

A Reminder – What’s This All About? CodeNEXT is the City of Austin’s marketing term for the process to totally rewrite the zoning and land use regulations governing development in our neighborhood, around our neighborhood, and across our city.

CodeNEXT’s mission is to redevelop most single-family neighborhoods within the urban core. With neighborhood redevelopment comes higher land prices, rents, and property taxes, and the less affluent are forced to move. Parked cars crowd streets, and bigger buildings displace yards and trees. Neighborhood character changes. Current owners and renters are forced out.

Hancock Faces Rezoning. Under CodeNEXT, the core neighborhoods, like Hancock, would be rezoned. The zone would go from SF-3 to subzone “R2C”. Under the current draft, R2C allows the division of standard 50’ lot and the construction of four units – one “Single-family Attached” building, with one unit on each side, plus two accessory dwelling units. That is twice the density allowed today. After this was pointed out, City Staff has indicated they will recommend to Council that R2C zones be changed to require 10,000 sq. ft for four units. Our opponents will be urging Council not only to keep it as written, but also to put more density – more housing – in Hancock.

Commercial Uses in Residential Zones Would Be Expanded. CodeNEXT’s “Home Occupation” use category would allow Hancock homes to be used as a business if one employee, *not necessarily the homeowner*, lives on site; it allows retail sales of merchandise between 9 AM and 5 PM, and an administratively given Minor Use Permit (MUP) would allow up to 3 additional workers in the house. Signs (3’ x 12’) are allowed on property; there is no limitation on vehicular traffic or advertising the business across Internet platforms. There is no on-site parking requirement.

Cooperative Housing. “Cooperative Housing” would be allowed in current single-family neighborhoods like Hancock. Cooperative housing is defined by the draft Code as a residential project of three or more units in which an undivided interest in land is coupled with the exclusive right of occupancy of any unit located on the land, whether the right is contained in the form of a written or oral agreement, when the right does not appear on the face of the deed. It does not include Group Residential, and it requires a Conditional Use Permit in R2C zones. Although the definition is for three or more units, it would be allowed with a conditional use permit (CUP) in zones limited to two units. It is hard to conceive such a “co-op” not violating the occupancy limits, described below.

Less Parking. On-site parking requirements would be dramatically reduced. For a house with an accessory dwelling unit (ADU), parking standards are cut to 1 space (total); for a duplex, parking standards are cut to 1 space per side. For commercial uses, parking requirements would be eliminated in some cases or substantially reduced (20% to 50% or more) in others, even around schools.

In doing so, the City ignored the resolution of a unanimous Austin School Board for full on-site parking around neighborhood schools to lessen street congestion, promote student safety and allow parking for parents. These parking rules are specifically designed to congest the streets, frustrate drivers and coerce people not to drive. If that works at all, it will only work after neighborhood streets are parked to capacity.

Losing Your Rights to Protest. CodeNEXT has taken away many of our rights of protest, requiring in many zoning districts only a conditional use permit (CUP) or an administrative minor use permit (MUP) for an array of land uses that today need a zoning change. The removal of many hard-fought-for-rights held today by neighborhoods might be the most threatening long-term impact of CodeNEXT.

Today, before a property can be rezoned, nearby property owners have the right to receive notice and an opportunity to be heard on that specific case before the City Council. If the owners of 20% of the property within 200 feet of the subject tract object to the proposed rezoning through a petition, the application requires a super-majority vote of the City Council for passage. This provision originates with State law and is intended to assure that a proposed rezoning, to which objection is made, is clearly in the public interest.

CodeNEXT reduces neighbors' rights to file a petition with the Council in opposition to zoning changes. The City has also taken the position that citizens have no petition rights in connection with the adoption of CodeNEXT, even though CodeNEXT represents an extensive rezoning of thousands of properties across the City.

Occupancy Rules Can Be Interpreted to Revive Dorm Duplexes. CodeNEXT would change the current rule for houses permitted after March 31, 2014 in neighborhoods like Hancock from 4 unrelated adults per site to 4 per structure. The Director of Planning has said that there is no intent to change the current rule for duplexes, which is 4 unrelated adults per site; however, the language in the current draft – unless changed – can be construed to mean 6 per building. A new and troubling addition is that a Conditional Use permit (CUP) may allow more unrelated occupants. Despite requiring Council approval, a CUP could allow City Hall insiders to get around occupancy rules in cases where they overbuilt in anticipation of operating a stealth dorm.

Properties Currently Zoned SF-2 Have an Uncertain Future. Hancock neighborhood has a number of properties currently zoned SF-2 which have certain development protections different from SF-3 zones. Under CodeNEXT these properties are renamed as F25, “F” standing for “former” in reference to Chapter 25 of the current code. It is sometimes called “legacy zoning”. While some people consider F25 or legacy current zoning to be protective of neighborhoods such as Hyde Park, the City has announced its intention to rezone F25 properties over time to current zones established in CodeNEXT.

Other issues. Many other issues raised by CodeNEXT, such as nonconforming lots and missing forecasts of impacts on displacement, infrastructure, flooding, tree canopy, and historic preservation, are not addressed in this paper. Many other people and organizations are studying them, but space does not allow this paper to address them.

The Big Picture For Austin. The full impact CodeNEXT will have on the City, neighborhoods, and residents is not easily discovered in the accelerated time frame the City has created for its passage. **But we know enough to say that this is a fundamentally flawed document born of a fundamentally flawed process and a flawed planning paradigm.**

Links to the Map and Draft Code can be found at <https://www.austintexas.gov/codenext>
Go to www.CommunityNotCommodity.com for more information.