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## MEMORANDUM

**TO:** Danette Chimenti, Chair, and Members of the Planning Commission

**FROM:** George Zapalac, Division Manager  
Planning and Development Review Department

**DATE:** September 17, 2014

**SUBJECT:** CodeNEXT Code Approach Alternatives Report

This item is a public hearing on the Code Approach Alternatives and Annotated Outlines report. This document describes three approaches to the reorganization and rewriting of the Land Development Code. The approaches range from reorganizing the current content of the Code to rewriting large section of the Code. The preferred approach and annotated outline selected by the City Council will establish the general direction for revising the Code and allow the consultant team to begin work on more detailed outlines and drafting the actual content of the new code.

A flyer describing the report is attached, along with a list of frequently-asked questions. A briefing on the report was given to the Planning Commission on September 9, and additional discussion was held by the Codes and Ordinances Committee on September 16. Full copies of the report were previously distributed via e-mail, and briefings to additional boards and commissions are being presented throughout September of 2014. Attached are the recommendations of other boards and commissions received to date.

Following the public hearing on September 23, the Commission is being asked to make a recommendation to the City Council. City Council will conduct a hearing on the report on October 23.

If you have questions or need additional information, please contact me at (512) 974-2725.

George Zapalac  
Planning and Development Review Department

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**Review of Code Approach Alternatives and Annotated Outlines**

<b>Body</b>	<b>Date</b>	<b>Action</b>
Code Advisory Group/Public Event	Thursday, September 04, 2014	Presentation only.
Waterfront Planning Advisory Board	Monday, September 08, 2014	No action.
Planning Commission (1st date)	Tuesday, September 09, 2014	Briefing only.
Community Development Commission	Tuesday, September 09, 2014	Recommended Approach 2 with conditions (8-0). See attachment.
Planning Commission Codes & Ordinances Committee	Tuesday, September 16, 2014	Discussion only.
Zoning and Platting Commission	Tuesday, September 16, 2014	Recommended Approach 2 (5-1).
Environmental Board	Wednesday, September 17, 2014	
Urban Transportation Commission	Thursday, September 18, 2014	
Code Advisory Group (2nd meeting)	Monday, September 22, 2014	
Design Commission	Monday, September 22, 2014	
Planning Commission (public hearing)	Tuesday, September 23, 2014	
City Council briefing	Thursday, October 02, 2014	
Code Advisory Group (3rd meeting)	Monday, October 20, 2014	
City Council Hearing	Thursday, October 23, 2014	

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**DRAFT**

**Community Development Commission Recommendation relating to CodeNEXT Code Approach Alternatives:**

The CDC supports the staff recommendations on approach to CodeNEXT provided that density bonuses or other incentives for affordable housing are not lost in an attempt to place overlay provisions in the base code.

The CDC notes the success of affordability requirements in density bonus programs such as Vertical Mixed Use and wants to ensure that these tools are preserved in the new land development code. This is critical in areas with strong development pressure such as core transit corridors, transit oriented districts, the central business district, and other activity centers identified in *Imagine Austin*.

As the city considers expanding form based approaches to zoning, the CDC recommends that the city provide specific affordability set asides such as Vertical Mixed Use.

Approved September 9, 2014 (8-0)

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**CODENEXT**  
SHAPING THE AUSTIN WE IMAGINE

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

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

## Choosing an Approach for Austin's Future

The Code Approach Alternatives & Annotated Outlines document describes three approaches to the reorganization and rewriting of Austin's Land Development Code (LDC). The approaches range from reorganizing the current content of the existing Code to rewriting large sections of the LDC. The preferred approach and annotated outline identified by the city council will establish the general direction for revising the LDC and will allow the consultant team to begin work on more detailed outlines. In early 2015 the preferred approach will be presented to the new City Council to allow policymakers to provide any additional guidance. A brief overview of the three Alternative Approaches and the CodeNEXT team's Recommended Approach is found on Pages 2 and 3.

▶ Download a copy of the report online at [www.austintexas.gov/codenext](http://www.austintexas.gov/codenext)



### What does choosing a Code Approach do and not do?

- The selection of a preferred Code Approach by the City Council will set a general framework for the format and organization of the LDC, the ways in which development applications are reviewed and standards administered, and the types of development standards that will be crafted.
- The selection of a preferred Code Approach does not change development standards, revise zoning districts or neighborhood plans or create new zoning districts in the LDC. Instead it chooses 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 CodeNEXT.
- Selecting an approach also does not decide where revised or new zoning districts will be "mapped" (where specific zoning districts and regulations apply). Decisions on where the revised or new zoning districts are mapped will occur after new draft zoning districts are crafted and will be thoroughly and publicly discussed.

### How and when will the new Code be created?

- The preferred Approach will set a framework for the new Code. The development of the content 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, etc., the Code Diagnosis, and public and staff input. The Code team will begin work on the Code in late 2014. The public and stakeholders will have multiple opportunities to review and comment on the draft content of the Code.

### What opportunities will the community have to review the content?

- As content is completed, the Code will go through a review process that includes the community, stakeholder groups, the Code Advisory Group (CAG), boards and commissions, and City Council.

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[www.opticosdesign.com](http://www.opticosdesign.com)

# Choosing The Approach

Recommended Approach

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## Major Elements of a Code

	Brisk Sweep 1	Deep Clean 2	Complete Makeover 3
<b>Code Format and Organization</b> How the LDC is formatted and organized.			
<b>Format</b> - The way information is presented on a page	Revise	Replace	Replace
<b>Reorganization of Content</b> - The way information is arranged	Limited	Extensive	Extensive
<b>Content Rewriting</b> - The extent of content revisions	Low/Medium	Medium	High
<b>Clean up for Consistency</b>	Same Across All Approaches		
<b>Development Review</b> How the LDC is used to evaluate and permit development projects. See glossary for definitions.			
<b>By-Right Review</b> - Development applications that comply with zoning can move to the building department/permit quickly	Low	Medium	High
<b>Customized Zoning</b> - New and independent regulations are necessary to regulate major projects	High	Medium	Low
<b>Discretionary Review</b> - A permit is issued at the "discretion" of the review authority	Medium	Low	Low
<b>Development Standards</b> The type of standards that comprise the LDC. See page 3 for further definitions.			
<b>Euclidean Based</b> - Focus on use separation and simple height/bulk standards	High	Medium	Low
<b>Performance-Based</b> - Focus on impacts of use and are more complex development standards	Same Across All Approaches		
<b>Form-Based</b> - Focus on building form and public space	Very Limited*	Medium	High
<b>Is it a Hybrid?</b> - Uses the above development standards in combination	No	Yes	Yes

\* Applied only in New Small Area Plans

Each of the major elements of the Code have been evaluated on a set of performance criteria detailed in the Code Approach Alternatives & Annotated Outlines Report - available online at [www.austintexas.gov/codenext](http://www.austintexas.gov/codenext).

### KEY

#### Revise

Use the existing Code framework/organization, with a cleaned up and targeted recalibration of standards. May create new districts and compress some existing districts, but few changes to the overall Code structure.

#### Replace

Replace the entire Code framework/organization with a new, alternative framework and recalibrate the standards in detail.

#### Low/Medium/High

Extent of application

#### Very Limited/Limited/Extensive

Extent of application

▶ See Approach Alternatives and Annotated Outlines for more details on the elements and alternatives at [www.austintexas.gov/codenext](http://www.austintexas.gov/codenext).

## Recommendation

# 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.

### Code Format and Organization

Under this approach the format of the Code document is entirely replaced and content is reorganized to optimize usability. Content is substantially cleaned up with targeted rewriting. The graphic format will be updated with new font styles and sizes, improvements to the basic page layout, and the addition of significant supporting graphics.

### Development Review

Because Form-based standards and revised Euclidean standards will be carefully created and refined, the development review process can rely more heavily on by-right review in addition to some customized zoning in areas where the more detailed standards do not apply. Discretionary review remains in use in more limited portions of Austin, where it is still needed or desired.

### Development Standards

In this approach a hybrid Code is created that establishes Euclidean, Performance, and Form-based standards in different parts of Austin based on the defined context (walkable urban, transitional, or drivable suburban), and which tool best implements existing plans such as Imagine Austin, Neighborhood Plans and other small area plans.

While each of the three Approaches has its own merits and will provide a basic level of improvement to the Code, the CodeNEXT Team recommends Approach 2 based on a combination of factors. These include alignment with Imagine Austin Priority Programs, public and staff input, technical analysis of the LDC in the Code Diagnosis, the best combination of Approach Elements, and our understanding of the desired level of change within the community. We believe that Approach 2 offers the best combination of technical solutions and best fit with Austin's civic character as it includes a balance between significant change and maintaining community values.

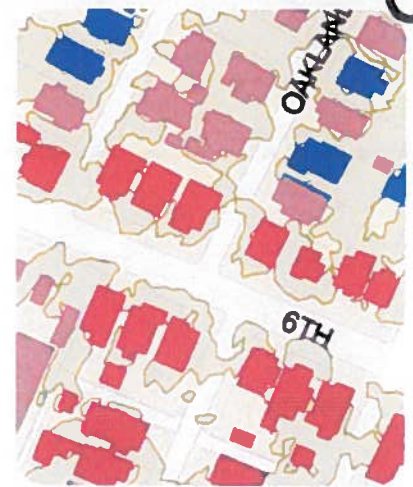
## Other Approaches Not Recommended

### 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 document is minimally revised and reorganized only to address the most urgent usability issues in the existing Code. 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 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.



### Types of Zoning

**Euclidean-Based Zoning** standards, also sometimes called use-based zoning standards, focus on use separation and simple height/bulk standards. Euclidean zoning was designed to limit uses in undesirable locations rather than encourage uses in desired locations.

**Performance-Based Zoning** standards focus on impacts of use and are more complex development 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 definition and activation of public space. Form-based zoning standards go beyond simply limiting an undesired effect by encouraging appropriate building scale and format in places where a specific type and form of development is desired.

**Hybrid Zoning** standards apply a mix of Euclidean-based, Performance-based, and Form-based standards based on the context of the area and desired uses.

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# 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.

▶ Read or download a list of *Frequently Asked Questions* at [www.austintexas.gov/codenext](http://www.austintexas.gov/codenext).

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

## Glossary of Key Terms

### Approaches

Unique combinations of elements of a Code that determine what kind of regulations are included, reviewed, and how the information is presented.

### Annotated Outline

A summary of the Code structure and organization for an approach alternative (refined during drafting of the Code).

### Elements of a Code

Different aspects of a land development Code that provide the standards and means of enforcement that make the Code document useful and actionable. These include the format and organization of the Code document, development review models, and development standards models.

### By-right Review

A development review model where development applications are approved or denied based on compliance with an established, well-articulated set of measurable standards. Applications meeting established standards are approved without further review.

### Customized Zoning

A development review model that requires new and independent regulations for major new projects. Often not coordinated with the overall LDC and are applicable only to the specific project for which they are written (Planned Unit Developments -PUDs and regulating plans).

### Discretionary Review

A development review model that relies on established standards that are generally less specific than other models and that require interpretation by the reviewer, thus necessitating an extensive and sometimes subjective review process to ensure the intent of the standards are met. Projects often undergo multiple review cycles to obtain approval using this review model.

### Mapping

The process of determining where zones are applied within the City; The act of outlining zoning districts on a map.

## Next Steps

### 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.

### 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.

### 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.

### 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.



## City of Austin Contact:

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Use #CodeNEXT

📘 [facebook.com/ImagineAustin](https://www.facebook.com/ImagineAustin)

## How To Stay Involved

Stay plugged in at the Imagine Austin Facebook page and at the project website at [www.austintexas.gov/codenext](http://www.austintexas.gov/codenext)

## SpeakUpAustin

Join the conversation online and share your thoughts on this or other reports. <https://austintexas.granicusideas.com/projects/codenext-shaping-the-austin-we-imagine>