

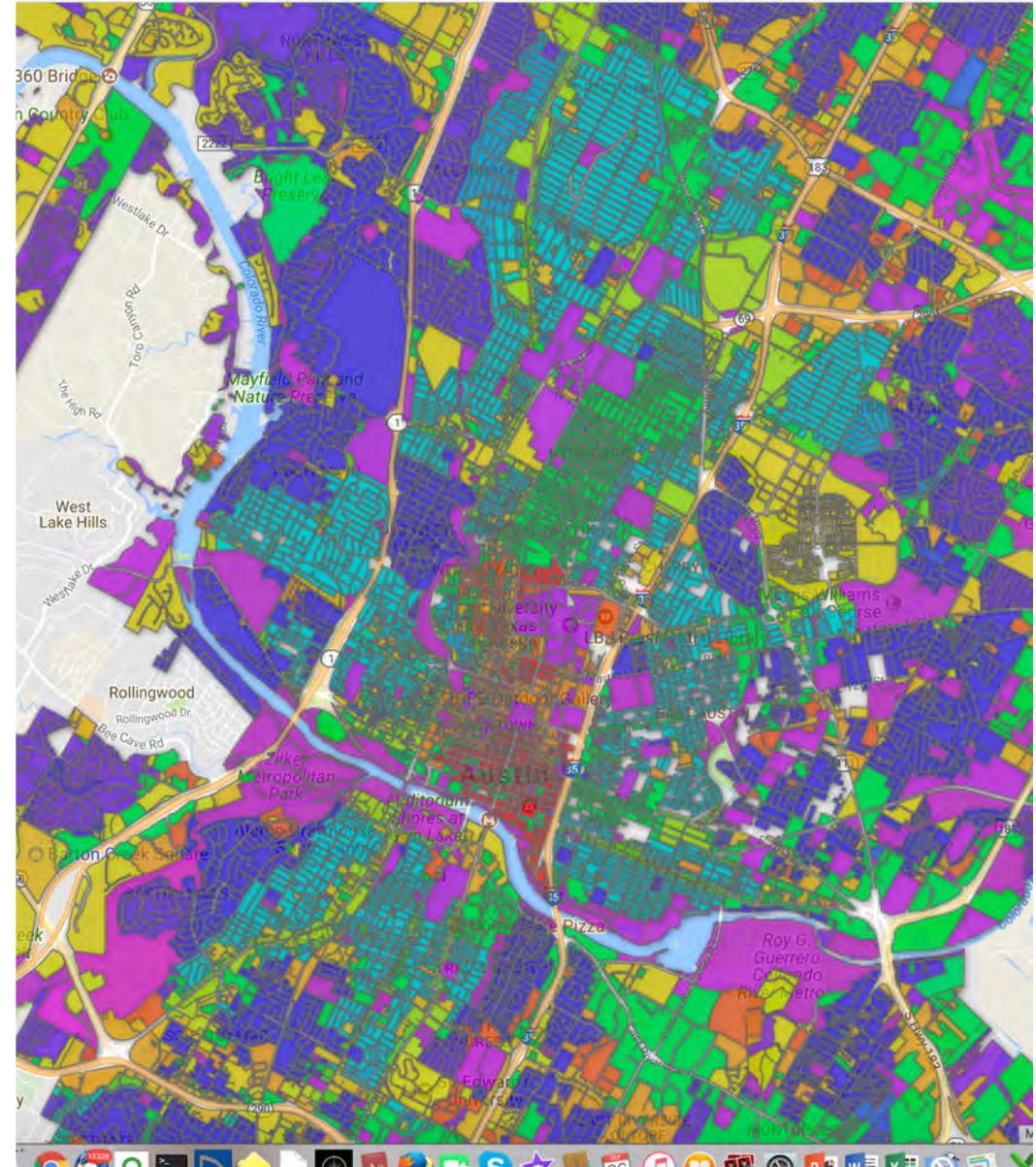
CodeNEXT Version 3

March 28, 2018

Community not Commodity

Terminology

Transects are gone, but the core still has higher density zoning, primarily R2 and some R3 and R4 in SF2 and SF3 (single family and duplex zoned areas). Zoning still separate, with A & C subzones for the core and B subzones for the outer neighborhoods. Version 3 has mapped a lot of Version 2 properties from R3 to R2, but lot sizes have been minimized, so now instead of 3 units on a 7,000 square foot lot in Version 2 R3, you can have 4 units in Version 3 R2.



What's the difference between SF-3 and R3C?

	SF-3	SF-3	R2C			
		duplex	Single-Family (A)	Single-Family Attached		Duplex
Lot						
Minimum Lot Size	5750	7000	5000	2500	3500	5000
Minimum Lot Width	50	50	45	25	25	45
	1	1	1	1	1	1
Maximum Total Units per Lot	2	2	2	1	2	2
FAR (Floor Area Ratio):1 limit	0.4	0.4	0.4	0.4	0.4	0.4
Maximum Units per Acre	15.151	12.446	17.424	17.424	24.891	17.424
Maximum Impervious Cover	45%	45%	45%	45%	45%	45%
Maximum Building Coverage	40%	40%	40%	40%	40%	40%
Maximum Height	35	35	32	32	32	32
Accessory Structure Height	—	—	32	32	32	32

← Smaller minimum lot sizes
← Narrower lots

← More Units/Acre

← Lower Height

Confusing Tables in Draft

Table 23-4D-2210(A) Lot Size and Intensity

Allowed Use	Lot				Building	
	Principal Dwelling Units per Lot (max.)		Width (min.)	Area (min.)	Size (max.)	
	Base Standard	AHBP Bonus ¹			Base Standard The less restrictive shall apply between:	
Single-Family	1	+0	35'	3,500 sf	0.4 FAR or 2,300 sf	
Single-Family Attached	1	+0	25'	2,000 sf	0.4 FAR or 1,150 sf	
Duplex	2	+0	40'	4,000 sf	0.4 FAR or 2,300 sf	
Multi-Family	4	+4	45'	6,000 sf	0.6 FAR	
Cottage Court	3	+0	50'	5,000 sf	0.6 FAR	
Cottage Court	6	+0	100'	10,000 sf	0.6 FAR	
Townhouse	1	+0	18'	1,800 sf	0.4 FAR or 1,500 sf	
Other Allowed Uses	—	+0	35'	3,500 sf	0.4 FAR	
Accessory Allowed Use	Lot Size			Size (max.)		
Accessory Dwelling Unit	3,500 to 4,999 sf			750 sf		
Accessory Dwelling Unit	5,000 to 6,999 sf			975 sf		
Accessory Dwelling Unit	7,000 sf or greater			1,100 sf		
Only one Accessory Dwelling Unit may be built and the total dwelling units per lot shall not exceed 4.						
Accessory Dwelling Unit size counts towards the principal use's FAR limit.						
Preservation Incentive: Accessory Dwelling Unit does not count toward FAR limit when existing house (at least 10 years old) is preserved.						

This is the table for R4C. Note that Cottage Courts of 6 units and multi-Family with 8 units (with AHBP Bonus) are allowed, but footnote clearly says that “dwelling units per lot shall not exceed 4”.



Residential House Scale

This chart is from a city brochure
 (http://austintexas.gov/sites/default/files/files/Planning/CodeNEXT/ALDC_ZoningFrameworkTables_2018_2_13.pdf):

Zone Name	Title 25 Family Residence/ Single Family Residence - Condominium Site	Title 23 Residential 2C
Zone Abbreviation	SF-3	R2C
Typical Uses/Building Types	Residential-Home, Duplex, ADU	Residential - House, Duplex, ADU
Affordable Housing Bonus Program (AHBP)	n/a	n/a
Additional Setbacks	n/a	n/a
Height Stepbacks	n/a	n/a
Duplex Allowance	Allowed	Allowed
Townhouse	n/a	n/a
ADU Allowance	Allowed	Allowed
Lot Size		
Lot Width (min.)	50'	45'
Lot Area (min.)	5,750 SQFT (0.13 acre)	5,000 SQ FT

This chart present an equivalency between R2C and SF-3, with similar lot areas. However, the chart for R2 tells a different story with 25' wide 2500 sq. ft. lots:

Allowed Use	Lot		
	Base Standard	Width (min.)	Area (min.)
Single-Family	1	45'	5,000 sf
Single-Family Attached	1	25'	2,500 sf
Duplex	2	45'	5,000 sf
Other Allowed Uses	—	45'	5,000 sf

*Also note the peculiar substitution of Condominium for Duplex in SF-3

Footnote From V2 Implemented: 2,500 sq. ft. lots

Notes

¹ 25' lot width (min.) and 2500 sf area (min.) for lots existing at time of adoption of this Land Development Code.

After staff made the statement that the footnote was only for existing 2,500 sq. ft. lots, CodeNEXT Version 3 implements 2,500 sq.ft., 25' wide lots in R2, R3 and R4 categories.

In many R2, R3 and R4 categories a house and ADU are allowed on a 3,500 sq. ft. lot.

Table 23-4D-2120(A) Lot Size and Intensity

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

Accessory Allowed Use	Lot Size	Size (max.)
Accessory Dwelling Unit	3,500 to 4,999 sf	750 sf
Accessory Dwelling Unit	5,000 to 6,999 sf	975 sf
Accessory Dwelling Unit	7,000 sf or greater	1,100 sf



ADUS now have maximum size related to lot size.

What do smaller lots mean in Neighborhoods?

Under the current draft, every lot in Hancock could be subdivided. 4 units (an attached house and 2 ADUS) could be built on any 7,000 sq. ft. lot after re-subdivision. These 4 units would require 2 parking spaces. This doubles – quadruples the current density. In certain areas, the lots are larger, and the larger lots could have 8 units + per lot with resubdivision. The property at 716 Park shown here could possibly be subdivided for 9 units.

The additional entitlements will most likely increase demolitions. Higher entitlements on land usually increase the taxes also.

716 Park Blvd

Austin, TX 78751 ([Hancock](#))

3.25 baths • 2,789 sqft • 0.41 acres lot size • Single-Family Home



Tiny Lots- Front Yard Impervious Cover

(2) Frontyard Impervious Cover

This section applies to a single-family residential use, a duplex residential use, or a single-family attached use.

(a) For a lot with a width greater than 45 feet, then the impervious cover in a front yard may not exceed 40 percent;

(b) For a lot with a width not exceeding 45 feet, then the impervious cover in a front yard may not exceed 50 percent; or

(c) Subsection (a) and (b) do not apply to lots if the lot width is less than 30 feet.

(d) The director may waive Subsection (a) or (b) if the director determines backing a motor vehicle onto the adjacent roadway is unsafe and that a circular driveway or turnaround in the front yard is required.

(e) A motor vehicle may only be parked or stored on driveway or paved parking space.



Lots of less than 30 feet do not limit impervious cover in the front yard. ***This greatly enhances flood risks from water draining from roof onto impervious front yard into street,*** without vegetation to slow the flow and soil to absorb the water.

Parking in Front Yards



Austin has changed the location of parking structures with rules similar to those outlined in (3), so that the whole face of the structure is not parking and concrete. CodeNEXT give a pass to lots less than 30' to be garage faced with 100% impervious cover to the street.

(C) Parking in Front Yards.

- (1) This section applies to a single-family residential use or a duplex residential use, or a single-family attached use in the following zones:
 - (a) Lake Austin (LA) zone;
 - (b) Rural Residential (RR) zone;
 - (c) Residential House-Scale 1 (R1) zones;
 - (d) Residential House-Scale 2 (R2) zones; and
 - (e) Residential House-Scale 3 (R3) zones
- (2) In this section:
 - (a) BUILDING FACADE means the front-facing exterior wall or walls of the first floor of the principal structure on a lot, and the term excludes the building facade of the portion of the principal structure designed or used as a parking structure. Projections from front-facing exterior walls, including but not limited to eaves, chimneys, porches, stoops, box or bay windows, and other similar features as determined by the building official, are not considered part of the building facade.
 - (b) PARKING STRUCTURE means a garage or carport, either attached or detached from the principal structure.
- (3) A parking structure with an entrance that faces the front yard abutting public right-of-way:
 - (a) may not be closer to the front lot line than the front-most exterior wall of the first floor of the building facade; and
 - (b) if the parking structure is less than 20 feet behind the building facade, the width of the parking structure may not exceed 50 percent of the width of the building facade, measured parallel to the front lot line, or the line determined by the building official if located on an irregular lot;
 - (c) if the parking structure is less than 20 feet behind the building facade, the width of the parking structure may not exceed 100 percent the width of the building facade, measured parallel to the front lot line, or the line determined by the building official if located on an irregular lot, if the lot width is less than 45 feet in width; or
- (4) Subsection (2) does not apply to lots if the lot width is less than 30 feet.



Preservation Incentive: FAR & Impervious Covers

The Preservation Incentive allows ADU's to not count toward FAR limit when existing house (at least 10 years old) is kept. This raised the FAR to around 0.6 for each sized lot. Additionally, there are no rules *for keeping the existing structure after you build the ADU.*



Table 23-4D-2120(A) Lot Size and Intensity

Allowed Use	Lot			Building
	Principal Dwelling Units per Lot (max.)			Size (max.)
	Base Standard	Width (min.)	Area (min.)	Base Standard The less restrictive shall apply between:
Single-Family	1	45'	5,000 sf	0.4 FAR or 2,300 sf
Single-Family Attached	1	25'	2,500 sf	0.4 FAR or 1,150 sf
Duplex	2	45'	5,000 sf	0.4 FAR or 2,300 sf
Other Allowed Uses	—	45'	5,000 sf	0.4 FAR
Accessory Allowed Use	Lot Size			Size (max.)
Accessory Dwelling Unit	3,500 to 4,999 sf			750 sf
Accessory Dwelling Unit	5,000 to 6,999 sf			975 sf
Accessory Dwelling Unit	7,000 sf or greater			1,100 sf

Only one Accessory Dwelling Unit may be built and the total dwelling units per lot shall not exceed 2.

Accessory Dwelling Unit allowed with Single-Family and Single-Family Attached uses only.

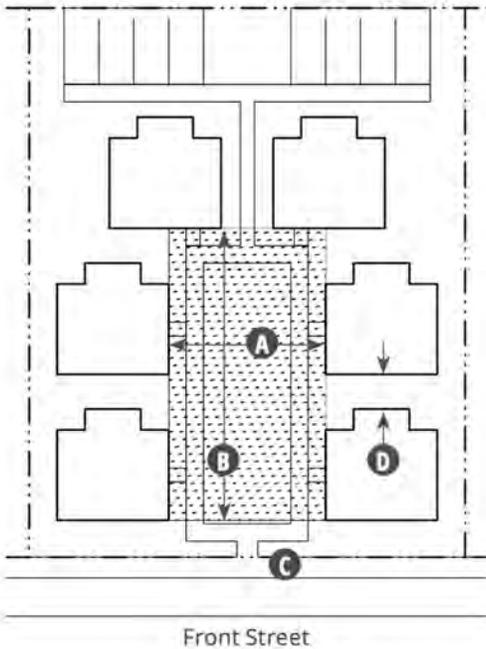
Accessory Dwelling Unit size counts towards the principal use's FAR limit.

Preservation Incentive: Accessory Dwelling Unit does not count toward FAR limit when existing house (at least 10 years old) is preserved.

Are Cottage Courts right for the neighborhood?

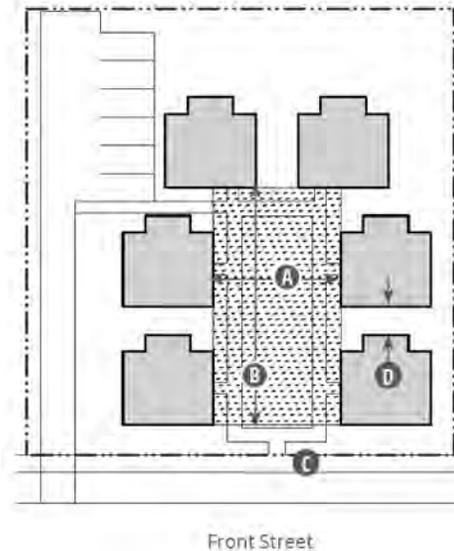
V2

Parking Access from Alley

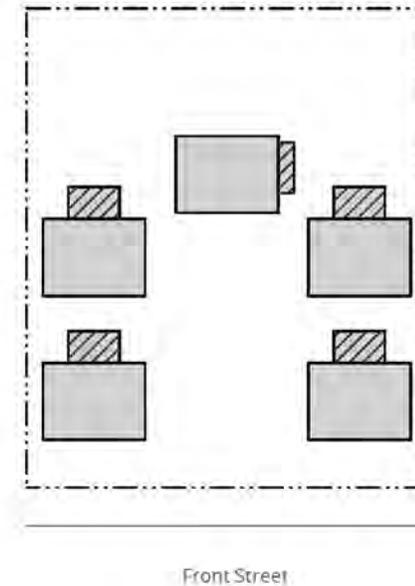


V3

Parking Access from Alley

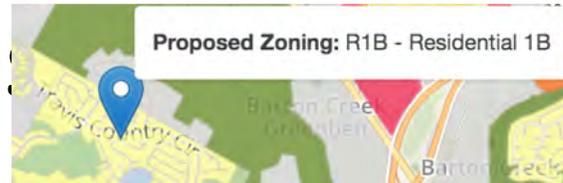


Parking Access from Front Street



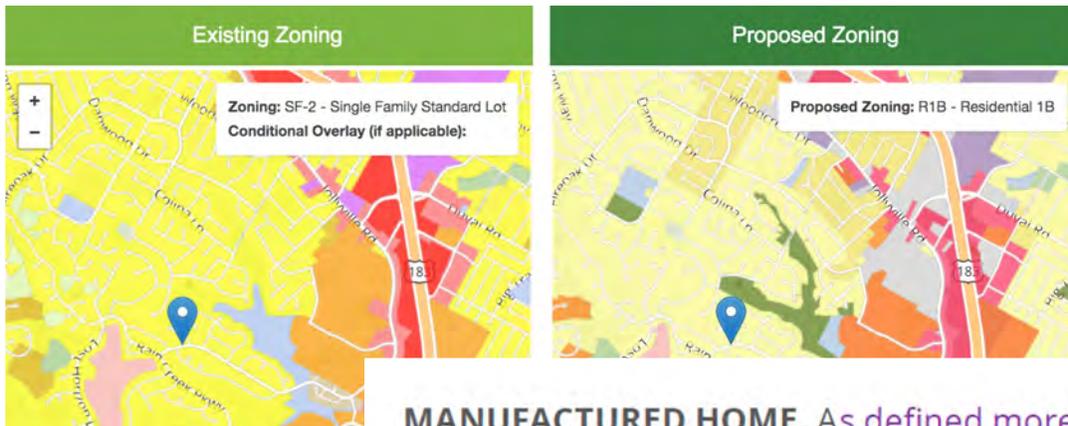
Unclear drawings in Version 3 Cottage Court. Would these be used as mini-STR hotels?

Manufactured Home



23-4D-2080 Residential 1B (R1B) Zone

- (A) **Purpose.** Residential 1B (R1B) zone is intended to allow detached housing.
- (B) **Overview.** This zone allows detached housing and includes manufactured homes that are not located within a manufactured home park. It can be summarized as:



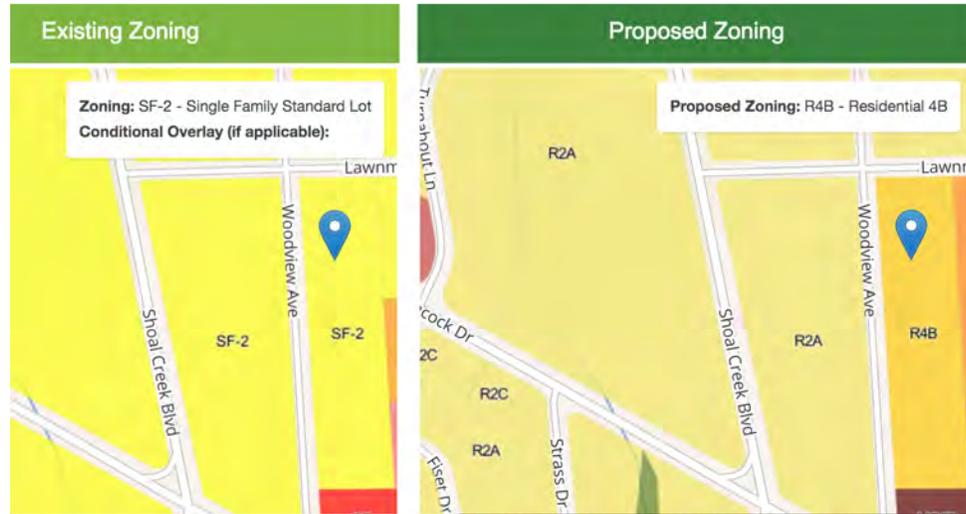
Great Hills



Great Hills
Lost Creek
Oak Forest
Travis Country
Jester
Barton Creek

MANUFACTURED HOME. As defined more specifically in the Building Criteria Manual, a movable dwelling constructed on a chassis, designed for use without a permanent foundation, and designed to be connected to utilities. The term excludes manufactured modular housing designed to be set on a permanent foundation and recreational vehicles.

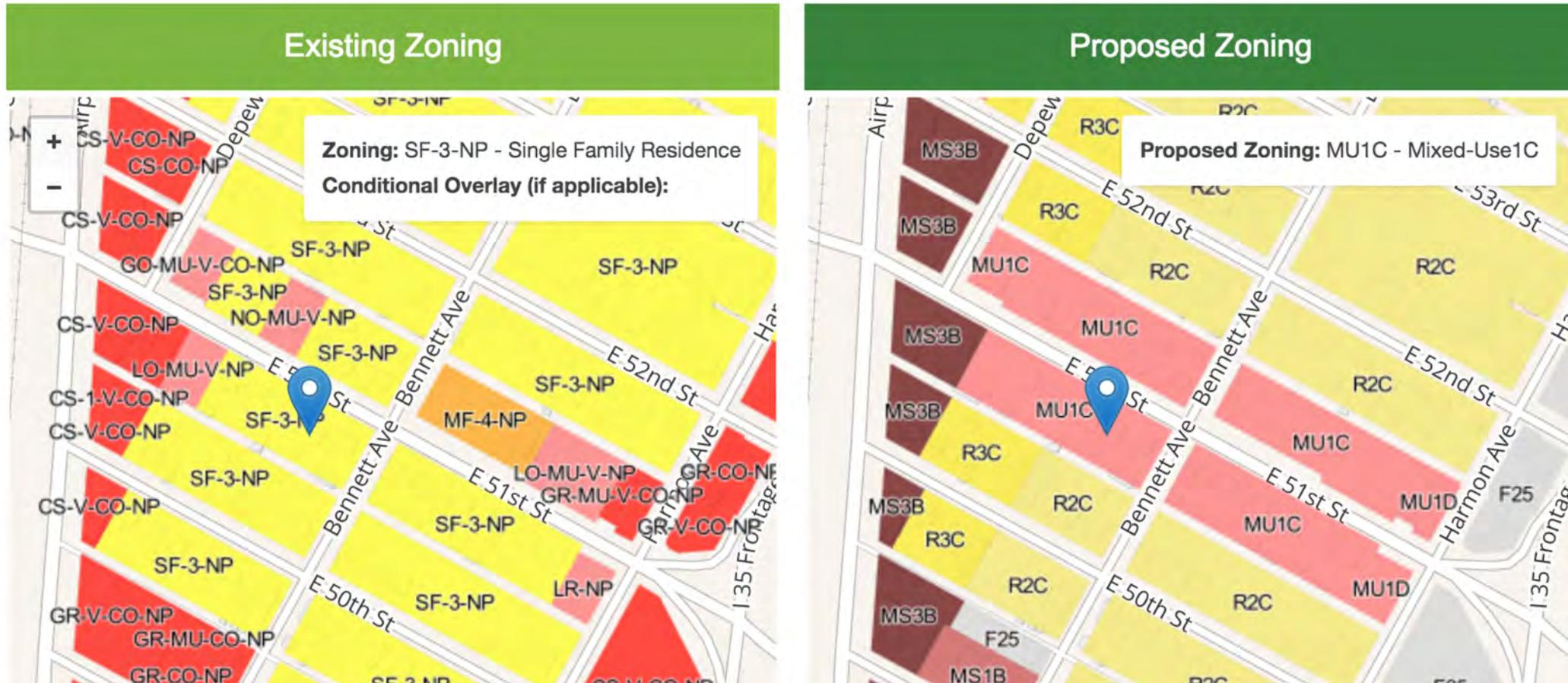
Mapping Issues: Upzoning SF-2 to R4B



One whole block side in Allandale upzoned from ~7 units per acre to 65 units per acre.

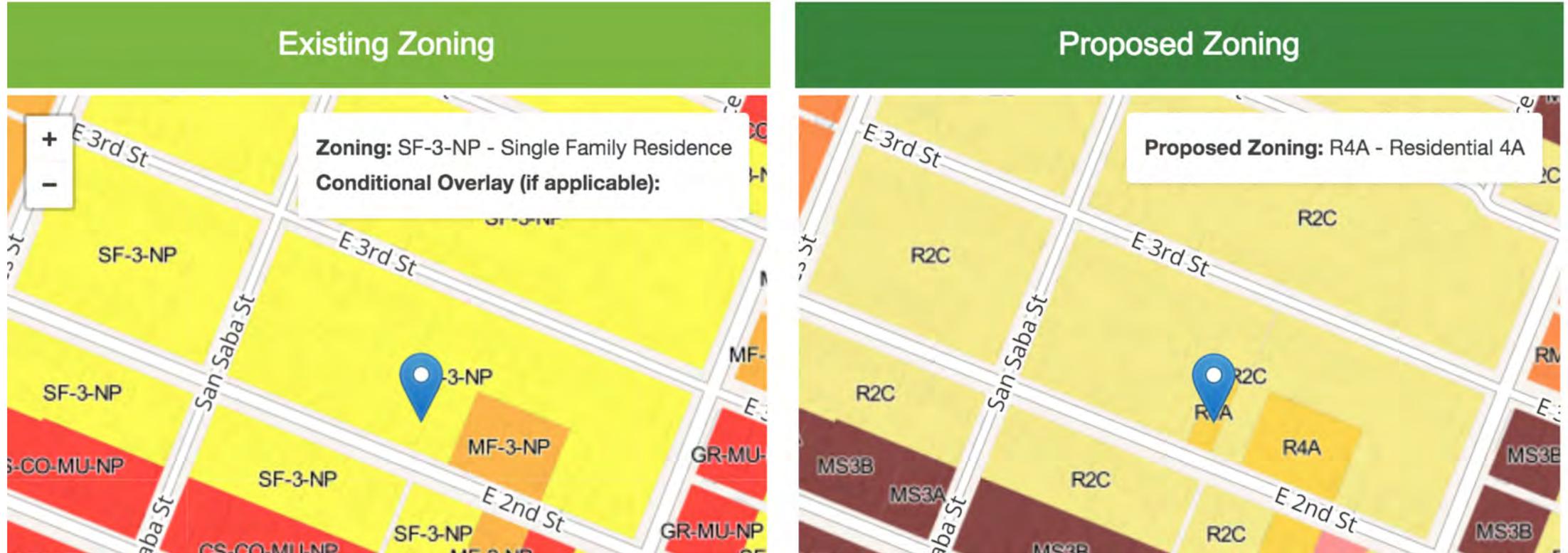
	SF-2	R4B						
		Single-Family (A)	Single-Family Attached	Duplex	Multi-Family (A)	Cottage Court 3	Cottage Court 6	Town house
Lot								
Min. Lot Size	5750	3500	2000	4000	6000	5000	10000	1800
Min. Lot Width	50	35	25	40	45	50	100	18
Max. Total Units per Lot+ ADU	1	2	1	3	5	4	7	2
FAR (Floor Area Ratio):1 limit	—	0.4 (E)	0.4 (F)	0.4 (E)	0.6	0.6	0.6	0.4
Calc. Units per acre + ADU	7.5757	24.8914	—	32.67	36.3	34.848	30.492	48.4
Calc. Units per acre + ADU +AHBP	—	—	—	—	65.34	—	—	—
Max. Units per Acre	7.5757	24.8914	0	32.67	65.34	34.848	30.492	48.4

Mapping Issues: Upzoning SF to Mixed Use (MU)



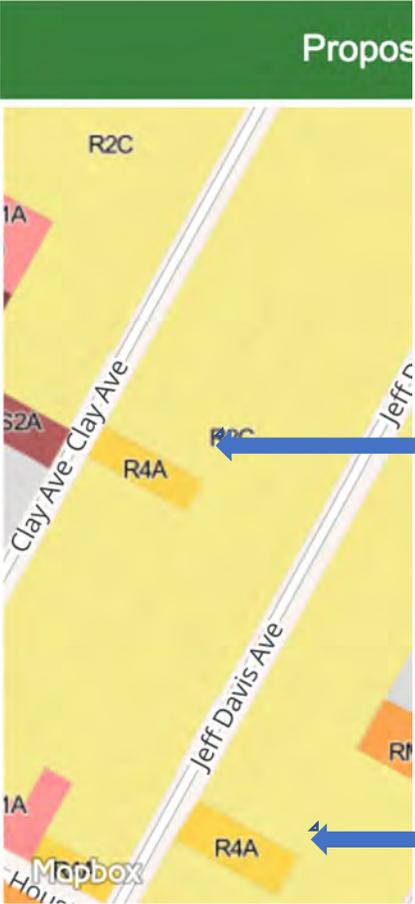
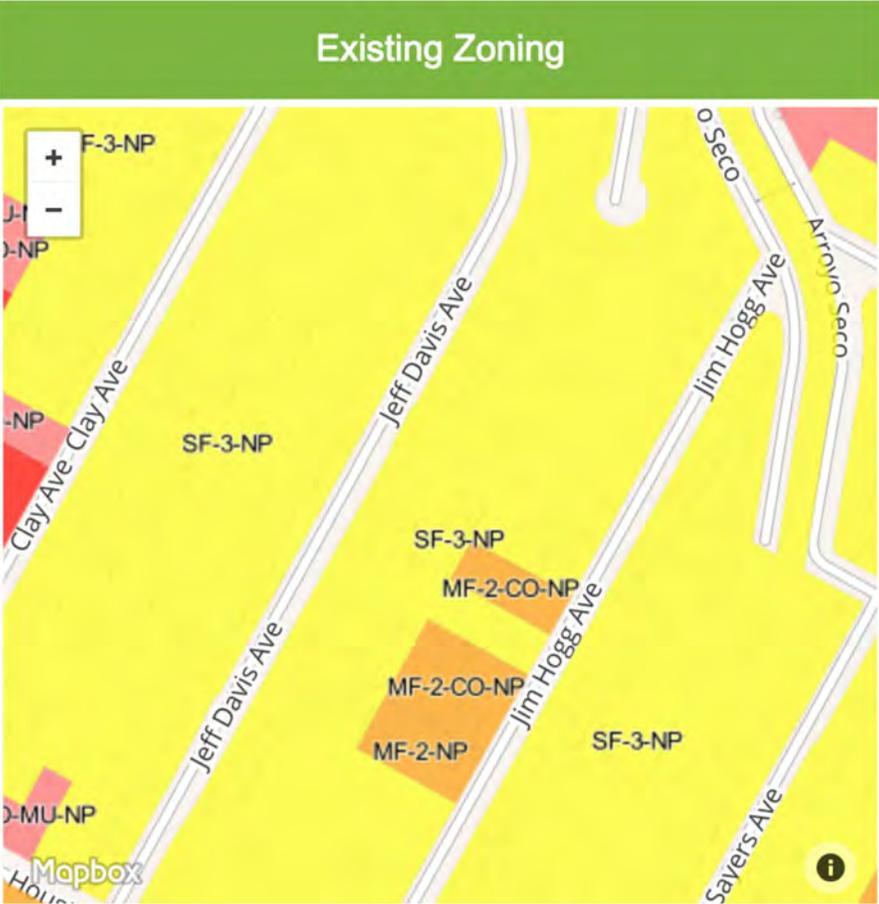
Several blocks of mixed residential along 51st upzoned to Mixed Use.

Mapping Issues: Spot Zoning SF-3



SF-3 Single Family in East Austin spot zoned to R4A – from max 15 units per acre to 65 units per acre.

Mapping Issues: Spot Zoning SF-3



SF-3 Single Family in Brentwood spot zoned to R4A – from max 15 units per acre to 65 units per acre. Planting “seeds” of higher zoning the middle of neighborhoods.

Over 7 acres of District 7 SF-3 has been upzoned to 65 unit/acre + housing.

Mapping Issues: Spot Zoning SF-3



SF-3 Single Family in Bouldin area spot zoned to R4A – from max 15 units per acre to 65 units per acre. Planting “seeds” of higher zoning the middle of neighborhoods.

Non-conforming Use

Homes around Austin that sit on land zoned for multi-family or other uses may become non-conforming uses, because the new zoning doesn't permit homes. They will be allowed to continue as non-conforming homes, but if damaged, repair is limited:

(D) Termination by Destruction

- (1) A damaged structure used for a nonconforming use may be repaired and the nonconforming use continued only if the building official determines that the cost of repair does not exceed 50 percent of the value of the structure immediately before the damage, as determined by a licensed appraiser in a manner approved by the building official.

And if vacant for 90 days, it's use as a home may not be reestablished.

- (1) If a nonconforming use is discontinued for 90 or more consecutive days, then that use is abandoned and may not be renewed or reestablished. Any subsequent use of the parcel of land or structure must conform to the standards of the zone in which it is located.

Mapping Issues: Making Homes Nonconforming

This 1934 home at 1714 Cromwell was re-zoned MF-3 in ????. The proposed CodeNEXT zoning is RM3A, which does not include single-family use, up to 76 units/acre and 60 feet in height.

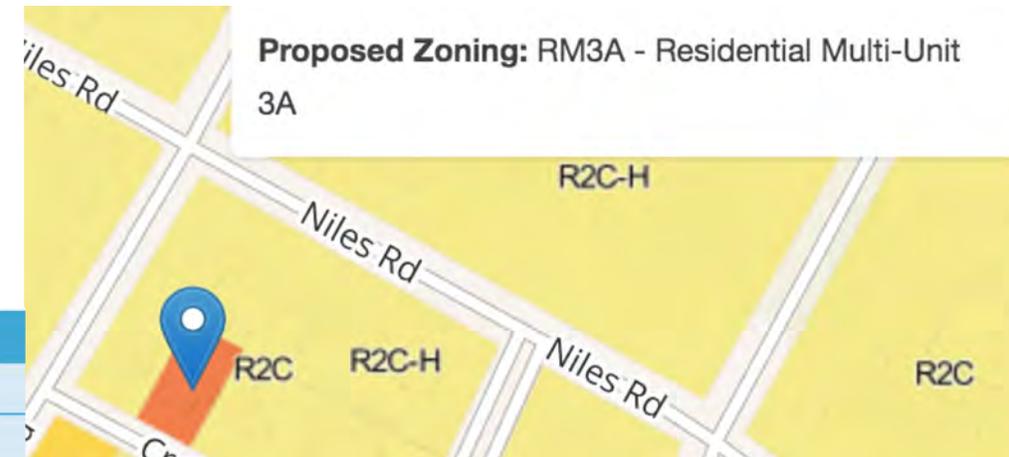


Table 23-4D-3090(A) Lot Size and Intensity

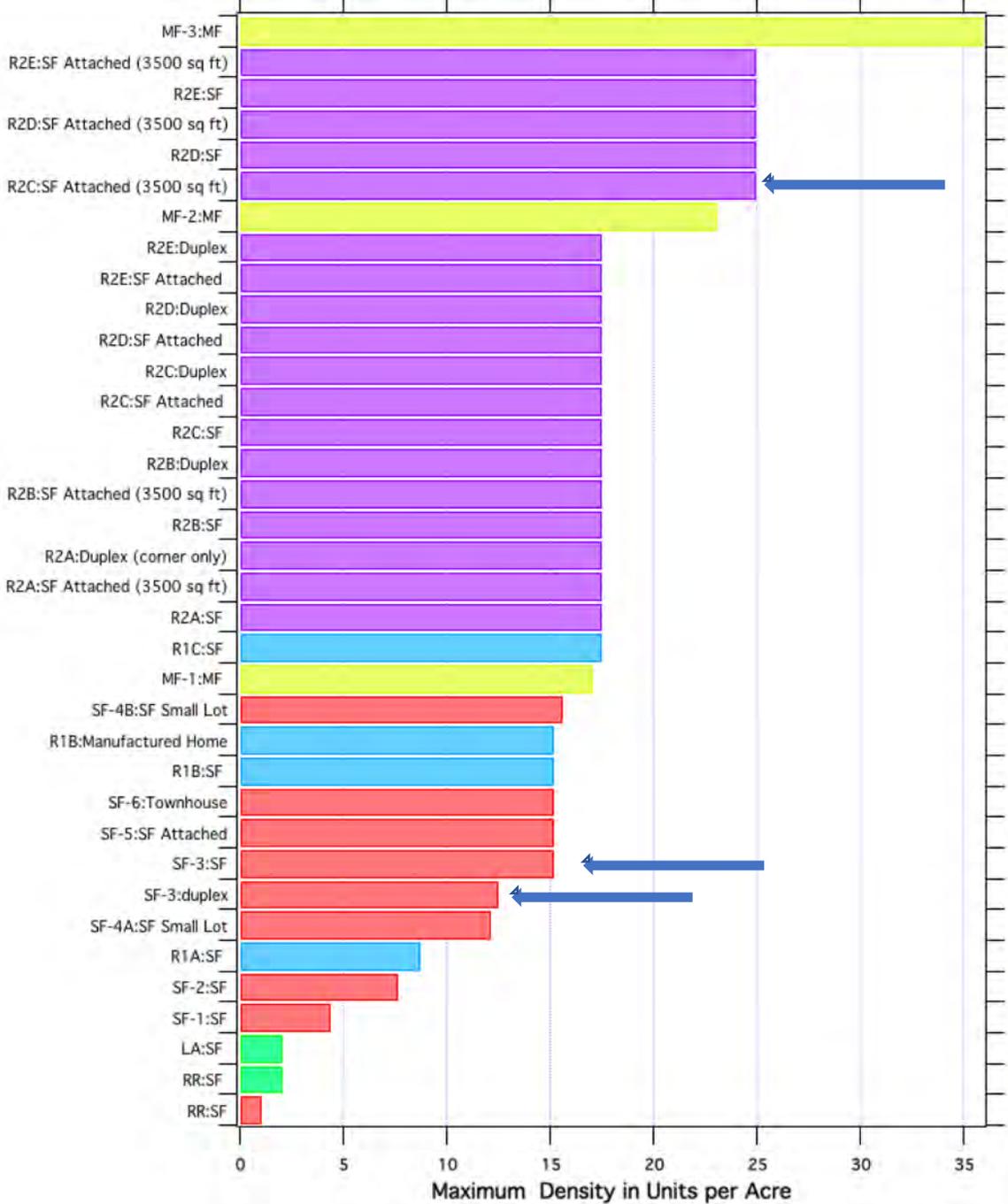
Allowed Use	Lot				Building	
	Principal Dwelling Units per Acre (max.)				Size (max.)	
	Base Standard	AHBP Bonus ¹	Width (min.)	Area (min.)	Base Standard The less restrictive shall apply between:	
Live/Work	24	+0	18'	1,800 sf	0.8 FAR	
Multi-Family	36	+40	50'	8,000 sf	0.8 FAR	
Townhouse	24	+0	18'	1,800 sf	0.8 FAR	

Table 23-4D-3090(C) Height

(1) Primary and Accessory Building	
Overall (max.)	60'

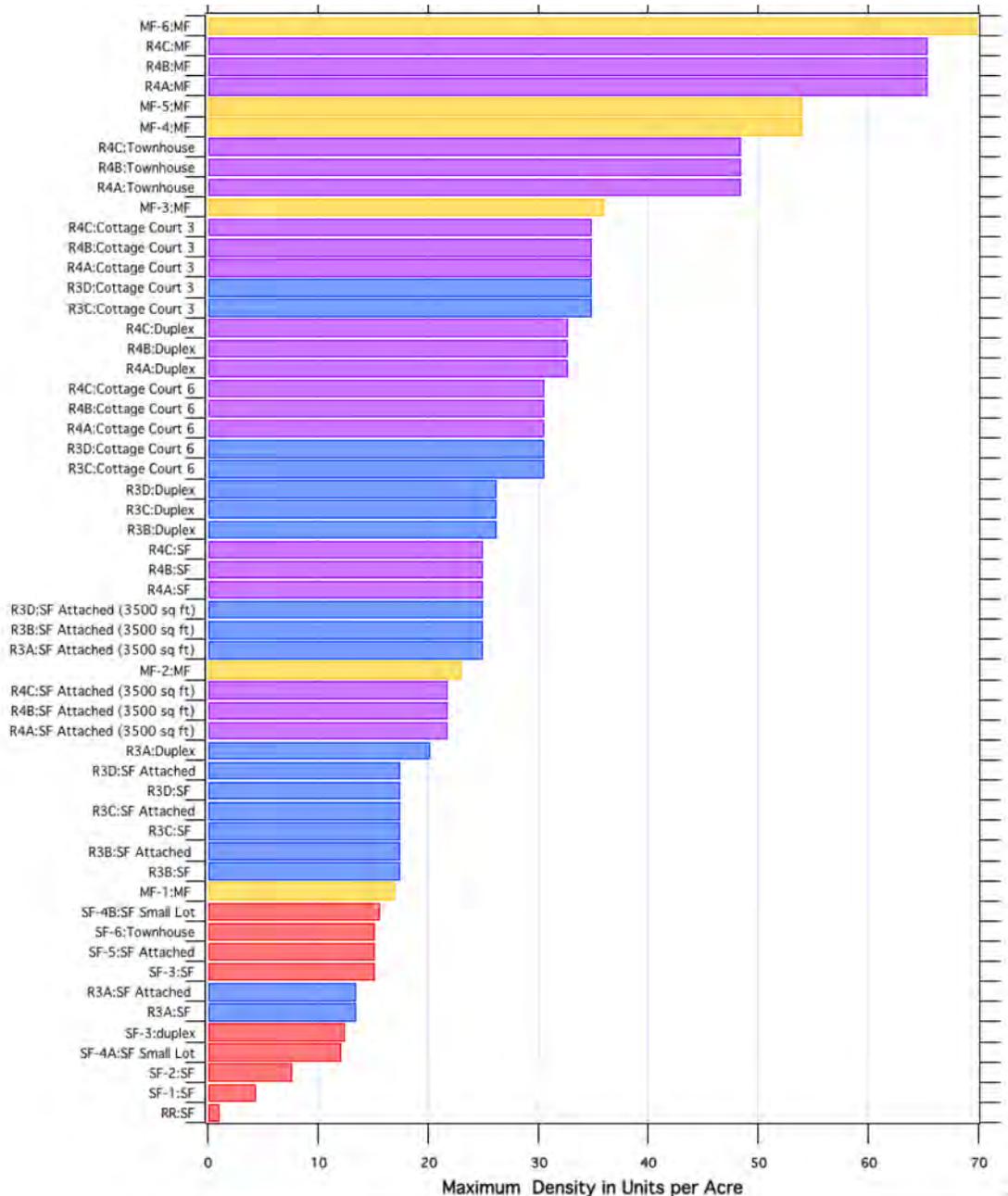
RR-R2 Density Units/Acre

Maximum Density in Units/Acre
 Comparing Existing (red) zoning and CodeNEXT V3 (purple and aqua). R2C approximately doubles the density of SF-3. Yellow shows existing multi-family zoning.



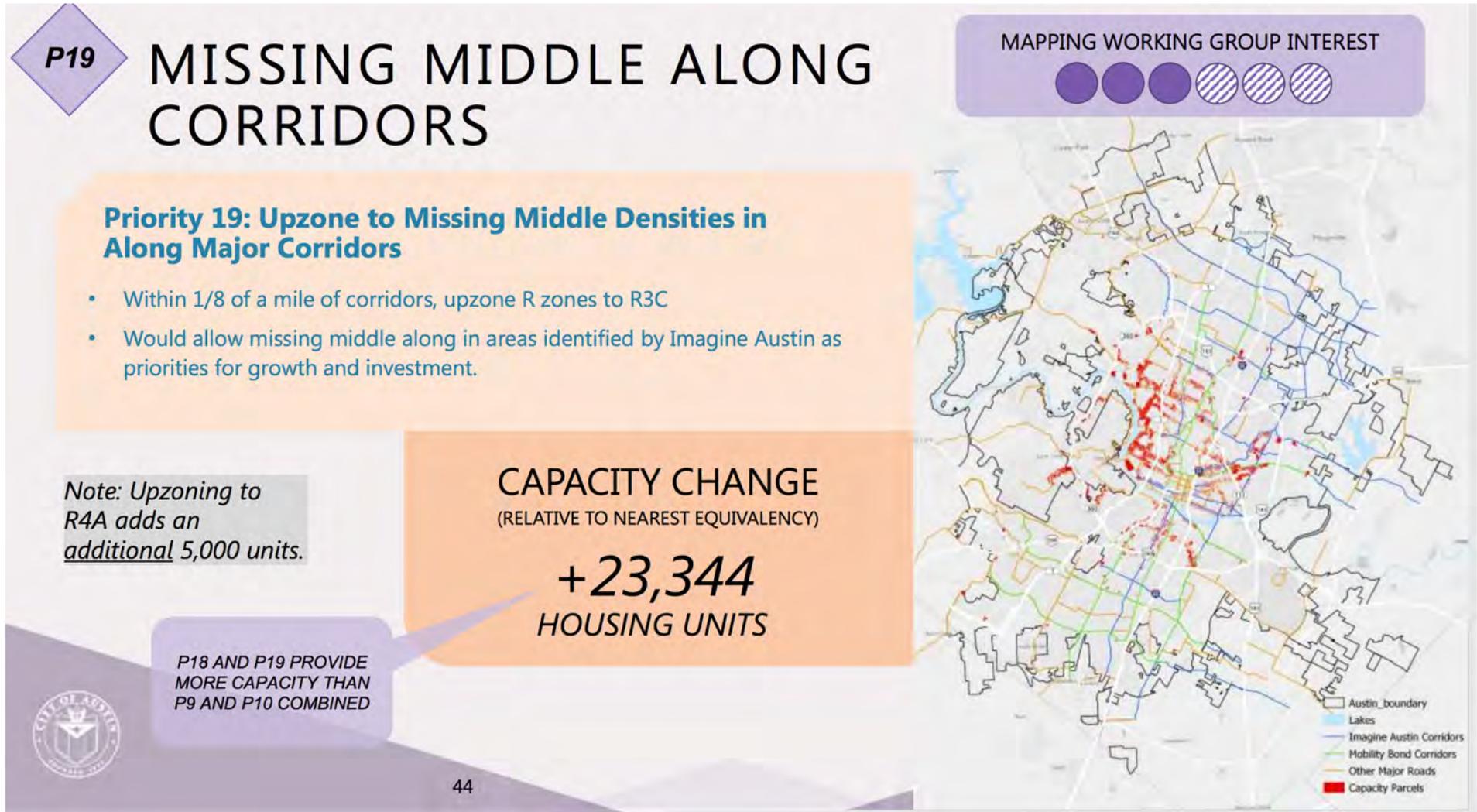
R3-R4 Density Units/Acre

Maximum Density in Units/Acre Comparing Existing SF (red) zoning, CodeNEXT Version 3 House Scale Zoning (purple and blue) and current Multi-Family Zoning (yellow-orange). Note that what is considered "house-scale" zoning in CodeNEXT Version 3 exceeds many current multi-family limits (including MF-3).



Transition Zones:

Planning Commission Consider Upzoning along Corridors.



Peeling of 660 feet along corridors; also looked at 1/4 (1320 ft.) and 1/2 mile (2640 ft).

Accessory Uses

Does the Guest House as an accessory use give permission for an additional dwelling unit?



Table 23-4E-6050 (A) Allowed Accessory Uses

Accessory Uses to a Residential Use

Dock

Garage sales *that comply with* Subsection (F)(6)

Guest house

The keeping of dogs, cats, and similar small animals as household pets

Playhouses, patios, cabanas, porches, gazebos, and household storage buildings

Radio and television receiving antenna, and dish-type satellite receivers

Recreational activities and facilities

Religious study meetings

Residential convenience service

Residential tours *that comply with* Subsection (F)(5)

Solar collectors

Vehicle storage

Response to ANC from staff:

16. Zoning category, R2C, allows "Recreation" as a use. 23-4E-6050 allows "duplex" and "single family residence" as an Accessory Use to Recreation. The space restriction of 10% for Accessory Use has apparently disappeared. Does this mean that an extra duplex or SF residence may be added to any R2C lot? Also, accessory use may include parking for principle use.

Response:

- *Pending and will be provided the week of March 18-24 2018.*

Multi-Unit Increases only with AHBP (Affordable Housing Bonus Program)

RESIDENTIAL MULTI-UNIT ZONES

	Title 25	Title 23	Title 25	Title 23	Title 25	Title 23	Title 25	Title 23
Zone Name	Townhome & Condominium	Residential Multi-Unit 1A	Urban Family Residence/ Townhome & Condominium	Residential Multi-Unit 1B	Multi-family Residence - Limited / Low Density	Residential Multi-Unit 2A	Multi-family Residence - Limited Density	Residential Multi-Unit 2B
Zone Abbreviation	SF-6	RM1A	SF-5/ SF-6	RM1B	MF-1/ MF-2	RM2A	MF-1	RM2B
Intensity								
Principal Dwelling units/acre (max)	—	12 - 18	—	18 - 24	—	18 - 24	—	24 - 36
Dwelling units/acre: AHBP Bonus	—	(+) 0 - 18	—	(+) 0 - 28	—	(+) 0 - 28	—	(+) 0 - 36

	Title 25	Title 23	Title 25	Title 23	Title 25	Title 23
Zone Name	Multi-family Residence - Medium / High Density	Residential Multi-Unit 3A	Multi-family Residence - Medium / High Density	Residential Multi-Unit 4A	Multi-family Residence -High / Highest Density	Residential Multi-Unit 5A
Zone Abbreviation	MF-3/ MF-4	RM3A	MF-3 / MF-4	RM4A	MF-5 / MF-6	RM5A
Intensity						
Principal Dwelling units/acre (max)	—	24 - 36	—	24 - 48	—	24 - 54
Dwelling units/acre: AHBP Bonus	—	(+) 0 - 40	—	(+) 0 - 26	—	(+) 0 - 96

At the same time as Single-family/Duplex/Townhome Unit Density increases significantly, base Multi-Family Densities do not increase in some zones. They do offer large AHBP bonuses. These bonuses on spot-zoned single MF lots in the middle of neighborhoods would be consequential.

	MF-1	MF-2	MF-3	MF-4	MF-5	MF-6
Maximum Units per Acre	17	23	36	36-54	54	—

AHBP- is it increasing Affordable Housing?

Table 23-3E-1048(E): Affordable Unit Set Aside Requirements in For-Rent Properties in "A" Zones

		Rental Units	
Income (MFI)		Households at or below 60% of Median Family Income	
Affordability Period (Years)		40 Years	
Sub-Area Requirements	Areas	Units Set Aside ^{1,2}	
	AA	2%	
	BA	4%	
	CA	6%	
	DA	8%	
	EA	10%	
	FA	12%	
	GA	14%	

See "Proposed General Administrative Procedures for Affordable Housing Bonus and Downtown Density Bonus Programs" companion document for the most up-to-date set-aside numbers.

Table 23-3E-1048(F): Affordable Unit Set Aside Requirements in For-Rent Properties

		Rental Units	
Income (MFI)		Households at or below 60% of Median Family Income	
Affordability Period (Years)		40 Years	
Sub-Area Requirements	Areas	Units Set Aside ^{1,2}	
	A	5%	
	B	10%	
	C	15%	
	D	20%	
	E	30%	
	F	40%	
	G	50%	

See "Proposed General Administrative Procedures for Affordable Housing Bonus and Downtown Density Bonus Programs" companion document for the most up-to-date set-aside numbers.

The large entitlements granted by the AHBP program, doubling or tripling the allowed units in a zoning category may encourage demolition of existing 100% affordable housing stock to be replaced with buildings that offer only 2-50% affordable units in this chart.

RM1A – Multi-family

Heading says Dwelling Units Per Acre

Does that mean only 1 single family house per acre – or does this only apply to Multi-Family, Townhouse and Live/Work

Confusing language makes interpretation difficult.

Table 23-4D-3050(A) Lot Size and Intensity

Allowed Use	Lot			
	Base Standard	AHBP Bonus ¹	Width (min.)	Area (min.)
Single-Family	1	+0	45'	5,000 sf
Single-Family Attached	1	+0	25'	2,500 sf
Duplex	2	+0	45'	5,000 sf
Live/Work	1	+0	25'	2,500 sf
Multi-Family	12	+18	50'	5,000 sf
Townhouse	18	+0	24'	2,400 sf
Live/Work	18	+0	24'	2,400 sf
Other Allowed Uses	—	+0	50'	5,000 sf
Accessory Allowed Use	Lot Size		Size (max.)	
Accessory Dwelling Unit	3,500 to 4,999 sf		750 sf	
Accessory Dwelling Unit	5,000 to 6,999 sf		975 sf	
Accessory Dwelling Unit	7,000 sf or greater		1,100 sf	

Only one Accessory Dwelling Unit may be built and does not count towards Principal Dwelling Units per Lot limit.

¹ To receive affordable housing bonus, a project must comply with Article 23-3E (Affordable Housing).

Apartment zoning

- MF-2 -> RM1B, R4A, F25

	MF-2	R4A							RM1B				
		Single-Family (A)	Single-Family Attached	Duplex	Multi-Family (A)	Cottage Court 3	Cottage Court 6	Town house	Single-Family Attached	Duplex	Live/Work	Multi-Family	Town house
Lot													
Minimum Lot Size	8000	3500	2000	4000	6000	5000	10000	1800	2500	5000	1800	5000	2400
Minimum Lot Width	50	35	25	40	45	50	100	18	25	45	18	50	24
FAR limit	—	0.4	0.4	0.4	0.4	0.6	0.8	0.4	0.4	0.4	0.8	2	0.8
Units per acre	23.0	24.9	—	32.7	36.3	34.8	30.5	48.4	18	18	24	18	18
Units per acre with AHBP	—	—	—	—	65.3	—	—	—	—	—	—	46	—
Massing													
Maxi Impervious Cover	60%	45%	45%	45%	45%	45%	45%	45%	60%	60%	60%	60%	60%
Max Building Coverage	50%	40%	40%	40%	40%	40%	40%	40%	50%	50%	50%	50%	50%
Max Height	40	32	32	32	32	32	32	32	45	45	45	45	45
Max Height w/encroachment	—	43	43	43	43	43	43	43	56	56	56	56	56
•Front yard Min Setback	25	25	25	25	25	25	25	25	10	10	10	10	10

Increases density up to ~2.5 times and Height and reduces street setback

Residential 4A (R4A) Zone

- (A) **Purpose.** Residential 4A (R4A) zone is meant to provide a transition between lower-intensity and higher-intensity residential zones in areas that are accessible to mixed use and main street zones by walking or biking.

Residential Multi-Unit 1B (RM1B) Zone

- (A) **Purpose.** Residential Multi-Unit 1B (RM1B) zone is intended to provide a transition between medium-intensity residential zones and higher-intensity residential zones or mixed use and main street zones.



Medium Intensity Residential Zones not defined in document. Placed in the middle of the street

Uses Change for Residential Areas

- **COOPERATIVE HOUSING.** A residential project of three or more units in which an undivided interest in land is coupled with the exclusive right of occupancy of any unit located on the land, whether the right is contained in the form of a written or oral agreement, when the right does not appear on the face of the deed. Does not include group residential.
 - Requires CUP in R2B, R2C, R2D, R2E, R3A, R3B, R3C
 - Requires MUP in R3D, R4A, R4B, R4C, RM1A, RM1B
 - Permitted in RM1A, RM1B, RM2A, RM2B, RM3A, RM4A, RM5A, MH

NOTE: Although the definition is for three or more units it is allowed with CUP in zonings limited to two units

Residential Areas – Home Occupations

Live/Work from V2 gone from house zones but Home Occupation has been changed:

- Reuse of existing residential building to accommodate live/work
- 1 employee must live in the unit
- **If the owner obtains a minor use permit up to three employees who are not occupants of the dwelling unit are allowed.**
- **If the owner obtains a minor use permit, the limited sale of merchandise directly to customers on premises is allowed between the hours of 9:00 a.m. and 5:00 p.m.**
- Director can determine parking

Residential Areas – Home Occupations

The only categories excluded from Home Occupations are:

- (1) An activity requiring an H-occupancy in compliance with Division 23-11B-1 (Building Code);
- (2) Adult-oriented businesses;
- (3) Animal breeding;
- (4) Animal service or boarding;
- (5) Automobile repair, sales, or rental;
- (6) Bar/nightclub (any kind);
- (7) A business that involves the repair of any type of internal combustion engine, including equipment repair services;
- (8) Commercial services, no outside storage;
- (9) Commercial services, with incidental outside storage;
- (10) Heavy equipment sales, rental, and storage;
- (11) Hospital;
- (12) Medical services;
- (13) Personal services, restricted;
- (14) Recycling centers;
- (15) Recreational and sports vehicle sales, rental, and storage;
- (16) Restaurants (any kind); or
- (17) Salvage/junk yard.

NCCD and F25

Do F25 areas have protection from CodeNEXT?



- (1) This zone includes properties subject to the following ordinances and agreements adopted prior to the effective date of this Title:
 - (a) Planned Unit Developments;
 - (b) Neighborhood Conservation Combining Districts;
 - (c) Planned Development Agreements (PDA);
 - (d) Regulating Plans;
 - (e) specifically identified Conditional Overlays; and
 - (f) other agreements and ordinances, which are designated F25.

(D) **F25 Rezoning Policy.** In order to achieve compliance with the current regulations of this Title and minimize reliance on prior regulations, the City's preferred policy is to:



- (1) Rezone properties within the F25 Zone to current zones established in this Title and gradually eliminate Planned Development Agreements (PDAs), Neighborhood Conservation Combining District (NCCDs), and conditional overlays (COs); and
- (2) Rezone properties within an F25 Planned Unit Development (PUD) zoning district or an F25 small-area regulating plan by adopting updated PUD zoning ordinances and small-area plans consistent with requirements of this Title.

Occupancy Limits

23-4E-7040 Dwelling Unit Occupancy Limit

- (A) **Maximum Occupancy.** Except as otherwise provided, not more than six unrelated adults may reside in a dwelling unit.
- (B) Not more than 10 unrelated adults may reside in a dwelling unit if:
 - (1) At least 51 percent of the adults are 60 years of age or older;
 - (2) The adults are self-caring and self-sufficient and participate in the daily operation of the dwelling unit; and
 - (3) The adults live together as a single, non-profit housekeeping unit.
- (C) **Maximum Occupancy in a Duplex.** Not more than three unrelated adults may reside in each unit of a duplex, unless:
 - (1) Before June 5, 2003:
 - (a) A building permit for the duplex structure was issued; or
 - (b) The use was established; and
 - (2) After June 5, 2003, the gross floor area in the duplex structure does not increase more than 69 square feet unless to complete construction authorized before that date or to comply with the American Disabilities Act.

Occupancy limits for duplexes would be rolled back to pre-2014 limits, despite assurances by Planning Director that they would be unchanged. Neighborhoods near the universities would once again face increased demolitions and stealth dorms.

Compatibility Standards

Current Compatibility standards include terms about scale and clustering:

- The massing of buildings and the appropriate scale relationship with housing
- Create a human scale
- Prevents the construction of a structure in close proximity to a single-family residence zoning district that is significantly more massive than a structure in a single-family residence zoning district

These terms are no longer in the document

Compatibility Standards

Current Compatibility standards include not only properties zoned residential (SF-5 or less), but used as residential:

- (1) in an urban family residence (SF-5) or more restrictive zoning district; or
- (2) on which a use permitted in an SF-5 or more restrictive zoning district is located.

CodeNEXT V3 only specifies zoning, not use, so many older homes in the older parts of Austin don't have any compatibility standards because they sit on land zoned for multi-family.

(3) Compatibility Setbacks

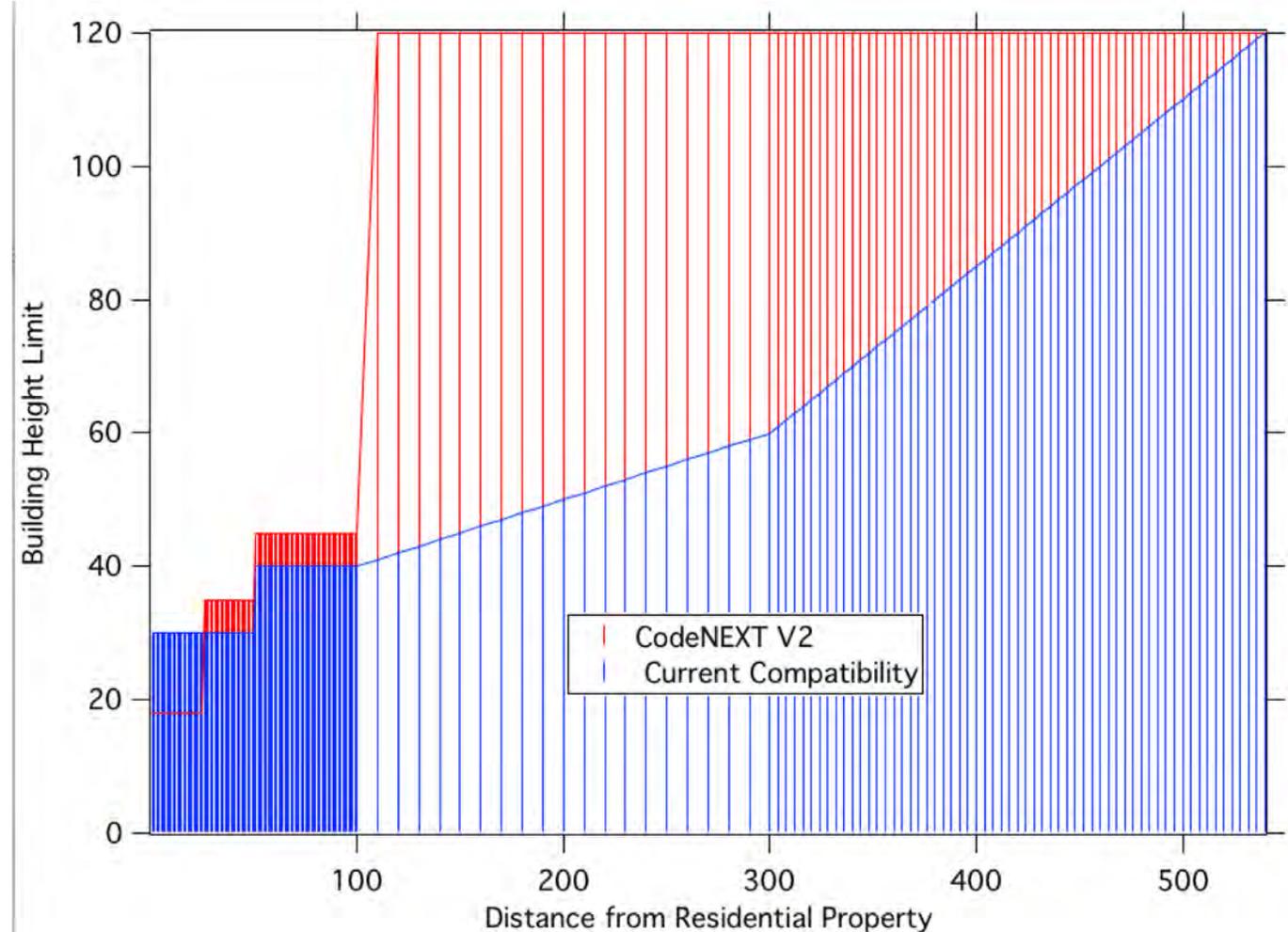
- (a) Where a portion of a building is across an alley less than 20 feet in width from a property zoned Residential House-Scale; or is adjacent to a property zoned Residential House-Scale. Then minimum

Compatibility Standards

CodeNEXT V3 Height

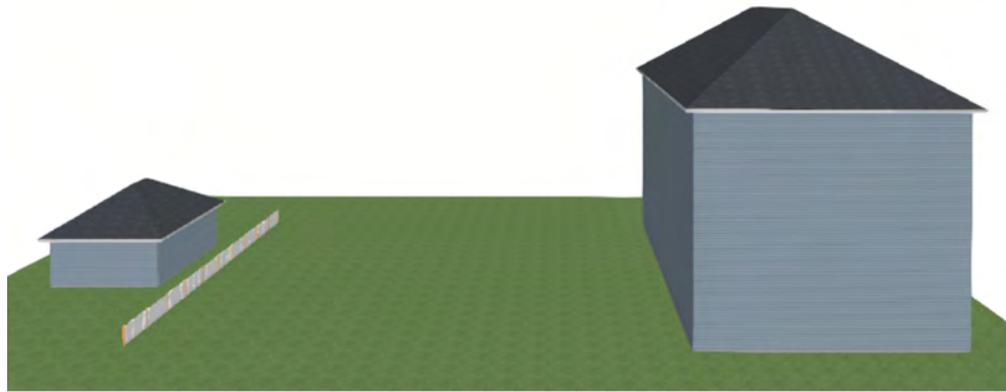
Compatibility is 5' taller from 25-100', equal to or 5' less for less than 25', but is non-existent for buildings at 100'.

Current Compatibility Standards would allow a 120' building at 540' from residential property, new standards would allow 120' building at 100'.

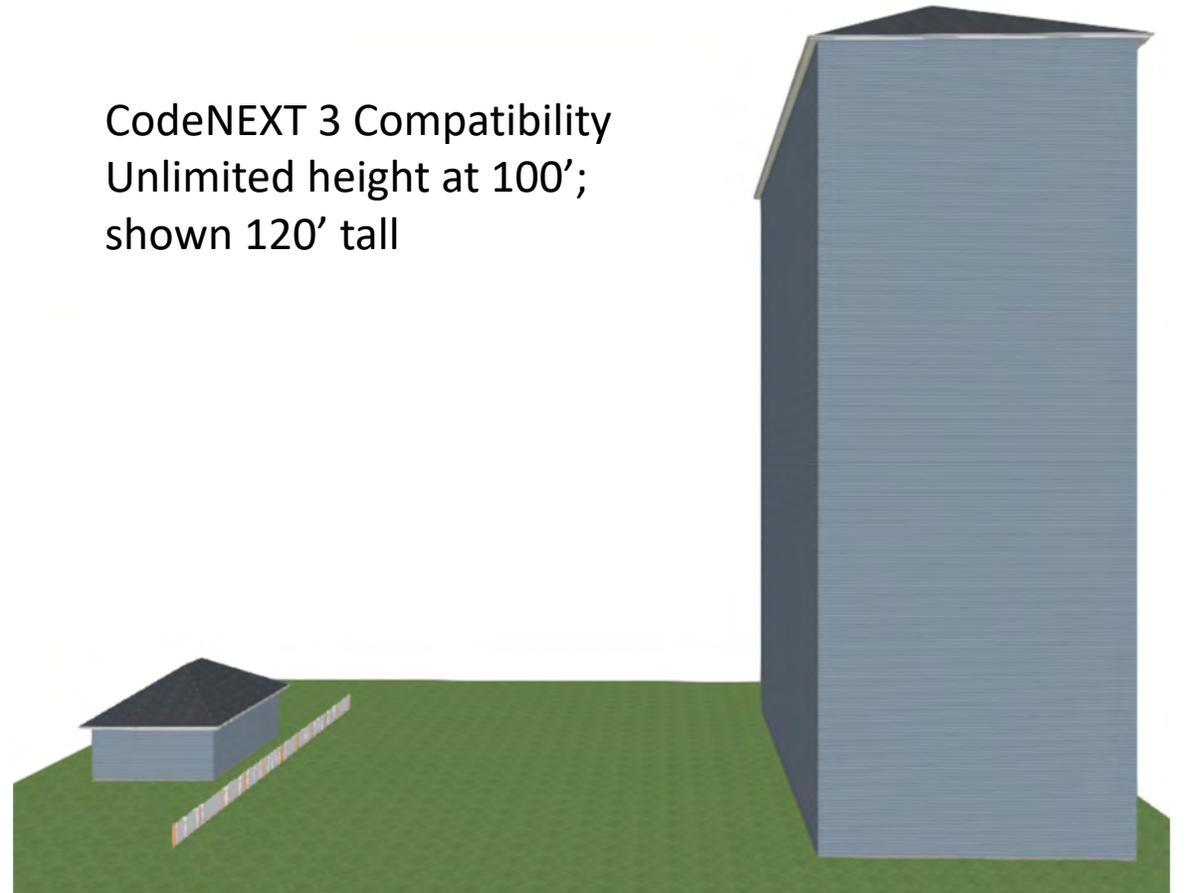


Compatibility: Current and CodeNEXT V3

Current Compatibility Standards
40' height at 100'



CodeNEXT 3 Compatibility
Unlimited height at 100';
shown 120' tall



Multifamily Compatibility with House Form

This is from RM1A

(3) Compatibility Setbacks

(a) Where a portion of a building is across an alley less than 20 feet in width from a property zoned Residential House-Scale; or is adjacent to a property zoned Residential House-Scale. Then minimum setbacks shall be provided along the alley or shared lot line that comply with subsections (b) and (c).

(b) Compatibility Setback	Front A	Side St. B	Side C	Rear D
Lots ≤ 75' wide	25'	15'	15'	30'
Lots > 75' wide	25'	15'	20' ²	30'

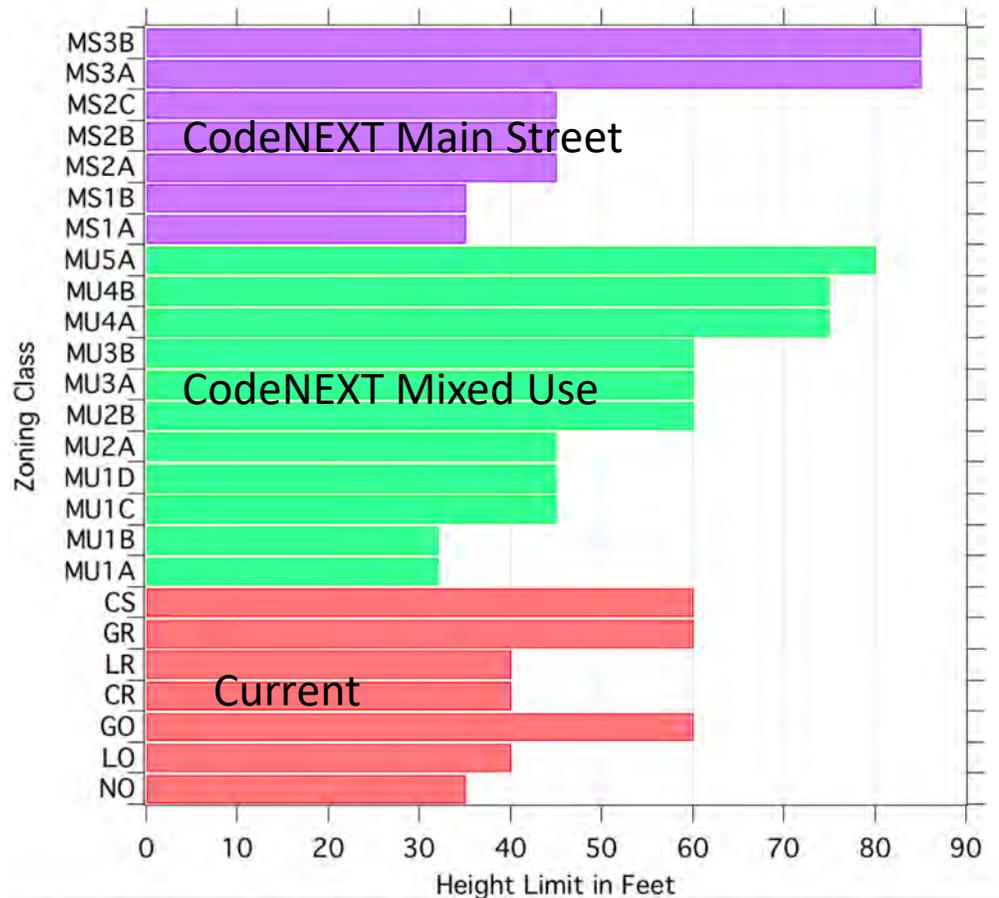
(c) Where a compatibility setback along a side or rear lot line, then a landscape buffer shall be provided that complies with Section 23-4E-4090 (Intermittent Visual Obstruction Buffer).

Non-Residential Zoning

Neighborhoods must carefully examine non-residential zoning. The existing commercial zoning categories such as NO, LO, GO, LR, GR and CS have been eliminated in CodeNEXT and replaced with 11 Mixed Use and 7 Main Street zones.

- There is no longer any class of “office zoning”
- Neighborhood Office and Limited Office is now grouped with service, retail and restaurant use, which have very different characteristics and operating hours
- Corridor zoning has been increased to much taller height limits, with much lower compatibility (most gain 25')
- The Neighborhood Plan Overlays have been removed.
- FLUMS will be adapted to the new zoning

Increased Commercial Heights



Heights increased substantially in CodeNEXT V3 for Commercial Zoning in close proximity to neighborhoods.

	CS	MS3A	MS3B
Max Height(w/AHBP Bonus)	60	85	85
Max Height(w/AHBP Bonus) Encroachments	—	97.75	97.75
Max Height(w/AHBP Bonus)+ decorative Encroachments	—	110.5	110.5
Building Cover	95%	90%	90%
Impervious Cover	95%	95%	95%
FAR (w/ AHBP Bonus)	2	—	—

Local Retail Zoning

- LR -> MS2B, MS3A, MS3B, MU1B, MU1D

Uses	LR	MU1B	MU1D	MS2B	MS3A	MS3B
Services						
Animal Service/Boarding Level 1	—	—	—	✓	✓	✓
Hotel/Motel	—	—	—	✓	✓	✓
Medical Service	✓CUP(G)	✓	✓	✓	✓	✓
Personal Service:						
• restricted: see below (D) i.e. bail bond	—	—	—	✓	✓	✓
Restaurants and Bars						
Bars and Nightclubs:						
• Level 1 (no outside seating, no later hours)	—	CUP	CUP	MUP	✓	✓
• Level2	—	—	—	—	MUP	MUP
Microbrewery/Micro-Distillery/Winery	—	—	—	MUP	MUP	MUP
Microbrewery/Micro-Distillery/Winery	—	MUP	MUP	MUP	MUP	MUP
Mobile Food Sales		—	—	✓	✓	✓
Retail						
Alcohol Sales (Liquor Store)	—	CUP	CUP	CUP	CUP	CUP



Hotels



Bars with late hours and outside seating



- (D) a. Bail bond services (regulated by Texas Occupations Code Chapter 1704);
 b. Fortune tellers, psychics, and palm and card readers;
 c. Spas and hot tubs for hourly rental;



Bars and Brew Pubs Everywhere

- Currently Austin zoning ordinance, the only zoning that permits bars without a CUP is the CBD (Central Business District). The zonings where a bar can be considered with a CUP are: L (Lake Commercial), DMU (Downtown Mixed Use), CS-1 (Commercial-Liquor Sales) and CH (Commercial Highway Services).
- Now nearly every major arterial in the core can have a bar on every single property
 - Permitted: MS3A, MS3B, MU3B, MU4B, MU5A
 - MUP: MU4A, MS1B, MS2B, MS2C
 - CUP: MU1B, MU1D, MU2B, MU3A
- Now every major and many minor arterial in the core can have a microbrewery or winery on every single property
 - Permitted: MU2B, MU3A, MU3B, MU4A, MU4B, MU5A
 - MUP: MU1B, MU1D, MS1B, MS2B, MS2C, MS3A, MS3B

Bars Everywhere

Recent analysis from Washington, D.C. illustrates another impact on local business with unrestricted bar zoning.

*“Restaurants, especially those allowed to serve alcohol, can afford higher rents than neighborhood-serving businesses, like grocery stores, hardware stores, pharmacies and dry cleaners. As bars and restaurants become successful, an area draws more foot traffic, attracting more of those businesses. **Landlords can charge higher rent, which pushes out the local businesses.** This is basically an economic game theory problem: the most natural equilibrium states are a mostly-vacant corridor on the one hand, and nothing but bars on the other”.*

(<https://ggwash.org/view/1664/balancing-neighborhood-retail-part-1-the-25-rule>)

Bars Everywhere

*“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,” Alcoholism: Clinical & Experimental Research Volume 36, Issue 8, 2012 Toomey et.al.*
http://www.youtube.com/watch?v=UHC_WFU7ObY&feature=youtu.be

“Elected officials, urban planners, neighborhood residents, and law enforcement should discuss the implementation of zoning laws that potentially limit the number (or density) of new alcohol outlets in neighborhoods.” *Community Context of Crime: A Longitudinal Examination of the Effects of Local Institutions on Neighborhood Crime* [James C. Wo](#), *Crime & Delinquency*, Vol 62, Issue 10, 2016

Bars and Brew Pubs Do not Require Parking

- In MS (main street categories) no parking is required for bars

Table 23-4D-5040(A) Parking requirements for MS1A–MS3B (continued)

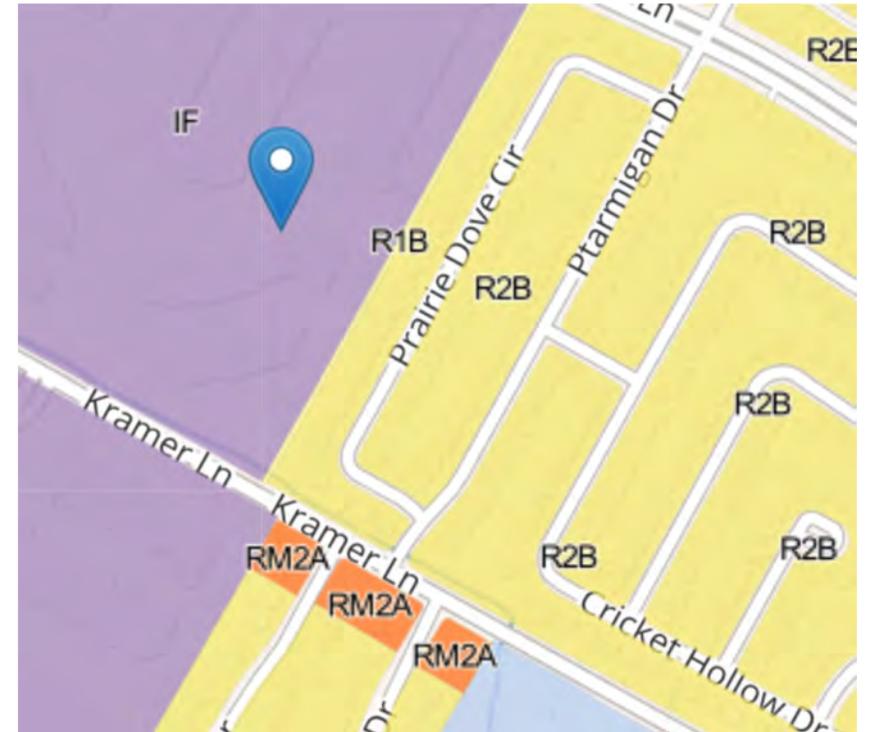
Use Type	Off-Street Parking Requirement
(6) Restaurant and Bars	
Bar/Nightclub	
Level 1	none required if <2,500 sf; 1 per 125 sf if 2,500-10,000 sf; 1 per 100 sf if > 10,000
Level 2	none required if <2,500 sf; 1 per 125 sf if 2,500-10,000 sf; 1 per 100 sf if > 10,000
Micro-Brewery/Micro-Distillery/Winery	1 per 150 sf after first 2,500 sf tasting area, 1 per 1,000 sf production area

Commercial Uses – Restaurants & Bars

																		v2	Restaurants and Bars
																		v2	Bars and Nightclubs:
–	CUP	–	CUP	–	CUP	✓		✓	✓	✓	–	MUP	–	MUP	MUP	✓	✓	v2	• Level 1 (no outside seating, no later hours)
–	CUP	–	CUP	–	CUP	CUP	✓	MUP	✓	✓	–	MUP	–	MUP	MUP	✓	✓	v3	• Level 1 (no outside seating, no later hours)
–	–	–	–	–	–	CUP		MUP	✓	MUP	–	–	–	–	–	MUP	MUP	v2	• Level2
–	–	–	–	–	–	–	MUP	CUP	✓	MUP	–	–	–	–	–	MUP	MUP	v3	• Level2
–	–	–	–	–	–	✓		✓	✓	✓	–	MUP	–	MUP	MUP	MUP	MUP	v2	Microbrewery/Micro-Distillery/Winery
–	MUP	–	MUP	–	✓	✓	✓	✓	✓	✓	–	MUP	–	MUP	MUP	MUP	MUP	v3	Microbrewery/Micro-Distillery/Winery
–	–	–	–	–	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	v3	Mobile Food Sales
																			Restaurants:
✓	✓	✓	✓	✓	✓	✓		✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	v2	• without alcohol sales
MUP(K)	MUP(K)	✓(K)	✓(K)	✓(K)	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	v3	• without alcohol sales
–	CUP	–	CUP	✓	✓	✓		✓	✓	✓	–	CUP	–	CUP	CUP	MUP	MUP	v2	• with alcohol sales
–	CUP	–	CUP	–	✓	✓	✓	✓	✓	✓	–	MUP	–	MUP	MUP	✓	✓	v3	• with alcohol sales
✓	✓	✓	✓	–	–	CUP		CUP	✓	MUP	✓	✓	✓	✓	✓	✓	✓	v2	• drive-through
–	CUP	–	CUP	CUP	CUP	–	CUP	CUP	MUP	✓	–	–	–	CUP	CUP	MUP	MUP	v3	• drive-through
CUP	CUP	CUP	CUP	–	–	CUP		CUP	✓	MUP	CUP	v2	• late night operation						
–	CUP	–	CUP	–	–	–	CUP	CUP	✓	MUP	CUP	v3	• late night operation						
MU1A	MU1B	MU1C	MU1D	MU2A	MU2B	MU3A	MU3B	MU4A	MU4B	MU5A	MS1A	MS1B	MS2A	MS2B	MS2C	MS3A	MS3B	v2	

Adult Entertainment

- Were two classes (with and without alcohol) now combined in CodeNEXT
- allowed in MU4B and MU5B; It is also allowed in CC, DC, IF, IG, IH- the I's are industrial zones and previously these business were not allowed there
- Many office parks fall into this category now, in close proximity to residential



Parking

- **Residential. On-site parking** requirement is cut to one parking space per dwelling unit - **half** of what is required today for single family homes.
- **Commercial.** At the same time that CodeNEXT is **increasing** the volume of **commercial traffic** generated by zoning districts in and around neighborhoods, it is **reducing** the **parking** requirement for those uses.

	Current	CodeNEXT V2	Reduction
	1 space per sq.ft.		
Retail & Banks	275	350	20%
Office	275	500	45%
Medical	200	500	60%

These reduced parking requirements will be eligible for **additional** cumulative reductions of up to 40% for a variety of reasons such as proximity to a corridor (e.g. a major arterial), or bike racks or off-site parking 1,000 feet away. The director may waive at his discretion all onsite parking.

Main Street Parking – little required

Restaurant

w/o Alcohol Sales

1 per 125 sf after first 2,500 sf; 1 per 325 sf after first 2,500 sf if no customer service or dining area is provided

w/ Alcohol Sales

1 per 125 sf after first 2,500 sf; 1 per 325 sf after first 2,500 sf if no customer service or dining area is provided

Drive Through

Not Applicable

Late Night Operation

1 per 125 sf after first 2,500 sf; 1 per 325 sf after first 2,500 sf if no customer service or dining area is provided

(7) Retail

All allowed retail uses

1 per 500 sf after first 2,500 sf

(8) Entertainment and Recreation

Studio: art, dance, martial arts, music

1 per 500 sf after first 2,500 sf

Other allowed entertainment and recreation uses

As determined by the Planning Director

Petition Rights

Today, nearby property owners have the right to receive notice and an opportunity to be heard at City Council before a property can be rezoned. If the owners of 20% of the property within 200 feet of the subject tract object to the proposed rezoning through a petition, the application requires a super-majority vote of the City Council for passage. This provision originates with State law and is intended to assure that a proposed rezoning, to which objection is made, is clearly in the public interest.

CodeNEXT is designed to reduce the ability to file a petition with the Council in opposition to zoning changes. The City seeks to do this in two ways.

- First, the City has taken the position that citizens have no petition rights in connection with the adoption of CodeNEXT even though CodeNEXT represents an extensive rezoning of thousands of properties across the City.
- Second, CodeNEXT has lowered the standard in many zoning districts, requiring only a conditional use permit (CUP) or an administrative minor use permit (MUP) for an array of land uses that today need a zoning change. There are *no petition rights* available in connection with CUPs and MUPs.

Administrative Approval

New “Minor Use Permits” for different uses in the new code.

(C) Administrative Review Process

- (1) **Notice of Application.** The director shall provide notice of an application for a minor use permit under Section 23-2C-5010 (Notice of Application) and allow parties to submit comments on the application for a period of at least 14 days.
- (2) **Director’s Action on Application.** After the comment period on the application has closed, the director shall:
 - (a) Approve the application;
 - (b) Approve the application with conditions; or
 - (c) Disapprove the application, in which case the applicant may submit an update under Section 23-2B-1040 (Update and Expiration).

- (F) **Appeal.** An interested party may appeal the director’s decision on a minor use permit to the planning commission under Article 23-2I (Appeals).

Administrative Decisions

(2) **Types of Administrative Decisions.** Examples of administrative decisions include:

- (a) A decision by the director on an application for:
 - (i) A site plan or minor use permit;
 - (ii) A minor adjustment or alternative equivalent compliance; or
 - (iii) A vested rights petition;
- (b) A decision by the building official or director on an application for:
 - (i) A building permit or a trade permit; or
 - (ii) A certificate of occupancy or compliance; and

Conditional Overlay Ignored: Upzoning SF-6



ORDINANCE NO. 20140807-141

AN ORDINANCE REZONING AND CHANGING THE ZONING MAP FOR THE PROPERTY LOCATED AT 710 EAST 41ST STREET IN THE HANCOCK NEIGHBORHOOD PLAN AREA FROM FAMILY RESIDENCE-CONDITIONAL OVERLAY-NEIGHBORHOOD PLAN (SF-3-CO-NP) COMBINING DISTRICT TO TOWNHOUSE & CONDOMINIUM RESIDENCE-CONDITIONAL OVERLAY-NEIGHBORHOOD PLAN (SF-6-CO-NP) COMBINING DISTRICT.

PART 3. The Property within the boundaries of the conditional overlay combining district established by this ordinance is subject to the following conditions:

2.706 units per acre to 46 units per acre with AHBP Bonus

- A. Development of the Property shall not exceed 9 residential units.
- B. Development of the Property shall not exceed an average of 2.706 residential units per acre.
- C. The maximum height, as defined by City Code, of a building or structure on the Property shall not exceed 30 feet.
- D. Development of a building or structure on the Property shall not exceed two stories.

Table 23-4D-3060(A) Lot Size and Intensity

Allowed Use	Lot				Building	
	Principal Dwelling Units per Acre (max.)		Width (min.)	Area (min.)	Size (max.)	
	Base Standard	AHBP Bonus ¹			Base Standard The less restrictive shall apply between:	AHBP Bonus ¹
Single-Family Attached	18	+0	25'	2,500 sf	0.4 FAR or 1,150 sf	+0 FAR
Duplex	18	+0	45'	5,000 sf	0.4 FAR or 2,300 sf	+0 FAR
Live/Work	24	+0	18'	1,800 sf	0.8 FAR	+0 FAR
Multi-Family	18	+28	50'	5,000 sf	0.8 FAR	+1.2 FAR
Townhouse ²	18	+0	24'	2,400 sf	0.8 FAR	+0 FAR
Other Allowed Uses	—	+0	50'	5,000 sf	0.8 FAR	+0 FAR

Table 23-4D-3060(D) Height

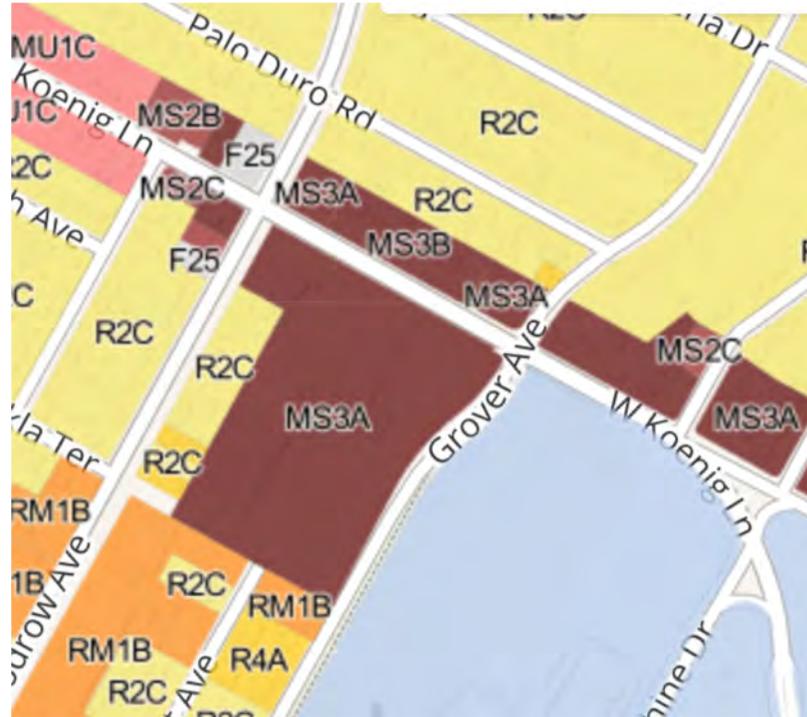
(1) Primary and Accessory Building

To Top Plate (max.)	35'
Overall (max.)	45'

Conditional Overlay Ignored - Koenig

40' FLUM overlay on Koenig ignored – height increase to 85 feet (with AHBP)

	CS	MS3A	MS3B
Max Height(w/AHBP Bonus)	60	85	85
Max Height(w/AHBP Bonus) Encroachments	–	97.75	97.75
Max Height(w/AHBP Bonus)+ decorative Encroachments	–	110.5	110.5
Building Cover	95%	90%	90%
Impervious Cover	95%	95%	95%
FAR (w/ AHBP Bonus)	2	–	–



Part 8, Sec. 24 of the Brentwood Neighborhood Plan establishes a conditional overlay limiting the maximum height to 40', and a maximum of three stories on the Property.

Infrastructure Planning

ANC Response from Greg Guernsey

11. **Has there been any analysis of the impact on the existing infrastructure capacity to support the increase in density proposed in V3? Specifically what will be the cost for upgrading sewer and drainage infrastructure to support the proposed density resulting from V3?**

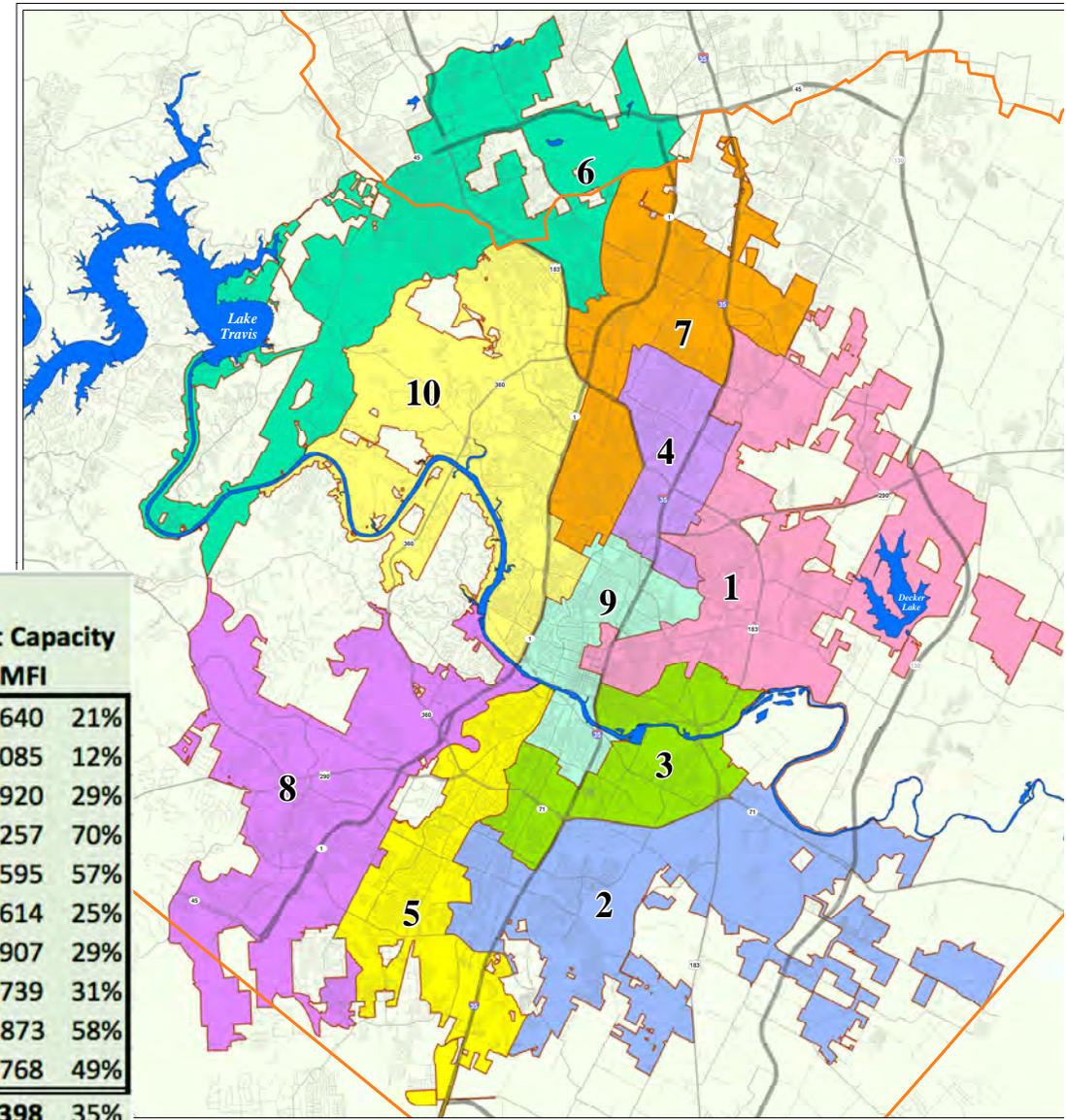
Response

- a. *No, this has not been determined. Infrastructure planning and improvements are considered on a City wide basis by the Austin Water Utility and the Watershed Protection Department. Local infrastructure improvements are reviewed and may be required at the subdivision or site plan stage of development.*

Redevelopment

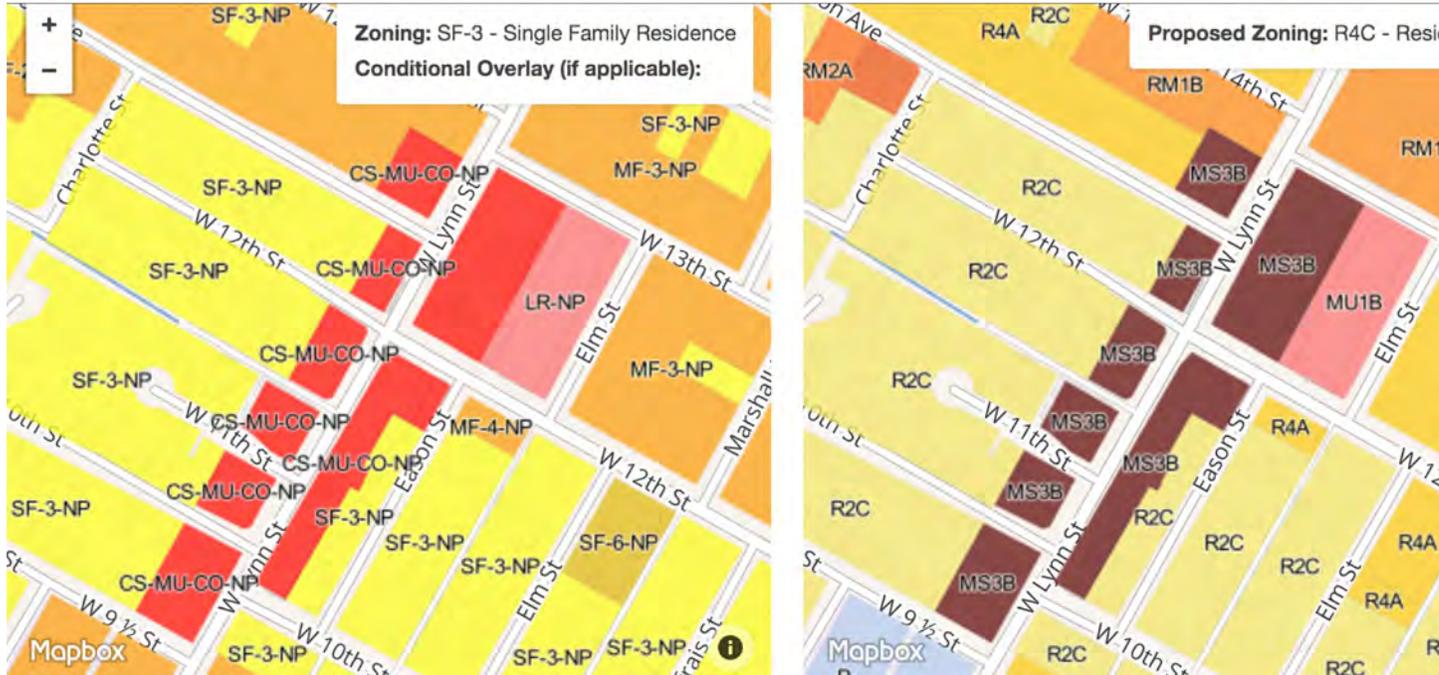
- Spreadsheet from Fregonese – CodeNEXT consultant
- 41% of new capacity will be through Demolition and redevelopment

	Total Housing Capacity	Housing Capacity on Vacant Land	Housing Capacity through Redevelopment	Housing Unit Capacity <100% MFI
District 1	31,282	23,364 75%	7,918 25%	6,640 21%
District 2	18,087	17,827 99%	260 1%	2,085 12%
District 3	17,027	6,698 39%	10,329 61%	4,920 29%
District 4	7,552	2,048 27%	5,504 73%	5,257 70%
District 5	15,170	6,080 40%	9,090 60%	8,595 57%
District 6	6,445	6,445 100%	- 0%	1,614 25%
District 7	13,576	9,644 71%	3,932 29%	3,907 29%
District 8	18,536	14,128 76%	4,408 24%	5,739 31%
District 9	18,672	903 5%	17,769 95%	10,873 58%
District 10	7,742	4,086 53%	3,656 47%	3,768 49%
TOTAL	154,088	91,222 59%	62,866 41%	53,398 35%



Robinson, City Demographer, City of Austin, May 2016.

Mapping Issues: West Lynn Shopping



Proposed CodeNEXT is +25 feet can actually go to 110 with height encroachments);

Reduced compatibility setbacks(100' feet compatibility standards end).

No FAR limit.

Adds these uses Above current:
MUP for level 2 bar and microbrewery and CUP for liquor

Uses

- restricted: see below (D) i.e. bail bond
- (D) a. Bail bond services (regulated by Texas Occupations Code Chapter 1704);
- b. Fortune tellers, psychics, and palm and card readers;
- c. Spas and hot tubs for hourly rental;
- d. Tattoo and body piercing services;
- e. Cigarette/e-cigarettes/vapor shops; and
- f. Hookah lounges.

Restaurants and Bars

Bars and Nightclubs:

- Level 1 (no outside seating, no later hours)
- Level 2

Microbrewery/Micro-Distillery/Winery

Retail

Alcohol Sales (Liquor Store)

	Current	CodeNEXTV3
	CS	MS3B
Max Height(w/AHBP)	60	85
Building Cover	95%	90%
Impervious Cover	95%	95%
FAR (w/ AHBP Bonus)	2	—