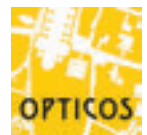


AUSTIN, TEXAS LAND DEVELOPMENT CODE DIAGNOSIS

Public Draft: May 5, 2014

CODENEXT
SHAPING THE AUSTIN WE IMAGINE



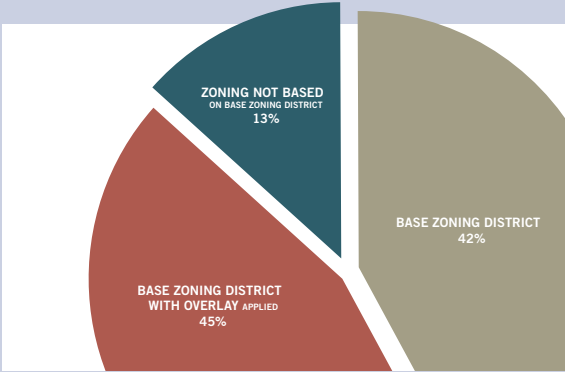
1.3 Summary of Key Findings

Top Ten Issues for Consideration

Austin’s current Land Development Code is an extremely detailed, dense, and complicated document created over the last 30 years. The work of identifying specific, detailed solutions to problems identified with the LDC will occur during the approximately 2 year long process of creating a Preliminary and Final Draft Code. This section highlights the top ten issues identified by the consultant team, but it does not propose solutions but rather identifies issues that, based on the consultant team’s experience, are contributing to concerns with the current development review process or could hinder achieving the goals of Imagine Austin.

The most visible and critical issue in the analysis of the city’s regulations is that the code structure and organization is overly complicated, not well coordinated, and does not meet modern-day best practices in code writing layout. A more in-depth analysis demonstrates that the 33 base zoning districts, which are the foundation of the overall system, have been ineffective in creating a high-quality, compatible built environment in the City of Austin, especially as development pressures have grown and the demand for walkable urban living has increased. This is illustrated by the fact that only a little over 42% of the entire city is regulated simply with the base zoning districts.

The ineffective base zoning districts have led to the creation of layer upon layer of supplemental regulations, in the Combining Districts, Compatibility Standards, and Subchapters E and F to name the primary new layers, to try to make this system more effective. This complexity, in combination with the length of the process



Zoning Category	Percentage
Base Zoning District with Overlay Applied	45%
Base Zoning District	42%
Zoning Not Based on Base Zoning District	13%

$33 \times 19 = 627^*$

Base Zoning Districts Combining Districts Potential Combinations

400+


Combinations Found in the LDC

* Not all overlays can be applied to all base zoning districts.



1 Ineffective Base Zoning Districts

Austin’s base zoning districts are ineffective because they apply the same development regulations to vastly different types of places.



2 Competing Layers of Regulations

Rather than address the ineffectiveness of the base zoning districts, 30-years worth of additional layers of regulation have been added to the LDC, making it so convoluted that it is virtually unusable.



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

The approach of applying regulations on a pick-and-choose basis has resulted in unpredictable development and has complicated the process of understanding what can be built.

4 Lack of Household Affordability and Choice

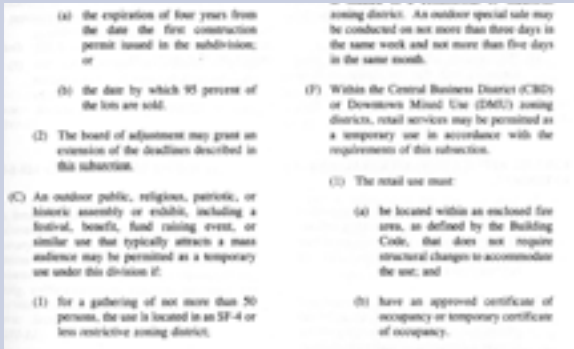
Austin’s current efforts at meeting the demands of household affordability are not keeping pace with the growing need.



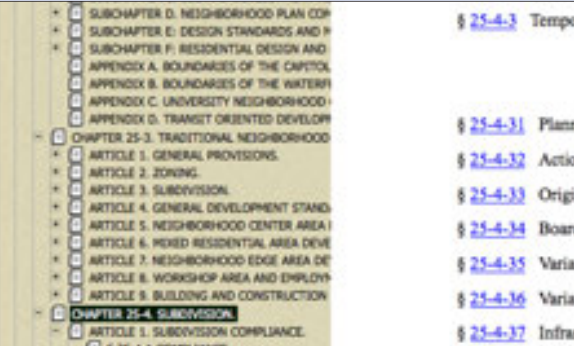
5 Auto-Centric Code
 The LDC is centered around the automobile and is compromising the character of Austin's communities and not achieving the goals of Imagine Austin.



6 LDC Not Always In Line with Imagine Austin
 The current Land Development Code does not proactively implement Imagine Austin and in some cases hinders realization of the plan.



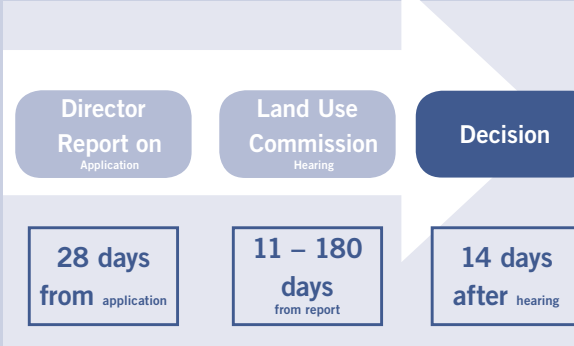
7 Lack of Usability and Clarity
 The structure, layout and inconsistent terminology make the code unclear and difficult to use.



8 Ineffective Digital Code
 A clunky interface, lack of graphics, and slow operating system make Austin's digital code hard to understand and use.



9 Code Changes Adversely Affect Department Organization
 The current complexity of the Land Development Code has an adverse effect on the organizational structure of the Planning and Development Review department.



10 Incomplete and Complicated Administration and Procedures
 A lack of clarity and consistency in decision-making, interpretation, and review of the code, as well as missing or incomplete code administration information, make for a lengthy and unpredictable review process.

and some of the specific regulations, has hindered small-scale, incremental adaptive-reuse projects and the incubation of local small businesses. In addition, none of the base zoning districts allow or encourage diverse, small-footprint Missing Middle housing types, which are necessary for Austin to meet its affordability goals. (See *Sidebar “What is the Missing Middle?” on page 59*.) This ultimately has led to a development review and entitlement process that is highly complicated.

Listed below are the top ten issues identified in the code diagnosis.

1 Ineffective Base Zoning Districts

Austin has 33 base zoning districts, which is comparable to cities of similar size; however, with 19 additional combining districts and the different possible variations, Austin has over 400 possible combinations of various base zoning districts. Only 42% of the entire city is regulated simply by the original base zoning districts without any sort of overlay or combining district. Both of these are clear signs that the existing base zoning districts are not addressing desires of the neighborhoods for harmonious development, nor are they responding to the current and growing demand for infill and redevelopment in the City of Austin.

See Section “3.1 Ineffective Base Zoning Districts” on page 36 for more details.

2 Competing Layers of Regulations

In order to address the deficiencies of the base zoning districts, new standards, including Combining Districts, Compatibility Standards, Vertical Mixed Use, new procedures, and land-use regulations have continuously been added since the last code update in 1984 and have not been coordinated very well with existing content and document structure. This has created a Land Development Code with so many layers of regulations it is very difficult to understand and administer. That being said, each of these layers has good intent and generally good content and/or regulations. Ultimately, the document and these different layers could be coordinated, consolidated, and restructured.

See Section “3.2 Competing Layers of Regulations” on page 50 for more details.

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

The idea of making sure that regulations are relevant for a specific neighborhood is an appropriate consideration. However the a-la-carte system used in Austin of hand-picking individual pieces of the zoning code has overcomplicated the system from an administration and general usability standpoint.

See Section “3.3 Complicated “Opt-in, Opt-out” System” on page 52 for more details.

4 Lack of Household Affordability and Choice

The City of Austin faces a significant challenge when tackling the well-documented growing demand for housing affordable to a large segment of its residents. Though the city and its private and nonprofit partners have made considerable progress on a number of fronts, the LDC could better assist in reducing costs and enabling the creation and preservation of more quality affordable housing units. The current regulations and processes could be revised to help lower development costs, encourage density in appropriate locations, and promote the development of affordable housing in more neighborhoods.

See Section “3.4 Lack of Household Affordability and Choice” on page 54 for more details.

5 Auto-Centric Code

The LDC is centered around the automobile and is compromising the character of Austin's communities and not achieving the goals of Imagine Austin.

There are three primary issues related to Austin's off-street parking regulations, mostly found in Chapters 25-5 Site Plans and 25-6 Transportation:

1. High parking requirements are prohibiting compatible, small-scale infill development in appropriate places;
2. Large amounts of off-street parking are beginning to chip away at, and compromise the character of, the communities throughout the city; and
3. The regulations are encouraging the creation of auto-dependent density.

See Section "3.5 Auto-Centric Code" on page 62 for more details.

6 LDC Not Always In Line with Imagine Austin

Imagine Austin established a detailed Vision for Austin 30 years in the future and defined 8 Priority Programs to provide a structure and direction for implementation of the plan.

Many of these Priority Programs are directly linked to the Land Development Code, and others are, at a minimum, indirectly affected by the code. A key finding of this report is that the current Land Development Code does not proactively implement

Imagine Austin and in some cases hinders realization of the plan. The following sections provide more detail on the Priority Programs most directly affected by the Land Development Code and problems with the current code.

See Section "3.6 LDC Not Always In Line with Imagine Austin" on page 64 for more details.

7 Lack of Usability and Clarity

As is true with any zoning code of similar age, the many years of additions of new regulations and procedures has made the LDC and supporting documents inconsistent, hard to understand, and extremely difficult to use. The primary issues are:

1. Inconsistent hierarchy, structure, and location of information;
2. Non-user-friendly and out-of-date layout, including a lack of graphics; and
3. Inconsistent use of terminology and conflicting information.

See Section "4.1 Lack of Usability and Clarity" on page 72 for more details.

8 Ineffective Digital Code

An effective online digital zoning code can be a tool to improve the usability and clarity of a land development code. Austin's online code, like those of many other cities across the country, is outdated and unrefined, and actually makes the LDC harder to understand and use. The issues with the digital code range from big-picture issues related to format

and user interface, to small issues like layout, basic page format, and lack of clarity for the user.

Recently, the city has signed a contract to switch from the current host service provider. The switch provides opportunities for some of the issues raised in this Section to be addressed.

See Section "4.2 Ineffective Digital Code" on page 76 for more details.

9 Code Changes Adversely Affect Department Organization

Planning and Development Review's (PDR) organizational structure and the physical arrangement of the workspace at One Texas Center were shaped by incremental change over a fairly long period of time. Customers at Austin's Development Assistance Center seek development permits, not protracted review processes. However, the LDC's multilayered system lacks a "by-right" discipline and Austin's frequent, customized code amendments often contribute to and compound administrative complexity. The LDC's expanding complexity over the years combined with Austin's booming development activity have exponentially increased demands on PDR and other city department's involved in the development review process in terms of organizational structure, position levels (and required skills), workspace efficiency, and ability to effectively implement adopted plans. Moreover, most departments work autonomously and focus on individual issues and requirements. Without a centralized decision-maker to sort through conflicting priorities, the system lacks clear coordination and efficiency.

See Section "5.1 Code Changes Adversely Affected Department Organization" on page 80 for more details.

10 Incomplete and Complicated Administration and Procedures

Stakeholders and staff identified the length of time it takes to obtain project approvals and the lack of predictability in the entitlement process as key issues with the existing LDC. For development regulations to be most effective, the review process must be transparent and efficient. To achieve transparency and efficiency, the entitlement process should be easy to navigate, application requirements should be clear, permit cycle times should be consistent, and the process should be streamlined to the extent possible.

A lengthy and unpredictable review process is not only the result of complicated procedures, but also the outcome of complex development standards themselves. An indication of an inefficient and outdated regulatory system in the city is the use of conditional overlays and the number of applications requesting a rezone. In fiscal year 2013, the City Council approved 191 rezoning applications prior to subdivision or site plan approval.

See Section "5.2 Incomplete and Complicated Administration and Procedures" on page 84 for more details.

Conclusion

This chapter has described the context for this code diagnosis report, its purpose, and the top findings identified in the report. The following chapters provide a more thorough overview of these top findings and others found during the code diagnosis phase.