

# From Here to There: Setting a Path for Austin's Code

CODE APPROACH ALTERNATIVES & ANNOTATED OUTLINES | SEPTEMBER 4, 2014 | EVENT HANDOUT

## Frequently Asked Questions



### What is the difference between a plan and the Code?

Plans are visionary and aspirational. They identify what the community would like to be in the future and set forth steps to achieve that vision. Codes are a set of regulations that govern how the community grows and develops and are one tool used to implement plans.

The Imagine Austin Comprehensive Plan, which was unanimously adopted by the Austin City Council in June 2012, identifies our community's vision and the need to update our development regulations which are known as the Land Development Code (LDC). CodeNEXT is the project to revise the Land Development Code and is, as mentioned above, one tool to implement Imagine Austin.

### Why is the Land Development Code being updated?

The LDC is being updated for many reasons. First, the last time the Land Development Code was thoroughly reviewed was in 1984. Since that time the code has been amended literally hundreds of times. While many of these amendments included needed changes, over time the code has become overly complex, confusing, and difficult to use for all parties. Second, our code hasn't kept up with many current issues such as the concept of sustainability and the need for affordable housing for residents at all income levels. And finally under the Austin City Charter, the equivalent of the city's constitution, our development regulations must be based on, and consistent with, the comprehensive plan and any other plans adopted by the City Council.

### What is an Approach Alternative?

An approach alternative is a general framework or outline to revising the land development code. The Approach Alternatives & Annotated Outlines Document is comprised of three approaches identified by the CodeNEXT Team, resulting from professional analysis and community input from the last twelve months.

Each Approach consists of three key elements that must be considered in the creation of the overall Approach Alternatives. Each of these elements impacts the clarity and usability of the LDC. Several options for implementing each element are presented and rated based on a set of defined criteria. The three elements and the options for each element are:

**Code Format & Organization**—how the LDC is formatted and organized.

- Revised Format and Organization
- Replacement Format and Organization

**Development Review Models**—how the LDC is used to evaluate and permit development projects.

- By-Right
- Discretionary
- Customized Zoning

**Development Standards Models**—what type of standards comprise the LDC.

- Euclidean or use-based
- Performance-based
- Form-based, or
- Hybrid

More detail on the three Approach Alternatives and the Elements is provided on the reverse side of this document.

### What are the Development Review models?

Development Review models determine how the code is used to evaluate and permit development projects. The three models are By-Right, Discretionary, and Customized Zoning.

In a by-right system, development applications that comply with zoning can move to the building department/permit quickly. This system is most effective when careful attention is taken to create clear development standards that will provide predictable built results.

In a discretionary review system, a permit is issued at the "discretion" of the review authority (i.e. staff or Planning Commission). In this system, standards are generally less specific and leave more room for interpretation, thus requiring a more extensive, and sometimes more subjective review process to ensure the intent is met.

In a customized zoning system, new and independent regulations are necessary to successfully regulate major projects. These new regulations are not coordinated with the overall LDC. An example of Customized zoning is a Planned Unit Development (PUD)



## What are Development Standards Models?

Development standards determine what a code regulates, and how it regulates those items. Generally the different methods for creating development standards can be classified into three categories: Euclidean or use-based zoning standards, performance-based zoning standards, and form-based zoning standards.

**Euclidean-based zoning standards**, also sometimes called use-based zoning standards, focus on use separation and simple height/bulk standards. Euclidean zoning limits uses in undesirable locations rather than encouraging uses in desired locations.

**Performance-based zoning standards** focus on the impacts of use and are more complex than Euclidean-based standards. Performance zoning is still based on limiting an undesired effect; however, it allows for a more precise application of limits than conventional zoning.

**Form-based zoning standards** focus on building form and public space. Form-based zoning standards go beyond simply limiting an undesired effect by encouraging appropriate building scale and form in places where a specific type and form of development is desired.

## What is a Hybrid Model?

A hybrid code standards model uses a mix of Euclidean-based, performance-based, and form-based standards. The hybrid approach typically applies Euclidean-based standards to single use contexts that best benefit from the strengths of the development standards model, such as office parks and auto-oriented regional shopping malls. In contexts where a mix of uses is desired, where the form of development is of a high priority, and/or where a high level of coordination between land uses and transportation planning is required, form-based standards may be appropriate. Performance-based standards, such as standards regulating maximum noise levels, water quality, tree protection, and impervious coverage, would apply where they are needed in different parts of the city, much in the way they apply today.

## What does picking an Approach decide?

Picking a Code Approach sets the framework on which subsequent decisions about the content of standards and process will be based. This framework sets the direction for what the CodeNEXT team will explore regarding the format and organization of the LDC, the ways in which development applications are reviewed and standards are administered, and the mix of development standards that will be crafted. Each of the approach elements can be understood as dials whose settings determine the extent to which each element is incorporated into each approach alternative. These dials can be adjusted as the new City Council takes office and as discussions with Austinites continue in the next phase of the CodeNEXT project.

## What does picking an Approach not decide?

Selecting a Code Approach does not change any standards, revise zoning districts, or create new zoning districts within the LDC. Instead it picks a direction for the CodeNEXT team to explore with Austinites. Decisions on what standards remain the same, what standards change, where standards apply across the city and how they are administered will be explored during the next phase of the CodeNEXT project. Picking an approach does not decide where new or revised zoning districts will be mapped or assigned to specific parcels of land. Decisions on where the new or revised zoning districts are mapped will occur after new zoning districts are crafted. At the same time that the new draft zoning districts are being reviewed by the public, the CodeNEXT team will begin testing how the new zoning districts can be mapped. Ultimately City Council will decide how the new districts are mapped.

## What are the three Approach Alternatives?

The three Approach Alternatives are:

### Approach 1: Brisk Sweep

Approach 1 provides clean up of the existing LDC with targeted refinements, but does not make any major structural or organizational changes. Under this approach the organization of the Code is minimally revised and reorganized only to address the most urgent usability issues. Form-based standards would have limited application, primarily to future small area plans. Combining districts are compressed where feasible, though most will remain in place. Some zoning districts are removed and new zoning districts are added.

### Approach 2: Deep Clean

This approach would substantially improve the appearance, usability and consistency of the Code through a significant reworking of its content and structure. Approach 2 provides a balanced mix of by-right review, customized zoning, and discretionary review where appropriate. Through careful refining and vetting of development standards, this approach will establish Form-based standards for walkable urban contexts, Euclidean-based standards for drivable suburban areas and maintain many of the Performance-based standards that exist today.

### Approach 3: Complete Makeover

Approach 3 provides the most extensive modifications to the LDC. This approach improves the appearance, usability, and consistency of the existing LDC by significantly reworking its content and structure. Development standards would be refined to the point that would allow for a development review process that relies primarily on by-right review. Performance-based and some Euclidean-based standards will remain. Combining districts are compressed where feasible. Form-based standards will be created and applied widely across the city.



## What is the recommended Approach and how was it chosen?

The CodeNEXT Team recommends approach 2 as the best choice in regard to implementing Imagine Austin, to fixing problems that have been identified throughout the CodeNEXT process, and that best reflect the desires of the community received to-date.

The recommendation is based on all the input received to date. This process started with informal outreach in late 2012, and officially kicked off with 9 months of Listening and Understanding. Part of our job is to provide Austin with our best professional recommendation, based on our experience and community input, on a way forward.

## How does the Listening to the Community Report inform the Approach Alternatives?

The Listening to the Community Report summarized community-wide conversations that explored what is working well and what needs to be improved in the places where Austinites live, work, and play, and how the City's land development code can be most effective as a framework for improving quality of life. Based partially on the input gathered by this report the CodeNEXT team developed a series of Approach Alternatives that address the issues raised by the community.

## How will the Approach Alternatives affect issues identified in the Code Diagnosis?

While the code revision will ultimately address all of the top ten issues identified in the Code Diagnosis, the Code Approach Alternatives vary in the degree to which they address some of the issues. Because each approach proposes a different set of new or updated tools for the LDC, the tools available for addressing the issues identified in the Code Diagnosis will be different, depending on which approach alternative option is ultimately pursued.

## Some approaches propose using both by-right and discretionary development review. How would this work?

Approaches 2 and 3 are hybrid codes with both form-based and conventional zoning standards. Because form-based zoning is more prescriptive, more applications can be processed "by right," with limited or no discretionary review. Traditionally, conventional zoning has relied on discretionary review because the regulations are not tailored to local conditions. In a hybrid code, form-based zoning will often be recommended for areas that the community wants to function as "walkable urban" areas. Such areas typically have building frontages close to the sidewalk (with no parking between the building and the street) that define and activate the street at a pedestrian scale. These conditions are well suited to clearly defined standards that require no discretionary review. In "drivable suburban" areas, more flexibility in building setbacks from the street may be appropriate and even necessary in some cases, so conventional zoning (that relies more on discretionary review) may be recommended for those areas of the City.

## The current LDC lacks clear process and approval criteria for discretionary review. Will the new code include clearer instructions for review processes?

The lack of standardization of permit requirements is an issue in the LDC, as discussed in the Diagnosis Report (Section 5.2). The intent for approaches 2 and 3 is to remedy this issue by clarifying permit procedures and the roles and responsibilities of each review authority and identifying opportunities for streamlining reviews. We would propose that the LDC update provide information on permit application requirements, hearings/noticing, review authorities, required findings, conditions of approval, permit timelines/extensions/ expirations, and other relevant information.

## How much does selecting a preferred approach lock in the process?

Selecting an approach will lock in a decision to the extent that the CodeNEXT Team will move forward with code format changes. There is a clear distinction in approach 1 for cleaning up the current format as opposed to entirely changing the code format in approaches 2 and 3. Otherwise, selecting an approach does not lock the future process in a specific state; rather it allows the team to assess the required level of effort that will be needed in specific areas moving forward.

## Can we mix and match the Approach elements?

The Code Approach and Alternatives document is structured to provide a general framework and guidance for moving forward in drafting a new code. There is a level of flexibility and adjustment within each approach to decide how extensively to address specific changes. Because each approach varies in specific ways, the CodeNEXT Team discourages mixing and matching the Approach elements; once an approach is selected, specific changes can be fine-tuned with further direction from community members and City Council.

The Report recommends moving toward more of a By-Right Development Review Model. Does By-Right Development Review result in less of a public process, and why would we want to turn that over to staff?

A level of discretionary review would be involved in the by-right review process. A threshold within the by-right review process would need to be determined at which a discretionary process would be triggered, without convoluting or undermining the purpose of by-right review.



## What is the difference in cost between approaches 1, 2 and 3?

Based on the extent of efforts required for mapping as well as specific regulations in each approach, Approach 1 would be the least expensive, closely followed by Approach 2, and Approach 3 would be the most expensive.

## How much time will the public have to review the Approaches?

The Code Approach Alternatives is anticipated to go before City Council in a public hearing on October 23, 2014, following a series of presentations to boards and commissions in September, 2014. In the spring of 2015 the new City Council will be given an opportunity to provide additional guidance on the Code Approach.

## What are you doing with the public input received on the Approach Alternatives?

We are compiling it for the Code Advisory Group, Planning Commission, and City Council. Additionally, it will help guide the work of revising the regulations next year.

## How can I make sure my view is heard and taken into account?

We encourage community members to submit viewpoints or issue papers, attend public hearings by the Planning Commission and City Council, and participate online at [SpeakUpAustin.org](http://SpeakUpAustin.org).

## How will CodeNEXT improve the permitting process?

Separately from CodeNEXT, Zucker Systems is in the process of analyzing the Planning and Development Review Department and the processes that are used for permitting. Their focus is on short-term improvements that can be made under the existing code. Once they have concluded their research, CodeNEXT will closely coordinate with Zucker Systems in learning how to manage the new code as well as any training that would need to occur to improve the permitting process.

## What happens next?

Once an approach is selected, the CodeNEXT team will begin developing the new code based on policy direction from Imagine Austin, adopted neighborhood plans and master plans, Council policies, and input received from the public. As specific content is drafted, the draft code will go through an iterative process that includes the public, stakeholder groups, the Code Advisory Group, and boards and commissions. Adoption of a new code by City Council is anticipated to occur in the fall of 2016.



## Beginning in 2015

### Discuss Issues and Themes: CodeTALKS

During the drafting of the Code, a series of CodeTALKS will be held to discuss issues and themes raised by the public and staff. The input received in the Listening to the Community Report, the Code Diagnosis and the Community Character Manual will be used as starting points for community discussions on topics and issues.

### Revising and Crafting New Standards

The development of the new Code will be based on policy direction from Imagine Austin, adopted Neighborhood Plans and master plans, Council policies such as Complete Streets, and input received from the public.

### Discuss and Revise Proposed Standards

As specific content is drafted, the Code will go through an iterative review process that includes the public, stakeholder groups, the CAG, and boards and commissions.

### Adoption

After revising the proposed standards, the completed Code will go through a community review process to include stakeholder groups, the CAG, boards and commissions, and City Council.

### Mapping of Revised and New Zoning Districts

Once the new Code is adopted new zoning districts will need to be applied or "mapped" across the city. The mapping process will be defined as the Code is being revised.

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## How To Stay Involved

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