

CodeNEXT Version 3 Facts

The City released the third version of CodeNEXT (V3) on February 12, 2018. Press reports, published the same day, stating that neighborhoods could breathe a sigh of relief were sadly wrong. The press apparently did not have time to read, much less study, the 1,500-page document.

Here are some facts:

1. More residential density. Bryker Woods is zoned SF-3 with minimum lot sizes of 5,750 for homes and 7,000 for duplexes. CodeNEXT Version 2 allowed three units on a 5,000 square foot lot. CodeNEXT V3 designated Bryker Woods "R2C." R2C allows four units on a 7,000 square foot lot. That is more density not less density. After this was pointed out, City Staff said R2C zones would be changed to require 10,000 sq. ft for four units. If that happens, it is still greater density than allowed today.

CodeNEXT V3 will increase city block density potential in R2C over what it is today by reducing minimum lot size by about 30% for duplexes and 13% for a house and ADU. More importantly, there are development interests who want to increase the density numbers found in CodeNEXT V3 and this could well happen if CodeNEXT V3 arrives at the City Council next month unencumbered by a requirement for voter approval.

2. Less Parking. Parking requirements were reduced even more than in Version 2. For a house with an ADU, parking standards were cut to 1 space (total); for a duplex, parking standards were cut to 1 space per side. On a 10,000 sq.-ft lot, four residential units would require only two spaces. For commercial uses, parking requirements were eliminated in some cases or substantially reduced (20% to 40%) in others, even around schools. In doing so, the City ignored the resolution of a unanimous Austin School Board for full onsite parking around neighborhood schools to lessen street congestion, promote student safety and allow parking for parents.

3. Incompatible Uses. The CodeNEXT V3 Map removed Version 2's hookah lounges, tattoo parlors, hourly hot tub rentals and bail bond offices from directly across from Bryker Woods Elementary but put those uses and bars one block away on West 35th St. In some locations they would back up to residences. The current code does not permit any of these uses in these locations. And, a bar less than 2,500 sq.-ft in size would not need to provide any parking. Neighborhood streets are the parking lot. CodeNEXT V3 also carried forward from V2 the entitlement to high-traffic retail uses (with reduced on-site parking) around the school where low-traffic office uses exist today - all in flagrant violation of the City-approved Neighborhood Plan. CodeNEXT also revealed the City's future plan to remove "conditional overlays" which are negotiated agreements between developers and neighborhoods which condition new zoning upon certain limitations on uses. The zoning would remain but the conditions would go away because there are no "conditional overlays" under CodeNEXT.

4. Commercial Uses in Residences. The current code permits a “home occupation” or home business as an accessory use. The residential character of the home must be maintained, there may be no more than one non-occupant worker, no on-premise merchandise may be sold, the use can generate no more than 3 vehicle trips per day, signage is limited to core transit corridors, commercial vehicles cannot be not parked on premises and the home's address cannot be advertised through traditional means (written before the internet). A typical home occupation under the current code would be an accountant, a web designer or IT professional. Under CodeNEXT V3, home occupations are expanded to allow up to three outside employees and the “limited” sale of merchandise with an administrative minor use permit (MUP). Signs (3’ x 12’) are allowed, and a commercial vehicle may be kept onsite if it is screened from the street. There is no limitation on vehicular traffic or advertising.

5. Loss of Petition Rights. Today, nearby property owners have the right to receive notice and an opportunity to be heard at City Council before a property can be rezoned. 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.

The City wants to reduce the ability to file a petition in opposition to zoning changes. The City seeks to do this in two ways. First, the City has 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. Second, CodeNEXT has lowered the standard in many zoning districts, requiring 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. There are no petition rights available in connection with CUPs and MUPs.

Conclusion. The full impact that CodeNext will have on the city and neighborhoods, including Bryker Woods, is not easily discovered in the accelerated time frame the City has created. We don’t know what we haven’t had time to know. But we know enough to say that this is a fundamentally flawed document born of a fundamentally flawed process. There are many changes that will exacerbate our unaffordability and displacement crises. With the grant of additional land entitlements, property values and, therefore, taxes will likely rise. Creating new problems under the guise of solving old problems is bad government.

Austin’s best hope is to get CodeNEXT on the ballot. Doing so will allow time for a full examination and community discussion and then let the people – the folks who will be impacted – decide. It shouldn’t have come to this. There are better ways to fix the current code.

Petition:

<https://communitynotcommodity.com/wp-content/uploads/Petition-for-an-Austin-OrdinanceRequiring-Waiting-Period-and-Voter-Approval-Before-CodeNEXT.pdf>

For more information and for other actions you can take go to www.communitynotcommodity.com Click on “resources” for more detailed explanations of CodeNEXT and “Take Action” for things you can do.

For updates and news go to <https://www.facebook.com/communitynotcommodity/>