

PLANNING COMMISSION

MINUTES

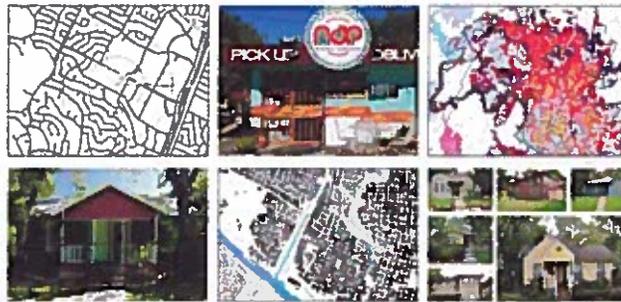
MAY 27, 2014



Code Diagnosis Introduction

Presented by:
Planning and Development
Review Department

May 2014



AUSTIN, TEXAS
LAND DEVELOPMENT CODE DIAGNOSIS



CODENEXT 
SHAPING THE AUSTIN WE IMAGINE

What Are the Top 10 Issues With the Land Development Code?

Summary of Key Findings: Providing Focus to the
Rewrite

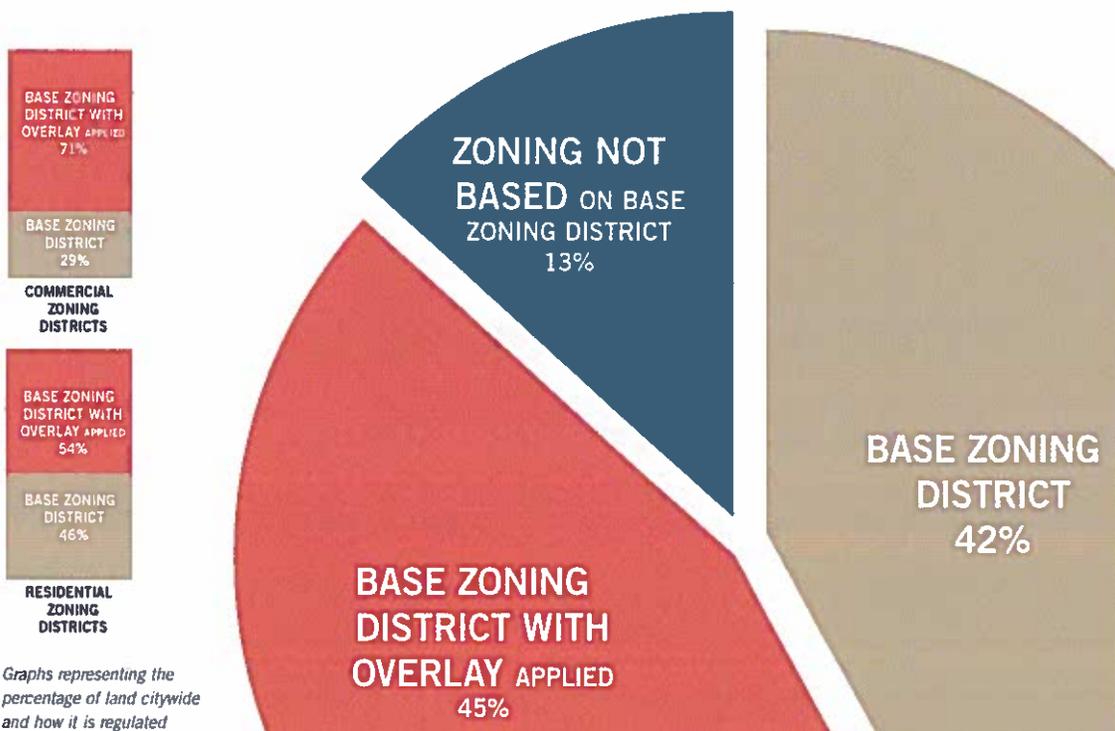
1

Ineffective Base Zoning Districts

Base Zone Districts Do Not Recognize Appropriate Form or Different Types of Places



Less than 50% of City is Regulated without Overlays



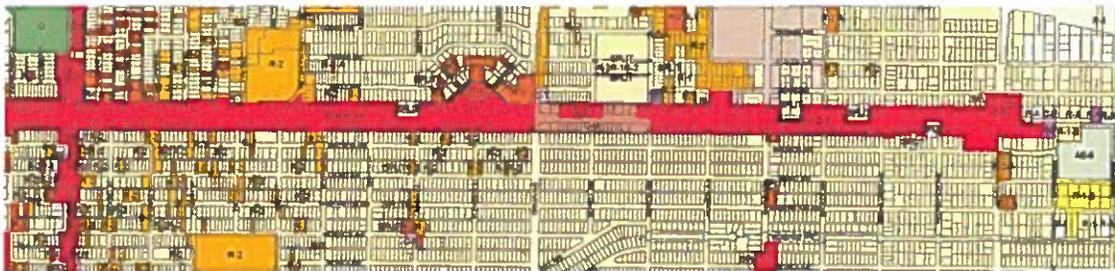
Graphs representing the percentage of land citywide and how it is regulated



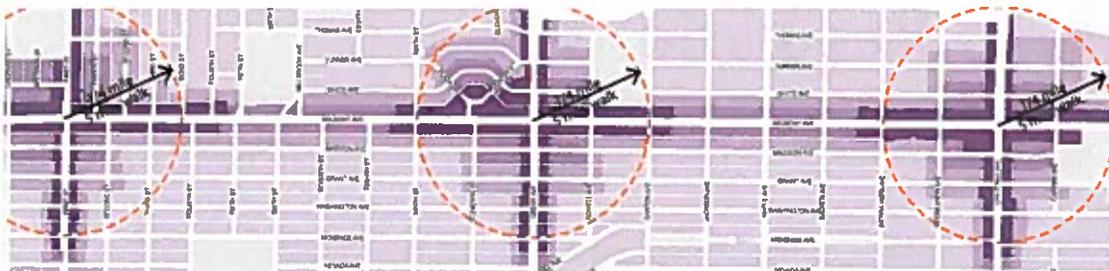
Regulating Single Family Too Broadly? Example SF-3



Need to Establish Hierarchy Along Corridors

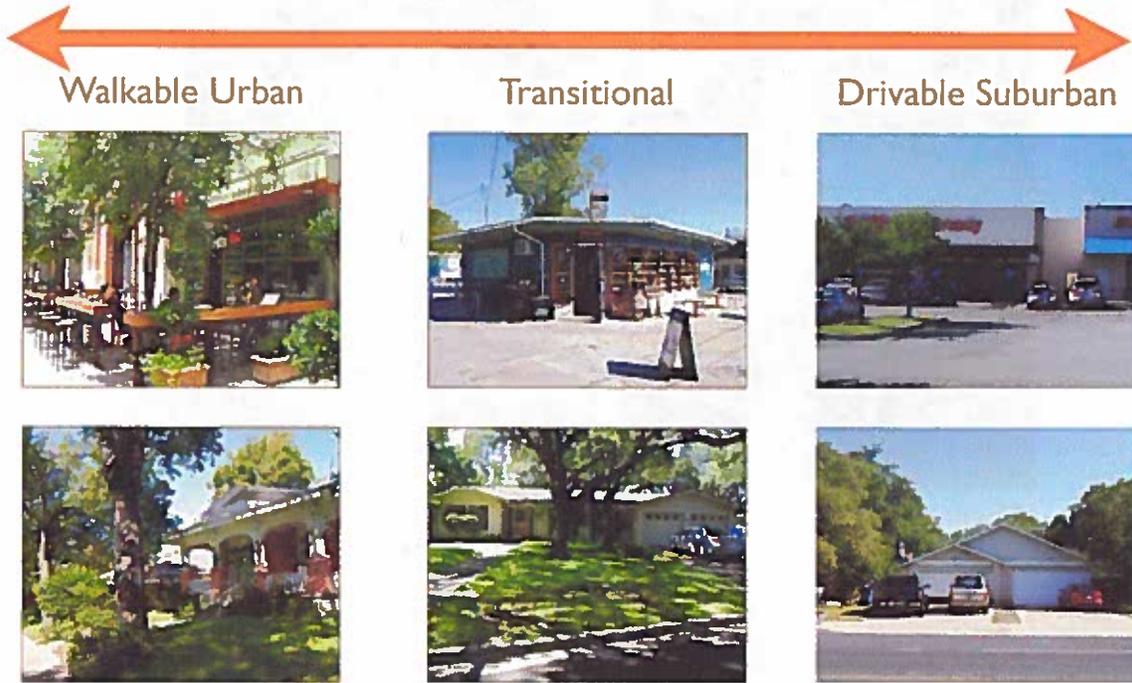


Top: Conventional approach to regulating a corridor: No Hierarchy. No Flexibility.



Form-based approach to regulating the same corridor. Clear Hierarchy. Focused Flexibility.

Rich Palette of Base Zones Must Recognize Different Contexts



2 Competing Layers of Regulations

Many Layers of Regulations Create Competing Systems

$$33 \times 19 = 627^*$$

Base Zoning
Districts

Combining
Districts

Possible
Combinations

* Not all over-
lays can be
applied to all
base zoning
districts.

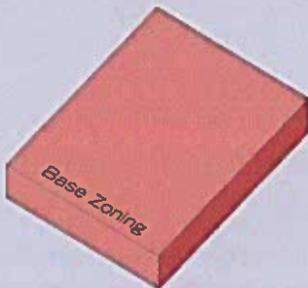
4000+

Found Combinations in the LDC

How Did You Get Here?

Added Layers of Regulation

33 base zoning districts were originally created.

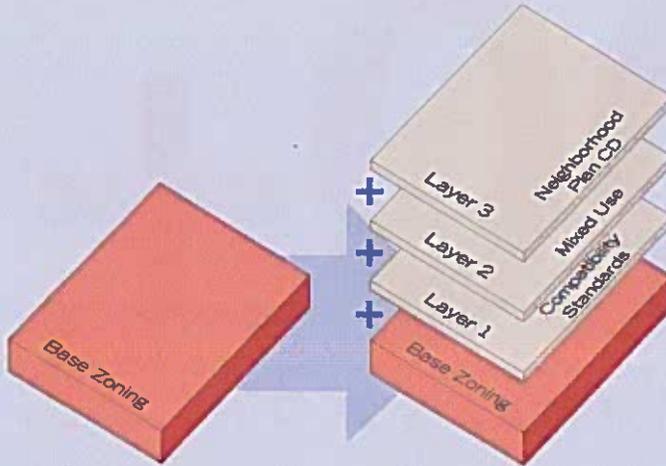


How Did You Get Here?

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Supplemental layers of regulations were added to address incompatibilities.



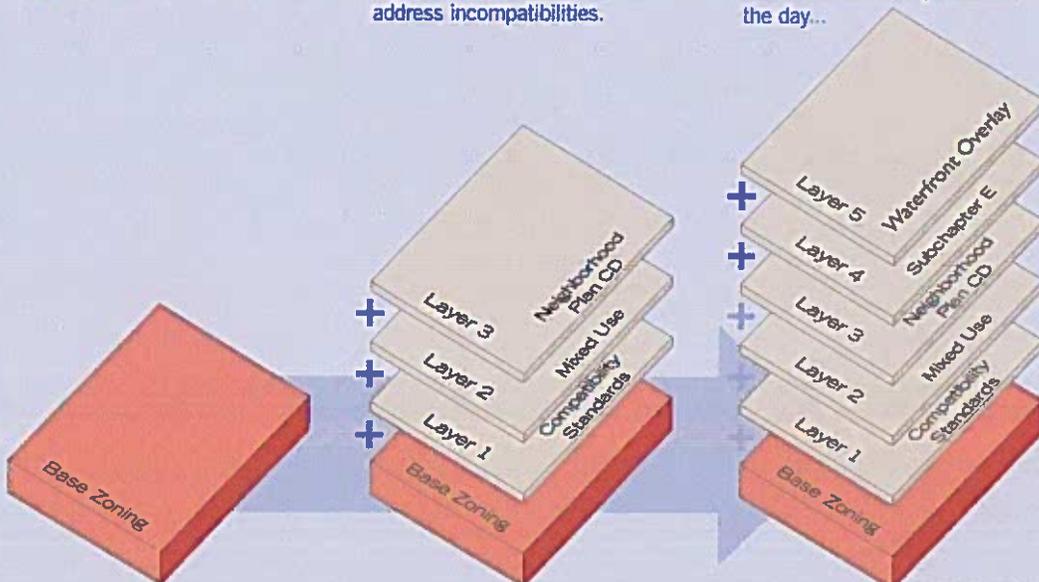
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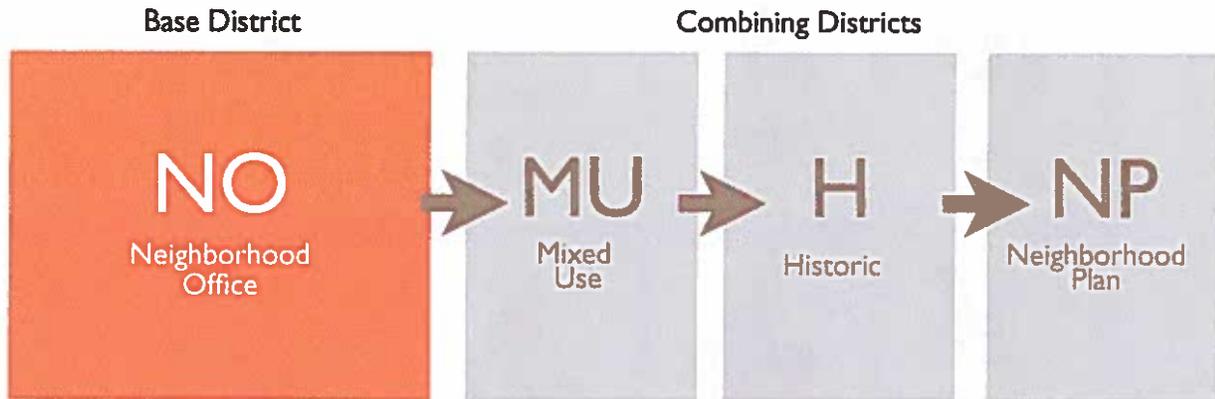
Supplemental layers of regulations were added to address incompatibilities.

Still more supplemental layers added to address top issues of the day...



...Yet the root of the problem was never fixed.

The Potential Combinations are Complex

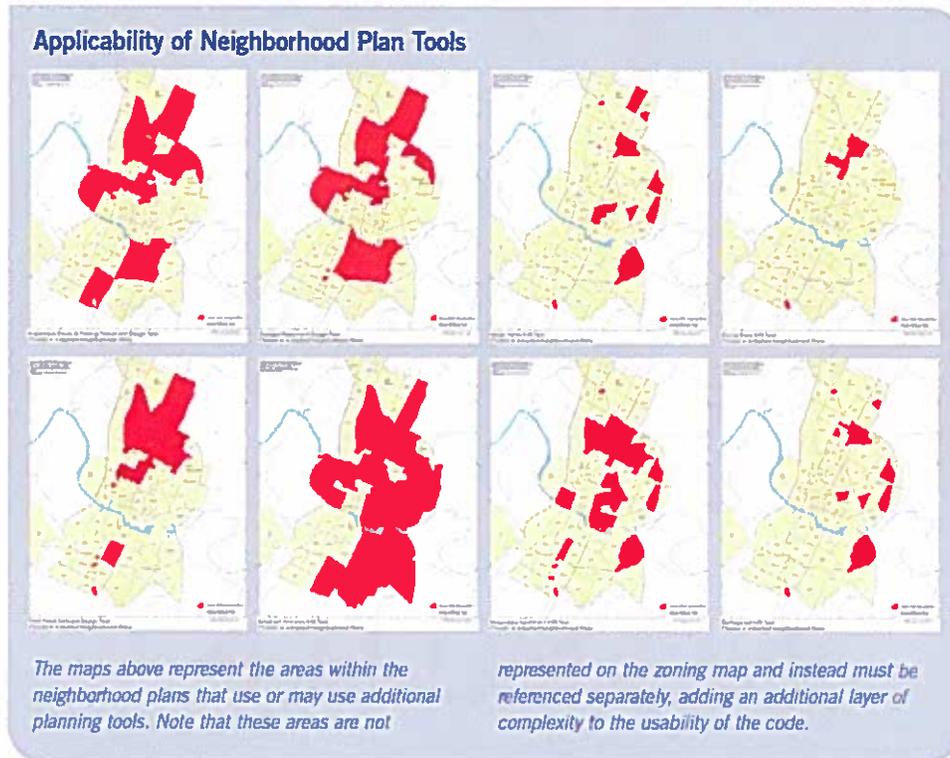


NO-MU-H-P

3 Complicated “Opt-in, Opt-Out” System

This is Over-Complicating the Code

Tools: Good Intent. Ineffective Application



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Lack of Household Affordability and Housing Choice

Household Affordability “Gap” Continues to Grow

Household Affordability

1. Restrictive Limits on Density in Some Areas Unduly Impacts Construction Costs
2. Inefficient Approval and Permitting Processes Drive Up Development Costs
3. Few Policy Levers in Place to Preserve or Enhance Existing Affordable Housing
4. Current Density Bonus Programs Are Not Yielding Needed Results



Carriage House



Fourplex



Duplex



Mansion Apartment/Apartment House

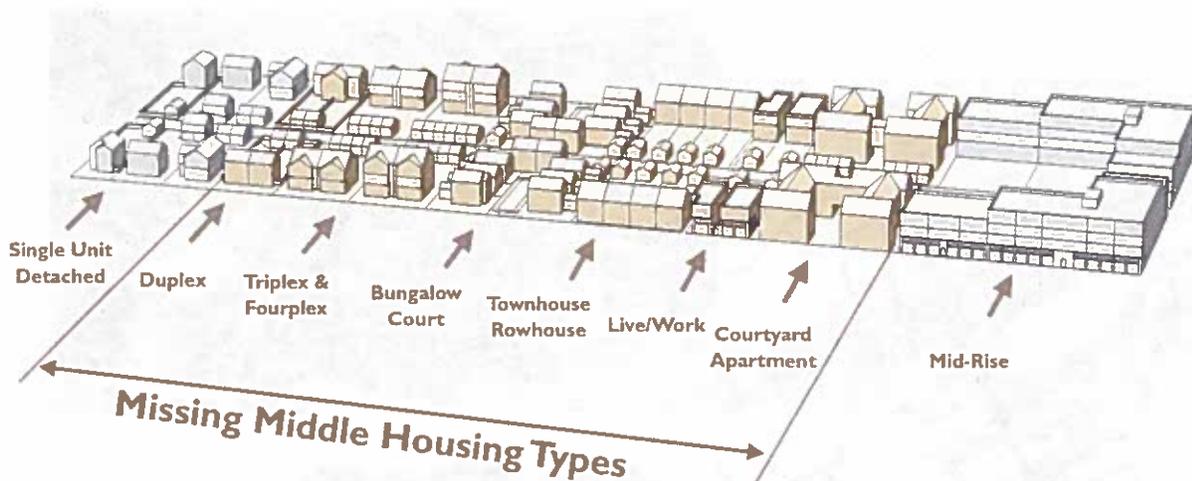


Duplex



Large Multiplex (6 - 8 units)

Limited Housing Choices Regulated by Existing Code



These Types are Critical to Provide Choice & Affordability

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Auto-Centric Code

An Obstacle to a Compact, Connected Austin and Protection of Community Character



Regulations are Creating Auto-Dependent Density



Diagram of parking lots and driveways, shown in grey



Structure abuts one-story single-family houses



Parking surrounding buildings



First 3 floors are reserved for parking



Lots paved over for parking



Parking Regs are Prohibiting Small Scale, Compatible Infill



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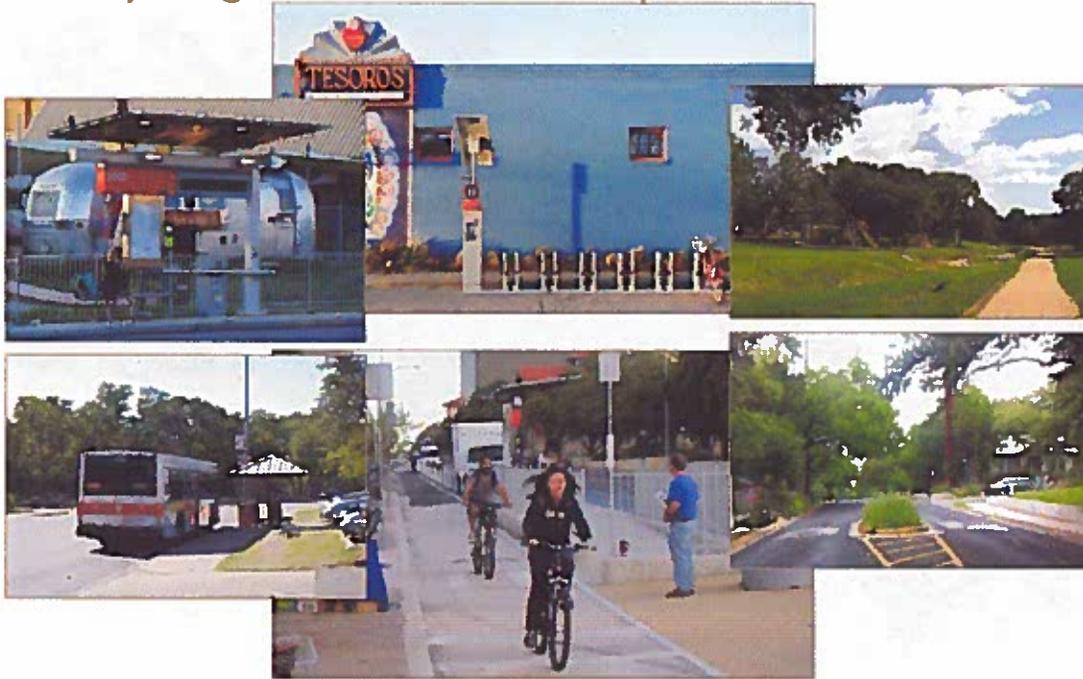
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LDC Not Always In Line with Imagine Austin

Current Land Development Code Does Not Proactively Implement Imagine Austin

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Priority Program I: Invest in a Compact and Connected Austin



City and partners have invested in transit, bicycle and pedestrian infrastructure, but...

Transportation Infrastructure Has Not Kept Pace



Priority Program 2: Sustainably Manage Water Resources

Less Urban ← → More Urban



Vegetated Swale



Urban Channel

Stormwater Tools: Choose Right Tool Based on Context

Priority Program 4:and Integrate Nature into the City



Tree Preservation: Very Important for Character of Place

Projects are finding creative ways of preserving existing trees



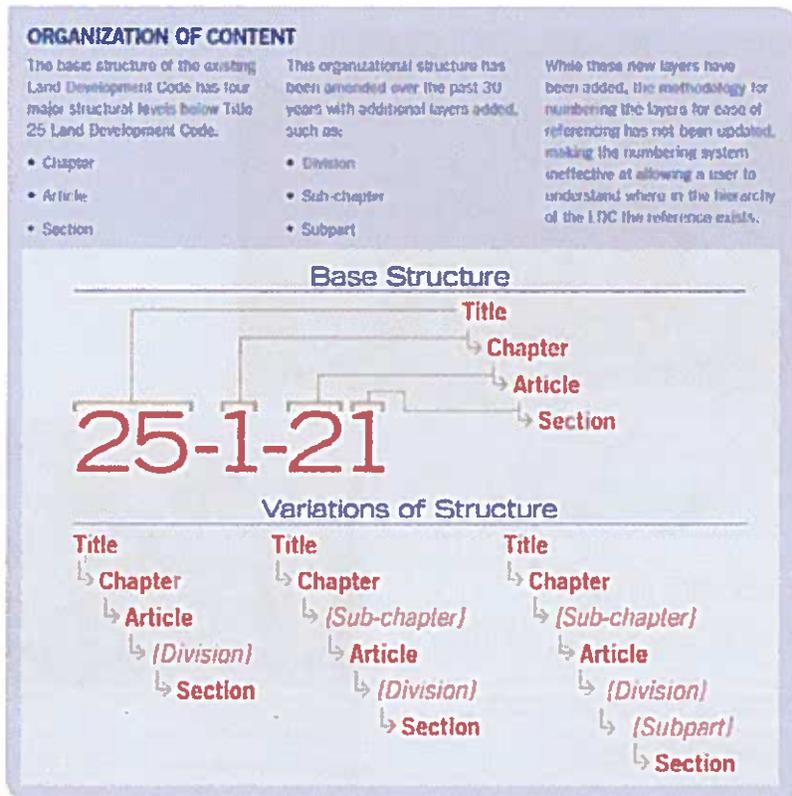
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Lack of Clarity and Usability

Adversely Affect LDCs Effectiveness



Inconsistent Structure and Location of Content



Basic Graphic Design and Usability in New Code

A Specific to Building Types

B Section 1703-2: Specific to Transit Zones

C 1703-2.10 Purpose

D 1703-2.10 Applyability

A Strong headers and footers explain where you are inside the document.

B Table of Contents in each new section.

C Clear indenting, section breaks, and labeling.

D Clear graphics and illustrations visually explain regulations.



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Ineffective Digital Code

Feels Like Stepping Back To 1984



Code Usability Further Hindered by Dated System

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THE CODE OF THE CITY OF AUSTIN, TEXAS

ARTICLE 1. SITE PLANS GENERALLY.

Division 1. Site Plan Requirement and Notice.

§ 25-5-1. SITE PLAN REQUIRED.

Except as provided in Section 25-5-2 (Site Plan Exemptions), a site plan must be approved and released under this chapter before:

- (1) a person may change the use of property;
- (2) a person may develop property; or
- (3) the building official may issue a building permit.

Source: Section 13-1-600, Ord. 990225-70, Ord. 031211-11

§ 25-5-2. SITE PLAN EXEMPTIONS.

(A) The director shall determine whether a project is exempt under this section from the site plan requirement of Section 25-5-1 (Site Plan Requirement and Notice). The director may require an applicant to revise a previous Released Site Plan.

(B) A site plan is not required for the following development:

- (1) construction or alteration of a single-family residential, single-family attached residential, duplex residential, two-family residential, or accessory structure, if:
 - (a) not more than one principal residential structure is constructed on a legal lot or tract; and
 - (b) a proposed improvement is not located in the 100-year flood plain, or the director determines that the proposed improvement is not located in the 100-year flood plain;
- (2) removal of a tree not protected by this title;
- (3) interior alteration of an existing building that does not increase the square footage, area, or height of the building;
- (4) construction of a fence that does not obstruct the flow of water;
- (5) clearing an area up to 15 feet wide for surveying and testing, unless a tree more than eight inches in diameter is to be removed;
- (6) restoration of a damaged building that begins within 12 months of the date of the damage.

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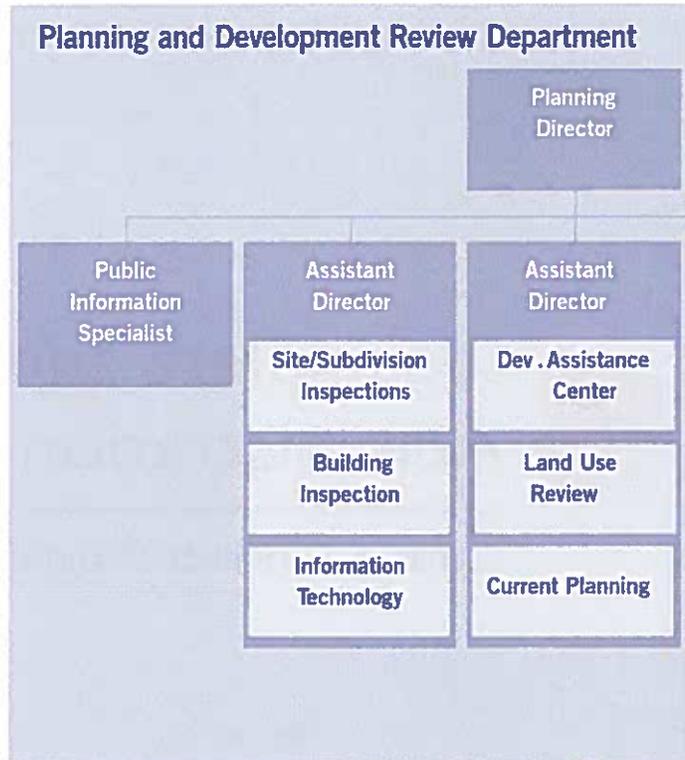
Code Changes Adversely Affect Department Organization

A Complex Code Generates a Complex Entity

LDC Complexity Impacts the Organizational Structure

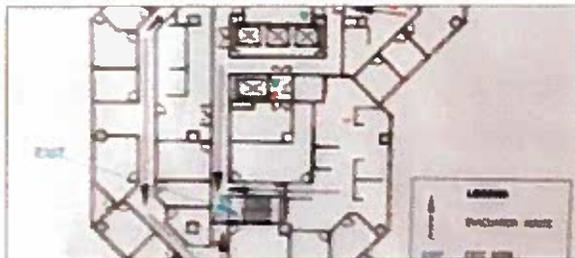
1. Multi-Layered System Lacks a by-right discipline
2. Difficulty of Maintaining a Common Interdepartmental Mission
3. Continuous amendments complicate administration and staff training

This Effort Is the Opportunity to Break Down Silos to Improve Integration



Side Effects of LDC Complexity

1. Strains the Development Assistance Center Workspace
2. Increases Potential for Conflicting Department Requirements



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Incomplete and Complicated Administration and Procedures

Creates Inconsistent and/or Lengthy Reviews



Creates Inconsistent and/or Lengthy Reviews

Permit	Subdivision		Site Plan		Commercial Building		New Residential	
	2013	2012	2013	2012	2013	2012	2013	2012
Average Days	33	30	29	28	37	34	11	5
Percent On-Time	41%	59%	42%	42%	25%	22%	82%	84%

Source: City of Austin, Development Process Tracking, September 2013

Permit	Subdivision		Site Plan		Commercial Building		New Residential	
	2013	2012	2013	2012	2013	2012	2013	2012
Average Days	108	102	114	112	209	188	94	45
Approved within 120 Days	51%	65%	49%	50%	25%	32%	67%	91%

Source: City of Austin, Development Process Tracking, September 2013

- 1) Process not well defined
- 2) Administration information spread throughout document
- 3) Missing or incomplete code administration information
- 4) Inconsistent interpretations
- 5) Overlapping layers of boards and commissions
- 6) Convolutd variance and appeal process, etc.

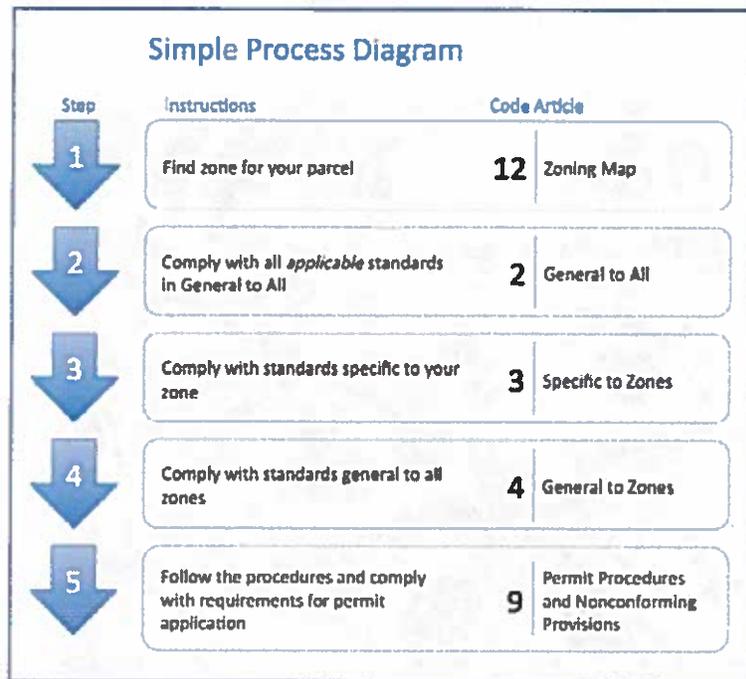


To put the above tables in context, the graphic above provides targeted time frames for site plan review and approval. (The time frames do not include the applicant request for a review extension of up to 180 days.)

Lack of Flexibility to Add Staff During Upswings - Inability to Respond



Clarity is Needed in the Process



Sample Process Diagrams from Livemore Development Code

Conclusion

What's Next & a Few Final Thoughts

This is a Foundation for Making a Plan to Untangle the Mess



Hybrid Code is Likely Good Approach

PLANNING PRACTICE

Going Hybrid

How one city overhauled its zoning code while combining form-based and conventional elements.

By Roger P. Farnham, senior with Hines Parkish and East West

FLAGSTAFF, ARIZONA, entered an exclusive club in November: It is now one of the few cities in the U.S. that have adopted a hybrid zoning code—one with both form-based components and conventional Euclidean elements as part of a complete code rewrite. “Simple, clear, unambiguous, predictable” reveal an editorial in the *American Daily News* while praising both the code and the process used to adopt it. Getting the new code adopted wasn’t easy, but many city residents think the effort will be repaid in a more efficient, more equitable, and similar-to-use zoning system. The adoption of the new zoning code also caps off a successful public engagement process that has changed the generally negative perceptions of city planners.

THE NEW ZONING

In its pursuit of a new step in approximating a code that differentiates between what planners call “walkable” or “livable” areas (Urban, Inland Pines, 2008), Flagstaff decided to combine the best of both worlds: form-based zoning and conventional zoning.

Then, a new form-based hybrid code resulted that details the process and design for walkable urbanism while maintaining the traditional zoning tools for the downtown urban area. Because the regulations for the two different types of areas are now combined together, the traditional code could be kept intact and development opportunities could continue to be maintained.

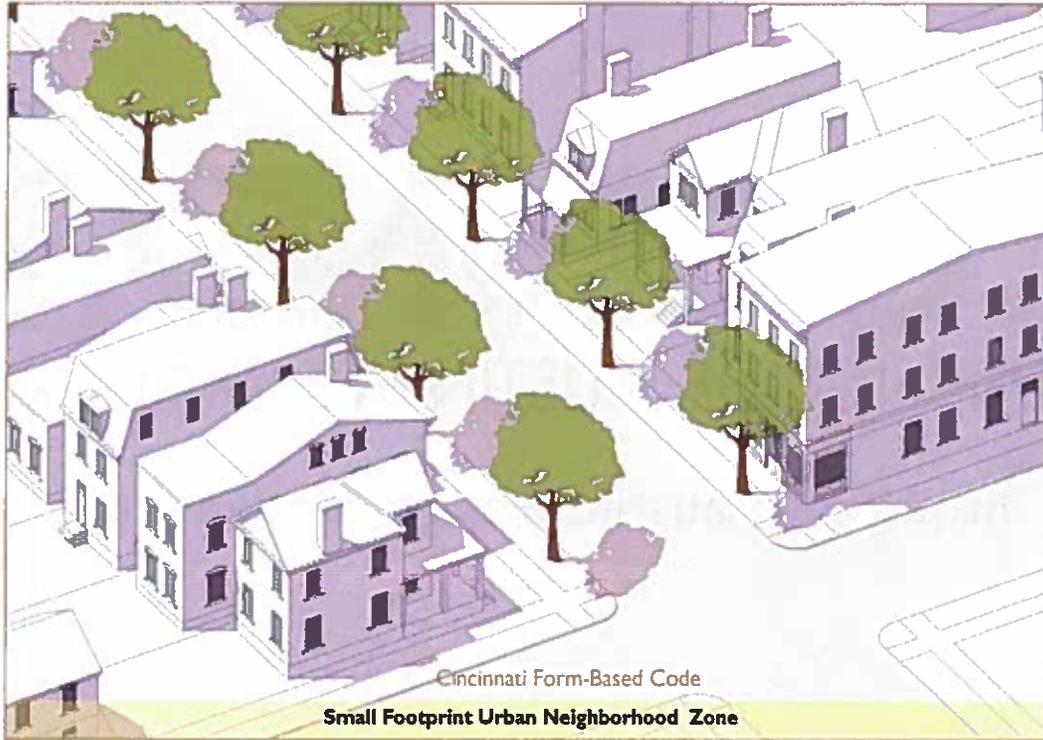
Flagstaff spans 62,000 acres, an elevation of about 7,000 feet, in the rugged foothills of northern Arizona. Established in a step in the early 1900s, the city has a rich history and has been the site of many significant events. The city has a long history of logging and saw mill operations, and as a gateway to scenic views of the Grand Canyon and other natural parks and mountains. Residents appreciate the natural beauty of the area and enjoy outdoor recreation such as hiking, skiing, hunting, fishing, and camping.

The downtown and other neighborhood areas were planned in the early 1900s and have a rich history of development. The city has a long history of development and has been the site of many significant events. The city has a long history of logging and saw mill operations, and as a gateway to scenic views of the Grand Canyon and other natural parks and mountains. Residents appreciate the natural beauty of the area and enjoy outdoor recreation such as hiking, skiing, hunting, fishing, and camping.

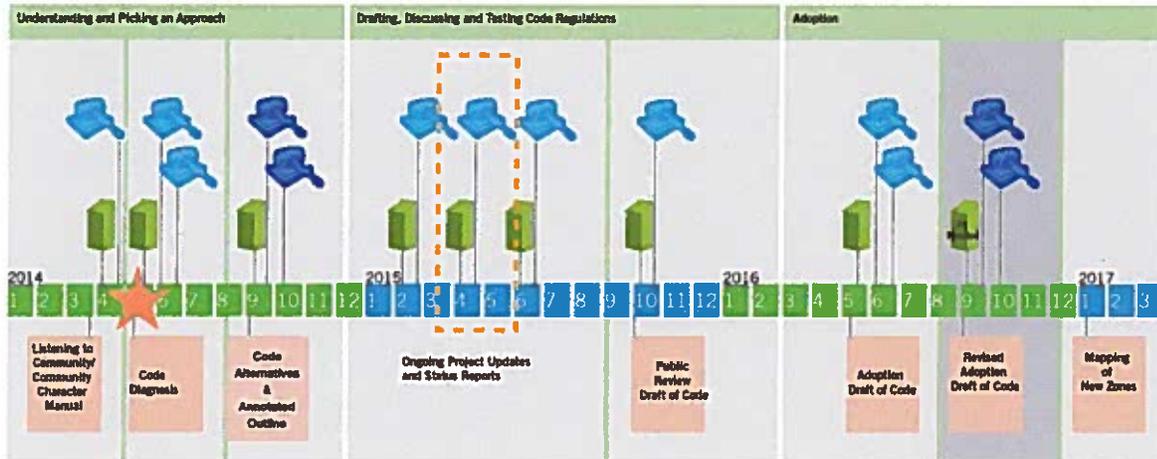
The need for a comprehensive update of the city’s land development code had been apparent for some time as developers, contractors, design professionals, and residents complained about the code’s complexity and inconsistency. Some even blamed the long-term success of the city for its unwillingness to keep pace with development and the failure of the previous and numerous develop-

- Hybrid codes apply different zoning tools in different places within a city.
- Ability for city to “right-size” the zoning tools needed in a predictable and clear manner.

Form-Based Zones-Good Starting Point for Simplicity & Compatibility



Next Steps: Major Deliverables



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