

# AUSTIN LAND DEVELOPMENT CODE

## PC/ZAP Work Session

Administration and Procedures  
Under CodeNEXT Draft 2  
**November 7, 2017**

SHAPING THE AUSTIN WE IMAGINE



CODENEXT

NOV 7, 2017

# ADMINISTRATION AND PROCEDURES



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# Top 10 Issues

1



**Ineffective Base Zoning Districts**

2



**Competing Layers of Regulations**

3



**Complicated "Opt-in, Opt-out" System**

4



**Lack of Household Affordability and Choice**

5



**Auto-Centric Code**

6



**Not Always In Line with Imagine Austin**

7



**Lack of Usability and Clarity**

8



**Ineffective Digital Code**

9



**Code Changes Adversely Affect Department Organization**

10



**Incomplete and Complicated Administration and Procedures**

## What does Austin aspire to achieve by improving the administration and procedures of the code?

- Efficient and effective administration
- Ensure inclusive and transparent administration and approval processes
- Create better base zones to address the variety of Austin contexts across many places
- Establish legal basis of regulation and enforcement



## What adopted policies affect process and procedures?

### Complicated Process

- Lack of clarity and consistency in the decision-making process
- Lengthy and unpredictable review process
- Culture of continuously amending the LDC via:
  - Conditional overlays and
  - Neighborhood Plans (with separate Ordinances parallel to the Code



## What does D2 carry forward?

- Rezoning
- Text Amendments
- Conditional Use Permit
- Site Plan
- Appeals
- Variances
- Alternative Equivalent Compliance





## What new processes does D2 propose?

Processes	Not Modified	New
Rezoning	✓	
Text Amendments	✓	
Conditional Use Permit	✓	
<b>Minor Use Permit</b>		✓
Site Plan	✓	
Appeals	✓	
Variances	✓	
Special Exceptions	✓	
<b>Exempt Residential Standards</b>		✓
<b>Minor Adjustments</b>		✓
Alternative Equivalent Compliance	✓	



# CARRY FORWARD

## What new processes does D2 propose?

### Minor Use Permits (New)

- Approved by the Development Services Director
- Review criteria and conditions for approval include compatibility with the neighborhood, traffic mitigations, landscaping, performance standards, among others.
- Noticing required (same as a CUP)
- Can be appealed





# CARRY FORWARD

## What new processes does D2 propose?

### Article 23-2F: Quasi-Judicial and Administrative Relief

- Exempt Residential Uses and Structures (*New*)
  - Building Official issue Certificate of Occupancy for long-standing non-compliant residential structures
- Minor Adjustments
  - Address minor unforeseen construction errors – 10% max



# DRAFT 2 CHANGES

## What does D2 change and how is it better?

### Special Exceptions

Three types of special exceptions approved by the Board of Adjustments – provide relief to a property owner

- **Type 1 (Appeals Panel)** – facilitates context sensitive development; provides flexibility in a decision of the PC/ZAP Commission on an approved CUP for a new use *(new)*
- **Type 2** – relief for residential properties with longstanding code violations – minimal or no impact on surrounding areas *(existing)*
- **Type 3** – permits an existing use that was permitted by the City in error; no deceit or bad faith by applicant *(new)*



What does D2 change and how is it better?

- Modified application procedures to align with current City practice
- Requires that rules and interpretation memos be posted online
- Establishes new policy statement for future re-zonings



# DRAFT 2 CHANGES

## What does D2 change and how is it better?

### Variances

- Variances or Special Exceptions can be submitted earlier in the process

### Appeals

- Clarifies rules for determining deadlines
- Requirements for “communicating an interest” and “interested party” clarified
- Clarifies what types of decision may be appealed and to whom
- Eliminates redundant appeals and consolidates cases related to the same project
- Clarifies staff’s role to reject appeals that are “untimely” or do not meet procedural requirements



## What does D2 change and how is it better?

- Expands applicability of 'Limited Adjustment' process
- Clarifies procedures and deadlines for appeals
- Consolidates and improves noticing requirements
- Restored notice times to existing Title 25
- Differentiates legally defined 'interested parties' and 'registered parties'
- Provides information in user-friendly table format
- Authorizes use of e-mail for notice when legally allowed
- Board of Adjustment's (BOA) has an expanded role



## Help us get it right.

We invite you to review and comment on the draft code document, ask questions, and stay connected.

[www.austintexas.gov/codenext](http://www.austintexas.gov/codenext)

[codenext@austintexas.gov](mailto:codenext@austintexas.gov)

Review and comment on the draft code  
<https://codenext.civiccomment.org/>

Review and comment on the map  
<http://codenext.engagingplans.org/>

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