

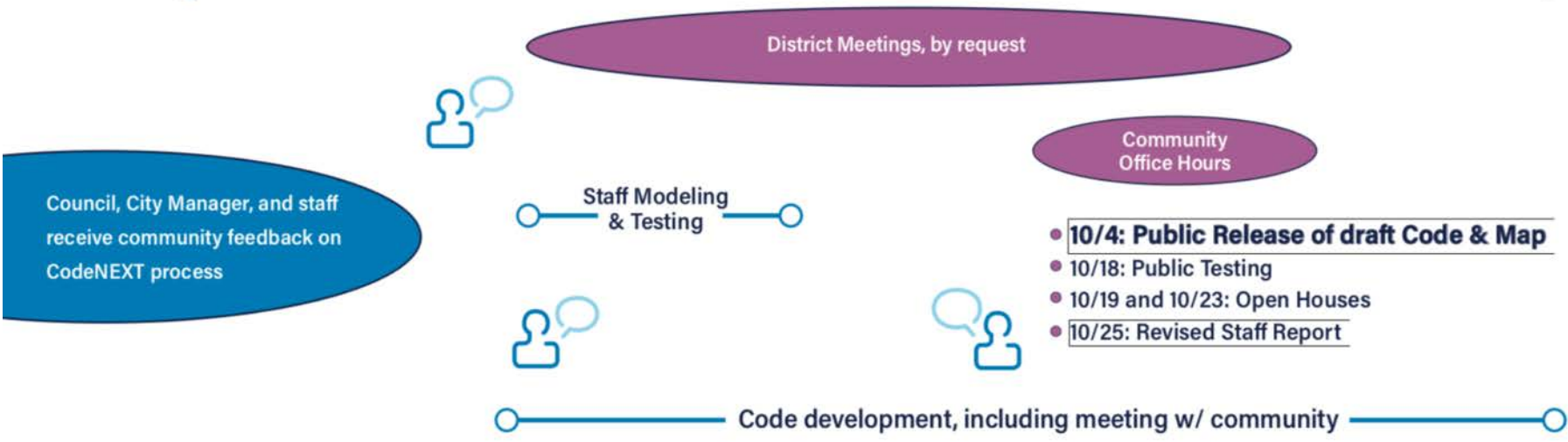
SRCC CodeNEXT v4

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



COUNCIL WORK SESSIONS

COUNCIL & COMMITTEE WORK

POLICY DECISION MILESTONES



*Three Readings Required for Adoption
 Updated 11/12/2019

Protest Rights?

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

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](#) page.

City says no

§ 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.

Not in our opinion. [Texas law](#) grants property owners the right to protest any zoning change, and there is no exception for the broad rezoning of an entire city, as proposed by the City of Austin. Several court cases have also held that the right to protest zoning changes applies even when an entire city is rezoned at once. One thing is certain, though: If you fail to file a rezoning protest, you will lose your right to protest the City of Austin's rezoning plan.

Texas state law says yes

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

Background Austin

Unique Austin

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

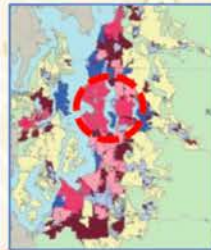
Comparing Metro Core Cities

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



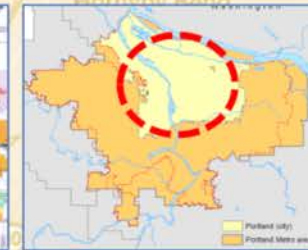
Seattle



San Francisco



Denver



Portland



Austin

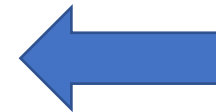
Single Family Only Zoning

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.



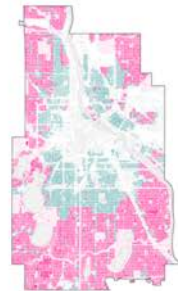
Residential land zoned for: ■ detached single-family homes ■ other housing



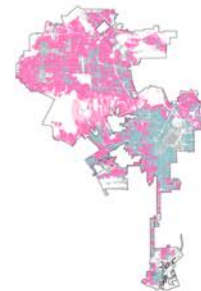
New York 15%



Washington 36%



Minneapolis 70%



Los Angeles 75%



Portland, Ore. 77%

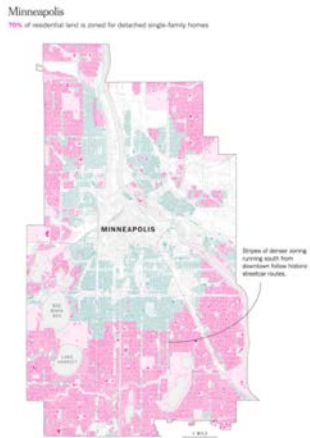
This NYTimes article looks at various cities across the US and calculates the % of residential housing that is zoned for single-family housing only – that is a single family house, not a duplex and only a very restrictive ADU (Accessory Dwelling Unit). A company called Urban Footprint did these calculations. 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

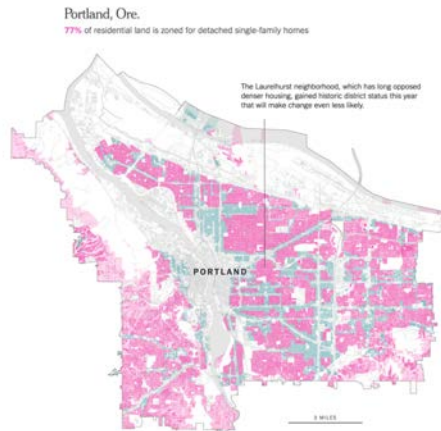
Minneapolis

70%

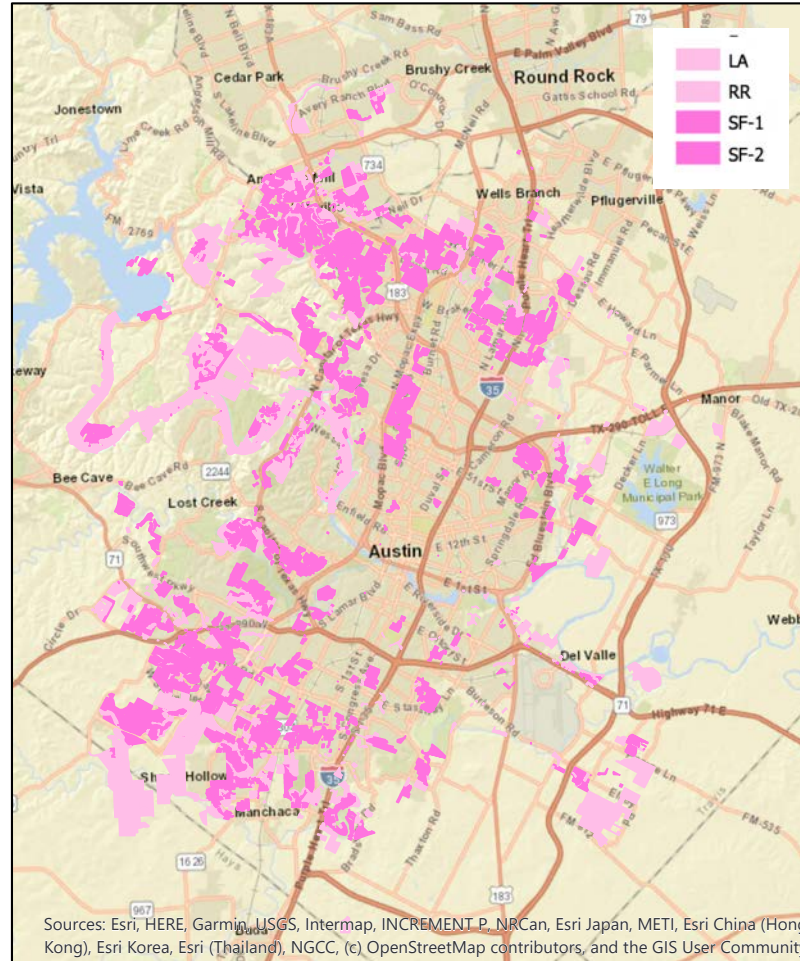


Portland

77%

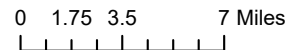


Austin



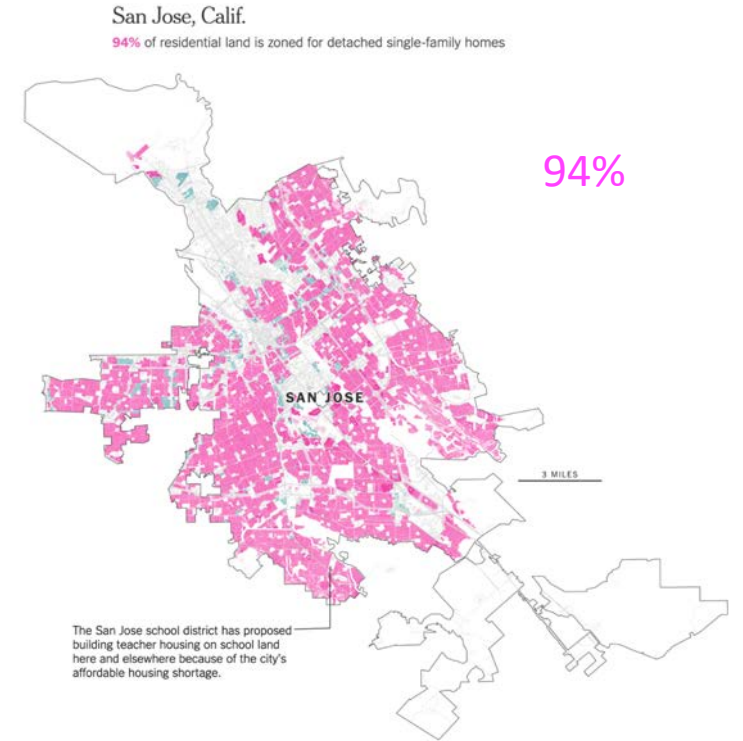
Sources: Esri, HERE, Garmin, USGS, Intermap, INCREMENT P, NRCan, Esri Japan, METI, Esri China (Hong Kong), Esri Korea, Esri (Thailand), NGCC, (c) OpenStreetMap contributors, and the GIS User Community

~41%



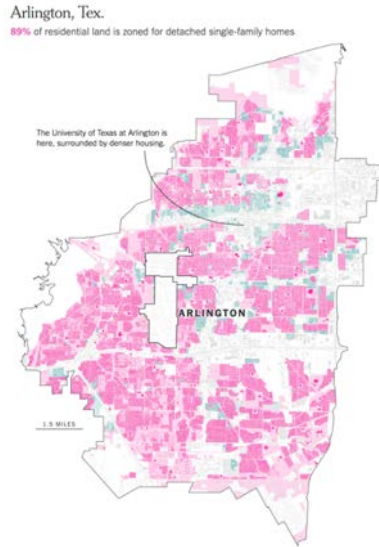
San Jose

94%

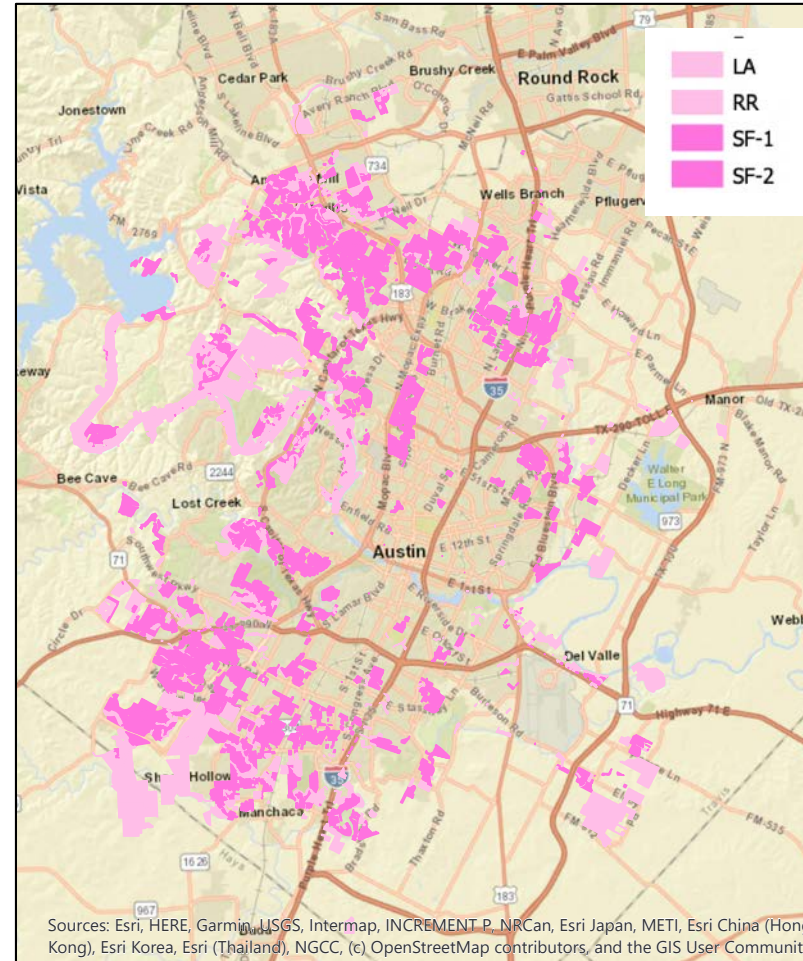


All maps same scale

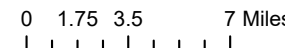
Single Family Only Zoning.....



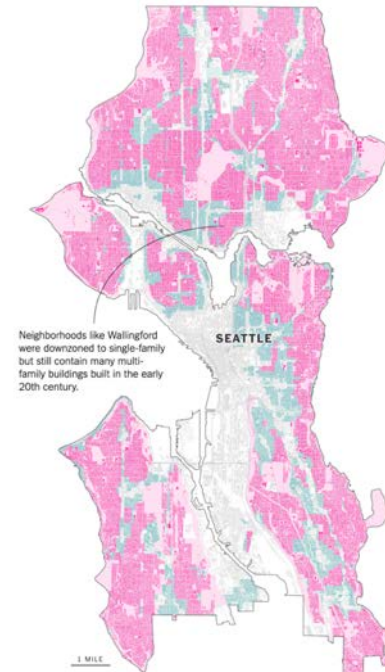
89%



41%



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



81%

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%).

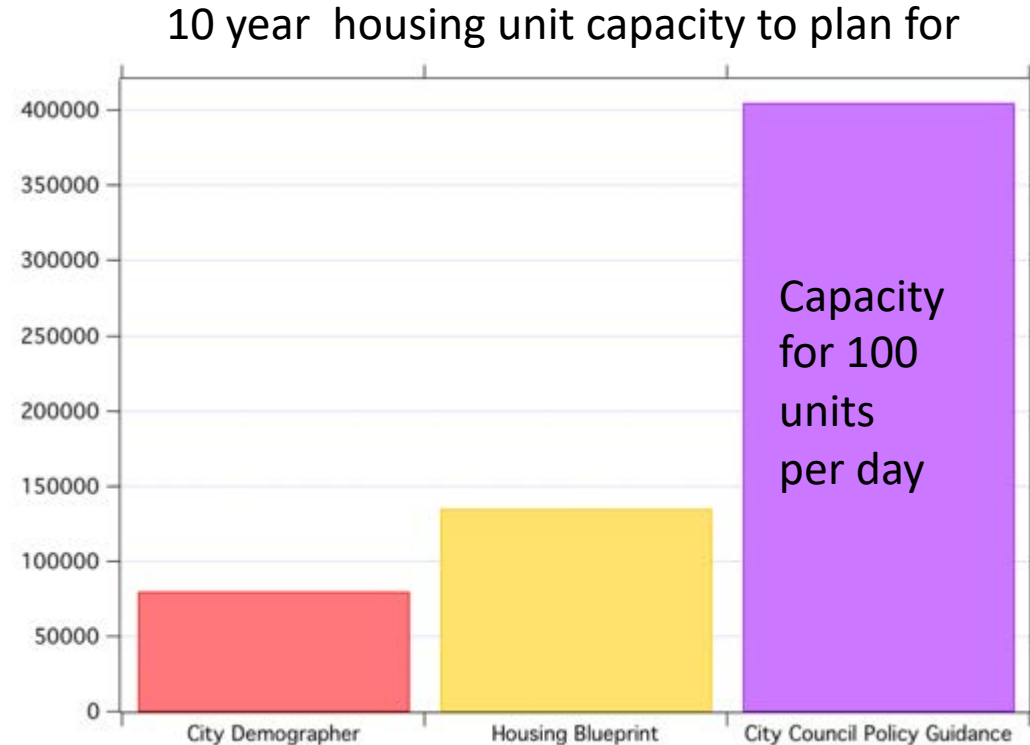
All maps same scale

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

PERFORM FEASIBILITY TEST

LDC
Revised
Map



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

Yes.

No.

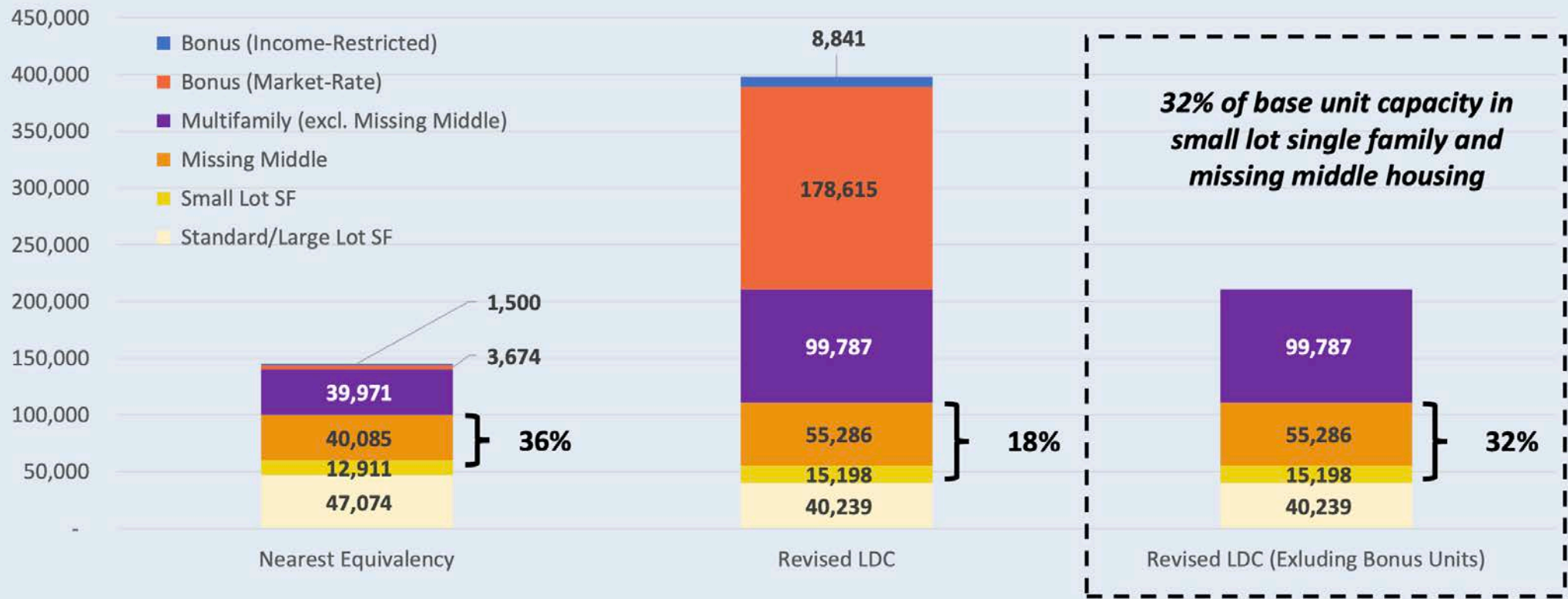
PARCEL
INCLUDED IN
CAPACITY
ESTIMATES

PARCEL NOT
INCLUDED IN
CAPACITY
ESTIMATES

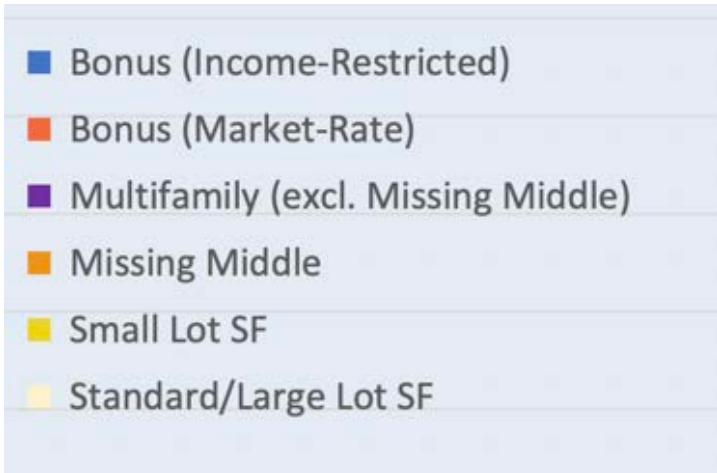
Note: they are not measuring all of the capacity they are creating with the upzoning – just what they believe the market will develop. So the real capacity is much higher.

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.



Housing Review



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



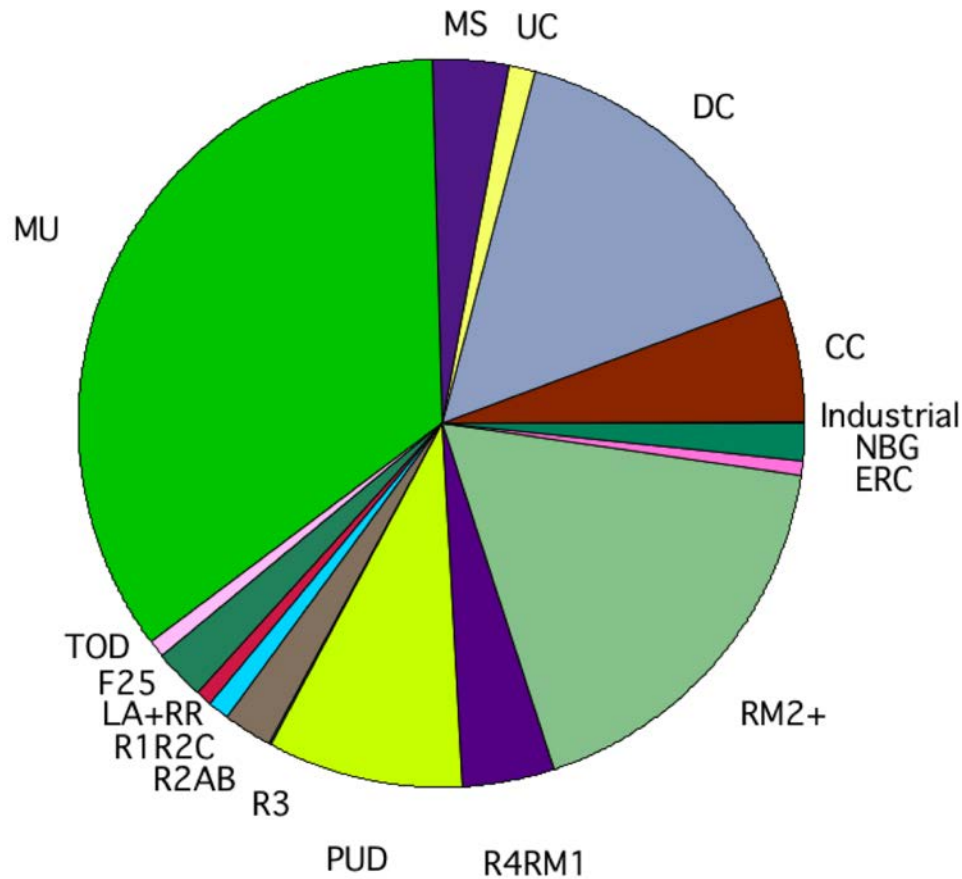
Total Market Capacity Breakdown

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	

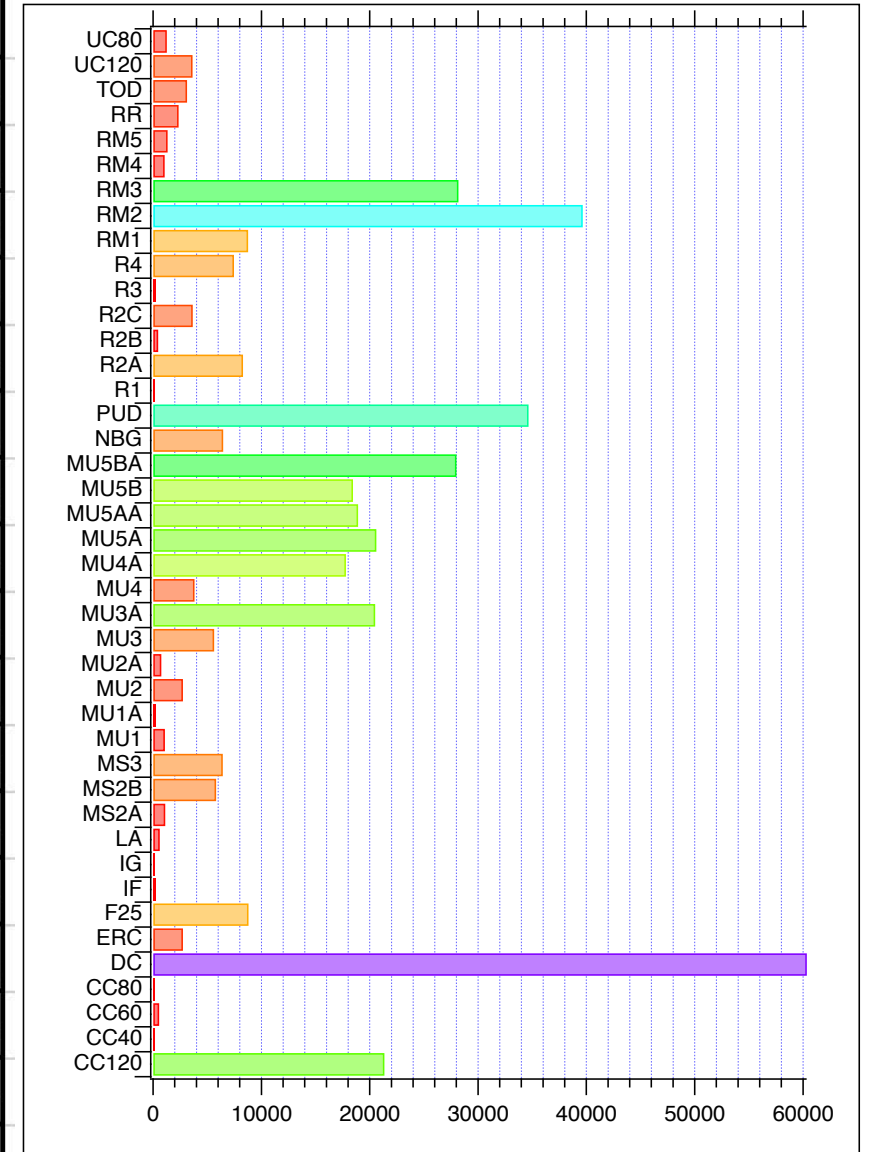
- <https://www.austintexas.gov/edims/document.cfm?id=329103>

Housing Review

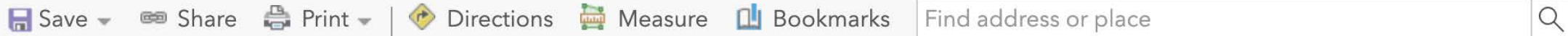
Where COA consultant's market analysis says capacity will be located.



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%

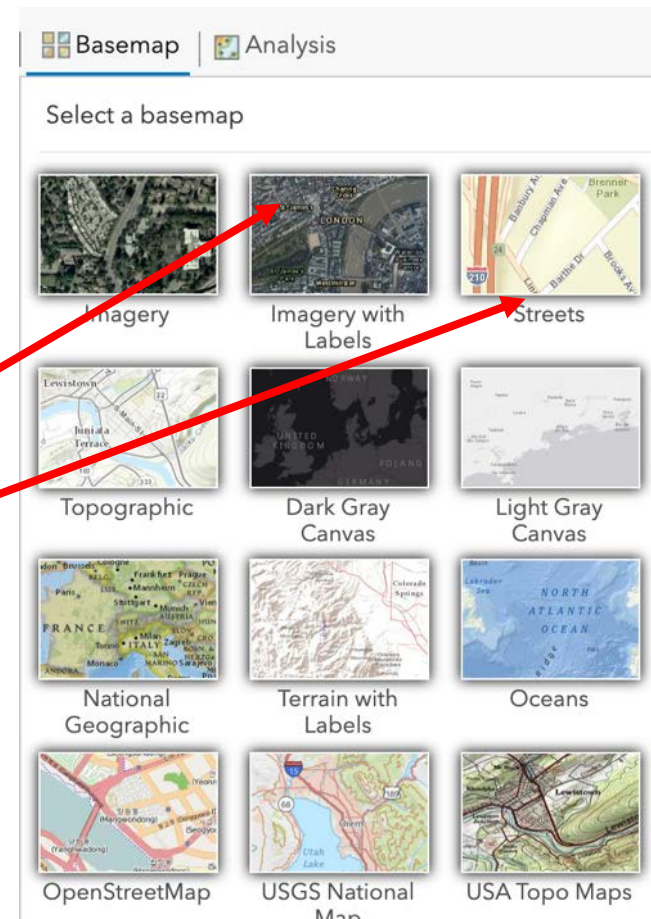


Live Maps



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.



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

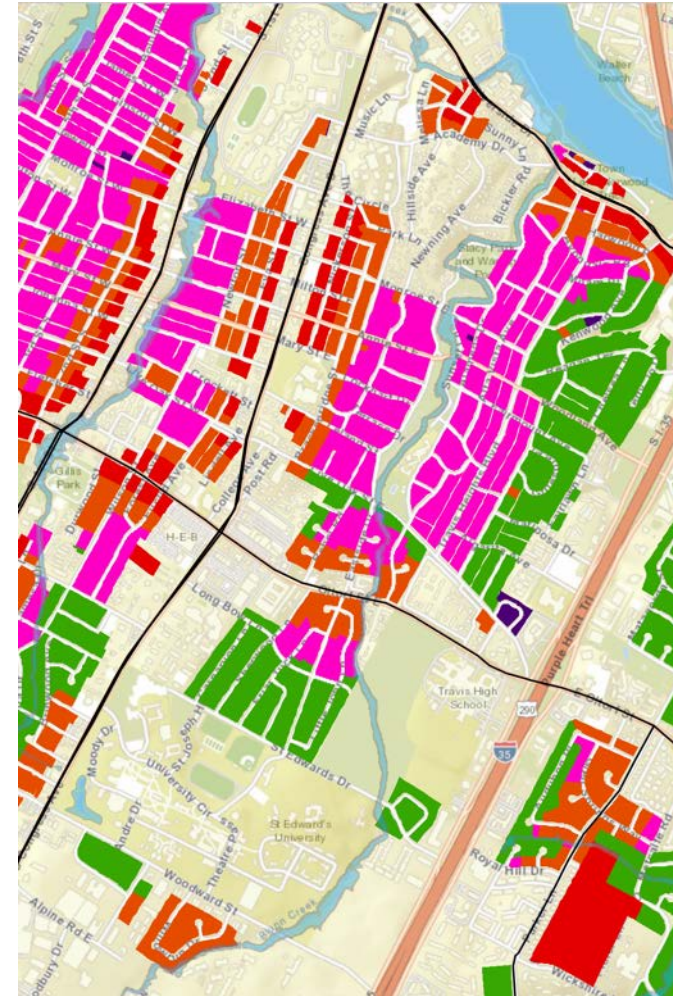
Table 23-3C-3100(B) Building Placement				
(1) Setback (Distance from ROW / Lot Line)	Front	Side St.	Side	Rear
Minimum	15'	10'	5'	5'

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

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.)	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

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.)	Size (max.)
	Base Standard			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'	

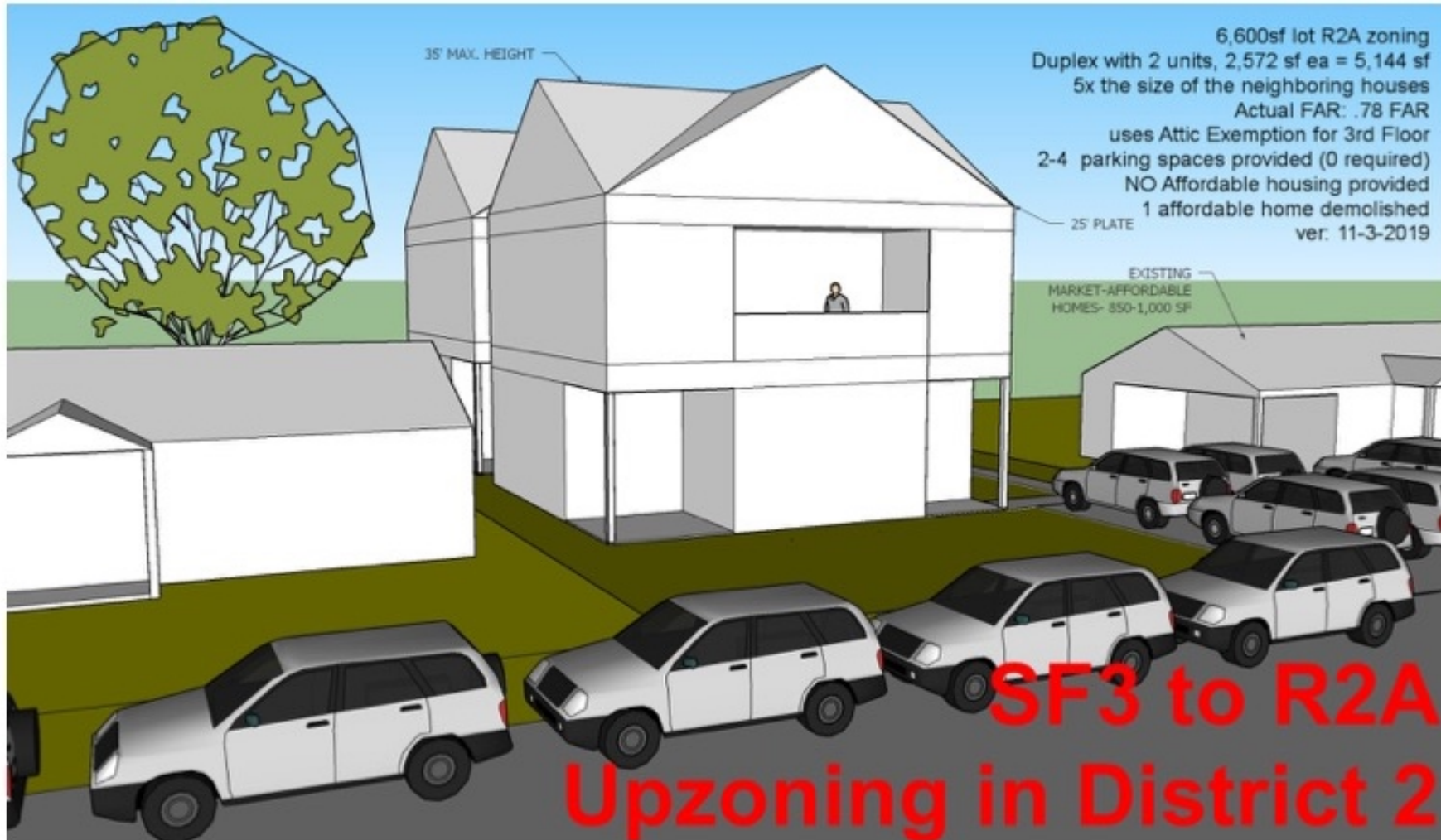
R2C

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

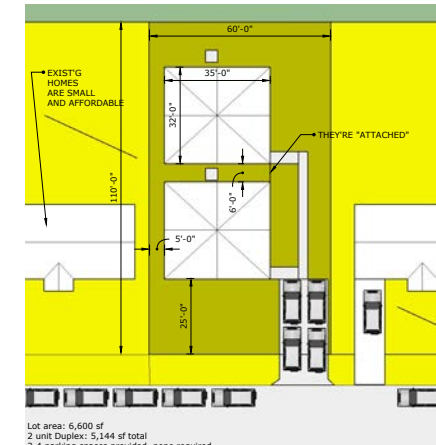
R2C

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

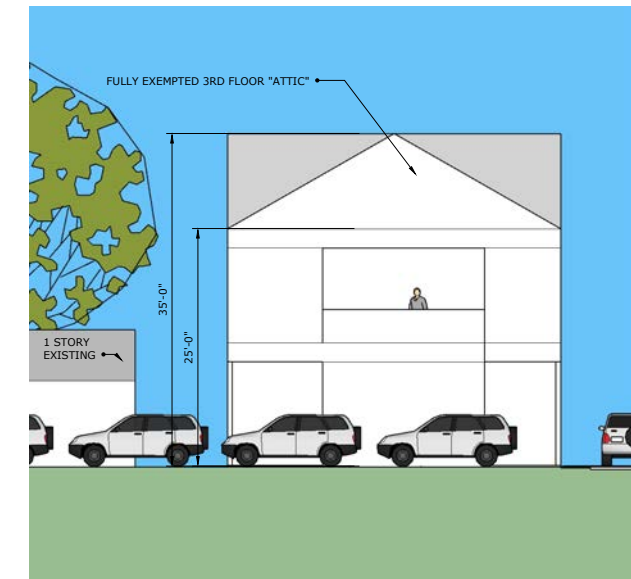


Lot area: 6,600 sf
2 unit Duplex: 5,144 sf total
2-4 parking spaces provided, none required

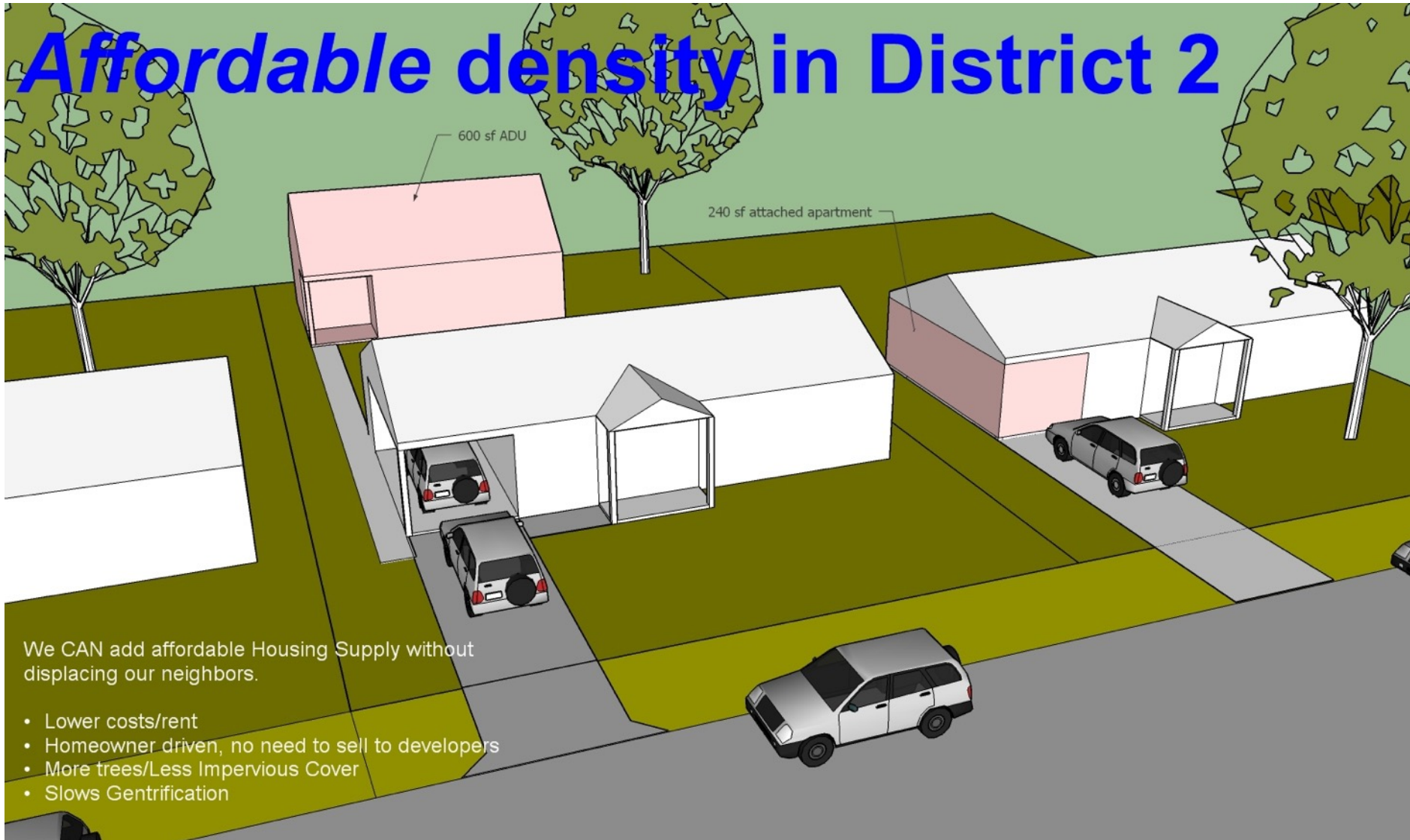
Impervious Cover:
Drives, walks, a/c pads: 618 sf
Building Footprints: 2,240sf
Total: 2,858 sf
Imp. Cover: =43%

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 House Scale District As Applied in Oak Forest

R2A

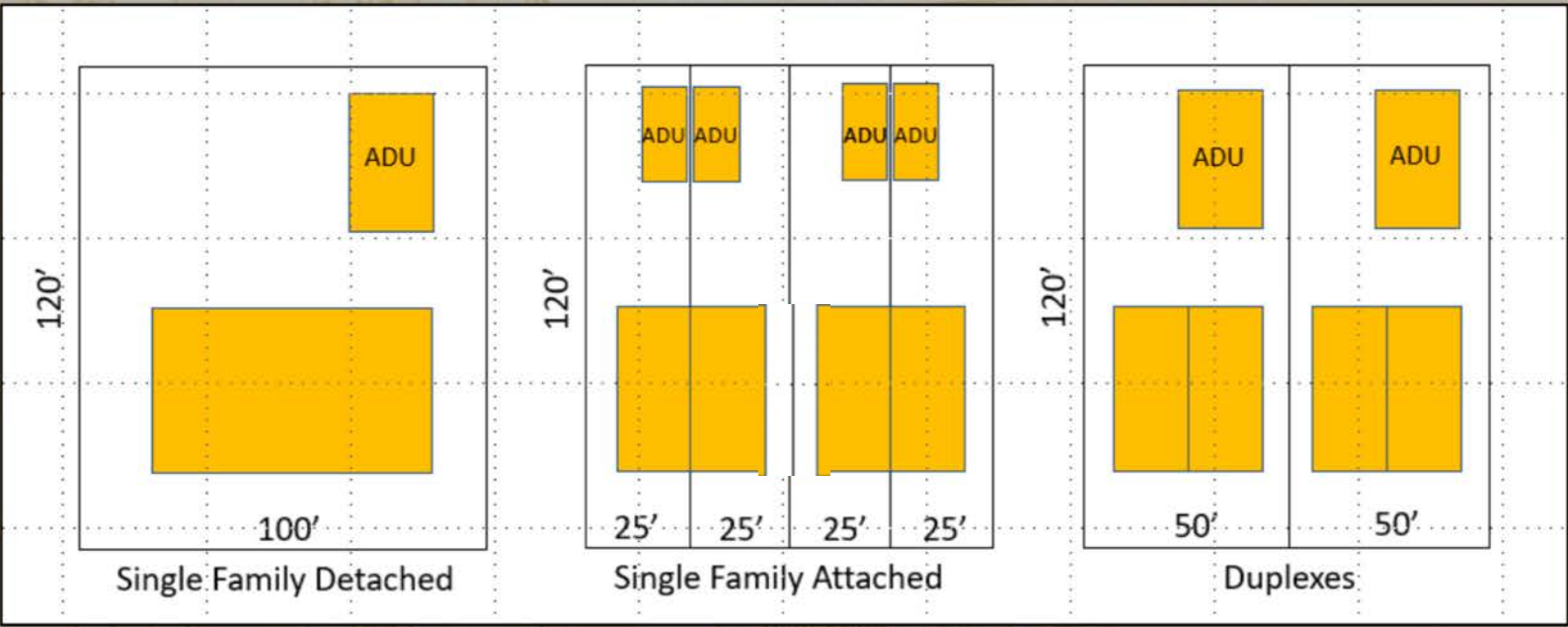
Proposed Zone

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.)	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



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 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

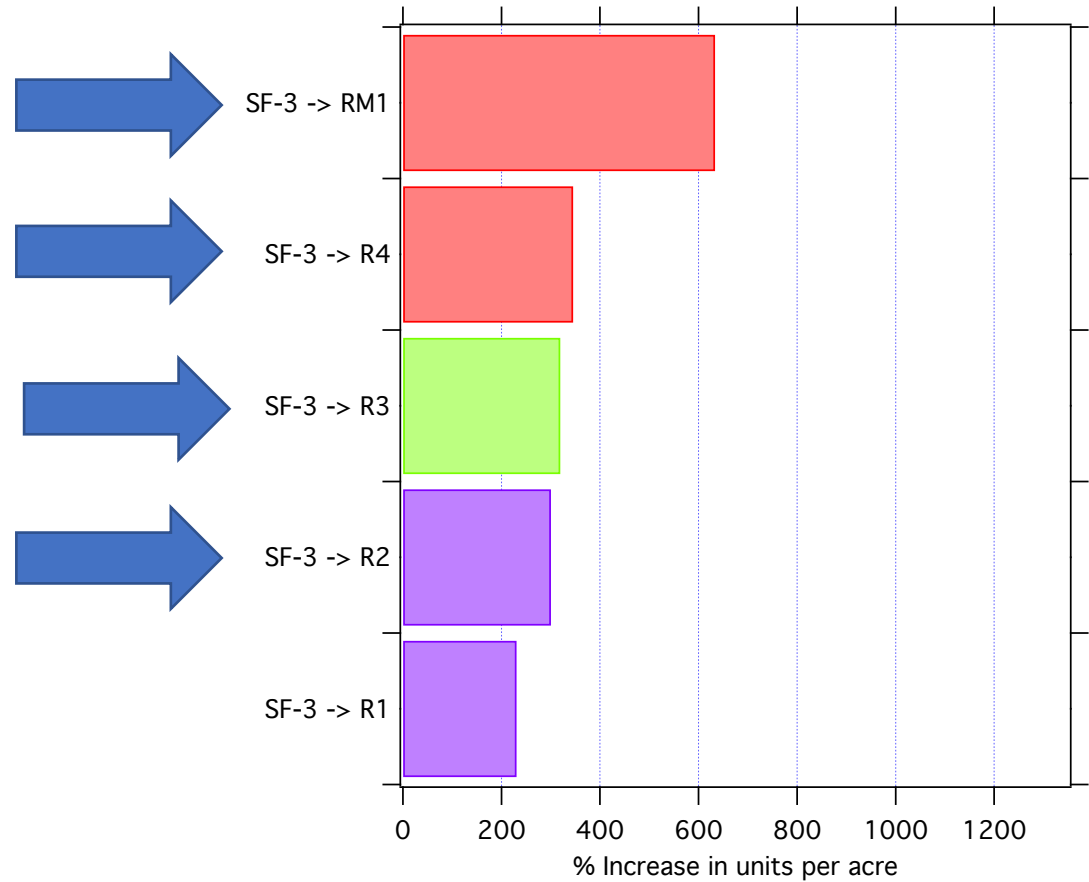
Lot		Massing	
Minimum Lot Size	5,750 sq ft	Maximum Height	35 ft
Minimum Lot Width	50 ft	Minimum Setbacks	
Maximum Units Per Lot	1	Front yard	25 ft
Maximum Building Coverage	40%	Street side yard	15 ft
Maximum Impervious Cover	45%	Interior side yard	5 ft
		Rear yard	10 ft

Single-Family Attached Residential *
 Single-Family Residential *
 Two-Family Residential *
 Duplex Residential *

R2A

(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

(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

Preservation Bonus
Accessory Dwelling Units

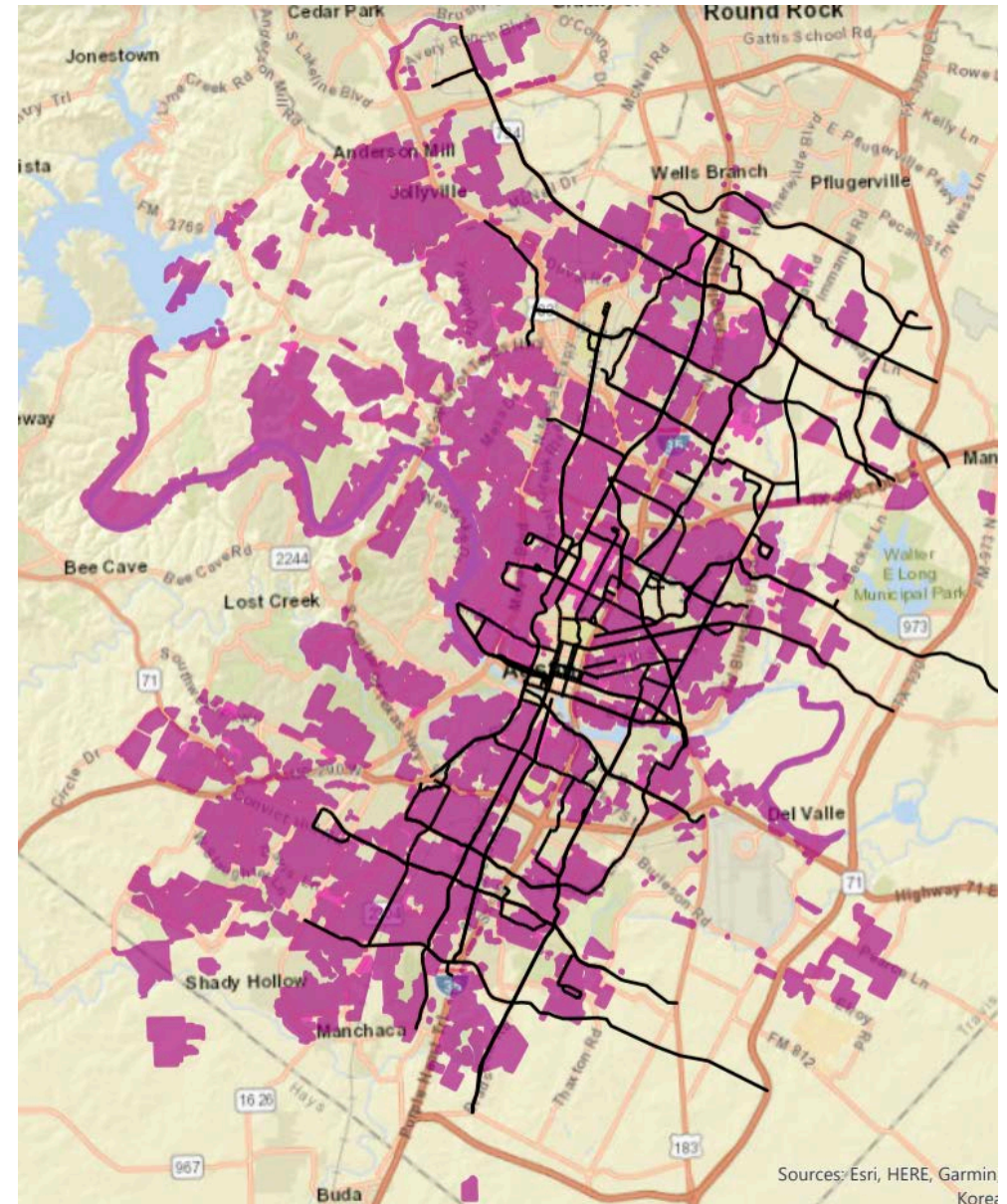
All City Preservation

All properties show at right are allowed a minimum of 3 units with the preservation incentive if there is a structure on the property that is 30 years old.

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

Staff handout



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.

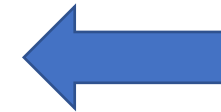
(b) The total number of dwelling units otherwise allowed in the zone may be exceeded by one.

(c) All other applicable site development standards apply.

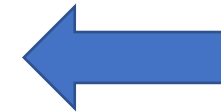
(2) If the existing dwelling unit used to qualify for the preservation incentive is altered, the following limitations apply:

(a) Wall Demolition or Removal.

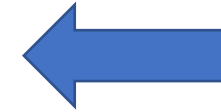
(i) No more than 50 percent of exterior walls and supporting structural elements of an existing structure may be demolished or removed, including load bearing masonry walls, and in wood construction, studs, sole plate, and top plate. For purposes of this requirement, exterior walls and supporting structural 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

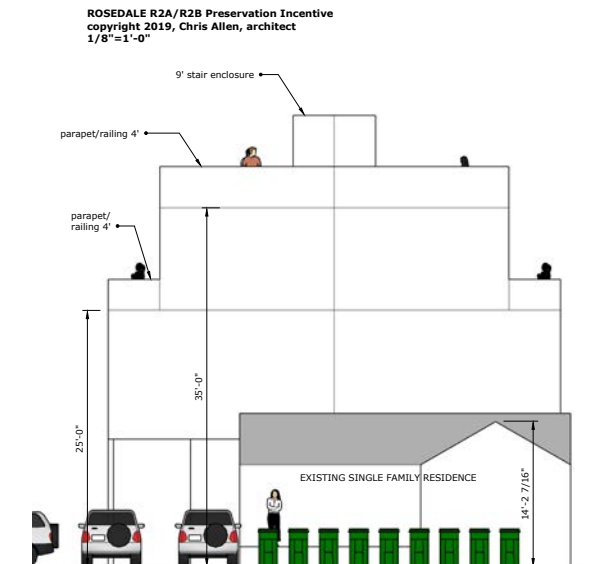
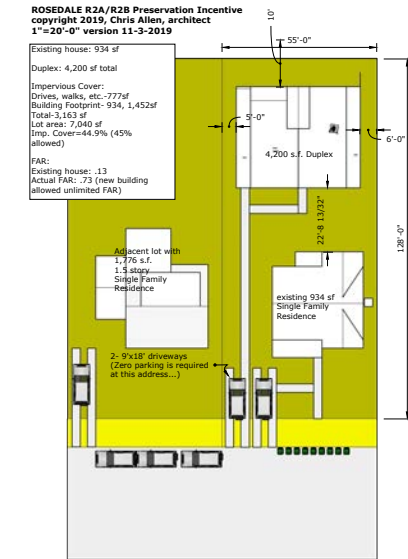
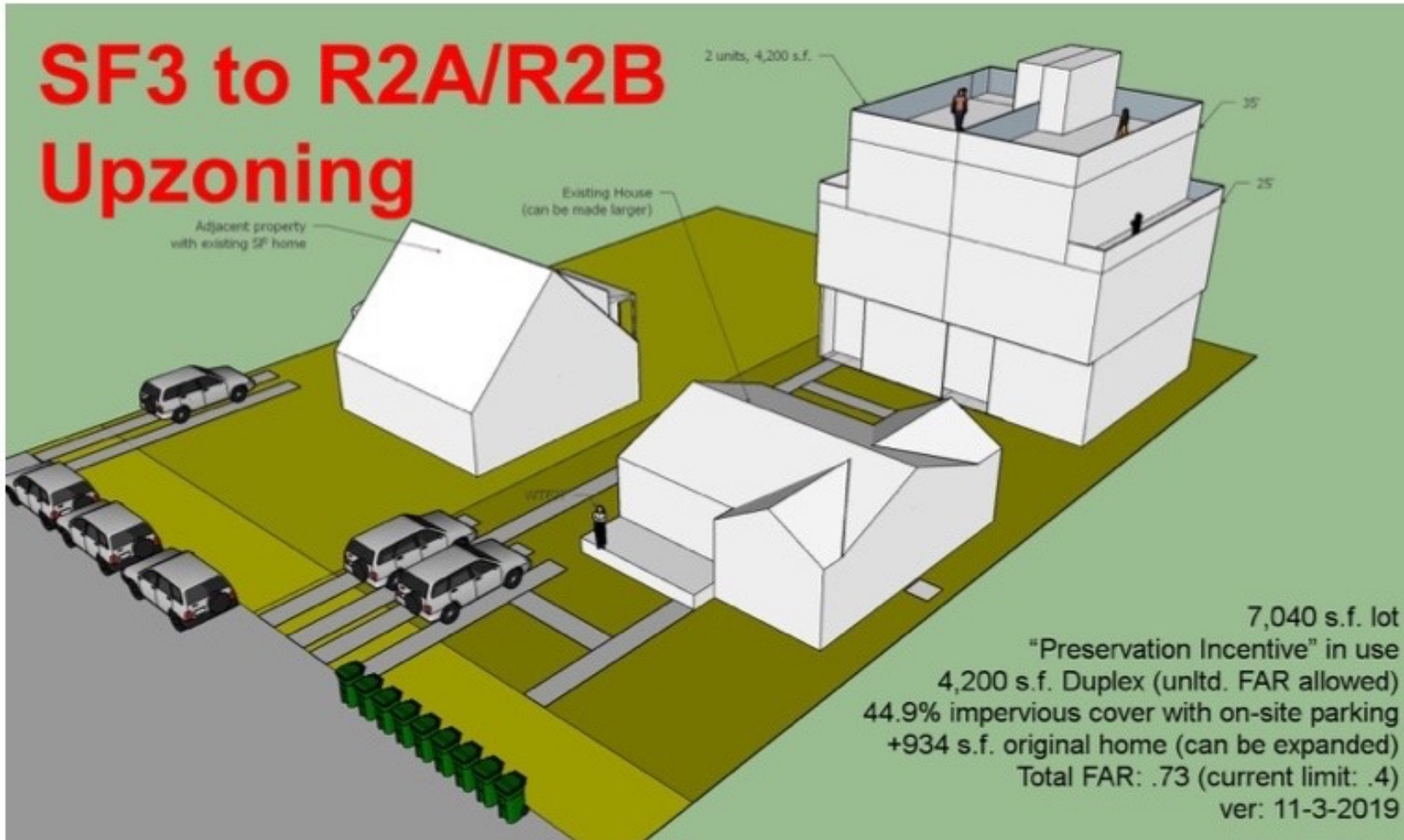


+1 dwelling unit



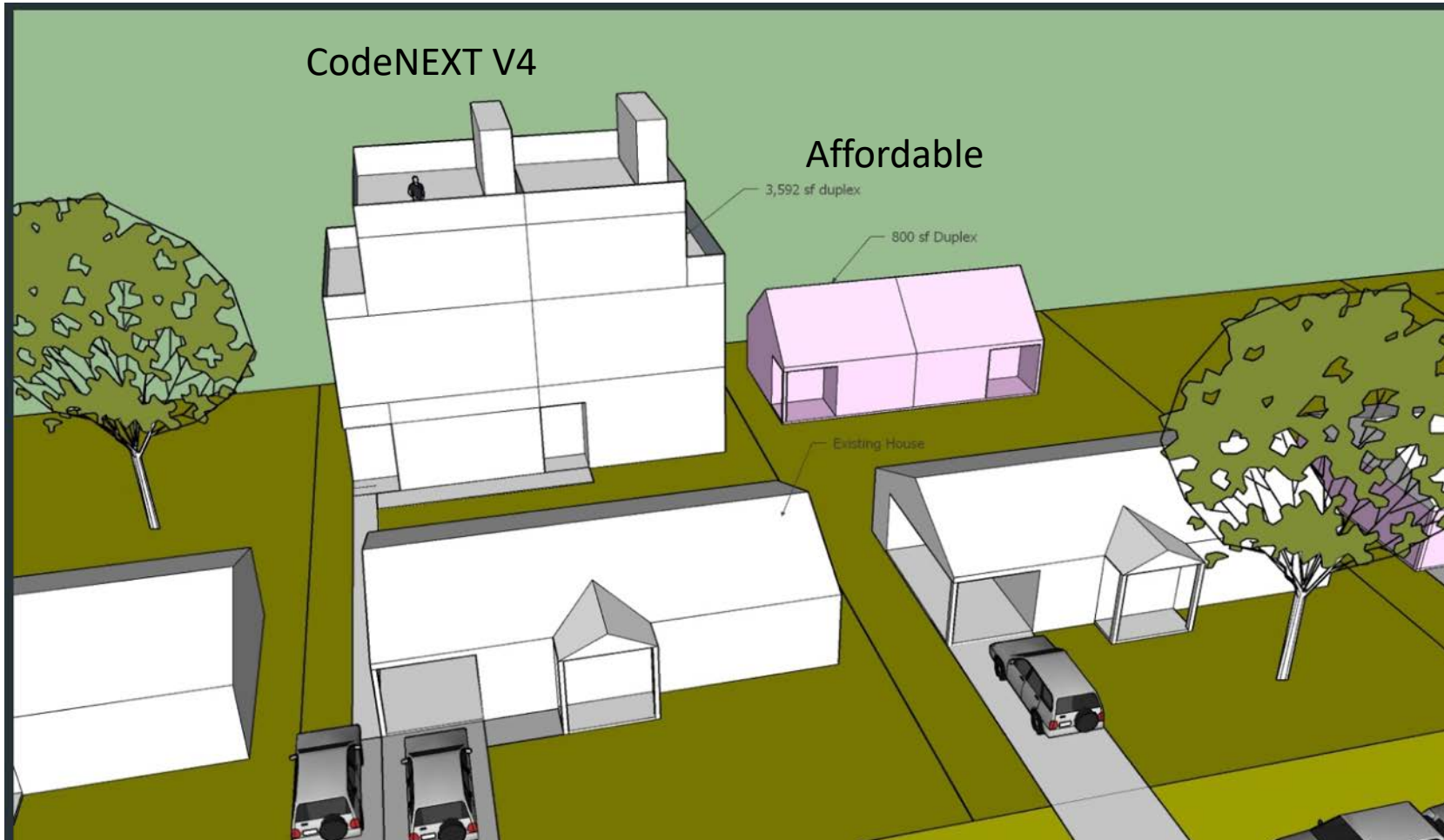
Preservation = 2 walls

R2A or R2B Preservation Incentive



R2A or R2B Preservation Incentive

Which one???

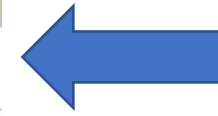


Model by C. Allen <https://austinupzoned.blogspot.com/>

Accessory Dwelling Units

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.

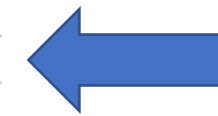
Table 23-3C-3030(A) Allowed Uses in Residential House-Scale Zones									
Use Type	Specific to Use Requirements	LA	RR	R1	R2A	R2B	R2C	R3	R4
RESIDENTIAL									
(1) Residential									
Accessory Dwelling Unit - Residential	23-3D-1030	P	P	P ¹	P	P	P	P	P
Bed and Breakfast	23-3D-1100	CUP	CUP	CUP	CUP	CUP	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



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

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

¹Allowed only through utilization of the Preservation Incentive.

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

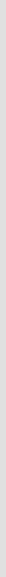
	Requirement
Floor Area	(1) Maximum of 1,100 sf
Placement	(1) If detached, minimum 6' to the front, rear, or side of the primary structure or above a detached garage; may be connected to the primary structure with a covered walkway; (2) If attached, may be connected to the primary structure with a common 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



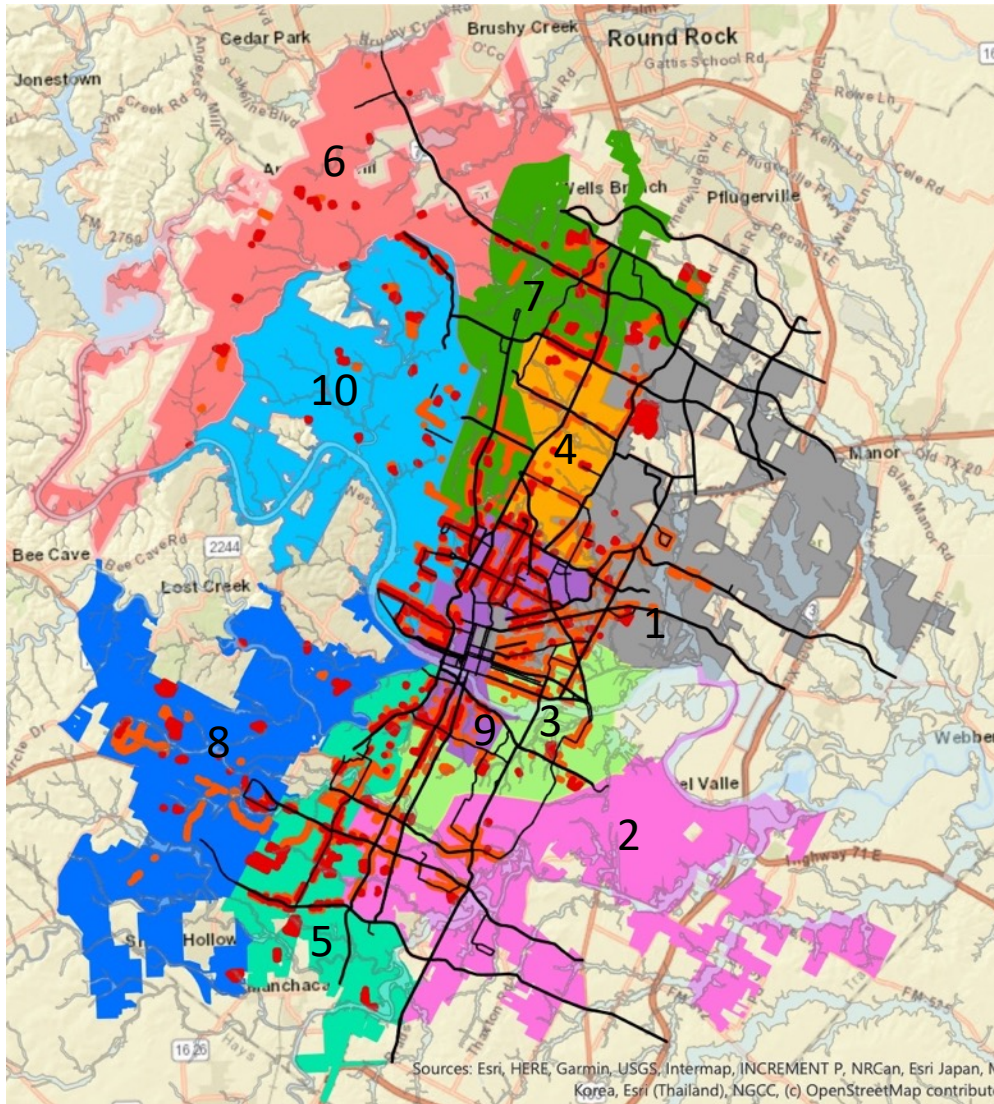
1 ADU per site



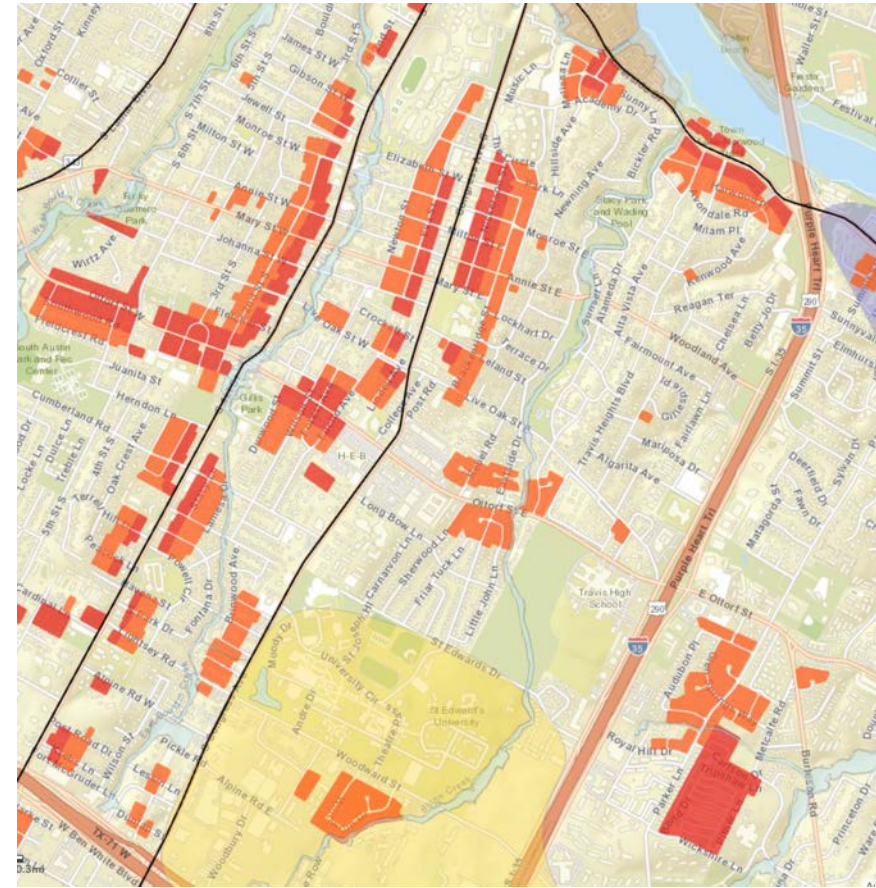
Transition Zones

R4 RM1

Transition Zones



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



Land zoned R4 or RM1

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'

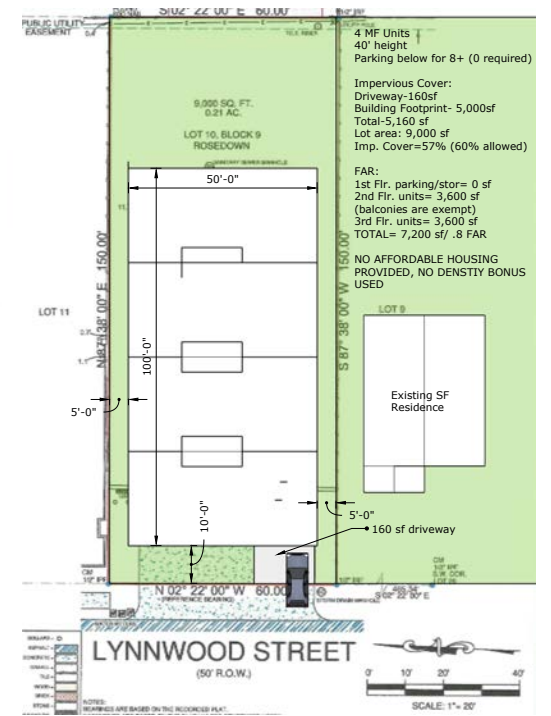
Table 23-3C-4060(C) Building Form	
(1) Overall Building Envelope	
Width (maximum)	100'

Transition Zones – RM1

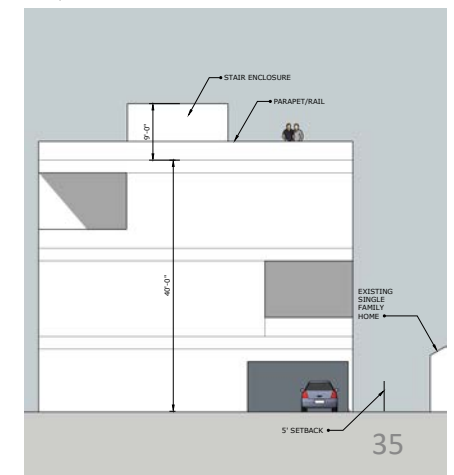
RM1 Rosedale



LYNNWOOD AVENUE RM1 MULTIFAMILY (No Density Bonus)
 copyright 2019, Chris Allen, architect
 1"=20'-0" version 11-3-2019

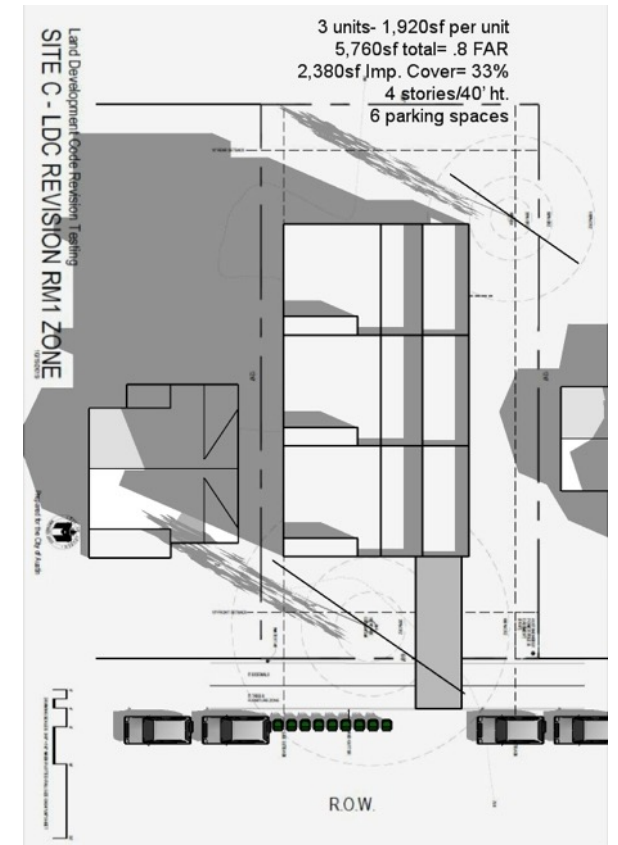
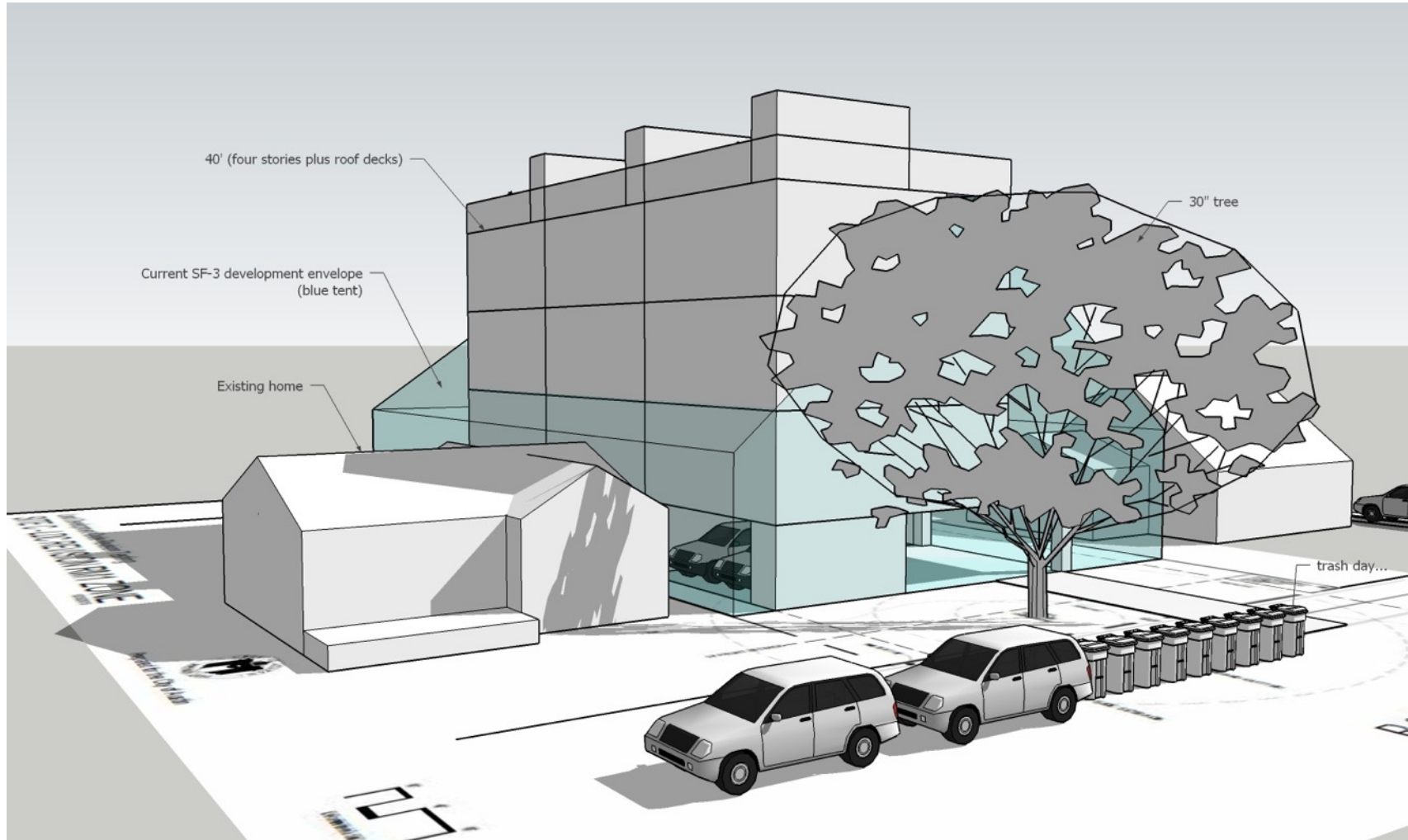


LYNNWOOD AVENUE RM1 MULTIFAMILY
 copyright 2019, Chris Allen, architect
 3/8"=1'-0" version 11-3-2019



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

Transition Zones – RM1



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

Transition Zones – RM1

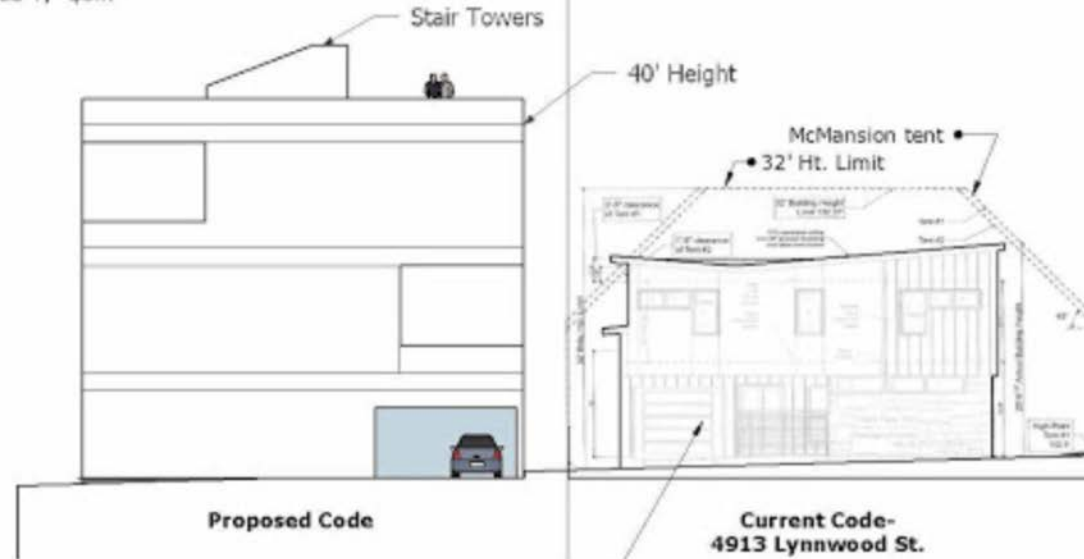
4913 Lynnwood Street. RM1/SF-3 comparison
Chris Allen, architect
1/16"=1-0" version 11-12-2019

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

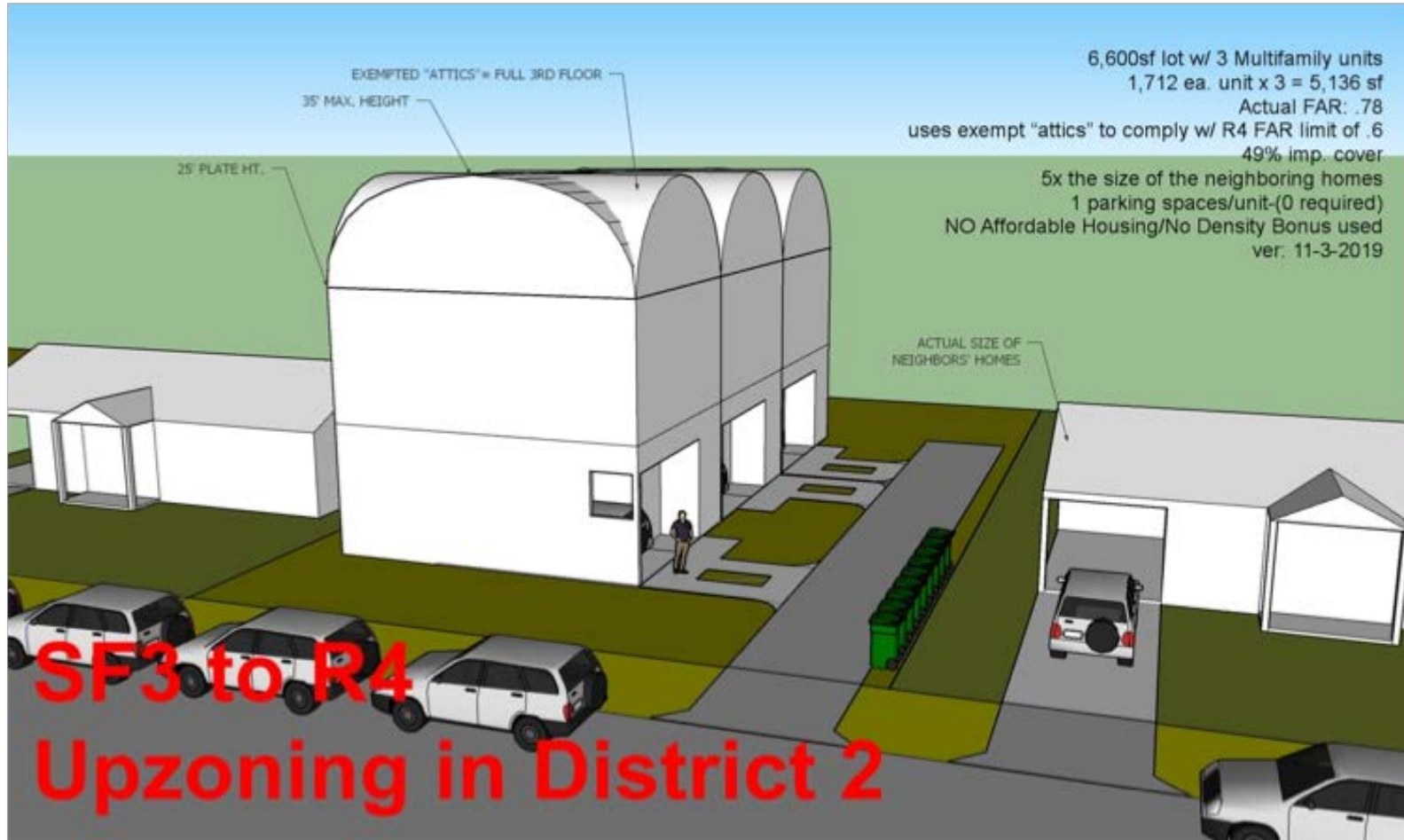
Table 23-3C-3130(H) Impervious Cover

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

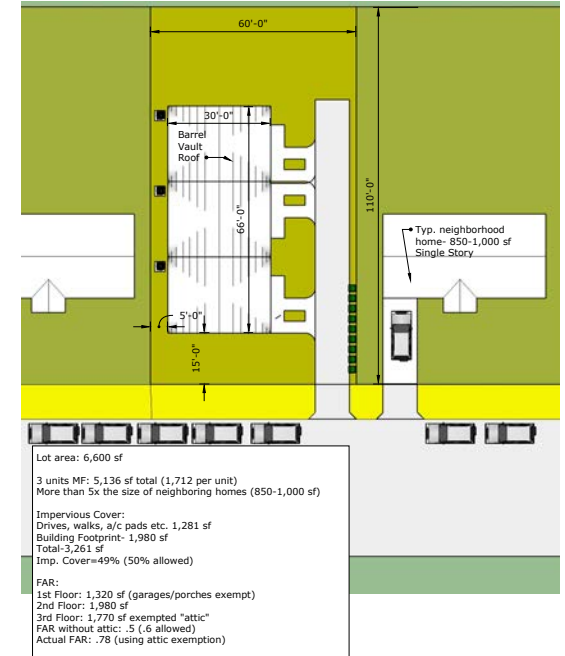
Table 23-3C-3120(C) Building Form

(1) Overall Building Envelope	
Width (maximum)	80'

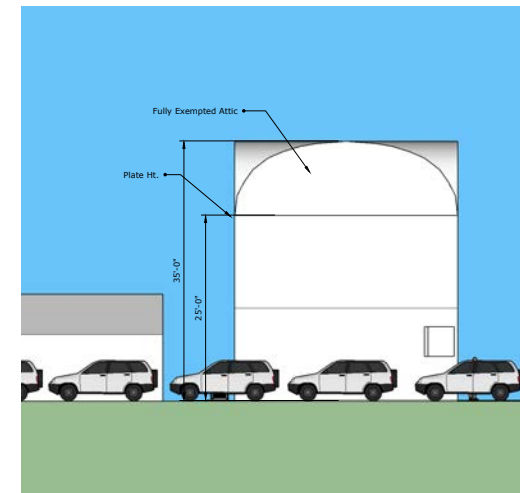
Transition Zones – R4



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

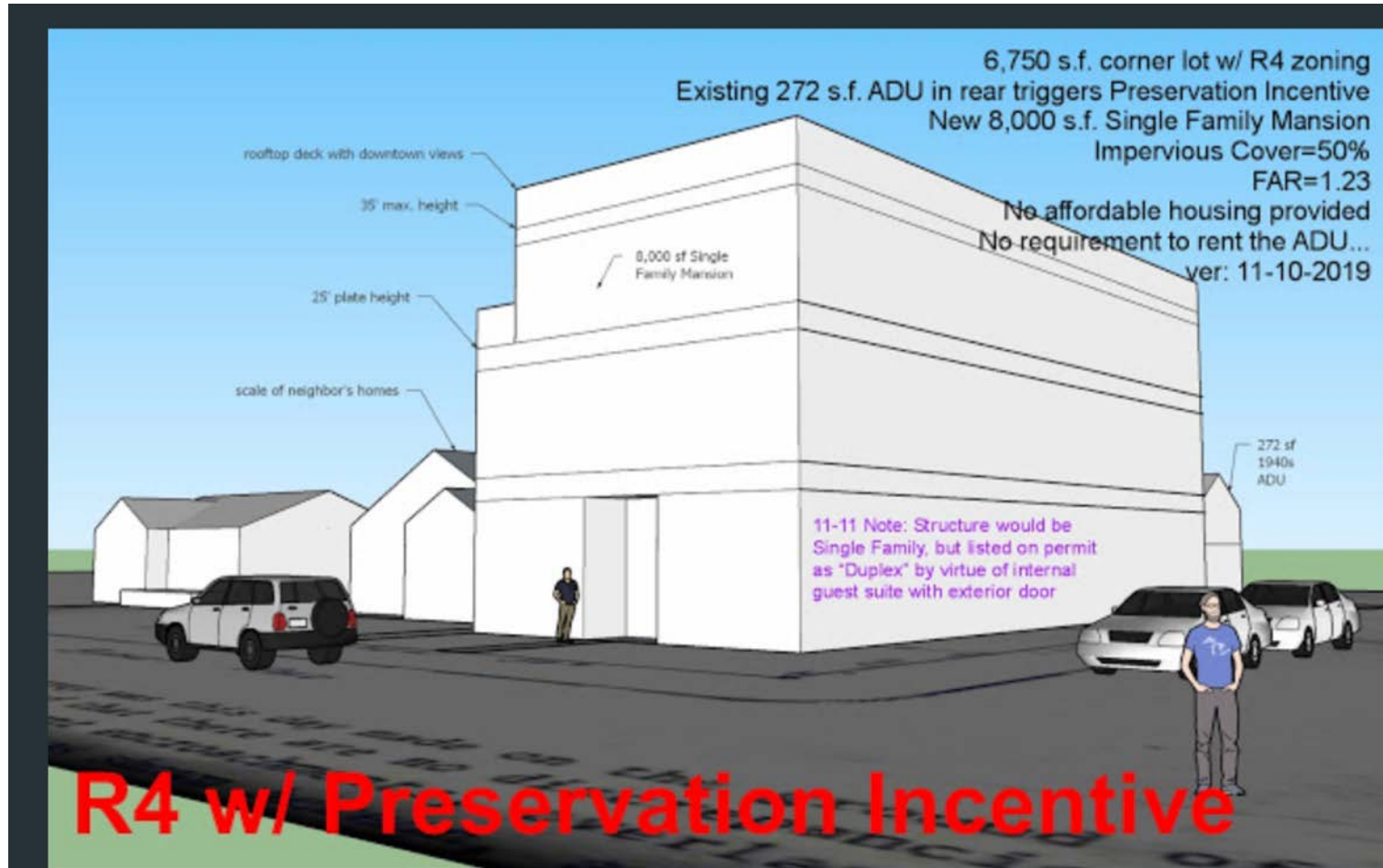


Sweetbriar R4 Multifamily
copyright 2019, Chris Allen, architect
1/8"=1'-0" version 11-3-2019



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

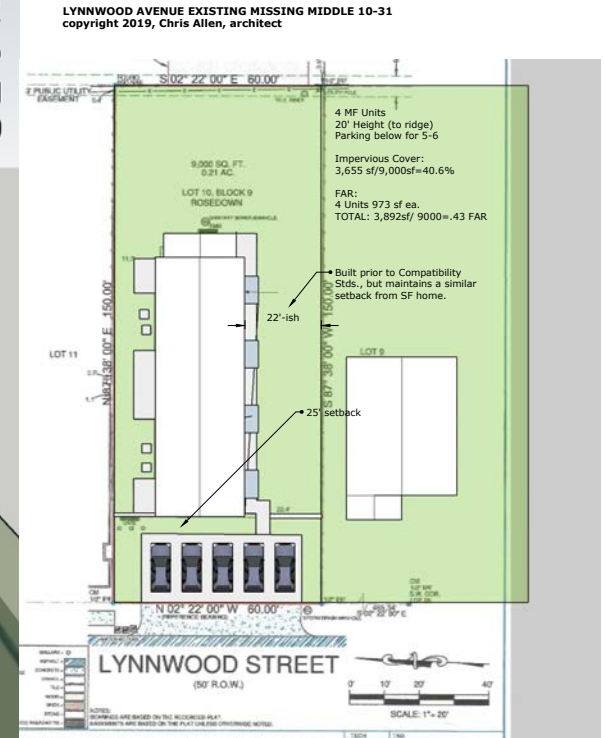
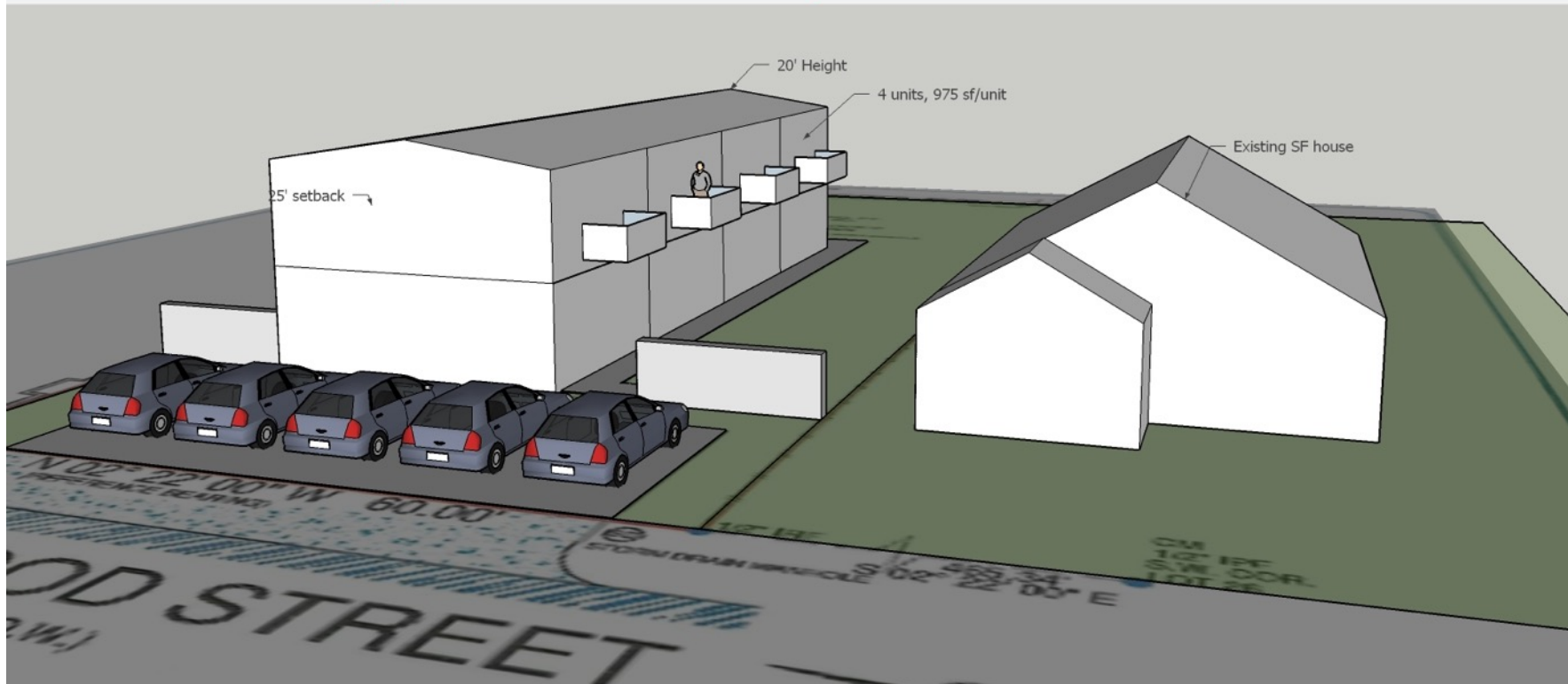
Amend the Comprehensive Plan to:

- 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?

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).



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

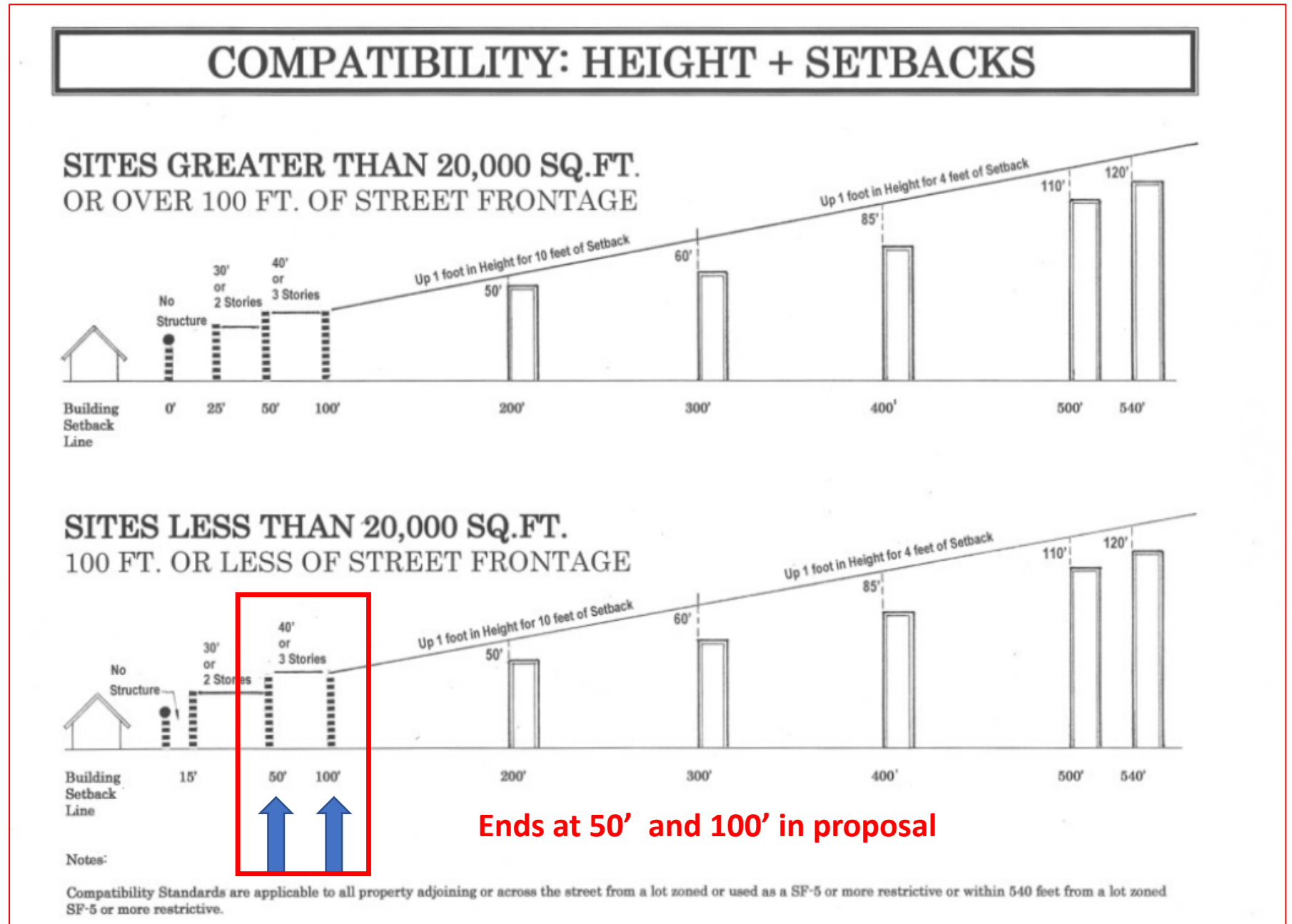
Note: for CC there are Downtown Density Bonus Programs that Increase Height

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

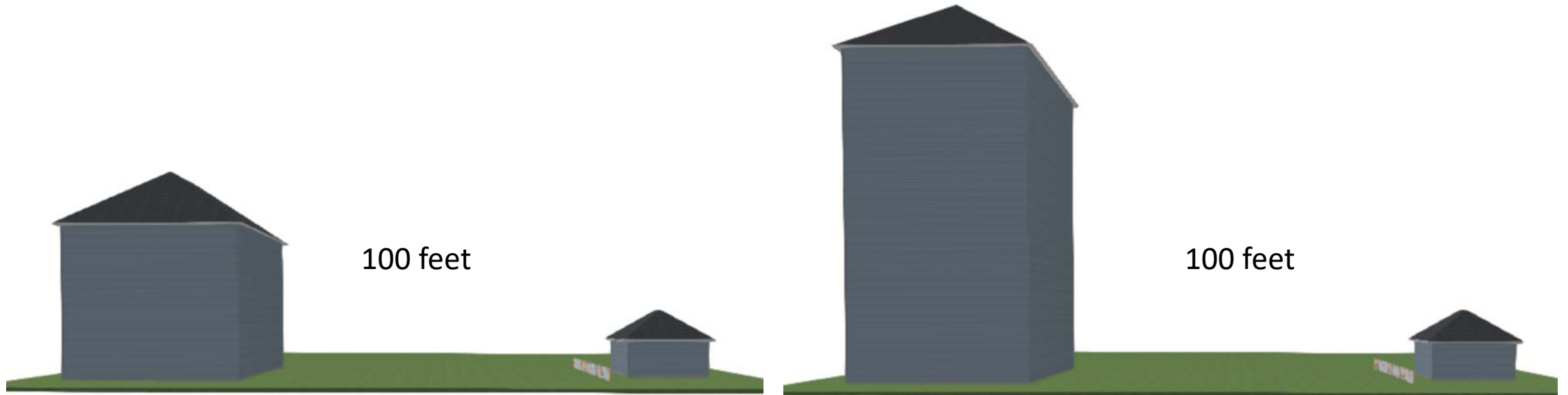
See Truncation in red circle



Compatibility – R3 or less next to MS3

Current

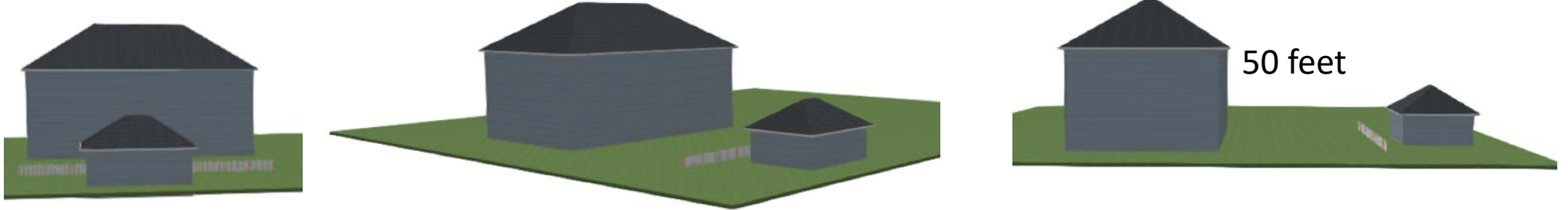
CodeNEXT V4



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

Compatibility – MS2, MU3, MU4, MU5

Current



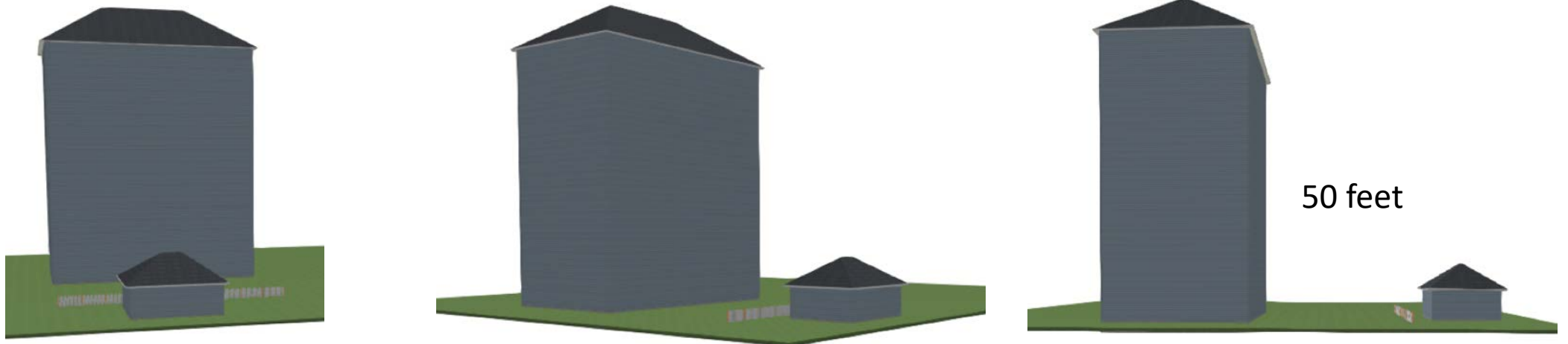
Comprehensive Plan says:

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



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'

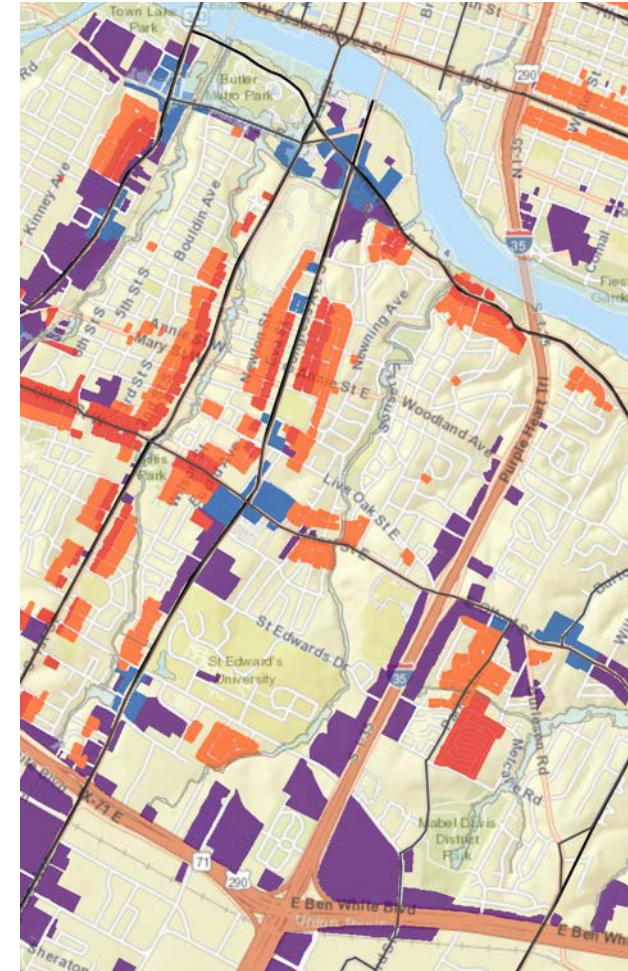
MU5

Table 23-3C-5100(D) Height

(1) All Buildings	Base Standard	AHBP Bonus ¹
Overall (max.)	60'	+30'

Purple MU5
Blue MS3
Orange Transition Zone

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



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	MUSA	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)

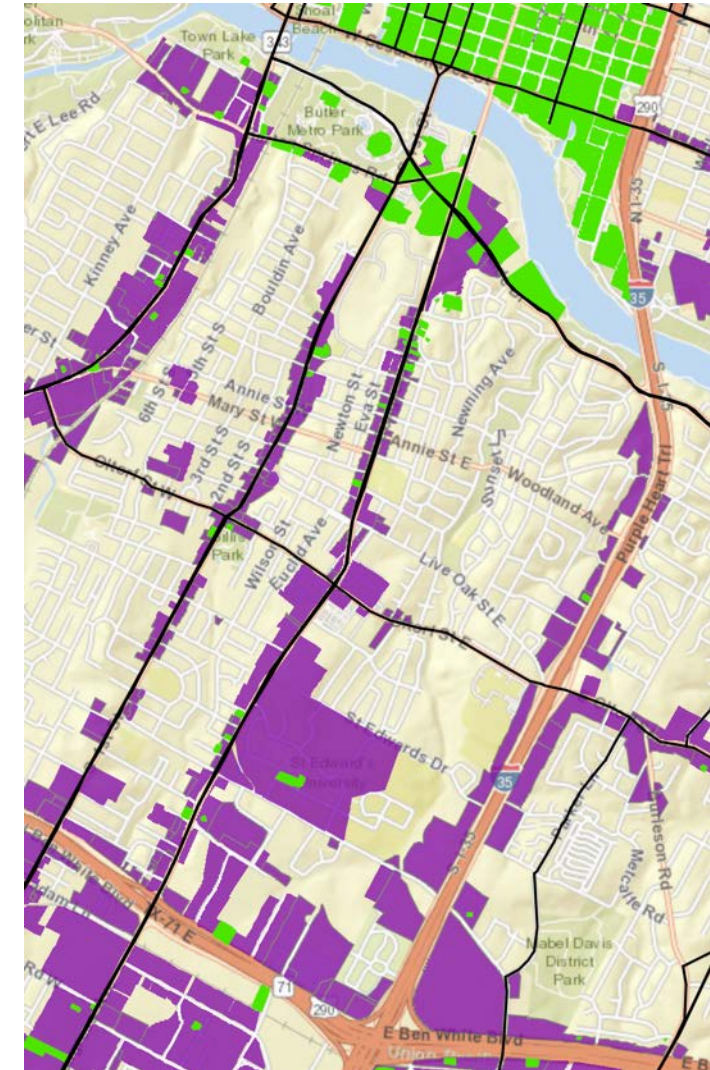
Use Type	Specific to Use Requirements	MS2A	MS2B	MS3
(7) Restaurant and Bar				
Bar/Nightclub				
Indoor		—	MUP	P
Outdoor; Late Night		—	CUP	MUP
Micro-Brewery/Micro-Distillery/Winery		—	P	P
Mobile Food Sales	23-3D-1250	P	P	P
Restaurant				
w/o Alcohol Sales		P	P	P
w/ Alcohol Sales	23-3D-1070	—	MUP	P
Late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

(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:

- (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.

60% Maximum Reduction

100% Reduction

Parking Reductions

To see an interactive citywide map of Parking reductions click [here](#).

Darker colors are 100%, Lighter shades are 50%.

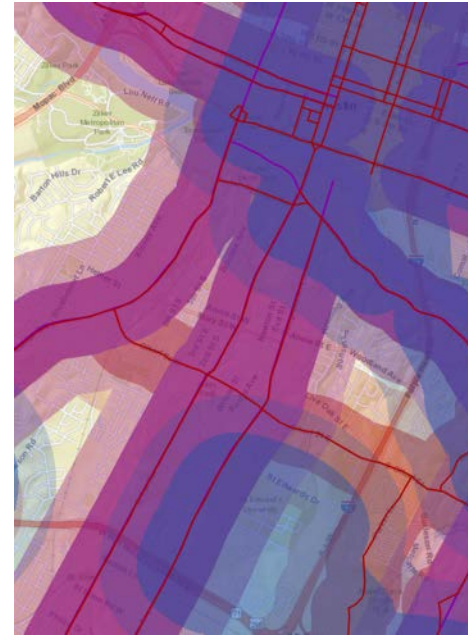
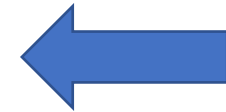


Table 23-3D-2050(A) Parking Reductions		
Type	Requirement	Adjustment
Developments Located in Proximity to:		
Corridors and Centers	Located within 1/4 mile of a transit corridor or center and meet standards of 23-3D-2050 (B)(1)(b)	100%
Corridors and Centers	Located within 1/2 mile of a transit corridor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



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

Conditional Overlays

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



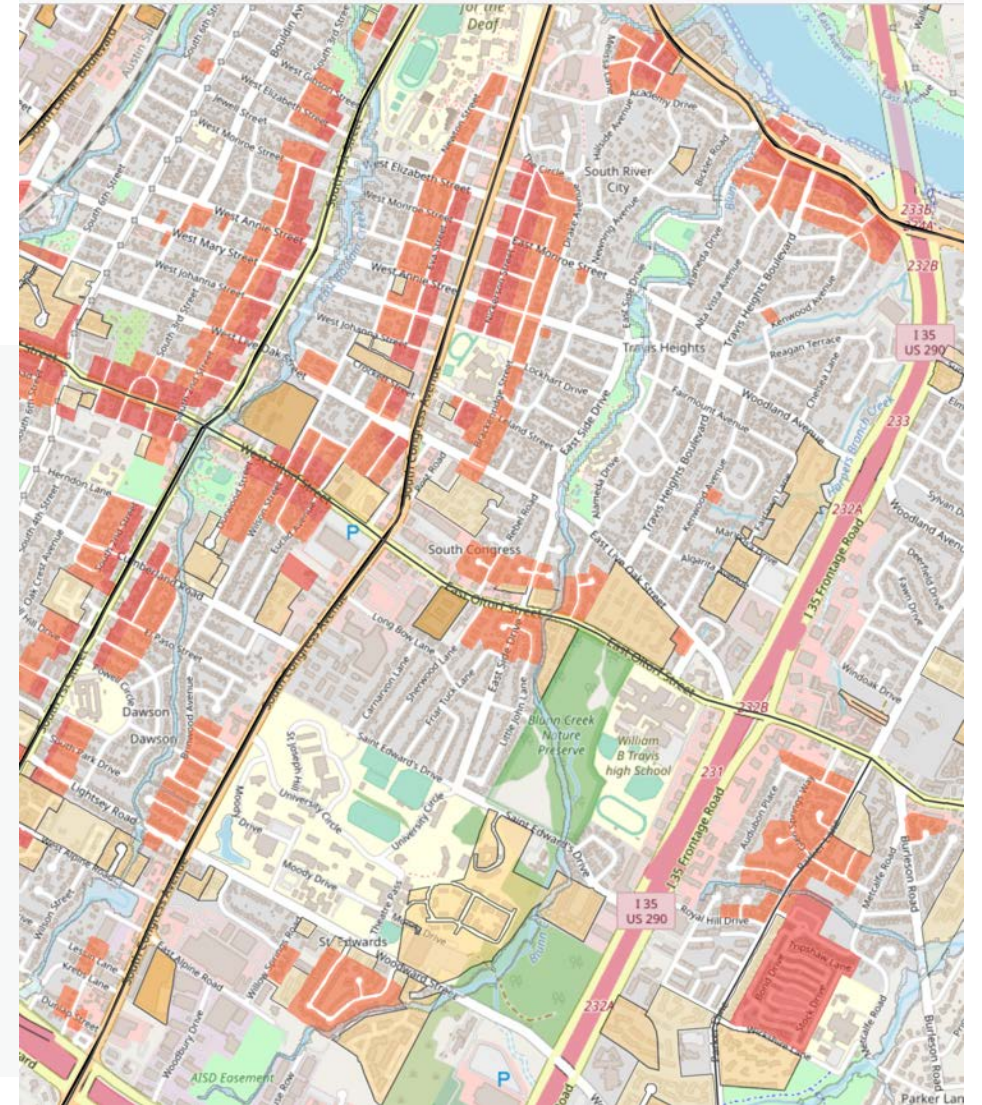
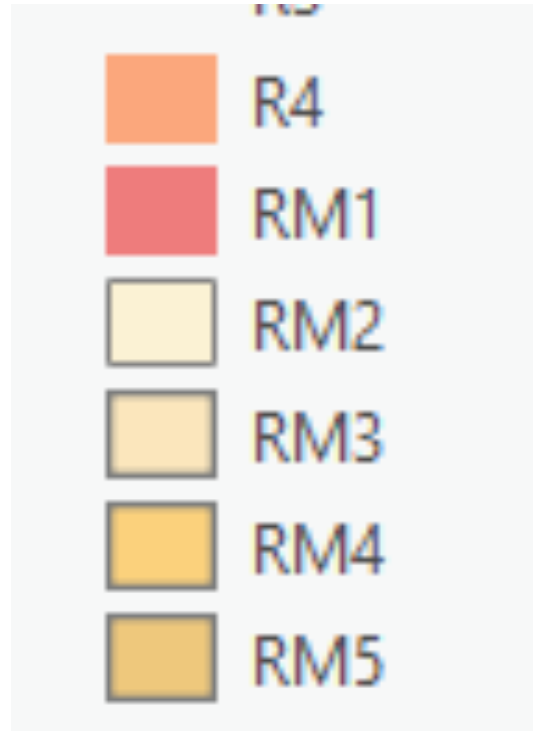
Staff mapped double the height and increased impervious cover by 20% (in and surrounded by the flood plain)!

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

	Current MF Zoning						Proposed CodeNEXT v4				
	MF-1	MF-2	MF-3	MF-4	MF-5	MF-6	RM1	RM2	RM3	RM4	RM5
Lot											
Minimum Lot Size	8000	8000	8000	8000	8000	8000	5000	5000	5000	5000	5000
Minimum Lot Width	50	50	50	50	50	50	50	50	50	50	50
Dwellings per building (non-ADU)	—	—	—	—	—	—	6	—	—	—	—
Dwellings per building (non-ADU)+AHBP							10	—	—	—	—
FAR (Floor Area Ratio):1 limit	—	—	0.75	0.75	1	—	0.8	0.8	0.8	0.8	0.8
FAR (Floor Area Ratio):1 +AHBP Bonus							2.0	2.0	2.0	2.0	2.0
Calculated Units per Acre no ADU	—	—	—	—	—	—	52.3	—	—	—	—
Table Max. Units per Acre	17.00	23.00	36.00	36-54	54.00	77.00	—	24.0	36.0	48.0	54.0
Table Max. Units per Acre +AHBP	17.0	23.0	36.0	36-54	54.0	77.0	87.1	60.0	76.0	unlimited	unlimited
Massing	MF-1	MF-2	MF-3	MF-4	MF-5	MF-6		RM2	RM3	RM4	RM5
Maximum Impervious Cover	55%	60%	65%	70%	70%	80%	60%	60%	70%	80%	80%
Maximum Height	40	40	40	60	60	90	40	40	60	60	90
Maximum Height + AHBP							60	—	90	120	
Minimum Setbacks •Front Yard	25	25	25	15	15	15	10	10	5	5	5

Much higher FAR's proposed.

Higher Impervious covers

Front yard setbacks greatly reduced

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

Older spot-zoned apartments could be developed with much more mass.

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.)	Size (max.)	
					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.)			
	Base Standard	AHBP Bonus ¹	Width (min.)	Area (min.)

RM4	Multi-Family	48	Unlimited	50'	5,000 sf	NO FAR Limit
-----	--------------	----	-----------	-----	----------	--------------

RM5	Multi-Family	54	Unlimited	50'	5,000 sf
-----	--------------	----	-----------	-----	----------

Affordable Housing Bonus

Affordable Housing Bonus



Build on site

OR



Fee-in-lieu



Offsite Production



Land Dedication

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.