

# Friends of Zilker CodeNEXT Position Paper

Posted on May 18, 2017

CodeNEXT and the associated maps

**Friends of Zilker DOES NOT approve of the CodeNEXT maps as they are currently drafted.**

**Changes to Form Base Code for T3 (Sub Urban Zone) + T4 (General Urban Zone):**

Friends of Zilker believes requiring form based envelopes<sup>1</sup> for transect zones<sup>2</sup> will strip current property owners of existing rights and severely limit building options.

***FOZ recommends these changes:***

*Change building size in T3 from the less restrictive of form base or .5 FAR<sup>3</sup>*

*Keeping required 45% impervious cover maximum*

- This recommended change will protect existing homes from becoming “non-comforming” and allow owners to build additions outside of prescribed building envelopes.*
- Protect character of neighborhood by allowing for diversity of house designs instead of encouraging two story houses at the fronts of lots*
- Protect existing rights to build larger homes on estate sized lots*
- Modest increase in FAR should be paired with removing all exemptions to calculations to simplify design and review maintaining status quo*
- Allows for carport owners to add garage doors, legally*

*Change building size in T4 from the less restrictive of form base or .6 FAR*

*Allow for more building options in T4 to promote density in those areas*

**Changes to Accessory Dwelling Units:**

Friends of Zilker believes Accessory Dwelling Units provide important “missing middle” housing in our neighborhood. CodeNEXT will limit the number of properties that can have ADUs and the size / design options of ADUs vs what is currently allowed in the code. If CodeNEXT passes our neighborhood is likely to see fewer ADUs built in the future.

**FOZ recommends these changes:**

*Allow ADU to be placed in front of primary structure*

- *Encourages preservation of small existing homes at the front of lots and allows for new units to be built behind these existing homes*
- *Protects character of the neighborhood by allowing for diversity of housing sizes as viewed from the street*

*Reduce rear setback 4 to 5 feet*

- *The 20 foot setback required in CodeNEXT will severely limit the number of lots that can accommodate an ADU*

*Allow for ADU to be built to the less restrictive of building envelope or .15 FAR*

*Current draft would only allow for a 1 story ADU to be 650sqft. ADU is a popular option for multigenerational housing arrangements and 650sqft is not large enough for a single story, elderly friendly, dwelling.*

**Changes to Duplexes:**

Friends of Zilker believes duplexes are an essential part of creating “missing middle” housing. CodeNEXT adds arbitrary restriction on what style of duplex can be built on T3 (sub urban zone) and T4 (general urban zone) lots. These restrictions do not currently exist and will force designs that may not be optimal for the site or the future occupants of those duplexes.

**FOZ recommends these changes:**

*Allow stacked, side by side, front back duplexes in all T3 + T4 zonings*

*Maintains current property rights*

*Increases design options and promotes best outcomes*

**Changes to Setbacks:**

Friends of Zilker believes CodeNEXT zoning regulations will force changes to existing, long established, setbacks. T3 and T4 transect zone setback requirements are more onerous than their non-transect equivalents (LMDR, MDR).

**FOZ recommends these changes:**

*Remove maximum front setbacks from T3, T4 and LMDR*

- *Promotes preservation of trees by allowing for more design options*
- *Preserves neighborhood character by allowing for variation in setbacks*

*Change minimum front setback to the less restrictive of prescribed or to allow for matching the setback of adjoining lots*

- *Promotes preservation of trees by allowing for more design options*
- *Preserves neighborhood character by allowing for variation in setbacks*

*Reduce side setbacks for remodels to 5' per side and 10' cumulative*

- *Preserves existing property rights for homeowners*
- *Provides additional options for homeowners who want to expand existing homes without adding new restrictions that could make remodels more difficult.*

*Change minimum rear setback to 10 ft for both T3 and T4 designations*

*In no circumstance should setback requirements be more onerous in T3 and T4 transect zones than their equivalents (LMDR and MDR) in non-transect zones.*

## **Changes to Height Restriction**

Friends of Zilker believes that to increase density and maintain building footprints the only way to go is up. CodeNEXT severely limits heights from existing code requirements, in fact, height restrictions are more onerous at 32 ft in T3 transect zone than the 35 ft limit in the equivalent LMDR non-transect zone. This is incongruous with the purpose of designating transect zones and will serve to reduce entitlements on most of the T3 designated lots.

## **FOZ recommends these changes:**

### *Change height limit in T4 and T3 to three stories*

- *Promotes environmental protection because more space on the lot can be devoted to yard instead of house.*

### *Change height limit of LMDR to two stores for the building*

- *Maintains current property rights instead adding restriction that past 80' mark on lot house can only be one story tall*
- *Eliminate step-down maximum heights in LMDR and MDR (This will result in maximum single story at the back of houses, again forcing architectural norms on a supposedly creative city.)*

*In no circumstance should height restrictions be more onerous in T3 transect zoning than its equivalent (LMDR) in non-transect zones.*

- *Recommend allowing a FAR limitation option determine building height, and not a prescriptive value that will serve to downzone most of our neighborhood.*

*Remove "maximum height to eaves" requirement. Building height requirement, if there must be one, should be sufficient. This will force certain types of rooflines; are we trying to force architecture with the code. This does not jive with Keeping Austin Weird or the imaginative and creative city we claim to be*

## **Changes to limited application of T4 and MDR zoning**

Friends of Zilker believes one of the goals of CodeNEXT / Imagine Austin was to give more flexibility in what can be built near transit corridors. Transect zones (T3.x, T4.x, T5.x, and T6.x) are by definition "applicable to neighborhoods to the urban core or downtown, the most urban part of the City. Transect zones are only applied through a Form-Based Code." Our Zilker neighborhood, which fits the bill for a transect zone, has been overlain with a hodge-podge of zonings. The incongruencies range from non-transect islands within the transect zones to legacy designations within the transect zone. In general, as drawn, entitlements are being reduced in our neighborhood which contradicts the spirit of Imagine Austin in general and the definition of transect zone specifically. Additionally, a form-based application was not used. There is a severe lack of "missing middle" housing and hardly any T4 designations. The current maps include T5 (most intense zoning) along Lamar, but many lots that back to the T5 zoning have T3 zoning – the mappers failed to include the T4 transition zones in parts of the neighborhood. Step-downs occur from T5 to LMDR or T5 to T3. A side by side comparison of the current code against CodeNext clearly shows that CodeNext zoning designations were overlaid to mimic the current zoning characteristics,

albeit actually reducing some entitlements as mentioned above. But the point of overlaying with CodeNext should be to steer growth in a new direction—one with at least some upzoning and at least a semblance of form based zoning. This clearly hasn't happened and the maps depict a huge down-zoning overall. The purples generally don't "dissolve" into yellows they step change drastically omitting the oranges and browns that is the missing middle housing.

### **FOZ recommends these changes:**

*Change all of Kinney Ave to T4 or higher on both sides*

- *Will allow for more natural transition between T5 (intense density) and residential*
- *Parts of Kinney Ave currently used for residential were plated originally to allow for commercial uses – those blocks in particular should be T4MS or other zoning more intense than T3.*

*Add more T4 and T5 in general, and T4 should at least dominate at a minimum of one block from Lamar.*

*Remove all "islands" of non-transect zone designations (LMDR, MDR, etc) within a designated transect zone.*

*Recommend that in general, the goal of CodeNext should **not** be to limit entitlements, but to increase them. The city is growing, not shrinking.*

### **Changes to Occupancy Limits**

Friends of Zilker believes the goal of CodeNEXT is to increase the number of affordable housing options. A maximum of 3 unrelated adults in a two family use is too few. Additionally, no city government, especially Austin's, should be in the business of determining what constitutes a "family". (The Fair Housing Act prohibits discrimination on the basis of your type of family.)

### **FOZ recommends these changes:**

- *Increase occupancy per dwelling unit (duplex = 2 dwelling units) to 5 per dwelling unit and ADU to 4*
- *Remove mention of relationship status as determinant for occupancy rights*

### **Changes to Environmental Requirements – Retention Ponds on Single Lots**

Friends of Zilker believes the Zilker neighborhood suffers from very poor drainage. The changes to how drainage calculations are done (currently delta from existing development to new vs zero to new) will cause more individual lots to have retention ponds. With land being at a premium in

Zilker (\$70-100+/foot) it is not sensible to force drainage requirements on to projects that are less than 1/2 of an acre and under 45% impervious.

**FOZ recommends these changes:**

- *Limit 23-10E-3010 to only impact site plans, re-subdivisions of more than 1/3 acre.*

### Legacy code ghosts

Currently there are numerous examples of “legacy” code designations (such as SF-6 or MF-2) within the new maps. The point of CodeNext was to reduce the complexity with the current code, primarily since it contains so many Conditional Use Overlays. Even if there are restrictions that must “run with the land” these should be moved over to the new designation, otherwise we will be forced to retain both codes, which will result in increased complexity.

**FOZ recommends these changes:**

- *Remove all legacy code designations and assign appropriate designations using CodeNext definitions.*
- *Recommend that in general, the goal of CodeNext should not be to limit entitlements, but to increase them.*

<sup>1</sup> form based codes go beyond conventional zoning by addressing the relationship of the building to the streetscape and the proper relationship between buildings in order to define a desired urban form

<sup>2</sup> The transect defines a series of zones that transition from sparse rural farmhouses to the dense urban core. Each zone is fractal in that it contains a similar transition from the edge to the center of the neighborhood.

<sup>3</sup> Floor area ratio (FAR) is the ratio of a building’s total floor area (zoning floor area) to the size of the piece of land upon which it is built.

<sup>4</sup> set back is the distance which a building or other structure is set back from a street or road, a river or other stream, a shore or flood plain, or any other place which is deemed to need protection.