

Comprehensive Review of CodeNEXT v4

by Community not Commodity



Timelines

Timeline

Saturday, December 7, 2019 - 10:00am

A public hearing on the Land Development Code Revision and related amendments to the comprehensive plan will be conducted before the Austin City Council. Once the agenda is posted it will be available on the [City Council Meeting Information Center](#).

Location Information

Austin City Hall
301 W. 2nd St.
Austin, TX 78701
See map: [Google Maps](#)

PUBLIC PARTICIPATION

District Meetings, by request

Community
Office Hours

Staff Modeling
& Testing

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

Code development, including meeting w/ community

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

COUNCIL WORK SESSIONS

COUNCIL & COMMITTEE WORK

Council Meetings
on CodeNEXT

Council Meetings/
Public Comment on
Policy Questions

POLICY DECISION
MILESTONES

8/9/2018
Council ends
CodeNEXT
process

3/15
City Manager
asks Council
5 Policy Questions

5/2
Council adopts
policy direction to
guide Code Revision

5/14
Planning
Commission

8/13
Housing &
Planning
Committee

8/20
Council
Work
Session

8/21
Mobility
Committee

8/28
Council
Work
Session

9/11
Council
Work Session

9/18
Council
Work Session

9/26
Council
Work Session

10/1
Council Work
Session

10/8
Council
Special Called
WS (Housing &
Planning
Committee
Joint Meeting)

10/14
Planning
Commission
WG Workshop

10/16
Planning
Commission
Special Called

10/22
Planning
Commission

10/29
Planning
Commission
Special Called

11/5
Mobility
Committee

11/6
Planning
Commission
Special Called

11/12
Planning
Commission

11/12
Council
Work Session

11/5
Planning
Commission
Special Called

11/11
Planning
Commission
Special Called

11/18
Council
Special Called
Work Session

12/3
Council Work
Session

12/4
Council Work
Session

12/7
**Council Public
Hearing**

12/9
Council Special Called
1st Ordinance Reading

Early-Mid Jan
Council 2nd or
2nd & 3rd
Reading*

*Three Readings Required for Adoption

Updated 11/12/2019

Comprehensive Plan

Consistency with Comprehensive Plan

23-1 A-4010 Consistency with the Comprehensive Plan



(A) **Consistency Requirement.** Legislative, quasi-judicial, and administrative decisions under this Title must be consistent with the Comprehensive Plan, as required by Article X of the City Charter.

(B) **Consistency Standards for City Decisions.**

(1) **Legislative Decisions.**

- (a) An amendment to the zoning map is consistent with the Comprehensive Plan if the nature and location of allowed land uses is consistent with the growth concept map and, if applicable, a land use map included in an adopted small area plan or other plan element.
- (b) The city council has sole authority to determine the consistency of a legislative decision, including the adoption or amendment of this Title, with the Comprehensive Plan and to balance the goals and policies of the Comprehensive Plan. A decision by the council to approve a legislative decision shall constitute a finding that the decision is consistent with the Comprehensive Plan.

(2) **Administrative and Quasi-Judicial Decisions.** An administrative or quasi-judicial decision is consistent with the Comprehensive Plan if the decision conforms to the applicable regulations of this Title, which implement the Comprehensive Plan.

Background Austin

Unique Austin

In Austin the suburbs are neighborhoods, in Minneapolis, the suburbs are cities

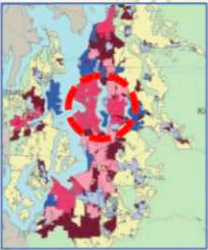
Comparing Metro Core Cities

Metro Area	Metro Population	Core City Population	Percent Core City
Minneapolis	3.6 million	424,256	11.7
Seattle	3.9 million	766,893	18.6
San Francisco	4.7 million	897,536	19.1
Denver	2.9 million	716,492	24.4
Portland	2.4 million	667,389	27.0
Austin	2.1 million	1,001,104	47.3

Unique DNA: Smallest Metro Largest City Half Metro



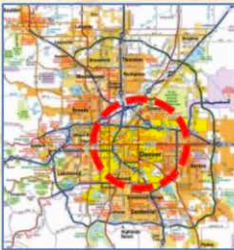
Minneapolis



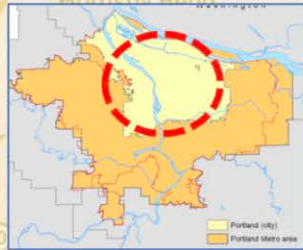
Seattle



San Francisco



Denver



Portland



Austin

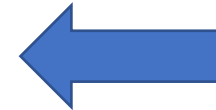
Single Family Only Zoning

Austin

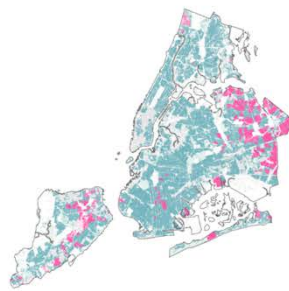
Cities Start to Question an American Ideal: A House With a Yard on Every Lot

By EMILY BADGER and QUOCTRUNG BUI JUNE 18, 2019

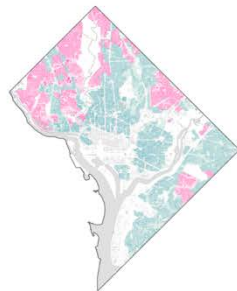
Townhomes, duplexes and apartments are effectively banned in many neighborhoods. Now some communities regret it.



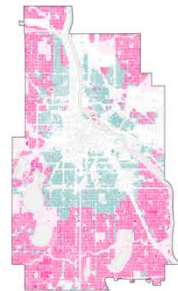
Residential land zoned for: ■ detached single-family homes ■ other housing



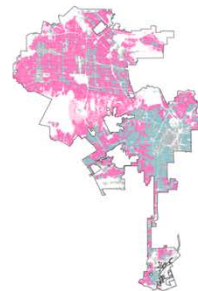
New York 15%



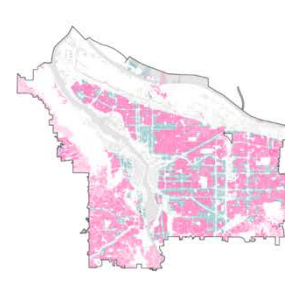
Washington 36%



Minneapolis 70%



Los Angeles 75%



Portland, Ore. 77%

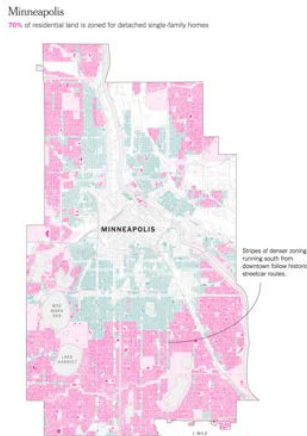
This NYTimes article looks at various cities across the US and calculates the % of residential housing that is zoned for single-family housing only – that is a single family house, not a duplex and only a very restrictive ADU (Accessory Dwelling Unit). A company called Urban Footprint did these calculations. They were contacted, but hadn't mapped Austin so using city data we mapped the restrictive zoning in Austin (RR, LA, SF-1 and SF-2) and calculated the Austin %. The Maps were also put on the the same scale as Austin to compare geographical size.

How does Austin compare?

Single Family Only Zoning

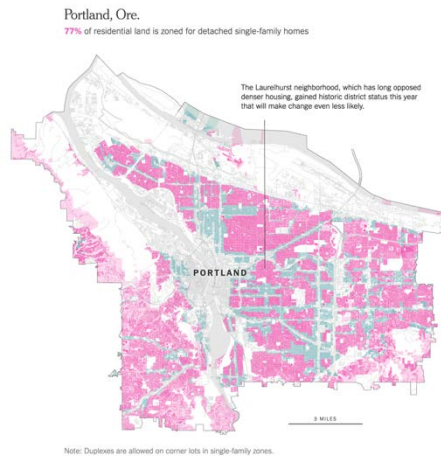
Minneapolis

70%

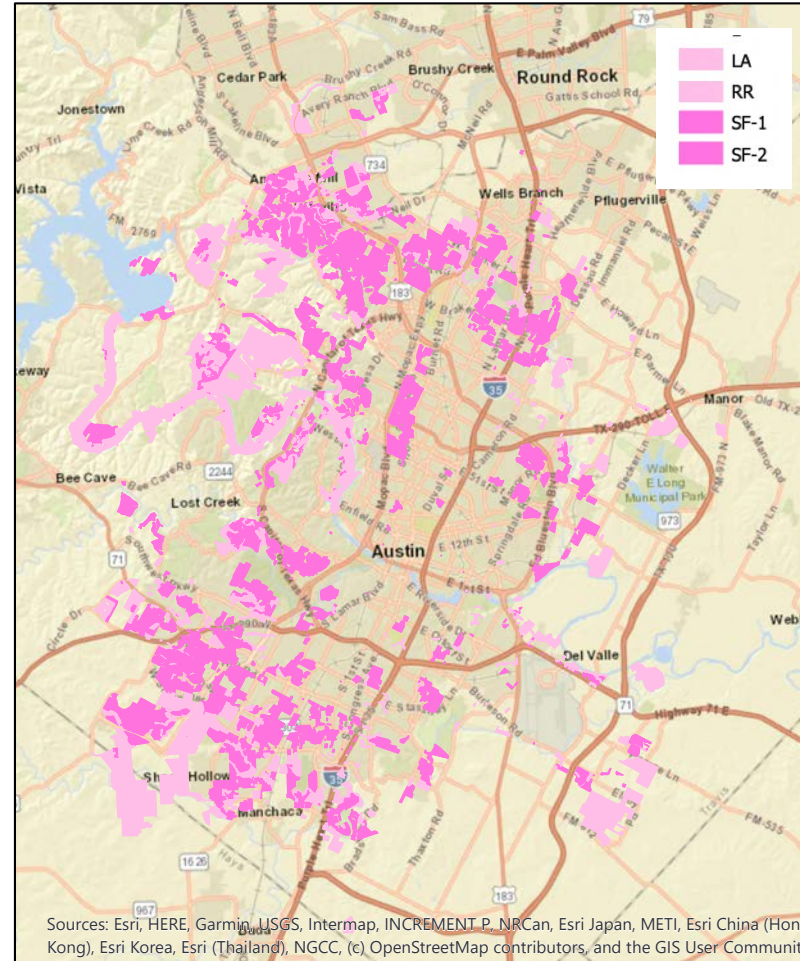


Portland

77%



Austin



~41%

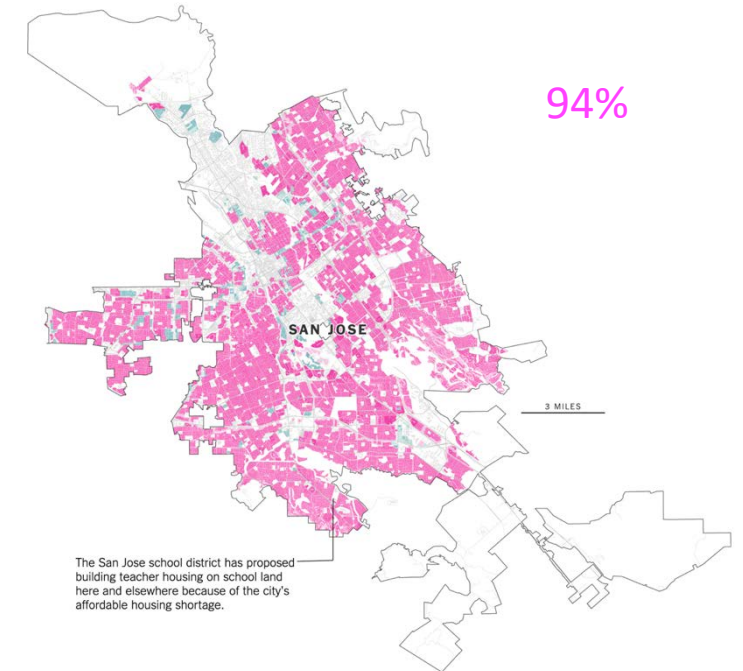
0 1.75 3.5 7 Miles

San Jose

San Jose, Calif.

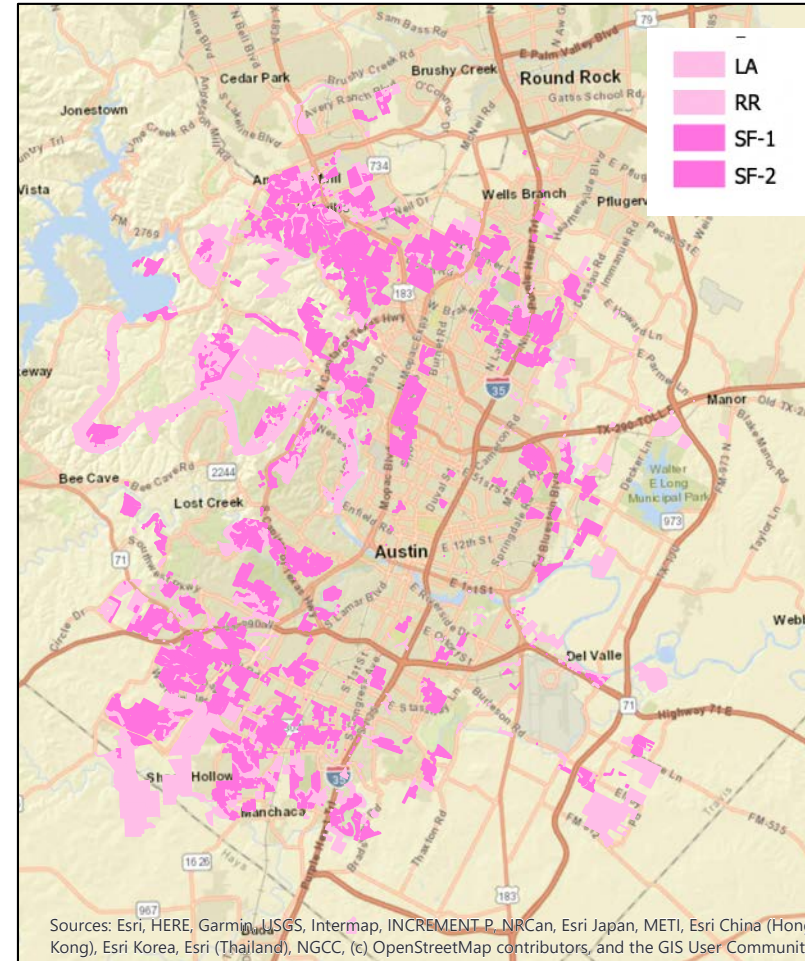
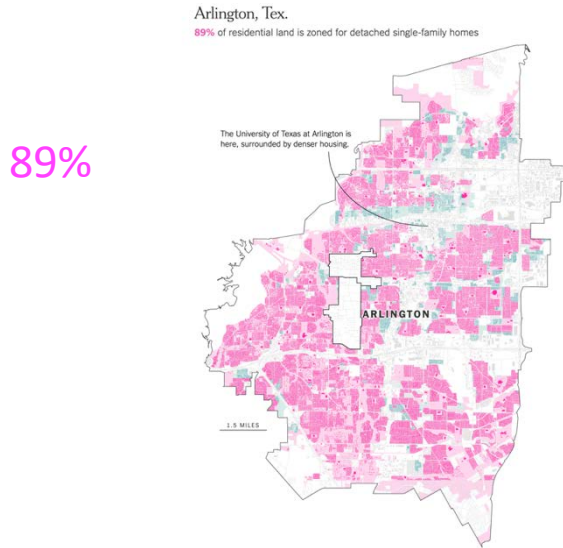
94% of residential land is zoned for detached single-family homes

94%



All maps same scale

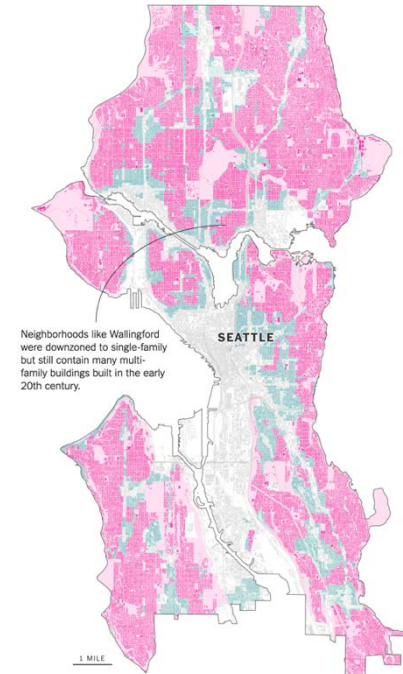
Single Family Only Zoning.....



41%

0 1.75 3.5 7 Miles

Seattle
81% of residential land is zoned for detached single-family homes



81%

Note: Most city parks and schools are zoned as single-family residential.

All maps same scale

Austin has considerably less single-family only zoning than all of the cities in the article except for New York City (15%) and is close to Washington DC (36%).



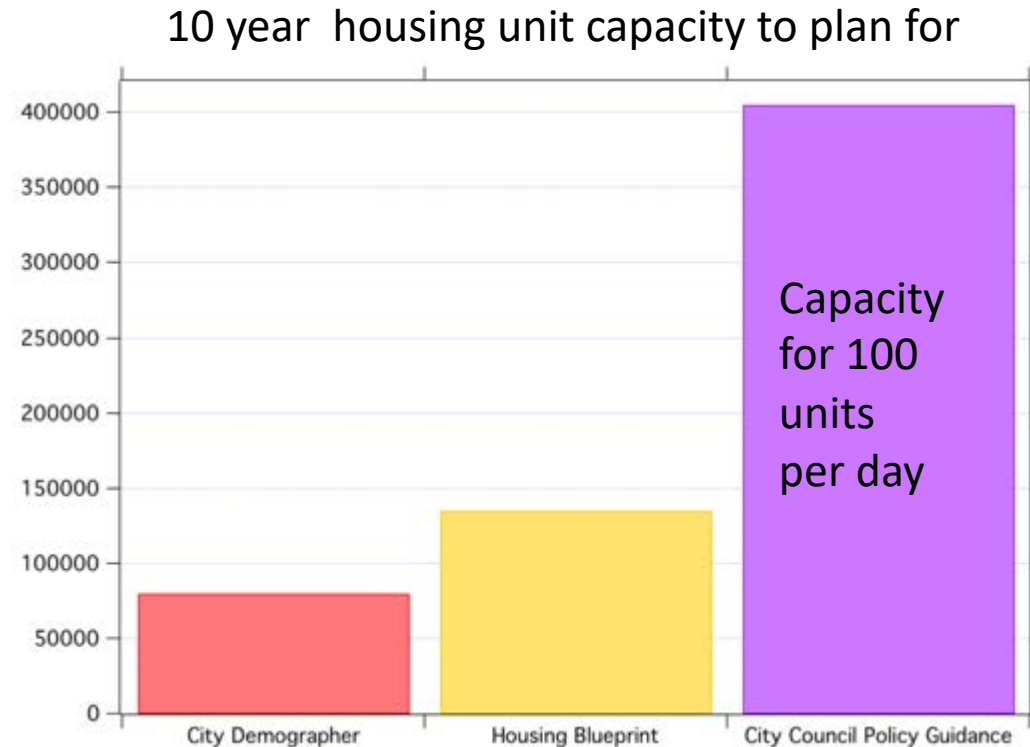
How we got here

Housing Target

Housing Capacity = Excessive Upzoning

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

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



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

Housing Review

How Do We Estimate Housing Capacity in the Revised LDC?

IDENTIFY ZONE ON PARCEL

**LDC
Revised
Map**



PERFORM FEASIBILITY TEST



Could a developer build
on this site?
*Based on local market
conditions and land cost.*

Yes.

No.

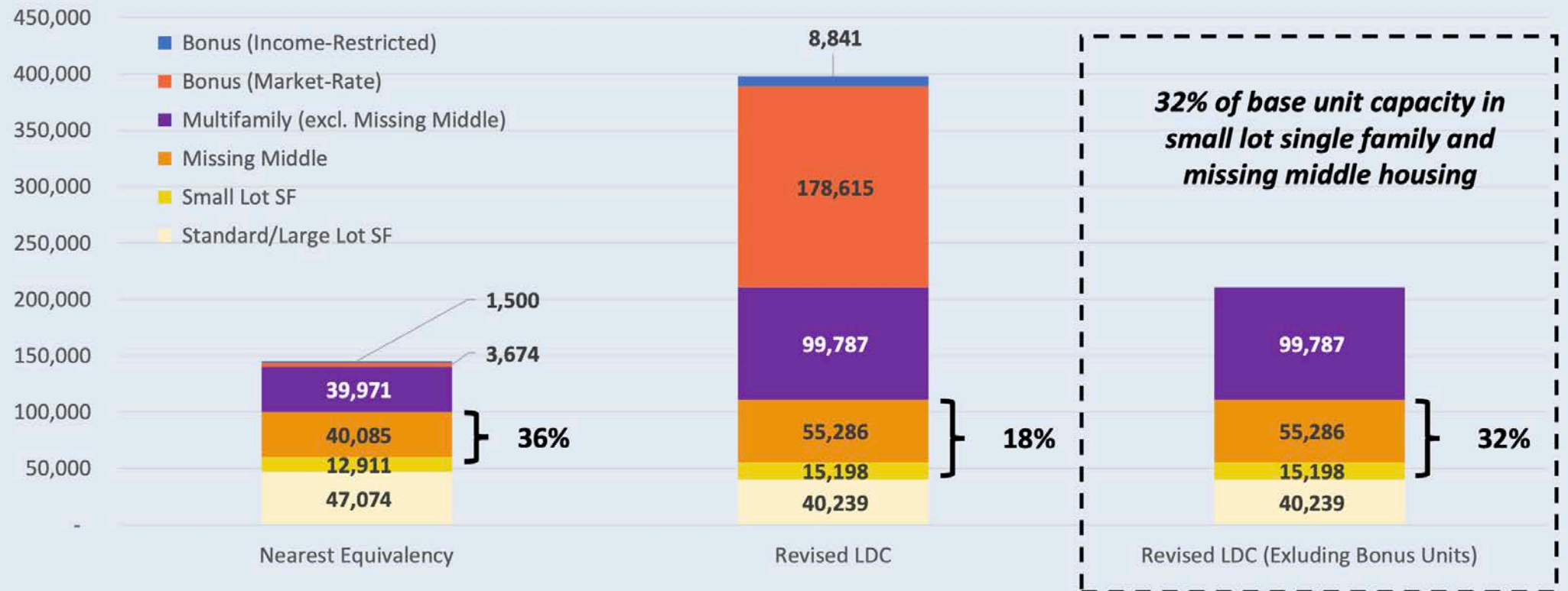
PARCEL
INCLUDED IN
CAPACITY
ESTIMATES

PARCEL NOT
INCLUDED IN
CAPACITY
ESTIMATES

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

Housing Review

Council Direction: At least 30% of new housing should be a range of housing types from small-lot single-family to eight-plexes to help address Austin's need for multi-generational housing.



10/8/2019

Austin City Council Special Called Work Session

16

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

Housing Review

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

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

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



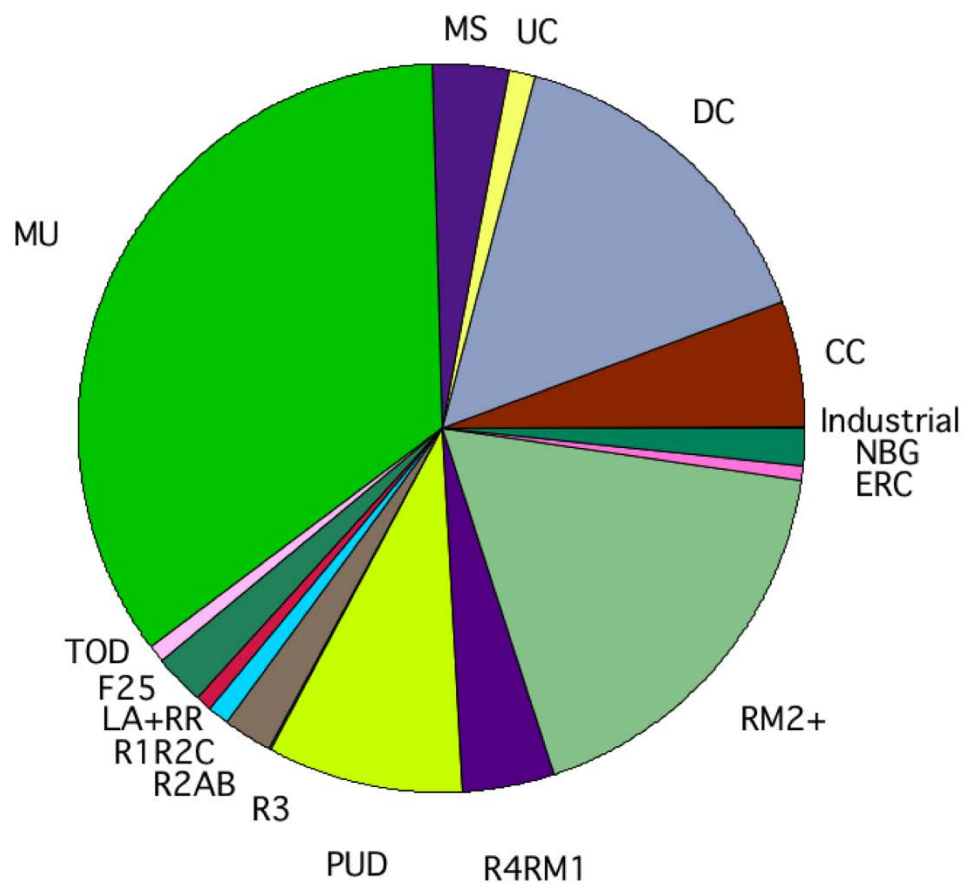
Total Market Capacity Breakdown

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

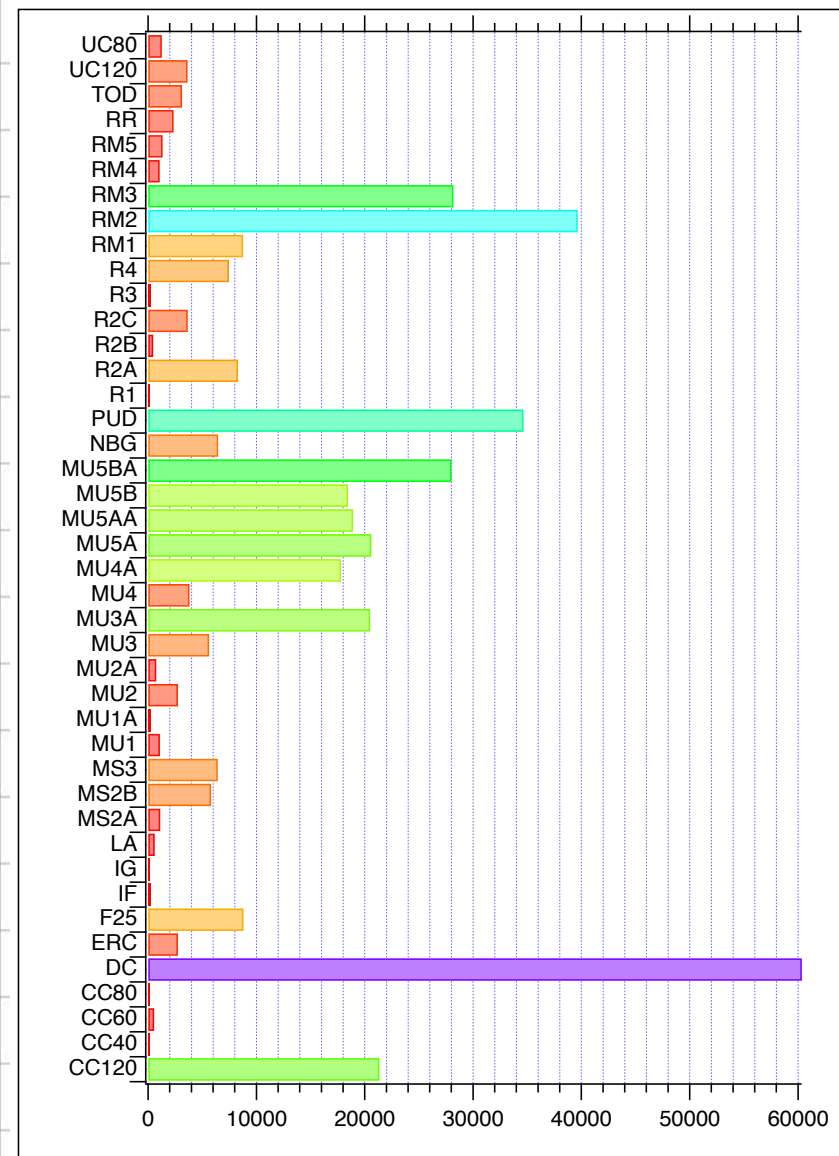
- <https://www.austintexas.gov/edims/document.cfm?id=329103>

Housing Review

Where COA consultant's market analysis says capacity will be located.



Zone	% Capacity
IFIG	0.1%
R3	0.1%
ERC	0.7%
LA+RR	0.7%
TOD	0.8%
R1R2C	0.9%
UC	1.2%
NBG	1.6%
R2AB	2.2%
F25	2.2%
MS	3.4%
R4RM1	4.1%
CC	5.6%
PUD	8.7%
DC	15.2%
RM2+	17.7%
MU	34.9%



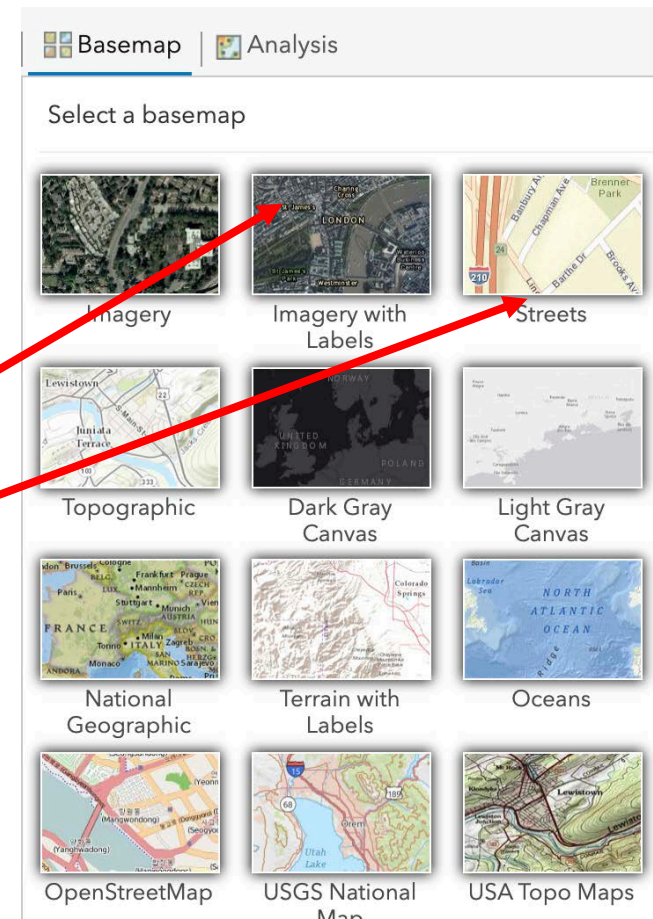
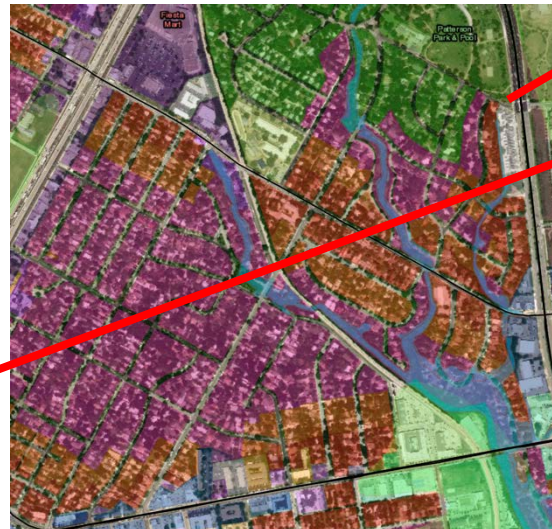
Citywide Proposed Zoning

Live Maps

Save ▾ Share Print ▾ | Directions Measure Bookmarks Find address or place 🔍

All of the linked maps in this presentation allow you to change the basemaps and use the functions including Find Address.

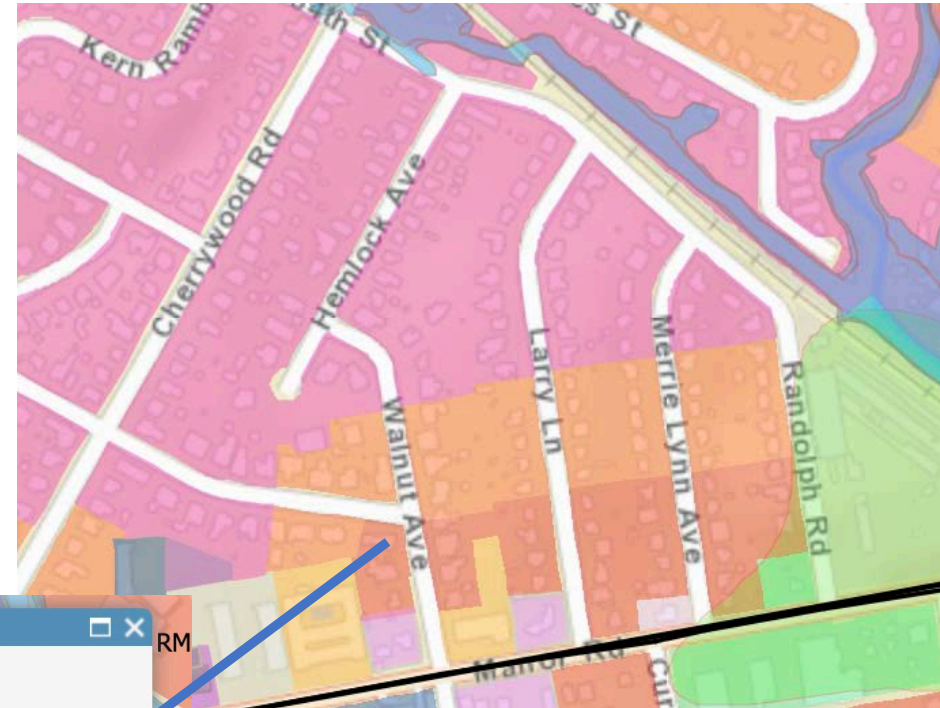
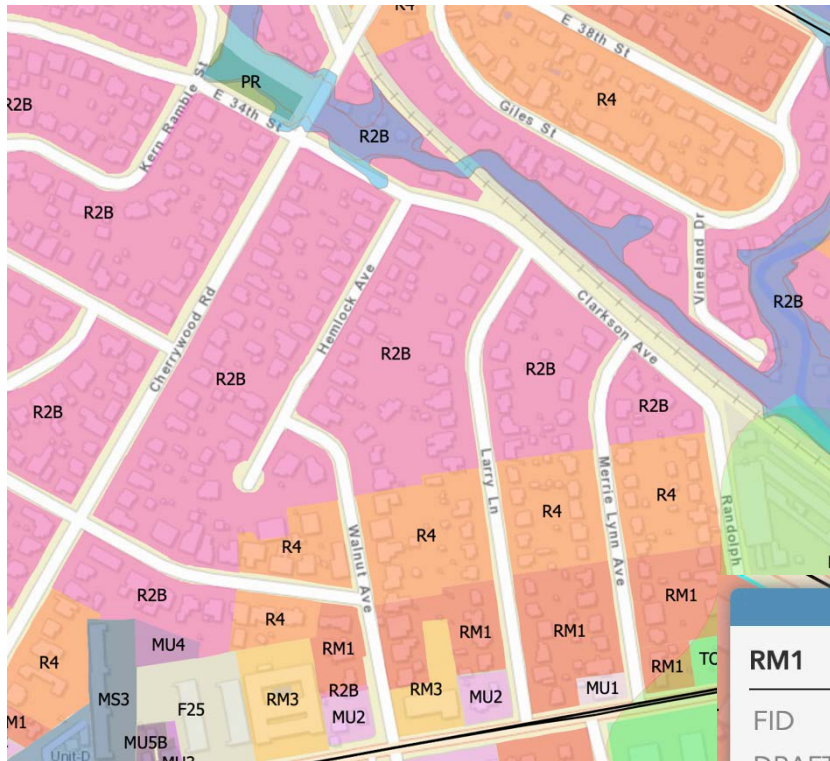
Basemap choices are shown at right. The open street map show addresses.



Citywide Proposed Zoning

To view citywide current and proposed zoning with labelling on map click [here](#).

For map with legend instead of on map labelling click [here](#).



RM1

FID	8734
DRAFT_ZONE	RM1
BASE_TYPE	RM1
Shape__Area	30701.21875
Shape__Length	893.6170621091497

[Zoom to](#) [Get Directions](#)

Clicking on any property in either map will bring up the extent of information for any location.

Citywide Proposed Zoning

Short Titles of the Zoning Classes. For full definitions click [here](#).

Residential House Scale Zones	
RR	Rural Residential
LA	Lake Austin
R1	Residential 1
R2A	Residential 2A
R2B	Residential 2B
R2C	Residential 2C
R3	Residential 3
R4	Residential 4
Residential Multi-Unit Zones	
RM1	Residential Multi-Unit 1
RM2	Residential Multi-Unit 2
RM3	Residential Multi-Unit 3
RM4	Residential Multi-Unit 4
RM5	Residential Multi-Unit 5
MH	Manufactured Home

Mixed Use Zones	
MU1	Mixed Use 1
MU2	Mixed Use 2
MU3	Mixed Use 3
MU4	Mixed Use 4
MU5A	Mixed Use 5A
MU5B	Mixed Use 5B
Main Street Zones	
MS2A	Main Street 2A
MS2B	Main Street 2B
MS3	Main Street 3

Regional Center Zone	
UC	Urban Center
CC	Commercial Center
DC	Downtown Core
Commercial and Industrial Zones	
CR	Commercial Recreation
IF	Industrial Flex
IG	Industrial General
IH	Industrial Heavy
R&D	Research & Development
Other Zones	
AG	Agricultural
AV	Aviation Services
CL	Conservation Lands
ERC	East Riverside Corridor
F25	Former Title 25
NBG	North Burnet Gateway
P	Public
PR	Park
PUD	Planned Unit Development
TOD	Transit-Oriented Development

Residential Zones

In Austin the suburbs are neighborhoods, in Minneapolis, the suburbs are cities

With the proposed code, Austin will have a gap between 1 acre and 5,000 square foot lot sizes. Any classification for minimum intermediate lot size has been removed.

Slide by Jim Duncan

Comparing Zoning Codes: Single Family Districts

Min. lot size (sf)	40,000	30,000	20,000	15,000	10,000	7,000	6,000	5,000	3,000
Seattle	-	-	-	-	9,600	7,200	-	5,000	-
Denver	-	-	-	-	12,000	8,500	6,000	-	3,000
Charlotte	-	-	-	-	10,000	8,000	6,000	4,500	3,500
Portland	87,120	-	20,000	-	10,000	7,000	-	5,000	-
Milwaukee	-	-	20,000	12,000	9,000	7,200	6,000	-	3,600
Albuquerque	-	-	-	-	10,000	7,000	-	5,000	3,500
Kansas City	80,000	-	-	-	10,000	7,500	6,000	5,000	3,000
San Diego	40,000	-	20,000	15,000	10,000	8,000	6,000	5,000	-
Phoenix	43,560	35,000	18,000	-	10,000	8,000	6,000	-	-
Nashville	40,000	30,000	20,000	15,000	10,000	7,500	-	5,000	3,750
Raleigh	40,000	-	20,000	-	10,000	-	6,000	4,000	-
Fort Worth	43,560	-	21,000	-	10,000	7,500	-	5,000	2,500
Dallas	-	-	20,000	16,000	10,000	7,500	-	5,000	-
CodeNEXT4	43,560	-	-	-	-	-	-	5,000	2,500

Exurban

Suburban

Urban

"The Missing Middle"

Unique
Austin

Missing Middle
of Lot Sizes

CodeNEXT4

Residential House Scale Districts

RR

Table 23-3C-3060(A) Lot Size and Intensity

Lot **43,560 sf** Width along Cul-de-Sac¹

(1) Allowed Use	Principal Dwelling Units per Lot (max.)	Base Standard	Width (min.)	Area (min.)	At Front Lot Line	At Front Setback Line	All points 100 feet or more behind the front lot line
Single-Family	1	100'	1 acre	33'	60'	100'	
Duplex	2	100'	1 acre	33'	60'	100'	
Other Allowed Uses	—	100'	1 acre	33'	60'	100'	

LA

Table 23-3C-3070(A) Lot Size and Intensity							
		Lot		43,560 sf Width along Cul-de-Sac ¹			
		Principal Dwelling Units per Lot (max.)					
(1) Allowed Use	Base Standard	Width (min.)	Area (min.)	At Front Lot Line	At Front Setback Line	All points 100 feet or more behind the front lot line	
Single-Family	1	100'	1 acre	33'	60'	100'	
Duplex	2	100'	1 acre	33'	60'	100'	
Other Allowed Uses	—	100'	1 acre	33'	60'	100'	

R1

Table 23-3C-3080(A) Lot Size and Intensity

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

R2A

Table 23-3C-3100(A) Lot Size and Intensity					
(1) Allowed Use	Lot		5,000 sf	Building	
	Principal Dwelling Units per Lot (max.)			Size (max.)	
	Base Standard	Width (min.)	Area (min.)		Base Standard
Single-Family	1	45'	5,000 sf		0.4 FAR
Single-Family Attached	1	25'	2,500 sf		0.4 FAR
Duplex	2	45'	5,000 sf		0.6 FAR
Other Allowed Uses	—	45'	5,000 sf		0.4 FAR

R2B

Table 23-3C-3100(A) Lot Size and Intensity					
(1) Allowed Use	Lot		5,000 sf	Building	
	Principal Dwelling Units per Lot (max.)			Size (max.)	
	Base Standard	Width (min.)	Area (min.)	Base Standard	
Single-Family	1	45'	5,000 sf	0.4 FAR	
Single-Family Attached	1	25'	2,500 sf	0.4 FAR	
Duplex	2	45'	5,000 sf	0.6 FAR	
Other Allowed Uses	—	45'	5,000 sf	0.4 FAR	

R2C

Table 23-3C-3110(A) Lot Size and Intensity

(1) Allowed Use	Lot			Building
	Principal Dwelling Units per Lot (max.)	Width (min.)	Area (min.)	
Single-Family	1	35'	3,500 sf	0.5 FAR
Duplex	2	35'	3,500 sf	0.6 FAR
Other Allowed Uses	—	35'	3,500 sf	0.5 FAR

R3

Table 23-3C-3120(A) Lot Size and Intensity

(1) Allowed Use	Lot 5,000 sf			Building
	Principal Dwelling Units per Lot (max.)	Width (min.)	Area (min.)	Size (max.)
	Base Standard			Base Standard
Single-Family	1	45'	5,000 sf	0.4 FAR
Single-Family Attached	1	25'	2,500 sf	0.4 FAR
Duplex	2	45'	5,000 sf	0.4 FAR
Cottage Court - 3	3	45'	5,000 sf	0.6 FAR
Cottage Court - 6	6	90'	10,000 sf	0.6 FAR
Multifamily	3	45'	5,000 sf	0.6 FAR
Townhouse	1	18'	1,800 sf	0.6 FAR
Other Allowed Uses	—	45'	5,000 sf	0.4 FAR

Residential Zones

RR LA

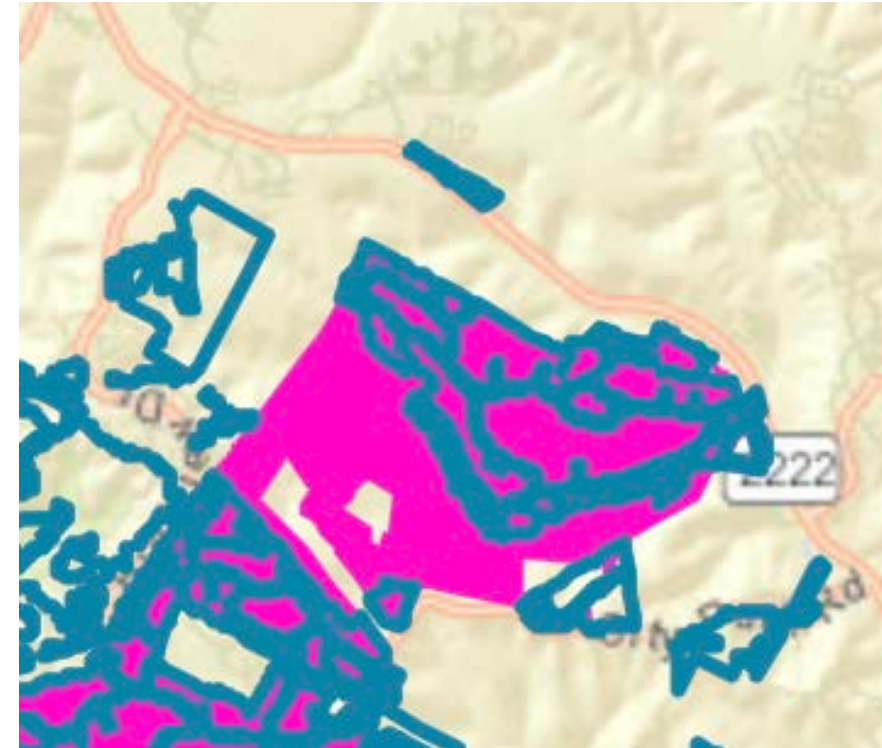
RR Zoning

Table 23-3C-3060(A) Lot Size and Intensity

(1) Allowed Use	Lot		
	Principal Dwelling Units per Lot (max.)	Width (min.)	Area (min.)
Base Standard			
Single-Family	1	100'	1 acre
Duplex	2	100'	1 acre
Other Allowed Uses	—	100'	1 acre

¹ Applicable if a lot fronts on a cul-de-sac and is inc
exempt from the requirement to plat.

ADUs are allowed.



Current in pink and proposed is outlined in blue.
To view citywide current and proposed RR zoning click [here](#).

Residential Zones

R1 R3

R1 Zoning

Table 23-3C-3080(A) Lot Size and Intensity

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

Table 23-3C-3080(B) Building Placement

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

Table 23-3C-3080(F) Impervious Cover

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

Use Type	R1
RESIDENTIAL	
(1) Residential	
Accessory Dwelling Unit - Residential	P ¹

¹Allowed only through utilization of the Preservation Incentive.

Without preservation this would allow a 1250 sq. ft. house on a 2,500 sq. ft. lot. ADU with preservation incentive FAR doesn't count. So could build out to 0.94



(A) Purpose. Residential 1 (R1) zone is intended to allow detached housing on small lots throughout the city.

R3 Zoning

23-3C-3120

Residential 3 (R3) Zone

(A) **Purpose.** Residential 3 (R3) zone is intended for up to 3 units throughout the city. To maintain a house-scale aesthetic, private frontages are required.

Table 23-3C-3120(A) Lot Size and Intensity

(1) Allowed Use	Lot			Building
	Principal Dwelling Units per Lot (max.)	Width (min.)	Area (min.)	Size (max.)
	Base Standard			Base Standard
Single-Family	1	45'	5,000 sf	0.4 FAR
Single-Family Attached	1	25'	2,500 sf	0.4 FAR
Duplex	2	45'	5,000 sf	0.4 FAR
Cottage Court - 3	3	45'	5,000 sf	0.6 FAR
Cottage Court - 6	6	90'	10,000 sf	0.6 FAR
Multifamily	3	45'	5,000 sf	0.6 FAR
Townhouse	1	18'	1,800 sf	0.6 FAR
Other Allowed Uses	—	45'	5,000 sf	0.4 FAR

Table 23-3C-3120(B) Building Placement

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

Table 23-3C-3120(G) Impervious Cover

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

While the description says up to 3 units, the chart show a base standard of 6. Accessory Dwelling Units are also permitted in R3, as is the preservation bonus. Can the preservation bonus and the ADU both be added?

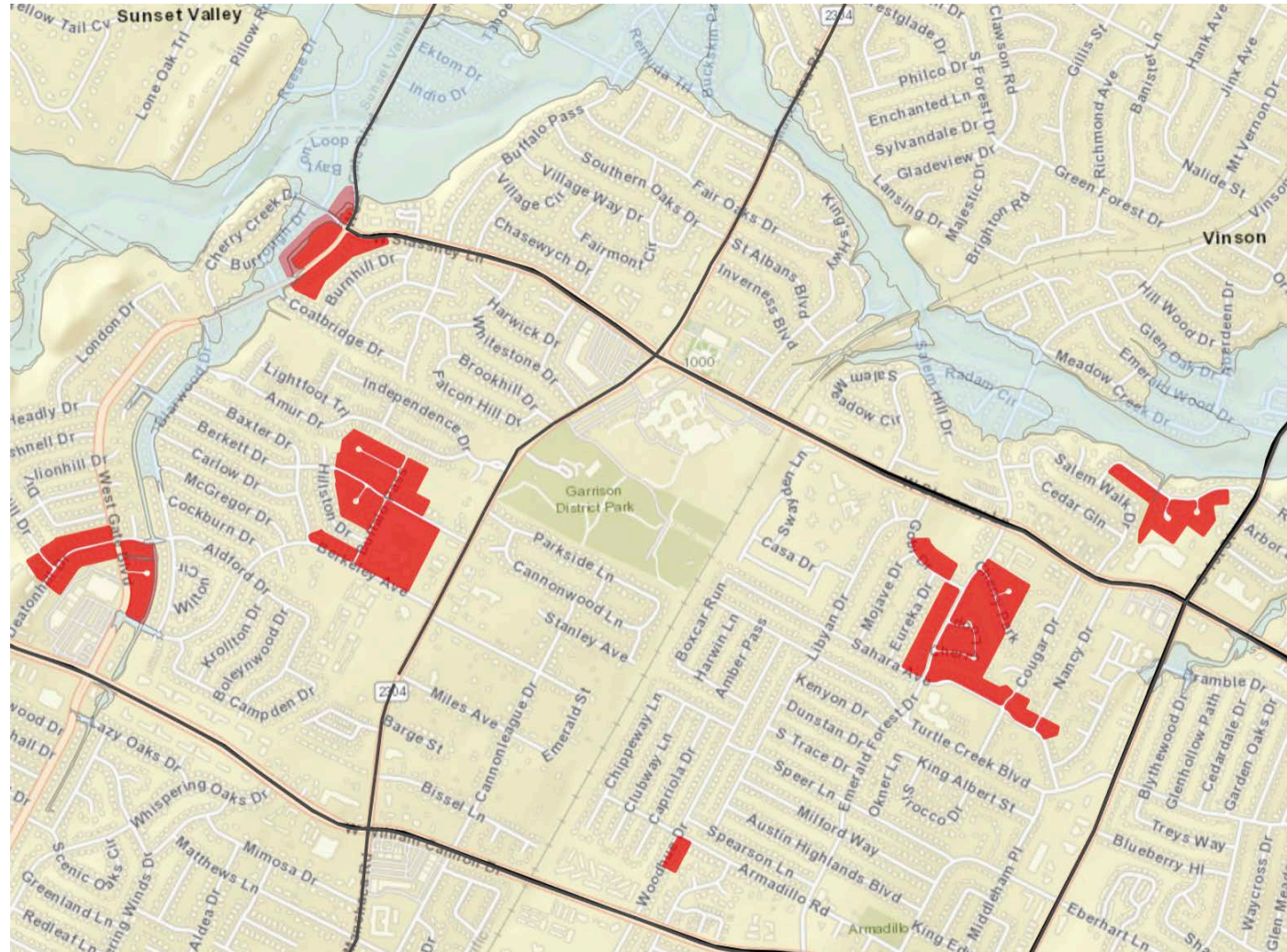
R3 Zoning

The proposed R3 zoning type allows *cottage courts and multi-unit building all with reduced front setbacks*, while increasing units per acre significantly. This is not considering the addition of the preservation bonus which allows an additional unit.

	Current Zoning			CodeNEXT V4 Zoning						
	SF-2	SF-3	SF-3	R3						
			duplex	Single-Family	Single-Family Attached	Duplex	Cottage Court 3	Cottage Court 6	Multifamily	Townhouse
Lot										
Minimum Lot Size	5750	5750	7000	5000	2500	5000	5000	10000	5000	1800
Minimum Lot Width	50	50	50	45	25	45'	45	90	45	18
Maximum Buildings Per Lot (-ADU)	1	1	1	1	1	1	3	6	6	6
Dwellings per building (non-ADU)	1	1	2	1	1	2	1	1	3	1
Accessory Dwelling Unit (ADU)	0	1	0	1	1	1	1	1	1	1
Maximum Total Units per Lot no ADU	1	1	2	1	1	2	3	6	3	1
Maximum Total Units per Lot plus ADU	1	2	2	2	2	3	4	7	4	2
Calculated Units per Acre no ADU	7.6	7.6	12.4	8.7	17.4	17.4	26.1	26.1	26.1	24.2
Calculated Units per acre with ADU	7.6	15.2	12.4	17.4	34.8	26.1	34.8	30.5	34.8	48.4
% Increase over Existing 5750 SF-3										
• NO ADU	100%	100%	164%	115%	230%	230%	345%	345%	345%	319%
• with ADU	50%	100%	82%	115%	230%	173%	230%	201%	230%	319%

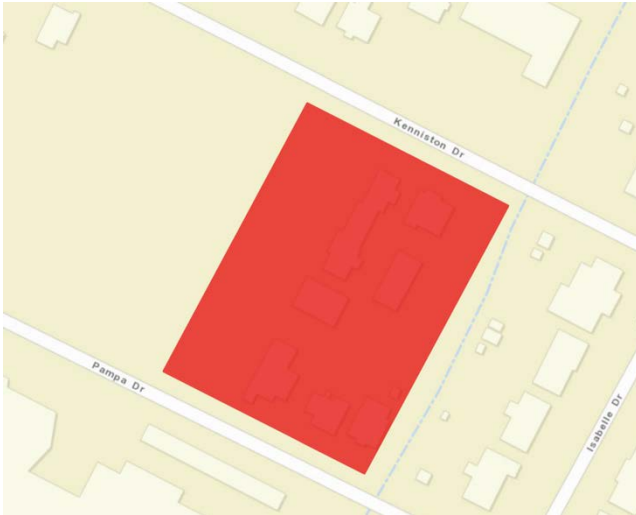
R3 mapped near Garrison Park (South)

Currently SF-3
And one MH

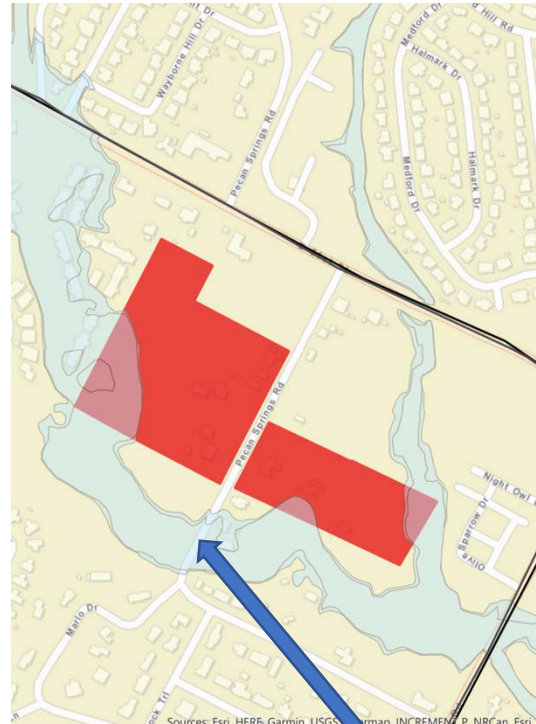


R3 mapped (North)

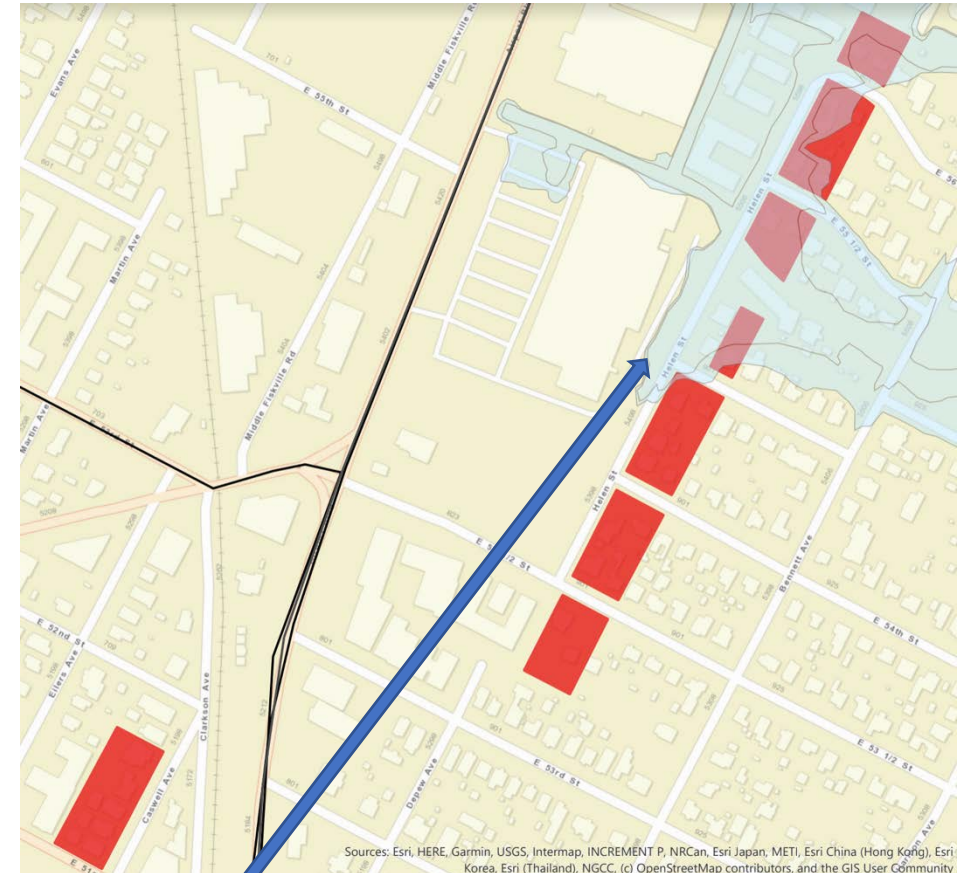
Kenniston & Pampa
Currently SF-3



Pecan Springs
Currently SF-3



Caswell, Helen
Currently SF-3



Flood Plain

Residential Zones

R2A R2B R2C

3 Kinds of R2 zoning

Green - R2A – 25' Front yard setback

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

Hot Pink R2B – 15' Font Yard setback

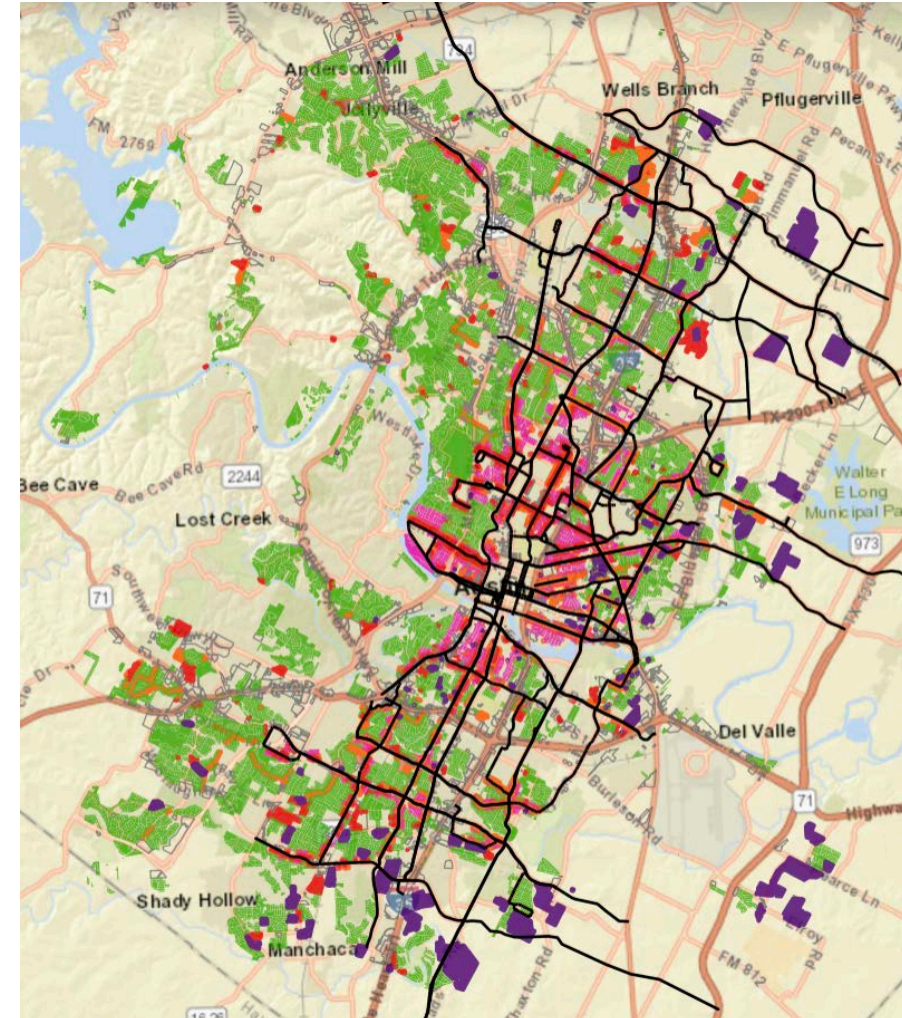
Table 23-3C-3100(B) Building Placement				
(1) Setback (Distance from ROW / Lot Line)	Front	Side St.	Side	Rear
Minimum	15'	10'	5'	5'

Dark Purple R2C – 15' Front Yard setback

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

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

To view this zoomable map click [here](#).



Orange & Red Transition Zones

3 Kinds of R2 zoning

Green - R2A

Hot Pink R2B –

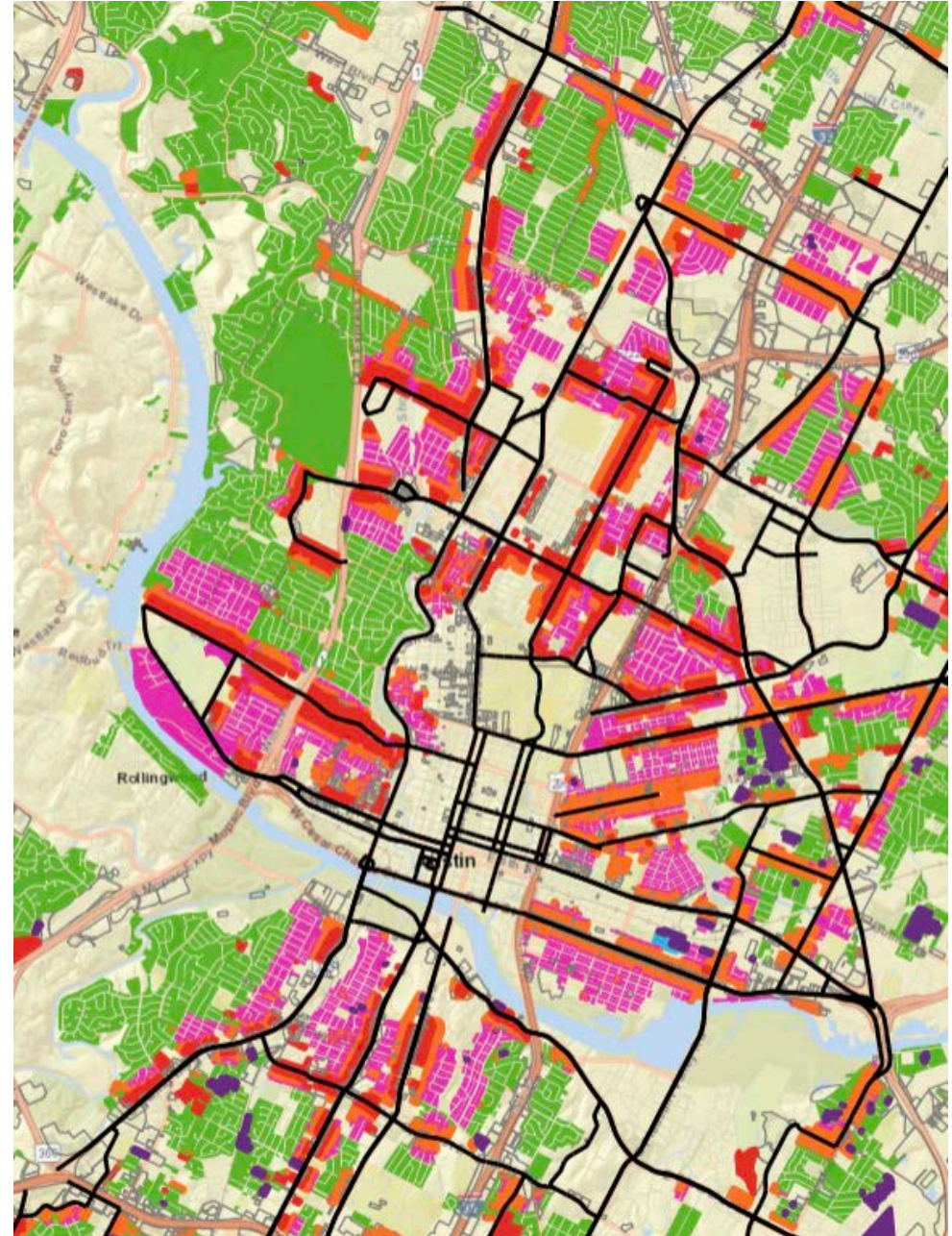
Dark Purple R2C

Orange & Red Transition Zones

Note that Pink short setback appears to always be mapped next to transition zones.

Why?

Expansion?



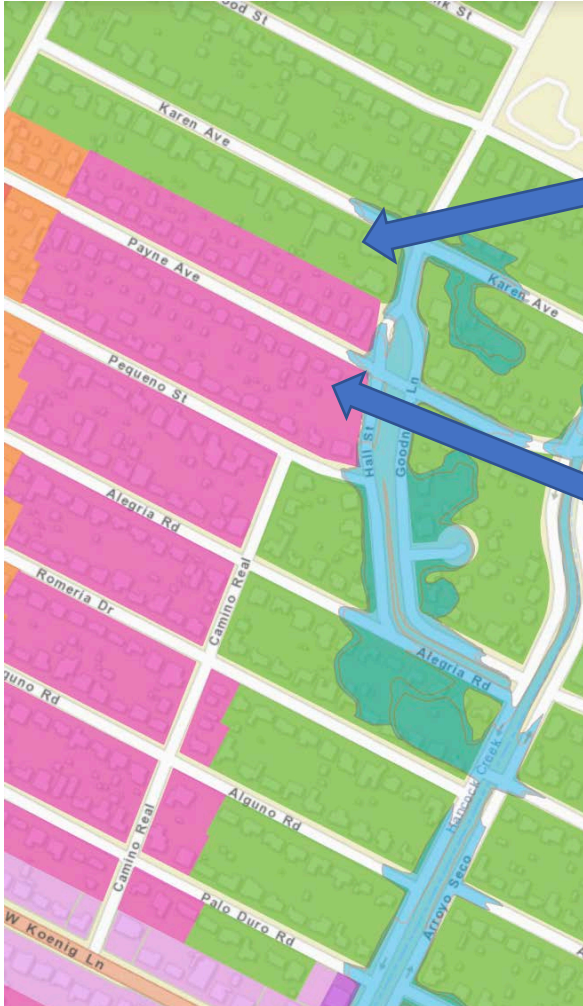
3 Kinds of R2 zoning

Green - R2A

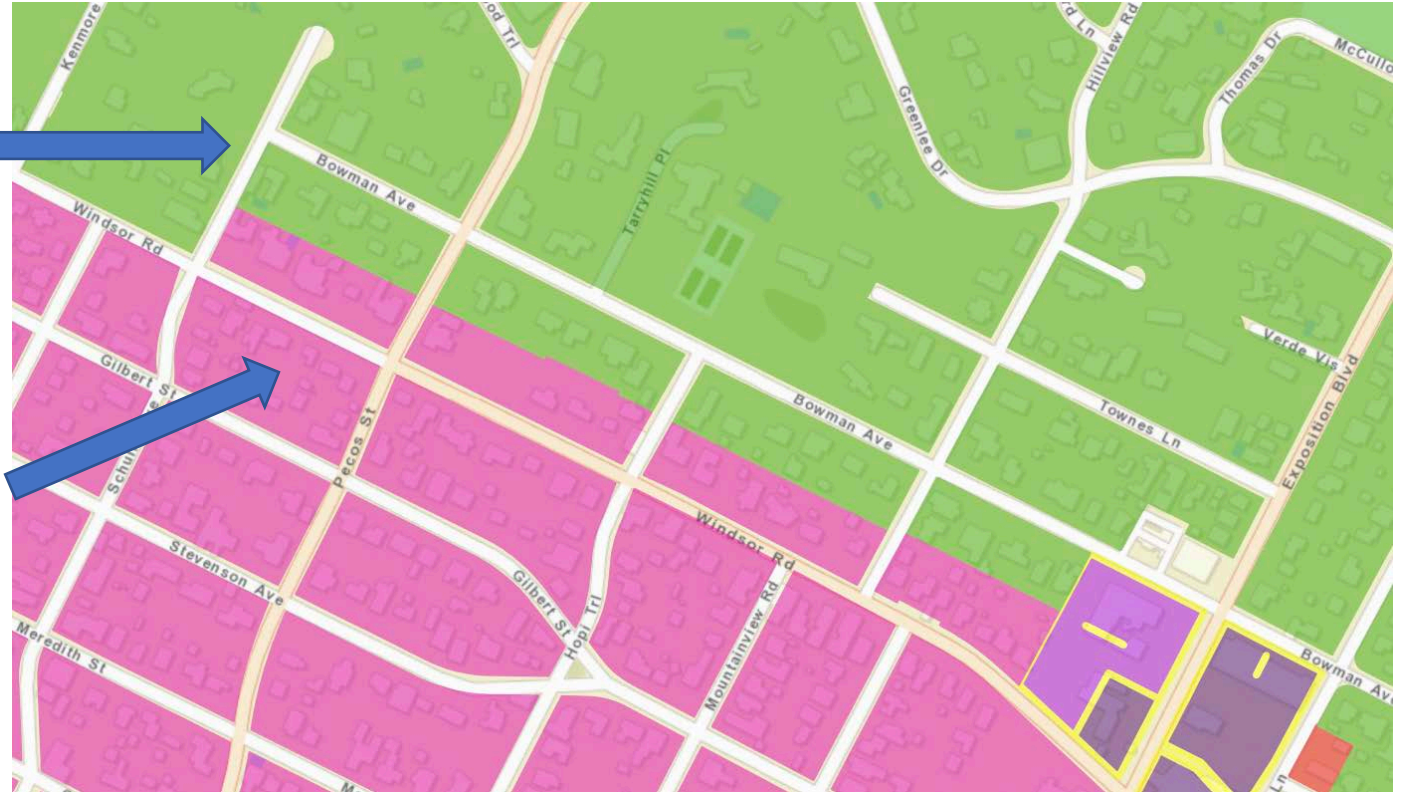
Hot Pink R2B

Suburban

Urban



(A) **Purpose.** Residential 2A (R2A) zone is intended to allow detached housing with accessory dwelling units (ADUs) or duplexes in a more suburban setting.



Purpose. Residential 2B (R2B) zone is intended to allow detached housing with accessory dwelling units (ADUs) or duplexes in a more urban setting.

Is one side of the street really suburban and the other urban in the inner neighborhoods?

3 Kinds of R2 zoning

R2A & R2B

Table 23-3C-3090(A) Lot Size and Intensity				Table 23-3C-3100(A) Lot Size and Intensity	
(1) Allowed Use	Lot			Building	
	Principal Dwelling Units per Lot (max.)			Size (max.)	
	Base Standard	Width (min.)	Area (min.)	Base Standard	
Single-Family	1	45'	5,000 sf	0.4 FAR	
Single-Family Attached	1	25'	2,500 sf	0.4 FAR	
Duplex	2	45'	5,000 sf	0.6 FAR	
Other Allowed Uses	—	45'	5,000 sf	0.4 FAR	

R2C

Table 23-3C-3110(A) Lot Size and Intensity				
(1) Allowed Use	Lot			Building
	Principal Dwelling Units per Lot (max.)			Size (max.)
	Base Standard	Width (min.)	Area (min.)	Base Standard
Single-Family	1	35'	3,500 sf	0.5 FAR
Duplex	2	35'	3,500 sf	0.6 FAR
Other Allowed Uses	—	35'	3,500 sf	0.5 FAR

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

R2A

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

R2B

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

R2A & R2B

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

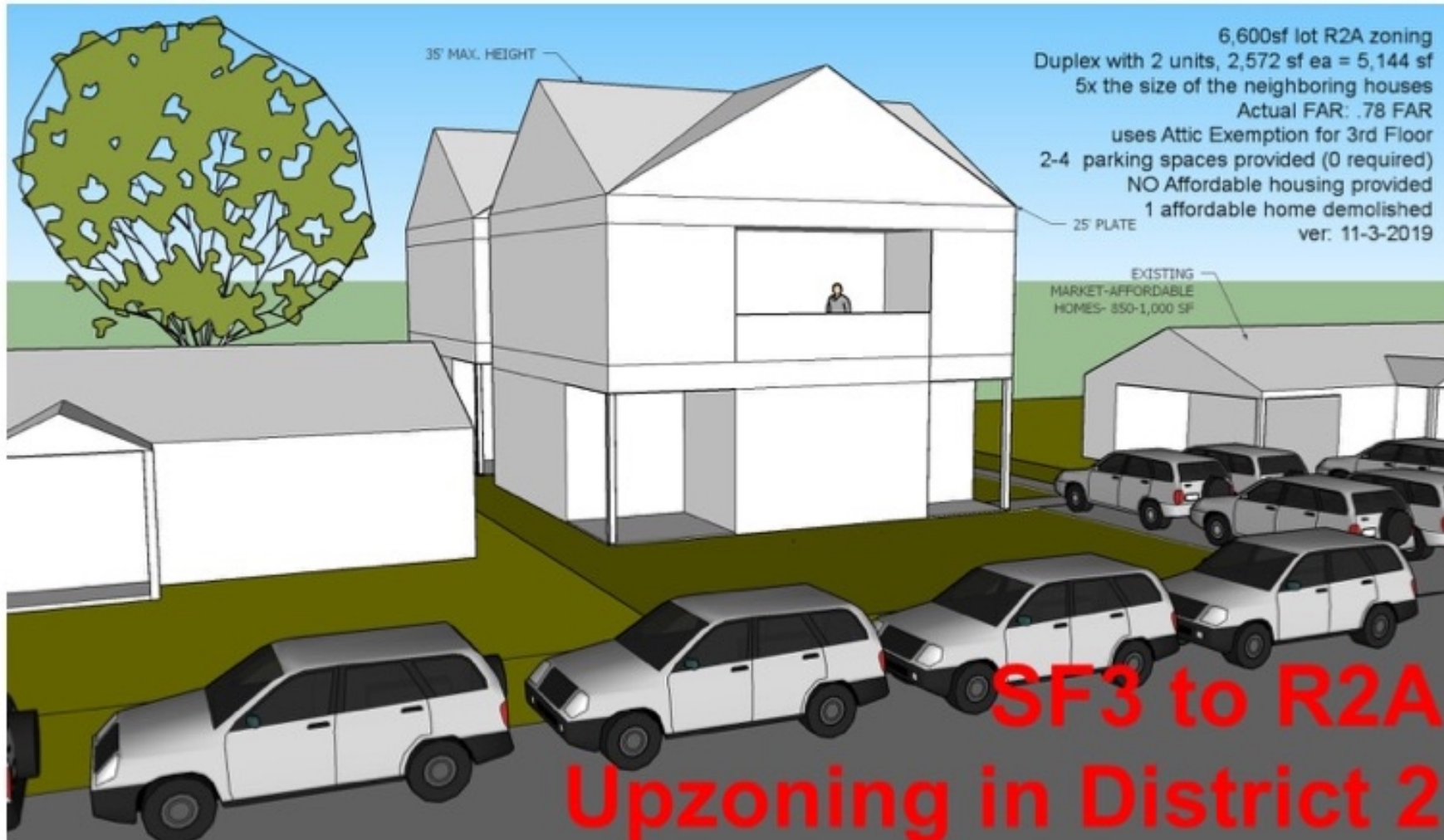
R2C

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

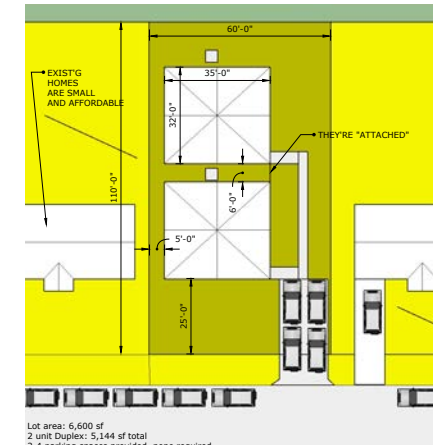
R2C

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

R2A or R2B



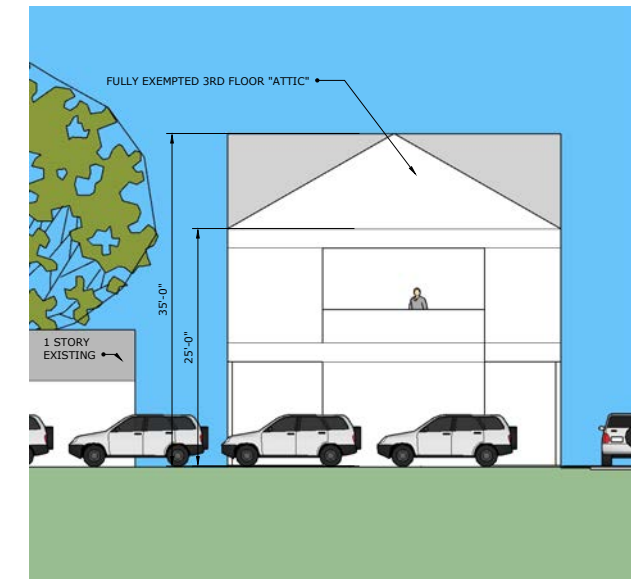
Sweetbriar R2A Duplex
 copyright 2019, Chris Allen, architect
 1"=20'-0" version 11-3-2019



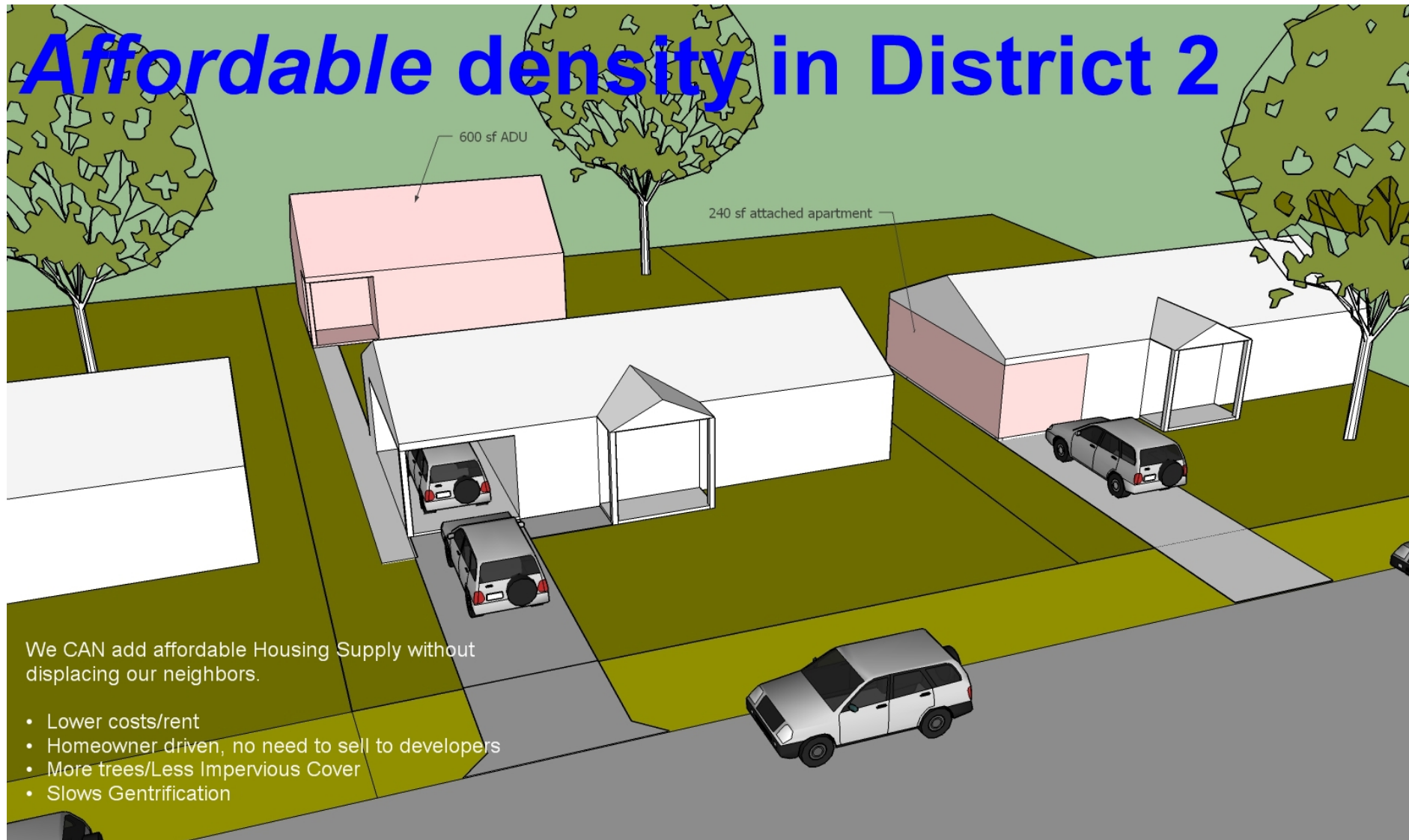
Impervious Cover:
 Drives, walks, a/c pads: 618 sf
 Building Footprints: 2,240sf
 Total: 2,858 sf
 Imp. Cover: =43%

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

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



R2A or R2B Affordable Infill



R2A

R2A House Scale District As Applied in Oak Forest

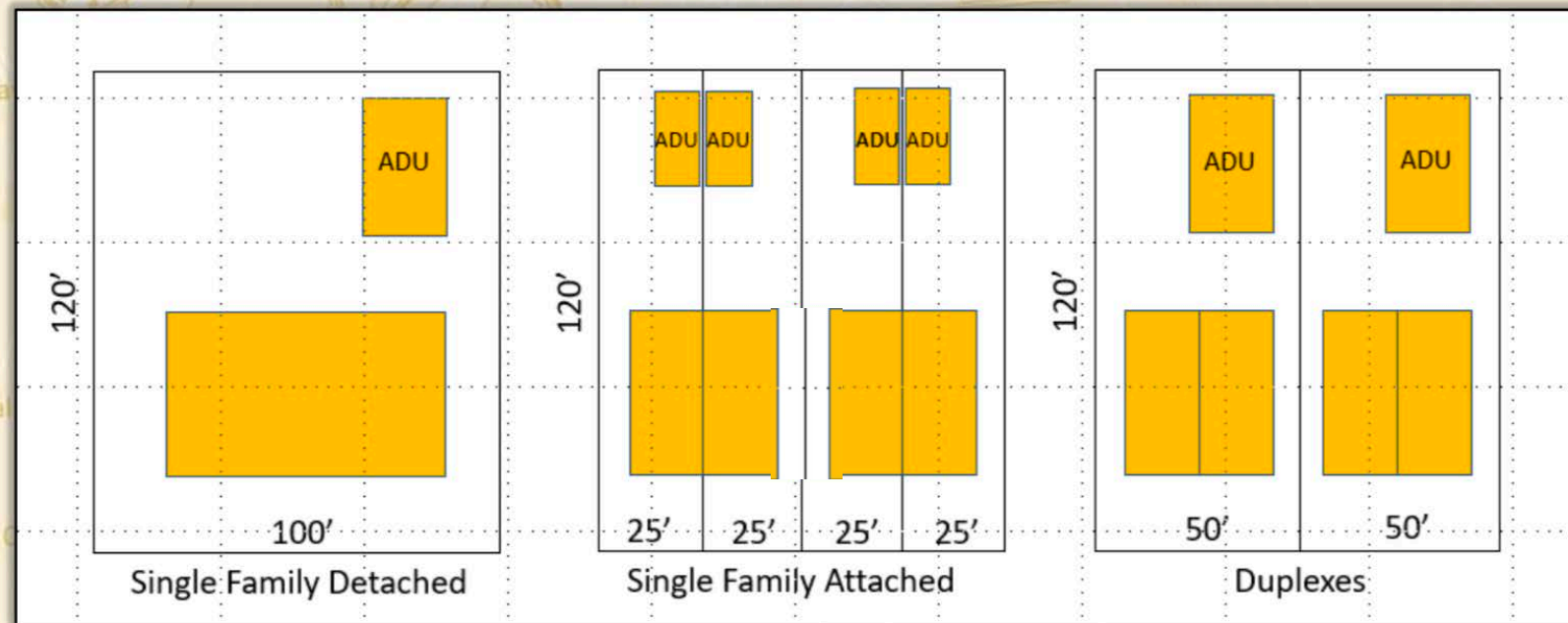
Proposed Zone

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

1 of 6

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

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



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

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

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

Current SF1-> CodeNEXT v4

SF-1

Single Family Residence—Large Lot

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

Site Development Standards

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

R2A

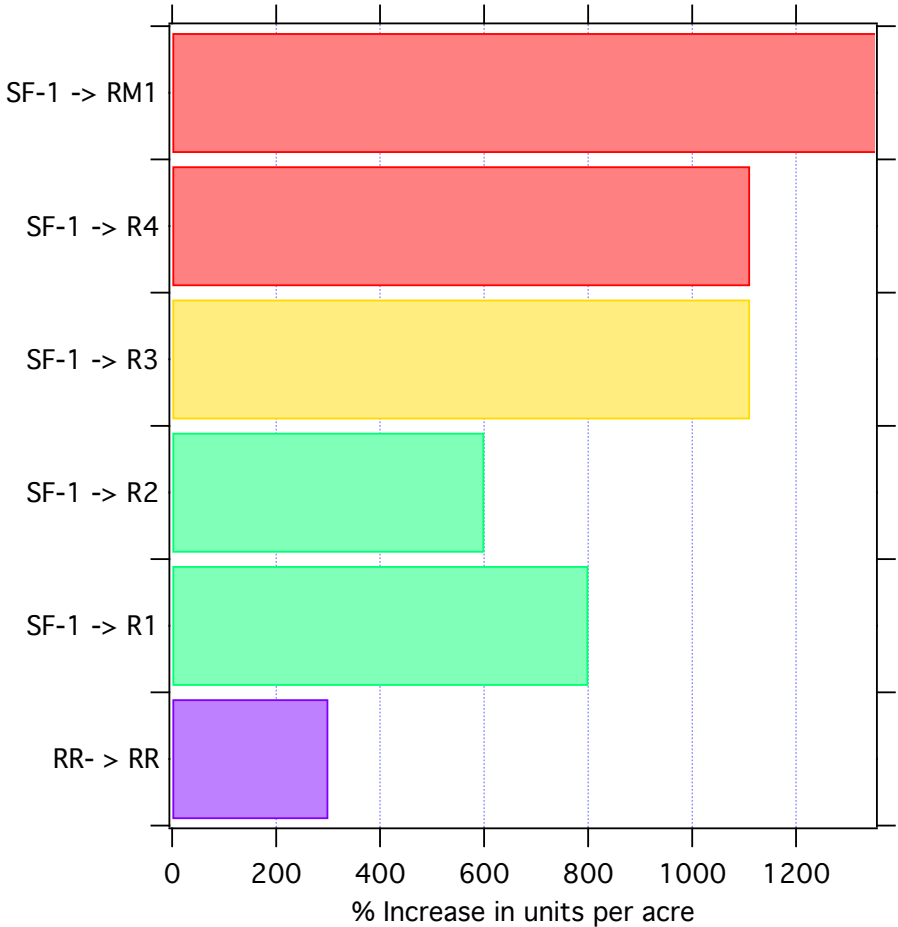
Table 23-3C-3090(A) Lot Size and Intensity				
(1) Allowed Use	Lot			Building
	Principal Dwelling Units per Lot (max.)			Size (max.)
	Base Standard	Width (min.)	Area (min.)	Base Standard
Single-Family	1	45'	5,000 sf	0.4 FAR
Single-Family Attached	1	25'	2,500 sf	0.4 FAR
Duplex	2	45'	5,000 sf	0.6 FAR
Other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

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

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



Most SF-1 was changed to R2A



Current SF2-> CodeNEXT v4

SF-2

Single Family Residence—Standard Lot

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

Site Development Standards

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

Residential

Single-Family Residential

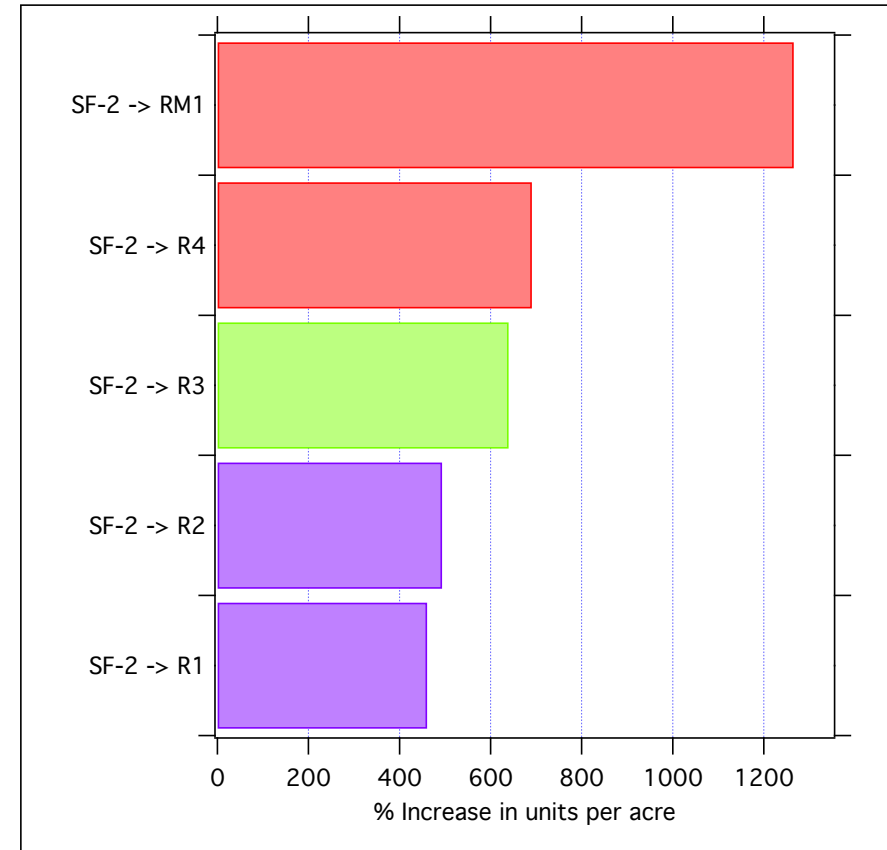
R2A

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

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

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

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



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

Current SF3-> CodeNEXT v4

SF-3

Family Residence

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

Site Development Standards

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

Single-Family Attached Residential *

Single-Family Residential *

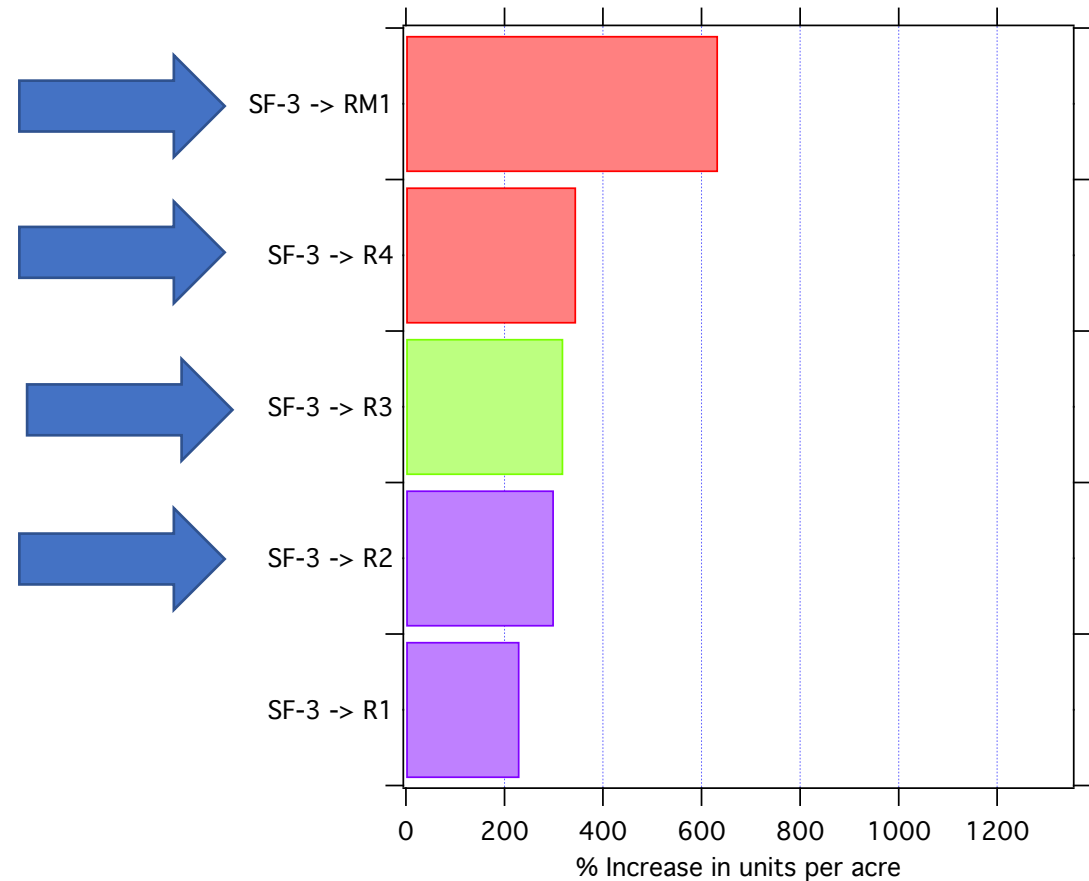
Two-Family Residential *

Duplex Residential *

R2A

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

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

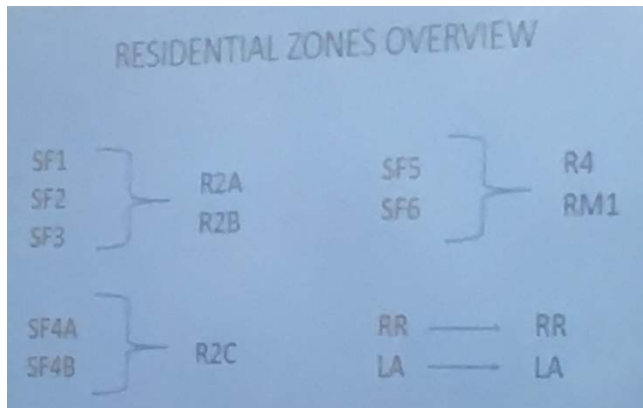


Most SF-3 was changed to R2A, R2B, R2C, some to R3; RM1 or R4 in transition zones

Comparable Base Zoning?

- Maintains comparable base zoning except in transition areas

Staff Handout to Council says that base Zoning is comparable and shows equivalency between SF-1, SF-2 and SF-3 and R2A and R2B



Besides what is shown at left:
 R2 **increases FAR to 1.5 times current limit**
 in McMansion Area
 R2B **reduces street setback 40%**

Are these reductions in standard and increases in entitlement equivalent?

	SF-1	R2A/R2B	Reduction in Standard
Lot Size sq. ft.	10000	5000	50.00%
Lot width feet	60	45	25.00%
			Increase in Entitlement
Impervious Cover	40%	45%	5%
Units per acre	4.4	26	591%

	SF-2	R2A/R2B	Reduction in Standard
Lot Size sq. ft.	5750	5000	13.04%
Lot width feet	50	45	10.00%
			Increase in Entitlement
Impervious Cover	45%	45%	0%
Units per acre	7.6	26	342%

	SF-3	R2A/R2B	Reduction in Standard
Lot Size sq. ft.	5750	5000	13.04%
Lot width feet	50	45	10.00%
			Increase in Entitlement
Impervious Cover	45%	45%	0%
Units per acre	15.2	26	171%

Did not use minimum lot size for R2 (2,500 sq.ft.)
 or maximum calculated units/acre for R2

Preservation Bonus Accessory Dwelling Units

All City Preservation Incentive

23-3 C-3050
Scale Zones

General to Residential House-

(D) Preservation Incentive.

(1) If a lot contains an existing dwelling unit at least 30 years old that is preserved, the following applies:

(a) The floor area of new dwelling units does not count against the FAR limit for uses in the zone.

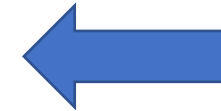
(b) The total number of dwelling units otherwise allowed in the zone may be exceeded by one.

(c) All other applicable site development standards apply.

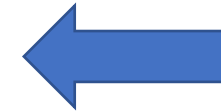
(2) If the existing dwelling unit used to qualify for the preservation incentive is altered, the following limitations apply:

(a) Wall Demolition or Removal.

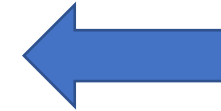
(i) No more than 50 percent of exterior walls and supporting structural elements of an existing structure may be demolished or removed, including load bearing masonry walls, and in wood construction, studs, sole plate, and top plate. For purposes of this requirement, exterior walls and supporting structural elements are measured in linear feet and do not include the roof of the structure or interior or exterior finishes.



30 years old



New units do not
count for FAR

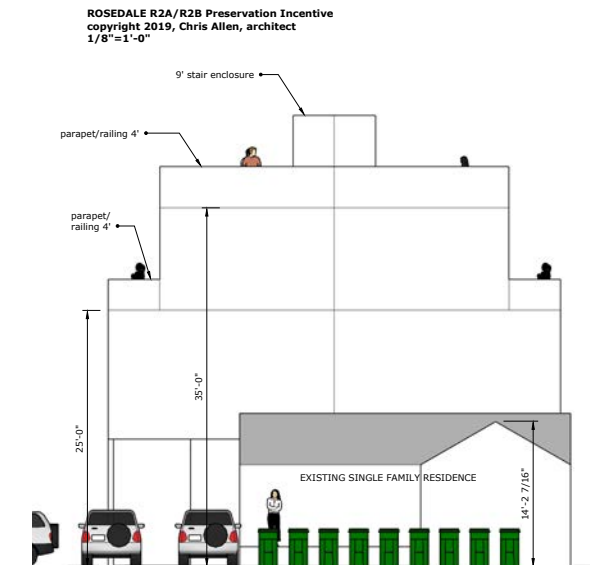
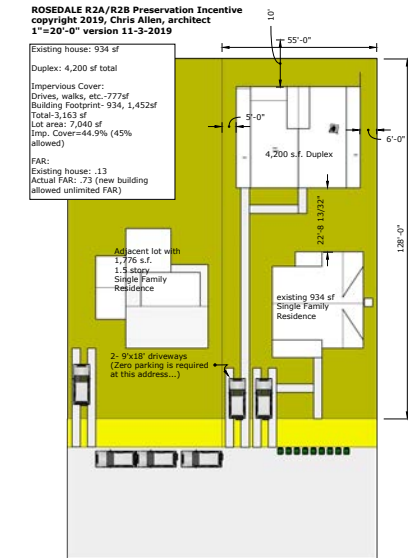
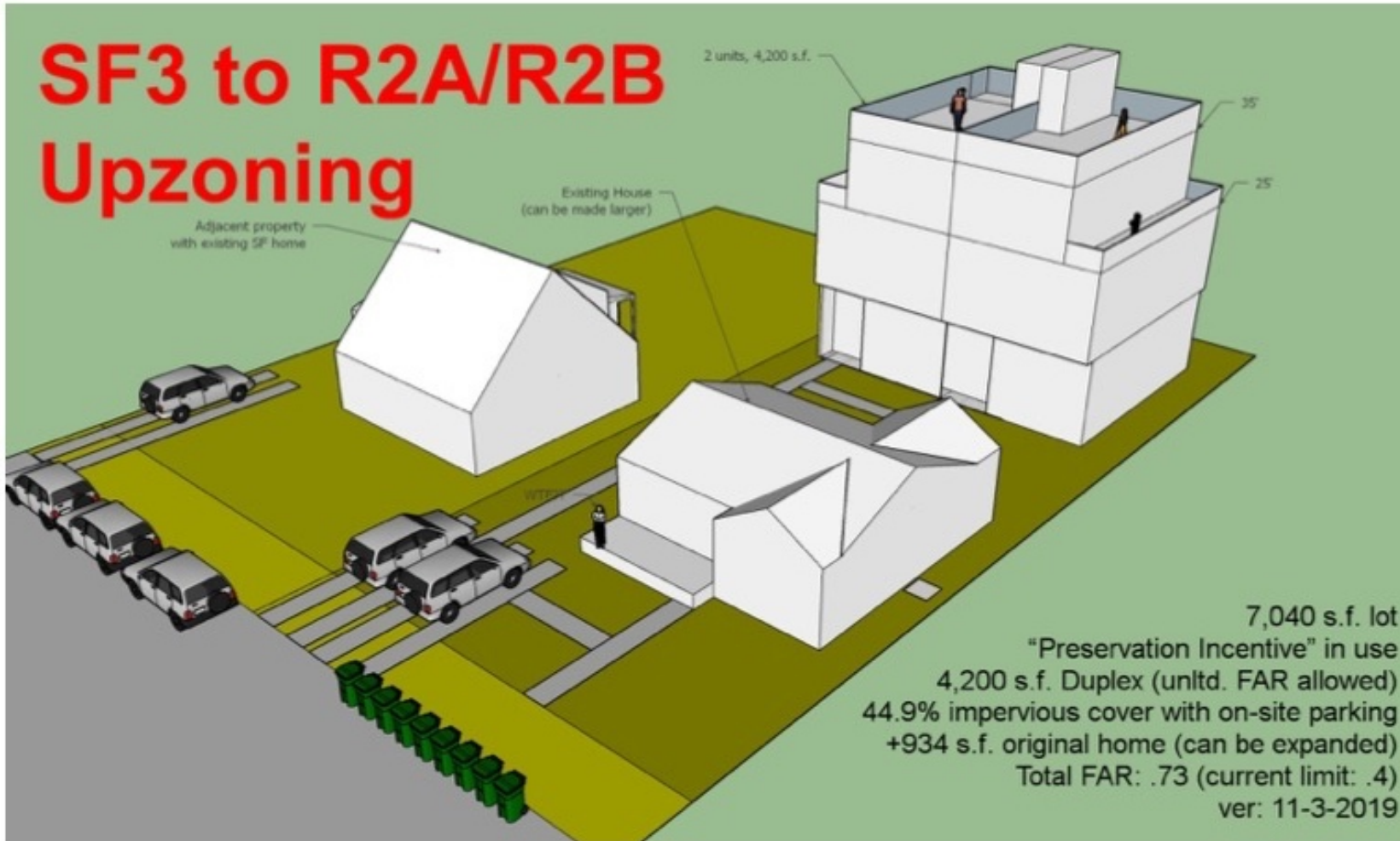


+1 dwelling
unit



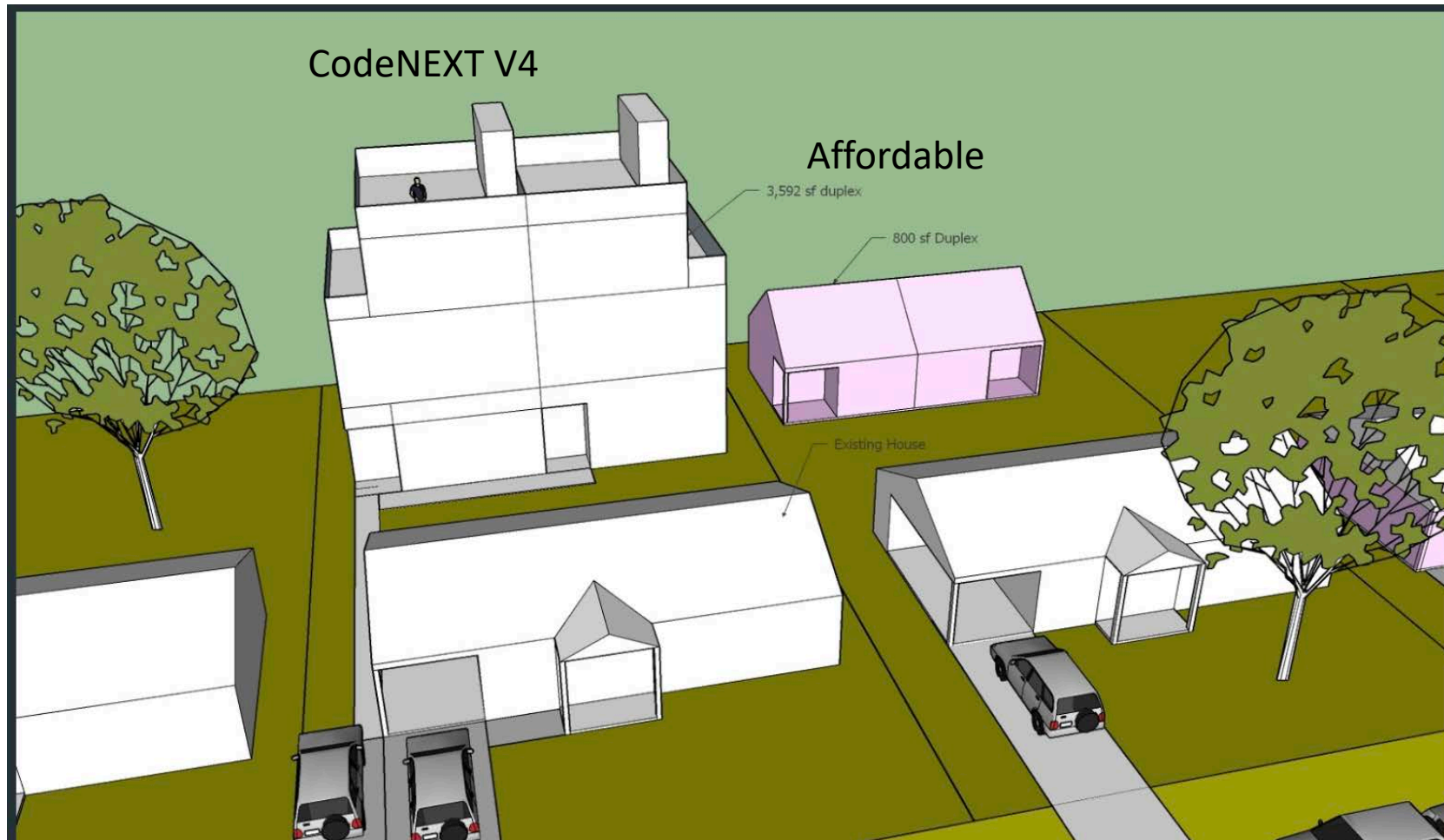
Preservation =
2 walls

R2A or R2B Preservation Incentive



R2A or R2B Preservation Incentive

Which one???



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

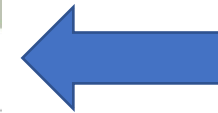
Accessory Dwelling Units

Table 23-3C-3030(A) Allowed Uses in Residential House-Scale Zones									
Use Type	Specific to Use Requirements	LA	RR	R1	R2A	R2B	R2C	R3	R4
RESIDENTIAL									
(1) Residential									
Accessory Dwelling Unit - Residential	23-3D-1030	P	P	P ¹	P	P	P	P	P
Bed and Breakfast	23-3D-1100	CUP	CUP	CUP	CUP	CUP	CUP	CUP	P
Co-housing		—	—	—	—	—	—	P	P
Cottage Court	23-3D-1160	—	—	—	—	—	—	P	P
Duplex	23-3D-1180	P	P	—	P	P	P	P	P
Group Residential		—	—	—	—	—	—	P	P
Home Occupations	23-3D-1210	P	P	P	P	P	P	P	P
Multi-family		—	—	—	—	—	—	P	P
Senior/Retirement Housing	23-3D-1340	P	P	P	P	P	P	P	P
Single-Family		P	P	P	P	P	P	P	—
Single-Family Attached		—	—	—	P	P	—	P	—
Short-term Rental									
Type 1	23-3D-1350	P	P	P	P	P	P	P	P
Type 3	23-3D-1350	—	—	—	—	—	—	—	P
Townhouse	23-3D-1390	—	—	—	—	—	—	P	P

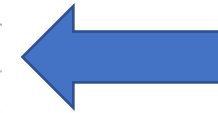
Notes for Table 23-3C-3030(A)

¹Allowed only through utilization of the Preservation Incentive.

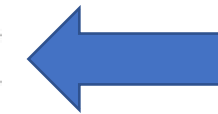
Accessory Dwelling units were previously listed in every table in Version 3 describing the different zoning classes. Now they are listed as an allowed use only on this one chart mentioned in the zoning classes at all, leading to confusion.



ADU permitted, only limited to Preservation Incentive in R1



Duplex permitted, only limited in R1



Single Family Not permitted in R4, falls to Compliant Use

Accessory Dwelling Units

23-3D-1030 Accessory Dwelling Unit - Residential

- (A) **Development Standards.** An accessory dwelling unit (ADU) in a residential zone must comply with the standards of the base zone, except where modified in Table 23-3D-1030(A) (Requirements for Accessory Dwelling Units).

Table 23-3D-1030(A) Requirements for Accessory Dwelling Units

Requirement	
Floor Area	(1) Maximum of 1,100 sf
Placement	(1) If detached, minimum 6' to the front, rear, or side of the primary structure or above a detached garage; may be connected to the primary structure with a covered walkway; (2) If attached, may be connected to the primary structure with a common wall or roof; or (3) Within the primary structure.
Other	(1) May not be used as a short-term rental for more than 30 days in a calendar year if the unit was constructed after October 1, 2015. (2) Only one ADU may be built per site, and the total dwelling units per lot shall not exceed the density permitted by the base zone. (a) Exception. Additional units may be allowed in compliance with the Preservation Incentive if permitted by the base zone.



1,100 Square Feet max



1 ADU per site

Total Dwelling Units Per Lot RR-R2

Use Type	Specific to Use Requirements	LA	RR	R1	R2A	R2B	R2C	R3	R4
RESIDENTIAL									
(1) Residential									
Accessory Dwelling Unit - Residential	23-3D-1030	P	P	P ¹	P	P	P	P	P
Duplex	23-3D-1180	P	P	—	P	P	P	P	P

¹Allowed only through utilization of the **Preservation Incentive**.

23-3D-1030 Accessory Dwelling Unit - Residential

(2) Only one ADU may be built per site, and the total dwelling units per lot shall not exceed the density permitted by the base zone.

(a) Exception. Additional units may be allowed in compliance with the Preservation Incentive if permitted by the base zone.

(1) Allowed Use	Lot		
	Principal Dwelling Units per Lot (max.)	Width (min.)	Area (min.)
	Base Standard		
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

The total dwelling units per lot listed for single-family is 1 unit. Does this mean the only way to build an ADU in R2A is with the preservation incentive, or do we look at the zone max? How do the ADUS not included in the Tables (i.e., R2A, R2B) fit in with the total number?

(b) The total number of dwelling units otherwise allowed in the zone may be exceeded by one.

Does this mean you can have a duplex and an ADU simultaneously in all of these zones (3 units)? Can you use a preservation incentive with this and get to 4 units?

LDC Draft Revisions

- New bonus for certain zones
- Bonus expanded in some zones
- Residential zones allow 2 units and up to 3 with preservation incentive

Impervious Cover in Front Yards

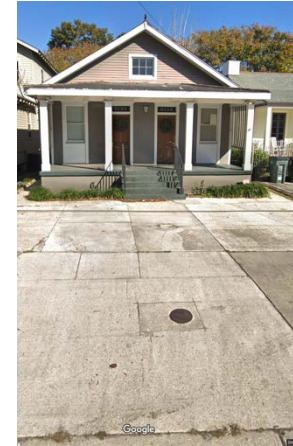
Are there no limits on impervious cover in front yards less than 30 feet in width?

R1, R2A, R2B, R3 and R4 all allow lots of less than 30 feet.

Impervious front yards not only impact the appearance of a community but also the flooding potential.

(5) **Front Yard Impervious Cover.**

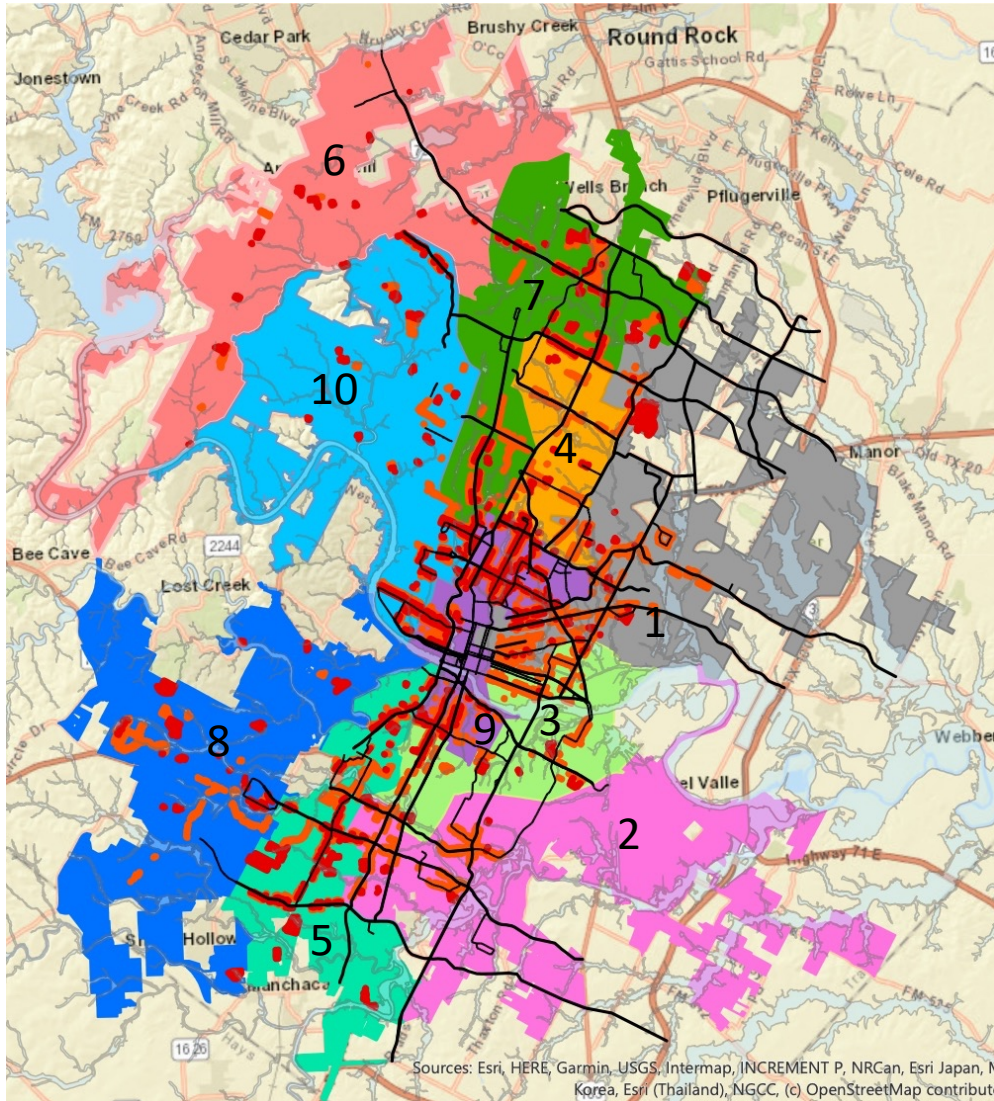
- (a) For a lot width greater than 45 feet:
 - (i) The impervious cover in a front yard may not exceed 45 percent.
- (b) For a lot width less than 45 feet:
 - (i) The impervious cover in a front yard may not exceed 50 percent.
- (c) Subsection 23-3D-3040 (C)(5)(a) and (b) do not apply to lots if the lot width is less than 30 feet.
- (d) The director may waive Subsection 23-3D-3040 (C)(5)(a)-(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.



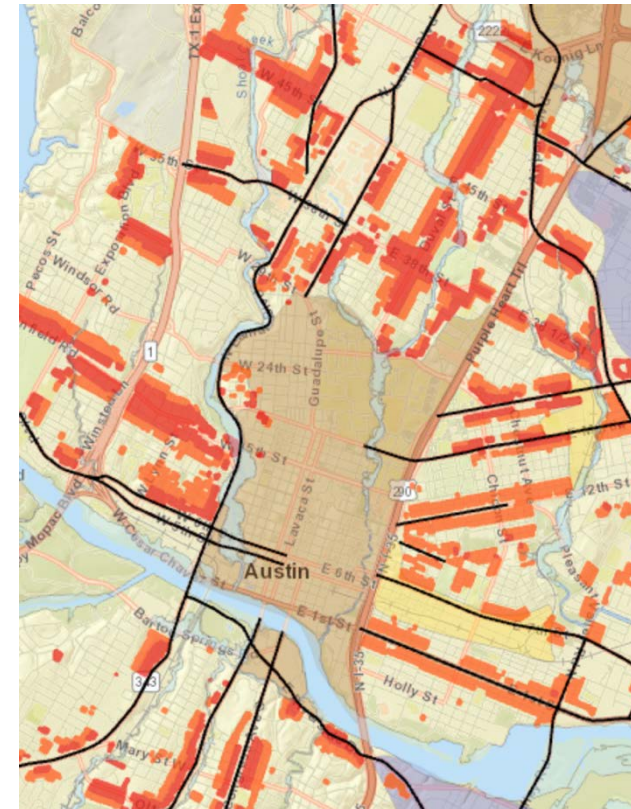
Transition Zones

R4 RM1

Transition Zones



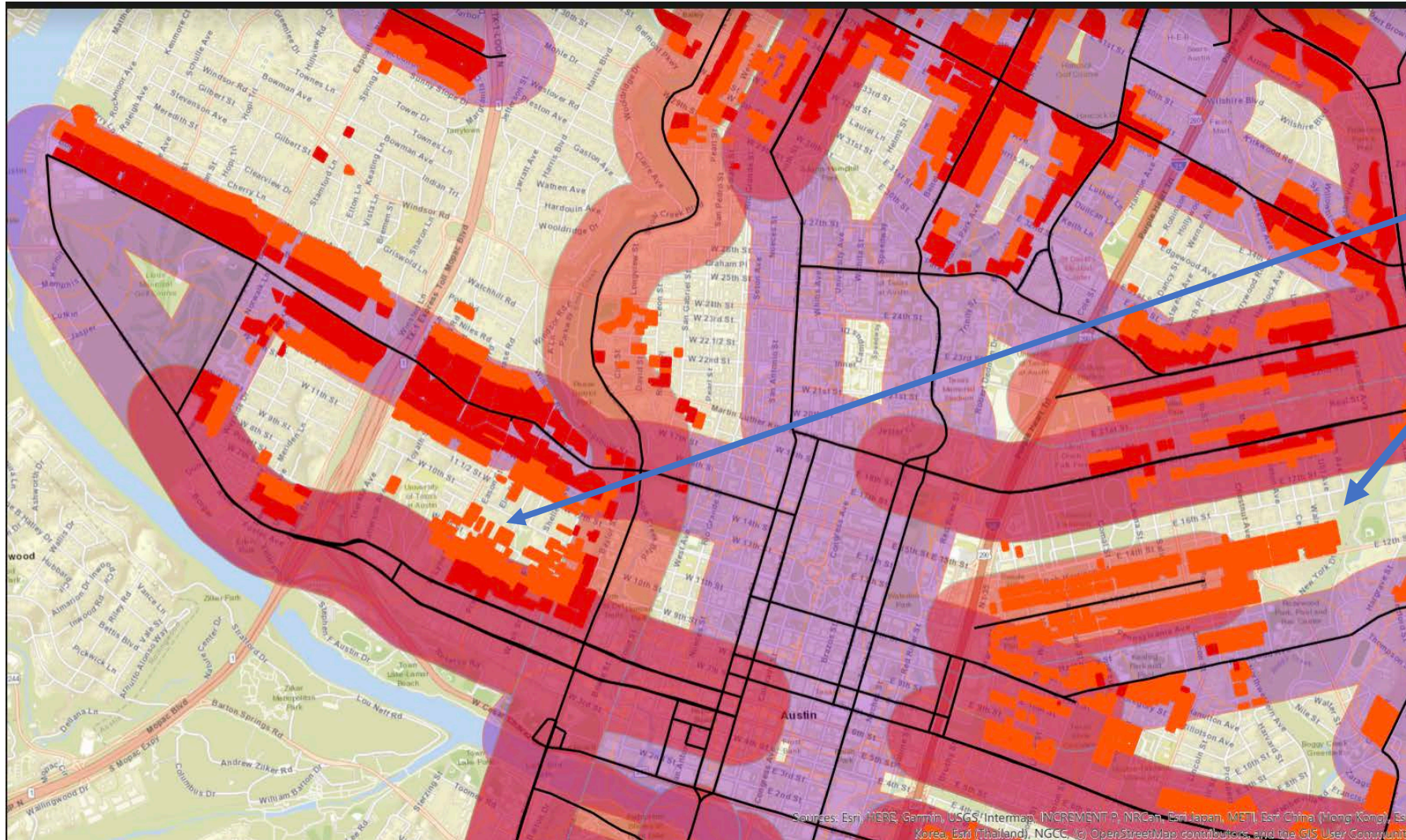
To view Proposed Transition Zones by address click [here](#).



Land zoned R4 or RM1

Core Transition Zones

Orange = R4
Red = RM1



Exceeding 850'

Transition Zones – Two Zones

nearer corridor

6 unit by right + 4 unit bonus

60% impervious cover

40 feet tall

100 feet wide

Not residential house scale

0.8 FAR + 0.4 FAR bonus (1.2 FAR total)

Density Bonus affordability:
some fraction of the +4 or
fee-in lieu

4 unit by right + 4 unit bonus

50% impervious cover

35 feet tall + 10 feet bonus (45' total)

0.4 FAR + 0.4 FAR bonus (0.8 FAR total)

Density Bonus affordability:
some fraction of the +4 or
fee-in lieu

Transition Zones – RM1

Table 23-3C-4060(A) Lot Size and Intensity

(1) Allowed Use	Lot				Building	
	Principal Dwelling Units per Lot (max.)		Width (min.)	Area (min.)	Size (max.)	
	Base Standard	AHBP Bonus ¹			Base Standard	AHBP Bonus ¹
Duplex	6	+4	50'	5,000 sf	0.4 FAR	+0.6 FAR
Cottage Court - 3	3	+0	45'	5,000 sf	0.6 FAR	+0 FAR
Cottage Court - 6	6	+0	90'	10,000 sf	0.8 FAR	+0 FAR
Multi-Family	6	+4	50'	5,000 sf	0.8 FAR	+1.2 FAR
Live/Work	1	+0	18'	1,800 sf	0.8 FAR	+0 FAR
Townhouse	1	+0	18'	1,800 sf	0.8 FAR	+0 FAR
Other Allowed Uses	—	+0	50'	5,000 sf	0.8 FAR	+0 FAR

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

Table 23-3C-4060(H) Impervious Cover

(1) Impervious Cover	% (max.)
Impervious Cover	60%

Table 23-3C-4060(B) Building Placement

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

Table 23-3C-4060(D) Height

(1) All Buildings	
Overall (maximum)	40'

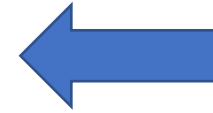
Table 23-3C-4060(C) Building Form

(1) Overall Building Envelope	
Width (maximum)	100'

Live/Work

23-3D-1220 Live/Work

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



< 5,000 square feet

Table 23-3C-4060(A) Lot Size

(1) Allowed Use

Duplex

Cottage Court - 3

Cottage Court - 6

Multi-Family

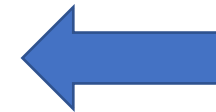
Live/Work

Townhouse

Other Allowed Uses



One employee must live there



51% residential space

Live/Work

23-3D-1230

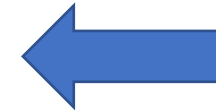
Manufacturing and Storage

Specific to Use

- (3) **Facilities for Non-Residential Activities.** A live/work unit used for commercial or light industrial activities must be constructed in the same manner as a facility used exclusively for the same commercial or light industrial activities.
- (4) **Integration of Living and Working Space.** An area within a live/work unit that is designated as residential space is an integral part of the live/work unit. The residential space shall be accessible to the non-residential space using an interior connection. Exterior access shall comply with Division 23-10B-1 (Building Code).
- (5) **Mixed Occupancy Building.** A building may contain live/work units and other non-residential occupancies. The occupancies, other than live/work, must comply with all applicable requirements for those uses and proper occupancy separations shall be provided between the live/work units and other occupancies, as determined by the building official.
- (6) **Signage.** All signage for live/work units must comply with Chapter 23-7 (Signage).
- (7) **Parking.** The Director may modify parking requirements for the reuse of existing residential structures with limited parking.

(G) Operating Requirements.

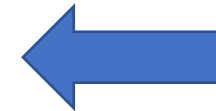
- (1) **Sale or Rental of Portions of Unit.** No portion of a live/work unit may be rented or sold separately as a commercial or industrial space to a person not living in the premises or as a residential space to a person not working in the same unit.
- (2) **On-premises Sales.** Goods produced within the live/work unit may be sold on-premises if the sales activity is incidental to the primary production work within the unit. Gallery showings and sales of goods produced within the live/work unit are permitted as part of a residential tour.
- (3) **Nonresident Employees.** Participation in the business conducted within the live/work unit is limited to two individuals who do not reside in the live/work unit.



Modify Parking requirements



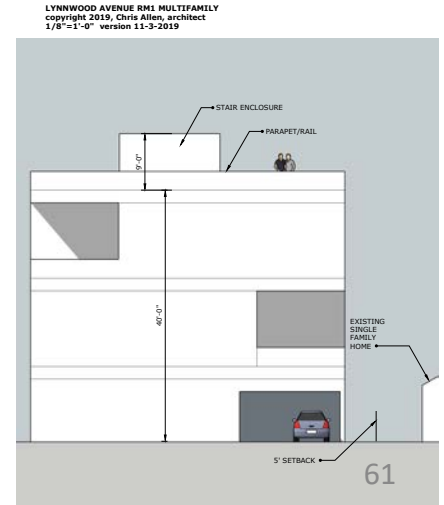
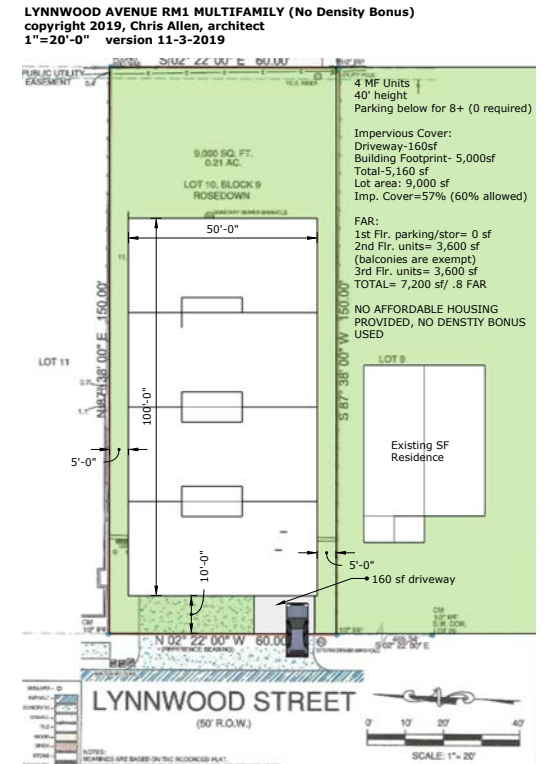
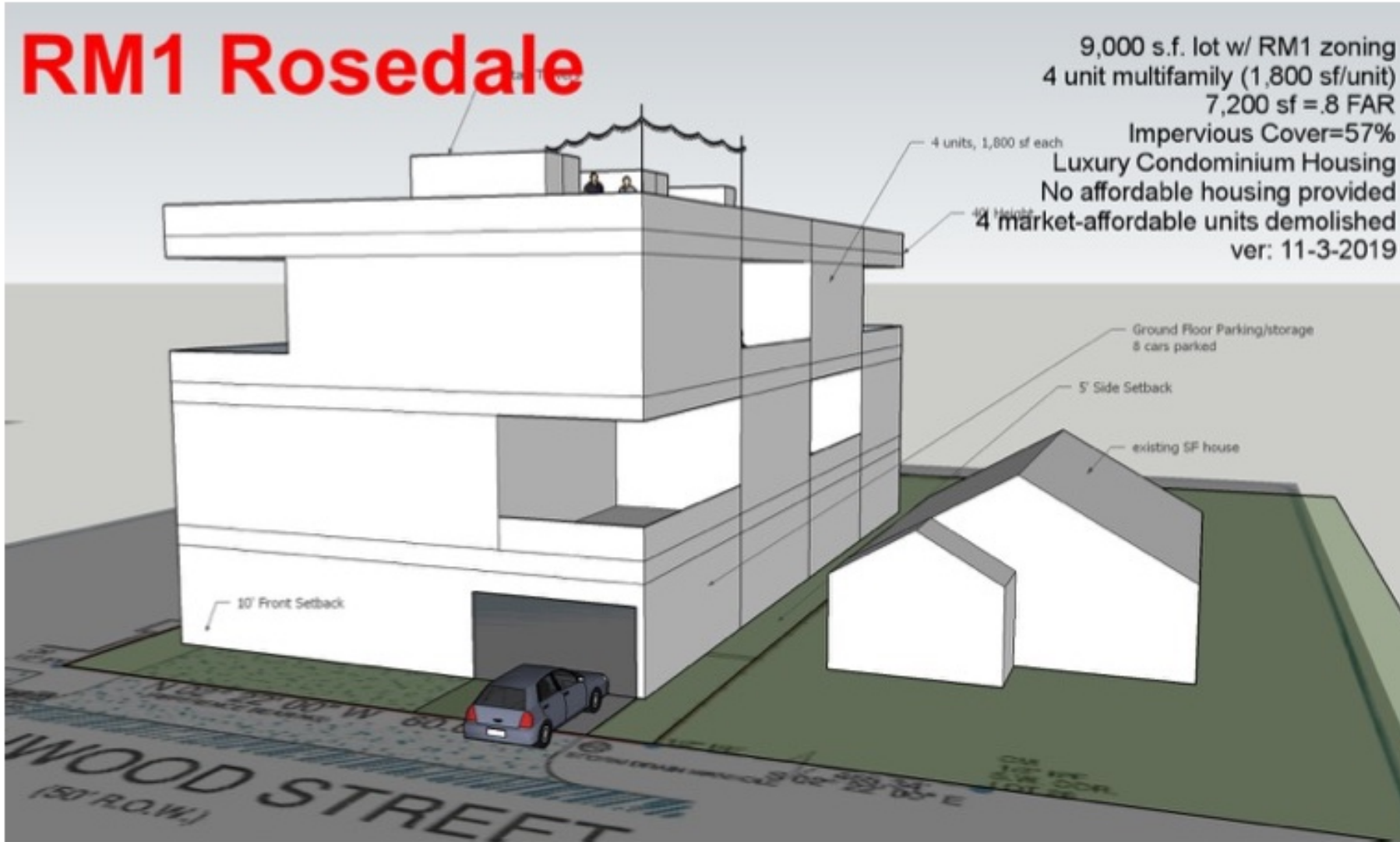
Retail Sales



Two outside Employees

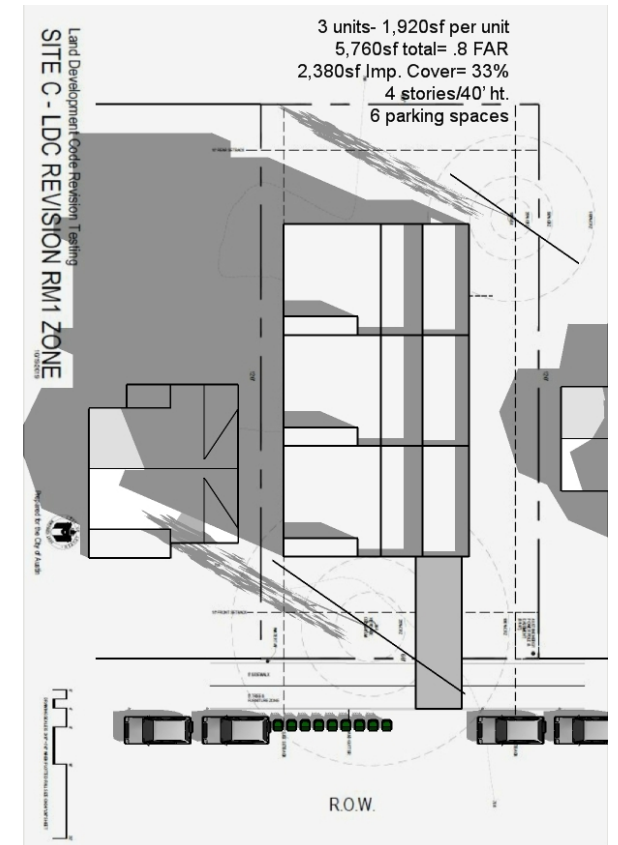
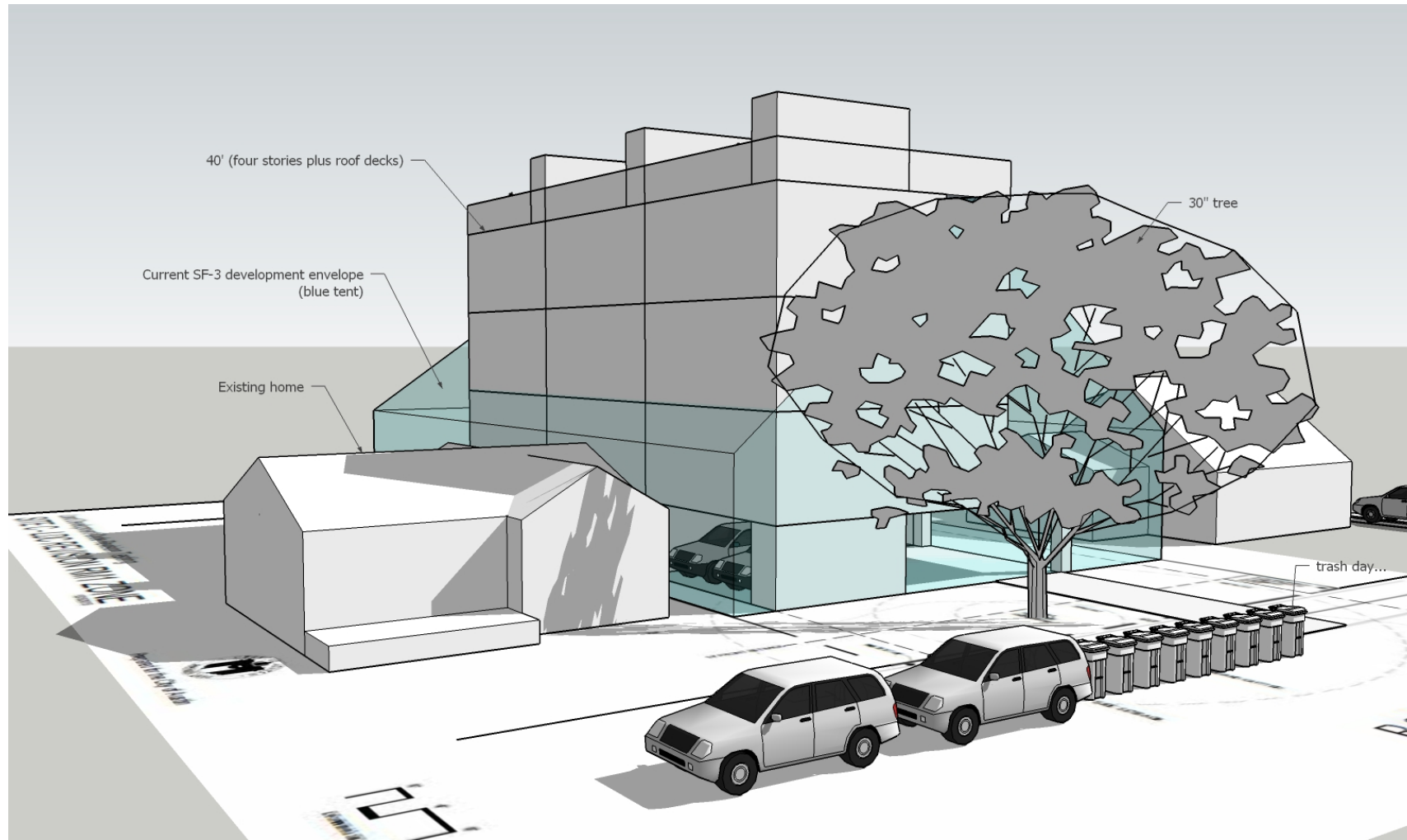
Transition Zones – RM1

RM1 Rosedale



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

Transition Zones – RM1



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

Transition Zones – RM1

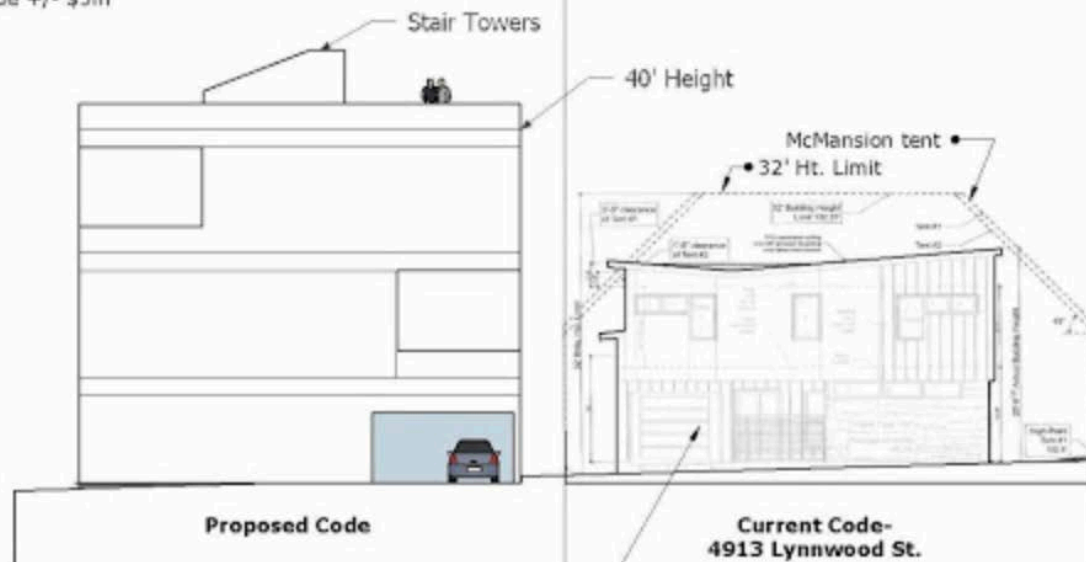
4913 Lynnwood Street. RM1/SF-3 comparison
Chris Allen, architect
1/16"=1'-0" version 11-12-2019

Proposed code RM1

Multifamily Condos
9,000 s.f. lot
40' height allowed (1.25x current max), no tent
(Planning Comm. currently asking for **50' height**)
.8 FAR= 7,200 total s.f. building (2x current max)
Impervious cover= 60% (1.33x current max)
4 condo units @ +/- \$750k
Total value +/- \$3m

Current code SF-3

Single Family + ADU (condos)
9,000 s.f. lot
32' height allowed with tent restrictions
.395 FAR (front unit: 2,461sf rear unit 1,100 s.f.)
Impervious cover= 44.9%
Front unit +/- \$1m, Rear unit +/- \$475k
Total value +/- \$1.5m



Drawing by Travis Young, architect
obtained through City public permit database

Transition Zones – R4

Table 23-3C-3130(A) Lot Size and Intensity

(1) Allowed Use	Lot				Building	
	Principal Dwelling Units per Lot (max.)		Width (min.)	Area (min.)	Size (max.)	
	Base Standard	AHBP Bonus ¹			Base Standard	AHBP Bonus ¹
Duplex	4	+4	35'	5,000 sf	0.4 FAR	+0.4 FAR
Multi-Family	4	+4	45'	5,000 sf	0.6 FAR	+0.2 FAR
Cottage Court - 3	3	+0	45'	5,000 sf	0.6 FAR	+0 FAR
Cottage Court - 6	6	+0	90'	10,000 sf	0.6 FAR	+0.2 FAR
Townhouse	1	+0	18'	1,800 sf	0.6 FAR	+0 FAR
Other Allowed Uses	—	+0	35'	5,000 sf	0.4 FAR	+0 FAR

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

Table 23-3C-3130(B) Building Placement

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

Table 23-3C-3130(D) Height

(1) Primary and Accessory Building	Base Standard	AHBP Bonus ¹
To Top Plate (maximum)	25'	+10
Overall (maximum)	35'	+10

Table 23-3C-3130(H) Impervious Cover

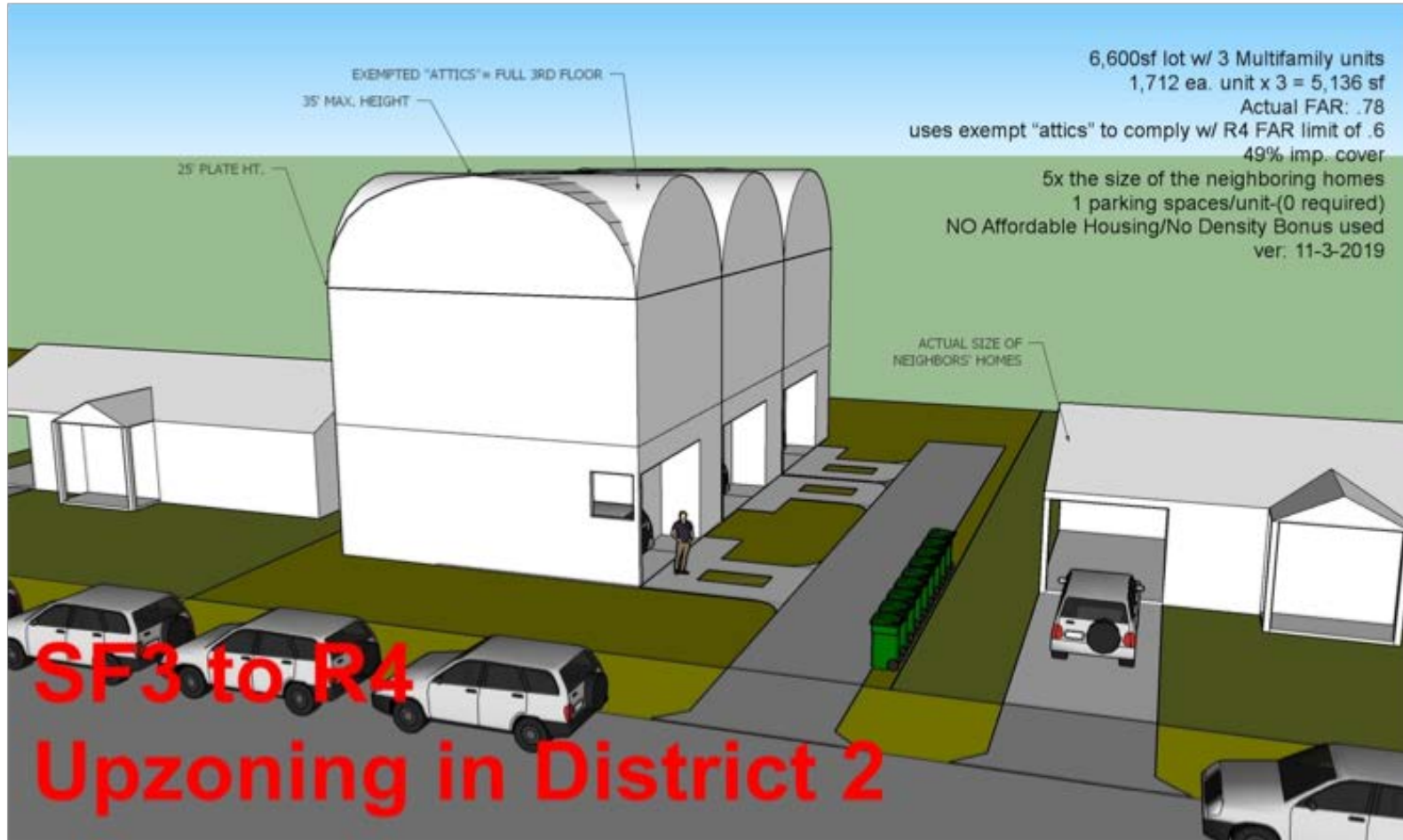
(1) Impervious Cover	% (max.)
Impervious Cover	50%

Table 23-3C-3120(C) Building Form

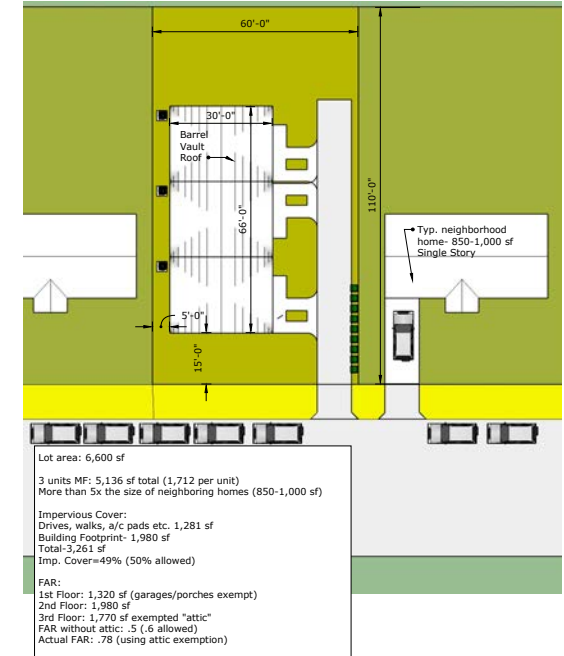
(1) Overall Building Envelope

Width (maximum)	80'
-----------------	-----

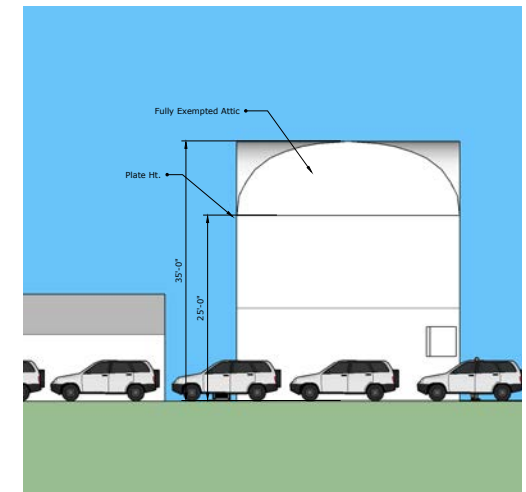
Transition Zones – R4



Sweetbriar R4 Multifamily (no Density Bonus used)
copyright 2019, Chris Allen, architect
1"=20'-0" version 11-3-2019

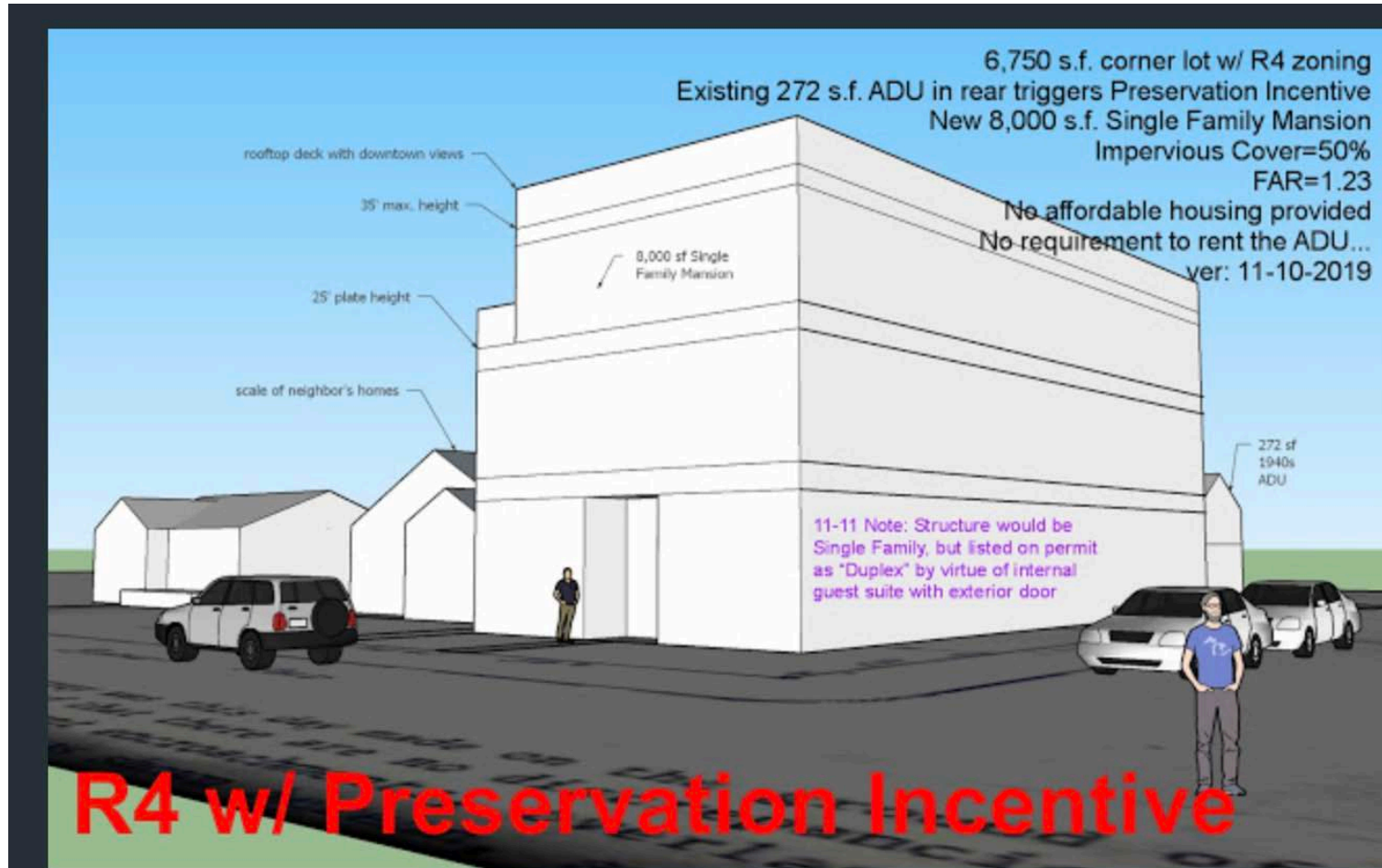


Sweetbriar R4 Multifamily
copyright 2019, Chris Allen, architect
1/8"=1'-0" version 11-3-2019



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

Transition Zones – R4



Lack of Compatibility 4 units

Side by side comparison



Comprehensive Plan & Transition Zones

Current

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

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



1. Map Amendments

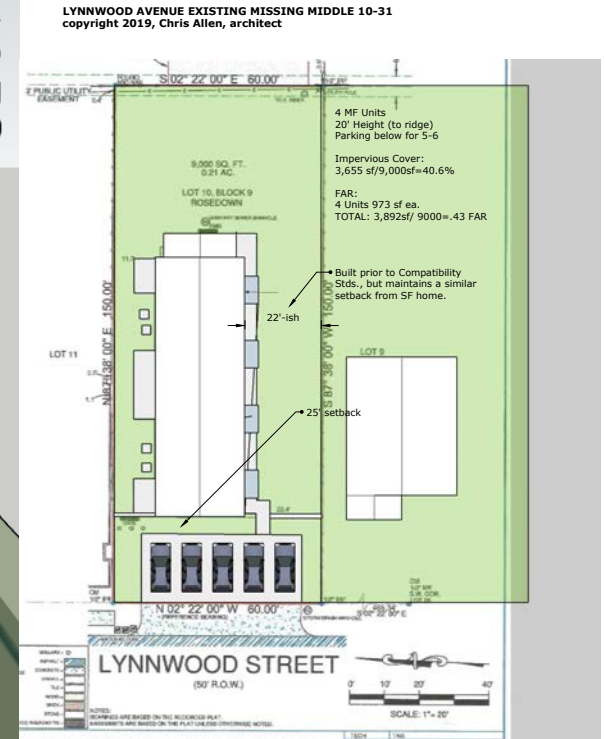
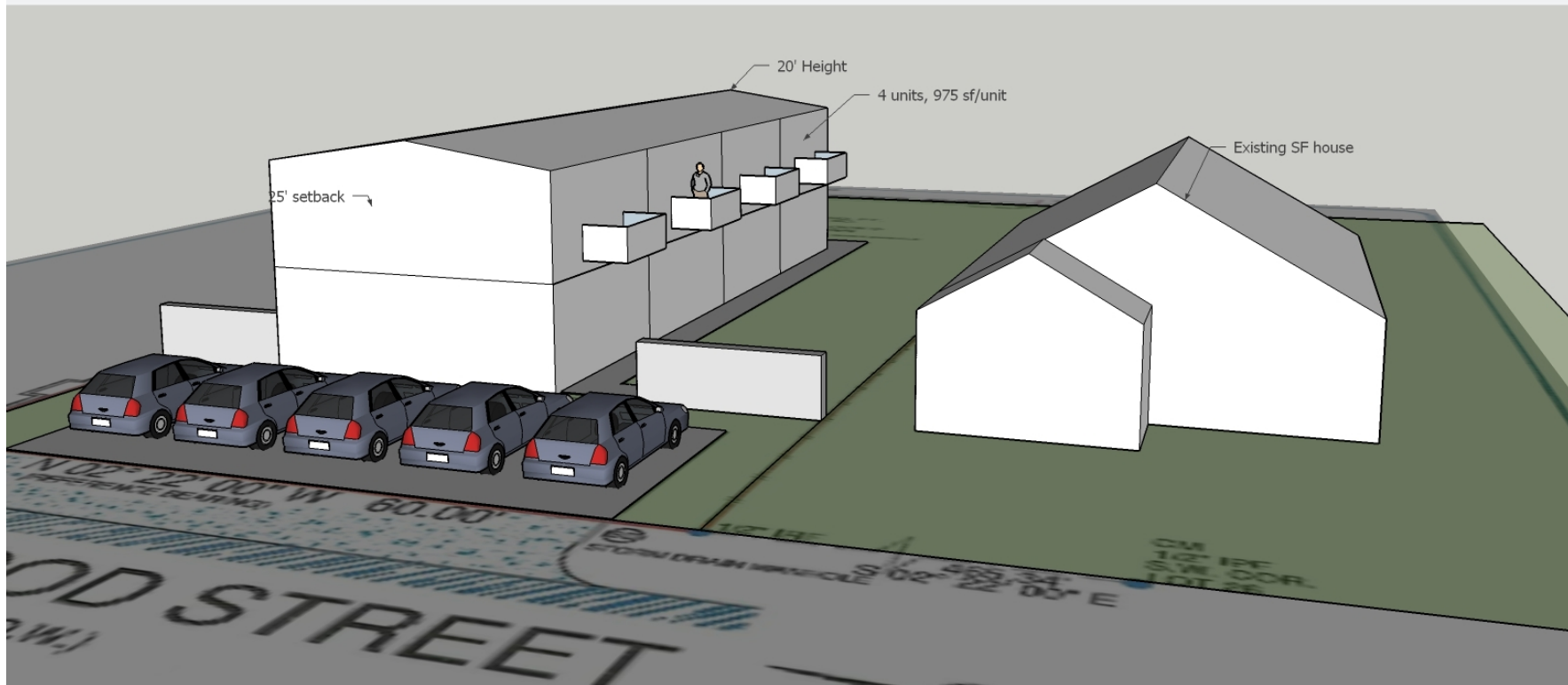
Amend the Comprehensive Plan to:

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

Compatibility – 4 units

Existing Missing Middle (Rosedale)

9,000 s.f. lot w/ MF-3 zoning
4 unit multifamily built in 1960s
3,892sf=.43 FAR
Impervious Cover=40.6%
Market Affordable Housing
ver: 10-28-2019



Transition Zoning

23-3C-3130
Residential 4 (R4) Zone

Table 23-3C-3130(A) Lot Size and Intensity				
(1) Allowed Use	Lot			
	Principal Dwelling Units per Lot (max.)		Width (min.)	Area (min.)
	Base Standard	AHBP Bonus ¹		
Duplex	4	+4	35'	5,000 sf

23-3C-4060
Residential Multi-Unit 1 (RM1) Zone

Table 23-3C-4060(A) Lot Size and Intensity				
(1) Allowed Use	Lot			
	Principal Dwelling Units per Lot (max.)		Width (min.)	Area (min.)
	Base Standard	AHBP Bonus ¹		
Duplex	6	+4	50'	5,000 sf

How do you build 4 or 5 duplexes on a 5,000 square foot lot???
RM 1 “transition zone” unit entitlements per acre exceed RM2, RM3, and RM4 and are almost equivalent to RM5.

Why zone what you cannot build?
Will lot accumulation be triggered?

Bulk Housing in R3, R4, and RM1

CO-HOUSING. A residential development of three or more sleeping units in which sleeping units are separate and detached from common areas that include kitchen, laundry, and other shared facilities. Includes cooperative housing.

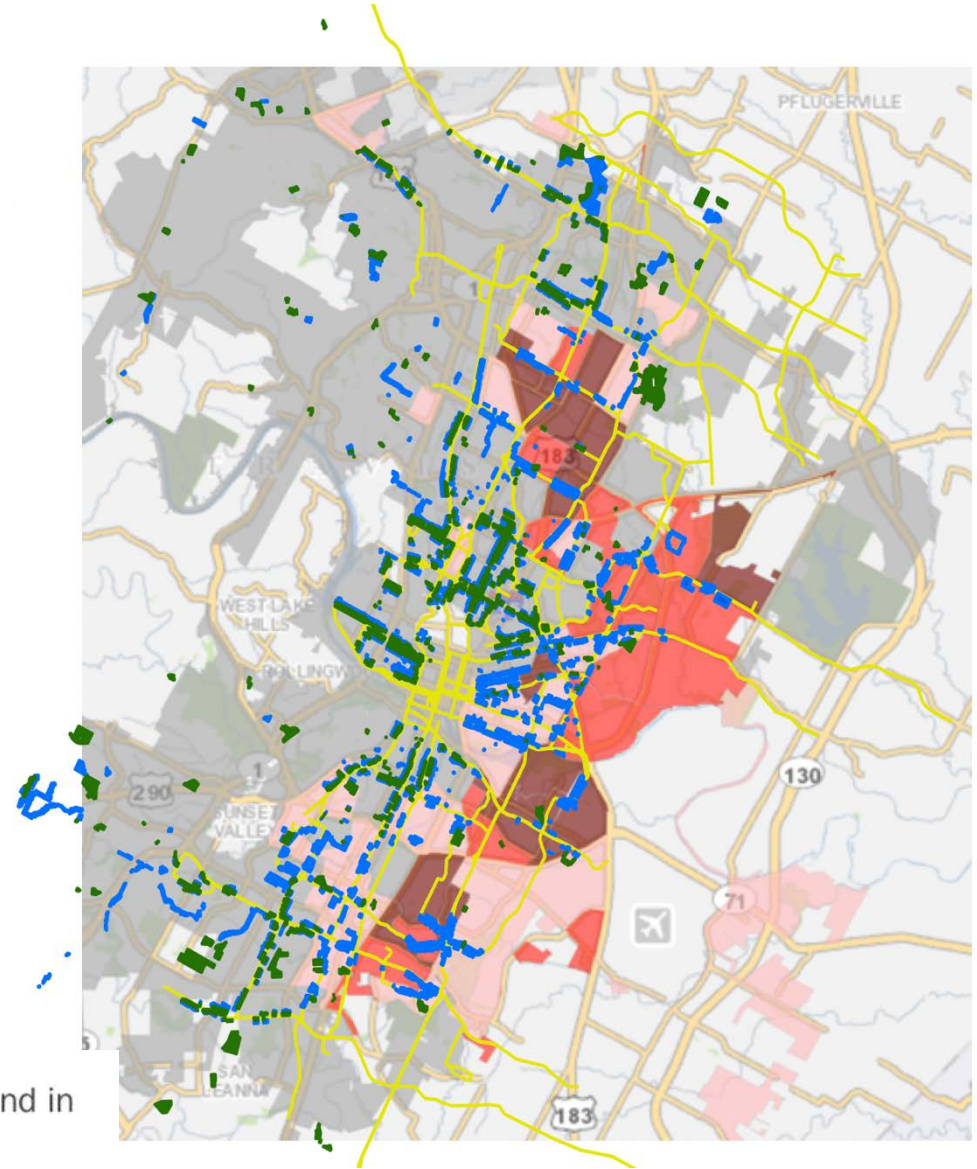
GROUP RESIDENTIAL. The use of a site for occupancy by a group who are not a family on a weekly or longer basis in which sleeping units are separate from, but located in the same building with, common areas that include kitchen, laundry, and other shared facilities. This includes, but is not limited to, fraternity and sorority houses, dormitories, residence halls, boarding houses, and cooperative housing.

Transition Zones – Vulnerable Communities

“The length and level of entitlement in transition zones should be substantially reduced in “Vulnerable” areas identified in the UT Gentrification Study, regardless of the number of criteria met above.”

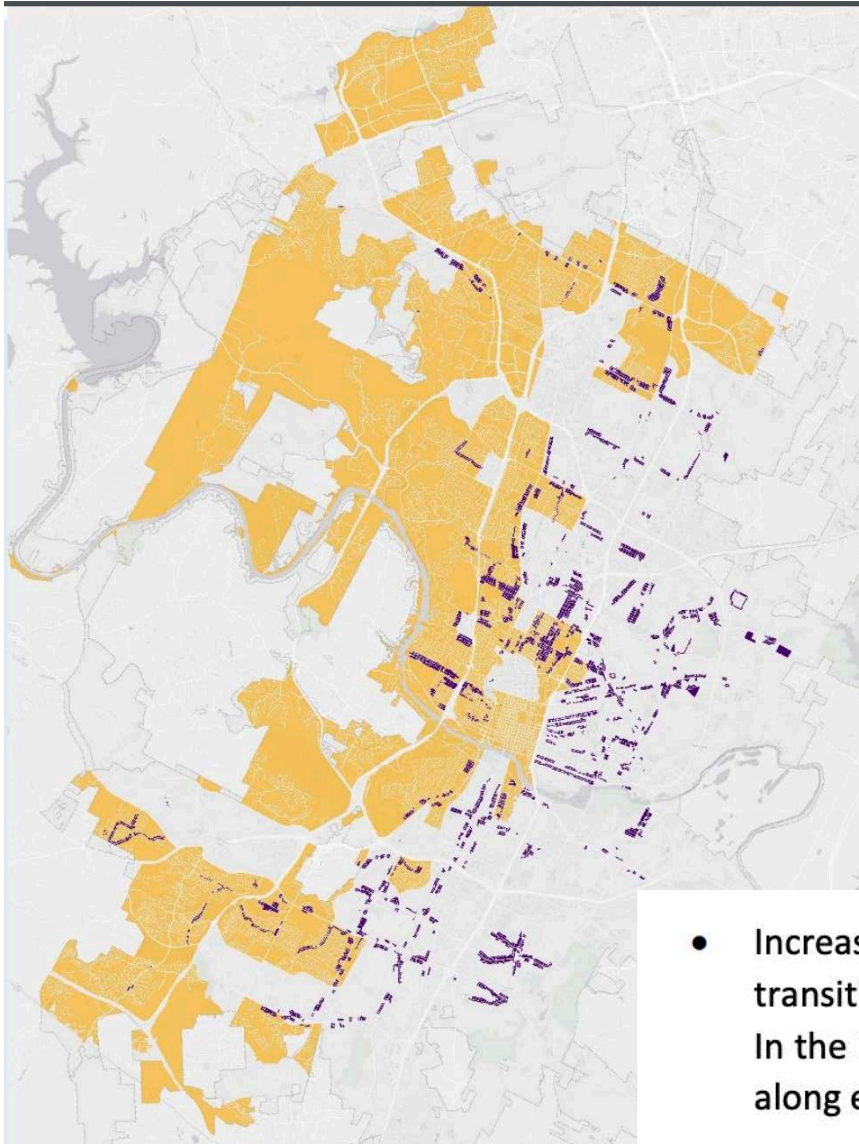


Green = R4
Blue = RM1

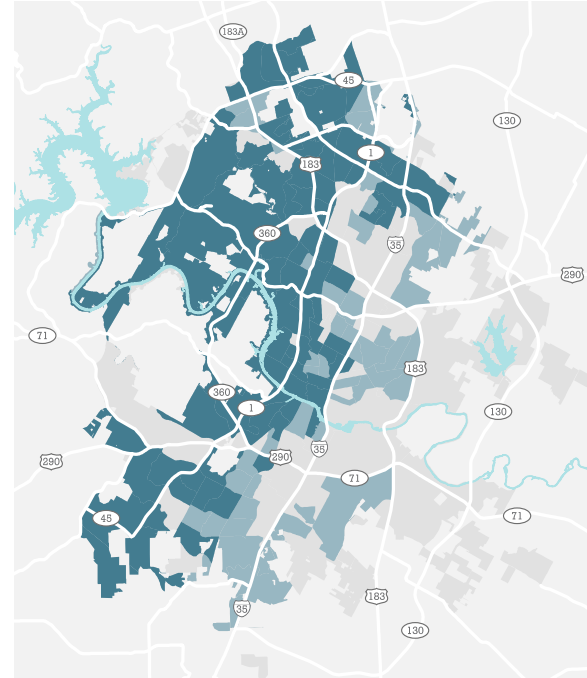


- Encouraging the preservation of affordable housing in neighborhoods across the city and in activity centers and corridors.

Transition Zones – High Opportunity Areas



High-Opportunity Areas in Austin



■ Current High Opportunity Areas
■ Emerging Opportunity Areas

0 5
Miles

Source: Enterprise Opportunity360 Index, Downloaded March 28, 2018.

DRAFT: November 19, 2018 9

- Increase the application of missing middle zones in “High Opportunity Areas” including mapping transition zones adjacent to Imagine Austin Activity Centers and mapping R3 zones on corner lots. In the LDC Revision Draft staff applied the R4 zone in portions of high opportunity areas located along existing bus routes that are not a Transit Priority Network.



Kirwan Institute Opportunity Map

<https://data.austintexas.gov/Building-and-Development/Kirwan-Institute-Opportunity-Map-Data/f4c7-5ivui>

Single Family in Transition Zones

R4

(1) Allowed Use

- Duplex
- Multi-Family
- Cottage Court - 3
- Cottage Court - 6
- Townhouse
- Other Allowed Uses

¹ To receive affordable l

RM1

(1) Allowed Use

- Duplex
- Cottage Court - 3
- Cottage Court - 6
- Multi-Family
- Live/Work
- Townhouse
- Other Allowed Uses

¹ To receive affordable ho

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

Introducing
Compliant
Residential
Use

23-2H-3020 Compliant Residential Use

- (A) **Applicability.** An existing single-family use within the RM1 and R4 zones is a compliant residential use under this section if it lawfully existed as the principal use of a property on {effective date of Title}, and has existed continuously since that date.
- (B) **General Allowances.**
 - (1) **Continuation.** A compliant residential use is a legal use for all purposes under this Title and may continue to operate indefinitely, except as provided in Subsection (C).
 - (2) **Enlargement and Modification of Principal Structure.** A principal structure containing a compliant residential use may be:
 - (a) Enlarged or modified to the extent permitted for a single-family use in the R2A Zone; and
 - (b) Rebuilt or replaced subject to the site development standards under the R2A Zone.
 - (3) **Accessory Dwelling Units.** An accessory dwelling unit may be constructed on the same property as a compliant residential use subject to the requirements of Section 23-3D-1030 (Accessory Dwelling Unit – Residential).
 - (4) **Reduction in Lot Area.** A lot containing a compliant residential use may be reduced in area, subject to the requirements of Chapter 23-5 (Subdivision) and the lot area requirements of the R2A Zone.
 - (5) **Variances.** The Board of Adjustment may consider requests for a variance from regulations of the R2A Zone applicable to a compliant residential use under this section.

Single Family in Transition Zones

If you make your lot bigger
you become non-conforming



(C) General Restrictions.

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

23-2H-3030 Termination of Compliant Residential Uses

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



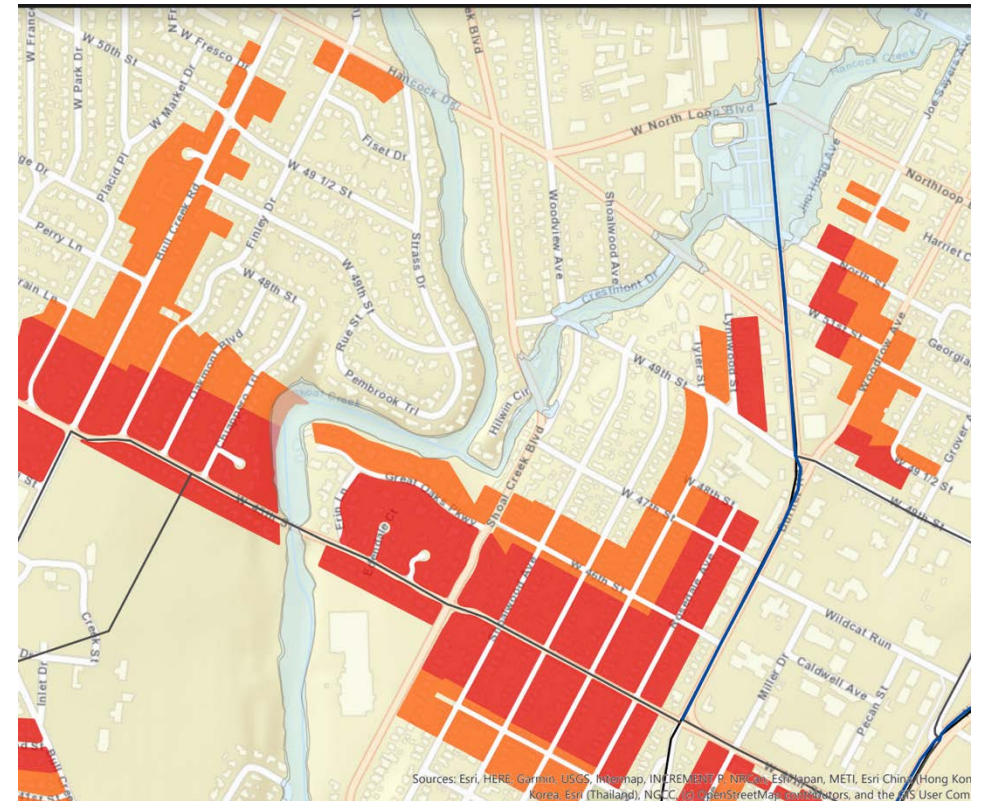
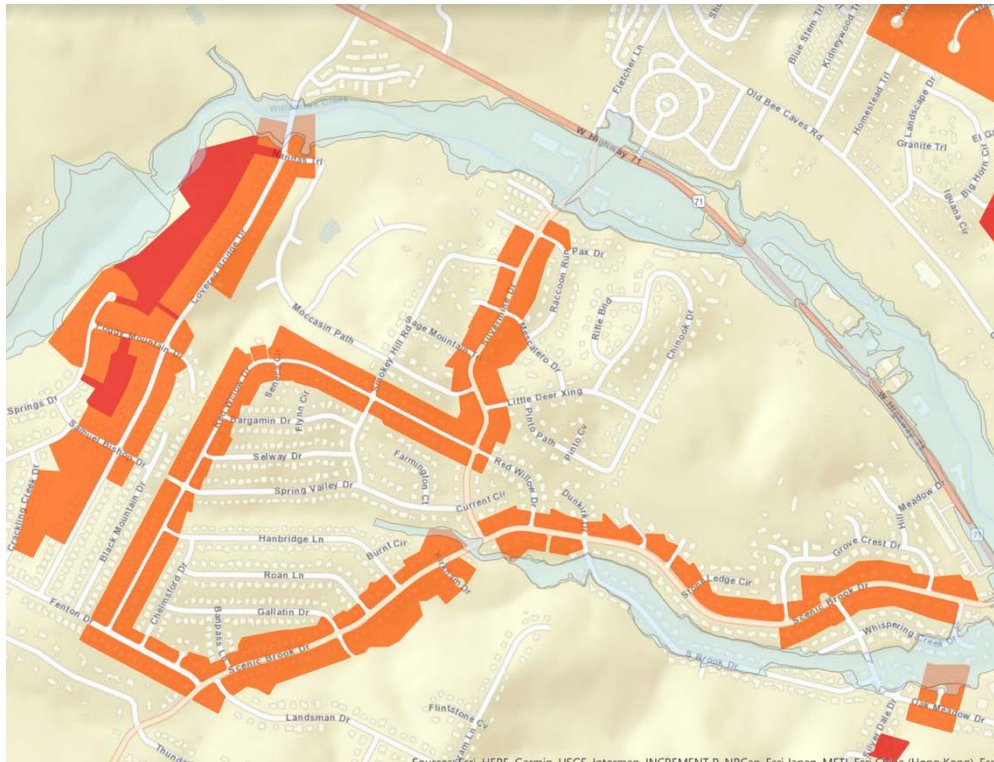
(A) Grounds for Termination of Uses.

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

[illegible]

Sources: Esri, HERE, Garmin, USGS, Intermap, INCREMENT P, NRCan, Esri Japan, METI, Esri China (Hong Kong), Esri

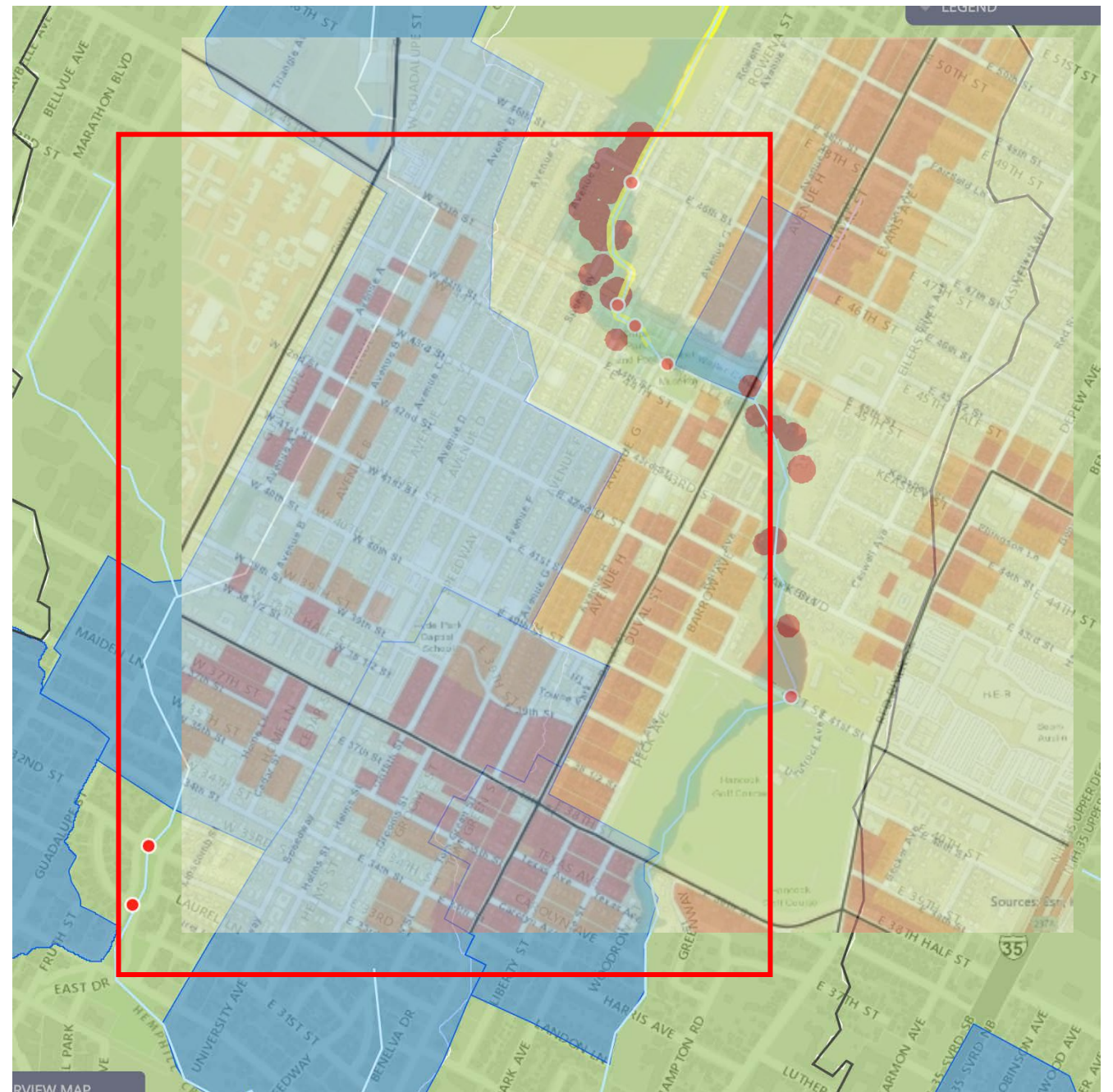
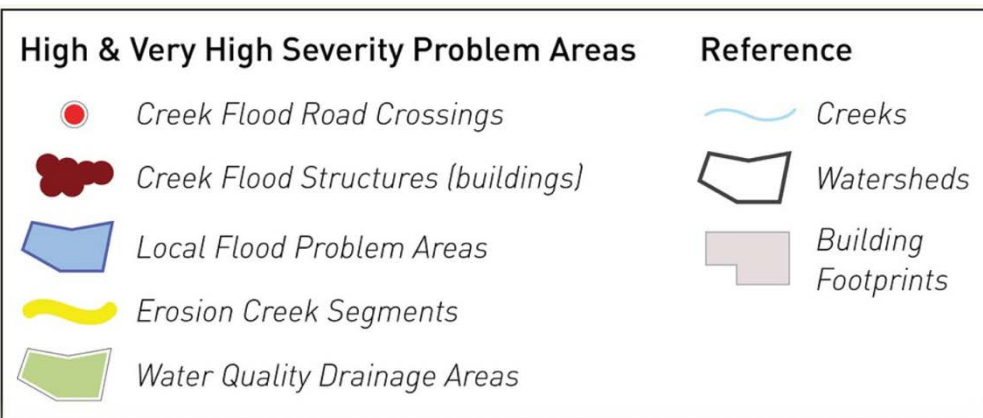
Mapping Transition Zones Near Flood Plains








Mapping Transition Zones In Localized Flood Areas


Overlay of Localized Flood
Zones(LightBlue) and Transition
Zones (Orange & Red)

- RM1 60% Impervious Cover
- R4 50% Impervious Cover




The map displays the Allendale Road area in Detroit, Michigan. The proposed alignment for the Green Line Extension is shown as a yellow line. The alignment starts at the intersection of Allendale Road and the Green Line Extension, runs north along Allendale Road, and then turns east along the Green Line Extension. The map includes street names such as Allendale Rd, Green Line Extension, and various local streets like 14th St, 15th St, 16th St, 17th St, 18th St, 19th St, 20th St, 21st St, 22nd St, 23rd St, 24th St, 25th St, 26th St, 27th St, 28th St, 29th St, 30th St, 31st St, 32nd St, 33rd St, 34th St, 35th St, 36th St, 37th St, 38th St, 39th St, 40th St, 41st St, 42nd St, 43rd St, 44th St, 45th St, 46th St, 47th St, 48th St, 49th St, 50th St, 51st St, 52nd St, 53rd St, 54th St, 55th St, 56th St, 57th St, 58th St, 59th St, 60th St, 61st St, 62nd St, 63rd St, 64th St, 65th St, 66th St, 67th St, 68th St, 69th St, 70th St, 71st St, 72nd St, 73rd St, 74th St, 75th St, 76th St, 77th St, 78th St, 79th St, 80th St, 81st St, 82nd St, 83rd St, 84th St, 85th St, 86th St, 87th St, 88th St, 89th St, 90th St, 91st St, 92nd St, 93rd St, 94th St, 95th St, 96th St, 97th St, 98th St, 99th St, 100th St. The map also shows the locations of the proposed stations marked with red dots.

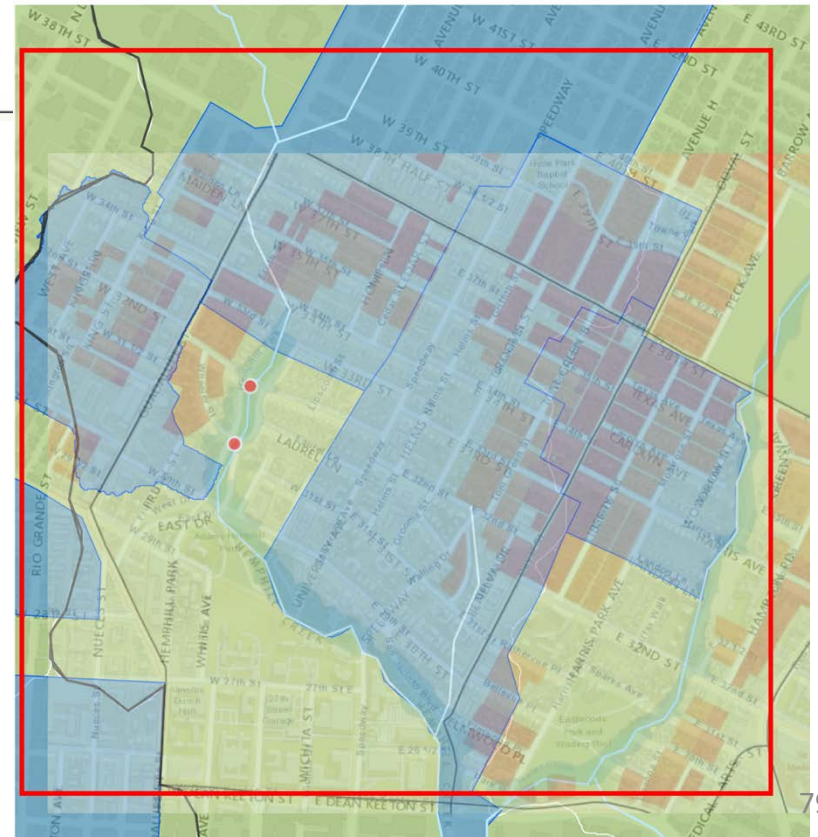
-  *Creek Flood Road Crossings*
-  *Creek Flood Structures (buildings)*
-  *Local Flood Problem Areas*
-  *Erosion Creek Segments*
-  *Water Quality Drainage Areas*

 Creeks

 Watersheds

 Building
Footprints

- RM1 60% Impervious Cover
- R4 50% Impervious Cover



Occupancy

Occupancy Limits

Current rule is four unrelated adults per site in the McMansion Area in LA, RR and SF-1 to SF6 (for units constructed after March 2014), proposed limit is 6 unrelated adults per unit. That would be 12 in a duplex or 24 in a fourplex!

23-3D-10040 Dwelling Unit Occupancy Limit

- (A) Except as otherwise provided by this section or by another requirement of this Title, not more than six unrelated adults may reside in a dwelling unit.
- (B) In approving an application for a conditional use permit, the Land Use Commission may approve an occupancy above the limit imposed in this section.
- (C) In no case may the number of occupants exceed limitations established in the Property Maintenance Code, Section 404 (Occupancy Limitations).

Compatibility

Compatibility

Compatibility standards are a set of rules that impact height, setback, screening, and scale and clustering of more intense uses that border residential housing (from single family/duplex) up to current SF-5 (Condos, Townhomes etc.)

In CodeNEXT V4 Compatibility standards for height next to properties to be zoned R3 or less end at 50 or 100 feet

Table Showing CodeNEXTV4 Compatibility Height Limits							
Zones	District Maximum Height (zone)	≤25	≤50	> 25 and ≤50	> 50	> 50 and ≤100	>100
Multi-Unit							
RM2, RM3	60	25	—	35	—	45	zone
RM4	90	25	—	35	—	45	zone
RM5	120	—	35	—	—	45	zone
Mixed Use							
MU3, MU4	60	25	—	35	zone	—	—
MU5A, MU5B	90	25	—	35	zone	—	—
Main Street							
MS2A, MS2B	65	25	—	35	zone	—	—
MS3	90	25	—	35	—	45	zone
Regional Center							
UC-80	150	25	—	35	—	45	zone
UC-120	200	25	—	35	—	45	zone
UC-180	240	25	—	35	—	45	zone
UC-Unlimited	Unlimited	25	—	35	—	45	zone
CC-40	40	—	—	—	—	—	—
CC-60	60	—	—	—	—	—	—
CC-80	80	—	—	—	—	—	—
CC-120	120	—	—	—	—	—	—
DC	Unlimited	—	—	—	—	—	—
Commerical & Industrial							
CR	40	—	35	—	zone	—	—
IF	60	—	35	—	—	45	zone
IG	60	—	35	—	—	45	zone
IH	120	—	35	—	—	45	zone
R&D	90	—	35	—	—	45	zone

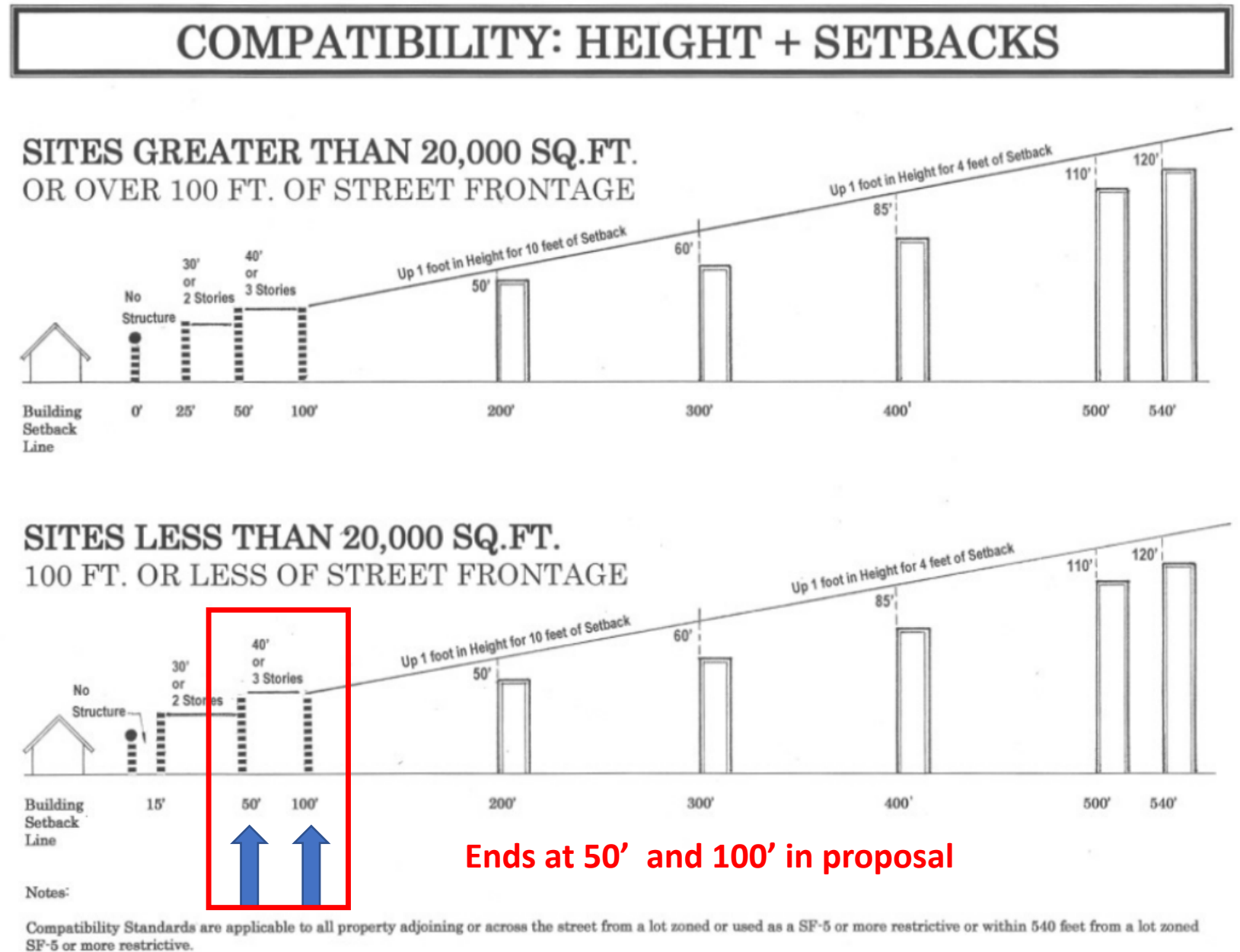
Note: for CC there are Downtown Density Bonus Programs that Increase Height

Homes proposed to be upzoned to R4 or RM1 in the proposed transition zones receive no compatibility. Current compatibility rules have “use” – that has been removed.

Current & CodeNEXT V4 Height Compatibility

Current Compatibility Standards Illustrated

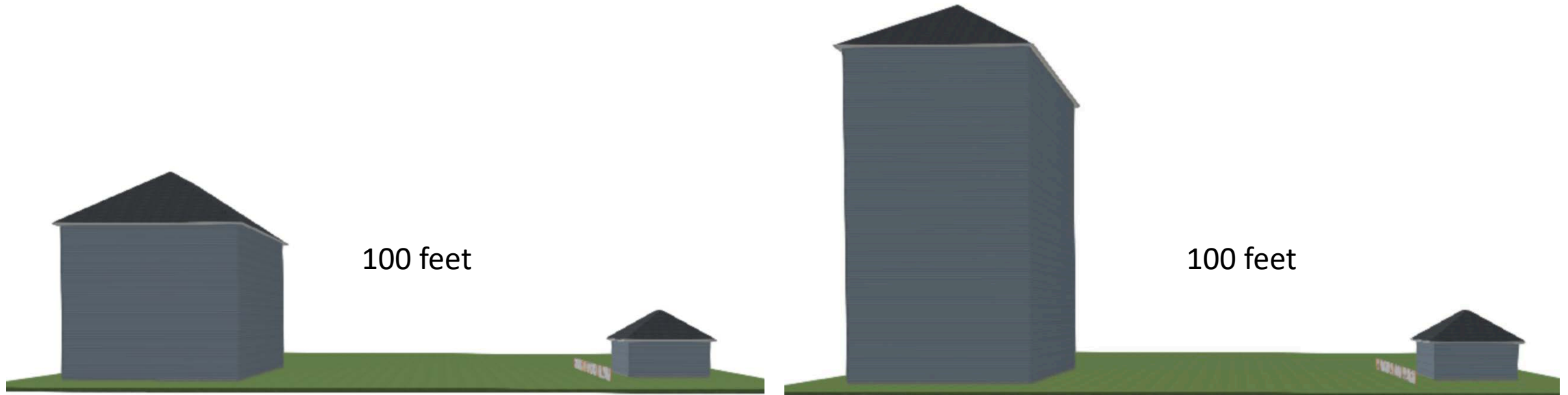
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Compatibility – R3 or less next to MS3

Current

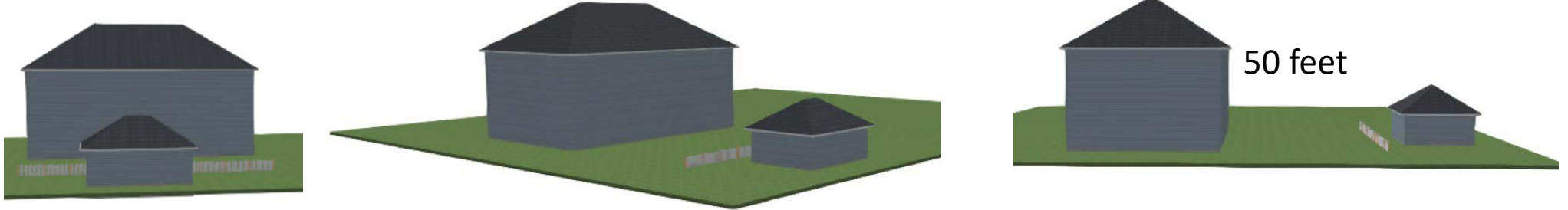
CodeNEXT V4



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

Compatibility – MS2, MU3, MU4, MU5

Current



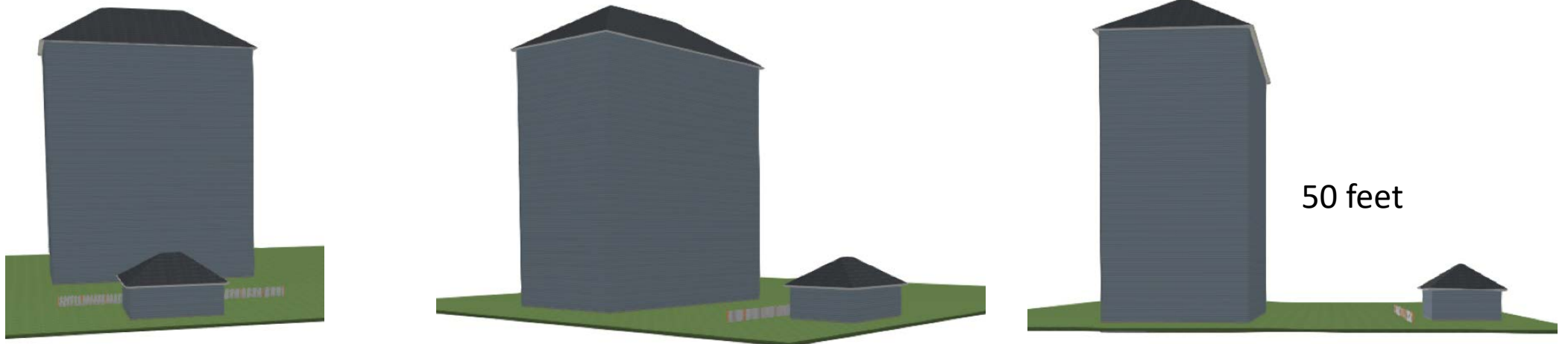
Comprehensive Plan says:

HN A19

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

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

CodeNEXT V4

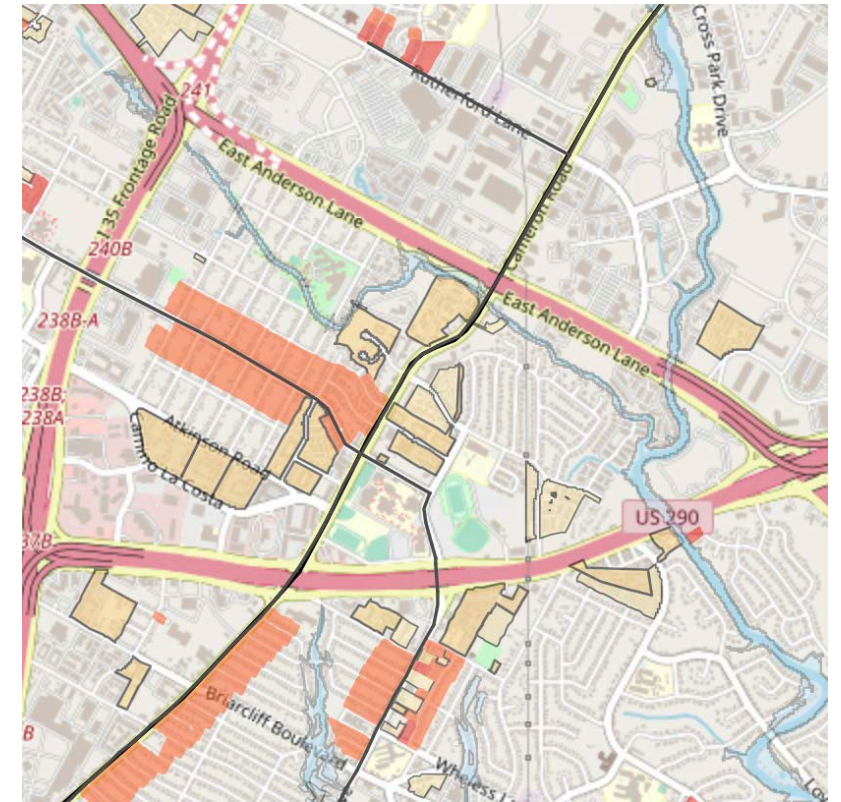
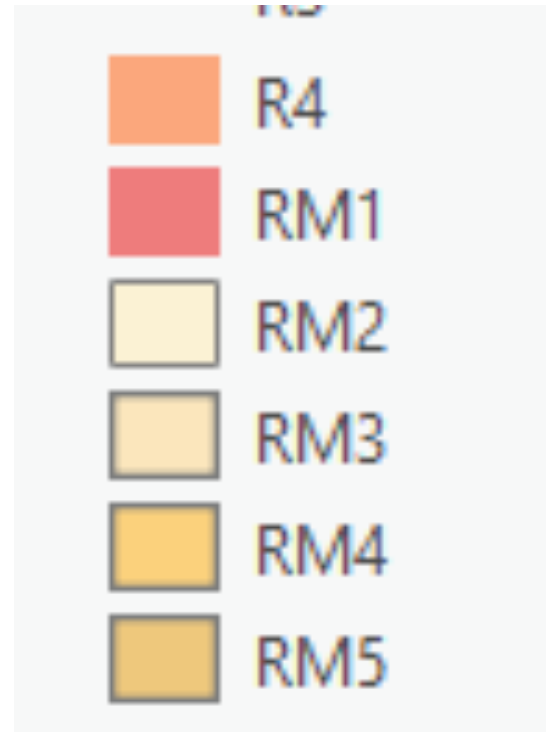


Multi-unit

RM1 RM2 RM3 RM4 RM5

Multi-Unit Zoning Units

Many existing apartment complexes are being proposed to be zoned in mixed use categories (MU). Click [here](#) for interactive map of proposed multi-unit zoning.



Multi-Unit Zoning Units

Proposed

	RM2			RM3			RM4			RM5		
	Multi-Family	Live/Work	Townhouse	Multi-Family	Live/Work	Townhouse	Multi-Family	Live/Work	Townhouse	Multi-Family	Live/Work	Townhouse
Lot												
Minimum Lot Size	5000	1800	1800	5000	1800	1800	5000	1800	1800	5000	1800	1800
Minimum Lot Width	50	18	18	50	18	18	50	18	18	50	18	18
ADU- Preservation Incentive bonus (D)	1	1	1	1	1	1	1	1	1	1	1	1
FAR (Floor Area Ratio):1 limit	0.8	0.8	0.8	0.8	0.8	0.8	0.8	0.8	0.8	0.8	0.8	0.8
FAR (Floor Area Ratio):1 +AHBPBonus	2.0	—	—	2.0	—	—	2.0	—	—	2.0	—	—
Table Max. Units per Acre	24.0	24.0	24.0	36.0	24.0	24.0	48.0	24.0	24.0	54.0	24.0	24.0
Table Max. Units per Acre +AHBP	60.0	24.0	24.0	76.0	24.0	24.0	unlimited	24.0	24.0	unlimited	24.0	24.0
Maximum Units per Acre	?	?	?	?	?	?	?	?	?	?	?	?

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

Current	MF-1	MF-2	MF-3	MF-4	MF-5	MF-6
Lot						
Minimum Lot Size	8000	8000	8000	8000	8000	8000
Minimum Lot Width	50	50	50	50	50	50
FAR (Floor Area Ratio):1 limit	—	—	0.75	0.75	1	—
Maximum Units per Acre	17.0	23.0	36.0	36-54	54.0	77.0

Much higher FAR's proposed.

Multi-Unit Zoning IC & Setbacks

Proposed

Massing	RM2			RM3			RM4			RM5		
Maximum Impervious Cover	60%	60%	60%	70%	70%	70%	80%	80%	80%	80%	80%	80%
Maximum Building Coverage												
Maximum Height	40	40	40	60	60	60	60	60	60	90	90	90
Maximum Height + AHBP	60	60	60	—	—	—	90	90	90	120	120	120
Minimum Width				40%	40%	40%	40%	40%	40%	40%	40%	40%
Maximum Width	100	100	100	—	—	—	—	—	—	—	—	—
Minimum Setbacks												
•Front yard	10	10	10	5	5	5	5	5	5	5	5	5
•Street side yard	5	5	5	5	5	5	5	5	5	5	5	5
•Interior side yard	5	5	5	5	5	5	5	5	5	5	5	5
•Rear yard	5	5	5	5	5	5	5	5	5	5	5	5

Current

Massing	MF-1	MF-2	MF-3	MF-4	MF-5	MF-6
Maximum Impervious Cover	55%	60%	65%	70%	70%	80%
Maximum Building Coverage	45%	50%	55%	60%	60%	70%
Maximum Height	40	40	40	60	60	90
•Front yard	25	25	25	15	15	15
•Street side yard	15	15	15	15	15	15
•Interior side yard	5	5	5	5	5	5
•Rear yard	10	10	10	10	10	10

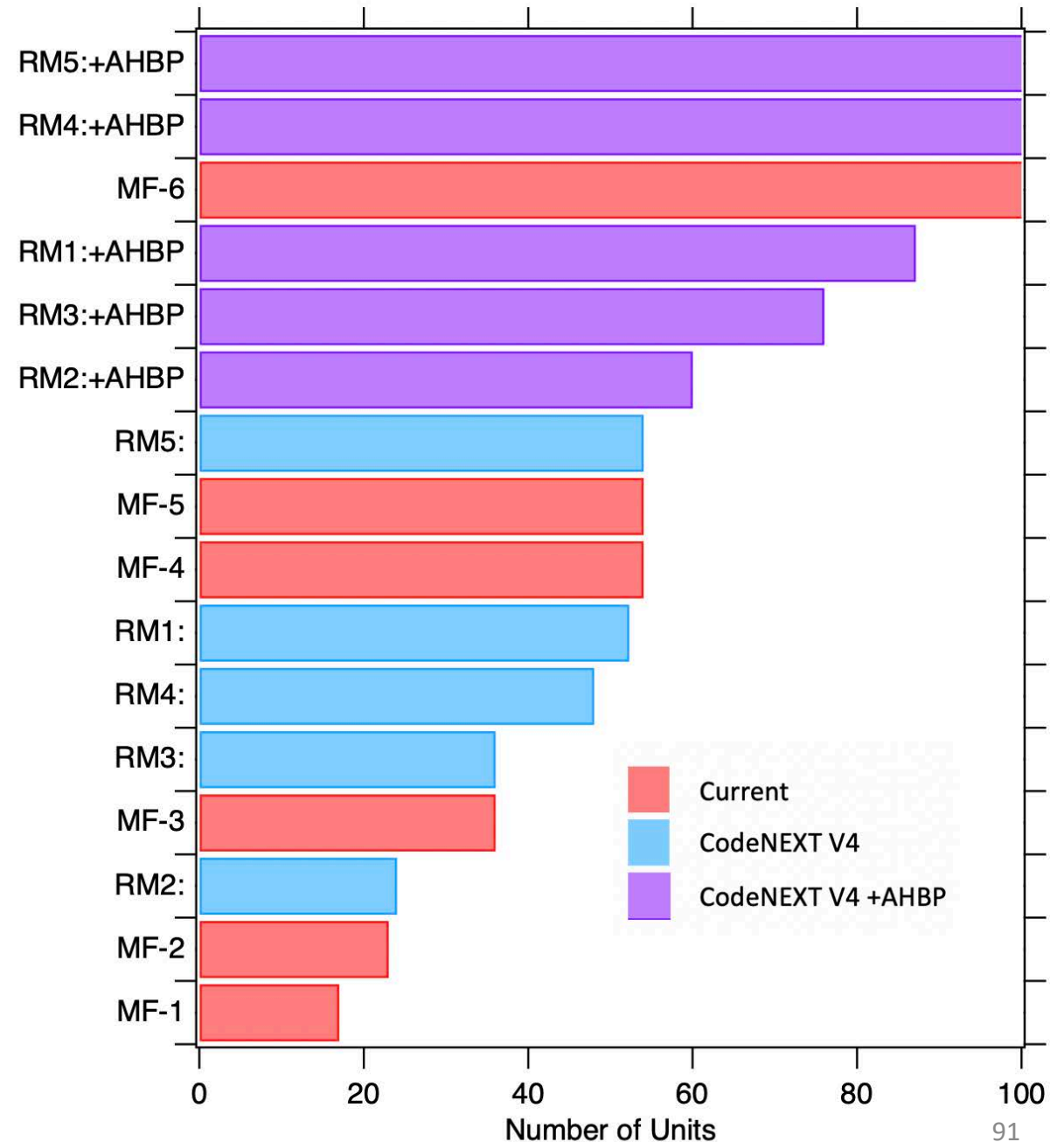
Higher Impervious covers proposed and front yard setbacks greatly reduced. Older spot-zoned apartments could be developed with much more mass.

Multi-Unit Zoning

Comparison of Current Code and Proposed CodeNEXT v4 “multi-unit” units per acre.

RM 1 “transition zone” unit entitlements per acre exceed RM2, RM3, and RM4 and are almost equivalent to RM5

MF-6, RM4+AHBP and RM5+AHBP have no unit limit.



Multi-Unit Zoning

(1) Allowed Use	Lot				Building	
	Principal Dwelling Units per Lot (max.)		Width (min.)	Area (min.)	Size (max.)	
	Base Standard	AHBP Bonus ¹			Base Standard	AHBP Bonus ¹
RM1 Multi-Family	6	+4	50'	5,000 sf	0.8 FAR	+1.2 FAR

Calculated per acre
52 +35

(1) Allowed Use	Principal Dwelling Units per Acre (max.)		Size (max.)						
	Base Standard	AHBP Bonus ¹	Width (min.)	Area (min.)	Base Standard			AHBP Bonus ¹	
RM2	Multi-Family	24	+36	50'	5,000 sf	0.8 FAR			+1.2 FAR
RM3	Multi-Family	36	+40	50'	5,000 sf	0.8 FAR			+1.2 FAR

	(1) Allowed Use	Principal Dwelling Units per Acre (max.)		Width (min.)	Area (min.)
		Base Standard	AHBP Bonus ¹		
RM4	Multi-Family	48	Unlimited	50'	5,000 sf
RM5	Multi-Family	54	Unlimited	50'	5,000 sf

NO FAR Limit

Multi-Unit Zoning

Zone	Base Standard	AHBP Bonus	Total
RM1	52	35	87
RM2	24	36	60
RM3	36	40	76
RM4	48	Unlimited	Unlimited
RM5	54	Unlimited	Unlimited

The Base standards for units per acre (except for RM1) are comparable to current multi-unit standards. However, the AHBP bonuses are very large.

Something went wrong,
the map did not load
correctly.

Can't see the area map at COA

Table 23-4E-1040(E): Affordable Unit Set Aside Requirements in For-Rent Properties			
Income (MFI)	Rental Units		
	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.

¹For a dwelling unit to qualify as "affordable" a unit must comply with Subsection 23-4E-1090(B).

²All unit set aside calculations resulting in fractional units must be rounded up to the next whole number.

If you have an existing 36 unit market affordable multiplex on 1 acre, which will now be zoned RM3, and choose to use the bonus, and you are in area B, then do you set aside 10% of the total 76 units or 10% of the 40 units bonus you used for affordable housing ? And either way it's less than the affordable units that you demolished.

Affordable Housing Bonus

Affordable Housing Bonus



Build on site

OR



Fee-in-lieu



Offsite Production



Land Dedication

Affordable Housing Bonus – Fee-in-lieu

23-4E-1050 Alternatives to On-site Production of Affordable Units for Residential Developments

- (A) **Purpose.** This section describes potential alternatives to on-site production of affordable units in developments with residential units. Any proposal to meet affordability requirements through one of the alternatives below requires approval from the director, using criteria described in the Affordable Housing Criteria Manual.
- (B) **Housing Fee in-lieu.** Subject to approval from the director, an applicant may pay a fee in-lieu of providing the affordable units in compliance with the following:
- (1) The total fee in-lieu of affordable units required for a development is determined by multiplying the required affordable units by the corresponding residential housing fee-in-lieu per unit as published in the city's fee schedule at the time the project's site plan is submitted.

Required Affordable Units x Residential Housing Fee-in-Lieu per Unit = Total Fee
 - (2) The bonus units must be calculated in compliance with Table 23-3E-1040(A) (Bonus Calculation) and Tables 23-3E-1040(B) through (E) (Affordable Unit Set-Aside Requirements).

Affordable Housing Bonus – Offsite

- (C) **Off-site Production.** Off-site production of affordable units may be proposed if the off-site production of affordable units produces more affordable units or a greater community benefit, subject to approval by the director. Off-site affordable units:
- (1) Must be deed-restricted to achieve at least the same affordability period and income restrictions as the project accessing the Affordable Housing Bonus and may include any combination of new units or units in an existing structure;
 - (2) Must include at least the same number of units and same bedroom count mix as would be required in the bonus, except that the provision of dedicated two or three bedroom affordable units may count as two or three one-bedroom/efficiency market rate units at the discretion of the director;
 - (3) Must be within one mile of the property seeking the bonus or in a location approved by the director, such as a high opportunity area or an area that allows the city to meet one or more of the goals established in the Strategic Housing Blueprint;
 - (4) Must include the payment of a fee equal to the total fee in-lieu amount due for the development accessing the AHBP, which shall be held in escrow until a final certificate of occupancy is issued for the off-site units; and
 - (5) Must receive certificate of occupancy for the off-site units within 36 months of the date that the final certificate of occupancy is issued for the property seeking the bonus.

Affordable Housing Bonus – Land Dedication

- (D) **Land Dedications.** Land dedication may be proposed as an alternative to on-site production of affordable units, subject to approval by the director. The applicant may donate to the city land that is within one mile of the property seeking the bonus, within a high opportunity area, an area that allows the city to meet one or more of the goals established in the Strategic Housing Blueprint, or that the director determines is suitable for the construction of affordable units and is of equivalent or greater value than is produced by applying the housing fee in-lieu. Any dedicated land must be within the full purpose jurisdiction of the City of Austin.

Neighborhood Housing Trust Fund

- (b) Except as provided in Subsection (I)(2), an additional 10 percent of the dwelling units or bedrooms on the site to house persons whose household income is at or below 50 percent of the median income in the Austin statistical metropolitan area, as determined by the Housing Director.
- (2) **The University Neighborhood Housing Trust Fund Established.** Instead of complying with Subsection (I)(1)(b), a person may pay into the University Neighborhood Housing Trust Fund a fee for each square foot of net rentable floor area in the multi-family residential use or group residential use development. The fee is adjusted annually as determined by the Housing Director and adopted by the council to the City's fee schedule.

Office Zoning

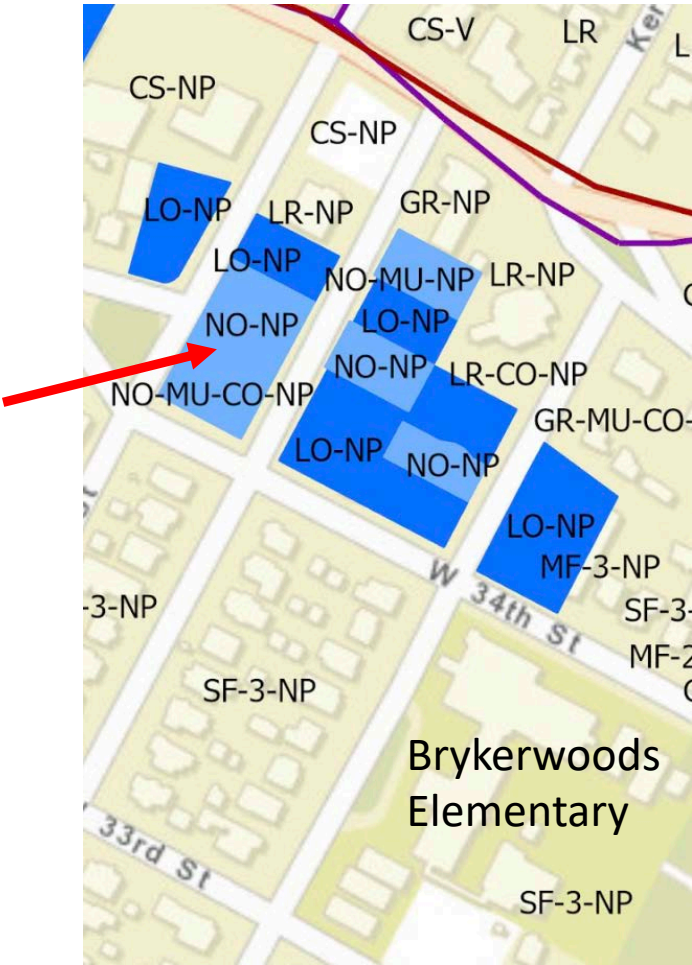
Current Office Zoning

To see current Office Zoning on the interactive map click [here](#): NO, LO and GO are mapped from lightest to darkest (indicating intensity of zoning).

There is no strictly office zoning proposed in CodeNEXT V4, so the current office zoning have all been rezoned to MU or MS, zoning which also allows additional uses such as restaurants and retail, that have different operating characteristics than offices.

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

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



Commercial

Commercial Zoning Comparison

Current

CodeNEXT Version 4

Commercial	
NO	Neighborhood Office
LO	Limited Office
GO	General Office
CR	Commercial Recreation
LR	Neighborhood Commercial
GR	Community Commercial
L	Lake Commercial
CBD	Central Business District
DMU	Downtown Mixed Use
W/LO	Warehouse/Limited Office
CS	Commercial Services
CS-1	Commercial Liquor Sales
CH	Commercial Highway



23-3C-5060	Mixed-Use 1 (MU1) Zone
23-3C-5070	Mixed-Use 2 (MU2) Zone
23-3C-5080	Mixed-Use 3 (MU3) Zone
23-3C-5090	Mixed-Use 4 (MU4) Zone
23-3C-5100	Mixed-Use 5A (MU5A) Zone
23-3C-5110	Mixed-Use 5B (MU5B) Zone
23-3C-6060	Main Street 2A (MS2A) Zone
23-3C-6070	Main Street 2B (MS2B) Zone
23-3C-6080	Main Street 3 (MS3) Zone
23-3C-7060	Urban Center (UC) Zone
23-3C-7070	Commercial Center (CC) Zone
23-3C-7080	Downtown Core (DC) Zone
23-3C-8060	Commercial Recreation (CR) Zone

Many of the current commercial zones to restrict uses or intensity have been removed.

90' Zoning +Transition Zone

Not Including Downtown (DC) or Commercial Center (CC) or Urban Center (UC) or special districts

Opportunities for 90' tall commercial buildings increase

MS3

Table 23-3C-6080(D) Height		
(1) Primary and Accessory		
Building	Base Standard	AHBP Bonus ¹
Overall (maximum)	65'	+25'

MU5

Table 23-3C-5100(D) Height		
(1) All Buildings	Base Standard	AHBP Bonus ¹
Overall (max.)	60'	+30'

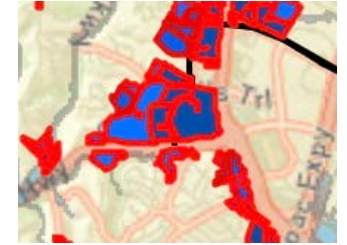
To view interactive map of proposed 90' height limits and transition zones click [here](#).



Purple MU5
Blue MS3
Orange Transition Zone

MU No Base Entitlement for -A

To view city-wide interactive map of -A subzones click [here](#).



Ownership Units		
Households at or below 80% of Median Family Income		
99 Years		
Areas	Units Set Aside ^{1,2}	
TA	5%	A
UA	10%	
VA	15%	
WA	20%	
XA	30%	
YA	40%	
ZA	50%	

Rental Units		
Households at or below 60% of Median Family Income		
40 Years		
Areas	Units Set Aside ^{1,2}	
AA	2%	Se Ad fo B De cor th
BA	4%	
CA	6%	
DA	8%	
EA	10%	
FA	12%	
GA	14%	

(D) "-A" Subzone.

(a) In addition to the requirements in each zone, the following requirements apply to Table A (Lot Size and Intensity) in each base zone:

(i) For a lot with the "-A" subzone and does not participate in the affordable housing bonus program:

- The lot shall have no base entitlement for dwelling units.

(ii) For a lot with the "-A" subzone and participates in the affordable housing bonus program:

- The total bonus is the combined base standard dwelling units plus the bonus provided by the affordable housing bonus program as listed in Table (A)(Lot Size and Intensity) of each zone.
- The maximum units per acre shall not exceed the total bonus units per acre.
- The set aside requirements shall be calculated as a percent of the total bonus using Table 23-3E-1040(D) (Affordable Unit Set Aside Requirements in For-Sale Properties in "-A" Zones) and Table 23-3E-1040(F) (Affordable Unit Set Aside Requirements in For-Rent Properties in "-A" Zones).

Bar (Cocktail Lounge) Zoning

Table 23-3C-5030(A) Allowed Uses in Mixed-Use Zones (continued)

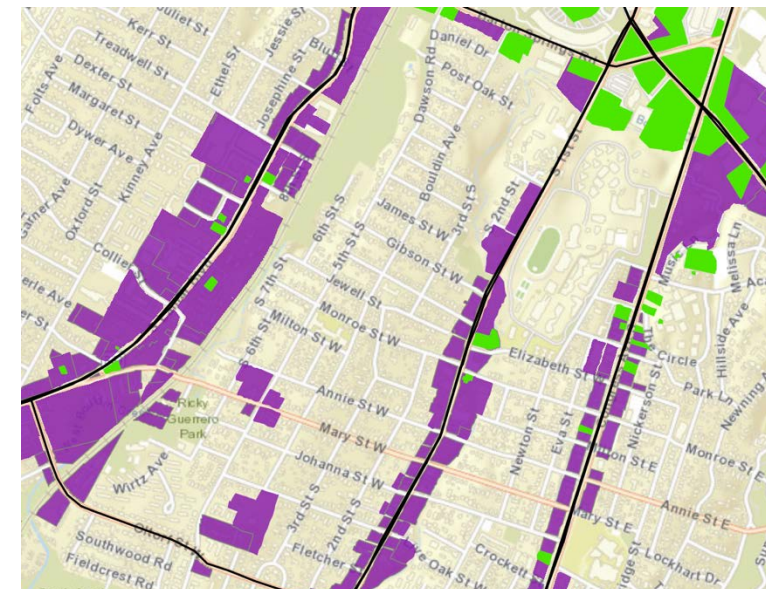
Use Type	Specific to Use Requirements	MU1	MU2	MU3	MU4	MU5A	MU5B
(7) Restaurant and Bars							
Bar/Nightclub							
Indoor		—	MUP	—	CUP	MUP	MUP
Outdoor; Late Night		—	—	—	—	CUP	CUP
Micro-Brewery/Micro-Distillery/Winery		—	MUP	—	P	P	P
Mobile Food Sales	23-3D-1240	—	—	P	P	P	P
Restaurant							
w/o Alcohol Sales		P	P	P	P	P	P
w/ Alcohol Sales	23-3D-1320	—	MUP	—	P	P	P
Drive-Through	23-3D-1170	—	CUP	CUP	CUP	CUP	P
Late Night Operation	23-3D-1320	—	CUP	—	—	CUP	P

Table 23-3C-6030(A) Allowed Uses in Main Street Zones (continued)

Use Type	Specific to Use Requirements	MS2A	MS2B	MS3
(7) Restaurant and Bar				
Bar/Nightclub				
Indoor		—	MUP	P
Outdoor; Late Night		—	CUP	MUP
Micro-Brewery/Micro-Distillery/Winery		—	P	P
Mobile Food Sales	23-3D-1250	P	P	P
Restaurant				
w/o Alcohol Sales		P	P	P
w/ Alcohol Sales	23-3D-1070	—	MUP	P
Late Night Operation	23-3D-1070	CUP	CUP	MUP

Currently outside of downtown bars need a special zoning – CS-1 and a CUP (Conditional Use Permit). CodeNEXTV4 proposes a large expansion of where bars can be located.

Click [here](#) to see an interactive map of current (green) bar zoning over proposed (purple). In most cases, current bar zoning has been proposed for future bar zoning.



Parking

Parking for House Scale Zones

Table 23-3C-3040(A) Parking Requirements for Residential House-Scale Zones	
Use Type	Off-Street Parking Requirement
RESIDENTIAL	
(1) Residential	
Accessory Dwelling Unit - Residential	None required
Bed and Breakfast	1 plus 0.8 per bedroom
Cooperative Housing	1 plus 1 per every 3 bedrooms
Group Residential	1 plus 1 per every 3 bedrooms
Home Occupations	None required
Senior/ Retirement Housing	0.8 per unit
Other allowed Residential uses	1 per unit

(D) **Parking Reductions.** See Section 23-3D-2050 (Off-street Motor Vehicle Parking Reductions) for standards for parking adjustment from Table 23-3C-3040(A) (Parking Requirements for Residential House-Scale Zones).

Parking for Commercial Zones

MU – Mixed Use Zones

(7) Restaurant and Bars



Bar/Nightclub (level 1 and 2)

First 2,500 sf of area	1 per 150 sf
For each square foot greater than 2,500 sf up to 10,000 sf	1 per 125 sf
For each square foot greater than 10,000 sf	1 per 100 sf

Restaurant

First 2,500 sf of area	1 per 150 sf
For each square foot greater than 2,500 sf	1 per 125 sf
For Restaurants that provide no customer service or dining area	1 per 325

Medical Services	1 per 350 sf
------------------	--------------

MS – Main Street Zones

(7) Restaurant and Bar

Bar/Nightclub

First 2,500 sf of area	None required
For each square foot greater than 2,500 sf up to 10,000 sf	1 per 125 sf
For each square foot greater than 10,000 sf	1 per 100 sf

Restaurant

First 2,500 sf of area	None required
For each square foot greater than 2,500 sf	1 per 125 sf
For restaurants that provide no customer service or dining area	1 per 325 sf after first 2,500 sf

Medical Services	1 per 350 sf after first 2,500 sf
------------------	-----------------------------------

Parking Reductions

23-3D-2050 Off-Street Motor Vehicle Parking Reductions

(A) **Parking Reductions.** Table 23-3D-2050 (A) (Parking Reductions) establishes the adjustments allowed when a site meets the requirements described in the table.

(B) **Maximum Parking Adjustment.**

60% Maximum Reduction

(1) The maximum cumulative parking reduction is 60 percent, unless:

(a) A site is part of a TDM program as described in 23-8C-2020 (Transportation Demand Management) that allows multiple parking reductions, then the maximum cumulative parking reduction is 100 percent.

(b) A site located is located within a Center or within ¼ mile of a Corridors, then the maximum cumulative parking reduction is 100 percent if the following conditions are met:

100% Reduction

- (i) any portion of the site is within a Center or within ¼ mile of a Corridor or Center, measuring in a straight line from the centerline of the Corridor or edge of Center to the site; and
- (ii) the proposed development is connected to a corridor by an accessible sidewalk system; or
- (iii) is rated "Very High" or "High" in the Sidewalk Prioritization Map as defined in the Austin Strategic Mobility Plan.

Parking Reductions

To see an interactive citywide map of Parking reductions click [here](#).
Darker colors are 100%, Lighter shades are 50%.

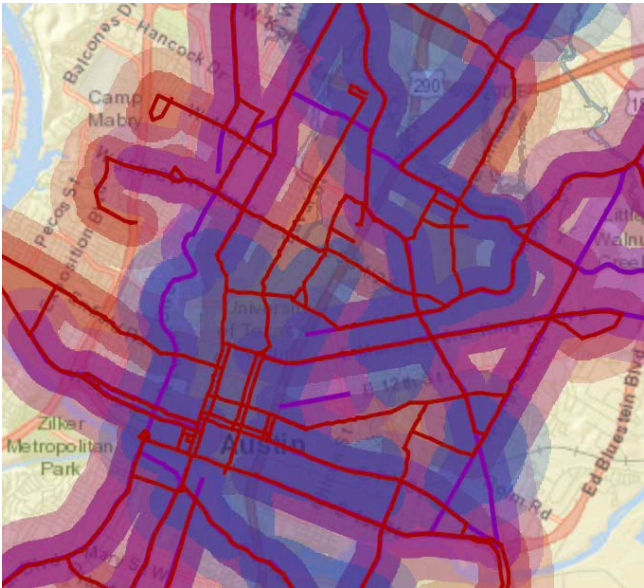


Table 23-3D-2050(A) Parking Reductions		
Type	Requirement	Adjustment
Developments Located in Proximity to:		
Corridors and Centers	Located within 1/4 mile of a transit corridor or center and meet standards of 23-3D-2050 (B)(1)(b)	100%
Corridors and Centers	Located within 1/2 mile of a transit corridor or center and do not meet standards of 23-3D-2050 (B)(1)(b)	50%



Additional Parking Reductions

Developments Providing the Following Features:		
Preservation of On-Site Trees	Preserve significant stands of trees or protected trees in addition to those required to be preserved by the Code, pursuant to protection measures specified in the Environmental Criteria Manual.	10%
Car-Share	Car-sharing vehicle provided on-site in compliance with requirements prescribed by the Planning Director by administrative rule.	20 spaces per car-share vehicle
Bicycle Parking		
On-site Bicycle Parking above requirements of Section 23-3D-3080 (Bicycle Parking).	For every 4 bicycle parking spaces, requirement may be reduced by 1 motor vehicle space	Up to 5% max.
Buildings Providing Shower and Changing Facilities for employees		
Up to 20,000 gsf	One unisex shower and changing facility (min.)	10%
Developments Providing the Following Features:		
20,001 to 100,000 gsf	Two unisex shower and changing facility (min.)	10%
Greater than 100,000 gsf	Four unisex shower and changing facility (min.)	10%
Affordable Housing Bonus Program (AHBP)	Participation in the AHBP	40%

Conditional Overlays

Conditional Overlays

Current Code

CONDITIONAL OVERLAY (CO)

Conditional Overlays are combined with base zoning districts on specific properties to further restrict a zoning classification or land use. The CO is intended to provide flexible and adaptable use or site development regulations by requiring standards tailored to individual properties. A conditional overlay may be applied to any base zoning district. A CO may be applied to do the following:

- Prohibit permitted, conditional and/or accessory uses otherwise allowed in a base district
- Make a permitted use a conditional use
- Decrease the density that may be constructed
- Decrease building heights
- Increase minimum setback requirements
- Decrease maximum impervious or building cover requirements
- Restrict access to adjacent roads and require specific design features to minimize the effects of traffic.

Conditional Overlays have been used throughout the city to tailor development to fit the community. *The only place they are mentioned in the proposed zoning is in F25.*

Conditional Overlays in CodeNEXT V4

23-3C-9090 Former Title 25 (F25) Zone

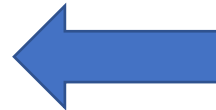
(2) In general, the zone is used for properties subject to individualized site-specific requirements for which no comparable zone exists under this Title. This includes certain properties located within:

(a) Neighborhood Conservation Combining Districts (NCCD);

(b) Planned Development Agreements (PDA);

(c) specifically identified Conditional Overlays; and

(d) other agreements and ordinances applicable to properties designated F25 on the zoning map.



The only occurrence of the phrase “conditional overlay” in the proposed code.

Conditional Overlays

Staff Statement on Conditional Overlays:

▼ What happened to the -NP or -CO in the zoning string?

The -NP overlay, indicating a neighborhood plan for a particular area, still exists but the -NP is not shown on the zoning map. However, the neighborhood plans are still active as part of a GIS layer in the way that other overlays, such as floodplains, are treated today. A property that today has a -CO in the zoning string, indicating a conditional overlay, was addressed in one of two ways in the proposed LDC revision. One outcome is that the property was given a new zoning category that addresses the major characteristics of the -CO (i.e. prohibited uses). The second outcome is a F25 zone, indicating an extremely complex -CO that could not be adequately addressed by the new zoning categories.

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

Conditional Overlays

According to staff a new zoning category that addresses the major characteristics of the existing –C0!!!!!!

Approve second and third readings of an ordinance amending City Code Title 25-2 by rezoning property locally known as 1301 West Koenig Lane (Shoal Creek Watershed) from general commercial services – mixed use – conditional overlay – neighborhood plan (CS-MU-CO-NP) combining district zoning to multifamily residence-highest density – conditional overlay – neighborhood plan (MF-6-CO-NP) combining district zoning for Tract 1 and general commercial services – mixed use – conditional overlay – neighborhood plan (CS-MU-CO-NP) combining district zoning for Tract 2, to change a condition of zoning, with conditions. The Conditional Overlay: 1) limits vehicular access to Woodrow Avenue to emergency ingress and egress; 2) limits Tract 1 to 45 feet height and 4 stories, 60 percent building coverage and 70 percent impervious cover; 3) limits Tract 2 to 40 feet height and 4 stories, establishes a list of prohibited and conditional uses, and establishes that a non-residential use must be a minimum of 5,000 square feet. The Restrictive Covenant is for the conditions of the Traffic Impact Analysis.

Conditional Overlay:
45 feet in height
70% impervious Cover

Staff Interpretation of
Conditional Overlay:
Zone it MU5A
60+30 (90) feet in height
90% impervious Cover

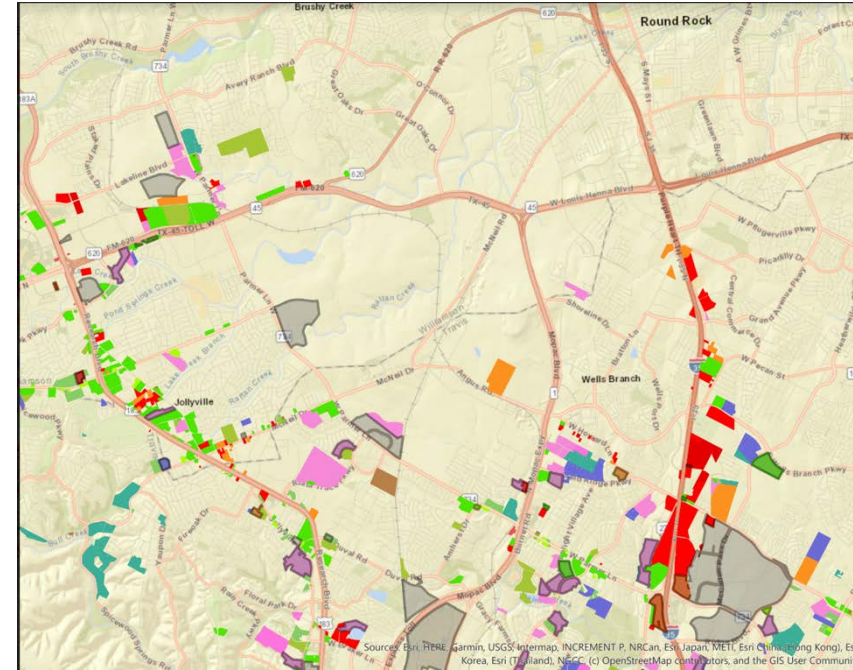


Staff mapped double the height and increased impervious cover by 20% (in and surrounded by the flood plain)!

Conditional Overlays

Click [here](#) to see the interactive all-city map that shows current conditional zoning throughout the city with the proposed F25. If the conditional zoning has not been converted into F25, then neighborhoods should look at the new zoning category assigned to their conditional overlay and judge if it conveys the restrictions of the conditional overlay.

Check conditional overlays in your community!



Colors Indicate Conditional Overlays
Grey is F25

Trees & Environment

Heritage Tree

23-4C-3020 Administrative Modification

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

Heritage Tree

23-4C-3050 Application for Variance

- (A) For a heritage tree located on public property or a public street or easement, an application requesting a variance to allow removal or impact of the heritage tree may be filed by:
 - (1) A city department, public utility, or political subdivision with the authority to install utility lines or other public facilities in or above the property, street, or easement; or
 - (2) The owner of property adjoining the site of the tree, or the owner's agent.
- (B) For a heritage tree located on private property, an application requesting a variance to allow removing or impacting the heritage tree may be filed by:
 - (1) The owner of the property on which the tree is located, or the owner's agent; or
 - (2) The city arborist, if the tree is dead or poses an extreme risk.

Protected Tree

23-2B-2010 One to Two-Unit Residential

- (4) **Tree Protection.** Compliance with the applicable requirements of Division 23-4C-2 (Small Public, Keystone, and Protected Trees) and Division 23-4C-3 (Heritage Trees) is required.

23-2B-2020 Three to Eight-Unit Residential

- (1) Regulations for tree protection are modified as provided under Division 23-3C-2 (Small Public, Keystone, and Protected Trees); and

Reference is not correct



Division 23-4C-2: Small Public, Keystone, and Protected Trees

Protected Tree

23-4C-2040 Protected Trees

- (A) The city arborist may approve an application to remove or impact a protected tree only after determining that:
 - (1) The tree poses an extreme risk to life or property;
 - (2) The tree is dead;
 - (3) The tree is affected by an irreversible condition;
 - (4) The tree prevents reasonable use of the property; or
 - (5) For a tree located on public property or a public street or easement:
 - (a) The tree prevents the opening of necessary vehicular traffic lanes in a street or alley as identified in the requirements and policies of the Transportation Plan or Transportation Criteria Manual; or
 - (b) The tree prevents the construction of utility or drainage facilities that may not feasibly be rerouted and reasonable alternative construction methods have been exhausted.

Variances, Waivers, Exemptions, Special Exceptions, Limited Adjustments, and Administrative Modifications

Definitions

Variances Grant of relief from the standards of this Title by the applicable commission or board.

Waivers Relief from development standards granted by the director, as allowed by this Title.

Exemptions (not defined in LDC document)

Special Exceptions - An exception from standards of this Title.

Limited Adjustments, - An adjustment to the requirements of Article 23-4D (Water Quality), granted by the city council as allowed in Division 23-2G-3 (Limited Adjustments).

Administrative Modifications - (not defined in LDC document)

Land Development

Quasi-Judicial Decisions Appeals & Discretionary Decisions on Land Development				
Approval Type	Section, Article or Division	Advisory Body	Decision Maker	Appeal
Zoning Variance	Section 23-3B-4020	—	BOA	DC
Special Exception	Division 23-3B-4	Building Official	BOA	DC
Environmental Variance	Section 23-4D-2060	Environmental Commission	LUC	—
Heritage Tree Variance	Section 23-4C-3040	Environmental Commission	LUC	—
Subdivision Variance	Division 23-5B-2	Development Services Director	LUC	—
Right-of-Way Variance	Section 23-8B-1030	Transportation Director	LUC	—
Transportation Variance	Section 23-8D-1040	Transportation Director	LUC	—
Administrative Appeals re: Zoning Regulations	Section 23-3B-2040	Planning or Development Services Director	BOA	DC
Administrative Appeal re: Technical Codes	Section 23-1B-2050	Building Official	Technical Code Board	—
Administrative Appeal re: Enforcement Orders	Division 23-2J-4	—	BOA LUC Technical Code Board	—

Key for Table 23-2A-1030(A)

CC	City Council	PC	Planning Commission	LUC	Land Use Commission
BOA	Board of Adjustment	DC	District Court		

Waivers

- Bicycle Standards 23-3D-207
- Hill Country Roadway Overlay 23-3C-10090
- University Neighborhood Overlay 23-3-10130
- PUDS 23-3C-9130
- Bed and Breakfast 23-3D-1100
- Recycling Center 23-3D-1300
- Urban Forest Protection 23-4C-1060
- Water Quality Control and Green Stormwater Infrastructure Standards 23-4D-6020
- Right of Way 23-8B-3040
- Transportation Analysis 23-8C-1030

Final Decisions – No Appeal

No Appeal to City Council

23-1B-2030 Land Use Commission

(B) **Duties and Functions.** The Land Use Commission performs administrative, quasi-judicial, and legislative functions as provided under Section 23-2A-1030 (Overview of Required Approvals and Decisions) and established in other provisions in this Title. The Commission's primary functions include the following final decisions, appealable decisions, and recommendations:

(1) **Final Decisions.** A decision by the Land Use Commission on the following applications is final and not subject to appeal to the city council:

- (a) A preliminary plan, final plat, or subdivision variance under Chapter 23-5 (Subdivision);
- (b) An environmental variance under Article 23-4D (Water Quality);
- (c) An appeal of an enforcement decision under Article 23-2J (Enforcement), if the alleged violations relate to water quality or drainage regulations;
- (d) An appeal of a minor use permit under Section 23-3B-1050 (Minor Use Permit); and
- (e) A heritage tree variance under Section 23-4C-3040 (Land Use Commission Variance).



A thin vertical black line is positioned to the left of the title.

Petition Rights

Protest Rights?

Q: As a property owner, may I file a protest to the zoning changes being proposed under the Land Development Code Revision, as I could with a standard zoning change in my area?

No, zoning protests may not be used to protest broad legislative amendments, including comprehensive revisions such as the revision of the entire Land Development Code. The zoning protest rights established in state law provide a mechanism for protesting zoning cases involving individual properties or a limited area. To share your concerns about the comprehensive Land Development Code Revision, please consider attending the Planning Commission Public Hearing and City Council meetings on this topic. For a list of upcoming events, including Planning Commission and City Council meetings on this topic, please visit the [Land Development Code Revision Events](http://www.austintexas.gov/department/learn-ask) page.

<http://www.austintexas.gov/department/learn-ask>

§ 25-2-241 - DISTINCTION BETWEEN ZONING AND REZONING.



(A) Zoning is the initial classification of property as a particular zoning base district. Zoning amends the zoning map to include property that was not previously in the zoning jurisdiction or that was not previously included in the boundaries of a base district.

(B) Rezoning amends the zoning map to change the base district classification of property that was previously zoned.

Source: Section 13-1-401; Ord. 990225-70; Ord. 031211-11.

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

Deed Restrictions

Deed Restrictions?

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

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

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

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

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

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