



MEMORANDUM

To: Mayor and City Council

From: Gregory I. Guernsey, AICP, Director
Planning and Zoning Department

Subject: CodeNEXT Recommendation Report

Date: May 29, 2018

Please find the attached a copy of the Planning Commission's CodeNEXT Recommendation Report reflecting their final actions taken on Friday, May 25 2018. Staff will update this report with additional information from the meeting minutes and video recordings once it becomes available.

If you have any questions, please contact me at 512-974-2387 or via email at greg.guernsey@austintintexas.gov or Mr. Jorge Rousselin, the CodeNEXT Project Manager at 512-974-2975 or via email at Jorge.rousselin@austintexas.gov.

Att: Recommendation Report and attachments.

cc: Spencer Cronk, City Manager
Joe Pantalion, Interim Assistant City Manager
Jerry Rusthoven, PAZ Assistant Director

**Planning Commission
CodeNEXT Recommendation Report to City Council**

Motion	Passed/ Failed	Vote Tallies			Vote by Commissioner											General or Specific	Section Number	Annotated PC Motion Page No.	Related Exhibit	Broad Topic	Staff Response	Original Planning Commission Motion	Related Planning Commission Motions						
		Ayes	Noes	Abstains	ANDERSON	HART	KAZI	KENNY	MCGRAW	NUCKOLS	OLIVER	SCHISLER	SEGER	SHIEH	THOMPSON									WHITE	SHAW				
21 Original Motion	Section 23-4B-2040 (C) Permitting Decisions. Except as provided in Subsection (A), a decision by the Development Services Director or another responsible director to approve or disapprove a development application because of non-compliance with the zoning code may be appealed to the Board of Adjustment under Article 23-21 (Appeals). Passed	9	2	1																Specific	23-4B-2040							21.11	
22 Original Motion	Change the word "Applicant" to "Owner" in Section 23-4B-3040 Passed	12	0	1																Specific	23-4B-3040							21.14	
23 Original Motion	Change the word "standards" to "regulations" in Section 23-4B-4010(A) and (B) Passed	13	0	0																Specific	23-4B-4010(A) and (B)							21.16	
24 Original Motion	Change the word "standards" to "regulations" in Section 23-4B-4020(B)(1)(c)(iii) Passed	13	0	0																Specific	23-4B-4020(B)(1)(c)(iii)							21.17	
25 Original Motion	Change the word "may" to "shall" in Section 23-4B-4030(C) Passed	13	0	0																Specific	23-4B-4030(C)							21.18	
26 Original Motion	In Section 23-4C-1010(B)(1) and (2), add "and that have a zone that requires it", and strike "four acres" and replace with "eight acres." In 23-4C-1040(B)(3), replace "eight acres" with "twelve acres" Passed	7	6	0															Specific	23-4C-1010(B)(1) and (2) 23-4C-1040(B)(3)							22.5		
28 Substitute Motion	Delete 1020(M)(2) Passed	9	4	0															Specific								22.6		
29 Original Motion	Remove Section 23-4C-1030 Common Open Space Passed	7	6	0															Specific	23-4C-1030							22.7 22.8 22.9 22.10 22.12 22.13 22.14 22.15 22.16 22.29		
30 Original Motion	Replace language in Section 23-4C-1040(B)(3) with: An application for a site plan or subdivision is not required to provide Civic open space when the site is: i) less than two acres, ii) located within one-quarter mile of a safe pedestrian travel distance of an existing and developed dedicated parkland that is at least one acre, measured from the boundary of the site to the nearest public entrance of the park, and iii) not located in a Park Deficient Area as determined by the Parks and Recreation Department. Failed	1	12	0															Specific										
30 Substitute Motion	Replace language in Section 23-4C-1040(B)(3) with: An application for a site plan or subdivision is not required to provide Civic open space when the site is: i) less than four acres, ii) located within one-quarter mile of a safe pedestrian travel distance of an existing and developed dedicated parkland that is at least one acre, measured from the boundary of the site to the nearest public entrance of the park, and Failed	4	8	1															Specific	23-4C-1040(B)(3)							22.17	22.21	
31 Original Motion	Replace language in Section 23-4C-1040(B)(4) with: An applicant shall locate each residential lot within: (a) one-quarter mile of a safe pedestrian travel distance from existing or proposed civic open space if the development is located within the urban core; and (b) a half mile of a safe pedestrian travel distance from existing or proposed civic open space if the development is located outside of the urban core Add a definition of "safe pedestrian travel" Passed	11	0	2															Specific	23-4C-1040(B)(4)							22.18		
31 Substitute Motion	Strike Section 23-4C-1040(B)(4) Withdrawn	-	-	-															Specific	23-4C-1040(B)(4)							22.18		
32 Original Motion	Strike Section 23-4C-1040 and all of Section 23-4C-2 Failed	5	8	0															Specific	23-4C-1040 and all of 23-4C-2							22.20		
33 Original Motion	Revise the purpose statement in Section 23-4C-2010 to: This division sets the requirements for a wide range of civic open space types that are appropriate for the City. Civic Open Space aligns with Imagine Austin Priority "Use green infrastructure to protect environmentally sensitive areas and integrate nature into the city" and will ensure adequate open spaces are incorporated into comprehensive plan developments creating complete communities. Failed	3	10	0															Specific	23-4C-2010							22.26		
34 Original Motion	Strike Section 23-4C-2050(D) Passed	7	6	0															Specific	23-4C-2050(D)							22.31	22.32	
35 Substitute Motion	Where appropriate for the nature of the Civic Open Space, the design shall make shade an integral feature for people utilizing the civic space. Passed	8	4	1															Specific	23-4C-2050(E)							22.33		
36 Original Motion	100% reduction in parking for properties located within a TOD Passed	9	3	0															Specific								22.34		
36 Amendment to Original Motion	Add the following language from current code on CBD/DMU Parking: Except for a use occupying a designated historic landmark or an existing building in a designated historic district, off-street motor vehicle parking for persons with disabilities must be provided for a use that occupies 6,000 square feet or more of floor space under the requirements of this paragraph. (a) The following requirements apply if no parking is provided for a use, other than parking for persons with disabilities: (i) the minimum number of accessible parking spaces is calculated by taking 20 percent of the parking required for the use under Appendix A (Tables of Off -Street Parking and Loading Requirements) and using that result to determine the number of accessible spaces required under the Building Code. The accessible spaces may be provided on - or off-site, within 250 feet of the use. (ii) The director may waive or reduce the number of accessible spaces required under Paragraph (2)(a)(i) if the applicant pays a fee in lieu to be used by the city to construct and maintain accessible parking in the vicinity of the use. Passed	10	1	1															Specific								22.34		
37 Original Motion	100% reduction of parking for properties located within UNO Passed	7	4	1															Specific	23-4D-9130							22.34		
38 Original Motion	List "Live Music Venue" as a separate use that is permitted in all the same use tables with the same permission standards as "Performance Venue/ Theater," but without the requirements for alcohol sales. Define in Definitions Passed	13	0	0															General								23.1		
40 Original Motion	Whatever the compatibility trigger is, setbacks and setbacks both start at the triggering property's lot line (regardless of an alley) Divided	-	-	-															General								23.2	23.20	
40 Divided Original Motion 1	Whatever the compatibility trigger is, setbacks start at the triggering property's lot line Passed	13	0	0															General								23.145	23.170	
40 Divided Original Motion 2	Whatever the compatibility trigger is, setbacks start at the triggering property's lot line (regardless of an alley) Passed	13	0	0															General								23.2	23.193	

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Motion	Passed/ Failed	Vote Tallies			Vote by Commissioner											General or Specific	Section Number	Annotated PC Motion Page No.	Related Exhibit	Broad Topic	Staff Response	Original Planning Commission Motion	Related Planning Commission Motions				
		Ayes	Noes	Abstains	ANDERSON	HART	KAZI	KENNY	MCGRAW	NUCKOLS	OLIVER	SCHISLER	SEGER	SHIEH	THOMPSON									WHITE	SHAW		
50 Original Motion	Increase the base heights and bonus heights for Mixed Use and Main Street zones per Kenny's Exhibit 1 - Page 3 and 4 of 29	Failed	6	7	0														General			Kenny Exhibit 1 - Page 3 and 4 of 29			23.24		
51 Original Motion	Require a CUP for all Bars/ Nightclubs (Level 2 only) within 200 feet of a Residential zone rather than permitting by-right. Beyond 200 feet remains permitted by-right.	Passed	8	3	2														General						23.28	23.274	
51 Amendment to Original Motion	Add specific language in Specific to Use section for Bars and Nightclubs	Passed	11	0	2														General								
52 Original Motion	Allow any non-permitted alcohol uses in Draft 3 (Level 1 or Level 2) as a CUP within the MS zones, except MS1A and MS2A	Passed	11	0	2														General								
52 Original Motion	Amend Section 23-4B-1030 Minor Use Permits to allow an appeal to City Council if Planning Commission does not approve by 2/3	Failed	4	9	0														Specific	23-4B-1030						23.30	
53 Original Motion	For Residential Zones that allow an ADU Preservation Incentive, change the name to ADU "Streetscale Incentive," and change the word "preserved" to "conserved." Add the definition of the word "conserved" to the definitions section	Passed	11	2	0														General							23.33	
54 Original Motion	Apply the Street Scale Incentive (formerly the Preservation Incentive) to all Residential zones	Passed	12	1	0														General							A-23.33.1	23.77 57.3
56 Original Motion	Reduce the number of uses to single family, two family, and multi-family	Divided	-	-	-																						
	Create a comparable Residential zone that maintains the 5,750 minimum lot size and a minimum 50 foot lot width	Divided	-	-	-																						
	Divided Original Motion 1	Divided Original Motion with Amendments 1 and 2	Failed	6	6	1																					
	Divided Original Motion 2	Divided Original Motion with Amendment 1 only	Failed	4	8	1																					
56 Amendment to Divided Original Motion 1	Use the "unit" instead of "family"	Passed	12	1	0																						
56 Amendment to Divided Original Motion 2	Leave "ADU" as a permitted use	Passed	8	4	1																						
56 Divided Original Motion 2	Create a comparable Residential zone that maintains the 5,750 minimum lot size and a minimum 50 foot lot width	Taken up under separate action	-	-	-														General			White Exhibit 1 - Page 35 of 48, Items A and B				23.35	
57 Original Motion	Create comparable R zones in R1 and R2 that maintain the 5750 sf minimum lot size and a minimum 50' lot width. Number of zones to be created is to be determined by staff.	Divided	-	-	-																						
57 Divided Original Motion 1	Direct staff to map all existing 5750 as the proposed new zone.	Passed	7	6	0																						
57 Divided Original Motion 2	Create comparable R zones in R1 and R2 that maintain the 5750 sf minimum lot size and a minimum 50' lot width. Number of zones to be created is to be determined by staff.	Failed	2	9	2																						
57 Substitute Motion	Direct staff to map all existing 5750 as the proposed new zone.	Failed	2	9	2																						
58 Original Motion	Leave all R1B, R1C, and R2C zones as 5,750 sf minimum	Failed	3	8	2														General			White Exhibit 1 - Page 35 of 48, Item B				23.37	23.35
58 Original Motion	Revise the purpose statement in Section 23-4D-2010 to: This division establishes the land use and building form requirements for property zoned residential house-scale. The requirements are intended to implement the Comprehensive Plan and address the social and environmental values described in 23-1A-1020. are intended to ensure that proposed development is compatible with existing and future development on neighboring properties. Additionally, the requirements are intended to produce an environment of desirable character, consistent with the Comprehensive Plan and any applicable area plan.	Failed	6	7	0														Specific	23-4D-2010						23.159 23.160 23.185 23.191 23.207	
59 Original Motion	Allow a three units, attached or detached, as a residential use in the R3 zones. Exact definition and alterations to Use Tables to be determined by staff.	Passed	10	3	0														General							23.43	
60 Original Motion	Remove Single-Family Attached as an allowed use in the R2A, R2B, R2C, R3A, and R3B zones	Divided																		23-4D-2100							
60 Divided Original Motion 1	Remove Single-Family Attached as an allowed use in the R2A, R2B, and R2C zones	Failed	6	N/A	N/A															23-4D-2110							
60 Divided Original Motion 2	Remove Single-Family Attached as an allowed use in the R3A and R3B zones	Failed	2	8	3														Specific	23-4D-2120						23.76	
61 Original Motion	Add clarifying/ symbolic language to the Use Tables regarding the allowance and permitted timeframes of STRs	Passed	12	1	0														General							23.44	23.81
62 Original Motion	Add a "Small Lot Single Family Use" as a permitted use in R2C, R2D, and R2E with the following development standards: min. lot size: 2500 sf. max lot size: 4999sf min. lot width: 36' Building Size (max) for all Small Lot uses: the greater of .4 FAR or 1500 sf Building Placement add Small Lot Setbacks: Front 15', Side St. 10', Side 3.5', Rear 10'. Building Form (1) Building Articulation New Construction add "Building Articulation is not required for Small Lot uses." Impervious Cover add "(2) Small Lot Impervious Cover 65% max, 55% building cover max"																										
62 Substitute Motion	Add a "Small Lot Single-Family Use" as a permitted use in R2D and R2E with the following development standards. R2C remains the same. min. lot size: 2500 sf. max lot size: 4999sf min. lot width: 36' Building Size (max) for all Small Lot uses: the greater of .4 FAR or 1500 sf Building Placement add Small Lot Setbacks: Front 15', Side St. 10', Side 3.5', Rear 10'. Building Form (1) Building Articulation New Construction add "Building Articulation is not required for Small Lot uses." Impervious Cover add "(2) Small Lot Impervious Cover 65% max, 55% building cover max"	Passed	9	4	0														Specific	23-4D-2130 23-4D-2140						23.47	
63 Original Motion	In all R Zones, set the required lot size for an ADU to the minimum lot size for a single-family use. Retain all affordability requirements	Passed	11	1	1														General							23.64 23.66 23.62	23.80
64 Original Motion	Add a new zone to the Residential zones which has the same development standards as R1C, but does not permit an ADU	Failed	2	11	0														General							23.70	
65 Original Motion	In the Parking Tables in all zones, add clarifying notes to the term "Other Allowed Uses" that reference back to the Permitted Use Tables	Passed	12	0	1														General							23.72	

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			Ayes	Noes	Abstains	ANDERSON	HART	KAZI	KENNY	MCGRAW	NUCKOLS	OLIVER	SCHISLER	SEGER	SHIEH	THOMPSON	WHITE									SHAW							
66	Original Motion		-	-	-																												
	Substitute Motion 1	Rescind the related motion for a "Small Lot Single-Family Use" in the R2D and R2E	Failed	3	7	2																											
66	Substitute Motion 2	Make one new zone (staff to determine which zoning base [R, RM, etc.]) for the Small Lot Single-Family Use with the following development standards: min. lot size: 2500 sf. max lot size: 4999sf min. lot width: 25' Building Size (max) for all Small Lot uses: the greater of .4 FAR or 1500 sf Building Placement add Small Lot Setbacks: Front 15', Side St. 10', Side 3.5' or 0 when adjacent to Small Lot Uses, Rear 10'. Building Form (1) Building Articulation New Construction add "Building Articulation is not required for Small Lot uses." Impervious Cover add "(2) Small Lot Impervious Cover 65% max, 55% building cover max	Passed	7	6	0																											
		Staff to prepare a new zone that only permits the single use.	Passed	7	6	0																											
67	Original Motion	Add/ amend the below definitions and place in correct location of the Code: Attached: When used with reference to two or more buildings units, means having one or more common walls or being joined by a roof, covered porch or covered passageway measured 20 feet in depth, perpendicular to the front property line Detached: Fully separated from any other building, or joined to another building by structural members not constituting an enclose or covered space Staff to analyze intent of above language and recommend a definition that encompasses the intent of a clear definable difference	Passed	8	4	0																											
	Amendment to Original Motion 1	Add the covered porch or covered passageway back to the definition of attached	Passed	9	2	1																											
	Amendment to Original Motion 2	Strike the 20 feet in depth language	Withdrawn	-	-	-																											
68	Original Motion	Add language to applicable zones regarding sideyard setbacks exemptions for Small Lot Single Family Attached, Single Family Attached, and Townhouse	Passed	11	0	1																											
69	Original Motion	Add a bonus of "+150sf for each three bedroom unit within 500' of public school." for Single-Family and Duplex uses in R2-R4 zones where McMansion applies	Passed	8	1	3																											
	Amendment to Original Motion	Remove the word "public"	Failed	5	8	0																											
70	Original Motion	Add a bonus of +0.1 FAR for every unit above Single Family Use in all R3 zones	Failed	3	9	0																											
	Amendment to Original Motion 1	Apply bonus only outside 1/4 mile of an Imagine Austin Corridor; all votes regarding FAR would remain intact	Failed	2	10	0																											
	Amendment to Original Motion 2	Apply the bonus of 0.1, but with a maximum of 0.3 bonus FAR per lot	Failed	4	8	0																											
70	Original Motion	Add a bonus of +0.1 FAR for every unit above Single Family Use in all R4 zones	-	-	-																												
71	Substitute Motion	Staff to find a way to alter the development standards to make R4 more feasible and recommend those changes to Council, particularly impervious cover	Passed	7	5	0																											
72	Original Motion	Amend the height of all accessory structures to 15 feet instead of 12 feet, as applicable	Passed	13	0	0																											
73	Original Motion	Change all R4 minimum lot widths from 60 feet to 80 feet	Failed	6	7	1																											
74	Original Motion	Increase the base standard units of Cottage Court in the R4 zones from 3 to 4 units 6 to 8 units	Passed	11	0	1																											
	Original Motion	For RM1A and RM1B, change the minimum lot size to 5,750 sf and the minimum width to 50 feet	Failed	3	10	0																											
75	Substitute Motion	For RM1A and RM1B, change the minimum lot size to 3,800 sf	Failed	3	10	0																											
76	Original Motion	Create a new zone (RM1C) which has the same uses as R2C, but with a permitted density of 14 units per acre maximum. 0.4 FAR limit for the site R2C height limits, building form (mcmansion) and setback tables, 1 space per unit with additional proposed parking matrix reductions, Add Note to Table A: minimum 10' separation between buildings. No compatibility setbacks. No multi-unit buildings	Passed	12	1	0																											
	Amendment to Original Motion 1	Staff to review proposed zone to ensure it does not have a negative impact on Density Bonus program	Passed	13	0	0																											
	Amendment to Original Motion 2	New zone shall not be used within transition zones	Failed	6	6	1																											
77	Original Motion	Eliminate Dwelling Unit per Acre requirements in all multi-unit zones	-	-	-																												
77	Substitute Motion	Increase units per acre by 20% for base and bonus units and always round the numbers up	Passed	8	5	0																											

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78 Original Motion Add Parking Facility as a permitted use with a CUP in RM2 zones and greater when adjacent to a Main Street or Mixed Use zone with the following design requirements to be stated in Specific to Use: (A) Screening: All areas used for parking, storage, waste receptacles or mechanical equipment shall be screened from a triggering property. Such screening may be a fence, berm or vegetation and shall be maintained by the property owner. Fences shall not exceed six feet in height. (B) Lighting: Exterior lighting shall be hooded or shielded so that it is not visible from a triggering property. (C) Noise: The noise level of mechanical equipment shall not exceed 70 db at the property line of a triggering property. (D) Waste: Waste receptacles, including dumpsters, shall not be located within 50 feet of a triggering property. The City shall review and approve the location of and access to each waste receptacle. Collection of such receptacles shall be prohibited between 10pm and 7am. (E) From a parking structure facing and located within 100 feet of a triggering property: (1) Vehicle headlights shall not be directly visible, and shall be shielded from view (2) Parked vehicles shall be screened from the view of any public right of way; and (3) All interior lighting shall be screened from the view of a triggering property. (F) No vehicle entrances or exits from parking accessible to a MS or MU property may be located within 100 feet of a triggering property.	Passed	8	5	0														General							23.139			
79 Original Motion Increase impervious cover in RM1A to 60% for all other uses beyond residential, unless the primary use is parking	Passed	13	0	0															Specific	23-4D-3050							23.140	
80 Original Motion In the RM1A Zone: Option 1: Eliminate compatibility setback, consider changing landscape buffer to semi-opaque. Option 2: 1. Eliminate additional setback if Intermittent Visual Obstruction Buffer (20 ft) is kept 2. Reduce landscape buffer height to 23-4E-4100 (Semi Opaque Buffer, 6 ft) and reduce setback to 15 feet on side and rear 3. Eliminate additional setbacks and just have Semi-Opaque Buffer 4. Change which residential house scale zones trigger compatibility - ie R4A & R4B with MF allowed should not trigger compatibility for other MF	-	-	-	-																								
Substitute Motion For RM1A and RM1B the following development standards be altered: McMansion tent (as McMansion is applied in Draft 3) apply Within 30 feet from a rear triggering property, height be limited to 2 stories Eliminate landscape buffer and articulation Side setback of 10 feet, as opposed to the 5 that is currently required in Draft 3	Passed	10	0	1	Absent							Absent							Specific	23-4D-3050 23-4D-3060							23.143	
81 Original Motion Staff to review setback, landscape buffer, and setback and eliminate one from the requirements	Fails	6	7	0															General								23.150	23.151 23.152 23.153
82 Original Motion Increase the height maximums in Main Street zones as follows: MS1A, MS1B: 35' to 40' MS2A, MS2B, MS2C: 45' to 65' MS3A, MS3B: 60' to 80', 120' with AHBP Bonus Increase the height maximums in Mixed Use zones as follows: MU1A, MU1B: 32' to 40' MU1C, MU1D, MU2A: 45' to 65' MU2B, MU3A, MU3B: 60' to 80' MU4A, MU4B: 60' to 80', 120' with AHBP Bonus MU5A: 100'	Not Acted On	-	-	-																								
Amendment to Original Motion Change the bonus heights to those listed in the Original Motion Keep the base heights as D3 for all zones except: MS1A, MS1B: 35' to 40' MU1A, MU1B: 32' to 40'	Passed	8	4	0															General			Kazi Exhibit - MU/ MS Heights					23.156 23.178	
83 Original Motion Allow Senior Housing with less than 12 residents as a permitted use in all MU1 zones Allow Senior Housing with greater than 12 residents as a MUP in MU1 zones	Passed	12	0	0								Absent							Specific	23-4D-4030							23.162	
84 Original Motion Allow the following uses as a permitted use in all MU and MS zones except MU1A and MU1B: Residential Care Facilities, Senior/Retirement Housing, Work/Live, Library, Museum, or Public Art Gallery, Meeting Facility, Mobile Food Sales, General Retail Under 5,000 SF, Performance Venue/Theater, Live Music, Indoor Recreation (all sizes), Cooperative Housing, Group Residential, Manufactured Home, and all sizes of Daycares	Passed	10	1	1								Absent							General								23.164	23.183
85 Original Motion For MS1A, MS1B, MU1A, and MU1B the following development standards be altered: Within 30 feet from a rear triggering property, height be limited to 1 stories No parking deck on top No deck or patio for alcohol or food Eliminate articulation (landscape buffer is still required) Side setback of 10 feet McMansion tent (as McMansion is applied in Draft 3) apply	Passed	12	0	1															Specific	23-4D-4060 23-4D-4070 23-4D-5060 23-4D-5070							23.174	23.199
Original Motion Change all front yard setbacks from 5 feet to 0 feet in commercial zones (RM3A and up)	Passed	13	0	0																								
86 Amendment to Original Motion Start at RM4A, not RM3A	Passed	13	0	0															General								23.182 23.162 23.215	
87 Original Motion Require a CUP for all Adult Entertainment in all zones	Passed	13	0	0															General								23.208	

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Amendment to Divided Original Motion 2	Passed	7	5	0															Specific	23-4D-8110					23.250	23.252
92 Original Motion	Failed	4	4	4															General						23.266	
93 Original Motion	Passed	11	1	0															General						23.269	
94 Original Motion	Passed	12	0	1															General						-	-
95 Original Motion	Passed	11	0	0															General						A-24.5.1	
Original Motion	Passed	9	3	0																					23.49	23.50
Amendment to Original Motion 1	Passed	8	4	0																					23.52	23.53
Amendment to Original Motion 2	Passed	11	1	0																					23.54	23.55
Substitute Motion	Failed	3	8	1															General			Parking			23.56	23.57
97 Original Motion	Passed	9	2	1															General			Parking			23.58	23.59
Original Motion	Passed	8	2	1															Specific	23-4E-4		Landscape			23.60	23.61
99 Original Motion	Failed	4	8	0															General						23.127	23.148
100 Original Motion	Failed	1	9	1															General						23.149	23.165
Original Motion	Failed	4	9	0																					23.190	23.192
Substitute Motion 1	Failed	4	9	0																					23.234	24.9
Substitute Motion 2	Passed	10	2	1															General						24.11	24.12
Original Motion	Passed	9	1	1																					24.13	24.14
102 Amendment to Original Motion	Passed	8	2	0															General						24.15	24.16
103 Original Motion	Passed	7	4	1															Specific	23-5C-2040					24.17	24.18
Original Motion	Passed	8	3	0															General						24.8	24.8
104 Original Motion	Passed	8	3	0															General						24.9	24.11
105 Original Motion	Failed	5	5	1																					24.12	24.13

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		Ayes	Noes	Abstains	ANDERSON	HART	KAZI	KENNY	MCGRAW	NUCKOLS	OLIVER	SCHISLER	SEGER	SHIEH	THOMPSON									WHITE	SHAW			
106 Original Motion	Passed	11	0	0																General							N/A	
107 Original Motion	Passed	8	3	1																General							A-57.22.1	A-57.22.2
108 Original Motion	Passed	8	5	0																								
Amendment to Original Motion 1	Failed	5	7	1																Specific	Chapter 23-13		See White Exhibit 1 - Page 36 of 48				57.4	
109 Original Motion	Divided	-	-	-																								
Divided Original Motion 1	Passed	13	0	0																								
Amendment to Divided Original Motion 1	Passed	13	0	0																								
Divided Original Motion 2	Never taken up	-	-	-																General								Mapping Item 1
110 Final Motion	Passed	12	1	0																General								Mapping Item 8
Original Motion	-	-	-	-																								
111 Substitute Motion 1	Failed	5	6	2																								20.5 23.205 23.223 23.225
Substitute Motion 2	Passed	10	3	0																General								Mapping Item 11
112 Original Motion	Passed	13	0	0																								23.200 Mapping Items: 46 47 49 53
Amendment to Original Motion 1	Passed	13	0	0																								
Amendment to Original Motion 2	Passed	13	0	0																General								Mapping Item 12
Original Motion	Divided	-	-	-																								
113 Divided Original Motion 1	Passed	9	4	0																								
Divided Original Motion 2	Passed	8	5	0																								
Amendment 1 to Divided Original Motion 1 AND 2	Passed	10	3	0																								
Amendment 2 to Divided Original Motion 1 AND 2	Passed	8	2	2																								
Divided Original Motion 3	Passed	9	4	0																								
Amendment to Divided Original Motion 3	Passed	10	3	0																								
Substitute Motion to Divided Original Motion 3	Failed	4	9	0																General								Mapping Item 57.1
114 Original Motion	Passed	11	1	1																General								N/A
115 Original Motion	Passed	13	0	0																General								N/A

**Planning Commission
CodeNEXT Recommendation Report to City Council**

	Motion	Passed/ Failed	Vote Tallies			Vote by Commissioner											General or Specific	Section Number	Annotated PC Motion Page No.	Related Exhibit	Broad Topic	Staff Response	Original Planning Commission Motion	Related Planning Commission Motions				
			Ayes	Noes	Abstains	ANDERSON	HART	KAZI	KENNY	MCGRAW	NUCKOLS	OLIVER	SCHISLER	SEGER	SHIEH	THOMPSON									WHITE	SHAW		
116	Original Motion Staff to work with AISD to remap AISD properties with most appropriate, non-triggering zoning instead of the existing P zoning	Failed	5	5	1															General						N/A		
117	Original Motion Staff to establish a 3-year sunset process for F25, including community participation - particularly those areas that have already completed a small area planning process. New zones or subzones may need to be created to accommodate the sunset process. For areas scheduled to undergo a Small Area Plan, F25 will get phased out as part of that review if it has not already been phased out.	Passed	12	0	0															General							N/A	

KENNY ADU BONUS AMENDMENT

Staff should implement the following, with discretion to make changes consistent with intent:

1. Citywide Affordable ADU Bonus:

If you build an affordable ADU in zones R1-R4:

- a. ADU size is restricted by the established ADU bracketing for that zone;
- b. ADU does not count against unit count or overall FAR calculation;
- c. No configuration limits on ADU – attached or detached; and
- d. Total FAR is capped at 0.8 and total unit count is capped at 4.

2. Corridor ADU Bonus:

If you build an affordable ADU and any part of the lot is within ¼ mile of an Imagine Austin corridor in zones R1-R4:

- a. ADU size is restricted by the established ADU bracketing for that zone;
- b. ADU does not count against the unit count or overall FAR calculation;
- c. No configuration limits on ADU – attached or detached;
- d. Total FAR is capped at 0.8 and total unit count is capped at 4;
- e. Incentive: A market-rate ADU may also be added that does not count against the unit count or overall FAR calculation, but may be no larger than the affordable ADU;
- f. Incentive: The primary dwelling units receive an FAR bonus equal to the square footage of the affordable ADU;
- g. Incentive: Front setbacks are reduced to 15 ft and height limits are increased to 25 feet at the side and 38 feet overall, but the entire site may not exceed 3 stories.

3. NHCD review:

One year after the implementation of these bonuses, NHCD shall review the program and may make recommendations to Planning Commission to make changes, including to city code, to better implement the intent of the program or to deal with any unintended consequences.

4. General ADU and R-scale backyard compatibility restrictions:

In regulations specific to use for ADUs:

- a. The cap on the second story of an ADU being limited to 550 sq ft. is removed.
- b. (I think we passed this last night): Any building on a residential zone lot – whether a single-family or multi-family zone - may not exceed two stories - for up to the rear 30 feet of the lot (as measured from the lot line of the triggering residential property) when that part of the lot is within 30 feet of the rear of a residential-zoned lot.

ACCESSORY APARTMENT ORDINANCE PROPOSAL

The Accessory Apartment is established to provide for the encouragement and promotion of an environment for family life by providing for the establishment of accessory apartments in one-family detached dwellings on individual lots. The purpose is to provide flexibility for the changes in household size associated with life cycle; to offer financial security for home buyers; to offer security against problems associated with frailty in old age (caregiver, mother-in-law plan); allow age in place; create attainable affordability options; offset gentrification and displacement.

- Providing housing opportunities to young families, single parents, veterans, seniors, town employees and employees of small local businesses.
- Providing income to residents, especially those with modest incomes, to remain in their homes.
- Adding units to the Housing Inventory at little cost.
- Scattering affordable housing throughout the town.
- Contributing to the efficient use of land and structures.
- Adding a unit of housing without increasing a home's footprint, which means less environmental impact.

- Cost for an ADU can be from 150k to 200k
- Cost for accessory apartment can be as little as a kitchen remodel
- Apartment is an accessory use to the principal home and the homeowner (owner occupied)
- Apartment does not alter the form of a single family home
- Utilities are shared with the primary structure
- Internal connection maintained between the apartment and the home (doorway)
- Accessory apartment permit is required so it may be tracked since it is only available for owner occupied properties
- Maximum size of apartment is 600 sqft
- May not construct both ADU and apartment.
- FAR is counted since it is part of the primary structure

HOUSING BONUS OPPORTUNITY- because this can truly be considered as accessory to the principal structure's use by an owner, it is not a separate dwelling unit. This can pose opportunities to be creative for special affordability bonus considerations. IE: For owner occupied, in zones where ADU's allowed and when using street scale preservation, accessory apartment can still be allowed in the principal structure, however additional parking space is required on site and rent must be at or below XX%MFI.

Development Department. Such permit shall be in addition to any building permits that may be necessary. Before an accessory apartment permit is issued, the applicant shall:
Submit a site plan drawn accurately to scale that shows property lines and dimensions, the location of existing buildings and building entrances, proposed buildings or additions, dimensions from buildings or additions to property lines, the location of parking stalls, and utility meters.

Include detailed floor plans drawn to scale with labels on rooms indicating uses or proposed uses. Floor plans must have the interior connection clearly labeled.

References:

<http://www.codepublishing.com/UT/Provo/html/Provo14/Provo144600.html>

<https://www.lincolntown.org/DocumentCenter/View/27060/Affordable-Accessory-Apartment-Program>

KENNY AFFORDABLE HOUSING CHAPTER MOTION

Recommend Approval w/ Changes to Address Commission Concerns

Move to recommend approval of Chapter 23–3E (Affordable Housing Bonus Program), but with direction for staff to develop revisions that will address the following concerns:

1. Establish as additional items of intent for the program to
 - a. meet the annual affordable housing goals set forth by city council;
 - b. generally permit sites to utilize affordable bonus entitlements; and
 - c. maximize affordable units in high-opportunity areas, whether built on-site or financed via fee-in-lieu.
2. Require any project participating in the program to adopt a restrictive covenant forbidding discrimination solely due to prospective tenants using housing vouchers in any unit in the project, not just the affordable units.
3. Require NHCD to recommend affordable housing goals to city council and for city council to annually adopt program goals.
4. Require NHCD to issue an annual report to city council measuring progress towards the prior year's goals and recommend changes to any provisions in administrative rules AND city code to better achieve the goals in the following year.
5. Require the Planning and Zoning Department Director to perform a calibration study if the program fails to meet annual goals by 10% for two years in a row, and to recommend changes to any provisions in administrative rules AND city code to better achieve the goals in the following year.
6. Reinstate expedited planning review at all stages for projects that participate in the program.
7. Re-calibrate bonus entitlements other than height in the zoning chapter to appropriately maximize the attractiveness of the increases in zone bonus heights made by Planning Commission.
8. Requirements for equivalent unit size and bedroom count do not apply to ADU bonuses.
9. Review the attached exhibit and consult stakeholders including the Austin Housing Coalition in implementing the intent of this motion.

Zone	In Draft 3		Kazi Amendment	
	Base	Bonus	Base	Bonus
MU1A	32		52	
MU1B	32		52	
MU1C	45		65	
MU1D	45		65	
MU2A	45		65	80
MU2B	60		80	95
MU3A	60		80	95
MU3B	60		80	95
MU4A	60	75	80	95
MU4B	60	75	80	120
MU5A	80		95	No max
MS1A	35		55	
MS1B	35		55	
MS2A	45		65	
MS2B	45		65	80
MS2C	45		65	80
MS3A	60		80	95
MS3B	60	85	80	120