

# **JENNIFER FOR AUSTIN**

Austin City Council

District 10

## Land Development Code Rewrite

### Background

City Council passed the Land Development Code rewrite (formerly called CodeNEXT) in 2019. Homeowners opposed to the plan filed suit against the City, claiming the plan violated Texas law by changing zoning without regard to property owners' and nearby property owners' protest rights. District Judge Jan Soifer ruled in favor of the homeowners in March 2020, and the City of Austin has appealed this ruling to the State Court of Appeals. The new Code is on hold pending the outcome of this appeal.

### My Position on the Land Development Code

I oppose the Land Development Code as passed by the Council in 2019. The City should stop spending taxpayer money on appealing this loss and accept Judge Soifer's decision. Council should pass a new Land Development Code which better reflects the will of the affected communities.

I have four red lines in any rewrite of the Land Development Code:

1. I am opposed to increased density in District 10, other than considering allowing the addition of one accessory dwelling unit (ADU) per single family lot. The City zoning of SF3 throughout most of D10 allows for an ADU, but in the majority of our D10 subdivisions, the deed restrictions (which supersede zoning) do not allow for an ADU. Deed restrictions are intended to maintain the character of the neighborhood. It is irresponsible for the City to propose new zoning that is contrary to existing deed restrictions, when it's the individual homeowners - and NOT the City - who are responsible for bearing the legal expense to enforce the deed restrictions. The City Council should not be operating in that cavalier of a manner at our expense.
2. I am opposed to any decrease in the parking space minimum requirements. Presently in District 10, the minimum number of parking spaces required on SF3 properties is two spaces, but the Land Development Code now on hold went so far as to reduce that parking space minimum requirement to one space on-site. In other areas of town, that minimum requirement was dropped to zero! Anything that would exacerbate street parking or cause parking in the yards is a non-starter for me.

3. I am opposed to comprehensive rezoning of the entire city all at once. Further, the City Council should not try to pass a comprehensive new Land Development Code AND a new City-wide zoning map at the same time.

4. Rezoning cases need to continue to be considered on a case-by-case basis, and any Land Development Code rewrite must not take away proper notice to surrounding owners or take away property owners' or nearby property owners' legal right to protest. We should always aspire to preserve the unique characteristics of each neighborhood and to preserve the charm of our city. I'm FOR maintaining our property values and property rights, and I'm for maintaining the precious green space that we have left "inside the loop."