

CodeNEXT -Version 2, What We're Not Being Told

The second version of CodeNEXT text and maps were released on September 15, 2017 and they are significantly different than the previous version. The 3 previous codes, which included transects (T zoning), traditional (such as LMDR), and legacy (current), have been reduced to two codes, the new "R" code and the legacy code. While the R code is supposed to be a uniform code for the "whole city" the different sub-categories are clearly designed for either the urban core, or the more suburban areas of Austin.

Most of the areas of town which had transect zoning in version 1 now have been given "R3" zoning, which gives a right to a minimum of three residential units per lot. All of the R3 zoning has been placed in the urban core. Many neighborhoods also do not have consistent zoning throughout, even though they currently have the same zoning. For example, many neighborhoods which are currently SF-3 (which allows either a single-family house and an additional dwelling unit (ADU) or a duplex) are split between R2 and R3 sub-categories. The number after the R designation in the zoning is supposed to indicate the number of units by right, however, R1 allows 2 units in most cases and R3 allows a so far unlimited number of cottages in cottage courts on a single lot.

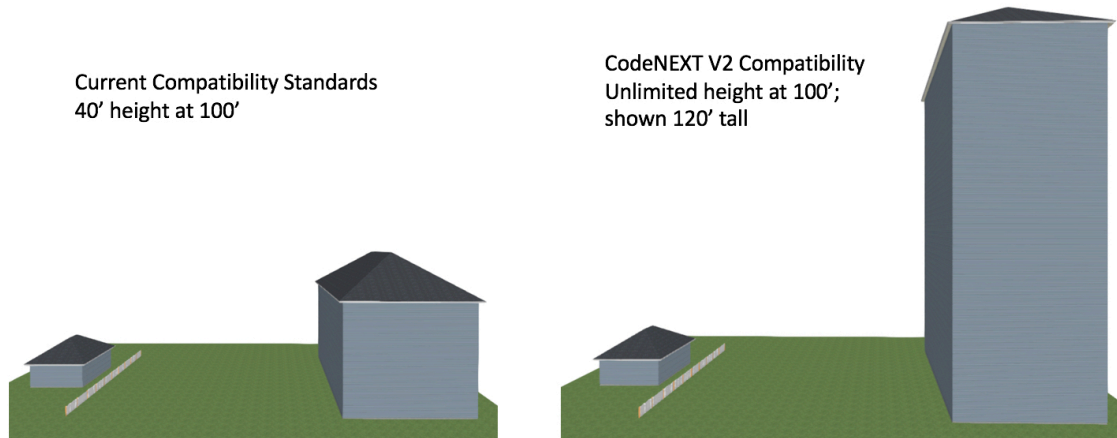
Today there are 9 "single-family" housing zoning categories which range from one house to townhomes. The new code contains 17 categories which have 33 sub-classes with differing development regulations, with lots sizes drastically reduced from current code down to 18' wide 1800 square foot lots. In many of the categories of the new code a footnote appears on some of the designations which allows smaller minimum lot sizes of 25' width and 2500 square feet. These small lot sized will greatly increase re-subdivisions and redevelopment. While currently the maximum unit density of single-family zones is below the lowest current multi-family zone, the small lots and additional units allow up to 60 units per acre, which is equivalent to existing MF-4 (high density apartment) zoning. While development potential is not absolute, CodeNEXT V2 does significantly increase the number of units per acre.

Another impact will be on existing older apartment complexes that current provide a significant amount of affordable housing in neighborhoods. For example, currently MF-3 zoning allows 36 units/acre. New RM3 zoning allows 36 units/acre also, but if only 5-10% of units are "affordable", then an increase of 40 units/acre is allowed to give 76 total. These entitlements will incentivize demolition of existing older apartments with newer units with only token numbers of affordable housing.

There are also use changes in residential areas. The Live/Work designation will allow any home to be used as a business if one employee lives on site. Additional workers are allowed, with director's discretion to add more. No additional parking is required for the workers, and retail sales are permitted of goods made in the home.

Compatibility standards are greatly reduced, with no implementation greater than 100'. Currently a 120' tall building would have to be 540' from a residential property. That has been reduced to 100'. This will significantly impact residences close to arterials.

Compatibility: Current and CodeNEXT V2



Another compatibility issue is the location of businesses that impact the quality of life. In this version of CodeNEXT, bars do not need special zoning and a conditional use permit, they are allowed by right along most major corridors, and with either an administrative approval (MUP) or Conditional Use Permit (CUP).

Residential parking is cut in half, and business parking is reduced from 20-60%, with additional reductions of 40% for location. The director may also waive all on-site parking.

The existing commercial zoning categories such as NO, LO, GO, LR, GR and CS have been eliminated in CodeNEXT and replaced with Mixed Use or Main Street zones that carry forward commercial uses and also permit the addition of residential uses. Importantly, the new zones do not track the existing commercial zones. In other words, these new zones do not simply add the availability of residential uses. These new zones dramatically change what is permitted on existing commercially zoned property. For example, the Neighborhood Office zoning district, which was created for maximum compatibility with residential uses, has been eliminated. In fact, there is no longer any office zoning, as retail and entertainment zoning has been combined with office zoning. Most corridors has also been given much heights increases of at least 25'.

The maps and code can be found at <https://www.austintexas.gov/codenext>. A third version of the code and draft is supposed to be released at the end of November. Public involvement and input is critical to "getting this right". Currently, the rezoning of all of Austin can be approved with a simple majority vote of the council, but there is petition drive to put the rezoning of the city to a vote of the people.