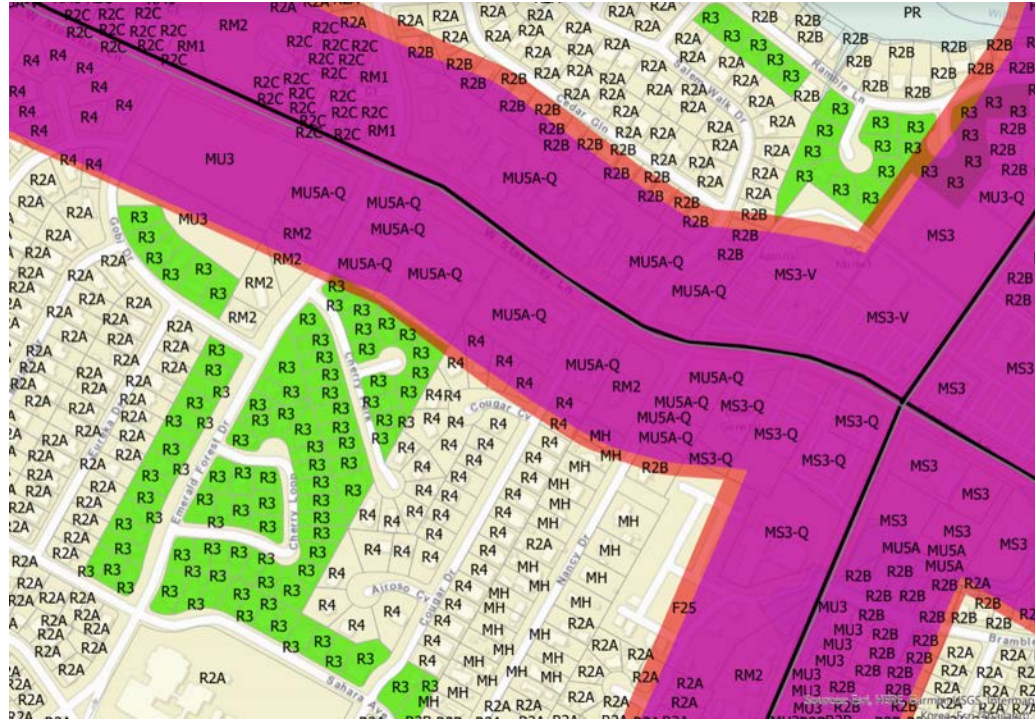
R3 zoning outside of rules



Missing Middle Zones	Rule B.1.a, 2.a, 3.a, and 4.a →	RM1
	Rule B.1.b, 2.b, 3.b, and 4.b →	R4
	Rule B.1.c →	R3

- c. Application of R3 Zoning. Land within the SF-1, SF-2, SF-3, and –NCCD zoning districts established under Title 25 is converted to R3 if located:
- i. Within 450 feet of a Corridor/TPN and meets one or more Transition Area Factors;
and
 - ii. Within a Type-B neighborhood typology.

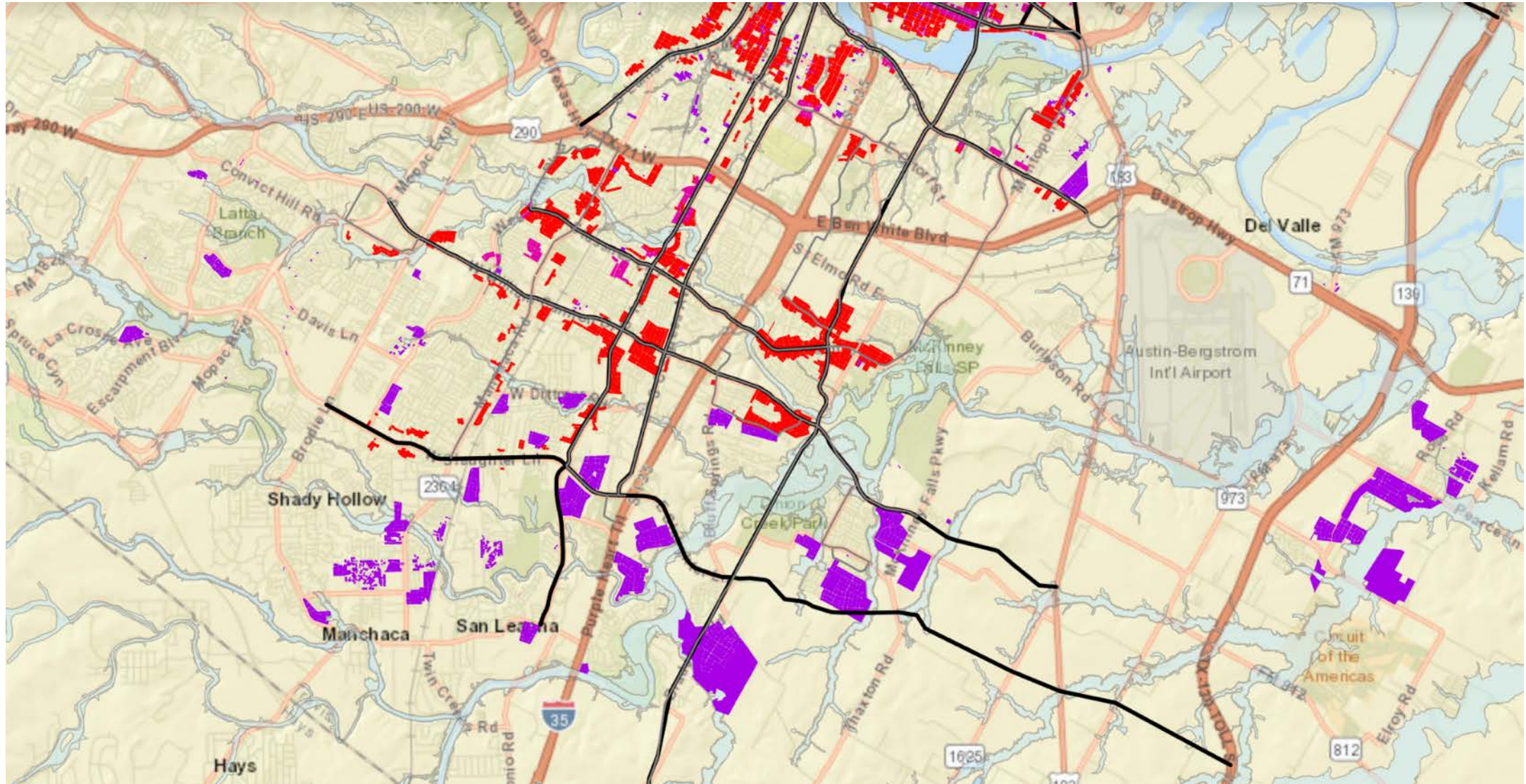
R3 zoning outside of rules



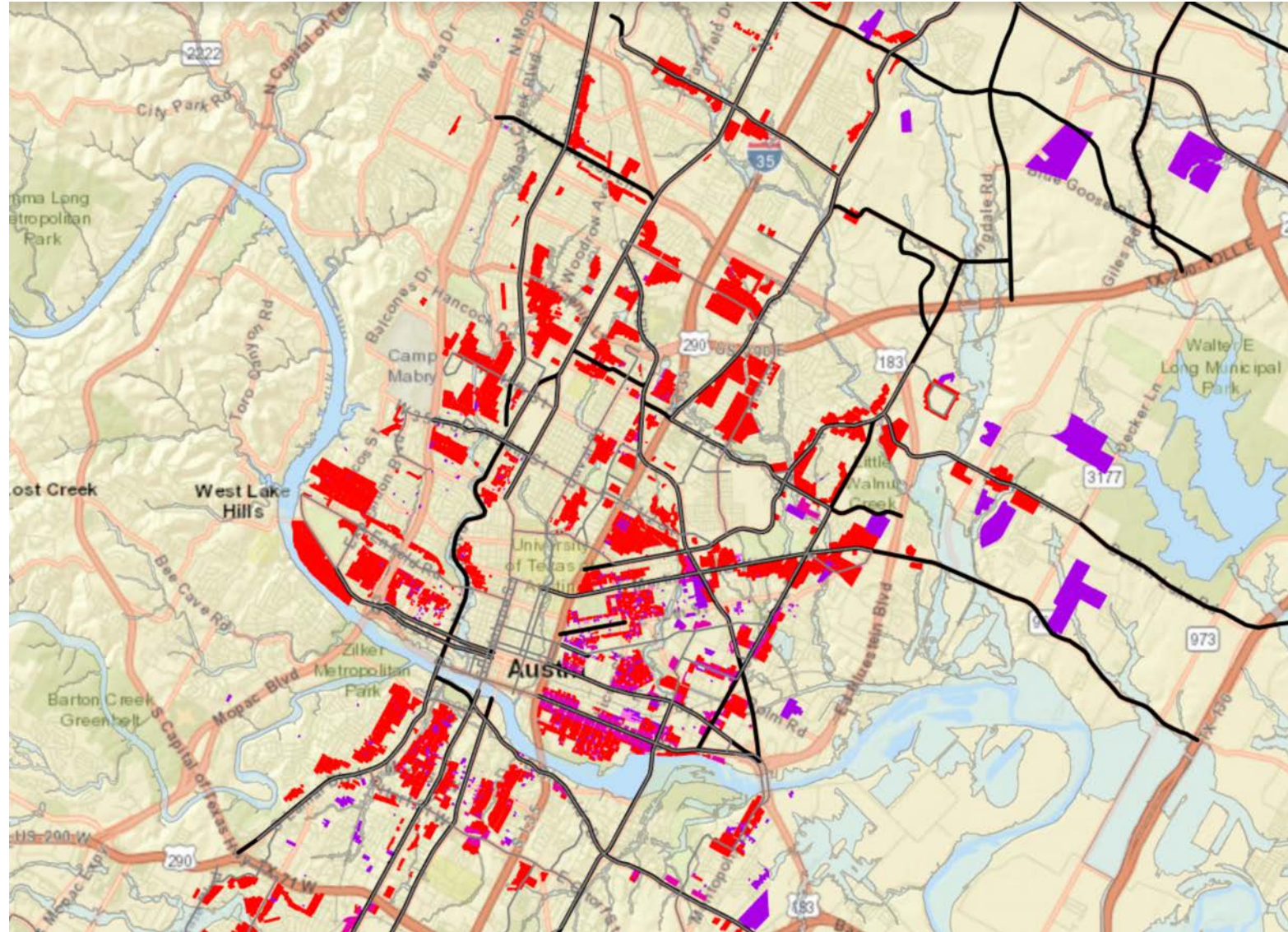
Missing Middle Zones	Rule B.1.a, 2.a, 3.a, and 4.a →	RM1	<p>c. <u>Application of R3 Zoning</u>. Land within the SF-1, SF-2, SF-3, and –NCCD zoning districts established under Title 25 is converted to R3 if located:</p> <ul style="list-style-type: none"> i. Within 450 feet of a Corridor/TPN and meets one or more Transition Area Factors; and ii. Within a Type-B neighborhood typology.
	Rule B.1.b, 2.b, 3.b, and 4.b →	R4	
	Rule B.1.c →	R3	

Smaller Setback
Higher Impervious Cover
R1, R2B, R3

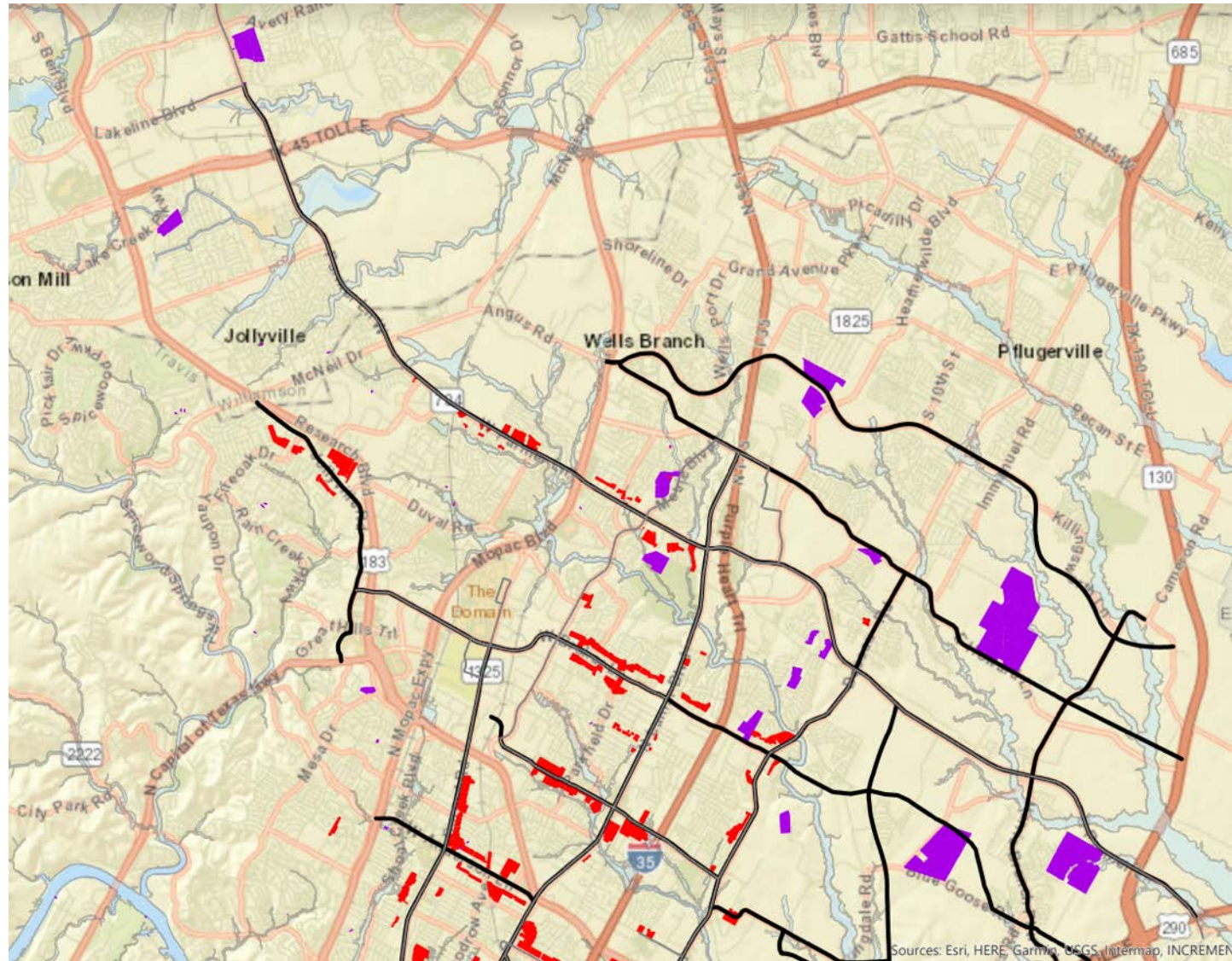
R1, R2B, R2C and R3 Housing - South



R1, R2B, R2C and R3 Housing –Core



R1, R2B, R2C and R3 Housing - North



Transition Zones

R4 RM1

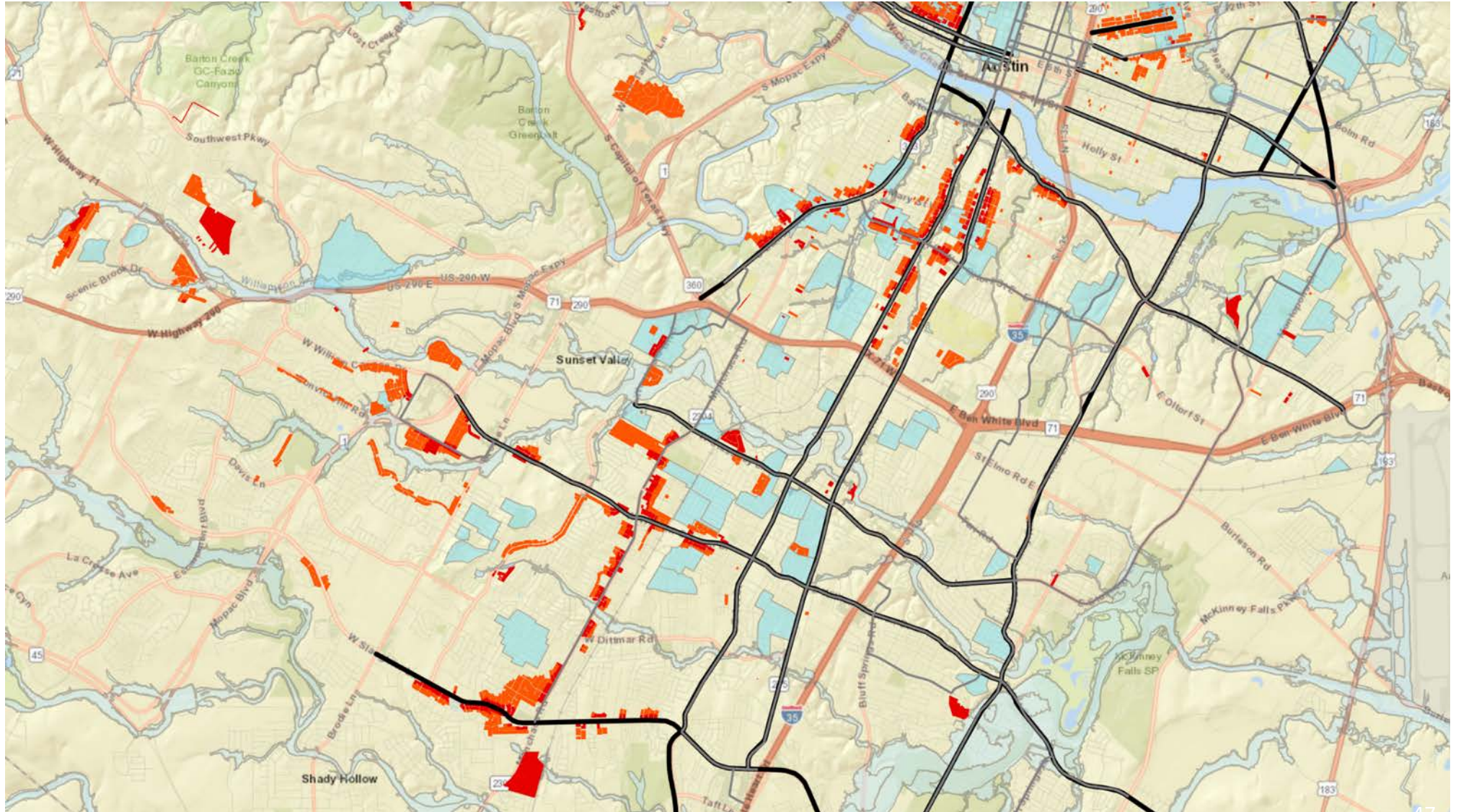
Transition Zones – New rules

1. **Transition Areas.** This section establishes criteria for the application missing middle zones to create a step-down transition in development intensity from corridor-fronting commercial properties adjacent to single-family neighborhoods.
 - a. Application of RM1 Zoning. Except as provided in Rule A or Paragraphs 1.c-d of this subsection, land within the SF-1, SF-2, SF-3, and –NCCD zoning districts established under Title 25 is converted to RM1 if located within 300 feet of a Corridor/TPN and meets one or more of the Transition Area Factors, as defined in Section 2.A (*Missing Middle Definitions*).
 - b. Application of R4 Zoning. Except as provided in Rule A or Paragraphs 1.c-d of this subsection, land within the SF-1, SF-2, SF-3, and –NCCD zoning districts established under Title 25 is converted to R4 if it:
 - i. Is located within 750 feet of a Corridor/TPN and meets three Transition Area Factors:
 - ii. Is located within 600 feet of a Corridor/TPN and meets two Transition Area Factors; or
 - iii. Is located within 450 feet of a Corridor/TPN and meets one Transition Area Factor.

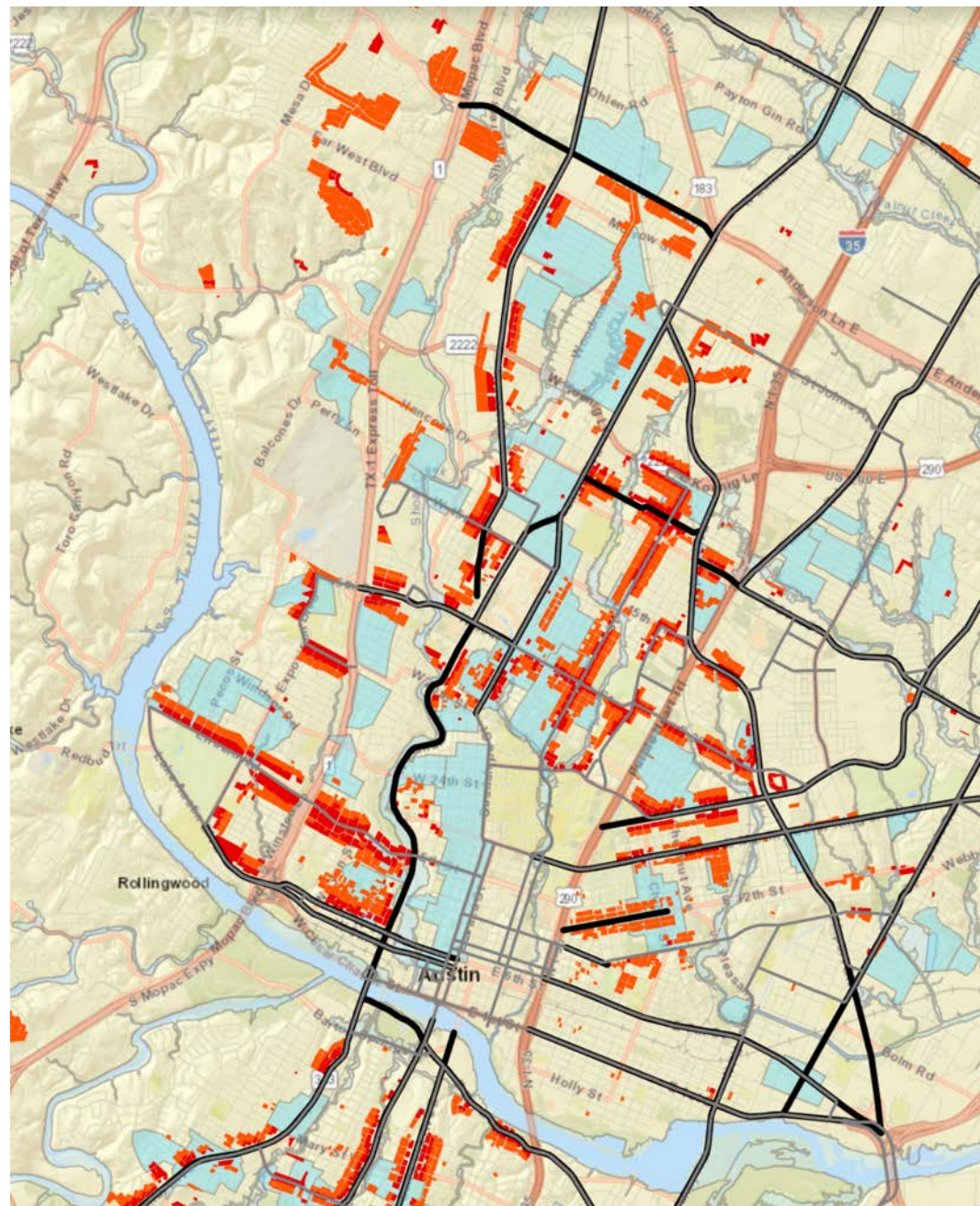
Transition Zones – New rules

1. **Transition Areas.** This section establishes criteria for the application missing middle zones to create a step-down transition in development intensity from corridor-fronting commercial properties adjacent to single-family neighborhoods.
 - a. Application of RM1 Zoning. Except as provided in Rule A or Paragraphs 1.c-d of this subsection, land within the SF-1, SF-2, SF-3, and –NCCD zoning districts established under Title 25 is converted to RM1 if located within 300 feet of a Corridor/TPN and meets one or more of the Transition Area Factors, as defined in Section 2.A (*Missing Middle Definitions*).
 - b. Application of R4 Zoning. Except as provided in Rule A or Paragraphs 1.c-d of this subsection, land within the SF-1, SF-2, SF-3, and –NCCD zoning districts established under Title 25 is converted to R4 if it:
 - i. Is located within 750 feet of a Corridor/TPN and meets three Transition Area Factors:
 - ii. Is located within 600 feet of a Corridor/TPN and meets two Transition Area Factors; or
 - iii. Is located within 450 feet of a Corridor/TPN and meets one Transition Area Factor.

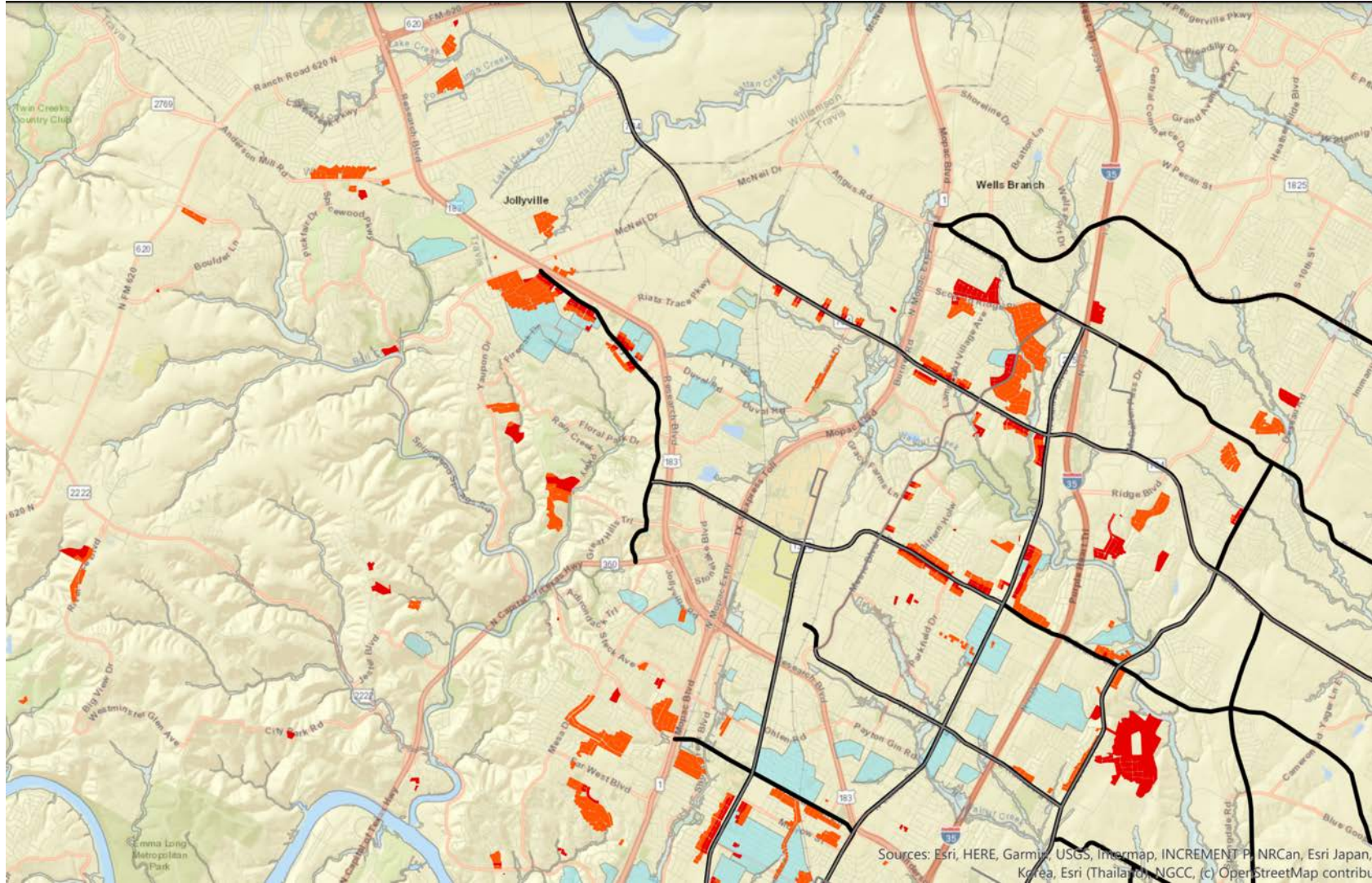
Transition Zones – South



Transition Zones – Core



Transition Zones – North



Transition Zones – R4

Table 23-3C-3140(A) Lot Size and Intensity

(1) Allowed Use	Lot				Building	
	Dwelling Units per Lot		Width (min.)	Area (min.)	FAR Maximum	
	Base Standard	Bonus ¹			Base Standard	Bonus ¹
Duplex, Cottage Court, Multi-Family	2	+0	45'	5,000 sf	0.4 FAR	+0 FAR
	3 to 4	+4	45'	5,000 sf	0.6 FAR	+0.2 FAR
Townhouse	1	+0	18'	1,800 sf	0.6 FAR	+0 FAR
Other Allowed Uses	—	+0	35'	5,000 sf	0.4 FAR	+0 FAR

¹ To receive affordable housing bonus, a project must comply with Article 23-4E (Affordable Housing).

Table 23-3C-3140(B) Building Placement

(1) Setback (Distance from ROW / Lot Line)	Front	Side St.	Side	Rear
Minimum	15'	10'	5'	5'

Table 23-3C-3140(D) Height

(1) All Buildings	Base Standard	Bonus ¹
To Top Plate (maximum)	25'	+10
Overall (maximum)	35'	+10

Table 23-3C-3140(H) Impervious Cover

(1) Impervious Cover	% (max.)
2 units	45%
3 units	50%
4 units or more	55%

Table 23-3C-3140(C) Building Form

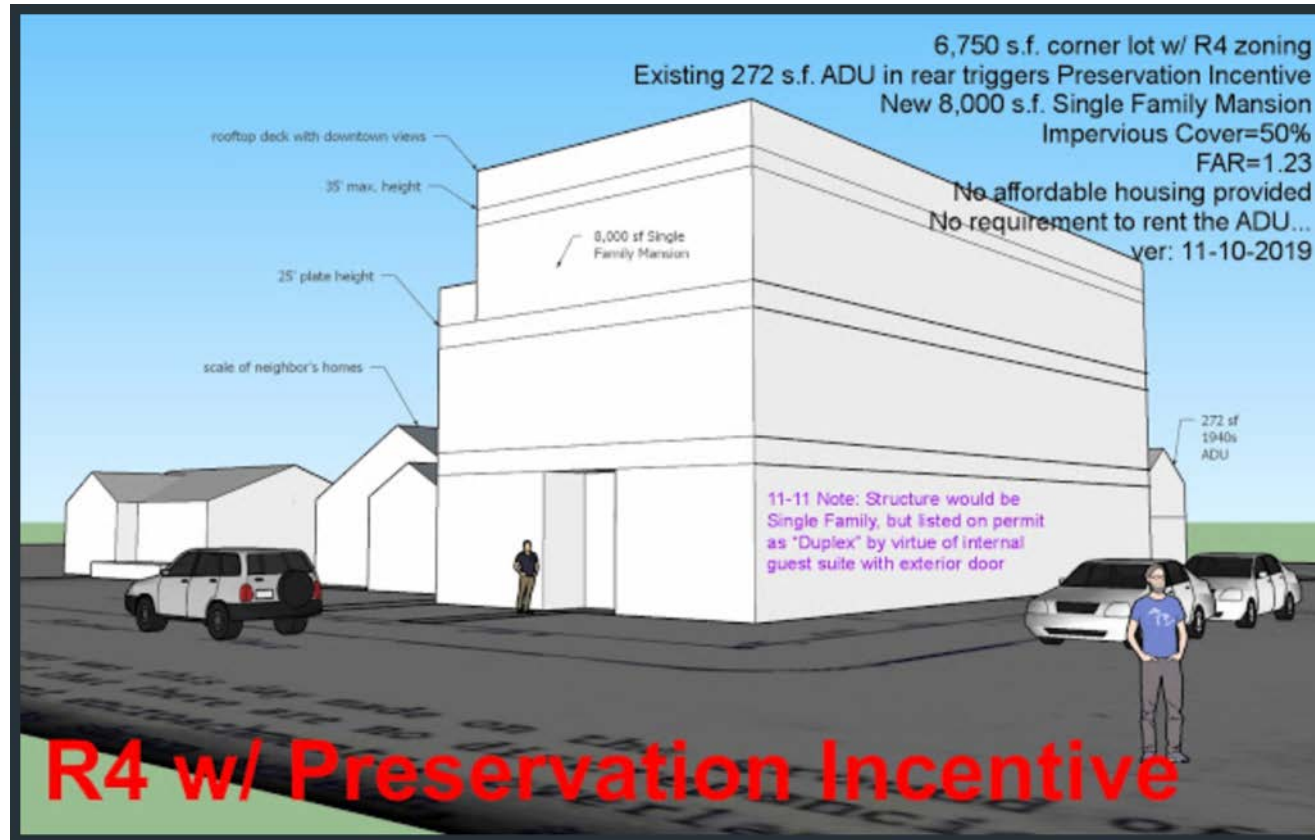
(1) Overall Building Envelope

Width (maximum)	90'
-----------------	-----

Transition Zones – R4



Transition Zones – R4



Transition Zones – RM1

Table 23-3C-4070(A) Lot Size and Intensity

(1) Allowed Use	Lot				Building	
	Dwelling Units per Lot		Width (min.)	Area (min.)	FAR Maximum	
	Base Standard	Bonus ¹			Base Standard	Bonus ¹
Duplex, Cottage Court, Multi-Family	2	+0	45'	5,000 sf	0.4 FAR	+0 FAR
	3 to 4	+0	45'	5,000 sf	0.6 FAR	+0 FAR
	5 to 6	+4	45'	5,000 sf	0.8 FAR	+1.0 FAR
Live/Work	1	+0	18'	1,800 sf	0.8 FAR	+0 FAR
Townhouse	1	+0	18'	1,800 sf	0.8 FAR	+0 FAR
Other Allowed Uses	—	+0	50'	5,000 sf	0.8 FAR	+0 FAR

Table 23-3C-4070(B) Building Placement

(1) Setback (Distance from ROW / Lot Line)	Front	Side St.	Side	Rear
Minimum	10'	10'	5'	10'

Table 23-3C-4070(D) Height

(1) All Buildings	Base Standard	Bonus ¹
Overall (maximum)	40'	+5'

Table 23-3C-4070(H) Impervious Cover

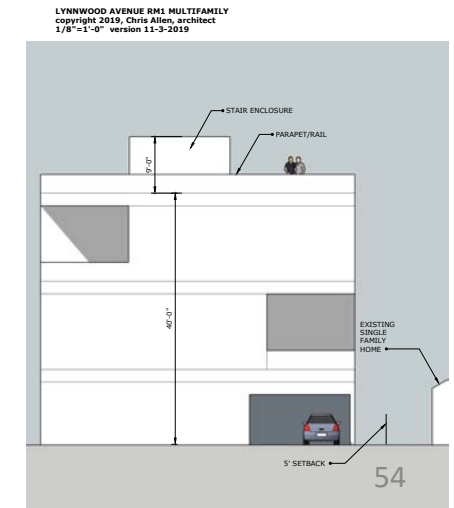
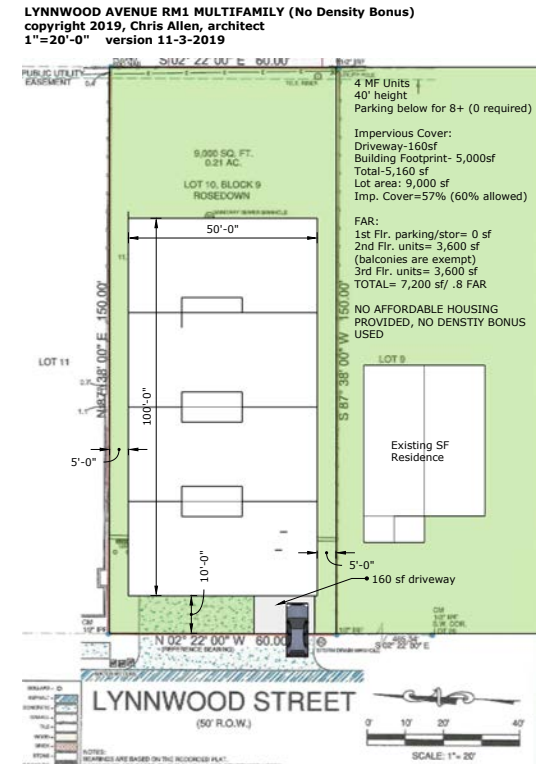
(1) Impervious Cover	% (max.)
2 units	45%
3 units	50%
4 to 5 units	55%
6 units or more	60%

Table 23-3C-4070(C) Building Form

(1) Overall Building Envelope
Width (maximum)

100'

Transition Zones – RM1



Model by C. Allen <https://austinupzoned.blogspot.com/>

Special Exception - Level 2

23-3B-4040 Special Exception – Level 2

(A) Purpose and Applicability.

- (1) To facilitate the construction of new housing, this section authorizes the Board of Adjustment to grant limited reductions in specified development standards where impediments exist to the construction of residential units.
- (2) An application for a special exception under this section may only be submitted for development that:
 - (a) Is located in the Residential 4 (R4) Zone, a Residential Multi-Unit (RM) Zone, or a Mixed-Use (MU) Zone;
 - (b) Is located on a legally platted lot, which is not proposed to be subdivided; and
 - (c) Is not a qualifying development under Division 23-4E-7 (Affordability Unlocked Bonus Program).

(B) Scope of Exception. Subject to the findings required under Subsection (C), the Board of Adjustment may approve a special exception:

- (1) Increasing by no more than 10 percent the maximum height allowed by the base zone, as modified by any applicable affordable housing density bonus; and
- (2) Reducing a setback required by the base zone by no more than 10 percent.

Single Family in Transition Zones

R4

(1) Allowed Use

Duplex, Cottage Court,
Multi-Family

Townhouse

Other Allowed Uses

Single family
is not an
"allowed use"
in Transition
Zones

RM1

(1) Allowed Use

Duplex, Cottage Court,
Multi-Family

Live/Work

Townhouse

Other Allowed Uses

Introducing
Compliant
Residential
Use

23-2H-3020 Compliant Residential Use

- (A) **Applicability.** An existing single-family use within the Residential Multi-Unit 1 (RM1) and Residential 4 (R4) zones is a compliant residential use under this section if it lawfully existed as the principal use of a property on {effective date of Title}, and has existed continuously since that date.
- (B) **General Allowances.**
- (1) **Continuation.** A compliant residential use is a legal use for all purposes under this Title and may continue to operate indefinitely, except as provided in Subsection (C).
 - (2) **Enlargement and Modification of Principal Structure.** A principal structure containing a compliant residential use may be:
 - (a) Enlarged or modified to the extent permitted for a single-family use in the R2A Zone under Section 23-3C-3090 (Residential 2A Zone); and
 - (b) Rebuilt or replaced subject to the site development standards under the R2A Zone, including the 40 percent limitation on impervious cover applicable to new construction.
 - (3) **Addition of Impervious Cover.** The alteration or modification of a compliant residential use may not cause a site to exceed 45 percent impervious cover.
 - (4) **Accessory Dwelling Units.** An accessory dwelling unit may be constructed on the same property as a compliant residential use subject to the requirements of Section 23-3D-1030 (Accessory Dwelling Unit – Residential).
 - (5) **Reduction in Lot Area.** A lot containing a compliant residential use may be reduced in area, subject to the requirements of Chapter 23-5 (Subdivision) and the lot area requirements of the R2A Zone.
 - (6) **Variances.** The Board of Adjustment may consider requests for a variance from regulations of the R2A Zone applicable to a compliant residential use under this section.

Single Family in Transition Zones

If you make your lot bigger
you become non-conforming



(C) General Restrictions.

- (1) **Conversion to Non-Residential Use.** No portion of a structure containing a compliant residential use may be converted to a non-residential use, except that:
 - (a) A home occupation is allowed consistent with the requirements of Section 23-3D-1210 (Home Occupations); and
 - (b) An ADU internal to the structure is allowed consistent with the requirements of Section 23-3D-1030 (Accessory Dwelling Unit – Residential)
- (2) **Increase in Lot Area.** If a lot containing a compliant residential use is expanded in area, the use becomes nonconforming and is subject to the restrictions under Article 23-2H (Nonconformity).

23-2H-3030 Termination of Compliant Residential Uses

If your house is vacant for 180
days not due to permitted work
then it is non-conforming
(i.e. unoccupied on the market)



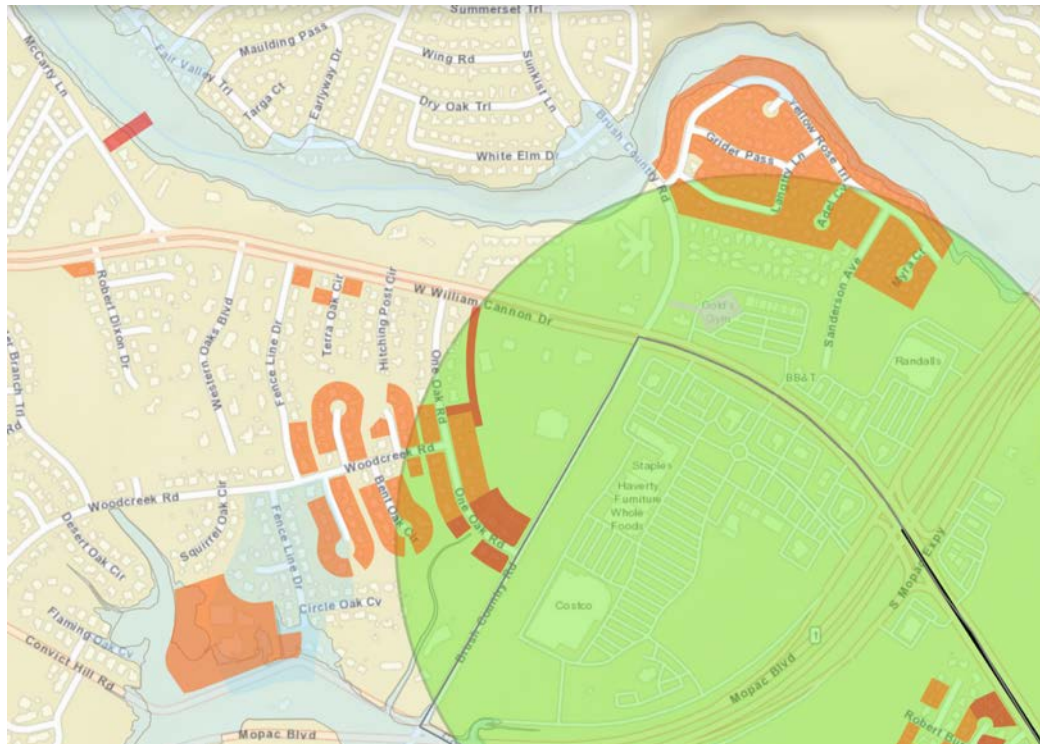
(A) Grounds for Termination of Uses.

- (1) A compliant residential use is terminated, and may not be resumed if, use of the property is changed to a conforming use or to an unlawful use.
 - (2) A compliant residential use becomes nonconforming if the use is discontinued for more than 180 days, excluding days attributable to a permitted temporary use or discontinuance due to permitted repairs, modifications, or reconstruction.
- (B) **Appeal to Board of Adjustment.** An aggrieved party who meets the applicable requirements of Section 23-2I-1020 (Appeal of Administrative Decisions) may appeal the director's decision regarding whether a compliant residential use has terminated or become nonconforming to the Board of Adjustment under Section 23-2H-1040 (Appeal of Decision on Nonconforming Status).

Mapping Transition Zones Flood Plains

- iv. *Based on Flood Risk.* Land within a flood-prone area is converted to comparable equivalent zoning, even if the requirements for conversion to RM1 or R4 zoning under Paragraphs 1.a-b are met.

[http://www.austintexas.gov/sites/default/files/files/LandDevCodeRev/Zone%20Conversion%20Table%20%2B%20Rules%20\(02-28-20\).pdf](http://www.austintexas.gov/sites/default/files/files/LandDevCodeRev/Zone%20Conversion%20Table%20%2B%20Rules%20(02-28-20).pdf)



Transition zones(orange) mapped in current flood plains

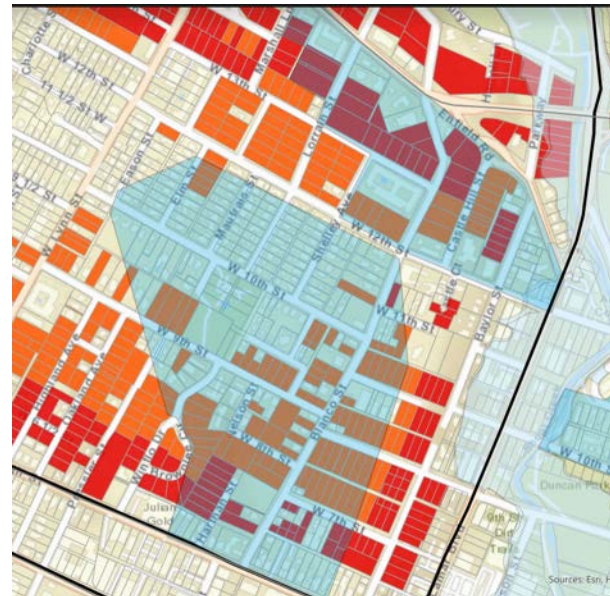
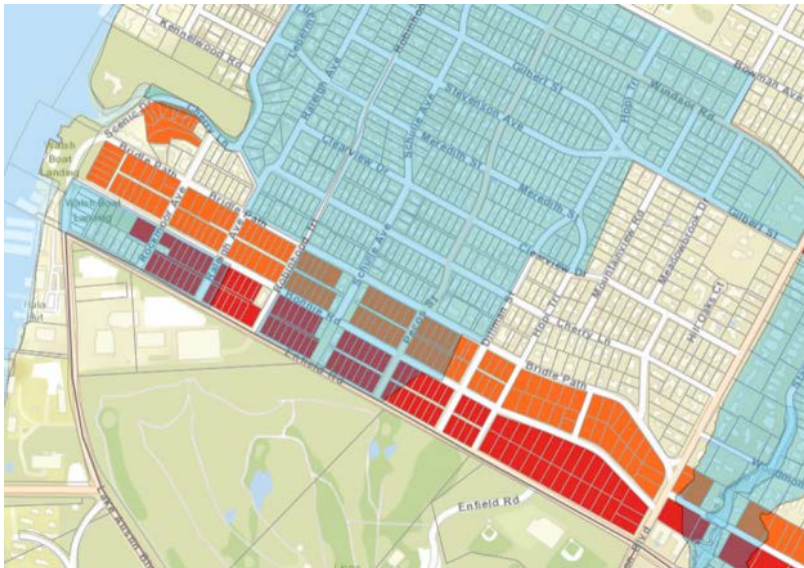


Mapping Transition Zones in Localized Flood Area

- iv. *Based on Flood Risk.* Land within a flood-prone area is converted to comparable equivalent zoning, even if the requirements for conversion to RM1 or R4 zoning under Paragraphs 1.a-b are met.

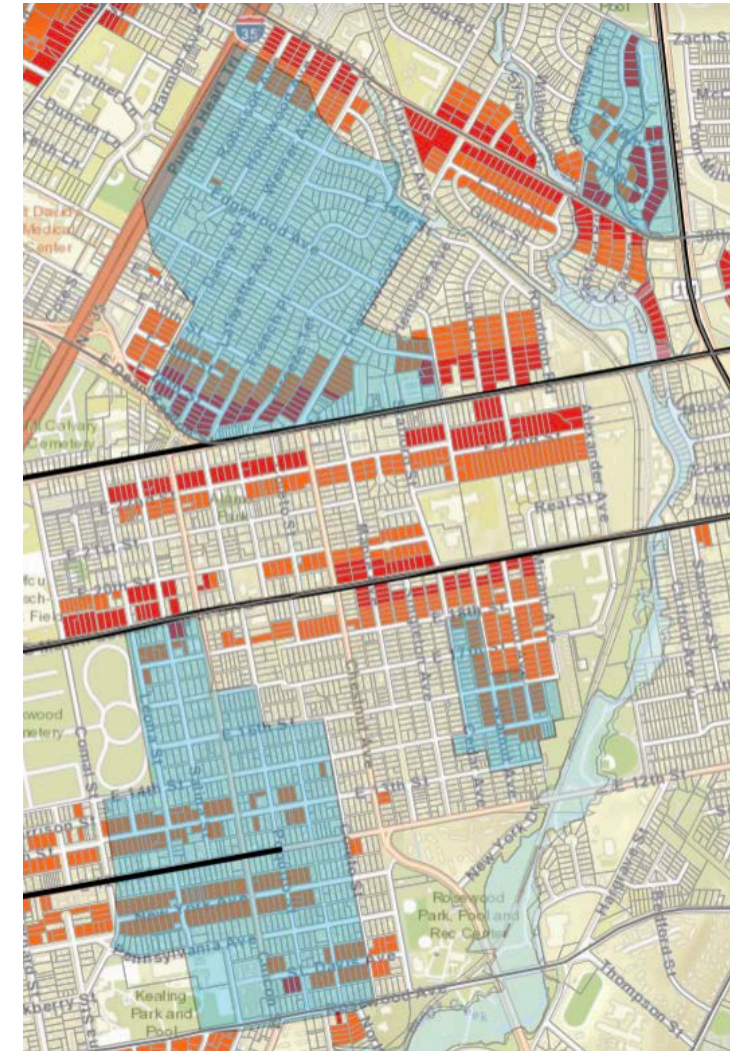
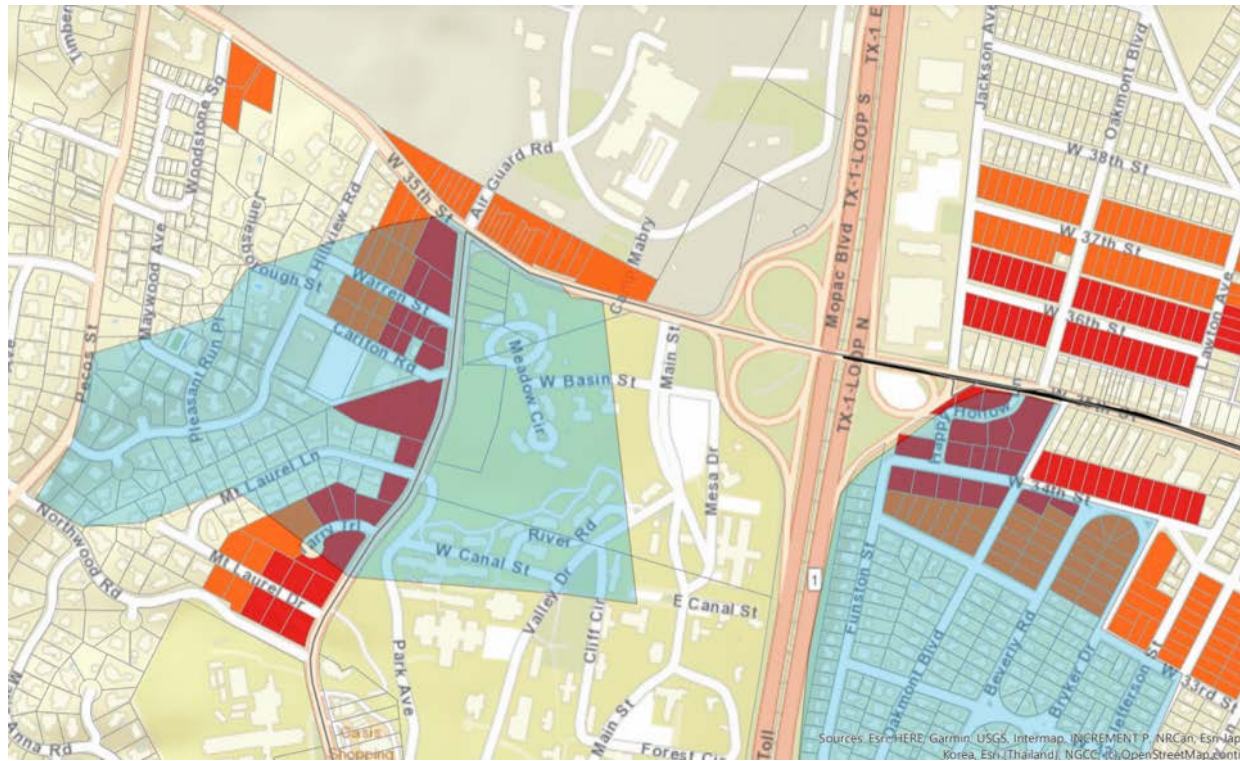
[http://www.austintexas.gov/sites/default/files/files/LandDevCodeRev/Zone%20Conversion%20Table%20%2B%20Rules%20\(02-28-20\).pdf](http://www.austintexas.gov/sites/default/files/files/LandDevCodeRev/Zone%20Conversion%20Table%20%2B%20Rules%20(02-28-20).pdf)

FLOOD-PRONE AREA. Land within the 500-year floodplain or within a local flood problem area designated in accordance with the Watershed Protection Master Plan, as determined based on the stormwater flowpath relative to typology and drainage infrastructure.



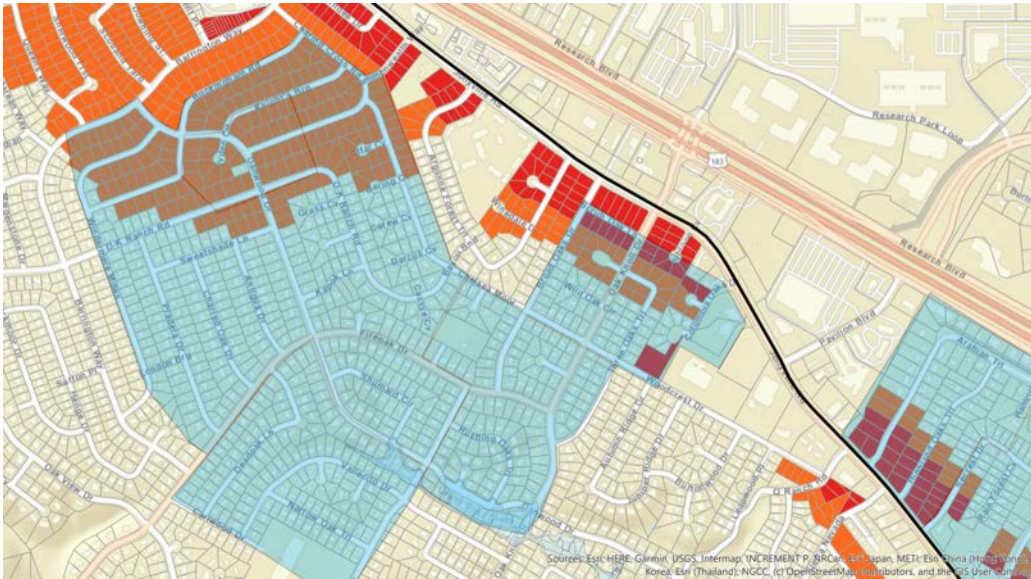
Mapping Transition Zones in Localized Flood Area

- iv. *Based on Flood Risk.* Land within a flood-prone area is converted to comparable equivalent zoning, even if the requirements for conversion to RM1 or R4 zoning under Paragraphs 1.a-b are met.

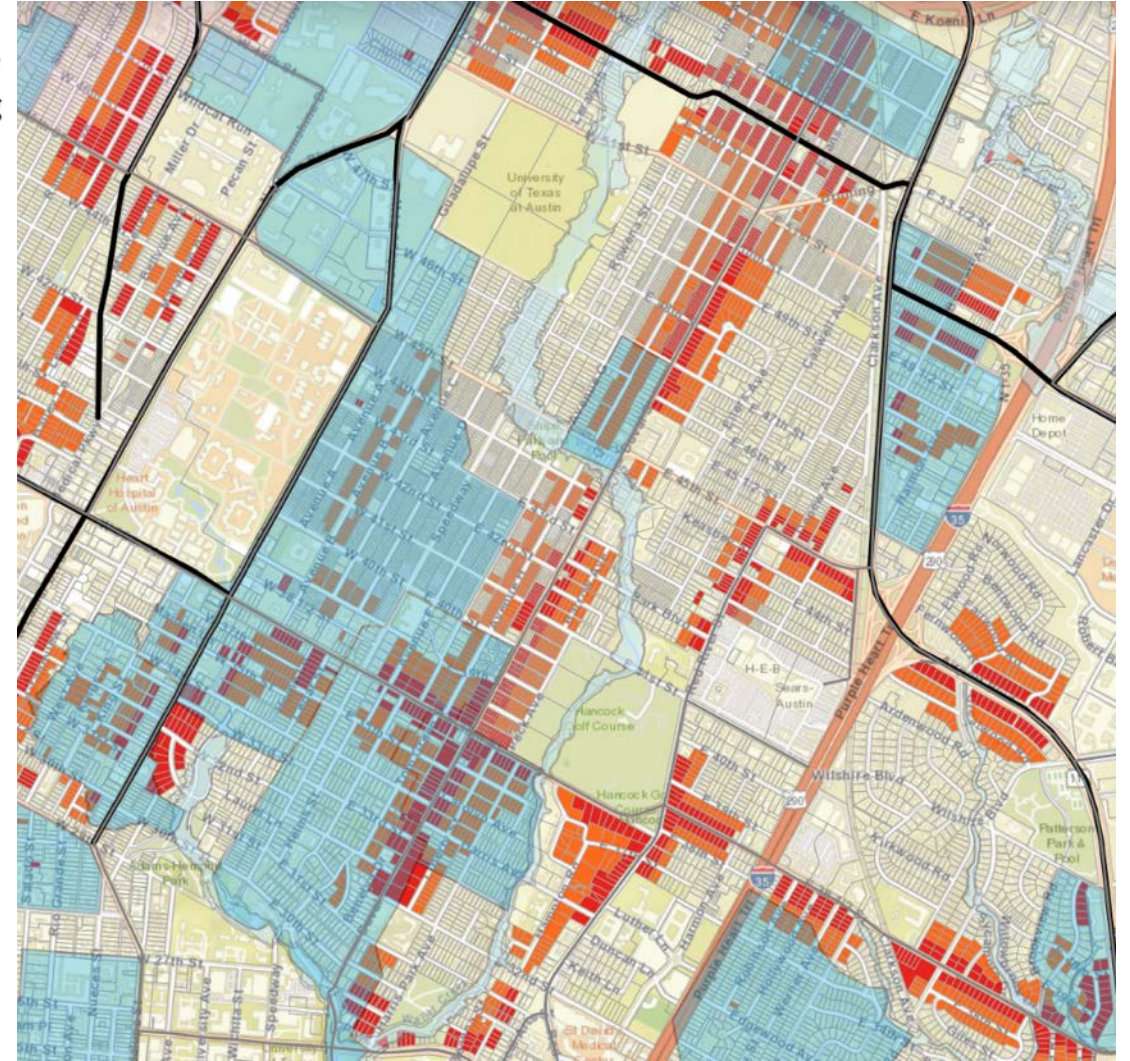


Mapping Transition Zones in Localized Flood Area

- iv. *Based on Flood Risk.* Land within a flood-prone area is converted to comparable equivalent zoning, even if the requirements for conversion to RM1 or R4 zoning under Paragraphs 1.a-b are met.



Large amounts of the core have transition zones in localized flood areas.



Comprehensive Plan & Transition Zones

Current

- Encouraging the preservation of affordable housing in neighborhoods across the city and in activity centers and corridors.
- Developing regulations that create better and context-specific transitions between more intense housing, commercial and office uses, mixed use development, and adjacent, established neighborhoods.

Staff proposes to amend the comprehensive plan maps and texts to include transition zones



1. Map Amendments

Amend the Comprehensive Plan to:

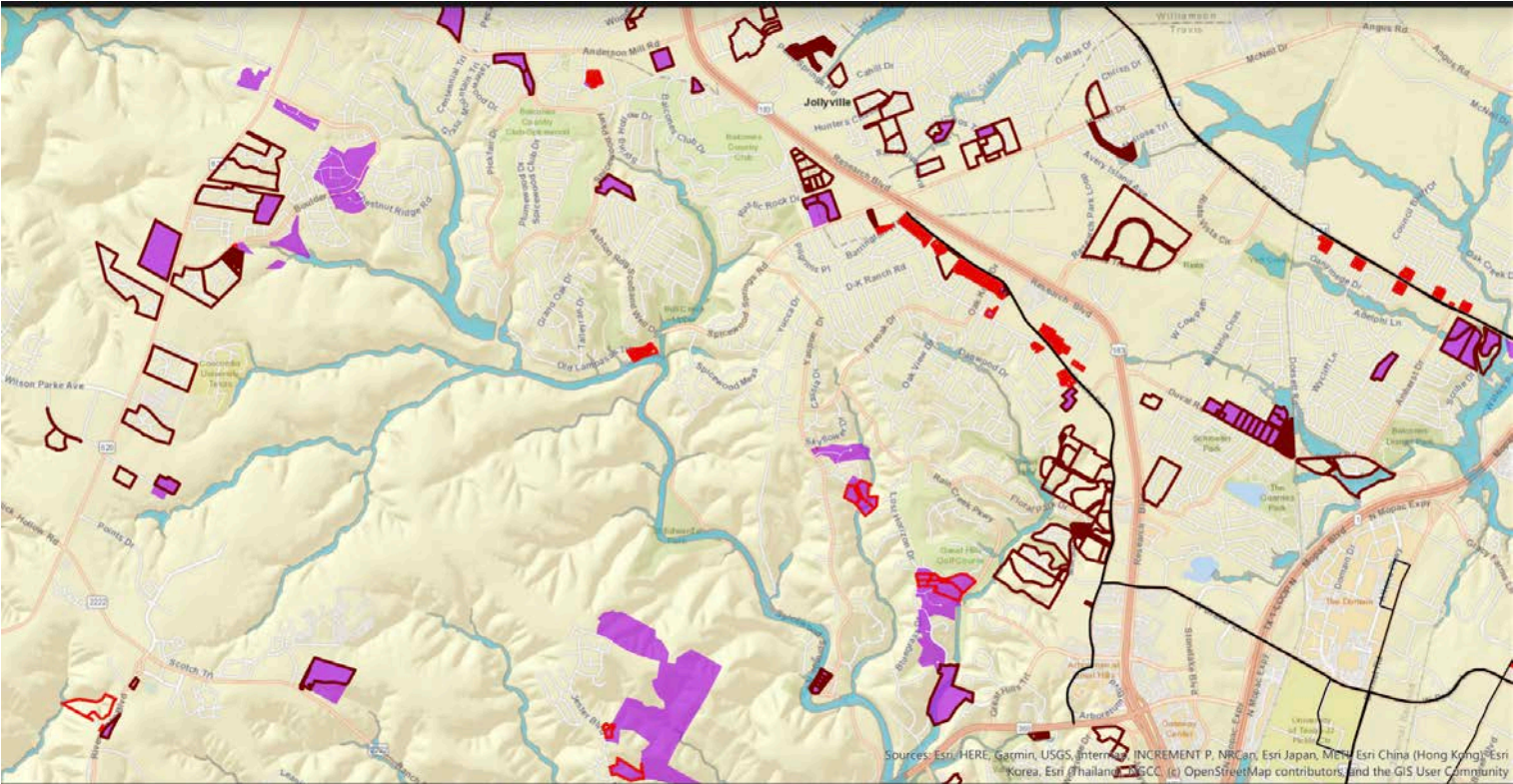
- Add new “Figure 4.5 Transition Area Land Use Designation,” attached as Appendix A-1, following “Figure 4.4 Roadway Networks” (p. 102); and
- Renumber existing Figures 4.5 through 4.11 (pp. 103-166) accordingly.

Inconsitent Translation

SF-6

Inconsistent Translation of SF-6

Title 25 Zone	Conversion Rules		Title 23 Zone
— Residential			
SF-6	Comparable Equivalency	Property area < 21K sq. ft.	RM1
		Property area ≥ 21K sq. ft.	RM2



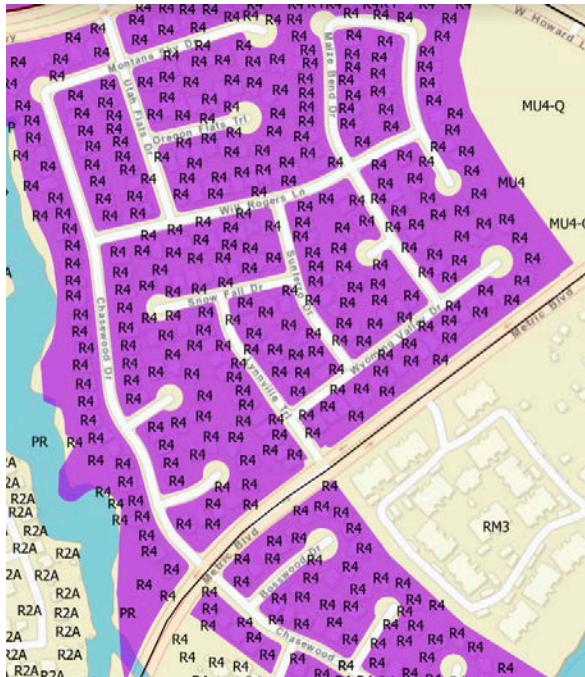
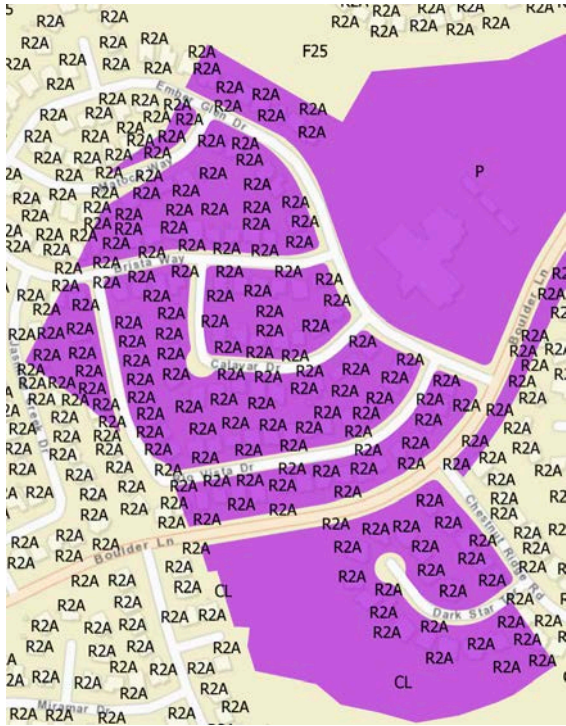
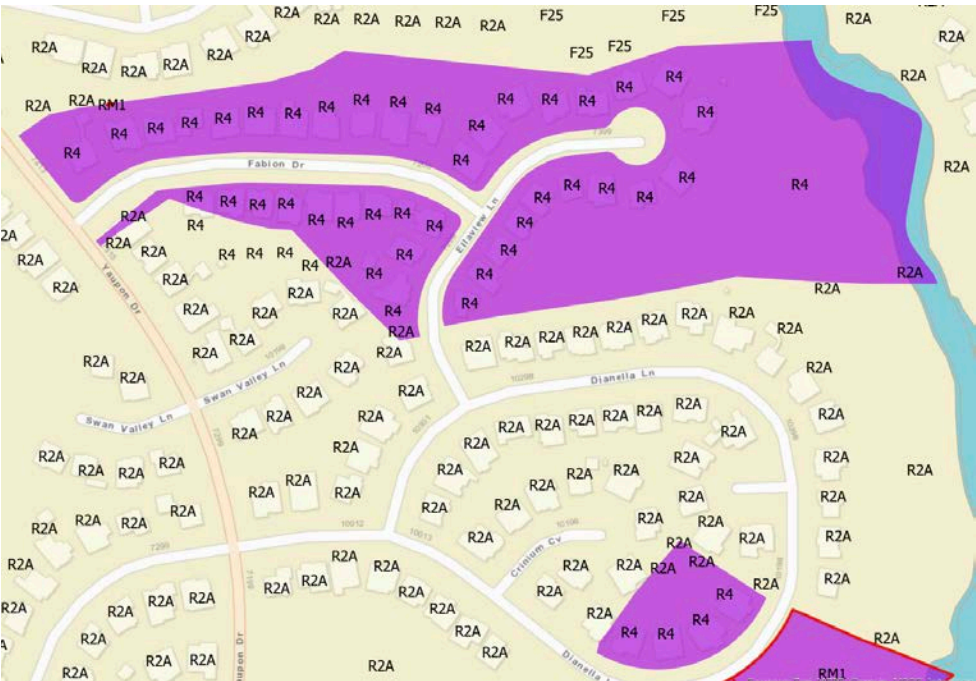
SF-6 = Purple
Red Outline = RM1
Brown outline = RM2

No outline on purple?
Something else.
Not Following Rules

Inconsistent Translation of SF-6

Title 25 Zone	Conversion Rules		Title 23 Zone
— Residential			
SF-6	Comparable Equivalency	Property area < 21K sq. ft.	RM1
		Property area ≥ 21K sq. ft.	RM2

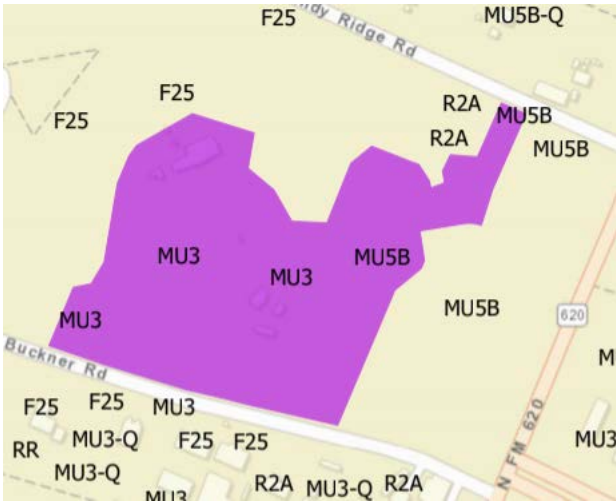
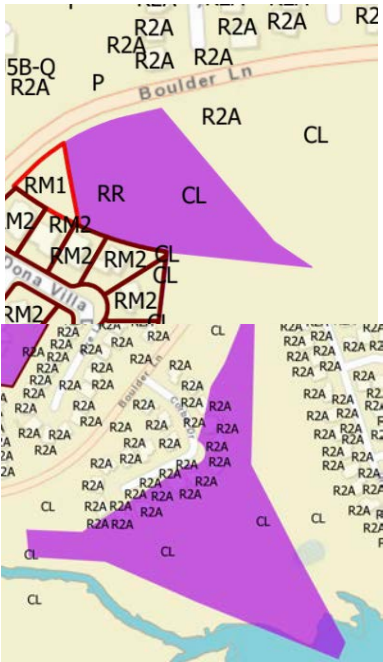
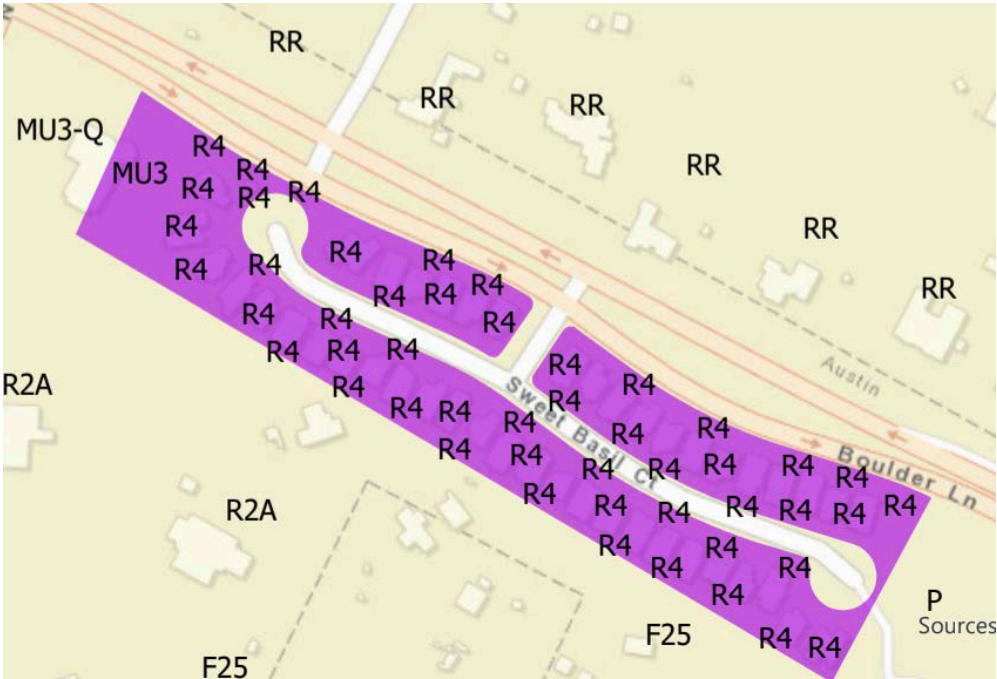
Map shows SF-6 converted to R4, CL and P



Inconsistent Translation of SF-6

Title 25 Zone	Conversion Rules		Title 23 Zone
— Residential			
SF-6	Comparable Equivalency	Property area < 21K sq. ft.	RM1
		Property area ≥ 21K sq. ft.	RM2

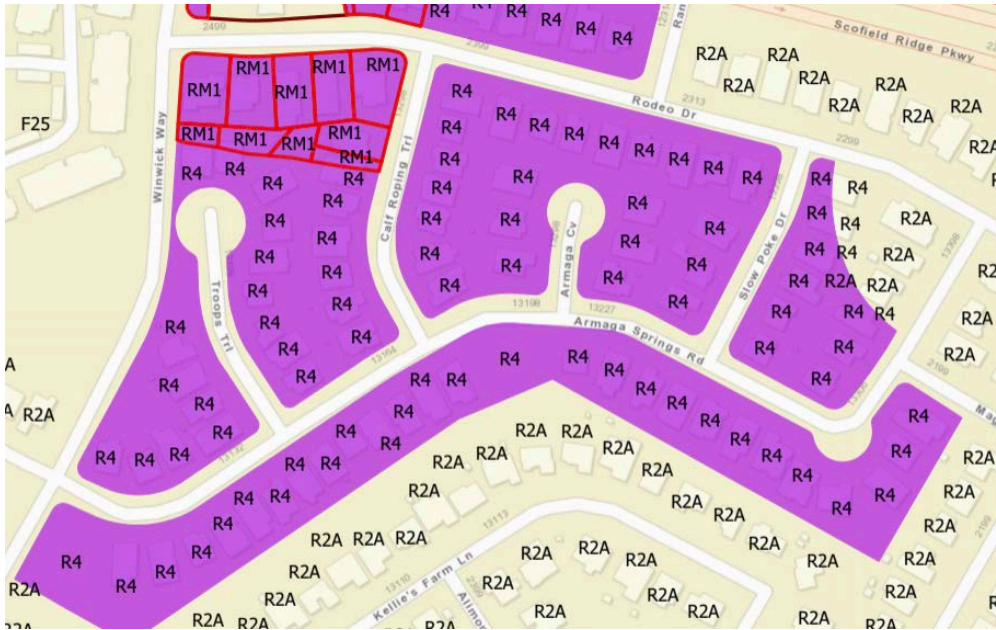
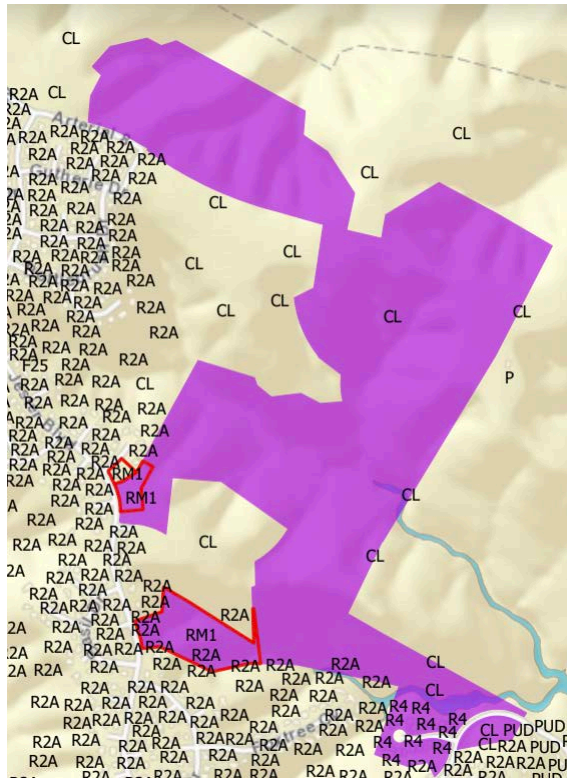
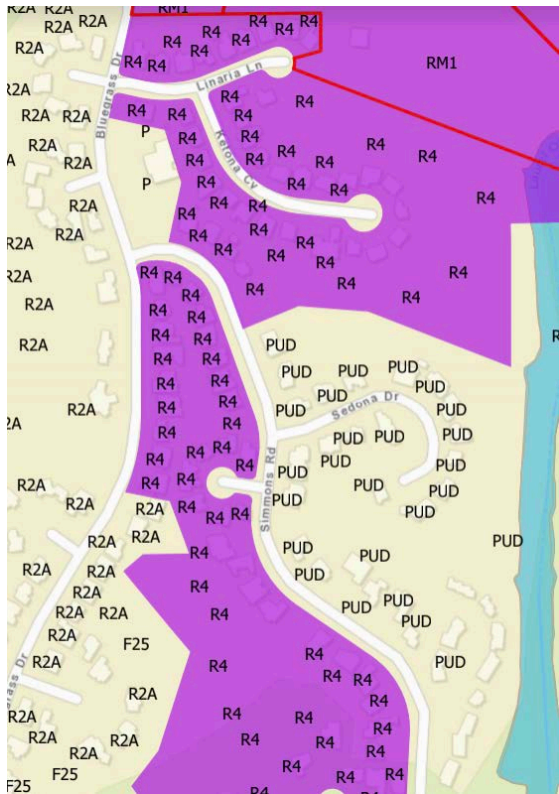
Map shows SF-6 converted to R4, CL RR, R2A and MU3 and MU5B



Inconsistent Translation of SF-6

Title 25 Zone	Conversion Rules		Title 23 Zone
— Residential			
SF-6	Comparable Equivalency	Property area < 21K sq. ft.	RM1
		Property area ≥ 21K sq. ft.	RM2

Map shows SF-6
converted to R4, CL



MutliUnit Zones RM2-RM5

Apartment

Multifamily Reports

2019	1Q19 Report	2Q19 Report	3Q19 Report	4Q19 Report
------	-------------	-------------	-------------	-------------

Monster apartment complexes everywhere...resulting in a pattern with no rhyme or reason at all.

This enormous market momentum and product delivery is washing across the City wholly unfettered...whereas with simple incentives and disincentives, a large portion of this housing product could be guided into Imagine Austin centers and along major transit corridors...but without any steering whatsoever from the City it resembles some sort of volcanic eruption spewing multifamily housing into the nether regions of our City.

- Austin city's demographer

<http://www.austintexas.gov/page/demographic-data>

Live/Work

Table 23-3C-4030(A) Allowed Uses in Residential Multi-Unit Zones

Use Type	Specific to Use Requirements	RM1	RM2	RM3	RM4	RM5	MH
Live/Work	23-3D-1230	P	P	P	P	P	—

Live/Work allows 5 outside employees to work in a unit;
no parking requirement listed.



Live/Work in all multiunit

23-3D-1230 Live/Work

- (A) **Maximum Floor Area.** A live/work use may not exceed 5,000 square feet of gross floor area.
- (B) **Allowed Uses.** The uses allowed in a non-residential component of a live/work development are the uses allowed in the zone in which the building is located as well as uses permitted as a home occupation.
- (C) **Prohibited Uses.** A live/work unit may not be used for following activities:
 - (1) Adult-oriented businesses;
 - (2) Vehicle maintenance, repair, detailing, or painting;
 - (3) Storage of flammable liquids or hazardous materials beyond that normally associated with a residential use;
 - (4) Welding, machining, or any open flame work;
 - (5) Outdoor storage of materials;
 - (6) The use of welding equipment, fiberglass, or epoxy; and
 - (7) Any other activity or use the Director determines is not compatible with residential activities; and
 - (8) An activity the Director determines has the possibility of affecting the health or safety of live/work unit residents because of the potential for the use to create dust, glare, heat, noise, vibration, smoke, odor, noxious gases, traffic, or other effects, or would be hazardous because of materials, processes, products, or wastes.
- (D) **Residential Density.** The number of live/work units on a site must comply with the density allowed in the base zone.
- (E) **Occupancy Requirement.** The residential space within a live/work unit must be occupied by at least one individual who is employed in the business that is conducted within the non-residential component.
- (F) **Design Requirements.**
 - (1) **Floor Area.** The floor area of the residential space must be at least 51 percent of the total floor area. Floor area other than that reserved for work space must be reserved and regularly used for living space.

 < 5,000 square feet

- (2) **On-premises Sales.** Goods produced within the live/work unit may be sold on-premises if the sales activity is incidental to the primary production work within the unit. Gallery showings and sales of goods produced within the live/work unit are permitted as part of a residential tour.
- (3) **Nonresident Employees.** Participation in the business conducted within the live/work unit is limited to five individuals who do not reside in the live/work unit.

 Five outside employees One employee must live there 51% residential space

RM2 and current MF-2

Table 23-3C-4080(A) Lot Size and Intensity						
(1) Allowed Use	Lot				Building	
	Dwelling Units per Acre Maximum		Width (min.)	Area (min.)	FAR Maximum	
	Base Standard	Bonus ¹			Base Standard	Bonus ¹
Multi-Family	24	+36	50'	5,000 sf	0.8 FAR	Unlimited FAR
Live/Work	24	+0	18'	1,800 sf	0.8 FAR	+0 FAR
Townhouse	24	+0	18'	1,800 sf	0.8 FAR	+0 FAR
Other Allowed Uses	—	+0	50'	5,000 sf	0.8 FAR	+0 FAR

¹ To receive affordable housing bonus, a project must comply with Article 23-4E (Affordable Housing).

Table 23-3C-4080(D) Height		
(1) All Buildings	Base Standard	Bonus ¹
Overall (maximum)	40'	+25'

Table 23-3C-4080(H) Impervious Cover	
(1) Impervious Cover	% (max.)
Impervious Cover	60%

MF-2

Multi-Family Residence—Low Density

Multifamily Residence Low Density district is the designation for a multifamily use with a maximum density of up to 23 units per acre. An MF-2 district designation may be applied to a use in a multifamily residential area located near single-family neighborhoods or in an area for which low-density multifamily use is desirable.

Site Development Standards

Lot		Massing	
Minimum Lot Size	8,000 sq ft	Maximum Height (ft)	40 ft
Minimum Lot Width	50 ft		or 3 stories
Maximum Building Coverage	50%	Minimum Setbacks	
Maximum Impervious Cover	60%	Front yard	25 ft
Maximum Floor Area Ratio	n/a	Street side yard	15 ft
Maximum Units Per Acre	23	Interior side yard	5 ft
		Rear yard	10 ft

RM3 and current MF-3

Table 23-3C-4090(A) Lot Size and Intensity

(1) Allowed Use	Lot				Building	
	Dwelling Units per Acre Maximum		Width (min.)	Area (min.)	FAR Maximum	
	Base Standard	Bonus ¹			Base Standard	Bonus ¹
Multi-Family	36	+40	50'	5,000 sf	0.8 FAR	Unlimited FAR
Live/Work	24	+0	18'	1,800 sf	0.8 FAR	+0 FAR
Townhouse	24	+0	18'	1,800 sf	0.8 FAR	+0 FAR
Other Allowed Uses	—	+0	50'	5,000 sf	0.8 FAR	+0 FAR

Table 23-3C-4090(D) Height

(1) All Buildings	Base Standard	Bonus ¹
Overall (maximum)	60'	+15'

Table 23-3C-4090(D) Height

(1) All Buildings	Base Standard	Bonus ¹
Overall (maximum)	60'	+15'

MF-3

Multi-Family Residence—Medium Density

Multifamily Residence Medium Density district is intended to accommodate multifamily use with a maximum density of up to 36 units per acre. This district is appropriate for multifamily residential areas located near supporting transportation and commercial facilities, generally in more centrally located areas, and in other selected areas where medium density multifamily use is desirable.

Site Development Standards

Lot		Massing	
Minimum Lot Size	8,000 sq ft	Maximum Height	40 ft
Minimum Lot Width	50 ft	Minimum Setbacks	
Maximum Building Coverage	55%	Front yard	25 ft
Maximum Impervious Cover	65%	Street side yard	15 ft
Maximum Floor Area Ratio	.75:1	Interior side yard	5 ft
Maximum Units Per Acre	36	Rear yard	10 ft

RM4 and current MF-4

Table 23-3C-4100(A) Lot Size and Intensity

(1) Allowed Use	Lot			
	Dwelling Units per Acre Maximum		Width (min.)	Area (min.)
	Base Standard	Bonus ¹		
Multi-Family	48	Unlimited	50'	5,000 sf
Live/Work	24	+0	18'	1,800 sf
Townhouse	24	+0	18'	1,800 sf
Other Allowed Uses	—	+0	50'	5,000 sf

MF-4

Multi-Family Residence—Moderate-High Density

Multifamily Residence Moderate-High Density district is intended to accommodate multifamily and group residential use with a maximum density of 36 to 54 units per acre, depending on unit size and mix. This district is appropriate for moderate-high density housing in centrally located areas near supporting transportation and commercial facilities, in areas adjoining downtown Austin and major institutional or employment centers, and in other selected areas where moderate-high density multifamily use is desirable.

Table 23-3C-4100(D) Height

(1) All Buildings	Base Standard	Bonus ¹
Overall (maximum)	60'	+30'

Table 23-3C-4100(G) Impervious Cover

(1) Impervious Cover	% (max.)
Impervious Cover	80%

Site Development Standards

Lot		Massing	
Minimum Lot Size	8,000 sq ft	Maximum Height	60 ft
Minimum Lot Width	50 ft	Minimum Setbacks	
Maximum Building Coverage	60%	Front yard	15 ft
Maximum Impervious Cover	70%	Street side yard	15 ft
Maximum Floor Area Ratio	.75:1	Interior side yard	5 ft
Maximum Units Per Acre	36-54	Rear yard	10 ft

RM5 and Current MF-5 and MF-6

Table 23-3C-4110(A) Lot Size and Intensity

(1) Allowed Use	Lot			
	Dwelling Units per Acre Maximum		Width (min.)	Area (min.)
	Base Standard	Bonus ¹		
Multi-Family	54	Unlimited	50'	5,000 sf
Live/Work	24	+0	18'	1,800 sf
Townhouse	24	+0	18'	1,800 sf
Other Allowed Uses	—	+0	50'	5,000 sf

MF-5

Multi-Family Residence—High Density

Multifamily Residence High Density district is intended for multifamily and group residential use with a maximum density of up to 54 units per acre, depending on unit size. An MF-5 district designation may be applied to a use in a centrally located area near supporting transportation and commercial facilities, an area adjacent to the central business district or a major institutional or employment center, or an area for which high density multifamily use is desired.

MF-6

Multi-Family Residence—Highest Density

Multifamily Highest Density district is intended for multifamily and group residential use. An MF-6 district designation may be applied to a use in a centrally located area near supporting transportation and commercial facilities, an area adjacent to the central business district or a major institutional or employment center, or an area for which the high density multifamily use is desired.

Table 23-3C-4110(D) Height

(1) All Buildings	Base Standard	Bonus ¹
Overall (maximum)	90'	+45'

Table 23-3C-4110(G) Impervious Cover

(1) Impervious Cover	% (max.)
Impervious Cover	80%

Site Development Standards

Lot		Massing	
Minimum Lot Size	8,000 sq ft	Maximum Height	60 ft
Minimum Lot Width	50 ft	Minimum Setbacks	
Maximum Building Coverage	60%	Front yard	15 ft
Maximum Impervious Coverage	70%	Street side yard	15 ft
Maximum Floor Area Ratio	1:1	Interior side yard	5 ft
Maximum Units Per Acre	54	Rear yard	10 ft

Site Development Standards

Lot		Massing	
Minimum Lot Size	8,000 sq ft	Maximum Height	90 ft
Minimum Lot Width	50 ft	Minimum Setbacks	
Maximum Building Coverage	70%	Front yard	15 ft
Maximum Impervious Cover	80%	Street side yard	15 ft
		Interior side yard	5 ft
		Rear yard	10 ft

Affordable Housing Bonus

(C) Affordable Residential Unit Requirement.

- (1) The number of required affordable units is determined by calculating the number of bonus units in accordance with the methodology described in 23-4E-5030(B) (Bonus Calculation), and multiplying the number of bonus units by the affordable unit set-aside percentage identified in the affordable unit set-aside maps as adopted by separate ordinance.

Incentive	Non-Residential Bonus Square Feet	Residential Bonus Units
Additional Units in Main Building (max.)	N/A	Number of units that exceed the maximum units allowed by base entitlements Proposed Units - Allowed Base Units
Additional Dwelling Units per Acre (DUA)	N/A	Number of units that exceed the maximum units allowed by base entitlements $\text{Proposed Units} \times \left(\frac{\text{Proposed DUA} - \text{Allowed Base DUA}}{\text{Proposed DUA}} \right)$
Additional Floor Area Ratio (FAR)	Non-residential gross floor area ¹ multiplied by the proportion of gross floor area that exceeds the maximum gross floor area allowed by base entitlements $\text{Non-Residential GFA} \times \left(\frac{\text{Proposed FAR} - \text{Allowed Base FAR}}{\text{Proposed FAR}} \right)$	Number of units multiplied by the proportion of gross floor area that exceeds the maximum gross floor area allowed by base entitlements $\text{Proposed Units} \times \left(\frac{\text{Proposed FAR} - \text{Allowed Base FAR}}{\text{Proposed FAR}} \right)$
Additional Height (Feet)	Non-residential gross floor area ⁴ multiplied by the proportion of Comprehensive Floor Area (CFA) ⁵ that exists above the height allowed by base entitlements $\text{Non-Residential GFA} \times \left(\frac{\text{CFA of any space above the base height limit}}{\text{CFA}} \right)$	Number of units multiplied by the proportion of Comprehensive Floor Area (CFA) ⁵ that exists above the height allowed by base entitlements $\text{Proposed Units} \times \left(\frac{\text{CFA of any space above the base height limit}}{\text{CFA}} \right)$

Affordable Housing Bonus

23-4E-5040 Alternatives to On-site Production of Affordable Units for Residential Developments

- (C) **Housing Fee in-Lieu.** Subject to approval from the director, an applicant may pay a fee in-lieu of providing the affordable units on site. The fee-in-lieu is calculated by multiplying the number of affordable units that are required in this division by the corresponding residential housing fee-in-lieu per unit, which is set by separate ordinance in effect on the day the project's site plan is submitted.
- (D) **Off-site Production.**
- (1) Off-site production of affordable units may be proposed if the off-site production of affordable units produces more affordable units or a greater community benefit, subject to approval by the director.
- (E) **Land Dedications.** If approved by the director, an applicant may dedicate land as an alternative to on-site production of affordable units. The land the applicant dedicates must be located within one mile of the property seeking the bonus, within a high opportunity area, in an area that allows the city to meet one or more of the goals established in the Strategic Housing Blueprint, or that the director determines is suitable for the construction of affordable units and is of equivalent or greater value than is produced by applying the housing fee in-lieu. Any dedicated land must be within the full purpose jurisdiction of the City of Austin.

Affordable Housing Bonus – Fee-in-lieu

Developers pay Austin millions to avoid building affordable homes

The city collects millions from developers that pay a "fee in lieu" of providing "affordable" housing. The money is supposed to help provide more units, but is it?

The KVUE Defenders discovered the developers of 54 projects have paid nearly \$8.3 million in “fees in lieu” of affordable housing to the City in the last 15 years. Most of those developments have fewer than 15% affordable units. Seven of them provided no affordable housing units at all.

According to [city records](#), the developer of a project in the Domain paid \$581,536 to avoid providing affordable units. The developer of [The Independent](#) paid the City \$2,477,490 in fees not to provide affordable units. The lowest-priced condo there is selling for \$529,000 and gets you less than 700 square feet of living space.

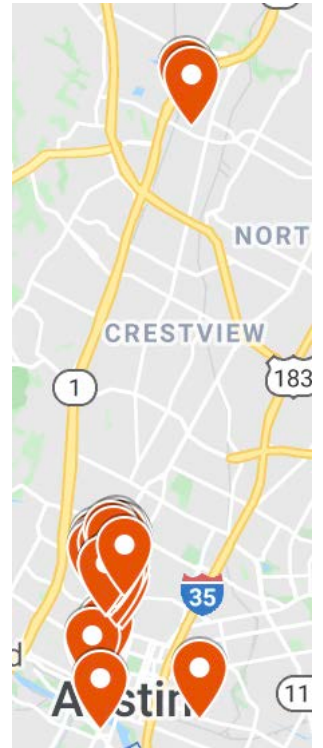
Lorenz said an increase in the "fees in lieu" of affordable housing would only be passed on.

“It would just simply mean a higher fee would be attached to the development which means you raise your prices,” Lorenz said.

<https://www.kvue.com/article/money/economy/boomtown-2040/affordable-housing-homes-austin-developers-can-pay-fee/269-dd590fbb-6a7b-432c-825d-fb74a4145c05>

The [Downtown Commission](#) met last week following a [KVUE Defenders investigation](#) about the "fee in lieu" system. The new proposal would increase those fees to \$12 per square foot. Right now, developers pay between \$3 and \$10 per square foot.

<https://www.kvue.com/article/money/economy/boomtown-2040/defenders-proposals-would-increase-developer-fees-and-allow-taller-buildings-in-downtown-austin/269-7426f91b-663a-4d34-9f23-f7ce412f0c94>

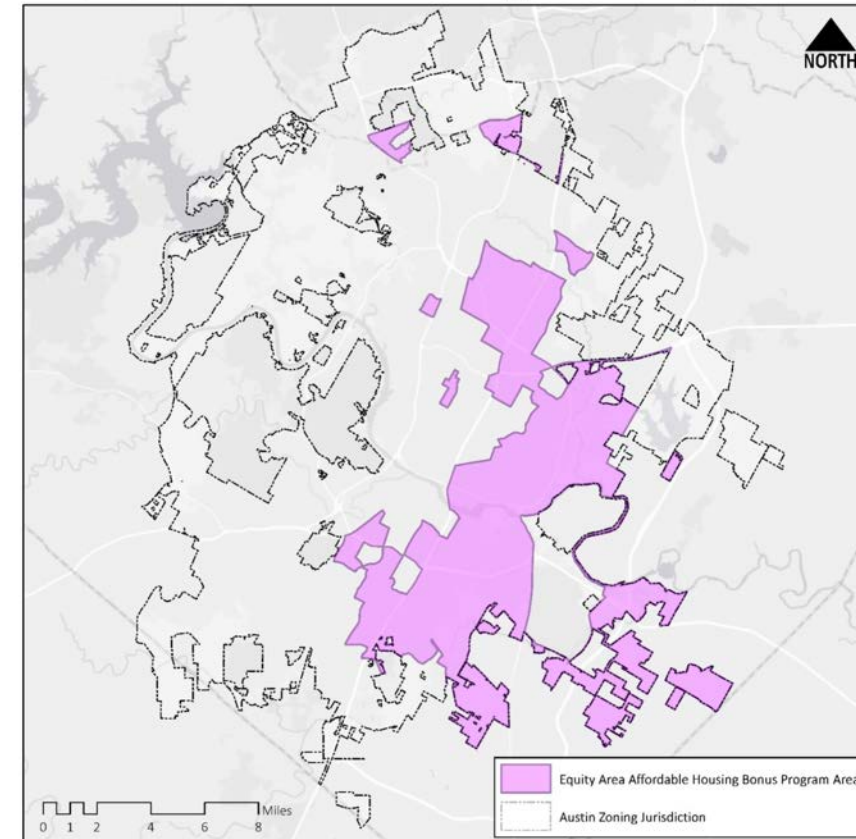


Equity Overlay

The equity overlay applies to multifamily rental housing only, not owner or renter occupied single-family homes or duplexes

- (B) **Pre-Existing Multi-family.** A proposed development on a site with an existing multi-family structure or a site that included multi-family structures within the last five years is eligible for a bonus if:
- (1) The proposed development will include the same number of or more dwelling units than what is currently on the site or was on the site;
 - (2) The applicant provides current tenants with:
 - (a) Relocation benefits that are consistent with Federal Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, 42 U.S.C.A. 4601, et seq.; and
 - (b) The option to lease a unit of comparable affordability and size following completion of redevelopment; and
 - (3) City Council approves the development for the bonus in accordance with 23-4E-4040 (Council Approval Process).

Equity Area Affordable Housing Bonus Program Area



"Vulnerable Areas" are identified by the 2018 University of Texas Uprooted Study. Vulnerable areas have higher concentrations of populations that are at risk to displacement through gentrification than the rest of Austin.

Five factors are used to determine a neighborhood's vulnerability to displacement through gentrification:

- percent of people who are renters
- percent people of color
- percent of people 25 years and older with no bachelor's degree
- percent of children in poverty
- percent of people making less than 80% of the median family income

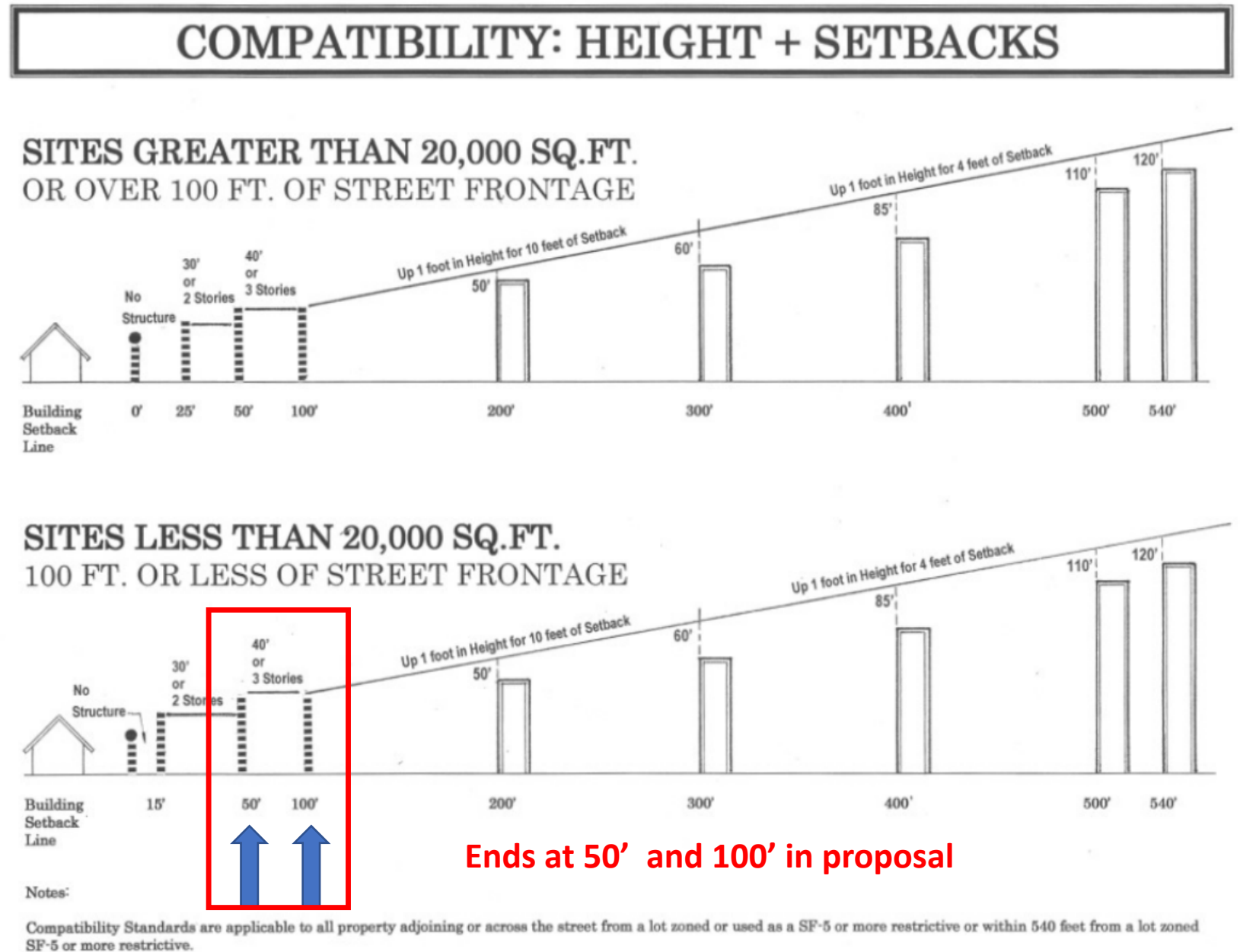
Figure 23-4E-4030(1) Equity Area Affordable Housing Bonus Program Area

Compatibility

Current & CodeNEXT V5 Height Compatibility

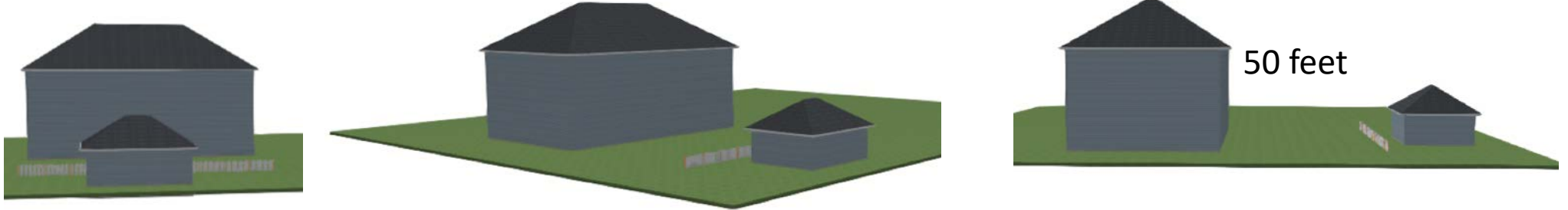
Current Compatibility Standards Illustrated

See Truncation in red circle



Compatibility – MS2, MU3, MU4, MU5

Current



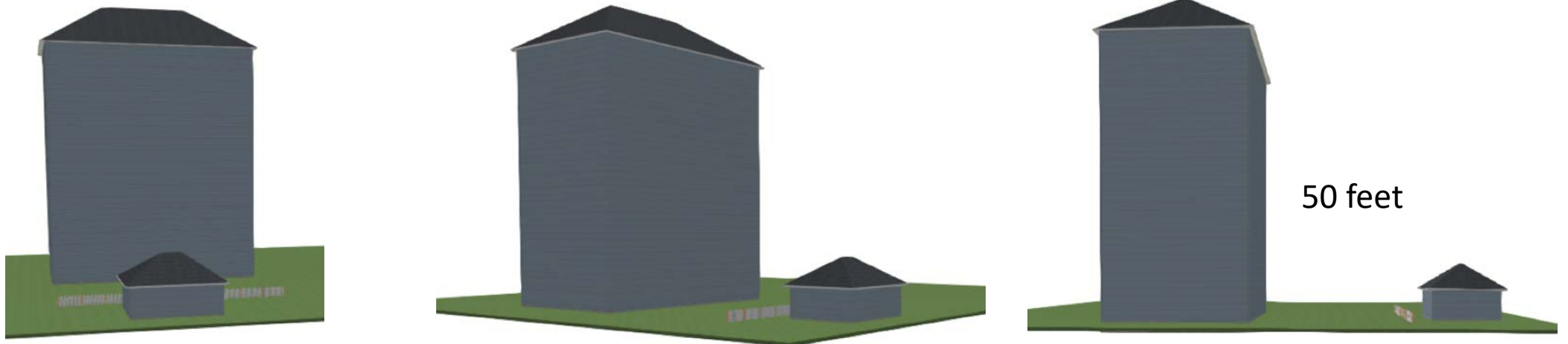
Comprehensive Plan says:

HN A19

Ensure harmonious and compatible transitions between neighborhoods and adjacent commercial, mixed-use, and denser housing by regulating setbacks, building mass and height, and other design elements and uses.

For homes to be zoned R3 or less next to properties zoned MS2A or MS2B or MU3, MU4 or MU5

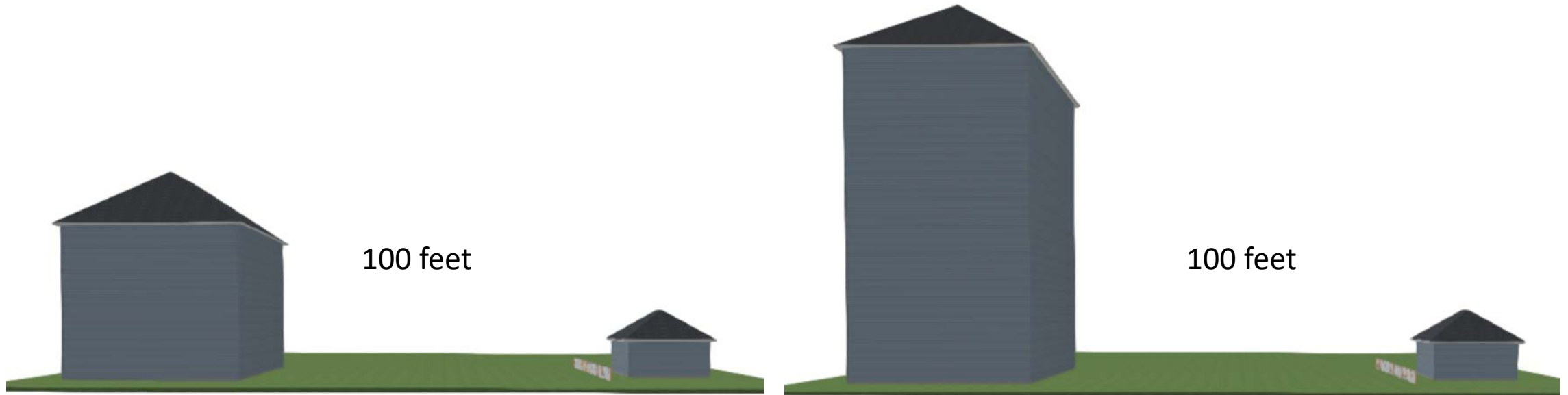
CodeNEXT V5



Compatibility – R3 or less next to MS3

Current

CodeNEXT V5



For homes to be zoned R3 or less next to properties zoned MS3

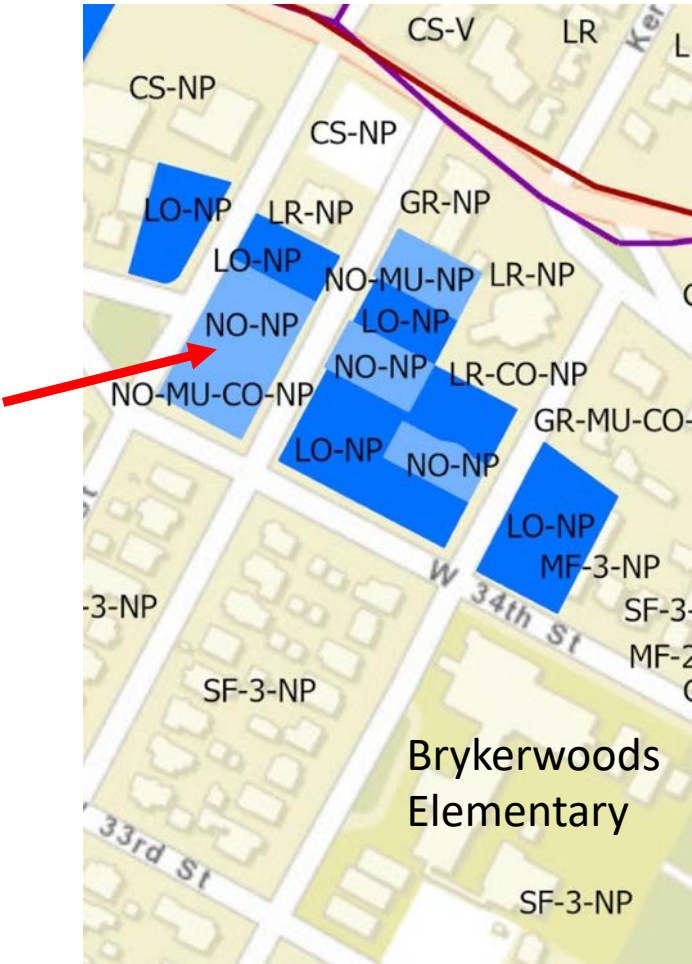
Office Zoning

Current Office Zoning

There is no strictly office zoning proposed in CodeNEXT V5 (LDC Version2), so the current office zoning have all been rezoned to MU or MS, zoning which also allows additional uses such as restaurants and retail, that have different operating characteristics than offices.

Of particular impact will be offices in the NO category, which were often neighborhood homes converted to offices. No has considerably more constrained site development standards than any of the proposed MU or MS zones.

NO Neighborhood Office	Lot		Massing	
	Minimum Lot Size	5,750 sq ft	Maximum Height	35 ft
	Minimum Lot Width	50 ft		or 2 stories
	Maximum Building Coverage	35%	Minimum Setbacks	
	Maximum Impervious Cover	60%	Front yard	25 ft
	Maximum Floor Area Ratio	.35:1	Street side yard	15 ft
			Interior side yard	5 ft
			Rear yard	5 ft



MS and MU: Housing & Intensification

Constrained Housing in MU and MS

77% Acreage of MS Zoning and 75% of MU Zoning is not allowed to build housing without bonus participation

(d) **“Q” Designation.** For zones with the “Q” designation all dwelling units are counted as bonus units.

(e) **“V” Designation.** For zones with the “V” designation all dwelling units are counted as bonus units.

(2) “Q” Zone Designation.

(a) Notwithstanding the base zone regulations established in this division, the base units per acre for an allowed residential use in the “-Q” designation is zero.

(b) Where participation in an affordable housing density bonus program is authorized under Article 23-4E (Affordable Housing), the total number of dwelling units permitted within the “-Q” designation may not exceed the sum of the base dwelling units per acre and the bonus units per acre, as listed in the Table (A)(Lot Size and Intensity) for the applicable base zone.

(3)“V” Zone Designation. Property with the “-V” designation is subject to the requirements for the applicable MS zone, as provided in this division, and to the affordable housing program requirements applicable to the “-V” designation under Article 23-4E (Affordable Housing).

(4)“W” Zone Designation. Notwithstanding the use classifications established Section 23-3C-6030 (Allowed Uses and Permit Requirements), residential uses are not permitted on parcels with the “-W” designation.

zonems	sqftms	zonemscon	sqftmscon	zonemu	zonemusqft	zoneconmu	conmusqft
MS2A	652404.598	MS2A-H-Q	32243.4639	MU1	1542781.97	MU1-Q	920628.436
MS2A-H	10273.8769	MS2A-Q	2025208.23	MU1-H	6207.16055	MU1-Q-H	28553.1854
MS2A-HD	6615.14106	MS2A-V	333051.451	MU1-HD	6188.76192	MU1-V	174447.625
MS2B	3484697.18	MS2B-H-V	2609.70581	MU2	3373850.36	MU2-H-V	16067.8685
MS2B-H	42358.8213	MS2B-Q	2761446.33	MU2-H	25933.0617	MU2-Q	3174004.83
MS3	6303591.7	MS2B-V	3636183.16	MU2-HD	9561.37751	MU2-Q-H	18621.5536
MS3-H	48893.8922	MS3-H-Q	56993.4974	MU3	21062501.9	MU2-Q-HD	8676.00382
MS3-HD	23951.7011	MS3-Q	13726334.3	MU3-H	108756.698	MU2-V	915435.565
		MS3-V	13110967.7	MU3-HD-H	29204.1659	MU3-Q	95088078.2
				MU4	16850865.8	MU3-Q-H	120273.652
sum	10572786.9		35685037.9	MU4-H	96782.3188	MU3-V	3834871.4
				MU5A	48358693.4	MU4-Q	58162073.2
%constrained	77.14%			MU5A-H	37969.0168	MU4-Q-H	28390.0386
				MU5A-HD	46015.8891	MU4-V	4724675.44
				MU5B	92378419.6	MU5A-Q	111522331
				MU5B-H	307882.733	MU5A-Q-H	7903.59004
						MU5A-V	28326077.6
						MU5B-Q	226166009
						MU5B-Q-H	183133.147
						MU5B-V	13743304.1
				sum	184241614		547163556
				%constrained	74.81%		

Constrained Housing in MU and MS

- (i) Maintain the thresholds for participation in the density bonus program applicable to commercial zones in which residential uses were not allowed prior to the effective date of this Title; and
- (d) **"Q" Designation.** For zones with the "Q" designation all dwelling units are counted as bonus units.
- (e) **"V" Designation.** For zones with the "V" designation all dwelling units are counted as bonus units.
- (1) **"V" Designation.** Developments applying for a density bonus that have a "V" designation are ineligible for any alternatives to on-site affordable units in residential developments. The total of their affordable residential unit requirement must be delivered through on-site income-restricted affordable units.

Housing in MU and MS

Dark Purple is MU no housing allowed without participation in their bonus program.

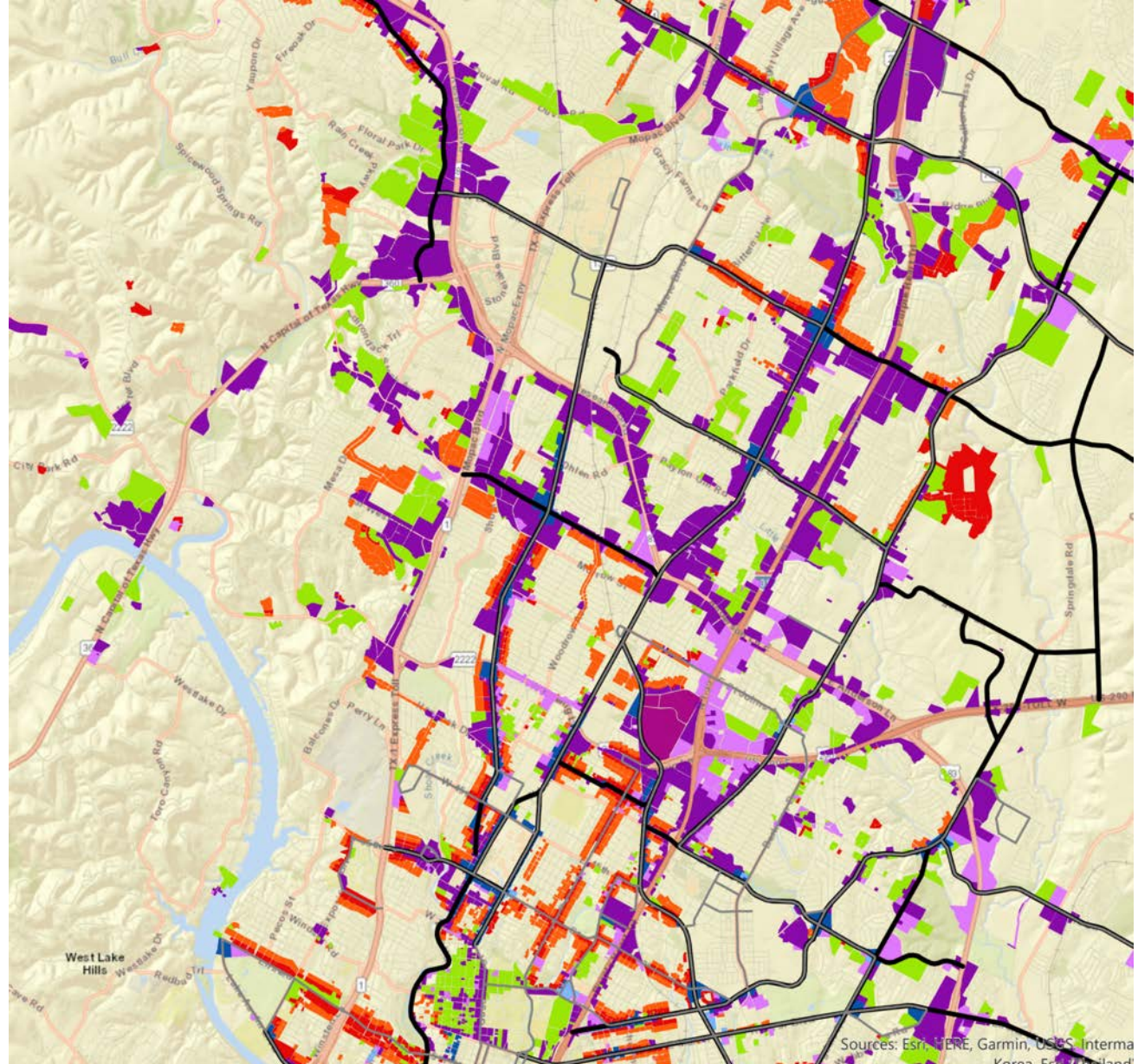
Light Purple is MU housing allowed

Dark Blue is MS no housing allowed without participation in their bonus program

Light Blue is MS housing allowed

Green in RM2-5 (Apartment housing)

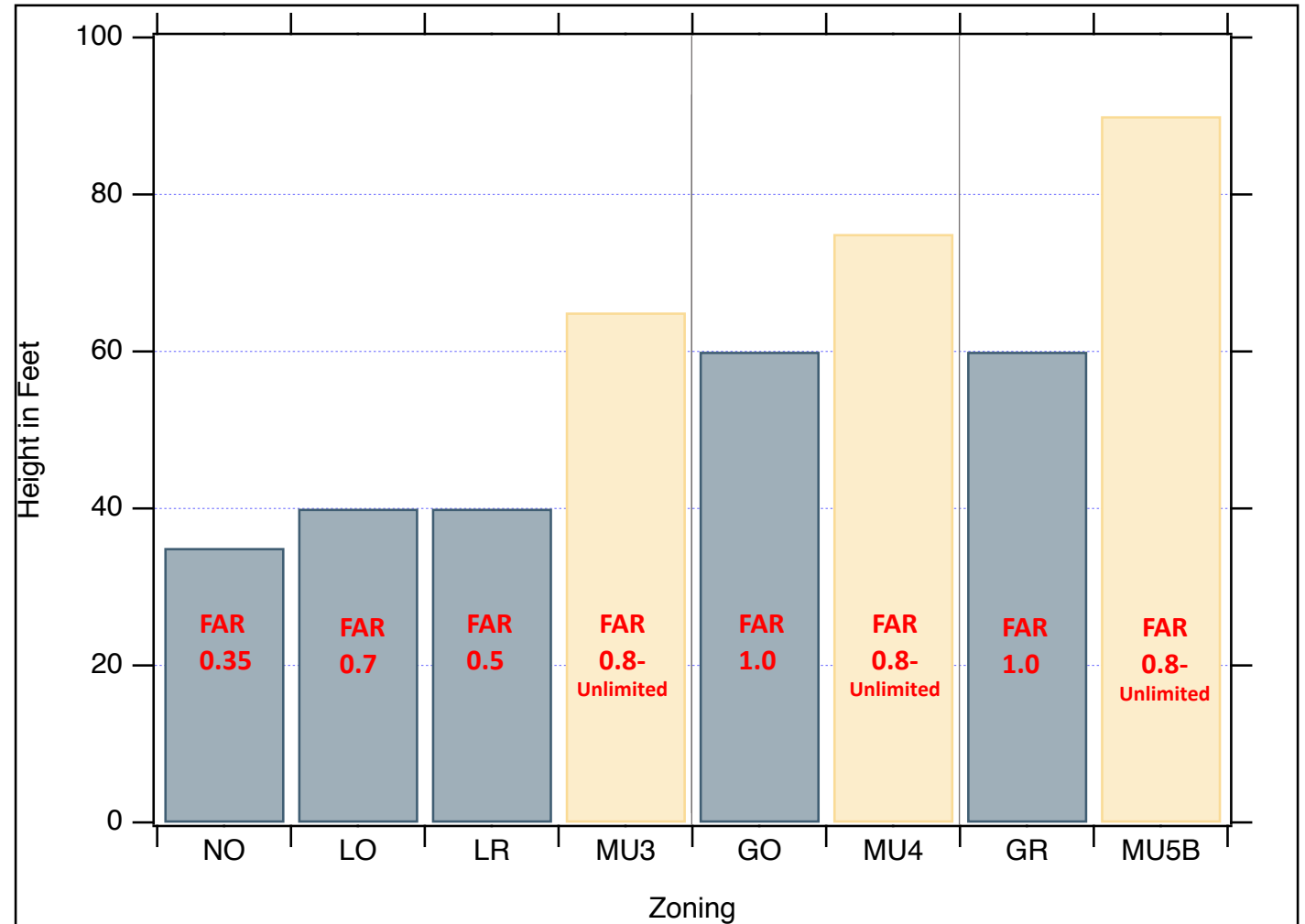
Orange and Red are transition zone - R4 and RM1



Intensification of Commercial Zoning

COA Comparable Equivalency Title 25 (current - grey) and Title 23 (proposed - buff) showing Height and FAR differences

Title 25 Zone	Conversion Rules		Title 23 Zone
— Commercial			
NO LO LR	Comparable Equivalency →		MU3
	Mixed Use & Main	Rule C.2.b →	MS2
		Rule C.1.a →	MU1
GO	Comparable Equivalency →		MU4
	Mixed Use & Main Street Zones	Rule C.2.a →	MS3
		Rule C.1.b →	MU2
GR CS CS-1	Comparable Equivalency →		MU5B
	Mixed Use & Main Street	Rule C.1.a →	MU5A
		Rule C.2.a →	MS3
		Rule C.2.b →	MS2
	Rule D (Regional Center Zones) →		UC60



FLOOR AREA RATIO (FAR). The ratio of gross floor area to gross site area.

Conversion table: [http://www.austintexas.gov/sites/default/files/files/LandDevCodeRev/Zone%20Conversion%20Table%20%2B%20Rules%20\(02-28-20\).pdf](http://www.austintexas.gov/sites/default/files/files/LandDevCodeRev/Zone%20Conversion%20Table%20%2B%20Rules%20(02-28-20).pdf)

Current zoning https://www.austintexas.gov/sites/default/files/files/Planning/zoning_guide.pdf

Proposed zoning <http://www.austintexas.gov/department/land-development-draft-code-map#text>

Bar Zoning

Bar Zoning

Currently, 682 acres of land in the city outside of downtown are zoned for bar use, in the proposed map 32, 976 acres are zoned for bar used. That is an increase of 4830%

including downtown	1446050967	33196.76232	including downtown	43966453.3	1009.33088
outside of downtown	1436458106	32976.54055	outside of downtown	29739613.2	682.727576
		4830.12%			
		increase in bar zoning			

*“There are numerous studies that show an area with more alcohol establishments is likely to have a higher rate of violent crime,” Toomey said. According to Toomey, results of this study, combined with earlier findings, provide more evidence that **community leaders should be cautious about increasing the density of alcohol establishments within their neighborhoods.***

“The Association Between Density of Alcohol Establishments and Violent Crime Within Urban Neighborhoods,” will be published in the August 2012 issue of Alcoholism: Clinical & Experimental Research (Toomey)

http://www.youtube.com/watch?v=UHC_WFU7ObY&feature=youtu.be



Trees

Heritage Trees

Administrative Approval for removal of Heritage Trees

- (B) The director may grant an administrative modification from Section 23-4C-3010 (Removal or Impact Prohibited) to remove or impact a heritage tree that does not have at least one stem that is 30 inches in DBH or larger after determining, based on the city arborist's recommendation, that the heritage tree meets the criteria in Subsection 23-4C-2040(A) (Protected Trees), and that:
- (1) The applicant has applied for and been denied a variance, waiver, exemption, modification, or alternative compliance from another City Code provision which would eliminate the need to remove the heritage tree, as required in Section 23-4C-3060 (Variance Prerequisite); and
 - (2) Removing or impacting the heritage tree is not the result of a method chosen by the applicant to develop the property, unless the design will allow for the maximum provision of ecological service, historic, and cultural value of other trees on the site.
- (C) For a property that fronts a Transit Priority Network (TPN) designated by Division 23-3A-5 (Growth Concept Map and Transit Priority Network), the director may grant an administrative modification from Section 23-4C-3010 (Removal or Impact Prohibited) to remove or impact a heritage tree that has at least one stem that is 30 inches DBH or larger after determining, based on the city arborist's recommendation, that the heritage tree meets the criteria in Subsection 23-4C-2040(A) (Protected Trees), and that:
- (1) At least 50 percent of the development gross square footage is for residential use;
 - (2) At least 10 percent of the on-site units participate in income-restricted housing;
 - (3) Transplanting the heritage tree is not feasible due to tree condition;
 - (4) The applicant has applied for and been denied a variance, waiver, exemption, modification, or alternative compliance from another City Code provision which would eliminate the need to remove the heritage tree, as required in Section 23-3C-3060 (Variance Prerequisite); and
 - (5) Removing or impacting the heritage tree is not the result of a method chosen by the applicant to develop the property, unless the design will allow for the maximum provision of ecological service, historic, and cultural value of other trees on the site or requirements.

< 30 inches one stem

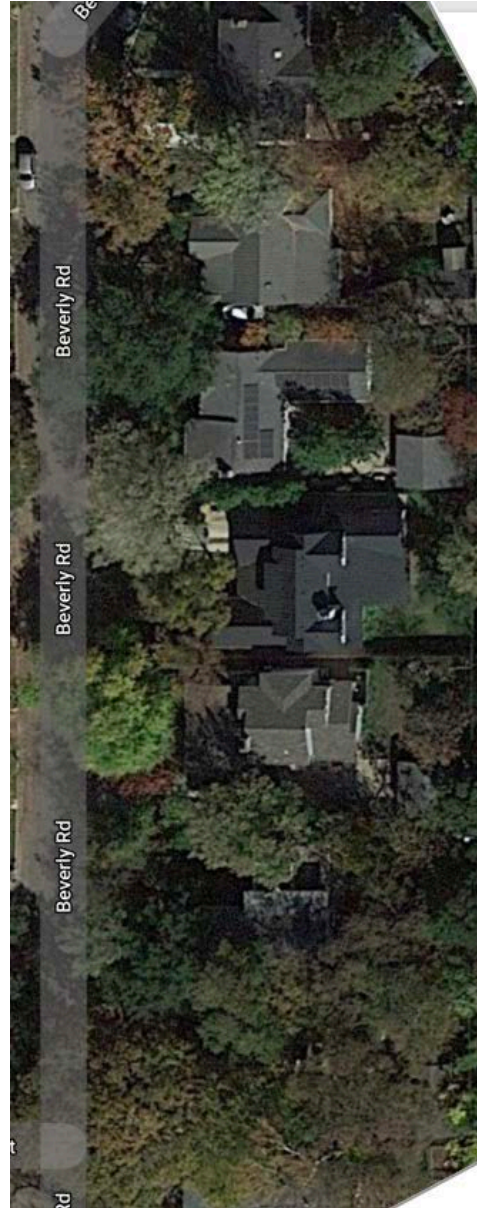
> 30 inches one stem
On TPN (such as Duval)

Other Trees

There are only 3 residential house scale zonings with setback that are equal to current front setbacks. Those are RR, LA and R2A.

R1, R2B, R2C, R3, R4 all have shorter setbacks either 10 or 15 feet. That means that redevelopment would encroach upon the typical location of front yard trees.

Existing
Neighborhood



Short Setback
Redevelopment
Neighborhood



Parks & Open Space

Parkland Dedication

V2 amendments – fee for < 6 acre sites

Current: Parkland required in Park
Deficient areas

Parkland Dedication or Fee in Lieu

A subdivision or site plan applicant shall provide for the parkland needs of the residents by the dedication of suitable land for park and recreation purposes or by payment of a fee in-lieu of land. The City may require dedication of land if the proposed development is in a park-deficient area. An interactive Deficient Park Area Map depicting areas that the director of the Parks and Recreation Department has determined lack sufficient parkland can be viewed on the [Property Profile GIS Viewer](#). To view the parkland deficient area feature class on Property Profile, click on Change visible map layers in the Search & Identify Data tab near the top, clicking on the plus sign next to Long Range Planning on the left panel, checking the box next Parkland Deficient Area, and zooming in until that layer appears

An area is considered park-deficient if there is no park, private parkland open to the public, or school park within ¼ mile inside the [parkland dedication urban core](#) or within ½ mile outside the urban core. Inside the urban core, land dedication is capped at 15% of the gross site area unless the Land Use Commission approves increased land dedication to address a critical park shortage or provide connectivity.

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

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

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

Council can change
map

City Council amends map

1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30 31 32 33 34 35 36 37 38 39 40 41 42 43 44 45 46 47 48 49 50 51 52 53 54 55 56 57 58 59 60 61 62 63 64 65 66 67 68 69 70 71 72 73 74 75 76 77 78 79 80 81 82 83 84 85 86 87 88 89 90 91 92 93 94 95 96 97 98 99 100 101 102 103 104 105 106 107 108 109 110 111 112 113 114 115 116 117 118 119 120 121 122 123 124 125 126 127 128 129 130 131 132 133 134 135 136 137 138 139 140 141 142 143 144 145 146 147 148 149 150 151 152 153 154 155 156 157 158 159 160 161 162 163 164 165 166 167 168 169 170 171 172 173 174 175 176 177 178 179 180 181 182 183 184 185 186 187 188 189 190 191 192 193 194 195 196 197 198 199 200 201 202 203 204 205 206 207 208 209 210 211 212 213 214 215 216 217 218 219 220 221 222 223 224 225 226 227 228 229 230 231 232 233 234 235 236 237 238 239 240 241 242 243 244 245 246 247 248 249 250 251 252 253 254 255 256 257 258 259 260 261 262 263 264 265 266 267 268 269 270 271 272 273 274 275 276 277 278 279 280 281 282 283 284 285 286 287 288 289 290 291 292 293 294 295 296 297 298 299 300 301 302 303 304 305 306 307 308 309 310 311 312 313 314 315 316 317 318 319 320 321 322 323 324 325 326 327 328 329 330 331 332 333 334 335 336 337 338 339 340 341 342 343 344 345 346 347 348 349 350 351 352 353 354 355 356 357 358 359 360 361 362 363 364 365 366 367 368 369 370 371 372 373 374 375 376 377 378 379 380 381 382 383 384 385 386 387 388 389 390 391 392 393 394 395 396 397 398 399 400 401 402 403 404 405 406 407 408 409 410 411 412 413 414 415 416 417 418 419 420 421 422 423 424 425 426 427 428 429 430 431 432 433 434 435 436 437 438 439 440 441 442 443 444 445 446 447 448 449 450 451 452 453 454 455 456 457 458 459 460 461 462 463 464 465 466 467 468 469 470 471 472 473 474 475 476 477 478 479 480 481 482 483 484 485 486 487 488 489 490 491 492 493 494 495 496 497 498 499 500 501 502 503 504 505 506 507 508 509 510 511 512 513 514 515 516 517 518 519 520 521 522 523 524 525 526 527 528 529 530 531 532 533 534 535 536 537 538 539 540 541 542 543 544 545 546 547 548 549 550 551 552 553 554 555 556 557 558 559 560 561 562 563 564 565 566 567 568 569 570 571 572 573 574 575 576 577 578 579 580 581 582 583 584 585 586 587 588 589 590 591 592 593 594 595 596 597 598 599 600 601 602 603 604 605 606 607 608 609 610 611 612 613 614 615 616 617 618 619 620 621 622 623 624 625 626 627 628 629 630 631 632 633 634 635 636 637 638 639 640 641 642 643 644 645 646 647 648 649 650 651 652 653 654 655 656 657 658 659 660 661 662 663 664 665 666 667 668 669 670 671 672 673 674 675 676 677 678 679 680 681 682 683 684 685 686 687 688 689 690 691 692 693 694 695 696 697 698 699 700 701 702 703 704 705 706 707 708 709 710 711 712 713 714 715 716 717 718 719 720 721 722 723 724 725 726 727 728 729 730 731 732 733 734 735 736 737 738 739 740 741 742 743 744 745 746 747 748 749 750 751 752 753 754 755 756 757 758 759 760 761 762 763 764 765 766 767 768 769 770 771 772 773 774 775 776 777 778 779 780 781 782 783 784 785 786 787 788 789 790 791 792 793 794 795 796 797 798 799 800 801 802 803 804 805 806 807 808 809 810 811 812 813 814 815 816 817 818 819 820 821 822 823 824 825 826 827 828 829 830 831 832 833 834 835 836 837 838 839 840 841 842 843 844 845 846 847 848 849 850 851 852 853 854 855 856 857 858 859 860 861 862 863 864 865 866 867 868 869 870 871 872 873 874 875 876 877 878 879 880 881 882 883 884 885 886 887 888 889 890 891 892 893 894 895 896 897 898 899 900 901 902 903 904 905 906 907 908 909 910 911 912 913 914 915 916 917 918 919 920 921 922 923 924 925 926 927 928 929 930 931 932 933 934 935 936 937 938 939 940 941 942 943 944 945 946 947 948 949 950 951 952 953 954 955 956 957 958 959 960 961 962 963 964 965 966 967 968 969 970 971 972 973 974 975 976 977 978 979 980 981 982 983 984 985 986 987 988 989 990 991 992 993 994 995 996 997 998 999 1000

23-3A-3030

Zone Boundary or Classification Changes

October 2019

- (A) If a zone boundary, classification, or explanatory note included on the zoning map is changed, the zoning map will be updated within 30 days following the date the ordinance that changes the map is effective.
- (B) A change to the zoning map must comply with this Title.

January 2020

23-3A-3030

Zone Boundary or Classification Changes

- (A) The zoning map may be amended from time to time upon initiative of the City Council or by application filed under Division 23-3B-3 (Zoning Map Designations and Amendments).
- (B) If a zone boundary, classification, or explanatory note included on the zoning map is changed, the zoning map will be updated within 30 days following the date the ordinance that changes the map is effective.
- (C) A change to the zoning map must comply with this Title.



Timelines

Timeline

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

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



Council, City Manager, and staff receive community feedback on CodeNEXT process



Staff Modeling & Testing



Code development, including meeting w/ community

Community Office Hours

- 10/4: Public Release of draft Code & Map
- 10/18: Public Testing
- 10/19 and 10/23: Open Houses
- 10/25: Revised Staff Report

March 2020

- Mar. 24, 2020 - **Public Comment**
- Mar. 28, 2020 - **Public Comment**
- Mar. 31, 2020 - **City Council Special Called Meeting (3rd Reading)**

April 2020

- Apr. 01, 2020 - **City Council Special Called Meeting (3rd Reading)**
- Apr. 02, 2020 - **City Council Special Called Meeting (3rd Reading)**
- Apr. 07, 2020 - **City Council Special Called Meeting (3rd Reading)**

COUNCIL WORK SESSIONS

Council Meetings on CodeNEXT

POLICY DECISION MILESTONES

8/9/2018
Council ends CodeNEXT process

Council Meetings/
Public Comment on Policy Questions

3/15
City Manager asks Council 5 Policy Questions

5/2
Council adopts policy direction to guide Code Revision

5/14
Planning Commission

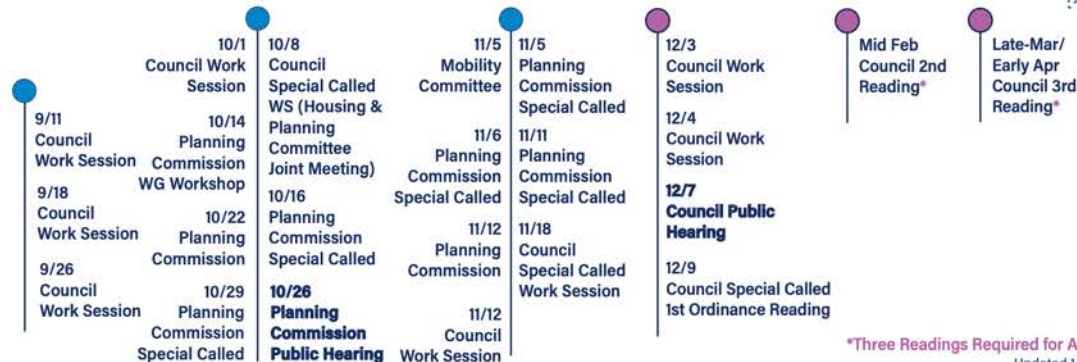
8/13
Housing & Planning Committee

8/20
Council Work Session

8/21
Mobility Committee

8/28
Council Work Session

COUNCIL & COMMITTEE WORK



*Three Readings Required for Adoption
Updated 1/2/2020

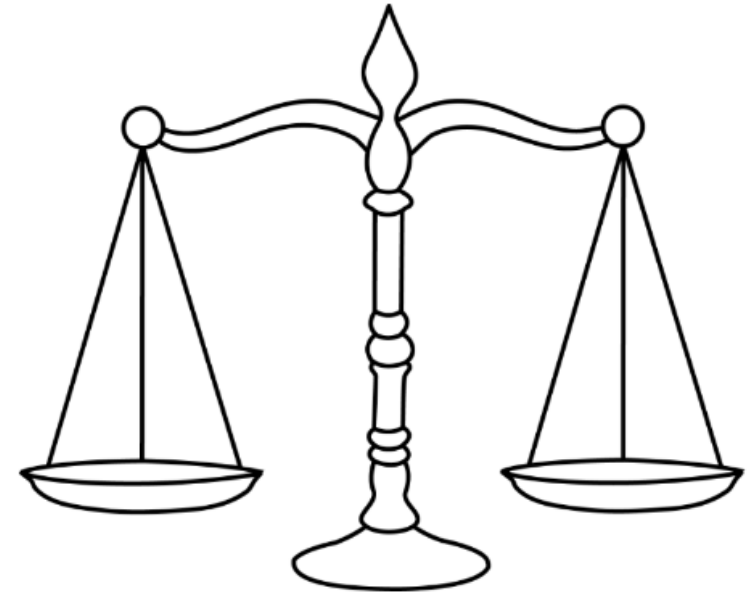
<http://www.austintexas.gov/departments/events/3630>

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Legal Issues

Potential Legal Issues

- Comprehensive Plan
- Spot Zoning
- Regulatory Taking
- Notice and Hearing
- Protest Rights (Valid Petition)
- Planning commission Composition



Protest Rights (Valid Petition)

Texas Local Government Code

Sec. 211.006. PROCEDURES GOVERNING ADOPTION OF ZONING REGULATIONS AND DISTRICT BOUNDARIES

(d) If a proposed change to a regulation or boundary is protested in accordance with this subsection, the proposed change must receive, in order to take effect, the affirmative vote of at least three-fourths of all members of the governing body. The protest must be written and signed by the owners of at least 20 percent of either:

(1) the area of the lots or land covered by the proposed change; or

(2) the area of the lots or land immediately adjoining the area covered by the proposed change and extending 200 feet from that area.

(e) In computing the percentage of land area under Subsection (d), the area of streets and alleys shall be included.

"Many Austinites have not filed their protest rights because of the City Council's and staff's repeated misinformation that they have no protest rights," said Becker. "We fear that if a Court recognizes protest rights, that the City then will contend that residents that didn't file protests in reliance on the City's misstatements have lost their protest rights. Our City government should be better than that."

<https://www.kvue.com/article/money/economy/boomtown-2040/austin-land-development-code-rewrite-lawsuit/269-2067d941-497a-4f78-be2e-a08d2f5cb75c>

If you think you should have protest rights: <https://fileyourprotest.com/>

Deed Restrictions

Deed Restrictions?

▾ What impact will the new zoning regulations have on deed restrictions?

Private deed restrictions are a civil matter enforced by the parties named in the deed such as HOAs or neighborhood associations; neither current or proposed zoning changes this arrangement. The City only enforces deed restrictions the City is a party to.

<http://www.austintexas.gov/ldc/faqs#>

While a deed restriction is a contractual obligation to which the landowner is obligated to abide, it is left to property owners within the same subdivision to spend the time and resources to defend deed restrictions should someone elect to violate them.

Because they typically have no legal standing in regard to deed restrictions, municipalities are usually not very helpful in this regard. The City of Austin entirely ignores deed restrictions in the permitting process. This in turn places neighbors in the unfortunate position of having to defend their deed restrictions using various civil remedies. Their failure to do so might constitute waiver thus nullifying those very restrictions.

Lower income neighborhoods usually do not have the funds necessary to enforce deed restrictions if they have them, so city zoning changes may impact these neighborhoods more profoundly.



The End