

CodeNEXT: Planning & Zoning 101

September 19, 2016



What we want to achieve today

At the end of this presentation you will be familiar with (or understand the following):

- ❑ How State rules and City Charter set the planning and development framework
- ❑ How Imagine Austin is the guide for City decision-making and tools
- ❑ The tools needed to implement Imagine Austin including CodeNEXT
- ❑ Zoning basics
- ❑ Challenges with the current code

Texas Local Government Code authorizes a city to adopt a comprehensive plan that may. . .

- Contain Land Use, Transportation, Public Facilities, and other elements
- Coordinate and guide development regulations
- Allow a city to define the relationship between a comprehensive plan and development regulations

Austin City Charter

All land development regulations shall be consistent with the comprehensive plan



**Adopted by Ordinance and Contains
the City's Policies**

Imagine Austin

A City of Complete Communities



LIVABLE



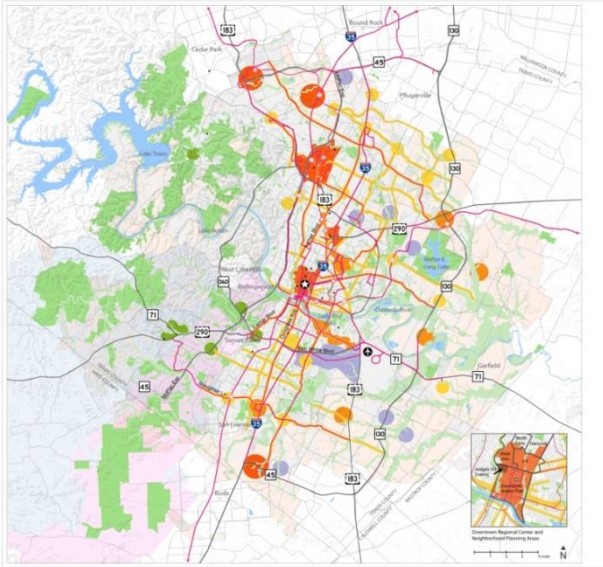
NATURAL AND SUSTAINABLE



CREATIVE



VALUES AND RESPECTS PEOPLE



PROSPEROUS



EDUCATED



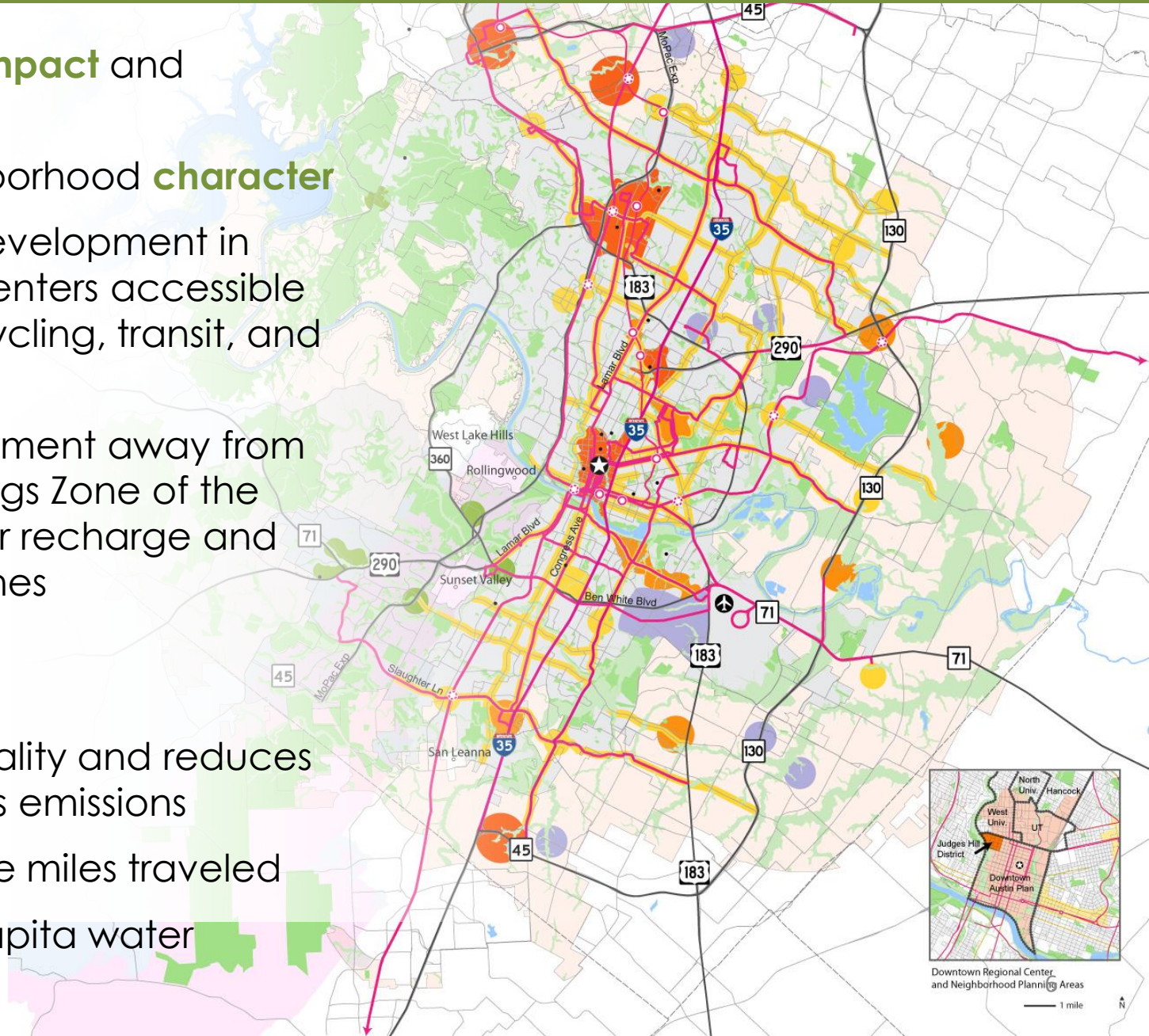
MOBILE AND INTERCONNECTED

Growth Concept Map

- Promotes a **compact** and **connected** city
- Preserve neighborhood **character**
- Focuses new development in corridors and centers accessible by walking, bicycling, transit, and cars
- Directs development away from the Barton Springs Zone of the Edwards Aquifer recharge and contributing zones

As a result, it ...

- Improves air quality and reduces greenhouse gas emissions
- Reduces vehicle miles traveled
- Reduces per capita water consumption



Downtown Regional Center and Neighborhood Planning Areas
1 mile

Planning vs. Implementation

Planning

- Vision
- Policies
- Actions
- Map



Implementation

- Spending (CIP)
- Regulations (LDC)
- Programs
- Partnerships

Imagine Austin

The Code is a key tool for implementation...



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“Revise Austin’s development regulations and processes to promote each of the **priority programs** and the adopted policies and goals of **Imagine Austin..”**

Green
Infrastructure

Sustainable
Water

Compact &
Connected

Workforce &
Education

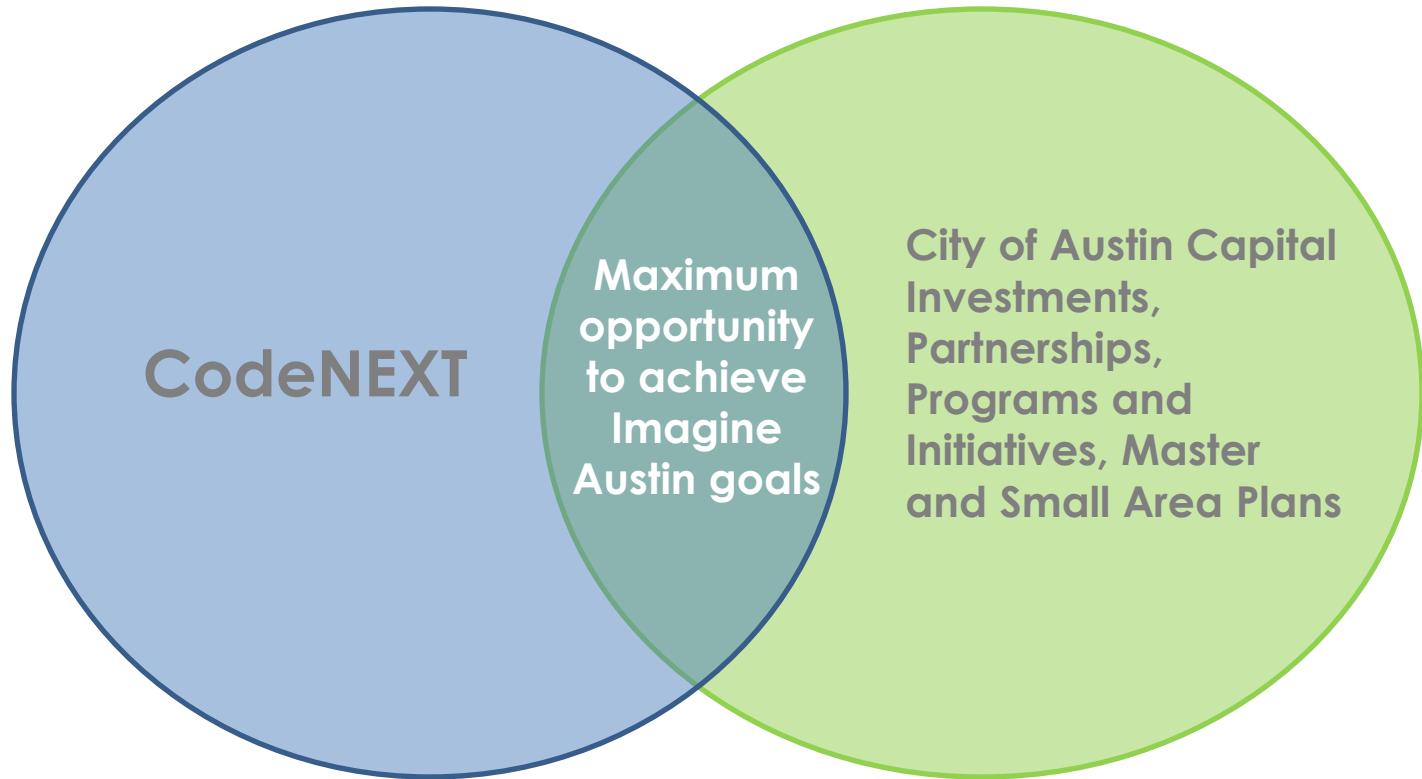
Creative
Economy

Healthy
Austin

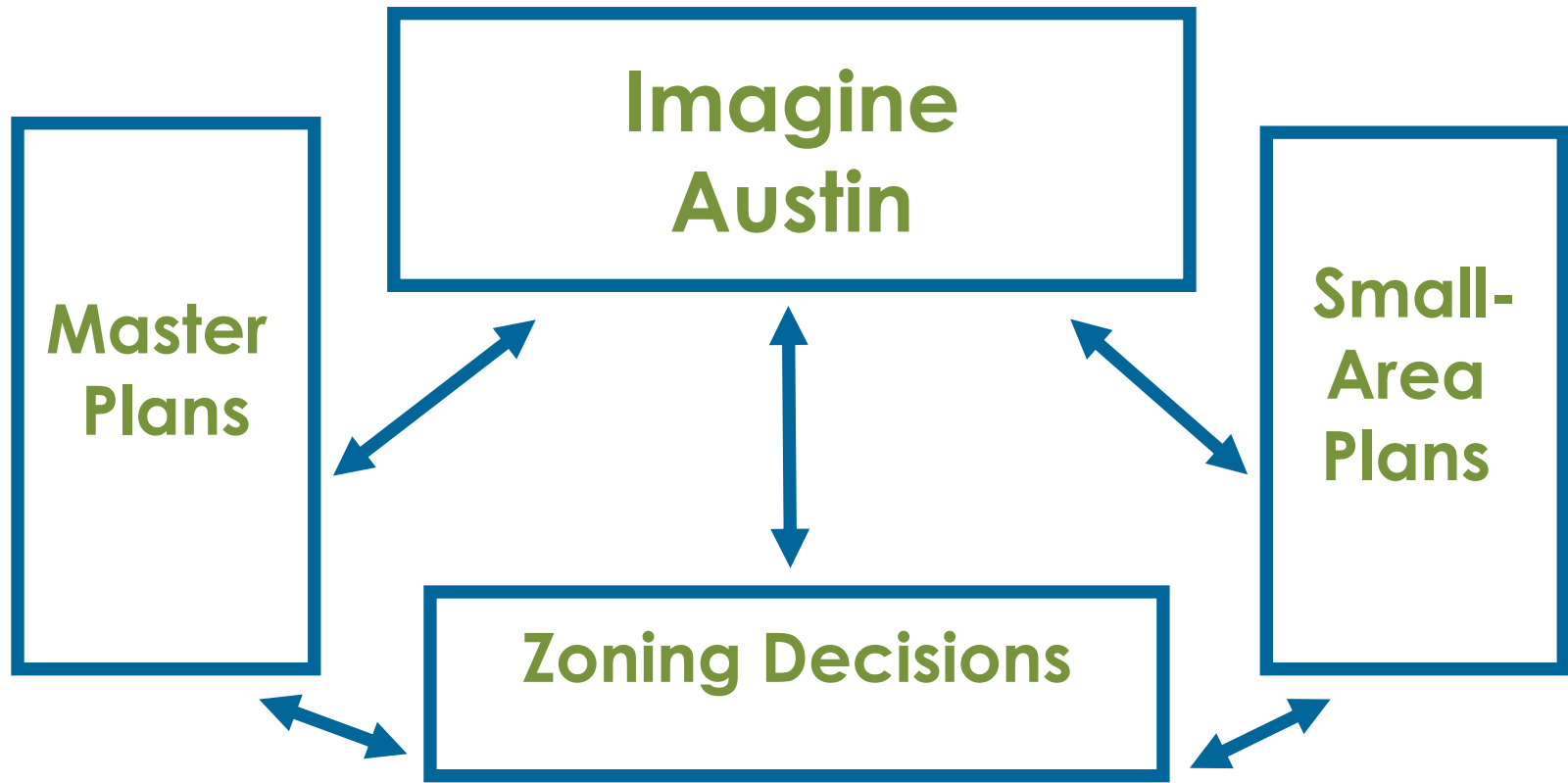
Household
Affordability

Imagine Austin

...but it's not the only tool.



How Plans and Zoning Work Together



Zoning decisions should be guided by Imagine Austin and consistent with the text of small area plans and Future Land Use Map or equivalent.

The comprehensive plan, master plans, and small-area plans should provide **coordinated guidance**, from **different perspectives**.

What is the Land Development Code?

Guides
how land is
used

WHAT can be built

WHERE it can be built

HOW MUCH can be built

What is Zoning?

- Zoning is the **division of land** within a jurisdiction into separate **districts**.
- Zoning establishes **permitted uses**.
- Zoning establishes site development **regulations**.
- Zoning is a **police power**.
- Applies only in **full and limited purpose** City limits.

History

- 1916** First zoning Ordinance in New York City
- 1922** U.S. Department of Commerce creates Standard Zoning Enabling Act
- 1926** Village of **Euclid** v. Amber Realty (Euclid, OH) establishes zoning as a constitutional exercise of the local government's police power
- 1927** Texas adopts its version of the Standard Zoning Enabling Act
- 1931** Austin adopts its first Zoning Ordinance

Authority & Purpose

Section 211 – Texas Local Government Code:

Public Health



Morals



Historic Preservation



Safety



General Welfare



Development Process

1. Zoning
2. Subdivision
3. Site plan
4. Building permit and inspection
5. Enforcement by Austin Code Dept.



Use Types



Residential: Single family, multifamily, etc.

Commercial: Office, retail, restaurants, etc.

Industrial: Manufacturing, warehousing, etc.

Civic: Schools, day cares, etc.

Agricultural: Crop production, etc.

Zoning District Types

Base Districts: Means a zoning district that prescribes **basic regulations** governing use and site development.

Overlay Districts: Are districts that establish **specific use or site development standards** for a particular area within the City.

Combining Districts: These districts may be applied to a site **in combination with regulations applicable** to a base district.

When is a Use Allowed?

Permitted use: A use permitted by right within a district.

Prohibited use: A use **not permitted** within a district or not recognized under the City Code.

Conditional Use: A use that is allowed on a **discretionary** basis. Requires PC approval.

Non-conforming use: A use **lawfully established** prior to annexation or enactment of the current City Code.

Site Development Regulations

- Different heights, impervious cover, setbacks etc. are allowed based on zoning district
- Compatibility, Commercial Design Standards & McMansion Regulations
- Council may further restrict with a **conditional overlay**
- The Board of Adjustment may grant a **variance** from site development regulations

Types of Zoning Ordinances

Cumulative (Austin, pre-1986)

- allows uses permitted in district and all lower districts

Non-cumulative (Austin, post-1986)

- allows only uses permitted in the district

Zoning Participants

- Property Owner/Applicant
- Staff (Review & Code Enforcement)
- Historic Landmark Commission
- Planning Commission
- Zoning & Platting Commission
- City Council
- Board of Adjustment
- Public

Zoning Process

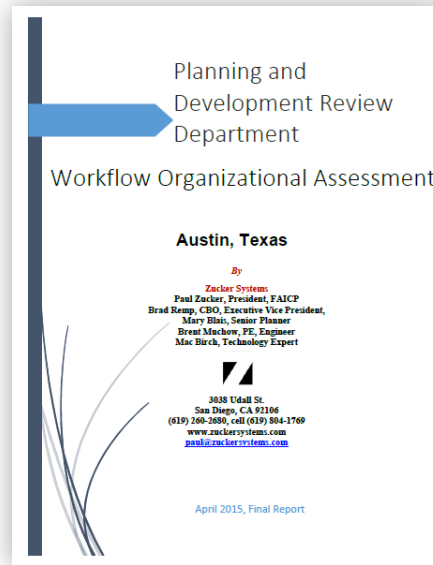
1. Staff review & recommendation/public notice & input
2. Public hearing at Zoning & Platting or Planning Commission & recommendation
3. Public hearing at City Council. Approval on 3 readings

Right of Protest

- Under our City Code, a property owner or interested party has the right of protest against a zoning change.
- If a valid petition is filed in opposition to a rezoning request by an affected property owner or by a certain percentage of property owners within 200 feet of the request, then a super majority (9 of 11) vote of the City Council would be required to rezone the property.



Why Change the Code?

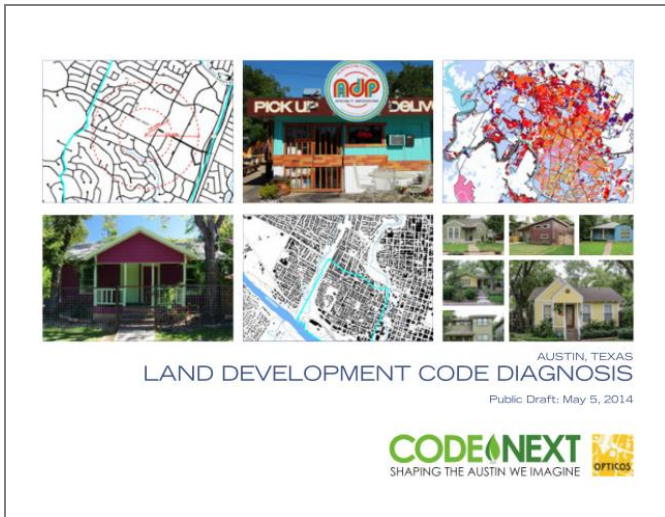


Improvements
to the
LDC

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Why Change the Code?

1. LDC Not Always in Line with Imagine Austin
2. Auto-Centric Code
3. Lack of Household Affordability and Choice
4. Ineffective Base Zoning Districts
5. Competing Layers of Regulations
6. Complicated “Opt-In, Opt-Out System”
7. Lack of Usability and Clarity
8. Ineffective Digital Code
9. Code Changes Adversely Affect Department Organization
10. Incomplete and Complicated Administration and Procedure



Questions?

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