



CodeNext and Neighborhood Plans

CodeNEXT Research Group 6/6/17

Summary: Neighborhood plans are part of the comprehensive plan and cannot legally be changed without plan amendments. Like other small area plans, the negotiated zoning in neighborhood plans should be carried forward. However, the CodeNext draft map proposes zoning changes on most properties within neighborhood planned areas. These changes frequently violate the Future Land Use Maps that are part of the Neighborhood Plans.

Background: Neighborhood Planning provides an opportunity for citizens to take a proactive role in the planning process and decide how their neighborhoods will move into the future. Austin's Planning Department has been working with neighborhoods to develop neighborhood plans for over 20 years. So far 30 different plans have been approved by the City Council and more plans are being worked on. Each neighborhood plan has a "Future Land Use Map" or FLUM, a map that provides broad direction as to the type and location of future development. A FLUM depicts the types of future development using different colors for different types of development such as yellow for single-family, orange for multi-family, and brown for mixed use. Within an area with a neighborhood plan, zoning changes that are not consistent with the FLUM require a neighborhood plan amendment.

The Imagine Austin Comprehensive Plan specifies that the comprehensive plan articulates what the city-wide interest is at a broad scale. Small area plans, including neighborhood plans provide a detailed view. The comprehensive plan further specifies that updates and amendments to neighborhood plans continue to use the plan amendment process. This means that changes to neighborhood plans and FLUMS require that the director give notice of the filing of an application for a proposed neighborhood plan amendment and conducts a community meeting on the proposed neighborhood plan amendment. Following the community meeting, the Planning Commission and Council each hold a public hearing on a proposed neighborhood plan amendment.

CodeNext draft text: When the first draft of CodeNext was released on January 30, 2017, it included Section 23-4D-7090, The Neighborhood Plans Overlay Zones. The section included "the permitted use restrictions, development standards, and other applicable standards or regulations governing development as provided within the Neighborhood Plan or accompanying ordinance shall apply."

On April 6, 2017, the CodeNEXT Staff provided the following correction: "Section 23-4D-7090, Neighborhood Plan Overlay, is being deleted from the draft Land Development Code. The provisions of this section were included in error. The intent of the draft language (to clarify that

adopted Neighborhood Plans and their associated future land use maps will continue to govern land use decision-making) is being met through other provisions of the City's policy framework and the draft land development code. In particular, adopted neighborhood plans will continue to exist as formal elements of the Imagine Austin Comprehensive Plan, and many, if not all, of the discretionary processes described in the draft code require consistency with the Comprehensive Plan, including Neighborhood Plans." While removing the NP designation on the maps may be practical, the text should continue to list the specific plans and clearly articulate that the neighborhood plans continue to be part of the Imagine Austin Comprehensive Plan.

CodeNext draft maps: Prior to the release of the maps, City official assured concerned citizens that the Neighborhood Plans still applied and they would be used to "inform" the mapping. Presentations that accompanied the release of the maps, included a slide with the following information.

NEGOTIATED ZONING CARRIED FORWARD

Planned Unit Developments (PUDs)

Small Area Plans / Transit Oriented Developments

Neighborhood Conservation Combining Districts

Neighborhood plans are small area plans, and the zoning in these plans should be carried forward. When the first draft of the CodeNext maps were released on April 18, 2017 it was apparent that this is not the case. Instead, the carefully negotiated detailed neighborhood plans that the City and stakeholders spent so much time and money preparing are being ignored. The draft map proposed to rezone most properties in areas with neighborhood plans many with transect zones that are not equivalent to current zoning. Some neighborhood plans with single family zoning indicated on their FLUM now have a proposed zoning of T4N-IS. The Zoning Map Guide indicates that T4N zones are similar to MF2, MF3 from the current code. For example, T4N-IS allows a 4 unit multiplex and an auxiliary dwelling unit on lots that are at least 60' by 100'. Five units on 6,000 sq ft lots is equivalent to 36 units per acre, the maximum density allowed in MF-3 zoning. This means that changes from SF-3 to T4N zoning require Neighborhood Plan amendments.

T3N-IS is a common replacement for SF-3 on the proposed map. T3N-IS allows a stacked duplex and an accessory dwelling unit on lots that are at least 50' by 100'. Three units on 5,000 sq ft lot is equivalent to 26 units per acre. For comparison, MF-2 allows a maximum of 23 units/acre, therefore a change from SF-3 to T3N-IS is a density increase equivalent to a zoning change to multi-family zoning and thus a neighborhood plan amendment is required.

Disclaimer: While the contributors to this overview and appendices made a concerted effort to be accurate, given the draft's complexity, ambiguity, new terminology, and mistakes, there may be errors or misunderstandings herein. There is no pretense that this overview addresses all of the issues of importance to different neighborhoods or addresses any issue completely. The reader is encouraged to check statements in this document against the draft code, its amendments and additions.