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

Code Approach Alternatives & Annotated Outlines Document
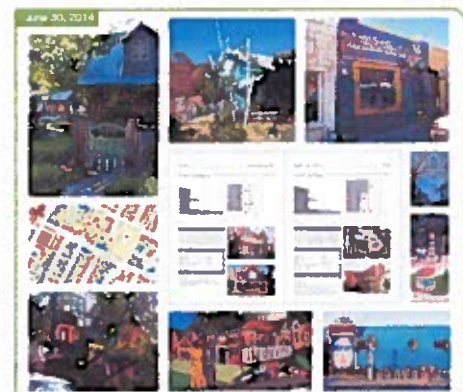
Public Review Draft

Presented by:
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Presented:

Planning Commission

September 2014

Code Approach Alternatives & Annotated Outlines
Austin Land Development Code Update

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What choosing an approach does and does not do:

Selecting an approach...

Does

✓ **Set a framework**
Creates parameters to guide the revision of the LDC.

✓ **Allow for future flexibility**
Future City Council will have opportunity to reaffirm selected Approach.

✓ **Establish a road map for updating the code**
Chooses a direction for the CodeNEXT team to explore with Austinites.

Does Not

✗ **Change existing regulations or policies such as neighborhood plans**
Does not say which regulations will be kept, replaced, or removed.

✗ **Revise zoning districts, neighborhood plans or create new districts**
No recommendation of districts.

✗ **Decide where new or revised zoning districts will apply within the City**
Code Approach does not provide direction for mapping.

Overview of the Project
Chronology of Events

2012   **2013**   **2014**

June: Council unanimously adopts Imagine Austin

November: Council briefing on process to revise Austin's LDC

January: Informal Outreach with key stakeholder groups

February: Code Advisory Group created

March: Council selects Opticos Design as lead consultant

2013 - 2014: Listening to the Community

Overview of the Project
Chronology of Events

2014

April: Listening to the Community Report

May: Code Diagnosis. Council work session on Code Diagnosis; Community Character Manual; Compatibility

June: Code Diagnosis Report; CodeTALK on Alternatives Report

September: Approach Alternatives Report

October: Council selects Approach Alternative

Overview of the Project
Chronology of Events

2015   **2016**

March/April: Council Confirmation of Approach

2015-Mid 2016: Drafting process with feedback to revise LDC; CodeTALKS on Issues; Review of Draft Standards.

Overview of the Project
Chronology of Events

2016

2017

Summer/Fall: Code adoption process begins

Late 2016 - 2017: Mapping of new code

Code Standards in Effect

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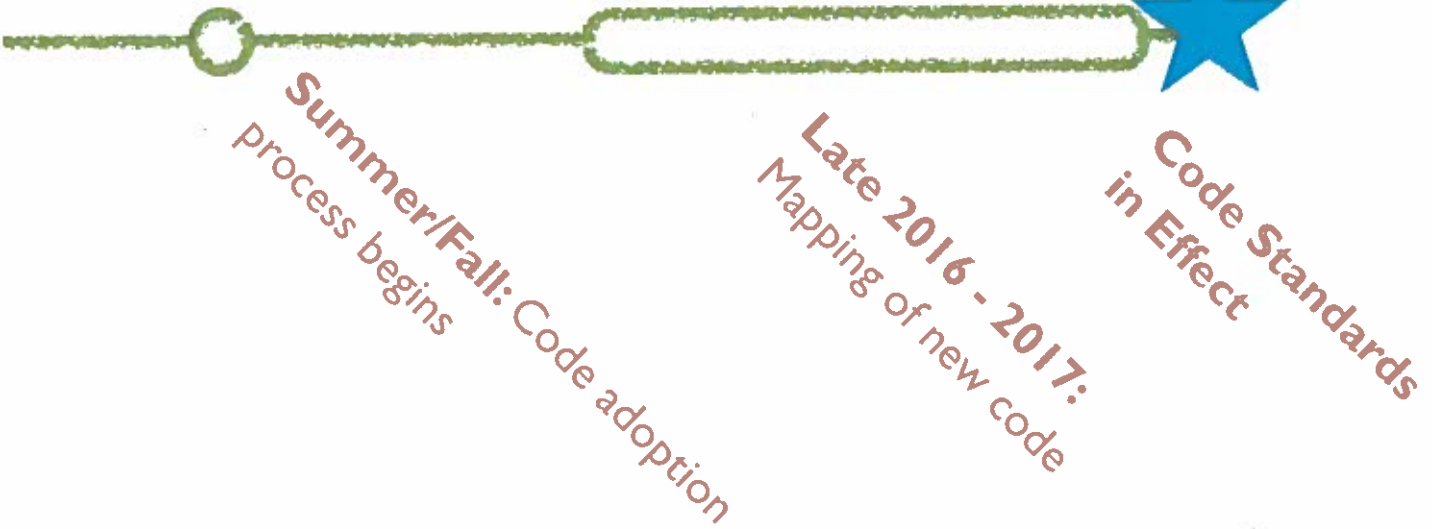
Current State of the Code and Where Austinites Want to Be

Existing Code	Future Code
Ineffective in Implementing Imagine Austin	Supports Creation of Complete Communities and Implementation of Priority Programs
Complicated and Inefficient	Streamlined and Understandable
Unpredictable, Unclear, and Conflicting	Predictable Outcomes
Difficult to Implement and Administer	Transparent, Consistent Processes
Based on Community Values	Based on Community Values

The Three Approach Alternatives Explored

1. Brisk Sweep
2. Deep Clean
3. Complete Makeover

Approach Alternative 1
The Brisk Sweep:

- **No major structural/organizational change**s to the Code.
- **Clean-up** of the existing LDC.
- **Targeted refinements.**
- **Addition of a Form-Based Code** that will have **limited application.**
    - Primarily to future small area plans.

Approach Alternative 2 [Recommended Approach]
The Deep Clean:

- **Significantly reworks content and structure**.
- **Substantially improves** the appearance, usability, and consistency of the existing LDC .
- Citywide framework for form-based standards will be created and applied to a **limited number of interested communities.** But Allow for easy future applications.
- Hybrid nature allows for **balanced mix** of by-right review, customized zoning, and discretionary review where appropriate.
- Combining districts compressed where feasible.

Approach Alternative 3
The Complete Makeover:

- **Most extensive modifications** to the existing LDC.
- **Significantly reworks content and structure.**
- Development standards include **significant form-based standards. Applied widely** across the city.
- Development **review process relies primarily on by-right review.**
- Combining districts are compressed where feasible

Elements that Form an Approach

1. Code Format & Organization
2. Development Review Models
3. Development Standards Models
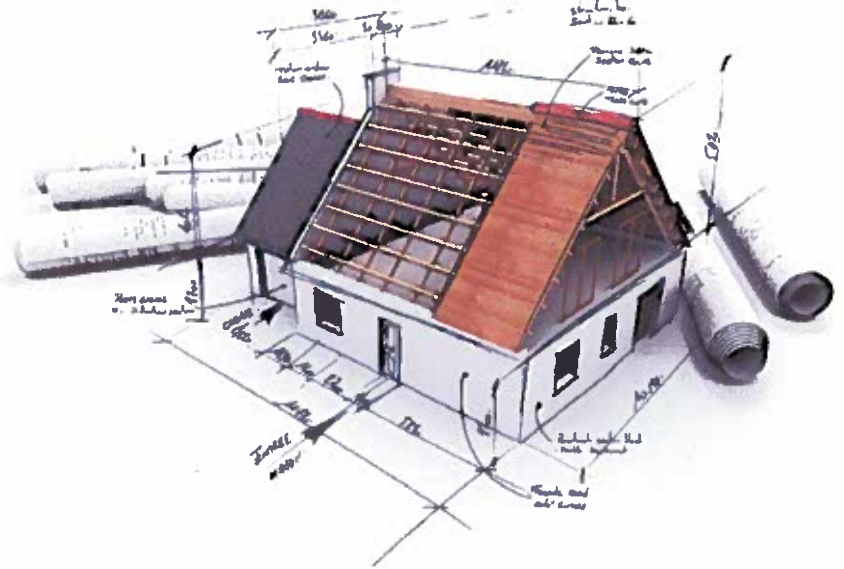
# Criteria to Evaluate Elements of Code Approaches

1. Effectiveness
2. Clarity
3. Consistency
4. Predictability
5. Simplicity
6. Ease of Implementation
7. Ease of Administration
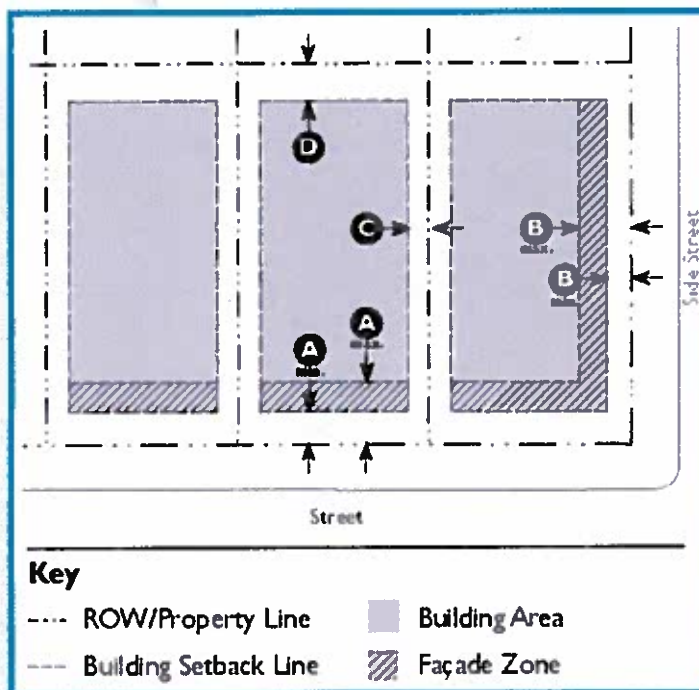
Code Format and Organization:
Code Format

- Format refers to the way information is laid out on a page;

  size and style of text, indenting, clear graphics, tables, and paragraph structure help to make information easy to find and understand.
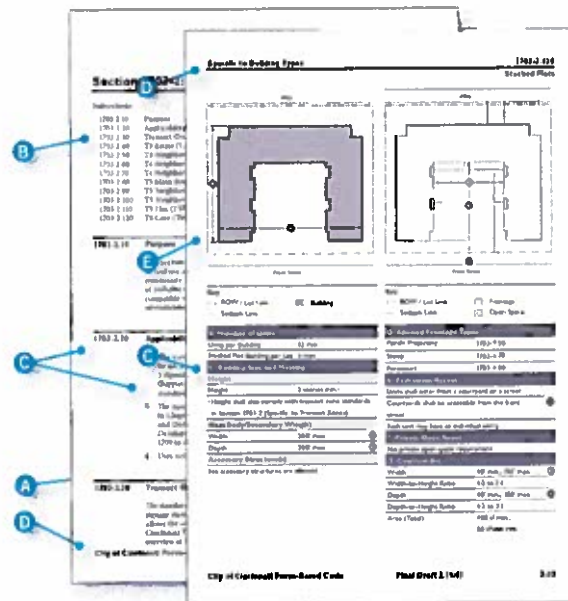
A Clear break between major portions of code.

B Table of Contents in each new section.

C Clear indenting, section breaks, and labeling.

D Strong headers and footers explain where you are in the document.

E Clear graphics and illustrations visually explain regulations.

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Example of "Best Practices" for Usability and Clarity in Codes

Key

--- ROW/Property Line   ▢ Building Area

--- Building Setback Line   ▨ Façade Zone

Tables and diagrams make information easy to find and simple to understand.

C. Building Placement

Setback (Distance from ROW/Property Line)

| Principal Building		
Front[1]	20' min.; 30' max.	**A**
Front Façade within Façade Zone	50% min.	
Side Street/Civic Space	12' min.; 25' max.	**B**
Side	5' min.; 12' min. combined	**C**
Rear	25' min.	**D**
Accessory Building or Structure		
Front	20' min.	
Side	3' min.; 6' max.	
Rear	3' min.	

[1] The setback may match an existing adjacent building as follows: the building may be placed to align with the façade of the front most immediately adjacent property, for a width no greater than that of the adjacent property's façade that encroaches into the minimum setback.
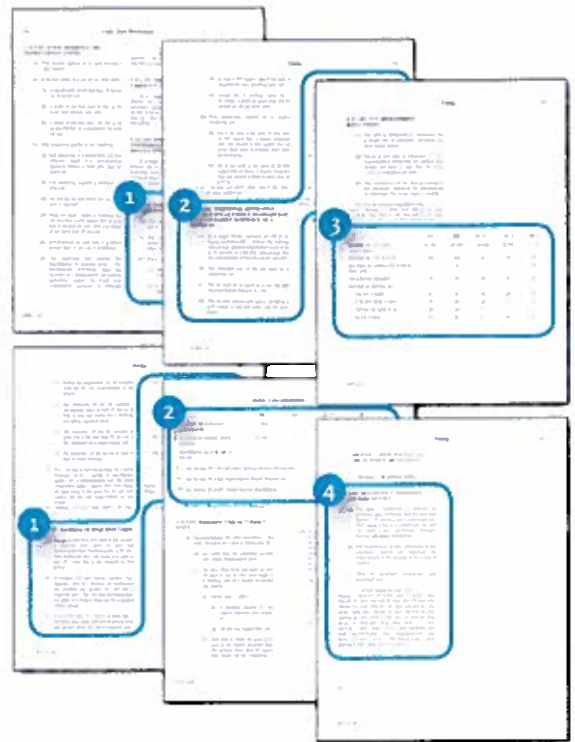
Code Format and Organization:
Code Organization

Organization refers to the way information is arranged within the overall code document (the table of contents).
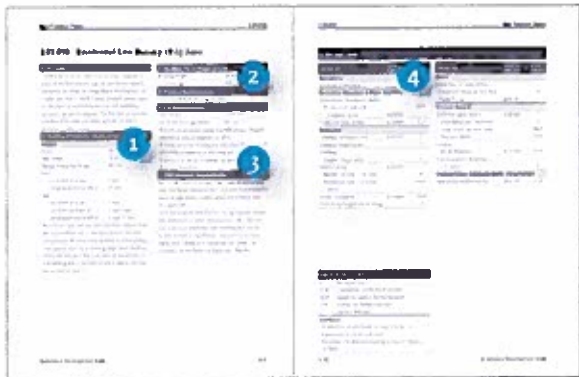
Potential Code: one location for all of the same regulations.

Existing Code: Many different locations to look for basic regulations.

Code Format and Organization Options:
Comparing Options

Models	Effectiveness	Clarity	Consistency	Predictability	Simplicity	Ease of Implementation	Ease of Administration
1 | REVISED CODE FORMAT AND ORGANIZATION	○	○	●	○	○	●	○
2 | REPLACEMENT CODE FORMAT AND ORGANIZATION	●	●	●	●	●	○	●

Key: ● High Level ◐ Medium Level ○ Low Level

- **Replacing** the code format and organization will produce a document that is:
  - **Substantially more simple to use** than revising code format and organization.
  - More **clear and predictable.**

Approach Elements:
Development Review Models

- Process by which development applications are submitted, evaluated, and ultimately approved or denied. Or more simply, **"how do you use the code."**

- The **length of the review process**, the number of review loops, and the **subjective or objective** nature of the process should be kept in mind.

- In any of the development review models, careful consideration should be given to the development standards to ensure predictability in the built results.

Approach Elements:
Development Review Models
1. By-right (Standards-based)
2. Discretionary Review
3. Customized

Development Review Models:
1. By-Right (Standards-Based)

Models	Effectiveness	Clarity	Consistency	Predictability	Simplicity	Ease of Implementation & Administration
1 I BY-RIGHT (STANDARDS-BASED)	●	●	●	●	●	●

Key: ● High Level ○ Medium Level ○ Low Level

- 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 **clear development standards** provide **predictable built results.**

  - This can be applied to any Euclidean, performance or form-based standards.

- Example Administrative Site Plan Review.

Development Review Models:
2. Discretionary Review

Models	Effectiveness	Clarity	Consistency	Predictability	Simplicity	Ease of Implementation & Administration
2 I DISCRETIONARY REVIEW	●	○	○	○	○	○

Key: ● High Level   ○ Medium Level   ○ Low Level

- **Standards are less specific** and allow for more interpretation.

- Requires a **more extensive**, and **sometimes subjective review** process to ensure the intent is met.

- Projects often undergo **multiple review loops** to obtain approval.

- Permits are **issued at the "discretion"** of the review authority.

- Example Sub-chapter E: Alternative Equivalent Compliance.

Development Review Models:
3. Customized Zoning

Models	Effectiveness	Clarity	Consistency	Predictability	Simplicity	Ease of Implementation & Administration
3 I CUSTOMIZED ZONING	○	○	○	○	○	○

Key: ● High Level ○ Medium Level ○ Low Level

- 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.
- **Hard to administer** in the long term.
- Examples are planned unit developments **(PUD)** and small area plans **(regulating plans).**

Development Review Models:
Comparing Development Review Models

Models	Effectiveness	Clarity	Consistency	Predictability	Simplicity	Ease of Implementation & Administration
1 | BY-RIGHT (STANDARDS-BASED)	High Level	High Level	High Level	High Level	High Level	High Level
2 | DISCRETIONARY REVIEW	High Level	Low Level	Low Level	Low Level	Low Level	Low Level
3 | CUSTOMIZED ZONING	Low Level	Low Level	Low Level	Low Level	Low Level	Low Level

Key: ● High Level   ○ Medium Level   ○ Low Level

- **By-Right** achieves the **best scores** using these criteria.

- Discretionary Review can be **very effective in targeted applications**, especially when a clear process and criteria are defined.

- Customized Zoning achieves the weakest scores when assessed using these criteria.

Approach Elements:
Development Standards Models

- Development standards determine **what and how a code regulates**.

- Also affect the **efficiency** of different development review.

Approach Elements:

Development Standards Models

1. Euclidean Zoning Standards;
2. Performance Zoning Standards;
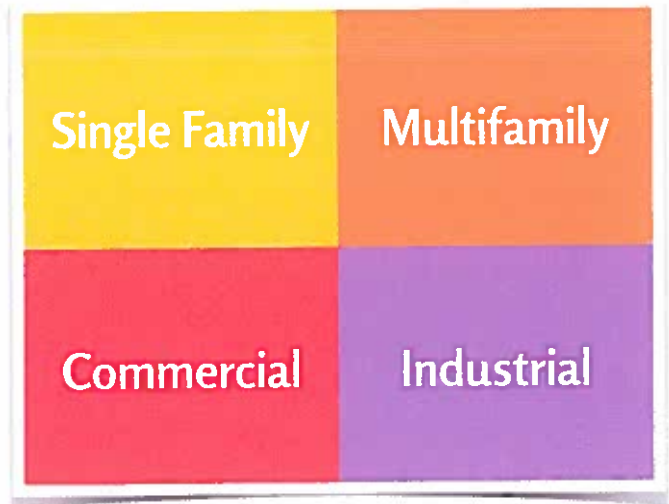3. Form-Based Zoning Standards; and,
4. Hybrid code.

Development Standard Models:
1. Euclidean Zoning Standards

Models	Effectiveness	Clarity	Consistency	Predictability	Simplicity	Ease of Implementation	Ease of Administration
1 | Euclidean Zoning Standards	●	●	●	○	●	●	○

Key: ● High Level   ◐ Medium Level   ○ Low Level

- Zones and code structure **based primarily on desired uses** Focus on use separation.
- Also sometimes called **use-based zoning** standards.

Single Family	Multifamily
Commercial	Industrial

Development Standard Models:
2.Performance Zoning Standards

Models	Effectiveness	Clarity	Consistency	Predictability	Simplicity	Ease of Implementation	Ease of Administration
2 | Performance Zoning Standards	●	○	●	●	○	○	○

Key: ● High Level ○ Medium Level ○ Low Level

- Regulates the **effects or impacts** of a proposed development or activity on the community. **Goal Oriented**

- Less specific standards, providing more flexibility, but often complex formulas that are hard to understand.

- Often used to protect natural resources.

- Performance standards can be negative or positive.
  - Ex. They can set a **maximum level for the noise** impacts or they can require **specified types of buffers** to be established between certain types of land uses.

Development Standard Models:
3. Form-Based Zoning Standards

Models	Effectiveness	Clarity	Consistency	Predictability	Simplicity	Ease of Implementation	Ease of Administration
3 | Form-Based Zoning Standards	●	●	●	●	●	○	○

Key: ● High Level ◐ Medium Level ○ Low Level

- Zones and code structure **based primarily on desired form** rather than desired use.

- Focus on building form and **public space.**

- Typical Standards:
  - Build-to-Lines;
  - Broad Approach to Uses (still has allowed use tables);
 - Frontages and Building Types; and,
  - Thoroughfare Standards.

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Development Standard Models:
4. Mix of Zoning Standards (Hybrid Code)

Models	Effectiveness	Clarity	Consistency	Predictability	Simplicity	Ease of Implementation	Ease of Administration
4 | Mix of Zoning Standards (Hybrid Code)	○	○	○	○	○	○	○

Combination and **careful coordination** of the best of conventional, performance and form-based elements.
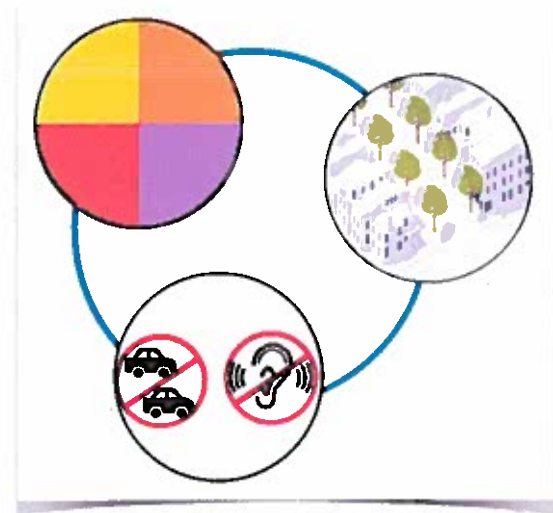
Development Standard Models:
Comparing Models

Models	Effectiveness	Clarity	Predictability	Simplicity	Ease of Implementation	Ease of Administration
1 | EUCLIDEAN-BASED ZONING STANDARDS	●	○	○	●	●	○
2 | PERFORMANCE-BASED ZONING STANDARDS	●	○	●	○	○	○
3 | FORM-BASED ZONING STANDARDS	●	●	●	●	○	○
4 | MIX OF ZONING STANDARDS (HYBRID CODE)	●	●	●	●	●	○

Key: ● High Level   ◐ Medium Level   ○ Low Level

- The mix of zoning standards – a Hybrid Code – **scores the highest** with this criteria.
- Form-Based Standards and Euclidean-Based Standards can be effectively applied to the right context.
- Performance standards can be **less simple and clear,** but can be effectively applied to implement certain goals.

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Approach Comparison Table

A "MUST READ" SECTION

Approaches Comparison

Elements	Approaches		
	1	**2**	**3**
Code Format and Organization			
Format	Revise	Replace	Replace
Reorganization of Content	Limited	Extensive	Extensive
Content Rewriting	Low/Moderate	Moderate	High
Clean up for Consistency	————————Same Across All Approaches————————		
Development Review Models			
By-Right Review	Low	Medium	High
Customized Zoning	High	Medium	Low
Discretionary Review	Medium	Low	Low
Development Standards Models			
Euclidean Based	High	Medium	Low
Performance-Based	————————Same Across All Approaches————————		
Form-Based	Very Limited*	Medium	High
Is it a Hybrid?	No	Yes	Yes

* Applied only in New Small Area Plans

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CodeNEXT Team Recommendation
Deep Clean: Why this Approach?

- Code Format & Organization: This approach introduces a new format and re-organization of the document to **maximize usability and clarity**.

- Development Review Models: This approach introduces a **good balance** of by-right development in selected areas and discretionary review where appropriate.

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CodeNEXT Team Recommendation
Deep Clean: Why this Approach?

- <u>Development Standards Models:</u> This approach creates a hybrid code that applies Euclidean standards and form-based standards to appropriate contexts, **maximizing the benefits and strengths** of each without pushing the application of a form-based approach too aggressively.

- This approach is the closest alignment to Imagine Austin priority programs, community input (Listening to the Community Report) and Code Diagnosis.

- Best fit with Austin's civic culture and the community's desired level of change.

When does the team get more specific about code changes? How will detailed comments from the community and city staff be used?

- Fleshing out Table of Contents, with the core management team on staff to a higher level of detail.
- Continue to engage community, stakeholders, staff, boards and commissions and Council.

Content Development

Progress Reports

Revisions

Review of Content

Approach Alternatives and Annotated Outline
Upcoming Schedule

September 4:

- Approach Alternatives Document Released
- Council Comprehensive Plan & Transportation (CPT) Committee
- Community Presentation: Approach Alternatives Document

September 8-22: Board and Commission presentations

September 9: Planning Commission

September 16: Codes & Ordinances Committee of Planning Commission, and Zoning and Platting Commission

Approach Alternatives and Annotated Outline
Upcoming Schedule

September 22: Code Advisory Group meeting

September 23: Planning Commission (2nd meeting)

October 2: City Council briefing

October 6: Code Advisory Group meeting

October 20: Code Advisory Group meeting

October 23: City Council hearing

Q&A:

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