

Circle C Homeowners Association, Inc.
Q & A on Land Development Code Revision
Impact on Circle C Residents and Future Development

1. What is the Land Development Code Revision (previously CODE NEXT)?

All development in the City of Austin is regulated through the current Land Development Code which was established in the 1980s. In 2012, the City adopted the Imagine Austin Plan to project avenues for future growth. Part of Imagine Austin is to revise the current Land Development Code to meet the plan's objectives and update the code to current standards. For more information on the background, objectives and what is proposed, please access the City of Austin Land Development Code Website:

www.austintexas.gov/LDC

2. What Impact Does this Revision Have on Circle C Ranch Single Family Residential?

All but a few lots in Circle C are currently scheduled for the zoning designation **R2A**. This is proposed under the revision throughout the City, primarily for suburban settings such as Circle C.

This new zoning mirrors what is in place in many ways, **although it theoretically allows up to two units to be built on a lot, along with an accessory dwelling.** Setbacks from the sides, front and rear stay the same as they are now. The height limitation remains 35' as it is now.

However, anything built on an R2A lot has to comply with an impervious cover restriction of 45%. Impervious Cover is the amount of paved area, roof tops, and other surfaces that are impermeable and do not allow rainfall to get to the soils. **The vast majority of the homes in Circle C are already between 42% and 45% impervious cover, so it would be very difficult to add a second unit or an accessory dwelling.**

Further, the City of Austin has produced an opinion that **Homeowners Association's restrictions will stay in place and supersede zoning regulations if the Association chooses to enforce such.**

The CCHOA Covenants, Conditions and Restrictions include the following:

A Protective Covenant that allows only one detached single family unit per lot. This covenant prohibits duplexes, apartments, rooming houses, hostels, mobile homes, and trailers.

Square footage requirements—each subdivision in Circle C has regulations regarding the square footage of homes, minimums and maximums. All units on any lot would have to abide by these restrictions—i.e. an owner would not be able to tear down a home and put two tiny units on it, all units would need to meet the minimum square footages and stay within the 45% impervious cover limits.

Strong ACC review process. Every builder has to go through a stringent ACC review and many items are regulated, including masonry requirements, roof slope, overall design, etc. Any owner in Circle C is subject to the same requirements.

All of these regulations can be accessed at the Circle C Ranch website at www.circlecranch.com, under the Resources tab, Governing Documents.

3. How is the CCHOA participating in the process?

The CCHOA has been actively involved since this plan was presented on October 4, 2019. Representatives from the CCHOA have attended all public meetings for District 8, participated in an individual review session at the Hampton Library with City of Austin staff, and attended Paige Ellis's Town Hall.

The CCHOA Board of Directors submitted a written letter to the Mayor, City Council and City Staff addressing specific concerns. It was well received and representatives will be meeting with appropriate City Staff and Council Member Ellis's office in early January. It is the plan of the City to pass the first reading of the new code on December 9, 2019 and then work through the details with constituents before the second and third readings. Three readings and votes are required to pass the new code.

4. What is the focus of the CCHOA concerns?

The CCHOA Board and its representatives have reviewed the proposed map and draft code in detail. The concerns the CCHOA is bringing to the City are:

- Circle C is the product of two settlement agreements with the City of Austin, how are these being treated within the context of the LDC revision?
- Proper zoning for the Swim Center and Amenity Centers
- In Avana, some areas built out under SF-2 zoning are assigned interim zoning on the draft map. This seems to be an error.
- One phase in Greyrock has not been assigned zoning. This seems to be an error.
- A few lots on Escarpment have been designated R4 zoning. The CCHOA is actively asking questions about this, as the lots in the area are too small to build on that intensively. There are other limitations in this area (landscape easements, Heritage Trees, Circle C CCRs)
- Clarification on City of Austin requirements for accessory dwellings
- Clarification on zoning designations for the parks privately owned by the CCHOA.

5. What is an accessory dwelling?

An accessory dwelling is a small structure designed to accommodate a use such as a living space for in-laws, storage sheds, etc. In the new code, all lots in the City of Austin could have an accessory dwelling in addition to any allowed number of units in the zoning category. There are

many other restrictions, and you can access the full text at the City of Austin Land Development Code Revision Website.

Through the ACC process with strict guidelines, the CCHOA has allowed storage sheds, pool cabanas, and a few living spaces above existing detached garages. These have gone through the ACC process as required, and have had very little impact on the neighborhood as they blend into the existing architecture, etc. The CCHOA anticipates these kinds of improvements to continue, however, the existing CCRs would prevent most accessory dwellings.

6. Why are so many citizens protesting this revision to the LDC?

This is a controversial topic, particularly for homeowners located near the City center where higher density is proposed. The previous process for these types of ideas called CODE NEXT was finally called off due to numerous protests from Austin citizens. We anticipate this process to be contentious and we cannot predict the ultimate outcome. Due to our Settlement Agreements, Conditions, Covenants and Restrictions, Impervious Cover Limitations, and ACC review requirements, the Circle C neighborhood is not as affected as other neighborhoods.

7. What about the changes to zoning of the commercial property in Circle C?

The Commercial property in Circle C was zoned and developed or will be developed under the Stratus Settlement with the City of Austin. The CCHOA participated heavily in this development agreement, and has various agreements in place regarding setbacks, landscaping, building heights, etc.

The Commercial property has a green building covenant, impervious cover restrictions, a Community Commercial Association with covenants, conditions and restrictions, and specific letter agreements with the CCHOA. The CCHOA is clarifying the impact of the LDC revision on all of this.

8. What can I do to participate in this process?

The CCHOA encourages all residents to follow the process and become involved by accessing the information put out by the City of Austin and the CCHOA. The City of Austin has a robust way of gathering information from individuals and groups.

At this time, the CCHOA Board of Directors is getting more information from the City on the above topics, and the City is working with us on clarification and responding to our concerns.

The CCHOA will provide regular updates on the progress being made with City Staff and Council Member Ellis. If need be, a call to action from CC residents will be asked for, however, at this time the CCHOA has received good feedback from City Staff and we want to continue an open dialog to resolve the above issues.