



CodeNEXT Draft 2 Comments

1. Four examples of allowing too much discretion to city staff and too little citizen input –

a) SMART housing & impervious cover—Guidelines allow Watershed Director to okay impervious cover of 50% on lots where he/she “determines the development will not result in additional identifiable adverse flooding on other property.” This places the burden on individual citizens to prove otherwise, yet most lack the expertise and money to hire experts to assess such situations. Variances from impervious cover limits should go before a land development or environmental commission.

b) Live/Work—Live/Work is allowed by right in RM3A, allowed with a MUP in RM2A, and allowed with a CUP in R2C. Would like to see current code’s rules for home offices maintained in residential single family zones. Would prefer to have CUPs required in RM2A and RM3A because allowing employees and retail sales in residential single family areas is too likely to be disruptive. Also, allowing staff to approve additional employees and the Planning Director to determine parking requirements in RM zones without input from residents gives too much discretion to staff. Would prefer that these questions be decided by the Planning or the Zoning and Platting Commission.

c) Bars in non-residential zones—CodeNEXT allows bars by right in MU3A, MU4B, and MS3A; with a MUP in MS3B; and with a CUP in MU2B. Would like for residents to have a say about bars locating our neighborhood. Would prefer requiring a CUP in all these zones.

d) Parking requirements waived--City staff can waive parking requirements completely in some situations. As stated below, given the volume and speed of traffic in our neighborhood, such reductions will increase safety risks for pedestrians and bicyclists and put property owners at higher risks of damages to property. Would like this waiver capability to be removed from CodeNEXT.

2. Footnote 1 in residential zones: “25’ lot width (min.) and 2500 sf area (min.) for lots existing at time of adoption of this Land Development Code.”—If interpreted literally, this footnote basically guts minimum lot sizes in residential zones. If its intent is to grandfather in existing small lots, then it needs to be reworded.

3. Outsized affordable housing bonuses in RM2A (18 + 27 bonus), RM3A (36 + 40 bonus), and MU2B (18+36 bonus)—bonuses that exceed the base unit allowance will encourage demolition of existing affordable multi-unit housing; also, increasing the number of units allowed within the same building envelope will result in replacing family-friendly multi-bedroom units with much smaller units. A priority in North Shoal Creek’s soon-to-be-completed

neighborhood plan is maintaining and protecting its existing affordable multi-family housing. These extremely large density bonuses will make it more difficult to achieve that goal.

4. Setbacks—some North Shoal Creek residences are adjacent to mixed-use and main street zones; this means that setbacks that protect the privacy of residents are extremely important. CodeNEXT establishes a 30' rear setback for building heights up to 75'. Instead, we would like to see the rear setback increase as building heights increase (e.g., 60' building= 40' setback; 75' building=50' setback). Also, side setbacks are consistently 15'; would like to see side setbacks match rear setbacks when adjacent to residences (e.g, 30', 40', 50').

5. Stepbacks—as explained under Setbacks (above), because residential lots in some areas back up to mixed-use and main street zones, stepbacks that protect the privacy of residents are very important. Would like to see the stepback in MS3A changed from 45' at 50-100' to 45' at 50-75' and over 75' set by zone standards.

6. Parking requirements reduced--CodeNEXT cuts residential parking requirements by half and lowers parking requirements in non-residential zones. North Shoal Creek's proximity to the Burnet and Anderson corridors means additional reductions of up to 40% are allowed. Finally, City staff can waive parking requirements completely in some situations. Given the volume and speed of traffic in our neighborhood, such reductions will increase safety risks for pedestrians and bicyclists and put property owners at higher risks of damages to property.