



LAND DEVELOPMENT CODE REVISION

SUPPLEMENTAL STAFF REPORT – NO. 4

To: Mayor & Council
From: LDC Revision Team
Date: February 28, 2020
Subject: **Proposed LDC Zone Conversion Table and Post-Adoption Planning Process**

As discussed at the special-called meeting on February 13, 2020, attached for Council’s consideration is a draft “Zone Conversion Table” and proposed criteria for converting existing Title 25 zoning districts into new zones included in the Land Development Code (“LDC”) Revision. This memo summarizes the table and provides recommendations for initiating different types of planning and zoning procedures following code adoption.

LDC Zone Conversion Table & Criteria

When cities adopt a comprehensive revision to an existing zoning code, the best practice is to define in table form how each existing zoning district is converted into one or more new zones. In general, the rules for zone conversion should be comprehensive and focused on broad categories of property, rather than on features unique to individual sites.

The draft Zone Conversion Table achieves this objective by specifying a “comparable equivalent” new LDC zone for each existing Title 25 zone, then defining through citywide criteria the conditions in which other zones may apply. Examples include the “missing middle” zones, which are applied as an exception to standard Residential 2 (R2) zones, as well as limited application of higher intensity Mixed Use (MU), Main Street (MS), and Regional Center (RC) zones.

To the greatest extent possible, the proposed zone criteria incorporate direction from the policy guidance report approved by Council on May 2, 2019, as well as the amendments approved at 1st and 2nd Reading. However, as previously indicated, the proposed criteria have been simplified and factors unique to individual properties have been omitted. As a result of these changes, the LDC Team has revised its recommendation regarding the application of a few zoning districts. The most significant changes include:

- Except for public property, the criteria no longer account for existing land use.
- Application of the missing middle zones is based on a simplified distance measurement from designated corridors and intersections, with reductions based on clearly identified factors. The result is a modest overall reduction in the application of the Residential Multiunit-1 (RM1) and Residential-4 (R4) zones to most corridor typologies.
- Application of the Downtown Core (DC) and Commercial Center (CC) zones is limited to properties currently zoned Central Business District (CBD) or Downtown Mixed-Use (DMU), which are the only zones for which DC and CC are comparable equivalents.

The revised zone criteria remain under review, and further technical refinements may be proposed in advance of 3rd Reading. However, the criteria capture most of Council’s existing policy direction, and staff recommends that Council use the Zone Conversion Table as a framework for considering further map revisions during the LDC Revision process. A revised zoning map implementing the table will be included in the 3rd Reading Draft.

Post-Adoption LDC Planning & Zoning Process

As discussed at 2nd Reading, Council may consider more refined area-level planning and rezoning initiatives following LDC adoption. To aid Council in considering these options, the following discussion summarizes different categories of potential initiatives and how they can be used to further policy objectives discussed throughout the LDC Revision process.

Refinement Process

The term “zoning refinement” emerged from discussion at 2nd Reading. As proposed by staff, refinement would consist of Council-initiated rezoning to address issues that are too individualized for the LDC Revision process, but not complex enough to require area-level planning.

The most common example of a zoning refinement is where application of “comparable equivalent” zoning perpetuates existing irregularities, such as split zoning or inconsistent zoning of adjacent parcels without a discernable rationale. Other examples of potential refinements include application of new zones to:

- Remedy particular types of nonconformity
- Preserve existing uses
- Address the needs of special purpose districts (i.e., municipal utility districts and public utility districts)
- Enhance development potential for underutilized properties, such as:
 - Large residential lots, for which units per acre (rather than per lot) is a more appropriate density regulation

- Particular type of corridor lots for which enhanced MU or MS zoning is appropriate
- Implement prior Council resolutions

For each of these topics, Council may wish to initiate a zoning case that would encompass all properties which satisfy the refinement criteria. Staff will be available to assist in identifying cases appropriate for the refinement process and to help Council define appropriate parameters. Additionally, a “Map Book Tool” will be provided to the Council to facilitate the refinement process. The tool will include a physical map for Council members to delineate proposed rezonings in an organized and trackable manner, along with a form to provide planning rationales and additional information for each rezoning.

Area-Level Planning

Per Council’s May 2nd policy guidance report, the staff report issued for the 1st Reading Draft summarized several considerations relevant to developing an area-level planning process. The LDC Team will be prepared to provide more specific recommendations for area-level planning at the work session scheduled for March 24, 2020.

In response to discussion during 2nd reading, staff has identified two categories of area-level planning efforts that can be considered following LDC adoption:

- ***Updates to Existing Plans***
 - Regulating Plans

The City’s current regulating plans are complex documents that in some respects operate as separate LDCs for particular areas. If the LDC Revision is adopted, its enhanced range of Mixed-Use, Main Street, and Urban Center zones will provide a better foundation for future regulating plans and avoid the need to develop entirely new regulations for each existing plan.

In considering future area-level planning initiatives, staff recommends that Council prioritize updating existing regulating plans to conform with the LDC Revision and thereby minimize continued reliance on existing Title 25. Based on a preliminary review conducted in 2017-18, staff determined that this would be a fairly straightforward process.

Additionally, Council may wish to initiate more significant updates to particular regulating plans, such as North Burnet Gateway, in order to enhance the development potential of regional centers. Staff supports prioritizing updates to existing plans over developing new regulating plans.

- The Downtown Austin Plan

As a result of substantial staff and stakeholder effort, amendments implementing the DAP’s recommendations for application of CC and DC zones in the northwest area of downtown have

been prepared. Following LDC adoption, Council may wish to consider initiating appropriate rezoning to implement these recommendations.

- ***Area-Level Planning***

The May 2 Council Direction outlined the need for district level planning and provided guidance for selection of planning areas, planning process criteria, planning process types, community engagement and triggers for plan updates. Staff strongly supports the need for district level planning to further implement the new Land Development Code.

Staff recommends that, before beginning specific area-level planning initiatives, Council establish a process for reviewing the City's existing area-level planning procedures and identifying alternative methodologies based on the practices of peer cities. Conducting a comprehensive review that focuses on the goals and objectives of area-level planning will help to ensure that future area-level plans are compatible with the LDC Revision and further the goals of the Imagine Austin Comprehensive Plan.