



## City of Austin LDC Revision: What the Proposed Land Development Code Means for the NWACA Area

On October 4, 2019, the City of Austin released its proposed new land development code (LDC). ***The timeline for public input and implementation of the new code is short.*** City Council is expected to vote on first reading, December 9, 2019.

**R4:** Of significant interest to the neighborhood are long stretches of Mesa and Greystone, proposed for up-zoning from current single family/duplex to the new R4 zoning category. This category allows for building “Missing Middle” housing with 4 - 8 units per lot at a potential increase in maximum heights from 35 feet to 45 feet (a greater number of units are allowed at increased heights if new buildings include a certain percentage of income-restricted housing). *The diagram shows the City's example of development using the R4 category. See other diagrams on Page 3.*



Most of the remainder of the currently zoned single family/duplex parts of NWACA (SF2/SF3), are proposed to have changes to the minimum lot size, making it much easier to split 10,000+ sq. ft. lots, allowing duplexes to be built on each of those lots that are larger in volume than currently allowed for single-family homes.

**FAR:** “Floor to Area” (FAR) is the calculation governing how large a volume a house can be on a given lot. Currently, the maximum FAR is 0.4 for a house or a duplex. Under the new code, the FAR goes up to 0.6 for a duplex, but not a house. One possible outcome of this change may be an increased number of older, less updated houses being replaced with four duplex/townhome units on what to date has been a lot for a single-family home. Smaller minimum duplex lot sizes combined with the increased FAR for duplexes (versus houses) could prove a financial tipping point in how developers/investors think about what product to build on tear-down lots.

**City Council and District 10 Commentary:** City Council's stated objectives, in conjunction with Imagine Austin objectives,

are to create greater density across Austin, thus decreasing future sprawl and the attending economic and environmental consequences as well as to promote greater diversity, equity, and affordability in housing opportunity.

However, at a recent NWACA town hall meeting, Councilmember Alison Alter said that she had joined Councilmembers Tovo and Pool in voting against moving forward with this proposed code. They believe that the City is moving too fast; that many who will be affected by the code have not had a chance to weigh in; and that there may be unintended consequences which merit closer study. A staff member from the LDC planning team stated that the planners work has not been done in collaboration with AISD and that they have not analyzed the impact of an increased number of housing units on area school capacity.

When asked about whether deed restrictions might augment the impact of the code changes, Councilmember Alter's staff speculated that there might be an increase in deed-restriction-related litigation.

**Infrastructure and Impervious Cover:** Additionally, issues related to infrastructure, such as water and wastewater capacity may warrant further study. The City of Austin Watershed department released a memo on November 1, 2019, stating that the draft code could result in a 0.2% POTENTIAL increase in impervious cover, or equal to a potential for 64 square feet of impervious cover per parcel. (see [http://austintexas.gov/sites/default/files/files/LandDevCodeRev/WPD\\_LDC\\_IC\\_Analysis\\_Nov2019.pdf](http://austintexas.gov/sites/default/files/files/LandDevCodeRev/WPD_LDC_IC_Analysis_Nov2019.pdf))

We hope this newsletter will help you understand what is being proposed and what it means for you and for our entire community. We have included links for more information about the LDC revision and how to reach us with questions about your property. We also provide contact information for the Mayor, City Council, City Manager, LDC Planning Staff, and the Planning Commission, should you choose to express your views regarding the proposed code. Please note that communicating with all NWACA households on short notice is not done easily or without expense. For that reason, we re-invite any neighbors who have not yet done so to go to [www.nwaca.org](http://www.nwaca.org) and become members of NWACA.

# NWACA News

## *Information for Reference and Feedback*

Extensive information about the revised LDC can be found at <https://austintexas.gov/ldc> You can read the code text, check current and proposed zoning categories for your property using the Proposed Zoning Map, see background information, and raise questions for City staff to answer.

If you would like help navigating the LDC information, contact us at [nwacainfo@gmail.com](mailto:nwacainfo@gmail.com) or mail us at NWACA, P.O. Box 26654, Austin, TX 78755; a Zoning Committee member will get back to you.

Ongoing updates from NWACA about the LDC revision will be on the NWACA web site at

<https://tinyurl.com/NWACAonLDCrevision>

### Contact information for providing feedback

Based on advice from the District 10 office, email is helpful, but phone calls are more likely to be noticed.

- Mayor and all City Council members – phone number: Mayor: 512-978-2100 and for each district the phone number is similar with the last 2 digits the district number; email for all: <http://www.austintexas.gov/service/email-all-austin-city-council-members>

- City Manager Spencer Cronk - 512-974-2000, [spencer.cronk@austintexas.gov](mailto:spencer.cronk@austintexas.gov),

- Planning Commissioner for D10, Patricia Seeger -512-585-5389, [bc-Patricia.Seeger@austintexas.gov](mailto:bc-Patricia.Seeger@austintexas.gov)

- For technical questions, contact LDC Staff co-leads, Annick Beaudet and Brent Lloyd – [annick.beaudet@austintexas.gov](mailto:annick.beaudet@austintexas.gov), [brent.lloyd@austintexas.gov](mailto:brent.lloyd@austintexas.gov)

### Significant dates in the near future:

- November 18 — City Council Work Session
- November 23 – LDC Update - Staff response to Planning Commission Recommendations

- December 3 — City Council Work Session
- December 4 — City Council Work Session
- December 7 — City Council Public Hearing
- December 9 — City Council Special Called Meeting/ expected 1st Reading Vote

## *Digging A Little Deeper*

The LDC Revision is a complex document of more than 1,300 pages, with many subtle implications. Here are key points for the NWACA area. Please consult the NWACA web site for a brief glossary of common terms in the **Latest Updates on LDC Revision**.

### R2A ZONING

#### LOT SIZES

- Can be smaller (minimum 5,000 sq.ft. in the revised vs. current 5,750 sq.ft.)

- Can be narrower in width (minimum 45 ft. in revised code vs. 50 ft. in current code).

- More lots in the neighborhood can potentially be subdivided. (See the table on subdivision in the Background Data article for specifics.)

#### SINGLE FAMILY HOMES with TWO UNITS

- Two units can be built with a common wall, with each unit on a separate lot. Proposed zoning allows a minimum lot size for each of 2,500 sq. ft. vs. 3,000 in current code.

### DUPLEXES

- Can be built on lots with 5,000 sq. ft. vs 7,000 sq. ft. in current code
- When developed as a duplex (allowed in current code for SF-3), the floor to area ratio can be higher (maximum FAR of 0.6 proposed zoning vs. 0.4 current zoning)—meaning larger buildings.

### PARKING

- Required off street parking is reduced from 2 to 1 per dwelling unit ADU

- Accessory Dwelling Units (ADU) of a maximum 1100 sq.ft. can be interior to another structure, as well as separate from it, as in current code. BUT, ADU's can be 35 feet high in the revised code vs. 30 feet in current code.

### IMPERVIOUS COVER

- Limits remain the same for R2A, but for R4, limits rise from 45% to 50% for most uses.

### TREES

- Protections remain as is for protected trees; development can be limited if it impacts a protected tree. BUT, the proposed code adds a new category of “Keystone Tree,” one which is between 8 and 19 inches in diameter.

### R4 ZONING

Some parcels along Mesa Drive and Greystone Drive have proposed zoning of R4, a new zoning code that provides for “missing middle” housing in Austin. City staff indicated that this designation was because these homes are on a transit path now served by the #19 bus (which may be discontinued).

#### # of UNITS

- Depending upon the type of structure and size of lot, 4 to 6 units can be built on each lot.

- With duplex or multi-family units, as many as 4 additional units can be built per lot if the developer uses the affordable housing bonus; one of these units would need to be an affordable unit or a fee paid in lieu.

### SETBACKS

- For most uses, minimum front yard setbacks are 15 feet (10 feet narrower than current code); and side yard setbacks are 10 feet, (5 feet narrower than current code).

- Note that a single-family home in an R4 zone can persist as single-family home through renovation and through removal and rebuilding. The site can also add an ADU or a combination of units. If the site is ever built up for more units, though, it needs to remain multi-unit.

- Also, note that several other parcels in the NWACA area were rezoned as R4; these are lots where there was already multi-unit housing.

### MIXED USE ZONING

Properties at Mesa and Spicewood Springs will continue to have Mixed Use zoning in the revised LDC.

### PUD

Most properties currently zoned as Planned Unit Development (PUD) remain PUD in the revised code. (Most PUDs in the NWACA area are small developments with their own special conditions. Where those conditions could be mapped to other zoning codes, City Staff made those changes. The Dell Jewish Community Campus and Austin Oaks are zoned as PUD. Note that the PUD ordinance didn't change with the LDC Revision.)

*(Continued on Page 3)*

(Continued from Page 2)

**COMMERCIAL PROPERTIES**

Commercial properties along Far West between Hart Lane and Mopac were zoned in 2008 as Mixed Use, that is, they could be rebuilt to have commercial entities at the street level, with residential units above, though developers haven't used those entitlements. In the revised code, these properties are zoned Mixed-Use, with similar entitlements respective to height and use.

**PARKING**

- Throughout the code, minimum parking requirements have been reduced, especially in areas that are close to public transit.
- Parking facilities (such as garages) are not part of the FAR limit in the proposed code, while they are counted in current code.

**PRESERVATION**

A Preservation Incentive is included in the LDC Revision, so that existing homes >= 30 years old will remain in the housing stock. The landowner may add more dwelling units to the lot without the addition counting against the FAR limit; and the total number of dwelling units on the lot may be one more than allowed by the base zoning. All other restrictions such as height, setbacks, impervious cover, etc. still apply.

**TESTING THE CODE**

To help residents visualize the changes, City Staff conducted a Public Testing event on October 19, 2019. Materials from that event are at: <http://www.austintexas.gov/department/resources>

This diagram from the event illustrates homes created with the new R2A zoning category:



While there are many ways in which new development could occur, attempts have been made by architect Chris Allen to render volumetric examples at the upper end of entitlements. This diagram from his palette shows an R2A example:

The model shows what might be built in an R2A or R2B zone on a 7,000 square foot lot (which is much smaller than most lots in NWACA). The original house is kept, making use of the current description of the Preservation Incentive. The original home can be expanded, and a duplex can be added, with a height up to 35 feet.

This model from Chris Allen shows a duplex, again on a lot that is smaller than most existing lots in the NWACA area.



**Background Data**

**Demographics: 2016 Population of NWACA - 28,379\***

<b>Total: Owner Occupied Homes</b>	7,127	
Single Family		5,468
Duplex		1,111
More than 2 units		548
<b>Total Renting their Homes</b>	<b>6,543</b>	
Renter - Single Family		390
<b>Grand Total Housing Units</b>	<b>13,580</b>	
Percent Renters	48%	

\*U.S. Census Bureau - American Community Survey

**Summary of NWACA Lots\*\***

Size of Lot	# in NWACA	Comment
>= 14,000 sq. ft.	1902 (36%)	Could be subdivided today for two duplexes
Between 12,750 and 14,000	728 (14%)	Could be subdivided for one SF home and one duplex today
Between 10,000 and 12,750	1,872 (36%)	Could be subdivided in the revised code several ways
Less than 10,000	757 (14%)	Cannot be subdivided in current code

\*\* City of Austin Landbase GSI data set

**Number of Lots in NWACA Area by LDC Code**

Under the current code, there are 6246 zoning categories across about 6200 lots; some carry more than one code for unknown reasons. These are the most common zones in use today, along with the number of lots and percentage of lots carrying that designation. The high count for PUD is because many developments used that designation to ensure certain conditions were able to be enforced. (This information was taken from the City of Austin Landbase GIS data set)

SF=Single Family; PUD=Planned Unit Development; LO=Limited Office; LR=Neighborhood Commercial; MF=multi-family; GR=Community Commercial; DR=Development Reserve. In the LDC Revision, these are the designations for all the 6222 lots zoned in the NWACA area - residential, commercial, and public. R=residential; MU=mixed use; LA=Lake Austin; F25=uses rules of the prior LDC; CR=Commercial Recreation; RR=Rural Residential.

(Continued on Page 4)



...Continued from Page 3

## Background Data (continued)

Zoning Category - Current	# of NWACA lots	% of Total NWACA lots
SF-3	4,286	68.6%
SF-2	961	15.4%
PUD	573	9.2%
LO	68	1.1%
LR	61	1.0%
MF-2	51	0.8%
GR	40	0.6%
SF-6	38	0.6%
DR	17	0.3%
MF-3	16	0.3%

Zoning Category - Revised LDC	# of NWACA lots	% of Total NWACA lots
R2A	5,140	82.6%
PUD	571	9.2%
R4	131	2.1%
MU3-A	130	2.1%
RM2	40	0.6%
MU5B-A	36	0.6%
RM1	36	0.6%
MU5A-A	18	0.3%
PR	16	0.3%
MU4-A	14	0.2%
MU5A	14	0.2%
RM3	14	0.2%
MU3	13	0.2%
R2C	12	0.2%
LA	11	0.2%
P	10	0.2%
MU2-A	5	0.1%
MU5B	5	0.1%
F25	3	0.0%
CR	2	0.0%
RR	1	0.0%

## Deed Restriction: What, Where, Why?

In addition to rules set by City of Austin LDC, your property may also have deed restrictions that apply. When your property was developed, the neighbors, HOA, and/or developers may have established specific conditions that apply to the parcel's development, specifying width and depth of lots, what types of structures can be built on a lot, etc.

Conditions in the LDC are enforced by the City, but *the City does not enforce deed restrictions, nor do they look for violations.* Deed restrictions must be enforced by you, your neighbors (or HOA, if such exists), through the court system.

Deed restrictions may be found: 1) in closing documents from the purchase of your property (if there are no papers indicating restrictions, you may not have any); 2) by searching the Travis County Clerk's website at: <https://www.traviscountytexas.gov/open-records/recording-cc> (Select the Real Estate tab, then Search Real Estate Index, General-Combined Name Search, entering last name of owner as Grantee); 3) by asking your realtor, title company, or attorney.

Be aware that deed restrictions are not always filed with every deed or warranty deed. You may need to go back decades to find the original restrictions, and that is not always easy to do, since you need to track the original owners/developer.