

Z NEWS

Newsletter of the
Zilker Neighborhood
Association

MARCH 2017

Austin, Texas
Established 1981

Like Paul Revere's midnight ride—
One if by district, two if by transect—
CodeNEXT is coming! CodeNEXT is coming!! CodeNEXT is coming!!!

by Jeff Jack, ZNA President

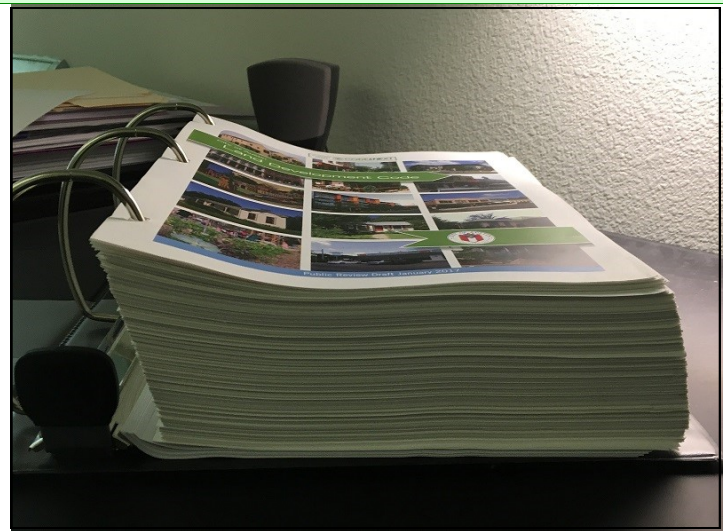
YOU PROBABLY HAVE HEARD ABOUT CODENEXT, but what is it exactly, and what does it mean for the Zilker Neighborhood? This special issue of *ZNews* is all about answering the first of those two questions, so let's get to it.

Planning and Zoning

CodeNext is the name of the process to re-write Austin's Land Development Code (LDC). Commonly referred to as the "zoning" code, the LDC governs not only the location and dimensions of what can and cannot be built on any particular site in the city but also all the administrative aspects of the code.

After the code rewrite in 1984, the City Charter was amended to require that our LDC be consistent with our comprehensive plan, contained in the Austin Tomorrow Plan adopted in 1979. As the years passed, Austin's LDC was amended many times to deal with new development patterns and business models, while our comprehensive plan gradually lost its relevance. Many Austinites argued that we needed a whole new plan to deal with the city's growth. Other voices called for stronger environmental regulations, solutions to our mobility problems, and more neighborhood protections to address quality of life issues and affordable housing.

After a three-year planning effort, the City Council adopted the Imagine Austin Comprehensive Plan in June 2012. One of the new plan's priorities was to rewrite the LDC to address the many problems with the old code and to provide a framework for achieving Imagine Austin's goals. Staff and consultants began this task in 2013 and have now developed a draft code for the community's review. The draft text



At 1,130 pages, Austin's new Land Development Code is designed to replace a little over 700 pages of the current code in a new Title 23. Photo by David King

was released in January 2017, and a map showing how the zoning may change development rights on individual properties is to be released next month. The new zoning map will be followed by four months of community review and several more months of review by the city's boards and commissions. Adoption by the City Council is now scheduled for April 2018.

Zoning as Social Contract

Webster's New World definition of "zoning" is "to mark off or divide into zones; specif., a) to divide (a city, etc.) into areas determined by specific restrictions on types of construction, as into residential and business areas, b) to limit to a certain use by designating as or placing in a zone." But there has to be more to zoning than simply dividing a city into different zones, right? If we look at zoning as a transaction, it is clear that zoning is

How to Connect with CodeNext

To see the entire draft code, go to the City website at austintexas.gov/codenext.

Click on "online comment tool" to comment on the code; it's a helpful way to provide the City with exact community responses to specific items in the code.

To learn about various topics, add these extensions to the /codenext page: /mobility, /community, /environment, /housing, /permitting. Or click on Transect Matrix, Zoning Framework Tables, Online Survey (to answer questions developed by city staff), Tracking Matrix (lists differences between the existing and proposed code).

The City is also sponsoring open house presentations on April 1, noon-2 pm, at Westwood High School, 12400 Mellow Meadow Dr. and

April 8, 2-4 pm, at Anderson High School, 8403 Mesa Dr. We hope that you will look at the proposed code and educate yourself on the issues that are most important to you and to the future of our neighborhood.

It is up to us to ensure that what we love about Zilker is maintained, protected, and enhanced by this new code.

part of a social contract between property owners and the community, a compromise between individual rights and community benefits.

We often hear complaints about zoning restrictions from property rights advocates who feel they should be able to build whatever they want on the property they own, since it is their property. It is true that landowners in, say, West Texas probably could do just about anything they want on their property, but if they wanted to develop the property for some use other than grazing cattle, like building an attractive city bustling with economic vitality, they would not only have to construct the buildings they wanted but would also have to provide everything that is usually called "public"


works. That includes all the infrastructure needed to support the development, such as roads, sewer and water systems, schools, hospitals, parks, and libraries. They would also have to provide a wide range of services such as garbage collection, police, fire, and EMS for the folks who are going to live in the new city. The cost would prohibit a single property owner or even a large corporation from realizing the development of an entire city on their own, so to create a city, there has to be a way to distribute the cost across a larger population.

In an incorporated city such as Austin, our governmental institutions (City of Austin, Travis County, Austin Independent School District, Austin Community College, Central Health, and Capital Metro) aggregate taxation on the entire community (primarily through property and sales taxes and fees). Those funds are used to pay for the systems that we all, including individual property owners, need to benefit from our city. By accepting and contributing to these funding mechanisms, the community provides a tremendous enhancement to the use of an individual's property. Public works, however, have limits. In exchange for community funding of all these services and infrastructure, individual property owners are constrained by zoning regulations, which are supposed to provide a commensurate community benefit without excess taxation.




That is the tradeoff that forms the foundation of the LDC. Zoning regulates property development to ensure that the community receives the benefits we all pay for. As the old adage says, there is no free lunch. The rules in the LDC make the lunch possible at a reasonable cost, but you cannot eat all you want! At the heart of zoning, therefore, is a social contract between the individual property owners and the community that benefits both, if it

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is a fair and balanced tradeoff. When we evaluate CodeNext, we must ask, is this new code fair to individual property owners and to the community? Is the social contract embedded in CodeNext beneficial for all of us, or does it represent a zero sum game, where some win but at the expense of others?

Zoning at Ground Level

When we focus on trying to govern future development, it's easy to lose sight of what is already on the ground. To help us understand recent changes and to prepare for the mapping phase of CodeNext, the ZNA Zoning Committee has been tracking land use in the neighborhood. That is the purpose of the map on the next page. It shows existing land uses along the Barton Springs Road and South Lamar corridors and in the interior of the neighborhood. Of particular interest is the mix of residential uses from multifamily (MF) to single-family (SF), showing the existing variety and diversity of housing in Zilker.

The ZNA Executive Committee is reviewing the LDC and will be providing a more detailed analysis of what the proposed code means for Zilker in the April *ZNews*. At the general membership meeting on April 24, we will present our analysis of the impact of the new code and mapping on the neighborhood.

Meanwhile, we hope you will get a head start on that issue, by checking out CodeNext for yourself online at austintexas.gov/codenext, or by attending one of the City's open houses. See page 2 for more opportunities to learn about the proposed code and to submit your comments directly to the City.

To help you navigate the draft LDC and compare it with the old code, here's a summary of the code's components.

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The Nuts and Bolts of the Zoning Code

CodeNext reorganizes the parts of the current LDC (Title 25) into 10 chapters in a new Title 23, described here within six general topic areas.

Topic 1. General Provisions (23-1) and Administration and Procedures (23-2), replacing Chapter 25-1.

These sections provide the legal authority for having an LDC, and the administrative and procedural rules for managing the implementation of the zoning regulations and enforcing the code. They include such provisions as the overall authority vested in our home-rule city by the state constitution and Local Government Code. From these authorizing statutes, this part of the code goes on to spell out its consistency with our comprehensive plan and the relationship with neighborhood plans; the roles and responsibilities of the city staff, our boards and commissions, and the City Council;

(Continued on page 6)

Zilker Neighborhood Land Use 2017

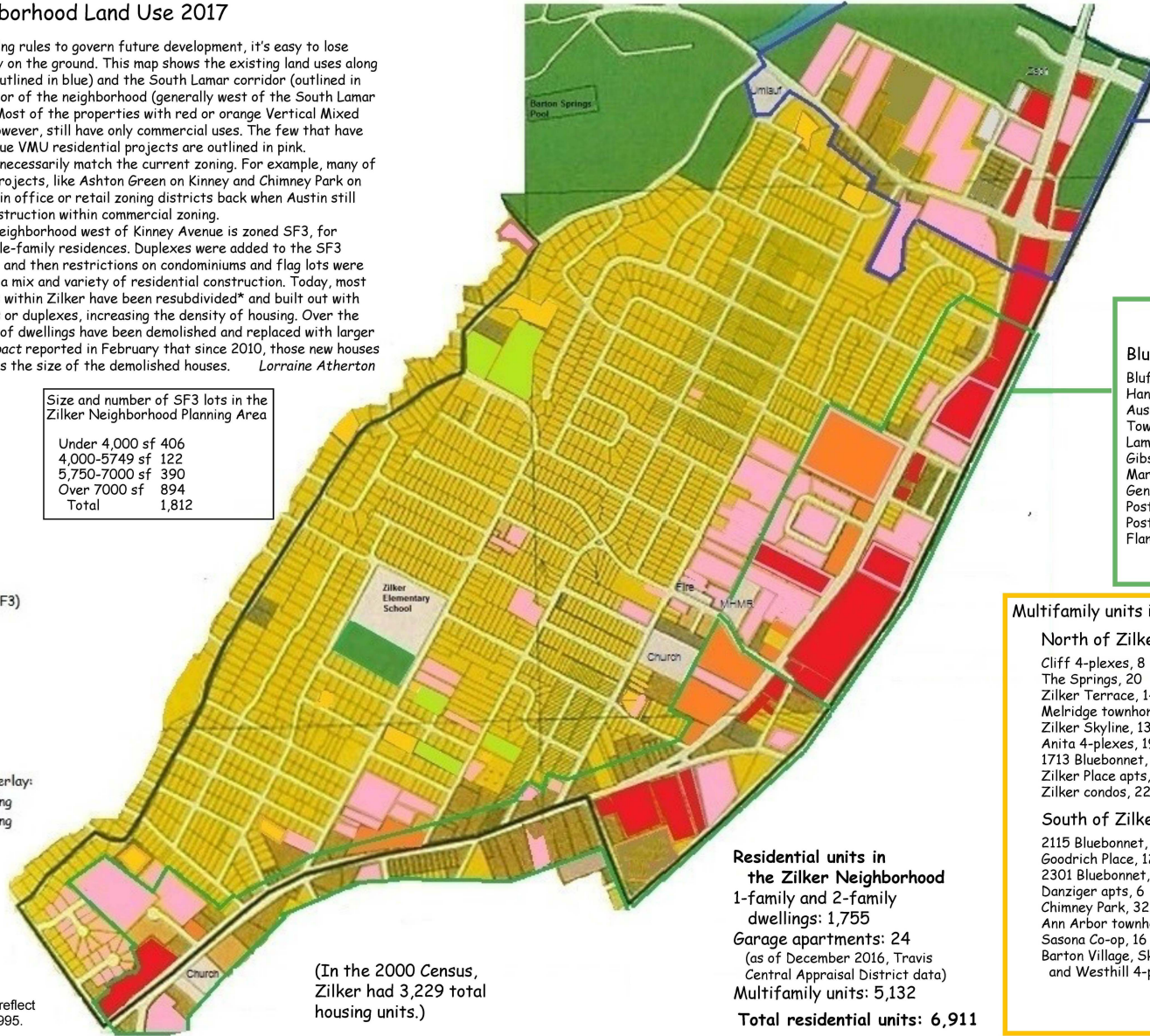
When we focus on making rules to govern future development, it's easy to lose sight of what is already on the ground. This map shows the existing land uses along Barton Springs Road (outlined in blue) and the South Lamar corridor (outlined in green) and in the interior of the neighborhood (generally west of the South Lamar commercial corridor). Most of the properties with red or orange Vertical Mixed Use (VMU) overlays, however, still have only commercial uses. The few that have been developed with true VMU residential projects are outlined in pink.

These uses do not necessarily match the current zoning. For example, many of the older multifamily projects, like Ashton Green on Kinney and Chimney Park on Bluebonnet, were built in office or retail zoning districts back when Austin still allowed residential construction within commercial zoning.

Almost all of the neighborhood west of Kinney Avenue is zoned SF3, for moderate-density, single-family residences. Duplexes were added to the SF3 zoning district in 1984, and then restrictions on condominiums and flag lots were loosened. The result is a mix and variety of residential construction. Today, most of the largest SF3 lots within Zilker have been resubdivided* and built out with more and larger houses or duplexes, increasing the density of housing. Over the same period, hundreds of dwellings have been demolished and replaced with larger houses. *Community Impact* reported in February that since 2010, those new houses have averaged 3.6 times the size of the demolished houses. *Lorraine Atherton*

| | |
|----------------|--------------|
| Under 4,000 sf | 406 |
| 4,000-5,749 sf | 122 |
| 5,750-7,000 sf | 390 |
| Over 7,000 sf | 894 |
| Total | 1,812 |

- ZNA boundary
- Current land use:**
 - Single family (SF3)
 - SF5 or SF6
 - Multifamily
 - Commercial
 - Office
 - Industrial
 - Civic
 - Park or Open
 - Undeveloped
- Vertical Mixed Use Overlay:**
 - VMU 60% parking
 - VMU 80% parking



Multifamily units within the Southbank subarea

- Zilker Park Lofts, 213 units
- Barton Springs apts, 40
- Coldwater apts, 227
- Pecan Grove RV, 93
- Barton Place, 273
- Bridges on the Park, 104
- Cole apts, 298
- Talisman, 63
- Villas of Lost Canyon, 32

Residential subtotal: 1,343 units

Multifamily units on South Lamar

| | |
|-----------------------------|----------------------------|
| Bluff to Collier | Collier to Manchaca |
| Bluff townhomes, 5 | Sage condos, 32 |
| Hanover, 340 | Historic mill, 5 |
| Austin Heights, 26 | Bouldin Creek apts, 43 |
| Townhollow apts, 77 | 2110 Kinney, 12 |
| Lamar Union, 448 | 2119 S. Lamar, 26 |
| Gibson Flats, 200 | 2119 Oxford, 4 |
| Mary Lee Foundation, 190 | Bluebonnet Studios, 107 |
| Genie Car Wash, 226 planned | Akoya condos, 64 |
| Post South Lamar II, 350 | Barton's Mill, 134 |
| Post South Lamar I, 298 | Bell South Lamar, 357 |
| Flamingo, 29 | |

Residential subtotal: 2,973 units

Multifamily units inside the neighborhood, from Rabb to Kinney

| | |
|--|---------------------------------------|
| North of Zilker school | On Goodrich |
| Cliff 4-plexes, 8 | 1107 Garner (Slacker) apts, 12 |
| The Springs, 20 | Zilker Place, 24 |
| Zilker Terrace, 14 | 2010 Goodrich townhomes, 14 |
| Melridge townhomes, 6 | 2016 Goodrich townhomes, 6 |
| Zilker Skyline, 13 | LaCasa apts, 20 |
| Anita 4-plexes, 19 | Allwood condos, 6 |
| 1713 Bluebonnet, 4 | Barton Skyline, 10 |
| Zilker Place apts, 23 | Metropole, 10 |
| Zilker condos, 22 | Goodrich apts, 13 |
| South of Zilker school | Holt apts, 2 planned |
| 2115 Bluebonnet, 8 | On Kinney, from Dexter to Nash |
| Goodrich Place, 120 planned | Ivy, 45 |
| 2301 Bluebonnet, 13 | Kinney Lofts, 25 |
| Danziger apts, 6 | Ashton Green, 63 |
| Chimney Park, 32 | Barton Ridge, 35 |
| Ann Arbor townhomes, 8 | Kinney 4-plexes, 8 |
| Sasona Co-op, 16 | 1700 Kinney, 2 |
| Barton Village, Skyway Circle, and Westhill 4-plexes, 88 | Lyric condos, 12 |
| | MHMR apts, 9 |
| | Barton Hills Assisted Living, 25+ |

Residential subtotal: 816

Residential units in the Zilker Neighborhood
 1-family and 2-family dwellings: 1,755
 Garage apartments: 24
 (as of December 2016, Travis Central Appraisal District data)
 Multifamily units: 5,132
Total residential units: 6,911

(In the 2000 Census, Zilker had 3,229 total housing units.)

* Base map does not reflect resubdivisions after 1995.

(Continued from page 3)

procedures for permit applications (subdivisions, site plans, and building plans) and associated fees; rules for public notice of zoning changes and establishing interested-party standing; rules for appeals of administrative and board or commission decisions; public hearing requirements for project approvals of permits and zoning changes; rules for interpreting the code vested in staff and the role of the Board of Adjustment; procedures for enforcement of the code and rules for vested rights.

Topic 2. General Planning Standards for All (23-3)

The special provisions here are taken from various parts of the current LDC. They govern development in all zoning districts, including specific requirements such as parkland dedication requirements for new development and associated fees, urban forest protections and the Heritage Tree Ordinance (from 25-8 subchapter B), water-quality regulations ranging from impervious cover and floodplain protection to the Save

Our Springs Ordinance (from 25-8 subchapter A), affordable housing programs.

Topic 3. Building Demolition, Relocation, and Historic Structures (23-7, formerly 25-11) and Signage (23-8, formerly 25-10)

These two sections also define regulations applicable to all developments, including requirements for demolition permits related to potential historic zoning cases, building permit rules and requirements when associated with a historic designation, provisions to prevent demolition by neglect, requirements for sign permits, with special requirements for some districts.

Topic 4. Transportation (23-9, formerly 25-6) and Infrastructure (23-10, formerly 25-7, 8, and 9)

These sections govern the relationship between private development and the supporting infrastructure provided by the city, such as control of street right of way and driveway, sidewalk, and trail construction; requirements for projects to provide transportation improvements based on traffic impacts; street design standards when a project develops a street that then is conveyed to the city; transportation impact analysis, road utility districts, connectivity, and mitigation requirements; utility extensions and cost-sharing provisions; water districts, out of district services, and bond issuance requirements; water and wastewater capital recovery fees, determination of service, and fee structure; reclaimed water reuse and drainage standards, drainage studies, floodplain determination.

Topic 5. Subdivision (23-5, formerly 25-4)

When a parcel of land is divided into small legal parcels, that process is termed a “subdivision” and is generally the starting point for all new

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development. Whether the project is a large tract subdivided into many single-family lots or an older larger lot that is redivided into just two smaller lots, the change is governed by these regulations: subdivision compliance, intent, and procedures; preliminary plans, final plats, and plat vacations (amending an approved plat in part or totally); platting requirements, property markers, easements, and alleys; resultant lot requirements and utility requirements.

Topic 6. Zoning (23-4, formerly 25-2) and Site Plan (23-6, formerly 25-5)

These sections get most of the attention when it comes to code revisions. They specify the dimensions and location of what can and cannot be built on any particular site within the city. In most cases of new construction, the city requires two steps. The project must first get a site plan approval (or a site plan exemption) and then a building permit. These chapters cover the relationship between the zoning districts defined in the text of the code and the zoning map, further detail on the administrative procedures of the zoning code, guiding principles for community design and open space, specifics of the various zoning districts and the introduction of the concept of transects and nontransect zones (much more on this in the next *ZNews*), conditional overlays (conditions tailored to a particular property, beyond the zoning requirements), special provisions such as lighting and parking requirements, other special regulations specific to unique circumstances such as docks and shoreline.

*Your neighbor,
Jeff Jack*

For ZNA membership, meetings, bylaws, and other information, visit zilkerneighborhood.org

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Newsletter of the
**Zilker Neighborhood
Association**

www.zilkerneighborhood.org

2009 Arpdale St., Austin, TX 78704

ZilkerNeighborhood@gmail.com

Editor: Lorraine Atherton,

512-447-7681

Ad Sales: Dave Piper,

512-520-2512

ZNA Officers:

President: Jeff Jack

1st Vice President: Dave Piper

2nd Vice President: Bobby Rigney

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