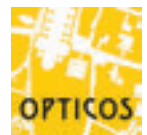AUSTIN, TEXAS
LAND DEVELOPMENT CODE DIAGNOSIS

Public Draft: May 5, 2014

CODENEXT

SHAPING THE AUSTIN WE IMAGINE

OPTICOS

Table of Contents

Introduction & Executive Summary

1.1 CodeNEXT Initiative Background

About the Land Development Code (LDC) Update and this Report

Austin is a creative, vibrant, and lively city. Austinites treasure unique neighborhoods and small businesses, celebrate diverse ideas and strive to protect the natural resources. Austinites aspire to be a community that is affordable and accessible to all and maintains the distinctive character and lifestyle that have made Austin a great place to live, work, and play.

Comprehensive Plan

The city's rapid growth has presented both opportunities and challenges to realizing the aspirations of Austinites. In 2009, Austinites began a big-picture conversation about how to best tackle these challenges and create a vision to help guide the future. This multiyear process led to the successful adoption of a new citywide comprehensive plan called the "Imagine Austin Comprehensive Plan," which was adopted by the Austin City Council in June of 2012.

Imagine Austin lays out the citizens' vision for complete communities that respond to the pressures and opportunities of a rapidly growing modern city. In order to achieve the goals articulated in Imagine Austin, the city's Land Development Code (LDC)—the rules and processes that regulate where and what type of development may occur—must be updated. The existing code, written nearly 30 years ago, has been amended hundreds of times over the years, is too complex, and does not allow Austinites to create the city they want.

See Section "2.1 Imagine Austin" on page 16 for more details.

Overall CodeNEXT timeline

CodeNEXT Process

In 2013, the city engaged the help of both national and local experts to work with elected officials, staff, appointed representatives, and the community at large on how best to align the land use standards and regulations with the goals of Imagine Austin. From the beginning, this process—dubbed "CodeNEXT"—placed as much emphasis on listening to people as it did on exploring the technical dimensions of the code. Following is a description of the major products to be created during the CodeNEXT process.

Listening to the Community Report

The CodeNEXT team designed a unique approach that began with listening to the community. This initial project phase, called "Listening and Understanding," created numerous ways for people throughout Austin to be in conversation with the CodeNEXT team and each other about issues that impact their everyday lives. These conversations explored what is working well, what needs to be improved in the places where they live, work, and play, and how the city's Land Development Code (LDC) could be most effective as a framework for improving the quality of life.

In an effort to make CodeNEXT transparent and accessible, the report includes links to the documents containing the input collected during the process in the report's addendum.

Since CodeNEXT is a multiyear process, this preliminary Listening to the Community Report does not represent an end of the conversation, but rather a recap of input gathered through early January 2014. The CodeNEXT team will continue to foster a robust conversation in Austin about how best to shape the Austin we imagine.

Read the Listening to the Community Report here:
http://www.austintexas.gov/sites/default/files/files/Planning/CodeNEXT/CodeNEXT_L2C_Report-Email-Version-v4-8-14.pdf

Code Diagnosis

The Code Diagnosis, this report, focuses on summarizing major issues identified by the public, city staff, and the CodeNEXT team within the existing LDC. While the input and analysis of the document often drilled down to the specifics of particular regulations, this report steps back and presents the overarching issues within the current LDC.

This report defines the basis or need for revising the current LDC does not prescribe or recommend direction for the new code.

In some cases, it also recommends topics to be discussed by the community to help guide the direction for the code. These can be considered for future community discussion, along with other topics from the Listening to the Community Report, Community Character Manual, and other community discussions.

Input to the diagnosis includes information gathered from stakeholders and staff during the listening phase of the project, as well as the consultant's analysis of the text and structure of the existing code.

Findings from this report will be added to the list of considerations as the city and CodeNEXT team begin to formulate alternative approaches to rewriting and reorganizing the LDC.

Other Documents in the CodeNEXT Process

Community Character Manual

The Community Character Manual can be seen as a visual dictionary and atlas of the unique character of the built environment found in Austin. This manual presents both citywide elements and provides a glimpse of the character of the built environment within each neighborhood reporting area.

Alternative Approaches to the Code

This document will provide three approaches to the reorganization and rewriting of the LDC. The approaches could range from just reorganizing the current content of the existing code to rewriting large sections of the LDC. From this document, the selected approach and annotated outline will establish the general direction for revising the LDC. However, the content of specific regulations will not be changed.

Draft Code

Based on the approach chosen by City Council, city staff and the consultant team will work to reorganize and rewrite portions of the existing LDC. Three drafts of the code will be prepared for discussion with the public, the LDC Code Advisory Group, boards and commissions and City Council.

1.2 History and Current Structure of the LDC

History of Austin's Land Development Code

The first zoning code for the City of Austin was adopted in 1931, with major revisions written in 1967. The early code was a conventional Euclidean-style code, with uses isolated into specific districts. However, many districts were cumulative, so that uses from the more restrictive districts were allowed in less restrictive districts. For example, multifamily development was allowed in commercial districts, but commercial uses were not allowed in multifamily districts. The code also regulated development intensity separate from land uses, so that each use district could be combined with different site development regulations (known as height and area limitations).

The basis of the existing zoning structure was adopted in 1984 as Chapter 13-2A of the City Code. This code stratified uses into mostly distinct residential and non-residential districts and established specific site development regulations for each use district. It also introduced new performance concepts such as compatibility standards to protect single-family neighborhoods, traffic impact analyses to consider transportation impacts of land development, and impervious cover limitations to help reduce stormwater runoff. When the 1984 code was adopted, all properties within city limits were rezoned into new zoning districts.

Timeline of Major Amendments to the Austin Land Development Code Since 1984

Last major rewrite was completed for the 1984 Zoning Ordinance

1984 "Zoning Ordinance"
 " View Corridor Overlay Zone Ordinance"
1985 "Hill Country Roadway Ordinance"
1986 "Comprehensive Watershed Ordinance"
 "Parkland Dedication Ordinance"
 "Waterfront Overlay District"

1987-88 "Unified Land Development Code"
1991 "Land Development Code Revision"
 "Urban Watersheds Ordinance"
1993 "Save Our Springs Ordinance"
1999 "Central Urban Redevelopment (CURE) Combining District"
 "Recodification of Land Development Code"
2001 "SMART Housing"
 "Neighborhood Plan Combining District"
2003 "Austin-Travis County Subdivision Regulations"
2004 "University Neighborhood Overlay"
2005 "Transit-Oriented Development District"
2006 "Subchapter E Commercial Design Standards"
 "Residential Design & Compatibility Standards" (i.e. 'McMansion Ordinance')

2007 "Redevelopment in Barton Springs Zone"
2008 "Planned Unit Developments"
2010 "Heritage Trees"
 "Dock, Bulkheads, and Shoreline Access"
2011 "Open Space"
2012 "Flag Lots"
2013 "Downtown Parking"
 "Short-Term Rental"
 "Repeal of Project Duration"
 "Watershed Protection Ordinance"
 "Downtown Density Bonus Ordinance"
 "Urban Farms"

Consolidation of Regulations into Unified Development Ordinance

In 1988, the zoning code, subdivision regulations, watershed regulations, and various other development-related ordinances were consolidated into the Land Development Code (Chapter 13), but few substantive changes were made in the regulations. This LDC did, however, establish a logical order for the development process that required approvals to be obtained in a specific sequence.

Land Development Code Revision

A recodification of the LDC to Chapter 25 was made in 1999 in order to reorganize certain sections and simplify the language. Although intended to be a non-substantive rewrite, changes in the language have resulted in new interpretations of some provisions of the LDC.

Other Major Code Amendments

From approximately 1985 - 1991 Austin adopted a series of development regulations to protect and preserve the environmental character of the city and surrounding area. These included the Hill Country Roadway Ordinance to protect and preserve the scenic and environmental qualities along certain roadways on the western edge of Austin; the Comprehensive Watersheds Ordinance, which combined formerly disparate watershed regulations into a single ordinance; the Waterfront Overlay District, which defined land development regulations for development along the Lady Bird Lake (formerly Town Lake) to preserve the unique quality of this river corridor; the Urban Watersheds

Ordinance to balance the need for protection of urban creeks with the different and more urban context of much of central Austin; and the Save Our Springs Ordinance, which defined strict environmental regulations to protect the Edwards Aquifer and Barton Springs.

From 1999 to 2005 Austin adopted a series of amendments to manage redevelopment and infill, and encourage affordable housing. These included the CURE Combining District, which provided flexibility in development regulations for Downtown and nearby corridors; SMART Housing, which established criteria and incentives for affordable housing; the Neighborhood Plan Combining District, which provides flexibility in establishing development regulations for Neighborhood Plans; the University Neighborhood Overlay, which allowed additional density to the west of the University of Texas in exchange for certain community benefits; and the Transit-Oriented Development District, which was designed to encourage compact, mixed-use development near transit stations.

Austin-Travis County Subdivision Regulations

In 2003 a single set of subdivision regulations, known as Title 30, was adopted to govern subdivisions within five miles of the city limits in Travis County where the city and the County previously had overlapping jurisdiction.

Subchapter E: Commercial Design Standards and Mixed-Use

In 2006, Subchapter E of the LDC was approved to improve the city's standards for commercial and mixed

use development. This included standards for building placement, sidewalk and streetscape improvements, street connectivity, building design standards and the Vertical Mixed Use (VMU) provisions. While Subchapter E provided a necessary focus on the quality of new development it also suffers from several challenges. These include applying uniform standards to large areas of the city without consideration of context, lighting provisions that are both overly prescriptive and inadequate, a formatting and numbering system that can be challenging to use, and lack of flexibility in building design standards.

Ongoing Amendments

Since 2007 the Land Development Code has been amended frequently to accommodate both minor and very significant changes. Major amendments since 2007 include the Residential Design and Compatibility Standards intended to address scale and massing relationships between older and newer residential units, the rewriting of the Planned Unit Development (PUD) ordinance, the Heritage Tree ordinance which was designed to add protection for the largest trees in the community, the Watershed Protection ordinance, a major rewrite of the city's Watershed regulations, and the Downtown Density Bonus ordinance which established the guidelines for approval of density bonuses in Downtown Austin.
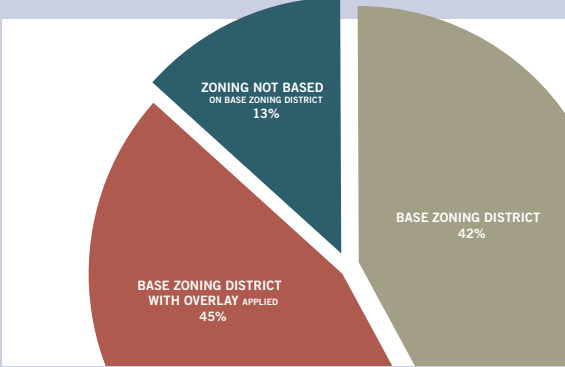
1.3 Summary of Key Findings

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 NOT BASED ON BASE ZONING DISTRICT 13%

BASE ZONING DISTRICT 42%

BASE ZONING DISTRICT WITH OVERLAY APPLIED 45%

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.
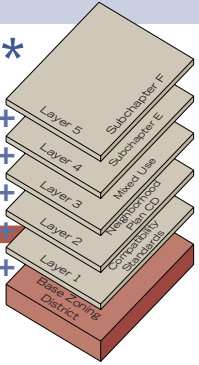
$33 \times 19 = 627$*
Base Zoning Districts / Combining Districts / Potential Combinations

400+
Combinations Found in the LDC

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

Layer 5 — Subchapter F
Layer 4 — Subchapter E
Layer 3 — Mixed Use
Layer 2 — Neighborhood Plan CD
Layer 1 — Compatibility Standards
Base Zoning District

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.
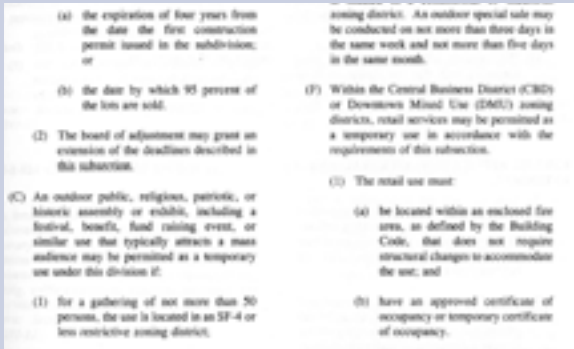
7 **Lack of Usability and Clarity**

The structure, layout and inconsistent terminology make the code unclear and difficult to use.
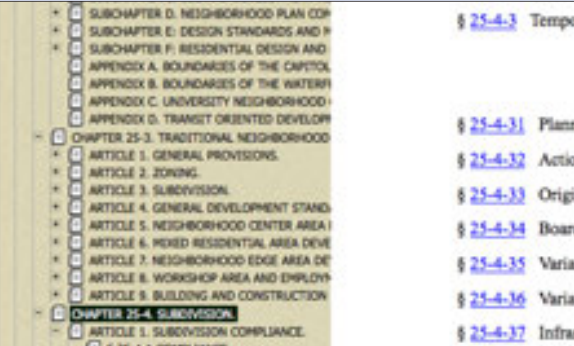
8 **Ineffective Digital Code**

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.

Director Report on Application | Land Use Commission Hearing | Decision

28 days from application | 11 – 180 days from report | 14 days after hearing

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

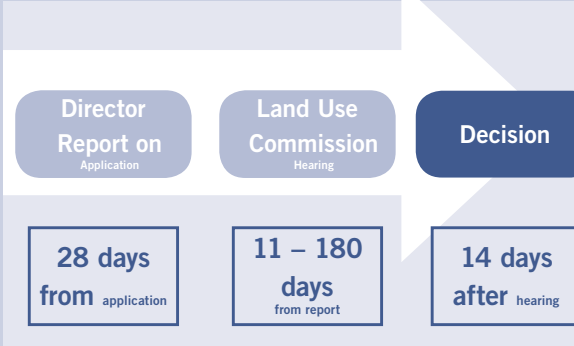Imagine Austin and in some cases hinders realization of the plan. The following sections provide more detail on the Priority Programs most directly affected by the Land Development Code and problems with the current code.

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.

Policy and Planning Framework

2.1 Imagine Austin

Comprehensive Plan for the Future of Austin

Vision for the Future of Austin

The City Council unanimously adopted the pioneering Imagine Austin Comprehensive Plan in June 2012, replacing the 33-year old Austin Tomorrow Comprehensive Plan. The new plan sets forth a sustainable vision for Austin to grow in a more compact and connected way. The significance of the new plan is further underscored by the Austin City Charter requirement that all development regulations, public infrastructure investments, and land use decisions be consistent with the comprehensive plan.

To realize a more sustainable future for current and future Austinites, Imagine Austin sets forth six core principles for action:

- Grow as a compact, connected city
- Integrate nature into the city
- Provide paths to prosperity for all
- Develop as an affordable and healthy community
- Sustainably manage water, energy and other environmental resources
- Think creatively and work together.

These principles are further expanded upon in the plan's policies and actions. In "Chapter 5—Implementation and Measuring Success", the actions are organized into eight priority programs to facilitate plan implementation. These programs build on existing policies and initiatives, as well as the community input received during the three-year process to create Imagine Austin. Of these programs, the eighth, "Revise Austin's development regulations and processes to promote a compact and

Imagine Austin Priority Programs

1. Compact & Connected
2. Sustainable Water
3. Workforce & Education
4. Green Infrastructure
5. Creative Economy
6. Household Affordability
7. Healthy Austin
8. Development Regulations

IMAGINEAUST N
COMPREHENSIVE PLAN
Vibrant. Livable. Connected

City Council Adopted
June 15, 2012

connected city" is the starting point for the CodeNEXT project.

The resulting land development code from the CodeNEXT process will be one of the most important tools available to realize the sustainable future called for in Imagine Austin.

With the unanimous City Council adoption of the Imagine Austin Comprehensive Plan —Austin is now poised to implement its powerful new vision to create compact, connected and complete communities. The policies within this plan give direction and serve as the foundation for citywide land use and transportation decision making.

Completing "number eight", revising "development regulations and processes to promote a compact and connected city," will help drive and promote the other seven priority programs, so it is essential to progress toward building a land development code that will become an effective tool for government, developers, property owners, business people, and community members—one that will facilitate the kind of sustainable development called for in Imagine Austin.

Building From the Imagine Austin Framework: The Growth Concept Map

Imagine Austin's strategy for accommodating future growth is illustrated by the Growth Concept Map (GCM). The GCM promotes a compact urban form by connecting transit-rich, walkable activity centers of varying sizes and purposes to one another by a series of mixed use, multi-modal activity corridors. More intensive uses such as manufacturing and warehousing will be located in job centers. The centers approach to growth management was initially introduced locally through the Envision Central Texas (ECT) regional visioning efforts in the early 2000s and further developed by the Capital Area Metropolitan Planning Organization's CAMPO 2035 Regional Transportation Plan.

A more detailed discussion of the GCM begins on page 96 of Imagine Austin (http://assets.austintexas.gov///webiacpfullreduced.pdf)

Activity Centers

Centers are generally focused on one or more major transit stops. The greatest density of people and activity will be located around these stops. Surrounding these dense hubs, centers will feature a mix of retail, offices, open space and parks, public uses and services such as libraries and government offices, and a variety of housing choices. Because of their generally compact nature, it will be a quick trip to travel from one side of a center to the other by foot, bicycle, transit, or automobile.
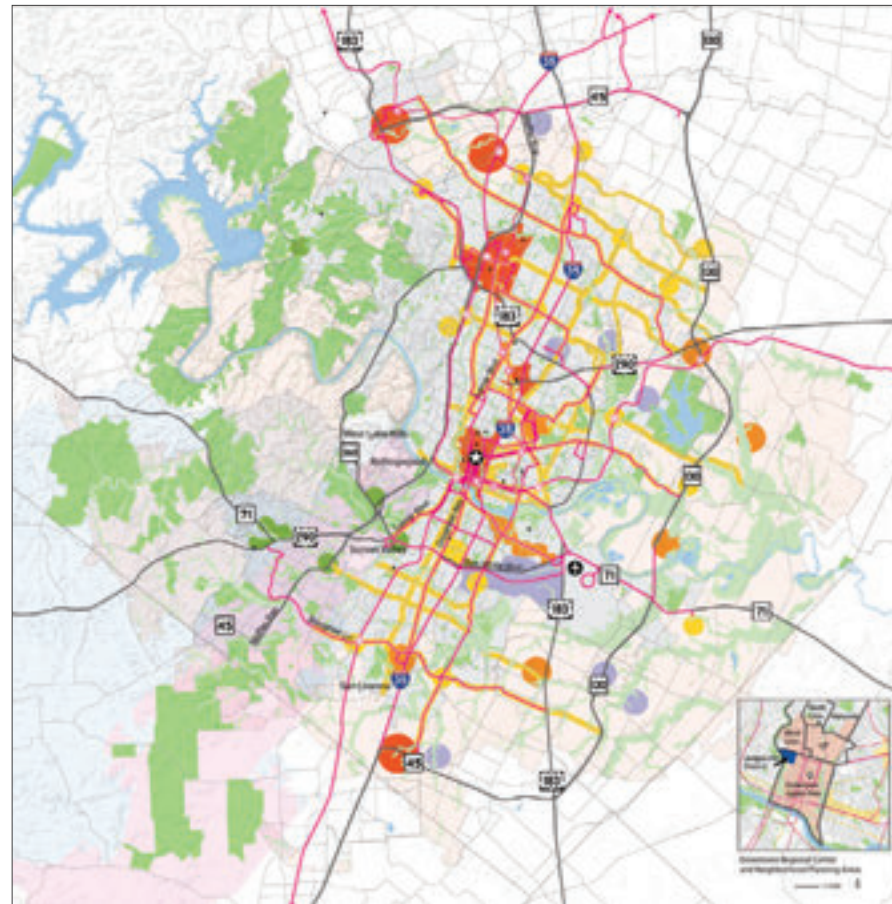
Imagine Austin Growth Concept Map, which shows where growth and development should be focused on activity centers and corridors throughout the region

Legend
- 🔴 Regional Center
- 🟠 Town Center
- 🟡 Neighborhood Center
- ── Activity Corridor
- 🟢 Activity Centers for Redevelopment in Sensitive Environmental Areas
- 🟣 Job Center
- 🟩 Current Open Space
- 🟩 Future Open Space
- 🟦 Barton Springs Contributing Zone
- 🟥 Barton Springs Recharge Zone
- • College / University

Transportation
- ⭕ High Capacity Transit Stop
- ⭕ Proposed High Capacity Transit Stop
- ── High Capacity Transit
- ── Highway
- ── Other Streets

Boundaries
- City Limits
- ETJ
- County Boundaries

There are four mixed-use activity centers of varying density and intensity:

1. Regional center;
2. Town center;
3. Neighborhood center; and
4. Activity centers for Redevelopment in Sensitive Environmental Areas (CRSEA).

There is a fifth type of activity center, job centers, which are intended to accommodate businesses not well-suited for residential or environmentally sensitive areas.

Activity Corridors

Activity corridors have a dual nature. They are the connections that link activity centers and other key destinations to one another and allow people to travel throughout the city and region by bicycle, transit, or

automobile. Corridors are also characterized by a variety of activities and types of buildings located along the roadway.

The activity centers and corridors are primary target areas for new and redevelopment to accommodate Austin's growth in a more compact and sustainable fashion.

Job Centers

Jobs centers were designated on the GCM as locations for businesses with operating characteristics not well-suited for residential and environmentally sensitive areas. These businesses include office parks, manufacturing facilities, warehouses, and logistics. These centers take advantage of existing transportation infrastructure such as arterial roadways, freeways, or the Austin-Bergstrom International Airport.

While the job centers place a priority on vehicular access and movement, they are intended to cluster jobs so that transit services such as light rail or bus rapid transit, or local or express bus service can provide alternatives to driving in a car to those who work in those centers. In addition, pedestrian and bicycle improvements are intended for the people who work in those centers.

Other Development Within City Limits

Imagine Austin recognizes that development will continue across the city in areas not designated by activity centers, activity corridors, or job centers. The plan emphasizes that new and redevelopment should be sensitive to and complement the surrounding context. In addition, the plan recognized that not all land within the city limits will be developed or redeveloped:

- Some land may remain, or enter into, agricultural production;
- Become part of the planned open space network;
- Be environmentally sensitive and have development directed to areas identified by small area plans; or
- Continue as single-family houses, duplexes, and apartments to protect the character of neighborhoods by directing growth to areas identified by small area plans.

Page 109 from the Imagine Austin Comprehensive Plan. The plan recognizes that development within the activity centers, activity corridors, as well as the rest of the city would need to have "harmonious transitions" between new and redevelopment and existing, less intensive uses. Imagine Austin recognizes that these transitions require addressing local context and that one solution would not work across all parts of Austin.

Assessment of Imagine Austin Centers

As part of CodeNEXT, Imagine Austin's centers were evaluated to gain a better understanding of how the revised LDC can more effectively implement the plan's vision. The CodeNEXT team conducted an initial assessment as part of the Code Diagnosis. *See Table "Assessment of Imagine Austin Activity Centers" on page 21.*

The assessment classified centers based on its context, whether it is already developed, and whether or not it is subject to some type of plan.

Context

What is the current context of the area identified in the growth concept map for an activity center?

- Rural
- Suburban
- Walkable Urban

This context is important to understand. It begins to clarify to what extent these areas may need to change to become an activity center.

Developed vs. Undeveloped

Is the area identified as an activity center currently developed or is it an area that is undeveloped? This provides an initial understanding of:

- How much of an already developed area may need to be redeveloped;
- How much of a greenfield area may dramatically change if developed; and/or
- How areas with developed portions and vacant land may need to change.

Planned vs. Not Planned

Has the area already been planned either by the City of Austin, some other agency or local government, or by the private sector? "Not planned" means no plans were found for the area. "No clear plans" signifies that various discussions have occurred in the past, however no clear direction has been agreed upon.

Understanding which activity centers currently have master plans, small area plans or PUDs allows the CodeNEXT team to better understand how much and what kind of growth is already entitled for development. It also identifies activity centers where more planning may be required to more fully realize the potential of these centers.

Growth Concept Map with Activity Centers Numbered

Assessment of Imagine Austin Activity Centers

	ID#	Name	Context	Existing Condition	
				Developed vs. Undeveloped	Planned vs. Not Planned
Regional Center	1	Lakeline Station	Suburban/Rural	Partially Dev.	Partially Planned
	2	Robinson Ranch Station	Rural/Suburban	Undeveloped	Partially Planned
	6	North Burnet/ Gateway Station	Suburban	Developed	Planned
	17	Highland Mall Station	Suburban	Developed	Planning in-progress
	26	Downtown Austin	Walkable Urban	Developed	Planned
	37	Southside Regional Center	Rural	Undeveloped	No clear plans
Town Center	9	290 & 130/ Wildhorse PUD	Rural	Undeveloped	Partially Planned
	12	Whisper Valley PUD	Rural	Undeveloped	Planned
	16	Lamar-Justin TOD	Suburban	Partially Dev.	Planned
	19	Mueller Station	Walkable Urban/ Suburban	Partially Dev.	Planned
	22	Rio de Vida	Rural	Undeveloped	Partially Planned
	27	Riverside Stations (ERC)	Suburban	Partially Dev.	Planned
	29	Pilot Knob	Rural	Undeveloped	Partially Planned
	30	South Park Meadows Center	Suburban	Developed	Planned

See page 20 for description of terms used.

 * Activity Center ID #47 Reserved

Assessment of Imagine Austin Activity Centers				
			Existing Condition	
ID#	Name	Context	Developed vs. Undeveloped	Planned vs. Not Planned
4	1825 Strip	Suburban	Developed	No clear plans
5	183/McNeil	Suburban	Developed	No clear plans
7	Tech Ridge	Suburban	Partially Dev.	Partially Planned
8	Harris Branch	Suburban/Rural	Partially Dev.	Planned
14	Far West	Suburban	Developed	No clear plans
15	Anderson Lane Station	Suburban	Developed	No clear plans
20	Colony Park Station	Suburban	Partially Dev.	Planning in-progress
21	FM 969/130	Suburban	Undeveloped	Unplanned
23	Springdale Station	Suburban/ Walkable Urban	Developed	No clear plans
24	MLK Station	Walkable Urban/ Suburban	Partially Dev.	Planned
25	Plaza Saltillo	Walkable Urban/ Suburban	Partially Dev.	Planning in-progress
31	St. Edwards	Walkable Urban	Developed	
36	Slaughter Lane Station	Suburban	Partially Dev.	No clear plans
38	Goodnight Ranch	Rural	Not Developed	Planned
40	71/Ross	Rural/Suburban	Partially Dev.	Partially Planned
41	Dove Springs			
42	Cameron/Wells Branch	Rural	Partially Dev.	No clear plans
44	Howard Station	Suburban	Undeveloped	No clear plans
45	Dessau/Parmer	Suburban	Partially Dev.	No clear plans
48	Lamar and Rundberg	Suburban	Developed	Partially Planned

(Vertical label: Neighborhood Center)

See page 20 for description of terms used.
    * Activity Center ID #47 Reserved

Assessment of Imagine Austin Activity Centers				
			Existing Condition	
ID#	Name	Context	Developed vs. Undeveloped	Planned vs. Not Planned
13	Four Points	Suburban	Developed	Partially Planned
32	Lamar/Ben White	Suburban	Developed	Planning in-progress
33	Barton Creek Mall	Suburban	Developed	No clear plans
34	Oak Hill Center	Suburban	Developed	Partially Planned
35	William Cannon/ MoPac	Suburban	Developed	No clear plans
3	North 1325 Center	Suburban	Partially Dev.	No clear plans
10	BFI Center	Suburban/Rural	Partially Dev.	Partially Planned
11	Decker Center	Suburban	Partially Dev.	No clear plans
18	Cameron/183 Center	Suburban	Developed	No clear plans
28	F1	Rural/Suburban	Developed	Partially Planned
39	TDS Center	Rural	Partially Dev.	Planned
43	McKinney Center	Suburban	Developed	No clear plans
46	FM 812/130 Center	Suburban/Rural	Partially Dev.	No clear plans

(Vertical labels: RSEA Activity Center; Job Center)

See page 20 for description of terms used.
    * Activity Center ID #47 Reserved

Imagine Austin Findings

Set a Vision for the Future

Imagine Austin sets an ambitious vision for the future of the city as it continues to grow and evolve. It identifies where development should and should not occur and sets forth a vision towards which both the public and private realm are realigning through the eight Priority Programs.

Limited to a 30,000-Foot View

While Imagine Austin sets forth this ambitious vision, it remains a regional vision taken from 30,000 feet, which does not provide guidance at the parcel level for future land uses. The fine-grained details of where and how Imagine Austin impacts the city, neighborhoods, and individuals,need to be addressed in the Land Development Code (LDC) update, small area plans, updates to current plans, and any future neighborhood plans.

Imagine Austin describes the different types of activity centers; however, these activity centers were not refined enough to reflect the local context and how development might differ between the same types of activity centers.

Did Not Fully Delineate Degree of Intended Change

During the Imagine Austin process, a "susceptibility to change" map was created to determine the likelihood of change or redevelopment within Austin and the extraterritorial jurisdiction (ETJ). In the broadest terms, this map provides useful information on where to expect growth based on development trends as well as land and building values. However, this map did not specify the kind of change or define areas where change was not intended. An important part of the CodeNEXT process and future small area plans will be working with the public to further refine and define the degree an area's expected level of change. As part of this process, adopted neighborhood plans and other small area plans will play a critical role in this work.

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

2.2 Neighborhood Plans

The Bridge Between Comprehensive Planning and the Land Development Code

Overview

The idea of neighborhood planning was first proposed as a policy direction in the 1979 Austin Tomorrow Comprehensive Plan. A City Charter election in 1985 granted the authority to create "neighborhood, community, or area-wide plans." In 1995, the Citizens' Planning Committee Report, sounded a similar call for "integrative community plans," and in 1997 the city initiated a pilot neighborhood planning program, which three years later switched to a regular work program.

The 1984 Zoning Ordinance rezoned the entire city, and although it has been substantially amended over the years, it remains the basis for today's Land Development Code (LDC). However, several of the current code's commercial zoning districts allow uses that are not compatible with adjacent residential areas. The juxtaposition of intense zoning adjacent to residential areas and the development pressures inherent in a rapidly growing metropolitan area resulted in conflicts between neighborhoods and new development. Neighborhood plans offered the city and residents the opportunity to take a finer-grained look at the neighborhoods, address these zoning issues, and to identify strategies for managing change in a manner Austin Tomorrow could not do.

Adopted Neighborhood Plans:

- Bouldin Creek Neighborhood Plan
- Brentwood/Highland Combined Neighborhood Plan
- Central Austin Combined Neighborhood Plan
- Central East Austin Neighborhood Plan
- Central West Austin Combined Neighborhood Plan
- Chestnut Neighborhood Plan
- Crestview/Wooten Combined Neighborhood Plan
- Dawson Neighborhood Plan
- East Cesar Chavez Neighborhood Plan
- East MLK Combined Neighborhood Plan
- East Riverside/Oltorf Combined Neighborhood Plan
- Govalle/Johnston Terrace Combined Neighborhood Plan
- Greater South River City Combined Neighborhood Plan
- Heritage Hills/Windsor Hills Combined Neighborhood Plan
- Holly Neighborhood Plan
- Hyde Park Neighborhood Plan*
- Montopolis Neighborhood Plan

- North Austin Civic Association Neighborhood Plan
- North Burnet Gateway Neighborhood Plan
- North Lamar Combined Neighborhood Plan
- North Loop Neighborhood Plan
- Oak Hill Combined Neighborhood Plan
- Old West Austin Neighborhood Plan*
- Rosewood Neighborhood Plan
- South Congress Combined Neighborhood Plan
- Southeast Austin Combined Neighborhood Plan
- St. John/Coronado Hills Combined Neighborhood Plan
- University Hills/Windsor Park Combined Neighborhood Plan
- Upper Boggy Creek Neighborhood Plan

*Old West Austin and Hyde Park are the only neighborhood plans without Future Land Use Maps (FLUM).
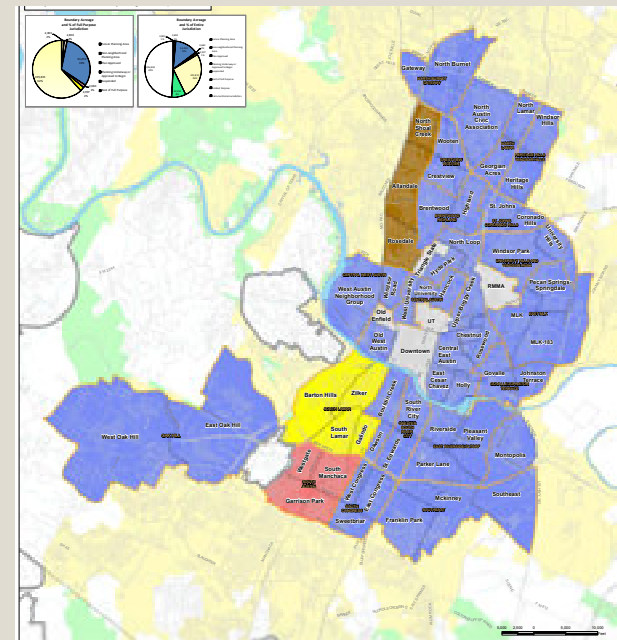
As a planning tool, neighborhood plans fill the gap between the citywide perspective of the comprehensive plan and the specific regulations of the LDC. The plans accomplish this through their vision, goals, objectives, actions, and future land use maps (FLUM) as well as the zoning ordinances that implement their land use elements. The plans also contain a ranked list of capital expenditures to address local quality of life issues.

Between 1997 and 2012, 29 neighborhood plans have been adopted. These plans are generally located in Austin's urban core and contain areas largely developed before the mid-1970s.

The land use recommendations of the plans are implemented through the adoption of a Neighborhood Plan Combining District (NP). This combining district is as an overlay to the existing zoning that allows for base zoning district changes as well as other modifications, and the adoption of zoning tools unique to the NP combining district.

After the City Council chooses an approach to updating the LDC, each neighborhood plan and their associated rezonings will serve as a framework for discussions as to how the new code could better align with vision and regulatory goals of the neighborhood plans.

Typical Neighborhood Plan Content

Goal, Objectives, and Recommendations

Austin's neighborhood plans have a hierarchical structure of goals, objectives, and recommendations (earlier plans had action items). The goals are among the most aspirational elements of a neighborhood plan and broadly describe desired outcomes. Objectives are multiple steps needed to achieve a goal. Recommendations are specific and, ideally, measurable steps needed to realize individual objectives. These plan elements, along with a vision statement, reflect the common ground established through the planning process.

Many of the goals and objectives of the neighborhood plans are implemented through land use regulations, specific neighborhood planning tools, future land use maps (FLUM) and capital improvement projects.

Land-Use Regulations

The NP is a powerful zoning tool that implements a plan's land use elements and can dramatically affect what can and cannot be done on a piece of property. It can be used to change the base zoning district to a more permissive or restrictive district, or increase entitlements by adding a MU or V to the base zoning. It has also been used to affect some performance requirements such as setting a cap of vehicle trips per day. Most commonly, it is used to restrict uses and, less frequently, site development standards such as building heights and setbacks through the application of conditional overlays.

Prior to the 1984 Zoning Ordinance, the very permissive Commercial (C) zoning district was liberally applied in strips along most major roadways and even within some residential areas. Upon its adoption, the new ordinance converted the C zoning district into a similarly permissive zoning district, Commercial Services (CS). This one-to-one conversion between the two districts was done, in all likelihood, to reduce property owner opposition to the new code; however, this resulted in a citywide application of intensive zoning in or near

residential areas. When given the opportunity to assess the zoning in their communities through the neighborhood planning process, many communities recommended changes in the allowable uses to create more neighborhood-appropriate zoning.

See Table "Frequency of Prohibited or Conditional Land Use within Neighborhood Planning Areas" on page 30.

Neighborhood Plan Tools

In an effort to allow a greater diversity of housing and promote mixed use development, the City Council adopted the Neighborhood Plan Combining District in April 2000. This combining district established new infill options that planning areas can select on an opt-in/opt-out basis to:

- Make legally subdivided small lots easier to develop;

Neighborhood Plan Tools

Special Uses
- Small Lot Amnesty
- Cottage
- Urban Home
- Secondary Apartment
- Corner Store
- Residential Infill
- Neighborhood Urban Center
- Neighborhood Mixed-Use Building
- Mobile Food Establishment Restrictions

Design Tools
- Impervious Cover & Parking Placement
- Garage Placement
- Front Porch Setback

- Allow new, small-lot single-family construction;
- Allow secondary/garage apartments on smaller lots; and
- Allow for a number of different types and scales of mixed use developments.

In 2003 additional regulations were added to the NP. As with the infill options, these design tools can be selected on an opt-in/opt-out basis:

- Parking placement for single-family development;
- Garage placement for new single-family development; and
- Front porches extending into the front setback for new and existing single-family houses.

Depending on their specific regulations, these entitlements can apply neighborhood-wide, within a sub-district, or on a parcel-by-parcel basis.

Future Land-Use Map (FLUM)

While the land-use restrictions and neighborhood-plan tools directly relate to what is allowed to be built under existing zoning and the zoning map, the neighborhood plans also include a map that shows the communities' intent for future development in general, and future rezoning. This map is known as the "future land-use" map, or "FLUM".

During the rezoning process, the zoning district that is under consideration must be in alignment with the intent of the FLUM. If there is a conflict between the rezoning request and the FLUM, the applicant must apply for an amendment to the map.

Capital Improvement Projects

A neighborhood plan serves as a tool to guide land use decisions (as mentioned above) and address quality of life issues. The quality of life issues are addressed both by actions the community needs to make and actions required on the part the City of Austin. The city's role in implementing these items usually takes the form of capital expenditures. These capital items are prioritized within the plan and contact teams (Neighborhood Plan Contact Teams) are able to reprioritize them on a three-year rotating basis.

The city has a new Long-Range Capital Improvement Projects Strategic Plan to strategically organize unfunded capital improvement needs.

Neighborhood Plan Amendment

The plan amendment process ensures that nearby residents and the neighborhood plan contact team(s) will be notified of proposed changes. The process and criteria for some types of plan amendments are contained in the LDC.

Neighborhood Plan Amendments for Individual Projects

Neighborhood plan amendments (NPA) are most often made to amend a plan's FLUM. This type of amendment is required if a proposed zoning change is inconsistent with the map. Applications for amendments to properties west of IH-35 are accepted in February; applications for properties east of IH-35 are accepted in July. Exceptions exist to these application dates for projects that will result in a significant number of full-time jobs, environmental protection, and affordable housing. In addition neighborhood plan contact teams may write a letter of

support to allow a plan amendment to move forward outside of the designated months.

Subdistrict and/or Area-wide Amendments

Other amendments are made when a contact team wants to add or remove area or subdistrict-wide infill options and/or design tools or to amend a plan's text. The amendments affecting subdistrict or area-wide options and tools may only be initiated by the City Council, the Planning Commission, the Director of the Planning and Development Review Department, or the Neighborhood Plan Contact Team.

Neighborhood Plan Assessment

The consultant team prepared an assessment of all adopted Neighborhood Plans. This assessment included a compilation of the goals of all neighborhood plans, the definition of categories or themes for the goals, and a listing of the prohibited and conditional uses put in place through the adoption of the Neighborhood Plan Combining District ordinance. An early draft of the assessment was provided to the neighborhood plan contact teams (NPCT) and representatives from Austin Neighborhood Council (ANC) for review and comment in February 2014. The assessment findings have been refined to reflect the comments received from NPCTs and ANC.

The CodeNEXT team understands and respects the vast amount of work and effort expended by the neighborhoods and city in crafting the plans. The assessment is intended to help the team understand how the LDC and the neighborhood plans are, or are not, supporting each other to efficiently implement the visions set forth. The existing neighborhood plans will continue to be referenced as the CodeNEXT initiative continues.

The assessment will also help the team to identify common themes, patterns, and issues among Austin's neighborhoods, as well as to identify unique or unusual situations so that as the code is developed in 2015, appropriate regulations can be created for different conditions.

Neighborhood Plan Assessment Findings

Common Themes Across Neighborhood Plans

Common themes emerged from the assessment of the goals of the individual neighborhood plans. The goals from each neighborhood plan were categorized into a number of themes. The most common themes that appeared relate to:

- Transportation (complete streets, streetscape, transit, and traffic);

- Neighborhood character (maintaining established neighborhood character & assets, and preserve historic character);

- Protection and enhancement of creeks and open spaces; and

- Compatible land uses.

See Table "Definitions of Themes Used in Assessment" on page 28.

See Appendix A, for a detailed list of goals and themes by neighborhood plan.

Themes from Neighborhood Plan Goals Summary		Number of times theme appeared across all NP goals	Number of NPs the theme appeared in
	Theme		
Affordability	Affordability	16	15
	Encourage Home Ownership	3	3
Community Character	Maintain Established Neighborhood Character & Assets	38	22
	Public Safety	32	22
	Diversity	20	17
	Preserve Historic Character	13	12
	Appearance/Orderliness/Maintenance	15	12
	Cultural Arts and Civic Institutions	7	6
	Community Identity	10	5
	Health & Human Services	5	5
	Youth	7	5
Design of Development	Compatible Land Uses	27	21
	Encourage Mixed Use	16	14
	Focus Growth	12	11
Economy	Retain and Attract Neighborhood-Serving Businesses	11	11
	Improve Business Environment	6	6
	Support/Attract Local Businesses	5	5
Natural Resources, Environment & Open Space	Protect and Enhance Creeks & Open Spaces	20	18
	Preserve and Enhance Parks	17	16
	Create Additional Public/Green Spaces	14	11
	Drainage	11	10
	Environment	9	9
	Pollution	7	6
Transportation, Parking, Streets	Complete Streets	35	27
	Transit	31	26
	Traffic	15	11
	Connectivity	13	9
	Streetscape	12	10
Other	Enforcement	5	4
	Other	7	7

Definitions of Themes Used in Assessment	
Theme	**Definition**
Affordability	
Affordability	Refers to the cost of living including but not limited to housing and transportation; also to policies and incentives for affordable housing
Encourage Home Ownership	Refers to the number or percentage of the population who own their home
Community Character	
Maintain Established Neighborhood Character & Assets	Refers to maintaining and preserving the character and integrity of neighborhoods including single family, historic assets, community facilities, neighborhood-serving commercial areas and ensuring new development respects this character
Public Safety	Refers to creating and maintaining a safe environment for the public and/or reducing crime
Diversity	Refers to a diverse population including a range of ages, ethnicities, and economic and social, characteristics. Also refers to a range of housing types or residential and commercial land uses
Preserve Historic Character	Refers to the preservation or enhancement of historic structures, resources, or character of an area
Appearance/ Orderliness/ Maintenance	Refers to property or conditions needing improvements
Cultural Arts and Civic Institutions	Refers to the need for new or enhanced cultural and/or civic institutions
Community Identity	Refers to promoting or increasing awareness of resources, strengths or history of the area
Health & Human Services	Refers to promotion of and access to health and human services programs
Youth	Refers to development, promotion, or expansion of opportunities for youth (including schools)

Definitions of Themes Used in Assessment (continued)	
Theme	**Definition**
Design of Development	
Compatible Land Uses	Refers to compatible and complimentary land use, scale, massing and design of development between industrial, commercial, residential, civic, open space and other uses and areas
Encourage Mixed Use	Refers to encouraging compatible mixed use along major commercial corridors and designated districts or areas
Focus Growth	Refers to directing growth to preferred locations such as major corridors, districts or nodes
Economy	
Retain and Attract Neighborhood-Serving Businesses	Refers to encouraging, preserving, or enhancing neighborhood-friendly, neighborhood-serving, or neighborhood compatible businesses
Improve Business Environment	Refers to improving the business climate in the area or encouraging appropriate business development
Support/Attract Local Businesses	Refers to the creation or preservation of small and locally-owned businesses
Natural Resources, Environment & Open Space	
Protect and Enhance Creeks & Open Spaces	Refers to the protection or enhancement of creeks, drainage ways, open space, or other natural or environmentally sensitive areas
Preserve and Enhance Parks	Refers to the preservation, enhancement, protection, and improvement of open space, parks, natural areas and features
Create Additional Public/Green Spaces	Refers to the creation of new trails, open space, parks, green space, landscape and other areas that increase the opportunity for recreation and physical activity
Drainage	Refers to improving or enhancing drainage, preventing flooding, reducing erosion and providing education on related issues
Environment	Refers to improving the environmental quality of the neighborhood and protection of environmentally sensitive features, including air, water, habitat, trees
Pollution	Refers to reducing pollution of improving the environmental quality of the area

Definitions of Themes Used in Assessment (continued)	
Theme	**Definition**
Transportation, Parking, Streets	
Complete Streets	Refers to the creation, provision or improvement of a safe, accessible transportation network that supports all modes of transportation (walking, biking, transit, vehicles) for all ages and abilities of users
Transit	Refers to the provision or improvement of public transit options, facilities and accessibility; provide improved transit as part of a balanced transportation system
Traffic	Refers to maintaining traffic on major corridors, minimizing cut-through traffic on neighborhood streets, improving traffic flow to major destinations and reducing negative impacts of traffic
Connectivity	Refers to providing or improving safe pedestrian, bicycle or vehicular connections or circulation
Streetscape	Refers to providing or improving the pedestrian, bicycle or aesthetic environment through measures such as wider sidewalks, planting of street trees, landscaping or minimizing the impact of large parking lots
Other	
Enforcement	Refers to protection and enhancement of the neighborhood through code enforcement and maintenance
Other	Refers to a variety of goals generally not covered by one of the other themes. See individual neighborhood plan goals

Changes to Permitted Land Uses

Changes or restrictions to zoning put in place through a Neighborhood Plan are implemented through the adoption of a Neighborhood Plan Combining District (NP).

An analysis of the changes to permitted land uses within the neighborhood plans revealed common uses that were either prohibited or made conditional through the adoption of an NP. Conditional uses require compliance with additional regulations and/or additional permits. Prohibited uses are uses that are not allowed within a development.

Limit Residential Land-Uses

The assessment identified that certain residential uses were limited in areas where they were otherwise allowed by the base zoning district or the Mixed Use (MU) combining district. For instance, Bed & Breakfast and multifamily residential uses were prohibited.

Limit Commercial Land-Uses

A major trend identified through the assessment was the prohibition of automobile-oriented uses. These included:

- Automobile rentals, automobile repair services, automobile sales, automobile washing, service stations, and commercial off-street parking.

In addition to the automobile-oriented uses there were a number of others that were frequently made conditional or prohibited. These included:

- Adult-oriented uses, pawn shops, liquor sales, drop-off recycling collection facilities, kennels, convenience storage, and outdoor entertainment.

Create Additional Layers of Complexity

One of the overarching goals of the Neighborhood Planning process is to identify a vision for the future of the neighborhood and to more closely align zoning with that vision. The primary tool used to accomplish this goal is the NP. Similar to many other changes to the LDC over the last 30 years the NP has been used to address deficiencies in the base zoning districts. While well-intentioned, the changes effected by the NP have also added a level of complexity to the development review process and LDC by:

- Creating separate regulatory documents that must be referenced to know what are the allowable uses or unique site development standards;
- Specifying site-specific regulations, which may create long-term issues as parcels are subdivided or sold;
- Inconsistent application of prohibited and conditional uses across neighborhood planning areas;
- The different sides of the major roadways serving as boundaries between planning areas can have differing prohibited or conditional uses and different development standards;
- The opt-in/opt-out nature of the neighborhood planning tools results in inconsistency across neighborhood planning areas and provides another layer of regulatory documentation that must be referenced to understand what is allowed.

Taken individually these items add small layers of complexity to the LDC, and when taken as a whole, they add a greater level of complexity to using and understanding the LDC. However, this complexity, when combined with the other elements of the LDC additionally complicates and slows down the development process by further obscuring what is actually possible on a given property.

Frequency of Prohibited or Conditional Land Use within Neighborhood Planning Areas			
Land Use	Conditional Use	Prohibited Use	Conditional or Prohibited Use
Residential Uses			
Bed & Breakfast (Group 1)	-	4	-
Bed & Breakfast (Group 2)	-	5	-
Condominium Residential	-	3	-
Mobile Home Residential	-	1	-
Multifamily Residential	-	6	-
Retirement Housing (Small Site)	-	1	-
Retirement Housing (Large Site)	-	1	-
Single-Family Attached Residential	-	1	-
Townhouse Residential	-	10	-
Two-Family Residential	-	1	-
Commercial Uses			
Administrative and Business Offices	-	3	-
Adult-Oriented Business	7	54	5
Agricultural Sales and Services	15	25	5
Art Gallery	2	1	-
Art Workshop	2	1	-
Automotive Rentals	10	63	8
Automotive Repair Services	14	55	7
Automotive Sales	21	65	12
Automotive Washing	18	67	7
Bail Bond Services	10	25	-
Building Maintenance Services	18	12	2

*Land use no longer allowed; (-) none found

Frequency of Prohibited or Conditional Land Use within Neighborhood Planning Areas			
Land Use	Conditional Use	Prohibited Use	Conditional or Prohibited Use
Business or Trade School	1	19	1
Business Support Services	1	15	-
Campground	8	53	6
Cocktail Lounge	1	3	-
Commercial Blood Plasma Center	11	19	8
Commercial Off-Street Parking	10	67	3
Communications Services	4	21	-
Construction Sales and Services	30	28	2
Consumer Convenience Services	6	10	-
Consumer Repair Services	-	9	-
Convenience Storage	15	43	4
Drop-Off Recycling Collection Facility	3	69	-
Electronic Prototype Assembly	11	11	-
Electronic Testing	-	1	-
Employee Recreation	-	6	-
Equipment Repair Services	18	39	9
Equipment Sales	16	42	11
Exterminating Services	13	51	2
Financial Services	-	15	-
Food Preparation	-	2	-
Food Sales	3	9	-
Funeral Services	-	41	-
General Retail Sales (Convenience)	2	10	-

*Land use no longer allowed; (-) none found

Frequency of Prohibited or Conditional Land Use within Neighborhood Planning Areas			
Land Use	Conditional Use	Prohibited Use	Conditional or Prohibited Use
General Retail Sales (General)	2	14	1
Hotel-Motel	15	29	3
Indoor Entertainment	13	26	-
Indoor Sports and Recreation	10	26	-
Kennels	22	45	6
Laundry Services	19	27	4
Liquor Sales	-	8	-
Medical Offices > 5000 sf gfa	5	14	1
Medical Offices <= 5000 sf gfa	2	11	1
Monument Retail Sales	7	22	-
Off-Site Accessory Parking	12	19	2
Outdoor Entertainment	5	43	-
Outdoor Sports and Recreation	12	30	-
Pawn Shop Services	1	88	-
Personal Improvement Services	-	15	-
Personal Services	2	7	-
Pet Services	3	9	1
Plant Nursery	4	15	1
Printing and Publishing	-	1	-
Professional Office	-	5	-
Research Services	4	18	-
Restaurant (General)	5	18	-
Restaurant (Limited)	4	17	1
Service Station	16	53	7

*Land use no longer allowed; (-) none found

Frequency of Prohibited or Conditional Land Use within Neighborhood Planning Areas			
Land Use	Conditional Use	Prohibited Use	Conditional or Prohibited Use
Software Development	-	8	-
Theater	1	19	-
Vehicle Storage	11	58	5
Veterinary Services	2	16	-
Industrial Uses			
Arts and Craft Studio (industrial)*	1	2	-
Arts and Crafts Studio (limited)*	-	5	-
Basic Industry	3	15	-
Custom Manufacturing	8	20	-
General Warehousing and Distribution	2	8	-
Light Manufacturing	3	1	-
Limited Warehousing and Distribution	26	19	7
Recycling Center	1	19	-
Scrap and Salvage	1	18	-
Resource Extraction	1	21	-
Civic Uses			
Club or Lodge	6	8	1
College and University Facilities	6	12	-
Communication Service Facilities	9	9	-
Community Events	-	1	-
Community Recreation (Private)	4	10	-
Community Recreation (Public)	3	9	-

*Land use no longer allowed; (-) none found

Frequency of Prohibited or Conditional Land Use within Neighborhood Planning Areas Land Use	Conditional Use	Prohibited Use	Conditional or Prohibited Use
Congregate Living	6	17	-
Counseling Services	3	7	-
Cultural Services	3	4	-
Day Care Services (Commercial)	1	3	-
Day Care Services (General)	1	3	-
Day Care Services (Limited)	-	3	-
Family Home	-	1	-
Group Home, Class I (General)	-	2	-
Group Home, Class I (Limited)	4	2	-
Group Home, Class II	1	4	-
Guidance Services	18	12	1
Hospital Services (General)	10	14	1
Hospital Services (Limited)	7	14	-
Local Utility Services	5	6	-
Maintenance and Service Facilities	11	32	-
Private Primary Educational Facilities	2	2	-
Private Secondary Educational Facilities	3	6	-
Public Primary Educational Facilities	1	3	-
Public Secondary Educational Facilities	1	4	-
Railroad Facilities	1	6	-
Religious Assembly	-	1	-
*Land use no longer allowed; (-) none found			

Frequency of Prohibited or Conditional Land Use within Neighborhood Planning Areas Land Use	Conditional Use	Prohibited Use	Conditional or Prohibited Use
Residential Treatment	25	25	-
Safety Services	1	6	-
Telecommunication Tower 7	-	4	-
Transitional Housing	6	12	1
Transportation Terminal	5	24	-
*Land use no longer allowed; (-) none found			

Neighborhood Conservation Combining Districts

Provide Additional Protection to Neighborhoods with Significant Character

Neighborhood Conservation Combining Districts (NCCD) establish development regulations for unique or historic neighborhoods in order to preserve their traditional character while allowing for controlled growth to occur. An NCCD clearly defines boundaries separating residential uses from commercial uses, and sets standards for redevelopment that are compatible with the unique character of the neighborhood.

The use of NCCDs pre-dates the Neighborhood Plan Combining Districts; Fairview Park, in south Austin, received the first NCCD designation in 1986.

The NCCDs share many of the same elements of the neighborhood plans, however, NCCDs differ in a few important ways:

- NCCDs are implemented through ordinances but usually do not include a separate neighborhood plan;
- NCCDs generally make more substantial regulatory changes to the base zoning districts.

It should be noted that areas covered by NCCDs are typically also covered by one or more Neighborhood Plan Combining Districts.

NCCD Findings

Necessary to Protect Neighborhood Character

The NCCD has been used to protect the unique or historic character of certain neighborhoods. Many of the NCCDs include changes to building-form regulations such as:

- Frontyard and sideyard setbacks made to match existing neighborhood;
- Placement of off-street parking; and
- Building height.

These changes are designed to ensure the preservation of the character of the area.

Hard to Find

The NCCDs are hard to find. The LDC discusses the NCCDs but does not provide a direct link to the NCCD ordinances. In the neighborhood plans, NCCDs that are within the area covered by the neighborhood plan are referenced but again no links are provided to the location of the ordinance. In addition the NCCDs ordinances are hard to find or navigate to on the city's website. The difficulty in locating the NCCDs is a hinderance for users to be able to find, use and understand the important regulations embedded within the ordinances.

List of Neighborhood Conservation Combining Districts

1. East 11th Street
2. East 12th Street
3. Fairview Park
4. Hyde Park
5. North Hyde Park
6. North University

Complex and Difficult to Administer

Some of the NCCDs are very detailed, lengthy, and complicated. They address standards that are not typical for the remainder of the code. Familiarity with the separate ordinances is required for effective administration. In addition, many of the ordinances are poorly structured which further complicates their administration. This can be challenging for staff to administer and for applicants to navigate during the review process.

Add Another Layer

NCCDs form another layer of documents outside the LDC that must be referenced in order to understand what may be built.

2.3 Other Small Area Plans

Transit Orient Development, Corridor, and Regulating Plans

The City of Austin has planned and created a series of small area master plans consistent with Imagine Austin, CAMPO's Center Concept and Envision Central Texas. Each of these plans, in different ways, encourage compact and connected development, housing and business affordability, high-quality urban design, and green urbanism. These include the Mueller Master Plan and planned unit development (PUD), the transit oriented development (TOD) District Plans, the North Burnet Gateway Master Plan, the Downtown Austin Plan, the East Riverside Corridor Master Plan, and most recently and on-going, the Airport Boulevard Form-Based Code Initiative and Sustainable Design Assessment Team (SDAT) planning taking place on the South Central Shore of Lady Bird Lake.

These small area plans are based on a new vision for future development and include new zoning regulations that combine, remove, and/or replace the base zoning district and combining district regulations that existed before the small area plan was adopted. However, some regulations, such as signage regulations, remain from the existing Land Development Code (LDC) and are referenced in the document.

Other Small Area Plans Findings

Provide Clearer Intent and Regulations

Adopted regulating plans are a set of plans that have created new standards to place more emphasis on the built form of future development than have been previously prescribed by the LDC and other planning efforts. This effort has provided a clearer set of regulations to follow when compared to the LDC. Benefits of the regulating plans over the LDC include:

- Based on a vision for the future;
- Clearer set of regulations with fewer references between the LDC and the Regulating Plan;
- Places more emphasis on the form of development;
- Consider land use and transportation planning at the same time, with a unified vision for the future; and
- Places more emphasis on being pedestrian-, bicycle-, and transit-friendly.

Add Different Layers of Complexity

While regulating plans do a good job of making standards clearer, they also add new layers of complexity.

- The zoning map represents the entire area covered by the regulating plan as one zoning district, with new subdistricts created, mapped, and presented within the regulating plan. In order to understand what can be developed, a second map must be referenced.
- Multiple maps need to be referenced to fully understand what, where, and how tall development can be.
- Subdistricts in different regulating plans have the same or similar names, but have different regulations and intended form for the built environment.

List of Small Area Plans

Adopted
1. Downtown Austin Plan
2. East Riverside Corridor Regulating Plan
3. Lamar/Justin TOD
4. Martin Luther King TOD
5. North Burnett Gateway Regulating Plan
6. Plaza Saltillo TOD
7. Mueller Master Plan and PUD

In-Progress
8. Airport Boulevard Corridor
9. South Central Waterfront Area Plan

- Most of the Small Area Plans address similar issues but have minor variations in the way these issues are regulated.

Content-Specific Findings

3.1 Ineffective Base Zoning Districts

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

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 the equivalent of 741 base zoning districts. While assessing the effectiveness of the Land Development Code's (LDC) base zoning districts, it was found that about 42% of the entire city is regulated simply by the original base zoning districts without any sort of overlay or combining district. This is a clear sign that the current palette of base zoning districts is ineffective in regulating the diverse, complex built environments throughout Austin.

The two primary issues with the zoning districts are:

1. The zoning districts do not regulate an appropriate/compatible form, partially because they are use-based and form is a secondary concern; and
2. There is no contextual distinction.

The zoning districts have functioned reasonably well in new growth areas within suburban contexts, but have been particularly ineffective in the central Austin neighborhoods, which were mostly built before the 1940s and 50s. These places have a fine-grained pattern of small blocks and lots, quick transitions from major corridors, and a wide range of building types and mix of uses. The ineffectiveness of the current zoning code is evident when mapping the combining districts, which exist primarily in these pre-1950s neighborhoods.

ZONING NOT BASED ON BASE ZONING DISTRICT
13%

BASE ZONING DISTRICT
42%

BASE ZONING DISTRICT WITH OVERLAY APPLIED
45%

BASE ZONING DISTRICT WITH OVERLAY APPLIED
71%

BASE ZONING DISTRICT
29%

COMMERCIAL ZONING DISTRICTS

BASE ZONING DISTRICT WITH OVERLAY APPLIED
54%

BASE ZONING DISTRICT
46%

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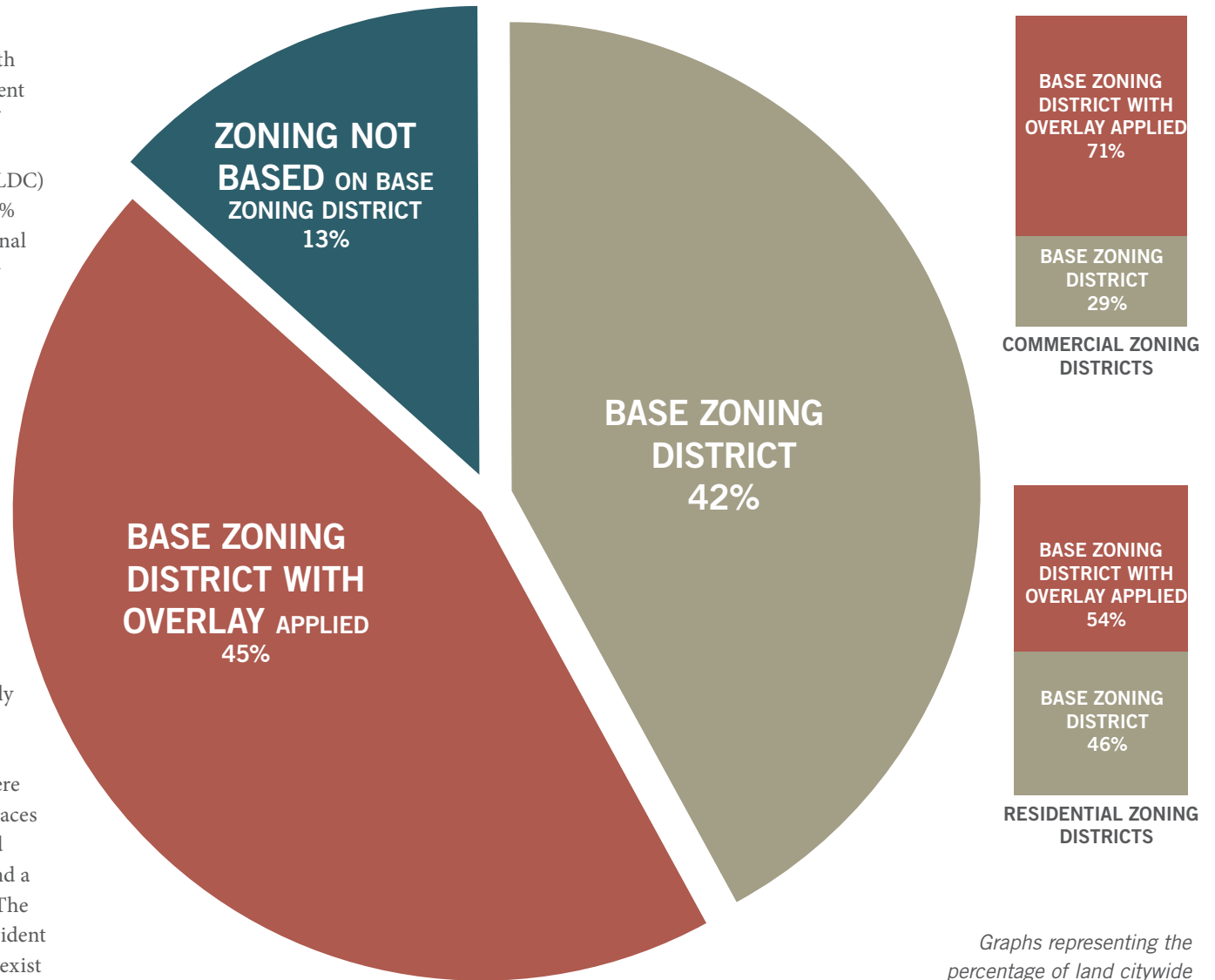
Graphs representing the percentage of land citywide and how it is regulated

Base Zoning Districts

Residential

LA	Lake Austin Residence District
RR	Rural Residence District
SF-1	Single Family - Large Lot
SF-2	Single Family - Regular Lot
SF-3	Family Residence
SF-4A	Single Family - Small Lot
SF-4B	Single Family - Condominium
SF-5	Urban Family Residence
SF-6	Townhouse and Condominium
MF-1	Multifamily - Limited Density
MF-2	Multifamily - Low Density
MF-3	Multifamily - Medium Density
MF-4	Multifamily - Moderate Density
MF-5	Multifamily - High Density
MF-6	Multifamily - Highest Density
MH	Mobile Home Residence

Industrial

IP	Industrial Park
LI	Limited Industrial Service
MI	Major Industrial
R&D	Research and Development

Commercial

NO	Neighborhood Office
LO	Limited Office
GO	General Office
CR	Commercial Recreation
LR	Neighborhood Commercial
GR	Community Commercial
L	Lake Commercial
CBD	Central Business District
DMU	Downtown Mixed Use
W/LO	Warehouse/Limited Office
CS	Commercial Services
CS-1	Commercial - Liquor Sales
CH	Commercial Highway

Special Purpose Zoning District

DR	Development Research	TOD	Transit Oriented Development
AV	Aviation Services	NBG	North Burnet/Gateway
AG	Agricultural District	ERC	East Riverside Corridor
P	Public		
PUD	Planned Unit Development		
TN	Traditional Neighborhood		

Deciphering Zoning District Names

Base Zoning District — **Conditional Overlay** — **Combining District**

SF-3-CO-NP

- **Family Residence**
- **Limits Land Uses or Other Zoning District Standard**
- **Neighborhood Plan Combing District**
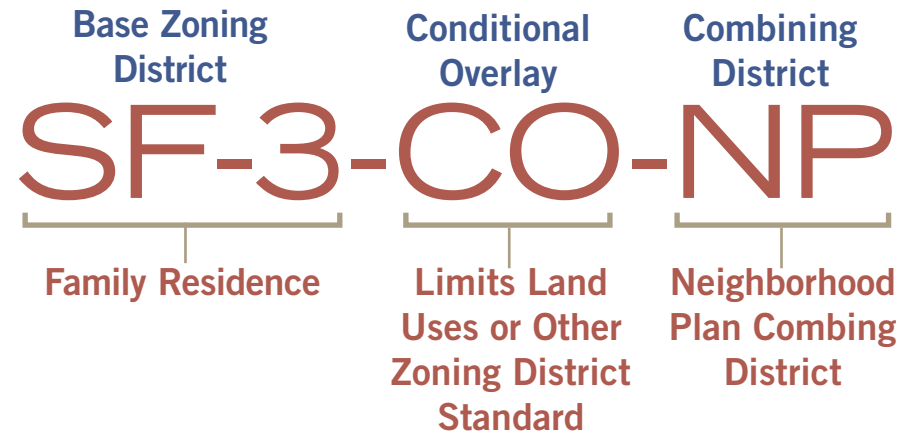
Other SF-3 Combinations

SF-3	SF-3-H-CO-NP	SF-3-HD
SF-3-CO	SF-3-H-HD-NCCD-NP	SF-3-HD-NCCD-NP
SF-3-CO-H-NP	SF-3-H-HD-NP	SF-3-HD-NP
SF-3-CO-NCCD-NP	SF-3-H-NCCD-NP	SF-3-NCCD-NP
SF-3-H	SF-3-H-NP	SF-3-NP

Combining and Overlay Districts

- Central Urban Redevelopment (CURE)
- Conditional Overlay
- Historic Landmarks
- Historic Area
- Neighborhood Conservation
- Capitol Dominance
- Capitol View Corridor Overlay
- Congress Avenue
- East Sixth / Pecan Street
- Downtown Parks
- Downtown Creeks
- Convention Center
- Planned Development Area
- Criminal Justice Center Overlay
- Barton Springs Zoning District Overlay
- Waterfront Overlay
- University Neighborhood Overlay
- Neighborhood Plan
- Mixed Use
- Vertical Mixed Use

Types of Places

The mostly developed areas of Austin can be classified into three distinct types of contexts: walkable urban, drivable suburban, and places that are transitional between urban and suburban. Each of these has a different form or pattern of development, and are described in more detail in the following pages. This classification is important because these different types of places require regulations that go beyond use or program, and consider if a design component, whether it be a building or a street design, reinforces and is appropriate for that specific context.

Within the City of Austin there are other areas with additional contexts including:

- Natural places, such as Balconies Canyonlands Preserve or the various wildlife preserves; and

- Agricultural and rural places found at the edge of the city and sometimes hidden in the middle of urban places.

These places are not discussed here, but they are an important part of what defines Austin and makes it unique.

Walkable Urban*

Walkable Urban* denotes those places in which a person can (easily) walk or bike to home, work, and to fulfill most daily needs, including shopping and recreation. Typically, they consist of a network of interconnected tree-lined streets, a smaller block size, and a mix of commercial and residential uses. The compact form readily supports public transit, thereby affording flexibility and multimodal access throughout the area. This was the standard model of development prior to the 1940s. These environments allow for the use of automobiles but do not require the use of a vehicle to accommodate most daily needs. *Term from "The Option of Urbanism: Investing in a New American Dream" by Christopher Leinberger.*

Commercial areas have buildings adjacent to the street, with wide sidewalks and are often within walking distance for many residents.
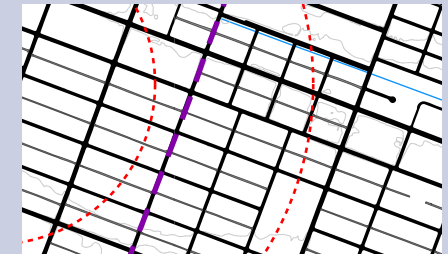
Fine-grained street pattern that may include alleys.

Residential areas have small- to medium-size lots, a mix of housing types, and are close to commercial amenities.
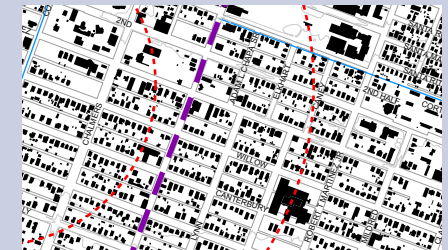
Fine-grained building pattern for residential and commercial areas.

Urban-Suburban Transitional

Urban-Suburban Transitional denotes those places that in are between the walkable context of the Walkable Urban and the auto-dependent context of the Drivable Suburban. Typically, they consist of a network of interconnected interior streets, where the blocks are stretched longer and/or warped to form scenic curving streets. Older areas have a mix of residential uses and limited amounts of commercial, with one bay of off-street parking between the buildings and the street. The less intense nature of the development often has a harder time supporting transit outside of the arterials and collector streets. This was the standard model of development between 1940s and 1960s. These environments allow for the use of automobiles but do not require the use of a vehicle to accommodate most daily needs.

Drivable Suburban*

Drivable Suburban* areas are those in which a person is mostly dependent on the automobile to travel to home, work, or other destinations (such as shopping or recreation). The built environment is designed to accommodate a vehicle and therefore has fewer, but larger, roads and fewer transit options, and often a separation of uses further requiring an automobile to complete daily functions. These environments may have areas where it is sometimes possible to walk or ride a bike for recreational purposes, but due to the lack of connectivity or nearby amenities, are not favorable for walking or biking as a primary mode of transportation on a day-to-day basis. *Term from "The Option of Urbanism: Investing in a New American Dream" by Christopher Leinberger.*

Commercial uses have small setbacks, small, off-street parking areas, and are less compact than Walkable Urban.
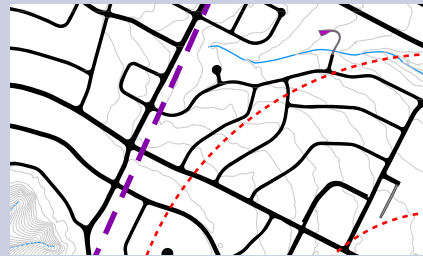
Connected street pattern have longer blocks, often in a curvilinear pattern. A few shorter cul-de-sacs are introduced.

Commercial areas like strip malls and big box stores have large setbacks with large amounts of off-street parking provided.
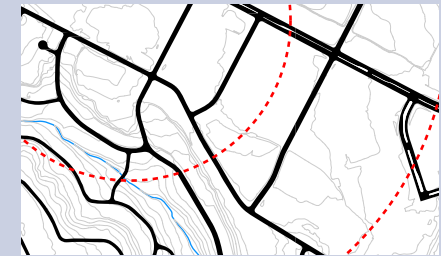
Limited street connectivity pattern have longer blocks broken up by "super" blocks.

Residential areas have wide lots with garages facing the street and fewer homes within walking distance of commercial amenities.

Automobiles are likely used for many daily activities, but walking is possible in some areas and transit is likely available along major corridors.

Residential areas have larger lots with garages and driveways dominating the streetscape.

Buildings with similar uses and densities are clustered rather than blended. These contexts rely on automobile use for daily needs.

The ineffectiveness of the existing base zoning districts is one of the root causes of many of the issues related to the LDC over the years, and therefore directly contributes to the neighborhoods' concerns about the inability of the zoning code to protect each neighborhood's character. The ineffectiveness of the base zoning districts is also the root cause of the complexity of the existing LDC. Many layers of regulations that have been added to the LDC were created to force the generic, ineffective, existing use-based zoning districts to address Austin-specific issues and provide a compatible form in the built environment.

Moving Away from the Base Zoning Districts

Planned Unit Developments (PUD) provide developers the opportunity to create standards and regulations that are specific to the development. The PUD process is one method of replacing the base zoning districts with standards that are more appropriate for the development. While PUDs provide a high level of flexibility when first crafted, they lock development in for as long as the PUD exists. In addition each PUD ordinance must be kept on file and staff must reference the individual PUD ordinance, adding another layer of complexity to the existing code.

In addition to PUDs, recent planning efforts by the city, for instance the North Burnet Gateway Regulating Plan, have begun to replace the older use-based zoning with new zoning districts that have a stronger foundation in the intended form of future development.

Simply stated, the existing use-based zoning districts are ineffectively trying to regulate different contexts, for instance, walkable urban, transitional, and suburban areas, with the same zoning tool/approach. These very different types of places are being grouped together and regulated by the same zoning districts because the
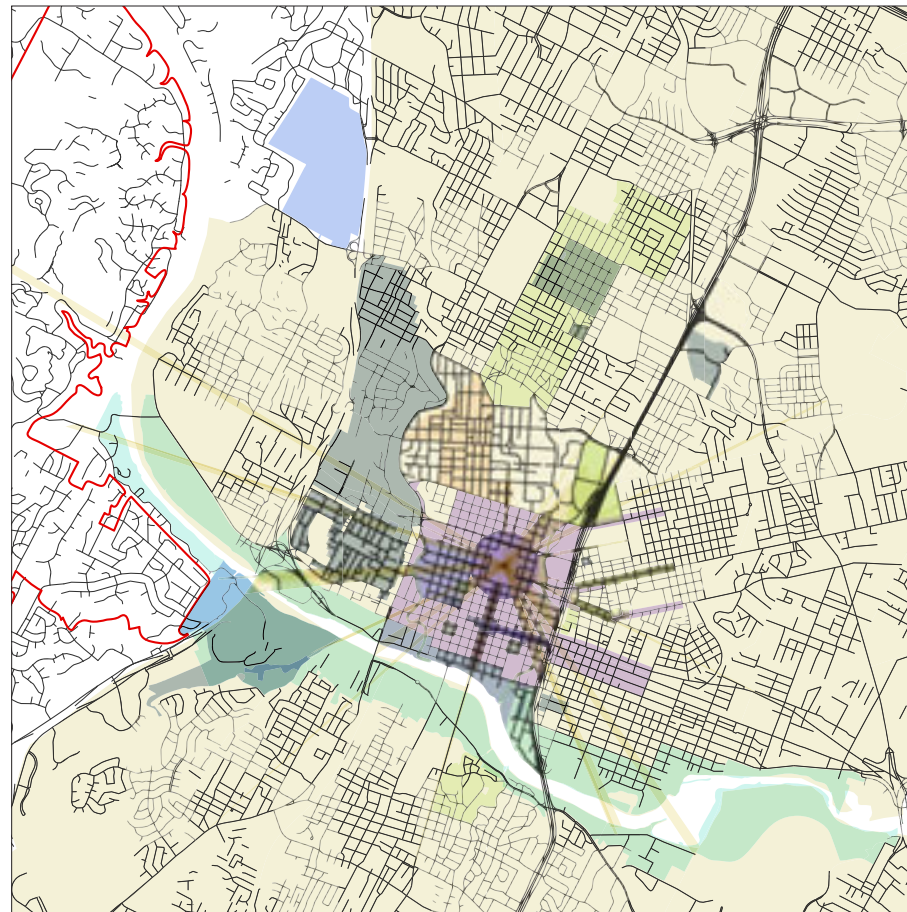
The ineffectiveness of the current LDC is evident when mapping the combining districts, which exist primarily in these pre-1950s neighborhoods

A One-Size-Fits-All Approach to Regulating Single-Family

Pre-1940s and post 1940s neighborhoods that are mostly made up of single-family housing have different development patterns including lot widths and depths and the location of garages and driveways, which are often not recognized by the current single-family zoning districts. This is one of the reasons layers of additional regulations, in the form of combining districts, have been added to single-family neighborhoods over time.

Wide Application of Single-Family 3

An example of how these zoning districts do not distinguish different existing forms or contexts effectively is the Single-Family-3 (SF-3) Zoning District. This base zoning district is too broadly applied to a wide range of different neighborhood types and places; approximately 11% of the city is zone SF-3. In terms of use, this broad range of places are all single-family. But the form, character, and context of these places are each quite different.

The sidebar, *"Different Types of Places Regulated by SF-3" on page 42*, gives an overview of this broad application of SF-3 to many different contexts throughout Austin.

SF-3 Base Zoning District Map

Key

— Highway

City Limits

SF-3 Zoned Parcel with Pre WWII Construction

SF-3 Zoned Parcel with Post-WWII Construction

Diagram of what era existing buildings on SF-3 zoned parcels were built in.
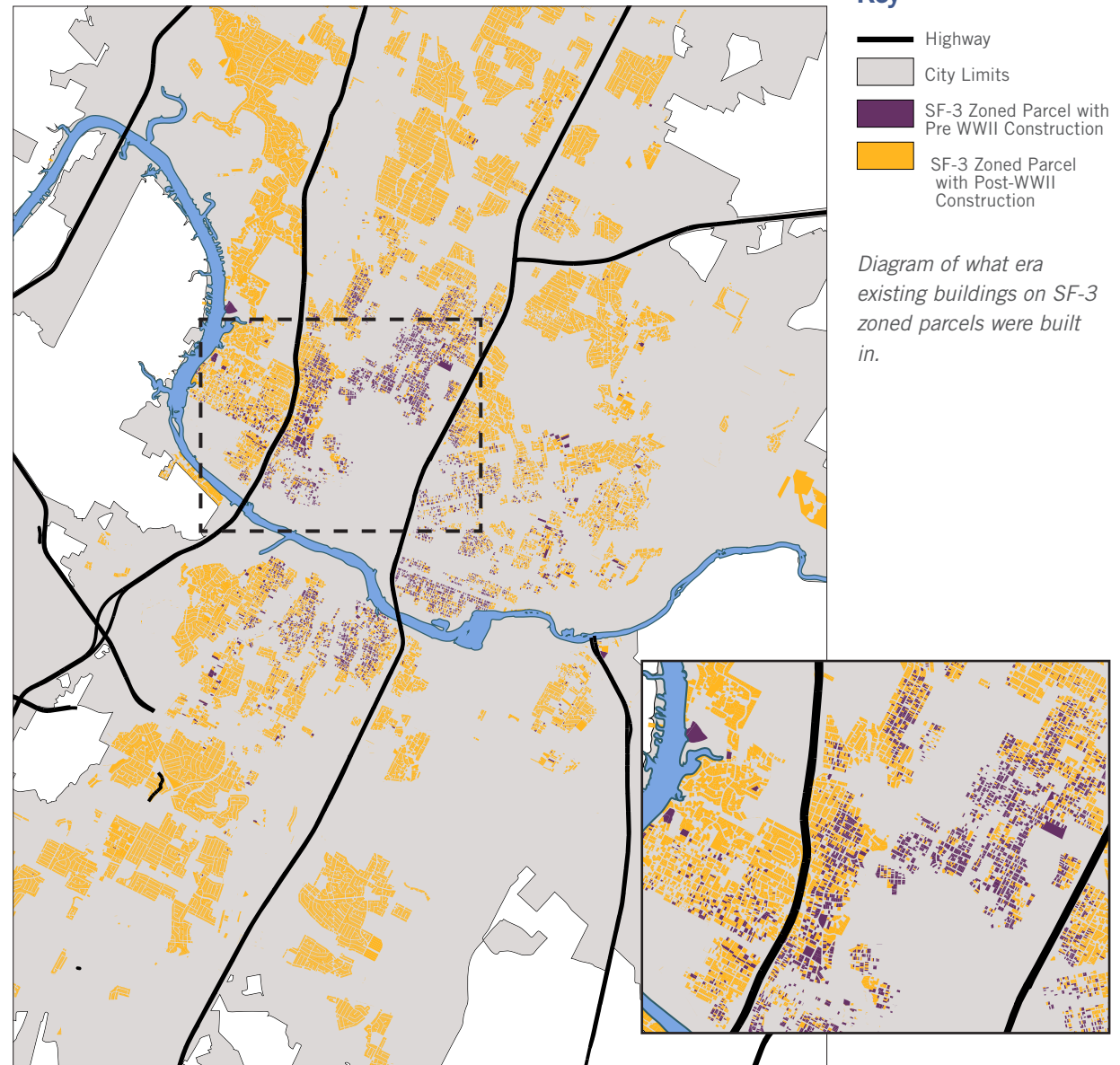
This broad application of SF-3 zoning has three major negative consequences.

1. SF-3 does not effectively regulate the mix of housing types that are historically inherent in some of the pre-1940s, central neighborhoods. These neighborhoods are primarily single-family, but some have a mix of other small-footprint, small-lot, multi-unit types.

2. It allows inappropriate suburban-style single-family homes to be built in the central neighborhoods that have a much different form.

3. On the other end of the spectrum, it allows development of duplexes and two-family residential uses that may be inappropriate with the character of the suburban-style single-family homes in neighborhoods built after 1940.

It is not possible for one zoning district to effectively regulate the desired form for this broad range of contexts, therefore more effective alternatives could be explored that acknowledge the different intended forms of these different types of places that have single-family aspects above the SF-2 zoning district.

Different Types of Places Regulated by SF-3

The SF-3 Zoning District is applied broadly across the Austin. It applies to parts of the city that have narrow lots with small garages setback from the street, and it applies to portions of the city that have wide lots with garages facing the street. This broad application can lead to issues when infill development or redevelopment occurs within a neighborhood.

Considering Different Types of Duplexes

A code is most effective at addressing compatibility in different neighborhoods when duplexes are treated as a range of allowed forms, rather than just allowed uses. Austin's older duplex types have small building footprints (widths and depths) and are primarily one or two stories, thus enabling them to be compatible with single-family neighborhoods. Most new duplexes being built in the city today are simply two large, single-family homes placed front-to-back, which may be appropriate in some neighborhoods but not others.

Side-by-Side Duplex

This duplex building type consists of structures that contain two side-by-side dwelling units, both facing the street and sharing one common party wall.

Stacked Duplex

This duplex building type consists of structures that contain two units, one on top of the other.

Front-to-Back Duplex

This duplex building type consists of structures that contain two dwelling units, one set in front of the other, potentially with one unit facing the street and one not, and with both units sharing a common party wall.

Multifamily Zoning Districts Creating Incompatible Development

Similar to the SF-3 Zoning District the Multifamily (MF) zoning districts are tools that work relatively well at producing suburban, garden-style apartments but haven't proven to be effective in older, more walkable areas. The suburban model states, "as buildings get more dense, spread them apart." This approach to MF zoning has created incompatible, suburban-style garden apartments in many parts of the city, including many in pre-1940s neighborhoods. This housing type can be completely out of scale and out of character within their context. Because of examples built in the past that ignore their context (especially in pre-1940s neighborhoods), there is an anxiety about infill of multi-unit building types, creating a stigma for these housing types. In an attempt to fix this problem, some combining districts were created, but the core of the problem (base zoning districts that cannot effectively determine appropriate form or context) was never addressed.

Lot Size

The MF zoning districts, starting with MF-1, all have a minimum lot size of 8,000 square feet (See Multifamily Site Development Standards on following page). This minimum lot size, which is bigger than a typical lot in a central city neighborhood, in combination with high parking requirements, encourages lot aggregation and tear downs—exactly the opposite of what most neighborhoods want to see in terms of context-sensitive development.

Height Limits

In addition, the allowed heights in the MF zoning districts start at 40 feet in MF-1, MF-2, and MF-3, a height that translates to a three-story structure, possibly four-story structure. This means that any

The monotonous garden apartment environment is exactly the type of place that the current MF zoning districts are intended to create. This form is incompatible with existing neighborhoods, especially those in central Austin ones. (Photo taken from Google Maps)

multifamily development is automatically out-of-scale with the fine-grain context that exists in most pre-1940s neighborhoods, consisting of 1- and 2-story structures. Furthermore, these structures are well below the current height limits of 35 feet in SF-3 base zoning districts and height limit of 30 feet under the Subchapter F.

The building height allowable goes up to 60 feet in MF-4, which can cause more compatibility issues. In addition, there are no maximum building footprint regulations, which means that the building can be an unlimited length and/or depth, creating additional concerns. Historically in multifamily zoning districts, numeric standards such as density and floor area ratio

(FAR) have been used to try and limit the intensity of medium- and high-density residential development. However these standards, in combination with the establishment of a fairly large minimum lot size, encourage larger lots and buildings spread farther apart. In cities across the country, this method has proven to be ineffective, particularly in non-suburban contexts such as central Austin neighborhoods. Because this method of multifamily zoning does not prescribe a specific form but rather relies on numeric thresholds, a broad range of built results can be produced, many of which are not compatible with the context of an existing neighborhood.

Implications on Development Patterns

One result of this method of regulation is that you will often see the same building in zoning districts with different densities, simply with more or less space between the buildings to lower or raise the calculated density or floor area ratio (FAR). In addition, this approach to multifamily zoning does not recognize the pattern that exists in many walkable urban and transitional neighborhoods. This includes many of the existing, small-footprint Missing Middle housing types found throughout many of Austin's neighborhoods, such as duplexes, fourplexes, and small mansion apartment buildings. *See Sidebar "What is the Missing Middle?" on page 59.* These housing types are compatible with neighboring single-family houses, but are typically not allowed in any of the multifamily zoning districts because they have: a much higher density than is actually allowed in even the highest of the MF zoning districts; a lot size that is much smaller than the minimum 8,000 square feet in MF zoning districts; less off-street parking than is required; sometimes a greater FAR; and more building and impervious cover than is allowed.

As more recent best practices in city coding have focused on neighborhood compatibility and form, it has become evident that a few simple form regulations, like maximum building footprint or adding form-based building type regulations, can be a more effective way to regulate compatible medium- and high-density residential infill, not to mention, create more context-sensitive redevelopment in existing neighborhoods, and can be used in the creation of new walkable neighborhoods. In this approach to MF zoning, the intended form of the building type is the focus, not the use of numeric standards, such as density or FAR. In the

Multifamily District Site Development Standards						
	MF-1	**MF-2**	**MF-3**	**MF-4**	**MF-5**	**MF-6**
Lot Size Minimum	————————————————— 8,000 sf —————————————————					
Lot Width Minimum	————————————————— 50 feet —————————————————					
Lot Area per Unit Minimum						
Efficiency Dwelling Unit	2,500 sf	1,600 sf	1,200 sf	———— 800 sf ————		n/a
One-Bedroom Dwelling Unit	3,000 sf	2,000 sf	1,500 sf	———— 1,000 sf ————		n/a
Two or More Dwelling Units	3,500 sf	2,400 sf	1,800 sf	———— 1,200 sf ————		n/a
Dwelling Units per Acre Maximum						
Efficiency Dwelling Unit	17.4	27.2	36.3	———— 54.5 ————		n/a
One-Bedroom Dwelling Unit	14.5	21.8	29.0	———— 43.6 ————		n/a
Two or More Dwelling Units	12.4	18.2	24.2	———— 36.3 ————		n/a
Height						
Feet above Average Grade	———— 40 feet ————			———— 60 feet ————		90 feet
Stories	n/a	3 stories	n/a	n/a	n/a	n/a
Setbacks						
Minimum Front Yard	———— 25 feet ————			———— 15 feet ————		
Minimum Side Yard	————————————————— 15 feet —————————————————					
Minimum Interior Side Yard*	————————————————— 5 feet —————————————————					
Minimum Rear Yard*	————————————————— 10 feet —————————————————					
Maximum Building Coverage	45%	50%	55%	60%	60%	70%
Maximum Impervious Cover	55%	60%	65%	70%	70%	80%
Maximum Floor Area Ratio	--	--	0.75:1	0.75:1	1:1	n/a
Maximum Units Per Acre	17	23	36	36-54*	54	n/a
Key: sf = square feet; n/a = not applicable; * compatibility standards further adjust side and rear setbacks						

current LDC, building types are introduced as a range of uses that can take on a variety of unpredictable forms.

As part of the process to update the LDC, Austin needs to sharpen the use of building types, not only to produce more compatible multifamily infill, but also to reinforce the existing diversity of small, multi-unit, Missing Middle housing types, encourage new infill at this compatible scale within the appropriate areas of neighborhoods, provide affordable housing options, and begin to remove the stigma of multifamily housing to meet the growing demand for diverse housing choices.

Creative Example of Medium Density Housing

Form and Building Type vs. Use and Density

This small four unit building found in a central Austin neighborhood falls between the single-family and multi-family zoning district standards. While the scale of the building is compatible with the existing neighborhood, it could not be built today under SF-3 or any of the MF zoning districts.
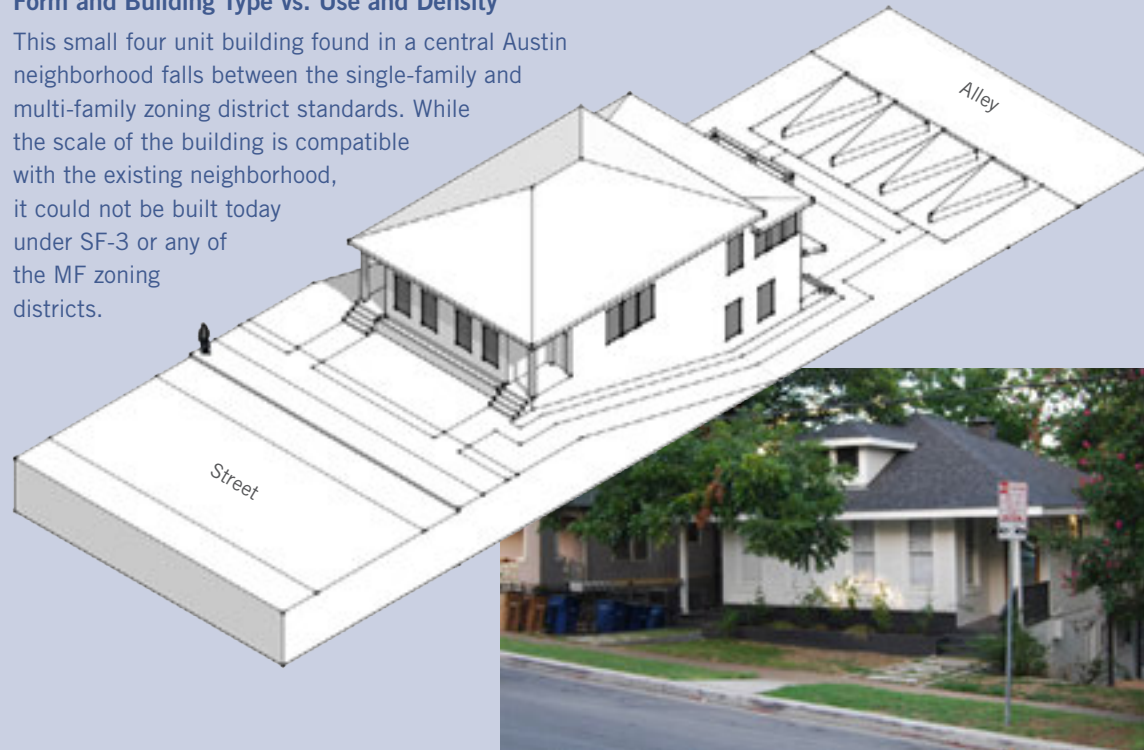
Creative Example of Medium-Density Housing			
	Existing Lot Zoned SF-3	**LDC Regulations**	
		SF-3 Zoning District	**MF Zoning Districts**
Lot Size	7,865 sf	5,750 square feet min., 50 foot width min.	8,000 square feet min. (all MF zoning districts)
Number Parking Spaces	4 spaces for 4 units	2 spaces per dwelling unit	2 spaces per 2 bedroom unit
Density	22 du/a	7.5-11 du/a	23 du/a in MF-2 and higher
Other limiting regulations:			
MF Zoning districts allow 40 – 60 feet in building height, discouraging one- to three-story buildings.			

Uniform Application of Generic Commercial Zoning Districts Without Regard to Place

Suburban Development Mind Set

Generally, the current group of commercial base zoning districts were created with a suburban build-out in mind, with little guidance for integrating new development into the surrounding context, and with only a slight variation of hierarchy in the intended form as its foundation. Unfortunately, this is typical in an outdated zoning code. More specifically, there are several major faults in the general Commercial Services (CS) base zoning districts in Austin:

1. None of the base zoning districts were created to incorporate mixed-use development (vertical or horizontal);
2. None of the base zoning districts were specifically created to reinforce the form and function of a neighborhood-serving main street, which exists in some central Austin neighborhoods; for instance, Clarksville or North Loop. This means that they do not differentiate the intended form of a neighborhood main street (walkable urban) from a strip mall (suburban), two distinct forms in the city;
3. They generally do not effectively regulate many of the existing small lots;
4. The numeric development regulations, such as maximum height, do not take context or the potentially negative impact to the existing context, into consideration; and,
5. Base zoning districts allow a diverse set of land uses that do not take context or potential negative impact to the existing context, into consideration.

When these zoning standards were written, it was assumed that all of these commercial areas would build out in suburban models of auto-dependent development with large fields of off-street surface parking, which would indirectly limit development size. But as the market shifted and development pressures started to justify urban development and made parking structures economically viable on the larger commercially zoned sites, the standards became ineffective in providing compatible development.

To respond to this and resolve these issues, layers of form regulations such as Mixed-Use Combining District (MU), Neighborhood Plan Combining Districts (NP), the Neighborhood Conservation Combining District (NCCD), and the Vertical Mixed-Use (VMU) overlay, were added as extra layers of regulation. With this approach, the ineffective system of base zoning districts remained in place and the layers of regulation complicated its clarity and usability.

Discourages Small Scale Commercial Development

An additional issue with the commercial zoning regulations is that they do not include any zoning district that encourages small-scale commercial development. It is this type of commercial development that can incubate small, creative, local businesses—something that is such an important part of the defining character of Austin (and a way to create more compatible infill development). For example, in the CS zoning districts, which are mapped in a large portion of pre-1940s neighborhood corridors, the maximum height is 60 feet. Because the code was based on a suburban paradigm, it was intended that if a 60-foot-tall building were built, it would likely have large setbacks and be surrounded by parking. This 60 feet of allowed height, combined with small, rear setbacks, has become an issue with many of the shallow lots that exist in Austin along the major corridors—and many of these lots back onto single-family lots. Even with this 60-foot height allowance in place, height was

Small commercial spaces are great for incubating small, local businesses.

not historically an issue, because there was no market for parking garages that could result in 60-foot height build out. Now that the values do allow structured parking to pencil out, the unintended impacts of this 60-foot height are being seen along many of the major corridors. The compatibility standards found in Subchapter E of the LDC mitigate these conditions to some extent, but add another layer of complexity to the LDC.

Linear Mapping of Major Corridors for Commercial-Only Uses

There is also a problem in the way that commercial zoning districts were mapped along major corridors: Similar to most other cities across the country, commercial zoning districts were mapped on every major corridor, mile after mile, with no hierarchy of form or context, and no real understanding of the maximum amount of commercial space that the market could support. As market trends always encourage, the newer and larger commercial-use areas have moved farther and farther out along these corridors, leaving behind in its wake, shopping centers with lower quality commercial uses along the corridors. In Austin, these older strip centers and small commercial spaces have become great incubator spaces for small, local businesses.

Furthermore, these CS zoning district regulations force land uses on these sites that may not be the highest and best use, for example, land that could be residential, live/work, flex spaces, or other non-commercial uses. Exacerbating this problem, the roadway standards for major commercial corridors are designed solely with the speed and flow of automobile traffic in mind. This has created a physical environment incompatible with a possible mix of uses.

Corridor, shown with red dashed line, along which commercial uses back directly onto single-family lots

Aerial taken from Google Maps.

It should also be noted that this pattern of zoning also creates a pattern of development with no hierarchy and no sense of place.

Broad Application of Mixed Use (MU) and Vertical Mixed-Use (VMU) Overlays

The Mixed Use (MU) and Vertical Mixed Use (VMU) Overlays were created to encourage mixed use development, providing flexibility in certain development standards and to incentivize the provision of affordable housing along major transit corridors. Since the VMU overlay was put in place, the market in Austin has embraced this form of development.

The VMU overlay was applied across the city with neighborhoods opting in or out of the application along the corridors. In neighborhoods where the city did not receive opt-in or opt-out preferences from the public, it was applied to all commercially-zoning district properties.

The application of the MU and VMU designations was a missed opportunity to focus development on designated nodes, rather than be applied scatter-shot or to the full length of various major commercial corridors.

This broad application has created a lot of uncertainty about the size and scale of development, created large, isolated urban buildings in suburban or rural places within the city, and exacerbated the lack of hierarchy along the corridors.

Creating Hierarchy and Unlocking Potential Along a Corridor

Example Project: Fresno, CA

Historically cities have zoned mile after mile of most of their major corridors for commercial-only development. This linear pattern of mapping had little hierarchy and very little intent related to the desired form of development. A more place-based approach to revitalizing corridors such as these does the following:

1. Selects primary nodes to focus the most intense development, thus creating a hierarchy along the corridors. Regulations for these designated nodes will often require ground floor commercial uses, but be flexible on what uses are provided on upper floors. On the map to the lower right, each of these nodes is represented by a pedestrian shed and a darker purple zoning district designation.

2. Secondly, the areas between the nodes are regulated to provide a smaller form, but the regulations allow for more flexibility in the form and uses in comparison to the nodes. This allows the market to determine what uses are best for these sites. This is often where small, flex, or live/work spaces are built, which incubate small, local businesses. This approach fits in well along portions of a corridors with shallow lots.

All of this is done with careful consideration of how development along these corridors will transition to adjacent parcels, which are often single-family at the rear of the lots.

A conventional zoning map for Fresno, CA, showing continuous commercial zoning along a two-mile corridor.

A regulating plan showing the hierarchy of nodes along the same corridor.

3.2 Competing Layers of Regulations

Many Layers of Regulations Create Competing Systems

To address the ineffectiveness of the base zoning districts and other parts of the Land Development Code (LDC), new standards, including Combining Districts, Compatibility Standards, and Vertical Mixed-Use, new procedures, land-use regulations, etc., have continuously been added since the last code update in 1984 and have not been coordinated very well with existing content and document structure. To reinforce the point made earlier, nearly 45% of the city requires the use of Combining Districts/Overlays on top of the existing base zoning districts in an attempt to ensure compatible form. This has created an LDC with so many layers of regulations (starting with 33 base zoning districts and 19 combining districts), it is extremely complicated and confusing. It can barely be navigated without hiring a consultant to guide one through the process, and even staff have a hard time consistently interpreting and administering the document. This is such an issue that a cottage industry of local consultants has been created, hired to navigate projects through the entitlement process.

Complexity Reduces Usability

The end result of many years of adding these "layers," is the structure and hierarchy of the overall document have gotten so complex that it is hard to tell how regulations relate to one another, which regulations override others, where to go in the document to find the information you need, and how to review all of the regulations that apply to specific projects. In other words, the current LDC has major usability issues because there are too many places to look for regulations, inconsistencies in how information is presented and/or organized, and repetitive

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

Base Zoning Districts

Combining Districts

Possible Combinations

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

400+
Combinations Found in the LDC

(sometimes conflicting) information. That being said, each of these layers has good intent and generally good content. However, the regulations are not effective because the overall system is hard to administer, difficult for anyone to use, and has good and bad built results. Ultimately, to achieve the city's goals of an increase in

usability and clarity, as well as to achieve the Imagine Austin objectives, the document and these different layers need to be coordinated, consolidated, and restructured, which will allow the document to achieve past objectives through a more effective system.

Added Layers of Regulation

Base zoning districts were originally created.

Base Zoning District
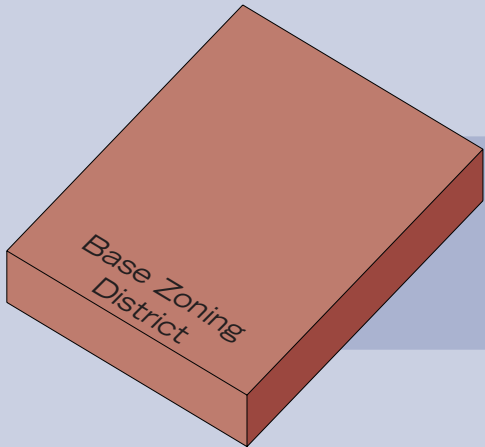
Supplemental layers of regulations were added to address incompatibilities.

Layer 3 — Neighborhood Plan CD
Layer 2 — Mixed Use
Layer 1 — Compatibility Standards
Base Zoning District
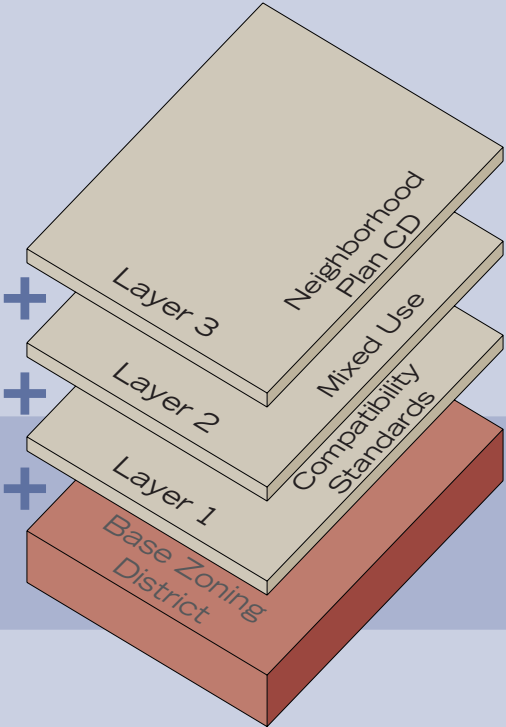
Still more supplemental layers added to address top issues of the day...

Layer 5 — Subchapter F
Layer 4 — Subchapter E
Layer 3 — Neighborhood Plan CD
Layer 2 — Mixed Use
Layer 1 — Compatibility Standards
Base Zoning District
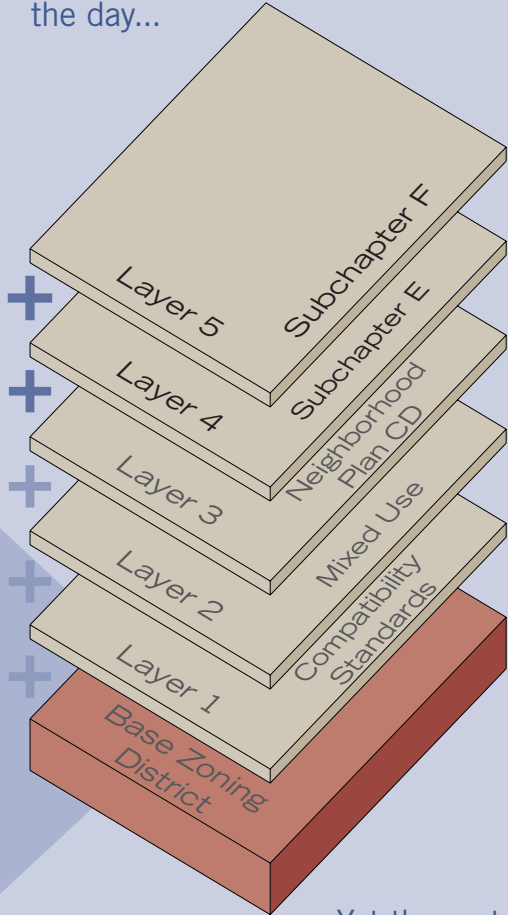
...Yet the root of the problem was never fixed.

3.3 Complicated "Opt-in, Opt-out" System

The "Opt-in, Opt-out" Approach is Over-Complicating the Code

Neighborhood Plan Tools Add More Layers

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

Referring back to the earlier issue of inappropriate base zoning districts, this à la carte system became necessary because the zoning districts were:

- Ineffective in regulating compatible development; and
- Made existing uses or lots non-conforming.

The addition of these neighborhood infill tools has led to place-specific regulations; however the implementation method has created many additional layers of regulations that over time could allow for more conflicts between different portions of the Land Development (LDC) and neighborhood plans. More context sensitive base zoning districts could achieve these same goals in a clearer and more easily understood manner.

Applicability of Neighborhood Plan Tools
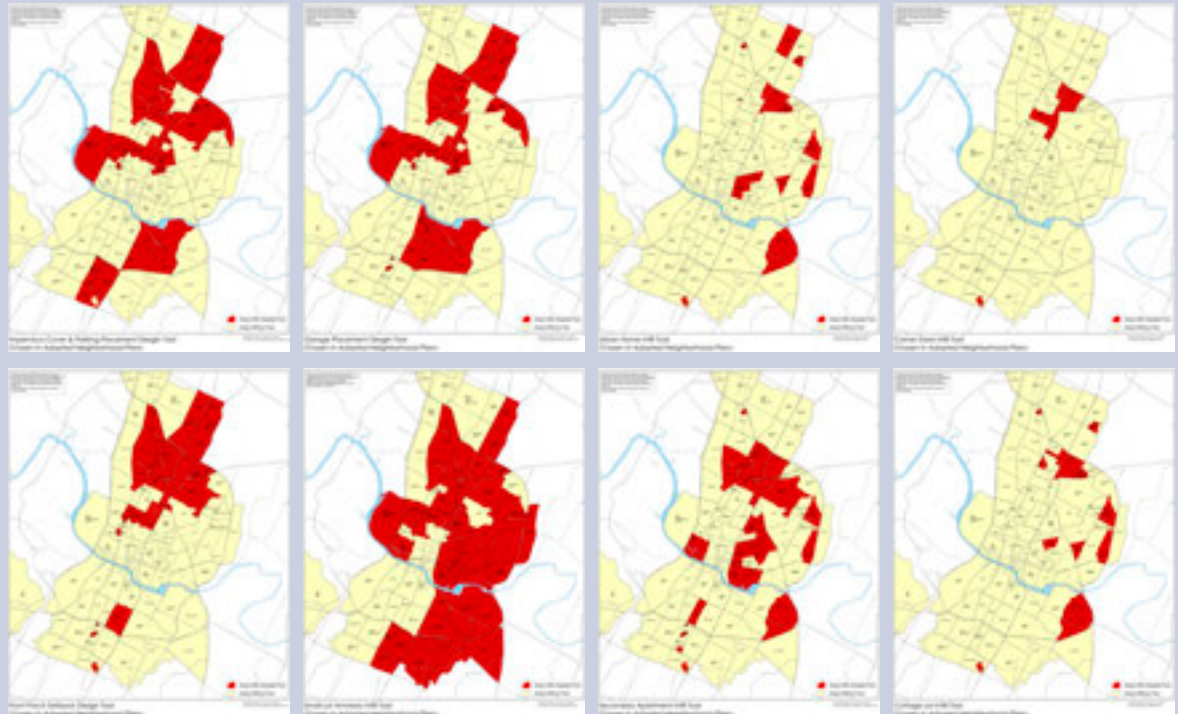
The maps above represent the areas within the neighborhood plans that use or may use additional planning tools. Note that these areas are not represented on the zoning map and instead must be referenced separately, adding an additional layer of complexity to the usability of the code.

Vertical Mixed Use (VMU) Opt-In/Opt-Out Process

Subchapter E, adopted in mid-2006, established a VMU Overlay District along certain major corridors in the city and defined a process to allow neighborhoods to provide input into the decision on whether the VMU standards should apply to property within the Overlay District. The overall goal of VMU was to encourage compact, mixed use development that provides affordable housing along major transit corridors. The process to consider VMU took approximately 2 ½ years to complete, was very labor intensive for neighborhood stakeholders, staff, boards and commissions, and City Council. Similar to other "pick and choose" initiatives the intent of VMU was good but in many cases the application lacked consideration of feasibility of development, local context and other factors. VMU also created yet another layer of regulations that must be sorted through to understand the potential for utilizing a site.

Competing Incentives

As the LDC has been amended over the years, multiple layers of incentives have been added to encourage desired development or provide community benefits. While well-intentioned, these have not been coordinated or calibrated and can complicate administration and interpretation of the LDC.

The LDC currently offers affordable housing incentives that provide additional density and height for development when affordable units are provided. In the current regulatory environment within the State of Texas, this is one of the most powerful tools to provide affordable housing. *See Section "3.4 Lack of Household Affordability and Choice" on page 54 for more details.*

Additional development incentives are available to meet sustainability, green building, and other policy goals. As new incentives are added to the LDC, there needs to be a careful balancing of what incentives are offered and how each might effect the others. Incentives that are cheaper or easier to implement may become favored by the development community, leaving other incentives unused or not implemented.

Site-Specific Conditions Applied to Individual Projects

While there are often legitimate reasons for imposing project-specific conditions on certain land use approvals, such as a rezone, conditional use permit, or a variance, the variety of tools the city uses to impose such conditions has in some cases created confusion for applicants, neighborhood residents, and city staff, particularly as property redevelops and regulations change over time. Examples of tools the city uses to condition specific developments include Conditional Overlays, which are set forth in individual zoning ordinances, as well as restrictive covenants, plat notes, and various kinds of development agreements. Additionally, the CodeNEXT team has identified a few cases where Neighborhood Plans and/or NCCD ordinances impose different regulations for individual lots within the same planning area. *See Section "Changes to Permitted Land Uses" on page 30 for more details.*

Given the potential legal and planning issues involved with each of these different approaches, the CodeNEXT team recommends working with the public and city staff to better understand why lot-by-lot conditions are applied and considering alternative approaches that address these concerns in a more holistic and predicable manner that avoids inadvertently undermining the city's planning authority over time.

3.4 Lack of Household Affordability and Choice

Household Affordability "Gap" Continues to Grow

Household Affordability

The City of Austin faces a significant challenge in meeting the growing demand for affordable housing 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 Land Development Code (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 and diversity, and promote the development of affordable housing in more areas. These changes include streamlining the permitting and approval systems, allowing more housing by good infill development, and adaptive re-use that incorporates affordable housing in the city's neighborhoods. The following aspects of the existing LDC present barriers to household affordability.

"Density Cap" Unduly Impacts Construction Costs

As currently codified, the "Density Cap" limits affordable housing by reducing the potential number of dwelling units on a particular site and driving up per-unit land cost. For all housing development, each dwelling unit must bear a portion of the cost of the land, which in Austin is one of the most significant challenges to the provision of affordable housing. The LDC, however, has strict density limitations on dwelling units per acre that reduce the development feasibility of affordable housing in the MF-4, MF-5, and MU districts.

Existing Housing Choices in Austin

Carriage House

Fourplex

Live/Work

Duplex

Mansion Apartment/Apartment House

Townhouse

Duplex

Large Multiplex (6 – 8 units)

Townhouse

Recommendations Based on Other Cities: Create a More Comprehensive Approach to the Household Affordability Provision

While Austin has made considerable strides in addressing household affordability, it still needs to do more to provide the variety and number of units required by a rapidly expanding population. Though a more enabling and nimble land-use code is essential to preserving and constructing more affordable housing, the code changes alone are not sufficient. The city will need to add more capacity to its portfolio of tools to meet the housing needs of current and future Austin area residents.

Pivotal resources required for a more comprehensive approach to providing household affordability are below.

- **Revised Building Codes:** In addition to land-use codes that support household affordability, Austin will need to assure that its building codes allow for the use of cost-effective, sustainable materials that help reduce the maintenance and life-cycle costs of ownership and rental products.

- **Financing Incentives:** A range of financing mechanisms that can assist in making housing affordable for people throughout the low- to moderate-income spectrum (these could include but are not limited to tax increment, tax abatement, tax credits, dedicated impact fees, transfer of development rights, housing bonds, and Employment-based 5th-Category Visas or EB5). While Austin currently uses a number of financing incentives to lower the cost of developing various housing types and offers various assistance programs for renters, and to a lesser extent owners, it needs to expand its portfolio of resources and increase total funds available. Since developing units that are affordable usually takes multiple resources, the city needs to find efficient ways to bundle various funds so that the time required to secure requisite resources is reduced.

- **Reliable Development Community:** A capable, efficient for-profit and nonprofit development and management community that can deliver quality, sustainable units and operate them effectively. The city is fortunate to have a number of nonprofit housing providers that have delivered well-designed and constructed units. It also has a talented household affordability advocacy entity that's well respected and networked in the community. It does not appear to have a significant number of private housing developers producing affordable units.

- **Affordable Support Services:** A range of essential, readily accessible and affordable support services such as day care, job training, and medical services are needed, so that those in particular who face the greatest economic challenges have opportunities to achieve a better quality of life.

- **Multi-modal Transportation:** A reliable, safe, accessible and affordable mass transit system is a pivotal element impacting household affordability. Households can reduce transportation costs by $7000 – $9000 per year by not owning a car. Fewer cars on the road, particularly single-occupancy trips, can favorably impact congestion, travel times, and the environment. A safe bicycle network also contributes to household affordability; bicycle infrastructure can be built fast and can provide interim cost savings.

- **Robust Land Bank:** A well-funded land banking entity that is capable of securing and holding sites for development of affordable housing and mixed-use/mixed-income communities. One of the more effective means of retaining household affordability well into the future is to put land into a land bank, which contains the cost of land associated with housing development in addition to providing site availability to developers. The ability to ground lease some of these sites to mixed-use and mixed-income developers, offers long-term financing resources to the land banking entity.

- **Create a Redevelopment Agency:** A city agency that functions as its redevelopment arm and in so doing can leverage public resources to more effectively achieve household affordability results. Austin currently has a number of departments which impact household affordability. These include Neighborhood Housing and Community Development, Economic Development, Planning and Development Review, and others. Each of these departments has varying degrees of responsibility in addressing household affordability needs of the community, in addition to many other objectives. To increase Austin's capacity to more effectively implement household affordability strategies and leverage staffing talents and financial resources, the city could explore creating a redevelopment agency. Such agencies in other cities are able to optimize staff skills and funding sources to bring a more comprehensive approach to household affordability. As a city with significant national stature, Austin should examine the effectiveness of redevelopment agencies in other parts of the country for best practices and determine what best practices it might be able to adapt.

Multifamily parking lot

Impacts of High Parking Requirements

The LDC parking requirements have two major impacts on affordability. First, high parking requirements make it difficult for new development to fit into the context of older central city neighborhoods because so much parking is required.

Second, parking is expensive. Parking requirements serve as a "tax" on new development of about 10%, and much more for lower-priced housing in areas with high land costs. According to Donald Shoup in *The High Cost of Free Parking*, these generous parking requirements are the largest of all regulatory burdens placed on developers, about four times greater than all other development fees—such as levies for schools, parks and roads—combined. The city has already reduced parking requirements downtown, and is enacting a pilot program to reduce parking in other areas in exchange for active efforts by businesses to encourage alternative forms of transportation.

In order to achieve a compact and connected city, parking ratios need to be re-evaluated as the city transitions to a more walkable, transit-friendly environment.

Minimum Site Area Requirements Drive Up Land Costs for Development

In multifamily zoning districts other than the MF-6 zoning district and Vertical Mixed Use (VMU) districts, the minimum site area requirement requires a certain amount of site area for each dwelling unit, depending on unit classification (but not unit size). This means that efficiency apartments have one amount, one-bedroom apartments have slightly more, etc. Thus, small apartments have a much higher per-square-foot land cost than large apartments. This serves as a disincentive for smaller, denser units in most of the Austin's medium-density districts.

Building and Site Design Requirements/Practices Are Sometimes Out of Touch with the Neighborhood Context

Many of the city's standards fail to take the context of the surrounding area into account. For example, the scale of large apartment buildings is sometimes not sensitive to the context of existing neighborhoods and can increase local opposition to multifamily and affordable housing in the area. The Compatibility Standards speak to these issues but use terms such as "human scale" or "sympathetic to a structure on an adjoining property" that are undefined and difficult to enforce. On the other end of the spectrum open space requirements typically require on-site space to be provided regardless of the availability of open space within close proximity to the site which can drive up development costs.
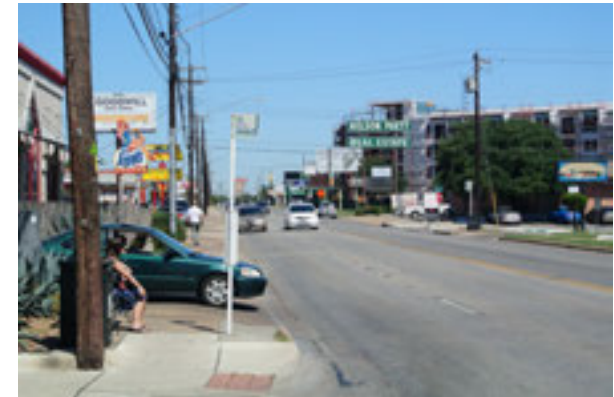
Infrastructure improvements needed along corridors

Infrastructure Requirements Are Not Always in Lock-Step with New Development

Urban infrastructure, such as sidewalks, bike lanes, and transit facilities, are not often developed in conjunction with expanded density. While developers are required to build or pay an in lieu fee for infrastructure, the end results can often be an island of improvements in an otherwise unimproved corridor. The city is working to develop a comprehensive approach to infrastructure investments where development pressures are being felt. This approach should also take into account affordable housing.

Inefficient Approval and Permitting Processes Drive Up Development Costs

The development review process has become complicated and contentious, deterring smaller housing developers without the capacity to navigate the process. Time is critical in housing development, because financing and revenue generation depend on keeping to the schedule. The increased use of discretionary approvals, planned unit developments (PUDs) and layered approval systems have added to the burden and complexity of the approval process.

Regulations for Secondary Apartments Can Limit Feasibility for Many Homeowners

As one of the key Missing Middle housing types, secondary apartments can provide increased density in existing neighborhoods without sacrificing neighborhood character. However, the LDC places many regulations on new units that could serve as a barrier to their development, including requirements for lot size, a paved driveway, on-site parking (even on lots that do not currently have off-street parking), site configuration, and water supply, etc. In many neighborhoods, secondary apartments are not allowed, reducing the flexibility homeowners have to stay in their neighborhoods. However, in these same neighborhoods, detached garages with bathrooms but not kitchens are allowed. These detached garages sometimes serve as temporary housing. If a diversified housing stock is a city and community goal, regulations for secondary apartments could allow for pre-approved designs, streamlined/user-friendly permitting, impact fee waivers, and the "grandfathering" of existing site elements, as long as they don't pose a health and safety hazard.

Few Policy Levers in Place to Preserve or Enhance Existing Affordable Housing

The current LDC does not address the preservation or rehabilitation of existing affordable housing that may be facing threats of redevelopment or is nearing the end of its life cycle. This is most important in areas that are rapidly redeveloping, and where many developers take the fee-in-lieu option for affordable housing. The density should reflect Imagine Austin priorities, locating denser development where local infrastructure can serve it, and where there is the most need.

Current Density Bonus Programs Are Not Yielding Needed Results

The city has several density bonus programs that enable developers to secure increased building heights, floor area ratios, or relaxed site area or parking requirements if they set aside 5% to 10% of housing units as affordable housing on site (depending on the program). These include the S.M.A.R.T. Housing program, multifamily density bonus, and vertical mixed-use program, as well as geographically targeted programs in Downtown, East Riverside Corridor, Rainey Street, and North Burnet Gateway. In downtown Austin, the city has recently revamped a system of formula-based, in-lieu-of payments into an affordable housing fund. Most downtown developers have opted to pay the in-lieu fee, and in doing so, some major projects have apparently not paid the amounts anticipated based on interpreting the bonus language. This has resulted in fewer dollars for affordable housing development, as well as mistrust of the density program. This led to a recent revamp of the Downtown Density program, resulting in fees from $3 to $10 per bonus-area square foot, which would be directed to the Housing Trust Fund.

Secondary apartments can provide affordable housing options

Lack of Appropriate Zoning Tools Limits Housing Choices

Zoning districts that encourage high-quality, small-footprint, one- to two-story, medium- to high-density housing types, like those which exist throughout Austin's walkable urban neighborhoods, are almost completely missing from the LDC. Aside from a few tools that have been recently added in an attempt to address this, the overall system does not address or regulate for this important range of housing types—types that can provide diverse, affordable housing choices.

In the absence of conditional overlays, the entire range of MF zoning districts, based on their site development standards, are completely ineffective in regulating or encouraging this compatible scale of infill (see the multifamily discussion on page 39 for more detail).

Neighborhood Plan Infill Options and Design Tools

The Neighborhood Plan Infill Options and Design Tools such as Small Lot Amnesty, Cottage and Urban Home, and Secondary Apartment are a step in the right direction for encouraging these types of Missing Middle housing. However these zoning tools only provide for a few types, rather than the full range of housing types at this scale.

Even with these recent developments to the LDC, there is no simple way to take advantage of these tools, especially on existing, small infill lots. The application of the Neighborhood Plan Infill Options and Design Tools is broadly spread across whole neighborhood reporting areas, leading to a lack of predictability as to where the tools will be applied in each area. Also, unfortunately, few neighborhoods have chosen to apply these tools to date. Therefore, despite recent efforts made with Neighborhood Plan Infill Options and Design Tools, local builders and developers are not able to respond to the growing market demand for housing in walkable urban places, nor can they provide a range of housing choices or different affordable options, even in locations where it would be appropriate.

The LDC update could provide a wider palette of base zoning districts that incorporate these tools, and that map their application at a finer-grain, than is currently available with the Neighborhood Plan Infill Options and Design Tools.

Understanding Where Missing Middle Exists or Could Be Appropriate

These middle-density, small-footprint housing types include duplexes, fourplexes, and mansion apartments, which have historically been thoughtfully and appropriately integrated into blocks that are primarily single-family throughout central Austin's neighborhoods. An important objective of the Community Character Analysis that the CodeNEXT team is completing as part of this LDC update process, is documenting the built environment found in Austin, including the various existing middle housing types.

The intent of incentivizing these housing types would not be to encourage them in a blanket manner across all single-family neighborhoods, but rather to be selective about the types of places these housing types should or should not occur. In particular the focus would be where this range of housing types exist already, within or adjacent to single-family neighborhoods, and to remove barriers to allow these housing types to be developed on properties currently zoned for multifamily. The ultimate intent is to ensure a compatible form while providing a greater diversity of housing choices at a broad range of price levels.

Overall, a careful analysis of this issue begins to question the effectiveness of single-family and multifamily zoning district designations to both protect neighborhood character and meet the current market demand for walkable urban living. The current multifamily (MF) zoning districts do not have the right combination of regulations to incentivize or even allow Missing Middle housing types: In all MF zoning districts, the minimum lot size of 8,000 square feet is too large; at the lower end of the zoning districts, the density is too low but the allowed

What is the Missing Middle?

Missing Middle Building Types
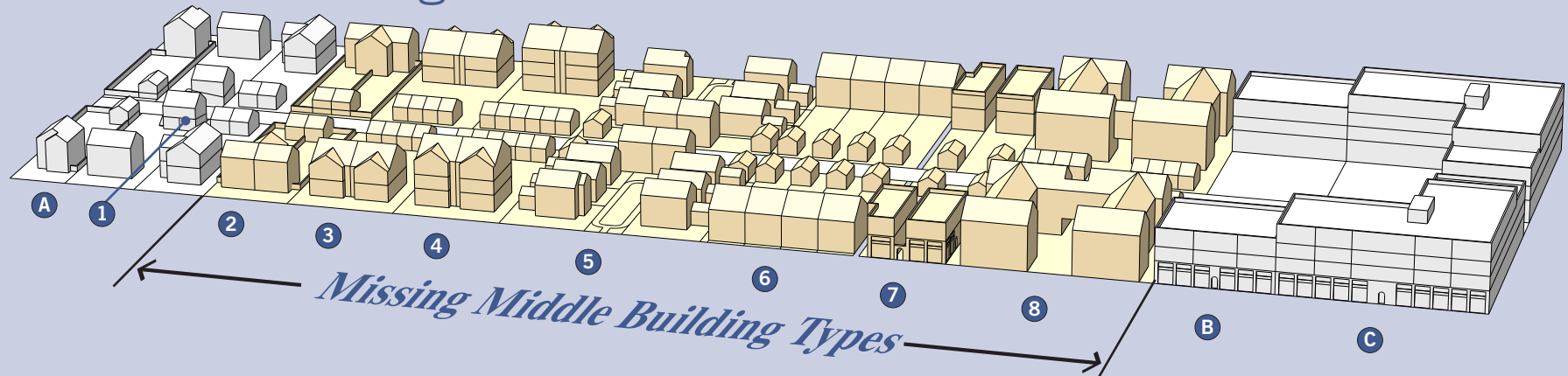
With the changes in the post-World War II development patterns came changes in both the development and the financial lending systems. These changes lent themselves to models of development that were narrowly focused and targeted to individual markets such as single-family homes on large lots, large apartment complexes, commercial strip centers, and indoor malls. Each was developed and placed in isolation in contrast to the older patterns of neighborhoods where single-family, multifamily, and commercial were more integrated and mixed. The art of both mixing these kinds of development and building smaller middle-density types were lost.

Austin's pre-World War II neighborhoods have a great history of these "Missing Middle" building types. These include townhouses, duplexes, small four-unit apartment buildings, and mixed-use main street buildings. These Missing Middle building types provide a range of housing choices in scale with nearby single-family residential uses, and provide a residential intensity that help support neighborhood main streets.

Running parallel, the Missing Middle housing types provide the housing that the two largest population groups—both the Baby Boomers and Millennials or Generation Y—desire, in walkable urban places, as studied by Christopher Leinberger in *The Option of Urbanism*.

Building Types:

A Single-Family

1 Carriage House (Accessory Dwelling Unit)

2 Duplex

3 Fourplex (4-unit building)

4 Apartment House (6- to 8-unit building)

5 Cottage Court

6 Townhouse/Rowhouse

7 Live/Work

8 Courtyard Apartment

B Small Mixed-Use

C Large Mixed-Use

building height is close to compatible, while at the upper end, the densities are high enough for these housing types, but the permitted size of buildings is out of scale with any existing context unless major transformation is desired.

Additionally, this method of regulating with a very restrictive minimum lot size within a multifamily area is intended to create a suburban model of development that addresses compatibility by requiring buildings to be spread further and further apart the larger they get. This works in an undeveloped suburban place, but does not work for infill within existing places, and can be in conflict with the compact and connected goals of Imagine Austin. As part of the LDC process, a more diverse set of zoning districts could be created to account for the various different places in Austin. This diverse set of zoning districts could be applied in appropriate locations to allow for compatible development, that could include Missing Middle housing types.

Duplex

Triplex

Multiplex (4 – 8 units)

Barriers Within the LDC to Missing Middle Housing Types

There are no small-lot, multifamily zoning districts: All MF zoning districts have a minimum lot size of 8,000 square feet.

- This minimum size is much larger than the lots for most of the existing Missing Middle housing types.

- This regulation encourages lot aggregation for multifamily projects, the opposite of what should be encouraged in most neighborhoods, especially walkable urban neighborhoods that have a good mix of housing already.

No MF zoning district limits building heights to only two stories

- MF-1 zoning district allows 40 feet in height, with allowed heights in higher MF zoning districts reaching 60 feet, making them an inappropriate tool for implementing one and two-story Missing Middle infill.

- In order to achieve compatibility, there needs to be multi-unit zoning districts that limit heights to two stories, therefore allowing higher densities on smaller lot sizes.

Allowed densities in MF zoning districts are too low for some of these types

- Some of the existing Missing Middle types have densities as high as 40 to 50 dwelling units/acre even within their compatible form.

- Missing Middle housing densities could be allowed in MF-5 and above density-wise, but much larger buildings are encouraged in these zoning districts.

- The premise is that higher density always means bigger buildings; not acknowledging smaller, higher-density Missing Middle buildings that exist throughout Austin.

- Many of these housing types exist within primarily SF zoning districts. This reinforces the fact that a density-based system may not be the most effective tool for encouraging the blended densities that already exist (single-family detached homes and Missing Middle housing types on the same block).

No maximum building footprint (depth and/or width)

- Most existing Missing Middle housing types have small building footprints (depth and width) that make them compatible with their context.

- The current MF zoning districts do not limit building footprint and in many ways encourage larger buildings, which obviously are less compatible with many neighborhood contexts.

- Regulations for Missing Middle housing types often set a maximum building footprint to ensure compatibility within a neighborhood context.

Parking requirements are too high

- High parking requirements do not reflect the existing or proposed walkable context of development.

Site plan review triggers at three units

- This puts an obstacle in place for many of the Missing Middle types that have three units or more.

3.5 Auto-Centric Code

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

Car Dependent Development

The Land Development Code (LDC), in particular the base zoning district standards and regulations, create a car dependent environment that is not in keeping with the goals of Imagine Austin of investing in a compact and connected Austin, creating healthier communities, supporting multiple transportation options and promoting household affordability.

Parking Dominated Landscape

Despite the recent reduction in parking requirements in the urban core, specifically Downtown and in transit oriented developments (TOD), there are three primary issues related to Austin's off-street parking regulations, mostly found in Chapters 25-2 Zoning and 25-6 Transportation. These could be addressed in the LDC update:

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 communities throughout the city; and
3. The regulations are encouraging the creation of auto-dependent density.

Conversely, there are also community concerns regarding spill-over parking that need to be carefully considered in reducing parking.

A parking structure abuts one story single-family houses

Parking surrounding buildings

First 3 floors are reserved for parking

Lots paved over for parking

Limiting Compatible, Small-Scale Infill

The off-street parking requirements found in Chapters 25-2 Zoning, 25-6 Transportation and Appendix A are prohibitive of small-scale infill, particularly in central Austin neighborhoods. For example, accommodating the required two off-street spaces for an urban home, two-family home, small-lot single-family home, and secondary apartments, is extremely challenging if not impossible in many cases. The LDC update could determine, based on proximity to transit and commercial amenities, walkability and bikeability, and other factors where it would make sense to consider reducing these and other requirements, and where it makes sense to keep the parking requirements as they are.

Compromising the Character of Communities

Throughout Austin, parking garages and surface parking lots in residential, commercial, and mixed-use areas, are beginning to have more and more of a predominant presence, and are slowly eroding the unique character of communities, in particular in central Austin neighborhoods. It is hard to notice these incremental changes, but due to their long-term impact on the quality of Austin communities, as well as their impact on the desire to be compact and connected, it is an issue that needs to be discussed during the process and addressed in the LDC update.

Creating Dense but Auto-Dependent Places

A long-term issue with this provision of abundant parking, particularly in the denser parts of the city, is that it is creating a strong pattern of auto-dependent density in Austin. Los Angeles is the poster child for auto-dependent density: Having a relatively dense built environment, and at the same time having the worst aspects of a suburban environment, such as traffic congestion, that are multiplied due to the dense nature
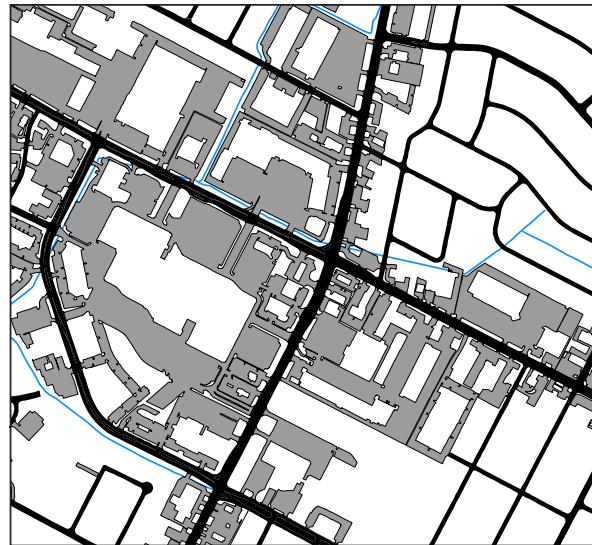
Diagram of parking lots and driveways, shown in grey

of a place. It is evident that Austinites want to retain the unique quality of the city, and that this issue needs to be discussed in the LDC update.

The impacts of parking in the urban environments cause conflicts with regulations through out the LDC. In particular new developments that provide suburban amounts of parking in urban settings rely on parking structures to maximize development. These parking structures often have a large footprint that when combined with other development factors make the preservation of existing trees and heritage trees difficult. Buildings that have provided less parking or only require smaller parking structures are more flexible and are more easily designed to protect existing trees, provide on-site stormwater management and be compatible with adjacent development.

Shifting Development Standards

This being said, there are several sections of the LDC, such as downtown, TOD districts and the vertical mixed-use regulations, that specifically address reductions in parking based on certain criteria. These regulations are in line with the compact and connected goal set forth in Imagine Austin and are supportive of transit.

Further assessment could be completed in the LDC update to determine where additional parking reductions are appropriate and necessary to enable the City of Austin to achieve the compact and connected goals of Imagine Austin, as well as to simply stop the erosion of community character that the presence of parking is producing.

Moreover, the lack of mobility options, such as buses or rail, and how inhospitable many places throughout Austin are to pedestrians and bicyclists, are issues that need to be discussed in parallel with the parking assessment to make less auto-dependent development viable.

3.6 LDC Not Always In Line with Imagine Austin

Current Land Development Code Does Not Proactively Implement 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. The 8 Priority Programs are:

1. Invest in a compact and connected Austin;

2. Sustainably manage our water resources;

3. Continue to grow Austin's economy by investing in our workforce, education systems, entrepreneurs, and local businesses;

4. Use green infrastructure to protect environmentally sensitive areas and integrate nature into the city;

5. Grow and invest in Austin's creative economy;

6. Develop and maintain household affordability throughout Austin;

7. Create a Healthy Austin Program;

8. Revise Austin's development regulations and processes to promote a compact and connected city.

Many of these Priority Programs are directly linked to the Land Development Code (LDC), 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.

I imagine Austin...
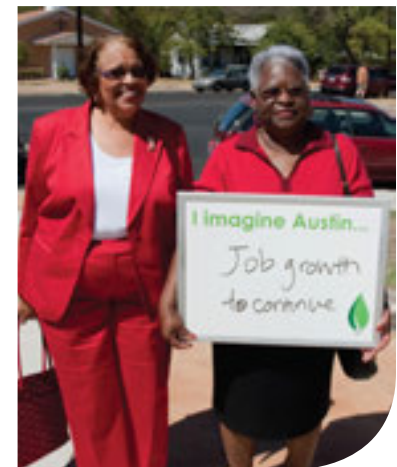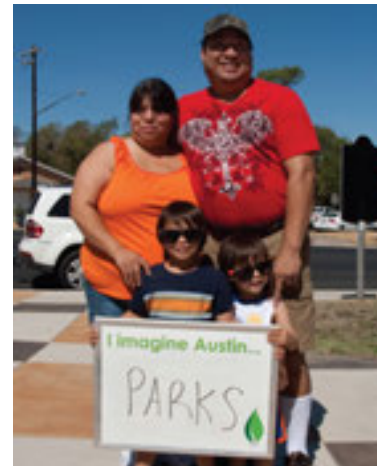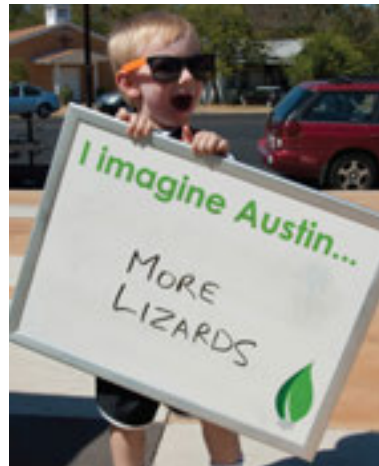
Photographs taken during the Imagine Austin Comprehensive Plan process of people and their vision for Austin.

Meeting Priority Program 1: Invest in a Compact and Connected Austin

This Priority Program can be viewed as having three critical elements: City standards or regulations for development and infrastructure, a close link between land use and transportation planning, and better coordination between private sector investment and the City's Capital Improvement Program (CIP).

Development Standards being Reviewed and Updated

City standards and regulations for the design of new subdivisions, streets, sidewalks, pedestrian, bicycle, and transit infrastructure play a critical role is establishing the framework or "bones" for new development, and in some cases, redevelopment. The City's current subdivision regulations and street design standards included in the Transportation Criteria Manual are largely based on a suburban model of development, are not focused on encouraging a variety of transportation options, and do not ensure a high level of vehicular, pedestrian or bicycle connectivity.

Recent city efforts to revise the subdivision regulations, develop a Complete Streets policy, revise the Transportation Criteria Manual, create an Urban Trails Master Plan, update the Bicycle Master Plan, and construct new bicycle and streetscape facilities throughout the city show progress but need to be coordinated and more clearly reflected within the Land Development Code.

Recent Planning Efforts In Line with Imagine Austin

In recent planning efforts such as the Transit-Oriented Districts, North Burnet Gateway Master Plan and the East Riverside Corridor Regulating Plan, the city has better coordinated land use and transportation

planning by linking higher density development, appropriate regulations and current or future transit and transportation investments. Better coordination of these disciplines results in a physical environment that provides the right mix of land uses and improvements that accommodate pedestrians, bikes, transit and vehicles. However, many areas within the city have not received this type of focus and updated regulations to ensure this outcome.

Need for Increased Coordination of Infrastructure Improvements

Finally, there is a lack of coordination between private sector investments and public sector improvements in the public realm creating inconsistencies, most obviously in streetscape and other transportation infrastructure. The current code takes a development project by development project approach to implementing infrastructure requirements through private investment. This can result in potential gaps in infrastructure and may not address the cumulative effects of development. CodeNEXT could evaluate opportunities for a district or corridor approach to coordinate public sector improvements and leverage private development requirements to provide more complete and cohesive infrastructure.

Long-range CIP Strategic Plan

While the City's Capital Planning Office has developed a Long-range CIP Strategic Plan and this is poised to help close the gap over time the City needs to focus strategic investments for the redesign and construction of improvements within these corridors

On-street parking

Public improvements in front of a new VMU project

A view of unimproved corridor adjacent to a VMU project

Transit and Bicycle Infrastructure In Line with Imagine Austin Priority Program 1

University of Texas transit

Rapid bus stop

Bike trail

One-way cycle track (left), two-way cycle track (right)

Bicyclist in downtown

New B-cycle bike share station

Bike lane

Sharrow, shared bicycle and vehicular lane

Meeting Priority Program 2:
Sustainably Manage Our Water Resources

Many factors influence how we manage and use our water resources, however, land use and patterns of development have a significant impact on water use and consumption. Central goals of this priority program are to conserve water resources and improve watershed health. A more compact pattern of development can help reduce the amount of water used for irrigation and landscape maintenance and also minimize the amount of land impacted by new development. A more sprawling pattern of development typically consumes more land and increases water use for irrigation and landscape maintenance.

Meeting Priority Program 3:
Continue to grow Austin's economy by investing in our workforce, education systems, entrepreneurs, and local businesses

The priority program is not directly affected by the Land Development Code.

Meeting Priority Program 4:
Use Green Infrastructure to Protect Environmentally Sensitive Areas and Integrate Nature into the City

Environmental Protection Standards Need to Continue to Evolve and Provide Additional Tools

Austin has a long history as a leader in environmental protection. The City's environmental regulations were developed to preserve sensitive environmental features and natural assets of the Austin area, especially in the Drinking Water Protection Zone.

Swales: stormwater management in suburban areas.

Rain Barrels and Cisterns capture rainwater for future use in both suburban and urban areas.

Rain-gardens help manage stormwater in suburban and urban areas.

Biofiltration on the sides of streets in an urban area.

As Austin and the surrounding region have experienced rapid and sprawling growth over the last 30 years there have been significant impacts to the environment even with strong environmental regulations. Over the last 10-15 years there has also been a growing recognition that, if done right, more compact, walkable patterns of development in appropriate locations can provide environmental and sustainability benefits. Compact development can reduce the amount of land impacted by development, reduce auto trips, increase use of walking,

biking and transit, reduce air pollution and reduce water consumption to name but a few benefits.

Imagine Austin recognized this growing body of research and encourages, a more compact and connected development pattern that focuses growth in activity centers and corridors, the use of green infrastructure to provide environmental protection and bring nature into these areas city and continued protection of natural areas.

While these concepts can be mutually supportive, there are potential conflicts in the current land development code between environmental regulations and development of more compact activity centers and corridors. Fortunately, the creative use of green infrastructure and other options offer a means to rectify many of these conflicts. For example, outside the Drinking Water Protection Zone, it may be appropriate to explore other concepts for regulation of impervious cover such as the provision of publicly-accessible open space coupled with site design minimum infiltration requirements, as an alternative to more restrictive impervious cover limits.

Over the last few years city staff efforts have focused on adding more techniques to provide for green infrastructure and water quality controls. But much work remains to be done including adapting these techniques to address varying site conditions and addressing maintenance and license agreement requirements for these types of improvements in the public right-of-way, which tends to discourage desirable features such as rain gardens and street trees.

To remain a leader in environmental protection Austin's regulations need to evolve to provide additional tools that integrate sustainability, environmental protection and compact, walkable development.

Protecting, Preserving and Enhancing the Urban Forest

Trees and their canopies provide shelter, shade, environmental benefits and character to much of Austin. The city has a longstanding commitment to tree protection which should be maintained. However, there are potential improvements to tree regulations in terms of integrating new tree plantings into an

Infill redevelopment projects that has preserved existing tree canopies

urban environment, clarifying current tree protection regulations and better alignment of multiple city tree programs that could be considered during CodeNEXT.

Meeting Priority Program 5: Grow and invest in Austin's creative economy

An important part of growing and supporting Austin's creative economy through startups and small businesses is the ability to adptively reuse buildings and to develop small scale projects. The LDC regulations can be a barrier to the reuse of existing buildings and in many commercial base zoning districts does not encourage small scale infill or redevelopment, *see "Discourages Small Scale Commercial Development" on page 47 for more details.*

Meeting Priority Program 6: Develop and Maintain Household Affordability throughout Austin

This topic is discussed in Section 3.4 Lack of Household Affordability and Choice.

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

Meeting Priority Program 7: Create a Healthy Austin Program

A Healthy Austin Program would focus on reducing chronic and diet-related diseases and risk factors by coordinating access to community and health services, local and healthy food, physical activity, and tobacco-free living. This priority program seeks to create places where people can easily walk, bike, play, and find

nearby healthy food options and healthcare. The Land Development Code and city standards for infrastructure are two of the biggest factors that shape newly developed or redeveloped areas. Together these standards create places that either enable active, healthy lifestyles or more sedentary, inactive lifestyles.

Meeting Priority Program 8:
Revise Austin's Development Regulations and Processes to Promote a Compact and Connected City

Austin's current zoning, subdivision, and site development regulations were developed over the last 30-40 years. Similar to many other cities across the country these regulations were created with suburban development and an ever greater accommodation of the single occupant vehicle in mind. In general there was little consideration for other modes of transportation or placemaking. Over the last 10-15 years Austin has made strides toward a more balanced approach but these efforts have been somewhat piecemeal and, as previously discussed, usually layered on top of other regulations. CodeNEXT presents the opportunity to learn from best practices across the country, sort through these layers of regulations to make the code clearer and more easily understood, and create a more sustainable and compact and connected Austin.

Challenges and Potential Enhancements for Infill and Redevelopment

Infill and redevelopment is one of the most challenging topics for CodeNEXT. In an urban environment, accommodating infill and redevelopment of vacant or underutilized sites can pose significant design challenges.

Meeting City regulations for detention and water quality ponds, protection of trees, and a myriad of other regulations can impose significant challenges and costs upon infill and redevelopment, especially on small sites. Although there are procedures to obtain variances from certain regulations, the time and expense required and the lack of predictability can be a barrier to this type of investment.

At the same time, many potential redevelopment areas have undersized drainage infrastructure, and unless improvements are made during redevelopment, adverse downstream impacts can occur. Small-scale, single-family residential infill is not subject to the same type of stormwater detention and water quality requirements as larger projects, which can sometimes leads to negative results. Larger redevelopment projects are not required to upgrade detention facilities if they do not increase existing impervious cover.

The City has existing programs to allow regional approaches for water quality and flood control in certain areas, which can allow development of some sites, but there are limitations to these programs such as the availability and cost of land that may preclude the development of regional facilities.

To address these issues CodeNEXT will need to find the right balance of flexibility and improved standards to ensure infill and redevelopment is encouraged, current negative impacts associated with some projects are addressed, and we continue to preserve the natural assets that we value.

Clarity and Consistency

Small clarifications or improvements in the code can return significant benefits. One example is how impervious cover is presented in the LDC. Impervious cover limitations for new development are found in both the zoning and environmental sections of the Code, with the more restrictive requirement applying. This often creates confusion about allowable development on a property and can create unrealistic expectations about what can be developed on the site when a property is rezoned to a district with higher impervious cover limits.

Other issues with clarity and consistency are explored further in later sections of this report.

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Document Format & Structure Findings

4.1 Lack of Usability and Clarity

Adversely Affect LDCs Effectiveness

Poor Clarity in the Code Format and Structure

As is true with any zoning code of similar age, the many years of additions of new regulations and procedures has made the Land Development Code (LDC) and supporting documents inconsistent, hard to understand, and difficult to use. The primary areas of issue are:

1. Inconsistent hierarchy, structure, and location of information;
2. Non-user-friendly and out-of-date layout;
3. Lack of illustrations, graphics and photographs;
4. Inconsistent use of terminology and conflicting information; and
5. A digital code system that makes it even harder to use.

Non-User-Friendly and Out-of-Date Format

On top of all of the structural and content issues related to the LDC, the difficulty in using the document is further exacerbated by formatting that is dated and hard to follow. The formatting issues start with some very basic graphic design issues related to page layout and document template format. These issues include lack of consistent and clear indents, and inconsistent selection of font size and/or style (e.g. capitalization, bold, or not bold, etc.). When used appropriately, these techniques reinforce a structural hierarchy in the document and make it easier to follow and use.

Likewise, the lack of a consistent layout leads the user to confusion. If the overall code structure and organization was clear and the content was effective, these types of

ORGANIZATION OF CONTENT

The basic structure of the existing LDC has four major structural levels below Title 25 Land Development Code:

- Chapter
- Article
- Section

This organizational structure has been amended over the past 30 years with additional layers added, such as:

- Division
- Sub-chapter
- Subpart

While these new layers have been added, the methodology for numbering the layers for ease of referencing has not been updated, making the numbering system ineffective at allowing a user to understand where in the hierarchy of the LDC the reference exists.

Base Structure

Title
Chapter
Article
Section

25-1-21

Variations of Structure

Title
↳ Chapter
  ↳ Article
    ↳ {Division}
      ↳ Section

Title
↳ Chapter
  ↳ {Sub-chapter}
    ↳ Article
      ↳ {Division}
        ↳ Section

Title
↳ Chapter
  ↳ {Sub-chapter}
    ↳ Article
      ↳ {Division}
        ↳ {Subpart}
          ↳ Section
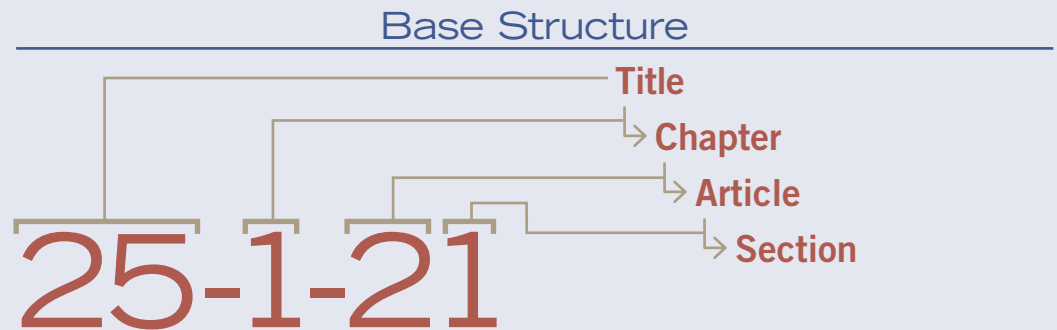
items would become less of an issue, but in this instance, they make the problem even worse. In addition, the LDC lacks headers and/or footers that clearly show the user where they are in the overall document. The numbering system is ineffective at doing this as well.

One of the ways that the overall LDC is out of date is that it is very text heavy and lacks graphics. The city has made the shift to a more graphic, user-friendly format in recent documents, such as the small area plans and TOD regulating plans. This improved format could be used throughout the entire LDC document; however, care should be taken to ensure regulatory graphics are differentiated from illustrative graphics. Most importantly, graphics should clarify the document, not add to its complexity.

Overuse of Cross-Referencing

Any land development code of this size is going to need cross-referencing to clarify the specific location of additional regulations. That being said, due to the nature of the poorly structured document, the cross-referencing in Austin's LDC is taken to the extreme and makes the document hard to follow. Even within the new regulatory documents, such as the TOD Regulating Plans, cross-referencing back to the original LDC document compromises the clarity and simplicity that was intended in the newer documents.

Lack of Table of Contents Below Chapter Levels

Within the current LDC, the only level that has a table of contents (TOC) is the chapter level, thus leaving the user unclear when they get to a subchapter, article, or division level, what information is included in that portion of the code. The user must flip through the entire portion of the

LDC to see if what they are looking for exists there, or if it is in another location.

Miscellaneous Items

A few other items that make usability more challenging are:

- A lack of intent statements or intent graphics;

- A lack of defined terminology;

- An inconsistency in the use of terminology;

- An overlap in the intent or content of different sections; and

- Providing more than one zoning "tool" to achieve similar end results (e.g. multiple accessory dwelling unit regulations).

In addition, the LDC mixes architectural standards with zoning or desired form standards in a way that is confusing, only diluting the effectiveness of the zoning standards. Within these architectural and desired form standards—such as Subchapter E—subjective terminology, such as "human scale" and "massing" are used in specific portions of the document. These subjective terms make the document hard to administer consistently, and due to the lack of objectivity, the standards do not necessarily lead to the intended built result.

Inconsistent Hierarchy, Structure, and Location of Information

Due to the many years of adding and replacing content, without a comprehensive assessment of structure and location, information within the LDC is not clearly organized. The logic behind the chapter, article, section

structure has been lost with the addition of subchapters, divisions and subparts. Similar information is often found at different levels within the LDC and procedures are spread throughout the document in various locations, making the document extremely difficult to navigate. A person who is submitting a project for development review has a hard time understanding when they have included all of the regulations, often missing regulations because of this issue.

One great example is the combining districts (CD) and overlay districts. The CDs are spread across four different subchapters in Chapter 25-2: Zoning as is seen in the diagram, *"Combining District Paths" on page 75*. In addition, within the CDs, some include development standards that replace the base zoning district regulations and some do not; some include additional procedures and others do not. Once you get to the combining districts, the lack of a clear intent, the inconsistent structure of information, and lack of clarity in its relation to the base zoning district districts becomes very overwhelming very quickly.

In addition, the user of the LDC often finds themselves searching for information outside of the LDC document, many times with no clear direction about where to find that information. One example of this is the Neighborhood Plan Combining District (NP) that necessitates the user to find a series of maps on Austin's website, with no clear cross-referencing to a location in order to show which of the tools apply to their site, if there is a NP in the zoning district name. Another example is the Neighborhood Conservation Combining Districts, which are really hard to find, and complicated more by the need to often reference a neighborhood plan as well.

Left: An example of the LDC's problematic formatting; Middle and Right: A contemporary code—a strong page layout makes regulations easy to understand, and the document clear to navigate.
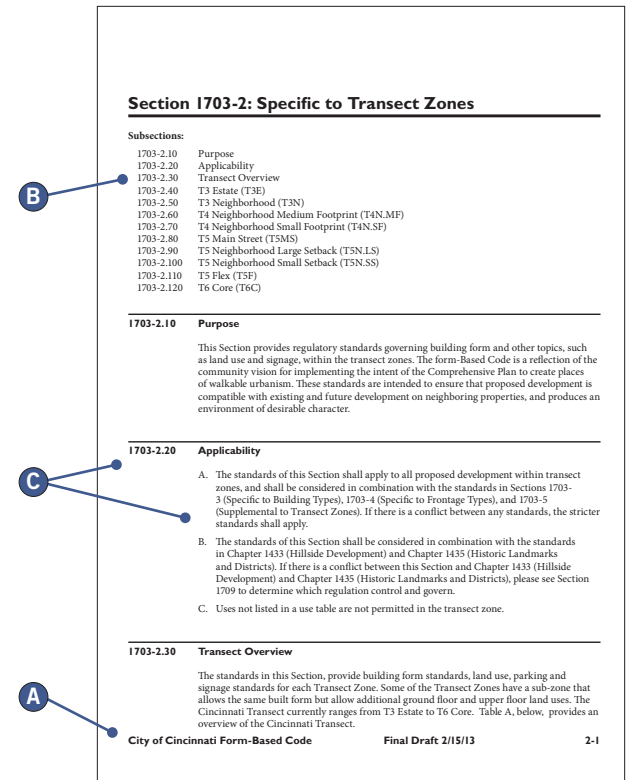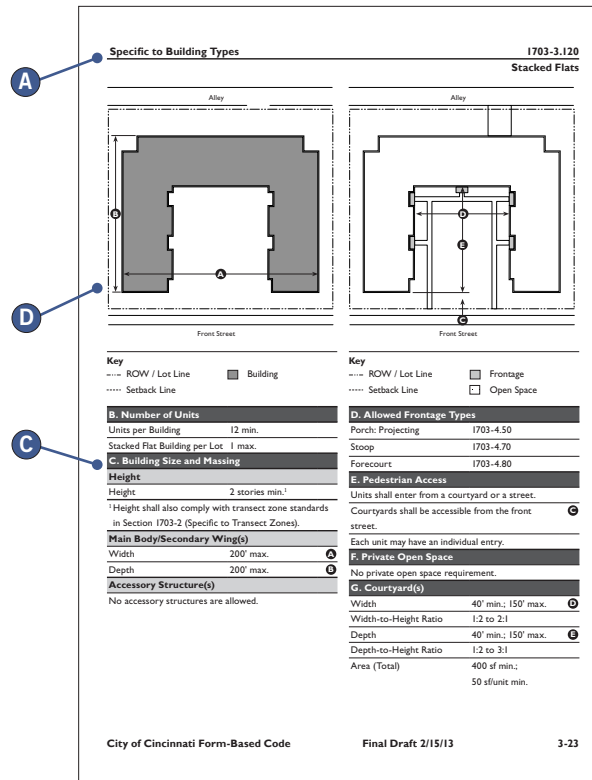
Ⓐ Strong headers and footers explain where you are inside the document.

Ⓑ Table of Contents in each new section.

Ⓒ Clear indenting, section breaks, and labeling.

Ⓓ Clear graphics and illustrations visually explain regulations.

Combining District Paths

Zoning Map : NP

Subchapter B

Zoning Prodecures;
Special Requirements for Certain Districts

Subchapter D

Neighborhood Combing Districts

Appendix L

University Neighborhood Overlay District;
Boundaries, Subdistrict Boundaries, and
Height Limits

Article 2

Special Requirements for Certain Districts

Maps or List of Where Apply
Note: Outside Title 25

**Link to Boundaries Map
Link to Height District Map**

Division 1

Division 2

Division 3

Division 4
Neighborhood Conservation

Division 5
PUD

Division 6
PDA

Note: Outside Title 25

Ordinace
East 11th

Ordinace
East 12th

Ordinace
Hyde Park

Ordinace
North University

Ordinace
Fairview Park

Article 2
Urban House

Article 3
Cottage

Article 4
Second Apartment

Article 5
Corner Store

Article 6
Neighborhood Mixed-Use

Article 7
Residential Infil & Neighborhood Urban Center

1. Development Plan Requirements
2. Procedures
3. Approval
4. Revision

**Division 2 : Residential Infill no intent
Permitted in Sq. Ft. :
MF-6, LI (not Sq. Ft. 4)**

**Division 3 : Neighborhood Urban Center
Permitted in LO, GO, LR, GR, CS, CS-I, LF**

1. Permitted Uses
2. Development Requirement

1. Permitted Uses
2. Development Requirement

Duplex Regulations   or   **Townhouse Regulations**   or   **Multifamily Condominium Regulations**   or   **Commercial Regulations**

This flow chart shows the lack of consistent location, structure, and content within the combining districts. This lack of clarity and consistency permeates throughout the LDC document.

4.2 Ineffective Digital Code

Feels Like Stepping Back To 1984—The Only Thing Missing Is The Monochrome Monitor

An effective online digital zoning code should be a tool to improve the usability and clarity of the code. Austin's online code, like those of many other cities across the country, is outdated and unrefined, and actually makes the Land Development Code (LDC) harder to understand and use. The problems 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.

At the big-picture scale, the online system is simply out of date. The system's user interface is slow, awkward, and unclear.

Slow Response Time

Responsiveness to input from a user is a common design consideration in the design and implementation of user interfaces. A user will typically only wait one to two seconds after clicking on a button or link before moving on to something else. With the digital code, it is not uncommon for a user who is navigating the table of contents to have to wait for up to five seconds after clicking on a specific section of the code before that section actually comes up on the screen. In terms of usability, this is an eternity and is enough time for a user to question:

- If they missed clicking on the link;
- If the computer missed their input; or
- If the website is working at all.

Lack of Clarity in User Interface and Presentation of Information

A second major flaw is the lack of clarity in the way the information is presented to the user. On the left-hand side of the website the full width of the table of contents (TOC) cannot be expanded to see the complete title of the chapter, subchapter, article, division, subpart or section. Clicking on a title further expands the TOC, which further compounds the legibility of the TOC, as the titles are indented further to the right hiding more of the actual title.

Additional issues with the user interface include the digital code format is out of date, and very hard to use. Basic formatting refinements that make a document easier to read such as line spacing, a hierarchy of font styles and sizes, indenting, and maximum width of a text column are all lacking. Other examples include:

1. How the code jumps back up to the main code page when you resize a window using the scaling box in the lower right hand side;

There is no scroll bar to allow the user to see the full line of the code table of contents.

A table hides information from the user, who may not know to scroll by placing the cursor inside the table.

The general format makes a complex code even harder to navigate and use.

2. The fact that you cannot see the entire line of many lines in the table on contents column on the left side of the page because there is no way to expand the width of the column.

3. Users who try to avoid these issues and print out information from the digital version are faced with very simple usability details that are not refined. For instance, page breaks occur at points that split table headers from important development regulation information, making the table difficult to read without flipping back and forth between pages.

None of these items are insurmountable, but the combination of many of these items, with an outdated interface and an overly complex code, increase the frustration of the user.

Lack of In-Line Graphics

Another example of the outdated nature of the digital system is the fact that the online code cannot integrate graphics, which are now a common practice in zoning and land development codes. This makes the code much harder to understand and use, often requiring the staff to keep an original copy of the document on hand that has the graphics shown in-line with the text. For example, the original document for Subchapter E: Design Standards and Mixed-Use, is a document that has a wealth of simple, clear graphics that make the document easier to use and understand, but in the translation the graphics were striped out and replaced with external references to figures in an exhibit. The version of Subchapter E online has references to figures but no active links.

Austin, Are You Ready to Show Your Digital Prowess?

Nothing short of a complete overhaul and rethinking of Austin's digital code will enable the new LDC to be successful in its application and daily use. This will be a challenge and will require major innovation because no city in the country has really perfected their online code. If it were done in Austin, it would serve as a model for others to emulate. This can be an opportunity for Austin to show its digital prowess and create the most advanced online code in the country, with smartphone and tablet application, that also vastly improves the usability of its code.

The hard copy version of the code is challenging to understand and administer. The on-line version of the code carries these challenges forward and also adds to the challenges through formatting and usability deficiencies.

Moving Forward

The City of Austin is moving forward with changing service providers for hosting the LDC as well as the rest of the Municipal Code. Incorporation of graphics and an updated user interface should be a high priority as part of the transition to the new service provider.

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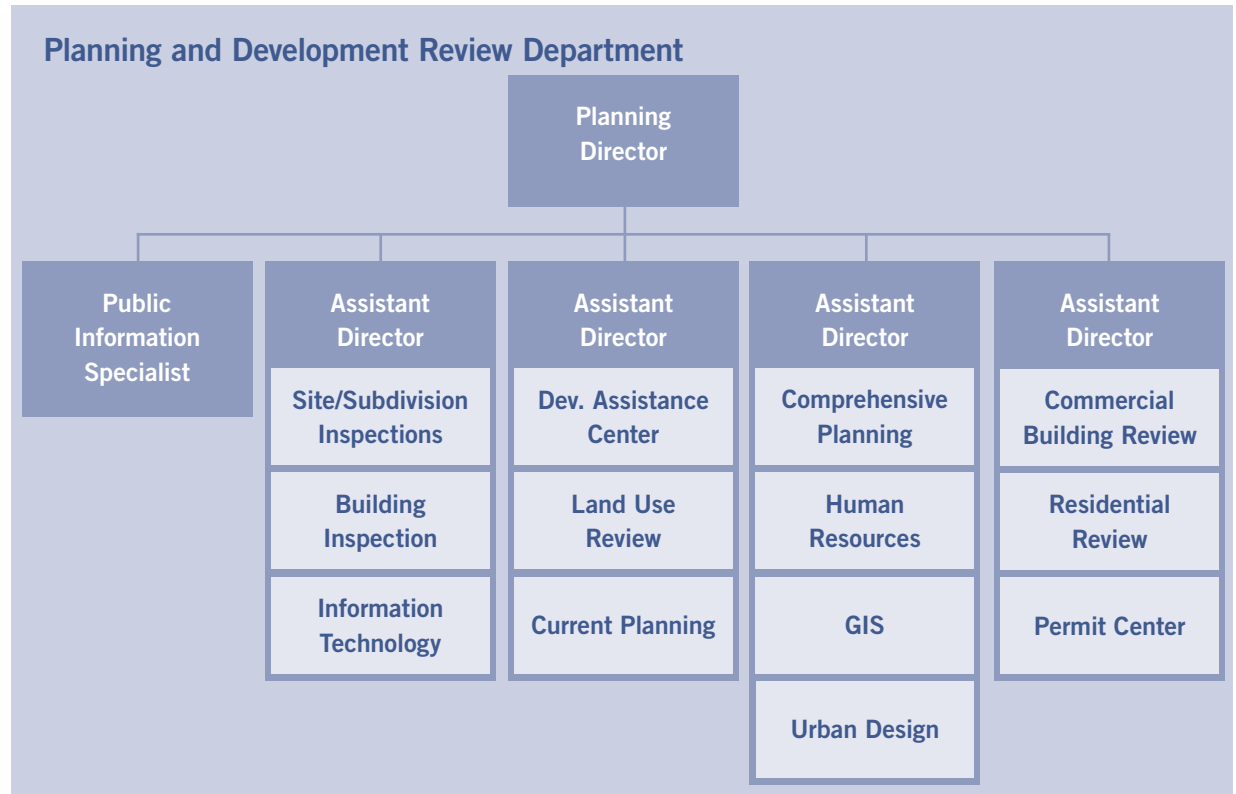# Administration and Procedures Findings

5.1 Code Changes Adversely Affected Department Organization

A Complex Code Generates a Complex Entity

Inconsistently structured code amendments, Planning and Development Review's (PDR) organizational structure and the physical organization of workspace in the One Texas Center building were all shaped by incremental change. The Land Development Code (LDC) update requires a thorough, concurrent, and coordinated evaluation of PDR's organizational structure and workspace to ensure successful implementation of a new code.

Customers at Austin's Development Assistance Center seek development permits rather than protracted review processes. However, the LDC's multilayered system simply lacks a "by-right" discipline and Austin's frequent, customized code amendments often contribute to and compound administrative complexity. It might not be obvious, but the incremental evolution of the LDC (toward greater complexity) shapes PDR's and other city departments' organizational structure. *See Sidebar "Planning and Development Review Department".*

The LDC's expanding complexity over the years combined with Austin's booming development activity have exponentially increased demands on staff and impacted PDR's organizational structure, position levels (and required skills), workspace efficiency, and ability to effectively implement adopted plans.

Planning and Development Review Department

- **Planning Director**
  - **Public Information Specialist**
  - **Assistant Director**
    - Site/Subdivision Inspections
    - Building Inspection
    - Information Technology
  - **Assistant Director**
    - Dev. Assistance Center
    - Land Use Review
    - Current Planning
  - **Assistant Director**
    - Comprehensive Planning
    - Human Resources
    - GIS
    - Urban Design
  - **Assistant Director**
    - Commercial Building Review
    - Residential Review
    - Permit Center

LDC Complexity Impacts the Organizational Structure

Currently, the department structure is hierarchical with specialized technical staff organized into multiple review units. This structure is largely a result of the growing demands and complexities of the LDC as it evolved with Austin's growth—especially in the last 15 years.

As code complexity grew, so did the need for more staff and new expertise. As more requirements and layers were added, decisions were distributed across multiple entities (including external boards and commissions often requiring additional staff support) resulting in more processes, more time, more potential for conflicts, and the need for more staff resources. Stakeholder input, gathered as part of the Listening to the Community Report, revealed a strong desire for staff to operate less as "specialists" in a few things and more as skilled "generalists" who function in a flatter, less compartmentalized organization so that reviews can be completed by fewer people. Because the decision process has been broken into many parts, applicants must navigate and reconcile differences between different "silos" (within and outside of PDR) resulting in longer permit reviews and inconsistent interpretations where the customer experience, according to several interviewees, "depends on who you get."

Alignment and Department Mission

The growing complexity of the LDC also impacts the alignment of PDR staff and maintaining a common departmental mission. One example is the increased separation between planning staff responsible for preparing and shepherding code amendments through the legislative process and front line staff that use the LDC on a daily basis. Issuing development permits is, literally, one of the most direct ways of implementing adopted city plans, however, given the daily demands of their work, front line staff are not always concerned with, or even aware of, the overall vision and intentions of plans such as Imagine Austin. Due to time constraints resulting from greater workload and review responsibilities, front line staff are minimally (if at all) involved in the crafting of most code amendments. However, front line staff have significant expertise for rolling out code amendments because, out of necessity, they devise ways to reconcile new code requirements (usually prepared by others) with previous code provisions and the practical realities of development applications almost every day.

Impact on Need for Training

The widening gap between planning and permitting staff combined with increasing workloads has also impacted code training. When code amendments are made, resources are often inadequate for training so over time, different interpretations of an increasingly complex code have evolved that further reduce the predictability, consistency, and effectiveness of LDC amendments.

Opportunity to Break Down Silos

The LDC update provides a significant opportunity to evaluate PDR's organizational structure with the goal of improving the integration of planning, development permitting, and inspection functions. An improved LDC will better shape development and streamline reviews, but only if there is an organizational structure with clearly defined work flows to support it. This is the time to define how PDR staff are engaged now and in the future maintenance of the LDC.

In addition to ensuring successful implementation of the new code, a concurrent improvement to PDR's organizational structure provides opportunities for more skilled generalists who can function in a "flatter," less compartmentalized organization with cross-training and broadening roles; increasing capacity for planning and development review; and redefining position roles, responsibilities, and promotional opportunities.

Conflict Between Departmental Requirements

In speaking about the opportunity the LDC update affords in improving the organizational structure within Planning and Development Review, it offers a similar chance to evaluate how all city departments interact in the permitting process. Currently, all city departments are autonomous; there is no priority to the regulations they enforce. Consequently, there is no easy way to resolve conflicting requirements between departments, and no encouragement of creative problem-solving.

LDC Complexity Strains the Planning and Development Review Workspace

The combination of Austin's expanding code complexity and growing demand for permits over the years has created greater staff resource needs. Supporting more staff requires more (or more efficiently designed) workspace to maintain a productive work environment for employees and customers. The tight and cluttered conditions of PDR work spaces and offices provide clear evidence of the strain caused by increased demand. Staff do the best they can but due to inadequate storage and filing systems, applicants' drawing submittals are stacked in any available space, including circulation aisles, table and counter tops, and office corners. The promise of a one-stop-shop experience vanishes quickly as one notices "one-stop shop" signs posted on multiple floors and in various partitioned areas in the One Texas Center building.

The LDC update provides a significant opportunity to evaluate the adequacy and efficiency of PDR workspaces—especially where staff interfaces with customers. Like the LDC, the Planning and Development Review workspace needs to be accessible and easy to navigate to completion. The evaluation should consider the physical organization, functional relationships and proximities, and adequacy of spaces that support development review and permitting activities (workspace, front counter/intake, cashier, storage, etc.).
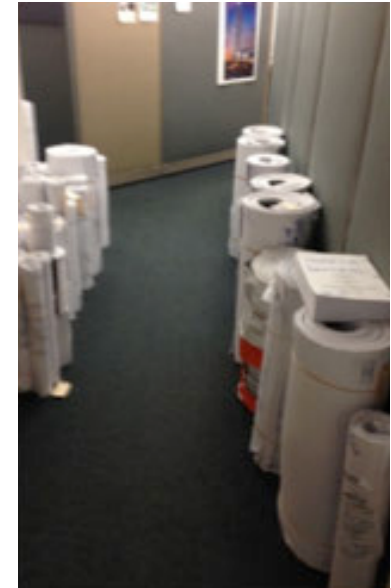
LDC Complexity Increases Potential for Conflicting Department Requirements

In addition to the numerous rounds of review the applicant must pass through in different city departments and commissions, there is also the chance of interdepartmental conflict over standards and regulations of the LDC. As the city begins to experience more urban and infill development in implementing the goals of Imagine Austin, especially the goal to be compact and connected, a diligent effort should be made to coordinate review and requirements between city departments and agencies to ensure consistent application of LDC standards and intent.

Moving Forward

The City of Austin has created interdepartmental priority program teams to help implement Imagine Austin. These teams work together to identify conflicting regulations and barriers across departments. They also create and refine regulations to implement the priority programs.

A Better Code Supports Better Planning in the Future

An improved LDC, by itself, will not ensure implementation of Austin's adopted plans and policies. Successful implementation of a new LDC will rely on a supportive delivery system (organizational structure) comprised of staff that have expertise in administering the updated LDC; strong ownership of its content and structure; confident understanding of how it delivers desired development outcomes described in Austin's adopted plans; and a work environment conducive to efficiently delivering timely development permits and the best customer service.

Align Long Range Planning with Procedures

The LDC update provides an opportunity to better align long-range planning with current planning staff and activities. It provides the opportunity to standardize procedures that link plan preparation processes (citywide and small area) with LDC language and map amendments so that the planning visions are clearly and effectively implemented. Strong linkages between the LDC and policies in applicable adopted plans not only provide better development outcomes, they create opportunities for improving long-range planning that follows a tighter discipline of context and place-based approaches. Austin has talented planning staff and planning for a fast growing city with significant public expectations is difficult enough. Without significant change in LDC practice and the relationship to plan preparation, Austin risks compromising the success and continuation of future planning efforts.

5.2 Incomplete and Complicated Administration and Procedures

Creates Inconsistent and/or Lengthy Reviews

Lengthy, Unpredictable Review Process

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 Land Development Code (LDC). For development regulations to be most effective, the review process must be transparent and efficient. To achieve this, 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. As stated in Chapter 3, the development process is made more difficult as a result of multiple layers of zoning and development regulations, redundancy, and exceptions. The complexity of the regulations adds time and cost to construction projects affecting the affordability of the community. In addition, consultants and attorneys must often be hired to help an applicant navigate the system.

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. This is a 10% increase from the number of rezone applications from the previous year. While the increase may be an indication of improvements in the economy, the sheer volume of rezoning cases is extraordinary.

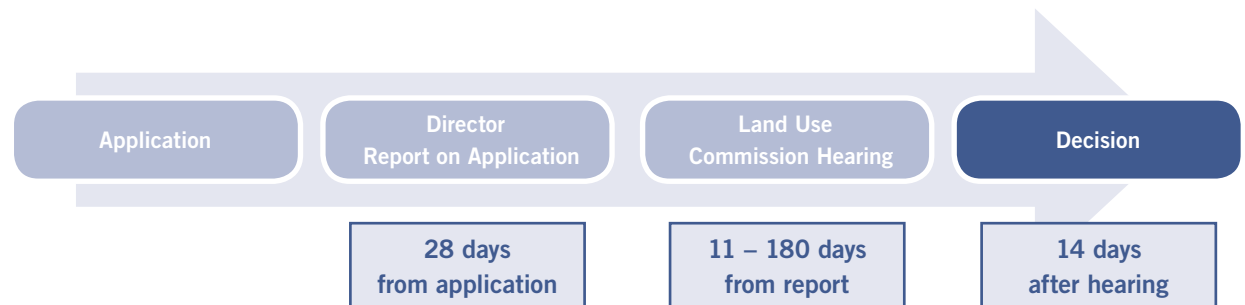| Application Review Time Table								
Permit	Subdivision		Site Plan		Commercial Building		New Residential	
Fiscal Year	2012	2013	2012	2013	2012	2013	2012	2013
Average Days	30	33	28	29	34	33	5	11
Percent On-Time	59%	41%	42%	42%	22%	25%	84%	82%

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

The Application Review Time table shows the time it takes to review different applications.

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

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

The Cycle Time table shows the cycle time from application review date to final approval.

Application	Director Report on Application	Land Use Commission Hearing	Decision
	28 days from application	**11 – 180 days** from report	**14 days** after hearing

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.)

Culture of Continuously Amending the LDC

As the CodeNEXT team has seen, even through the first several months of this revision process, there is a culture in Austin of continuously amending the Land Development Code to address hot topic issues that are due to its ineffectiveness.

These incremental code amendments typically create more complexity that requires more staff engagement and/or review time. This added complexity significantly increases the time required of staff and stakeholders, not to mention Board and Commission members in reviewing amendments. The permit process also gets more complicated, staff and customers are burdened with more requirements that lead to potential delays, inconsistent interpretations, and increasing demand on planning staff and/or senior level managers to get involved in day-to-day reconciliation of conflicts. This does not help promote support for planning, and it can create perceptions that more planning leads to more bureaucracy that adds more time and cost of doing business in Austin.

Recent code amendments that are aligned with adopted plans (e.g., "McMansion" and Vertical Mixed-Use ordinances) are causing longer and more complicated reviews. While substantively well intended, procedural delays make these approaches less effective in maintaining support for planning and implementation of the city's vision.

However, through the LDC update process, a better system can be established that would require LDC amendments at much less frequent intervals.

Lack of Clarity and Consistency in the Decision-Making Process

Currently, it is extremely difficult to navigate permit and procedure requirements for both applicants and staff, as permits and procedures are located in several different sections of the LDC. While Chapter 25-1 Section 25-1-61 states development in Austin must follow the following order of approval, this chapter fails to clearly map out the process and may be misleading to infrequent users of the code.

- Zoning (Chapter 25-2)
- Subdivisions (Chapter 25-4)
- Site Plan (Chapter 25-5)
- Building Permit (Chapter 25-11)

This lack of organization can make it difficult to determine the type of permit/process that may be required, submittal requirements, hearing requirements, etc. As shown on the sample flowchart, one elegant solution to this organizational issue is to group all permits and procedures in one chapter or section of the code and provide cross-references, as appropriate.

Inconsistent Interpretation and Review

Throughout the listening phase, the CodeNEXT team has heard that there is a lot of frustration in the lack of consistency in the interpretation and administration of the current LDC. It was even stated by several code users, including developers, attorneys, and property owners, that they chose not participate in the optional pre-application meeting, because city staff who attend that meeting and to give an initial assessment are not the same city staff who review a formal submittal. This second group of reviewers often interprets the

LDC differently than those who complete the initial assessment, thus making the pre-application meeting unhelpful.
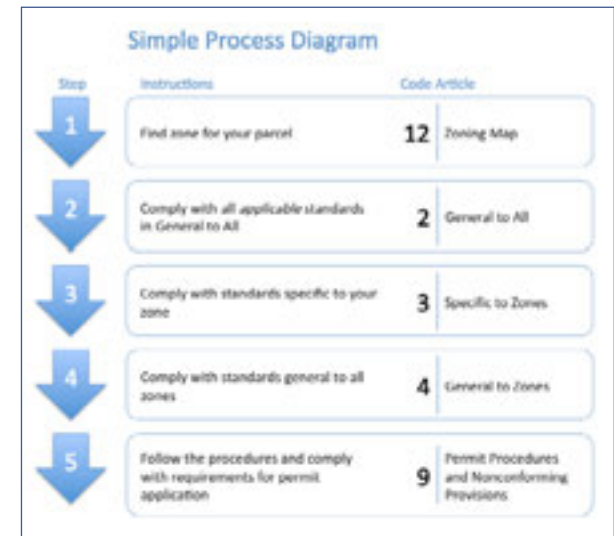
Sample Process Diagrams from Livermore Development Code

Missing or Incomplete Code Administration Information

Across Chapters 25-1 and 25-2 (the main administrative and procedural chapters) several pieces of key information appear to be missing, such as:

- How to use the LDC. This could be a simple process diagram *(see sample process diagram above)*.

- Purpose statement for the Land Development Code (LDC) and subsequent chapters. (Note: Purpose and applicability statements are important components of a code and could be incorporated throughout, as needed.)

- Authority of the LDC. Identifying the vested authority from the Texas state government to regulate land use and development within the City of Austin.

- Responsibility for administering the LDC. This section could not only identify Accountable Entities (25-1, Article 3), but also their responsibility in administering the LDC and any authority to delegate responsibility. In addition, this section could be comprehensive and include all relevant boards, commissions, and senior staff (i.e. PDR director). (Also see the next section on boards and commissions.)

- Procedures and rules for understanding and interpreting the LDC.

Overlapping Layers of Boards and Commissions

The City Council and other bodies and individuals administer the LDC (referred to as review authority or authorities). It is the responsibility of the appropriate review authority to ensure that proposed projects and applications comply with the LDC. Higher levels of review for permits or approvals (i.e. by City Council or the Land Use Commission) require hearings, noticing, and may have different procedures for appeal.

In addition to city staff, there are 58 boards and commissions that help shape and influence public policy. Boards and commissions are important in that they enable citizens to participate in Austin's government processes and can lend a more diverse viewpoint for the City Council to consider. However, the role and function of boards and committees associated with the LDC could be evaluated to avoid unnecessary redundancy and inefficiency in the system. Some applications require several layers of board/committee review. For

instance, the Waterfront Planning Advisory Board must review and provide a recommendation to the Land Use Commission on applications for a zoning district/rezoning district within a Waterfront Overlay (WO) District following procedures in 25-2-715.

Currently, the role and responsibility of the city's review authorities is unclear in terms of what each entity has authority over and how each entity can delegate responsibility to staff of each department. Chapter 25-1 refers to several "accountable entities" as listed below, but this list is incomplete and should include the City Council, Board of Adjustments, PDR Director, Building Official, Historic Landmark Commission, Historic Preservation Officer, Residential Design and Compatibility Commission, and Waterfront Planning Advisory Board.

Accountable Entities Described in the LDC:

- Planning and Development Review Department (refer to in LDC by old name, Neighborhood Planning and Zoning Department): The Department has the duties and powers prescribed by ordinance or delegated by the City Manager. The City Manager shall appoint a director to manage the department.

- Watershed Protection Department (refer to in LDC by old name, Watershed and Development Review): The Department has the duties and powers prescribed by ordinance or delegated by the City Manager. The City Manager shall appoint a director to manage the department.

- Environmental Officer: The City Manager shall appoint an environmental officer to advise and direct the city staff on issues regarding environmental protection in both public and private development.

- Land Use Commission: The Planning Commission or the Zoning and Platting Commission may act as the Land Use Commission.

This list is not exhaustive and only includes review authorities identified in Chapters 25-1, 25-2, and 25-5. Each Chapter of the LDC may identify additional review authorities. In addition, final recommendations for the LDC in terms of review authorities and accountable entities must be reconciled with regulations in Title 2 (Administration).

Lack of Standardization of Permit Requirements

There is no consistency in format or content for each permit/approval type, such as application requirements, review authority, findings, conditions of approval, etc. In addition, application and permit processing information is often absent or incomplete due to a missing cross-reference or other information. Inconsistent and/or missing information pertinent to development review and approvals can significantly delay the review process, adding unnecessary costs and frustration for both the applicant and the city. *See Table "Summary of Existing Zoning Permit Review and Approval Procedures Table" on page 88.*

While approval procedures may be unique for different permits and approvals, the requirements typically contain most or all of the information listed below. When possible, the information should be organized in a consistent manner with consistent terminology, and information that applies across several permits should be discussed in one section and cross-referenced to avoid conflicts and reduce the volume of the document (e.g. noticing requirements).

- Preparation, filing, processing, and requirements for applications (including fees)

- Public hearing and notice requirements

- Review authority—Identification of authority for decision, recommendation, and appeal

- Findings and decision

- Conditions of approval (if applicable)

- Expiration of permit

- Other procedures (modifications, time limits, extensions, appeals, etc.)

Overview of Permits

Following is a brief discussion of some of the permits and approvals discussed in Chapter 25-2 including some potential concerns in navigating permitting. These permits and approvals are sprinkled throughout Chapter 25-2, sometimes buried in subsections.

Conditional Uses

Conditional uses are identified in Chapter 25-2 Subchapter C Article 2 Division 1 located within Table 25-2-491, but there is no information on conditional-use permits, such as application requirements, noticing, or approvals within Chapter 25-2. Conditional uses require a site plan under Chapter 25-5, and there is no reference to Chapter 25-5. Use Determinations on an unlisted or undetermined use (Section 25-2-2 and Chapter 25-1 Article 7, Division 2) are an administrative decision by the director. *Note: This appears to be one of the only references in the LDC that provides authority to interpret the LDC standards and regulations except under 25-2 Subchapter A, Article 3 25-2-192 (5) "The director of the Neighborhood Planning and Zoning Department shall determine the location or meaning of a boundary or other feature on the zoning map."*

Temporary Use

Chapter 25-2 Subchapter C Article 6 Section 25-2-921 provides information on allowed temporary uses. The Building Official has the authority to approve, approve with conditions, or deny an application for a temporary use. This section also provides information on time limits and extensions. No information on application filing, noticing, or appeal procedures are provided.

Variance

Detailed information on review and decision procedures, including hearings and timelines, for a variance is located in Chapter 25-1 Article 7 Division 3. The Board of Adjustment or Land Use Commission is the review authority, however, it is not clear in the LDC when a project is routed to the Board and when a project is routed to the commission. Chapter 25-2 Subchapter C Article 1 provides requirements and findings specific to zoning or NCCD variances heard by the Board of Adjustment, but does not indicate required application, noticing, approval, or appeal procedures.

Zoning/Rezoning

Zoning/rezoning (Chapter 25-2 Subchapter B Article 1) regulates zoning map amendments (as opposed to zoning text amendments under Chapter 25-1 Article 11). This Article provides regulations for zoning of a previously not zoned property or a rezoning to a new zoning district designation, including the addition of a zoning overlay or combining district. All zoning amendments require City Council approval. Zoning amendments in Austin are considered "zoning approval" prior to subdivision/site plan review or building permit. As discussed above, rezoning/zoning map amendments are a common procedure in the city.

As indicated by the number of "Xs" (missing) and "Incompletes" in the *See Table "Summary of Existing Zoning Permit Review and Approval Procedures Table" on page 88,* the LDC is deficient in terms of information on Code administration and permit processing.

Summary of Existing Zoning Permit Review and Approval Procedures Table									
			Noticing [2]		Hearings [3]		Review		
Approval/ Permit	Section	Application [1]	Application	Decision	Board/ Commission	City Council	Recommend	Decision	Appeal
Adjustment, Water Quality	25-1-251	Yes	X	X	X	X	Watershed Protection and City Manager	City Council	X
Amendment									
LDC	25-1-501	X	X	X	Yes	Yes	Planning Commission	City Council	X
Technical Code	25-1-501	X	X	X	Yes	Yes	Technical Board	City Council	X
Historic zoning	25-1-501	X	X	X	Yes	Yes	Historic Landmark Commission and Planning Commission	City Council	X
Zoning Map	25-2-241	Yes	Yes	X	Yes	Yes	Director, Land Use Commission	City Council	X
Use Determination	25-1-197	Yes	X	X	X	X	X	Director	X
Site Plan									
Admin Approval	25-5 Article 2	X	X	Incomplete	X	X	X	Director	Land Use Commission / City Council
General	25-5	X	Yes	X	X	X	X	X	X
Land Use Commission Approval	25-5 Article 3	Incomplete	X	Incomplete	Yes	X	Director	Land Use Commission	City Council
Phased Site Plan	25-5-21	X	X	X	X	X	X	Director or Land Use Commission	City Council
Replacement Site Plan	25-5-64	X	Incomplete	Incomplete	X	X	X	Director	Land Use Commission/ City Council

Yes = Contains complete information; Incomplete = Missing one or more items including references in LDC; X = No information provided in LDC; n/a = Not applicable or not required
Notes: 1. Application content, filing, processing, and reporting; 2. Noticing responsibility, requirements, and deadlines; 3. Public hearing requirements, scheduling, and deadlines

Summary of Existing Zoning Permit Review and Approval Procedures Table			Noticing [2]		Hearings [3]		Review		
Approval/ Permit	Section	Application [1]	Application	Decision	Board/ Commission	City Council	Recommend	Decision	Appeal
Small Project	25-5-3	X	N/A	X	X	X	X	X	X
Special Exception									
General	25-1-231	Incomplete	Yes	X	X	X	X	Director	Land Use Commission
Zoning	25-2-476	X	X	X	X	X	X	Board of Adjustment	X
Temporary Use	25-2-921	Yes	X	X	X	X	X	Building Official	X
Variance or Special Exception									
Board of Adjustment	25-1-211	Yes	X	X	Yes	X	Building official	Board of Adjustment	X
Land Use Commission	25-1-211	Yes	X	X	Yes	X	Director	Land Use Commission or City Council	X
Variance, Zoning	25-2-471	X	X	X	X	X	X	Board of Adjustment	X
Yes = Contains complete information; Incomplete = Missing one or more items including references in LDC; X = No information provided in LDC; n/a = Not applicable or not required									
Notes: 1. Application content, filing, processing, and reporting; 2. Noticing responsibility, requirements, and deadlines; 3. Public hearing requirements, scheduling, and deadlines									

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Conclusion 6 <superscript>Chapter</superscript>

Conclusion

Final Thoughts and Next Steps

Austin's current Land Development Code (LDC) and its supporting infrastructure are complicated and the result of many years of incremental changes and additions. This Diagnosis Report evaluates the efficiency and effectiveness of the code, how well the Land Development Code is equipped to implement Imagine Austin, the Neighborhood Plans, and Small Area Plans, and provides an assessment of usability and clarity. Even though attempts have been made in the past to make this ineffective zoning system work to both create compatible development and to respond to the growing demands for development in Austin, the current LDC does not possess the tools needed to effectively meet these goals.

As a starting point, the code has a weak foundation: The group of existing base zoning districts are ineffective and they are not context specific, treating all areas of Austin the same even though they have developed in different patterns and with different characteristics over time. The response to this ineffectiveness was the creation of the 19 combining districts and other supplemental regulations, such as the Compatibility Standards, that were necessary to attempt to ensure compatible development, but that created an overcomplicated system. The current code is too blunt of an instrument to regulate context-sensitive infill and housing types that can help Austin meet its growing need for household affordability.

Small Area Plans and TOD Plans have attempted to break away from this complicated system and do utilize clearer graphic formats and more context-based approaches, but ultimately still get pulled back into the existing complicated system thus rendering them less effective.

In addition, the current LDC is complicated to use, lacks clear organization, and lacks graphics that can effectively communicate the intent of regulations. This ultimately leads to frustration for both users and administrators. These issues are exacerbated by an online code with a poorly-designed user interface that increases rather than reduces that frustration.

In the following months, the CodeNEXT team will use the information gathered from the Listening Sessions and consolidated into the Listening to the Community Report, the Community Character Manual, and the Code Diagnosis, as well as other community discussions, to create a Code Alternative Approaches Memo.

The Code Alternative Approaches and Annotated Outline will provide three approaches to the reorganization and rewriting of the LDC. The approaches could range from just reorganizing the current content of the existing code to rewriting large sections of the LDC. From this document, the selected approach and annotated outline will establish the general direction for revising the LDC. However, the content of specific regulations will not be changed.