

March Breakfast



March Breakfast

Presenters:



Marjorie Burciaga
Independence Title Company



David Sullivan
CodeNEXT Advisory Group



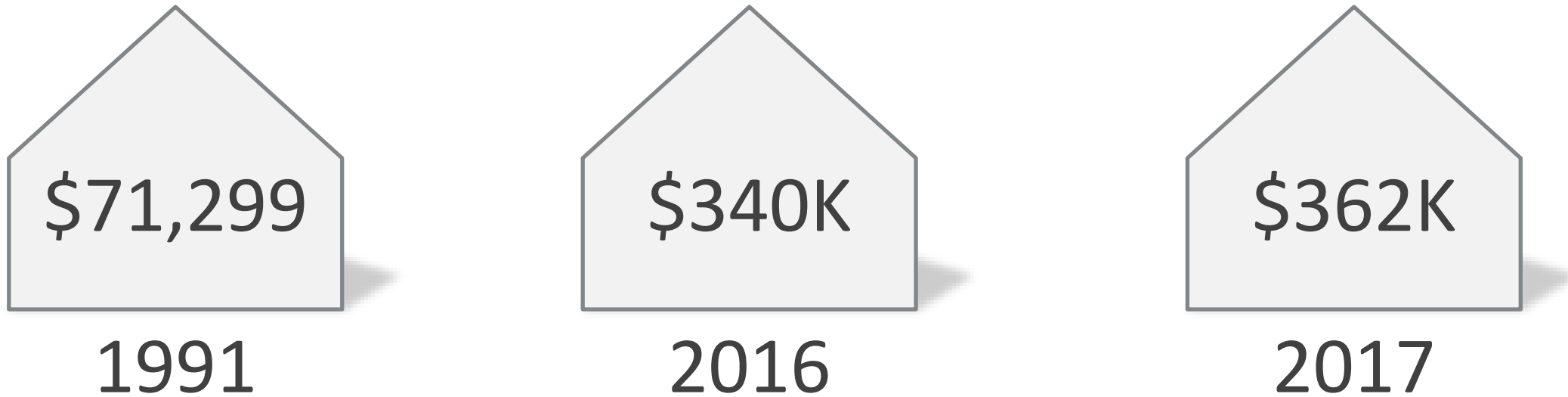
Chong Shin
Carson Design Associates



Eric Van Hyfte
BOKA Powell

Austin's Growth Challenges

Median Home Price within the City of Austin



- At 4%, current median home price requires \$130K median family income, yet median income for Austin is \$64K. Texas is \$53K
- Austinites spend 63% of income on transportation, housing and utilities
- City of Austin Strategic Housing Plan shows a housing gap of 48 thousand units under \$500K

THE WALL STREET JOURNAL.

BUSINESS

The Next Housing Crisis: A Historic Shortage of New Homes

Fewer new houses are being built in America than at almost any time before; 'It's a good time to be here in Grand Rapids, if you can get a house'

By *Laura Kusisto*

March 18, 2018 1:51 p.m. ET

- The National Association of Home Builders estimate that regulatory costs added nearly \$85,000 to the cost of a home in 2016
- New home starts are at a historic low based on 60 years of recoded data

- Comprehensive Plan adopted in June 2012
- Contains broad goals and principles to guide land development, capital improvements, and city procedures & policies up to 2039 (our 200th b-day).
- Per City Charter requirements, it must be reviewed/changed on annual & five year cycles.
- <http://austintexas.gov/imaugineaustin/progressreport>
- Charter requires Land Development Code to be consistent with Comp Plan.
- LDC rewrite project “CodeNEXT” Draft #3 on the table.

Imagine Austin Comprehensive Plan Growth Concept Map

What is “Land Development Code”

City Charter **ARTICLE X. PLANNING.**

-§ 6. LEGAL EFFECT OF COMPREHENSIVE PLAN.

- Upon adoption of a comp plan ..., all land development regulations including zoning & map, subdivision regs, roadway plan, all public improvements, public facilities, public utilities projects & all city regulatory actions relating to land use, subdivision & development approval shall be consistent with the comp plan ... as adopted.
- For purposes of clarity, consistency and facilitation of comp planning & land development process, the various types of local regulations or laws concerning the development of land may be combined in their totality in a single ordinance known as the LDC ...

CodeNEXT Team

- **City Staff:** Planning & Zoning, Transportation, Watershed, Economic Development, Historic, several others
- **Lead Consultant :** Opticos Design, an award-winning firm that specializes in context-sensitive codes for vibrant, healthy, sustainable urban places
 - **National Firms :** ECONorthwest, Fregonese Assocs., Kimley-Horn, Lisa Wise, Peter Park
 - **Local Firms:** Group Solutions RJW, Health and Community Strategies, McCann Adams Studio, Taniguchi Architects, Urban Design Group
- **Citizen Boards:** CodeNEXT Advisory Group, Planning, Zoning&Platting, Historic Landmark, and Environmental commissions

Imagine Austin Priority Programs

The Imagine Austin Comprehensive Plan identifies 8 priority programs of implementation, and CodeNEXT touches on several.

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

Opticos Code Diagnosis



AUSTIN, TEXAS LAND DEVELOPMENT CODE DIAGNOSIS

Public Draft: May 5, 2014



Opticos Code Diagnosis

Top 10 Issues



1

**Ineffective Base
Zoning Districts**



2

**Competing Layers
of Regulations**



3

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



4

**Lack of Household
Affordability and Choice**



5

Auto-Centric Code



6

**Not Always In Line
with Imagine Austin**



7

**Lack of Usability
and Clarity**



8

**Ineffective
Digital Code**



9

**Code Changes Adversely Affect
Department Organization**



10

**Incomplete and Complicated
Administration and Procedures**

How does CodeNEXT v.3 compare to existing code?

Format of the Code

Current Code

800 Pages + regulating plans
and conditional overlays



CodeNEXT

1,566 Pages



Format of the Code

Current Code

§ 25-2-512 - LOT SIZE MINIMUM.

- (A) Except as provided in Subsections (B) and (C), a lot may not be reduced in area, width, or depth to less than the minimum requirements.
- (B) This subsection applies to the remainder of a lot if a portion of the original lot is acquired for public use. Notwithstanding other provisions of this article, the remainder of the lot complies with the lot size requirements of this article if:
- (1) before the acquisition, the lot complied with the lot size requirements of this article;
 - (2) the remainder of the lot contains a rectangular space at least 30 feet by 40 feet in size and usable for a building, excluding required yards;
 - (3) the remainder of the lot contains an area that is not less than 50 percent of the minimum area requirement; and
 - (4) the remainder of the lot has at least 40 feet of street frontage.
- (C) For a lot that is used exclusively for a public building, or by a public or quasi-public agency for a nonresidential use, the entity responsible under [Chapter 25-5 \(Site Plans\)](#) for approving a site plan for the use may reduce the lot size requirements of this article.

Source: Section 13-2-603; Ord. 990225-70; Ord. 031211-11.

§ 25-2-513 - OPENNESS OF REQUIRED YARDS.

- (A) Except as otherwise provided in this section, a required yard must be open and unobstructed from finished grade to the sky. This restriction does not apply to a yard or part of a yard that is not required by this article.
- (B) A window sill, belt course, cornice, flue, chimney, eave, box window, or cantilevered bay window may project two feet into a required yard. The two foot limitation does not apply to a feature required for a passive energy design.
- (C) Uncovered steps or a porch or stoop that is not more than three feet above ground level may project three feet into a required yard.
- (D) A parking area may be located in a required yard, unless prohibited by Article 10 (*Compatibility Standards*).
- (E) In a townhouse and condominium residence (SF-6) or more restrictive district, a pool, including a swimming pool, reflecting pool, or fountain, may be located in a required yard.

CodeNEXT

Building Placement Diagram

Building Height Diagram

Key for Diagrams

- ROW / Lot Line
- Building Setback Line
- Buildable Area
- ✂ Max. height may exceed diagram

Table 23-4D-3090(B) Building Placement

(1) Setback (Distance from ROW / Lot Line)	Front A	Side St. B	Side C	Rear D
Minimum	15' ¹	15' ¹	5'	10'

¹ Front and side street setback exceptions are provided in Section 23-4E-7070 (Setback Exceptions).

(2) Additional Setbacks

(a) Additional setback and/or easement may be required where street right-of-way, public easement, or utilities easement is required.

(3) Compatibility Setbacks

(a) Where a portion of a building is across an alley less than 20 feet in width from a property zoned Residential House-Scale; or is adjacent to a property zoned Residential House-Scale. Then minimum setbacks shall be provided along the alley or shared lot line that comply with subsections (b) and (c).

(b) Compatibility Setback	Front A	Side St. B	Side C	Rear D
Lots ≤ 75' wide	15'	15'	10'	30'
Lots > 75' wide	15'	15'	20'	30'

Table 23-4D-3090(C) Height

(1) Primary and Accessory Building	
Overall (max.)	60' ^E

(2) Accessory Structure

Overall (max.)	12'
----------------	-----

(3) Compatibility Height Stepback

(a) Building height stepbacks are required where a portion of a building is located:

- (i) across an alley less than 20 feet in width, from a property zoned Residential House-Scale;
- (ii) across a right-of-way less than 60 feet in width from a property zoned Residential House-Scale; or
- (ii) adjacent to a property zoned Residential House-Scale.

(b) Where a building height stepback is required, then the overall height of buildings shall comply with subsection (c).

(c) Distance from the lot line of the triggering property:	Overall height shall not exceed:
≤ 25'	18'

Format of the Code

Euclidean Zoning

Regulates Uses within a zoning category
(e.g. Residential, Commercial, Industrial)



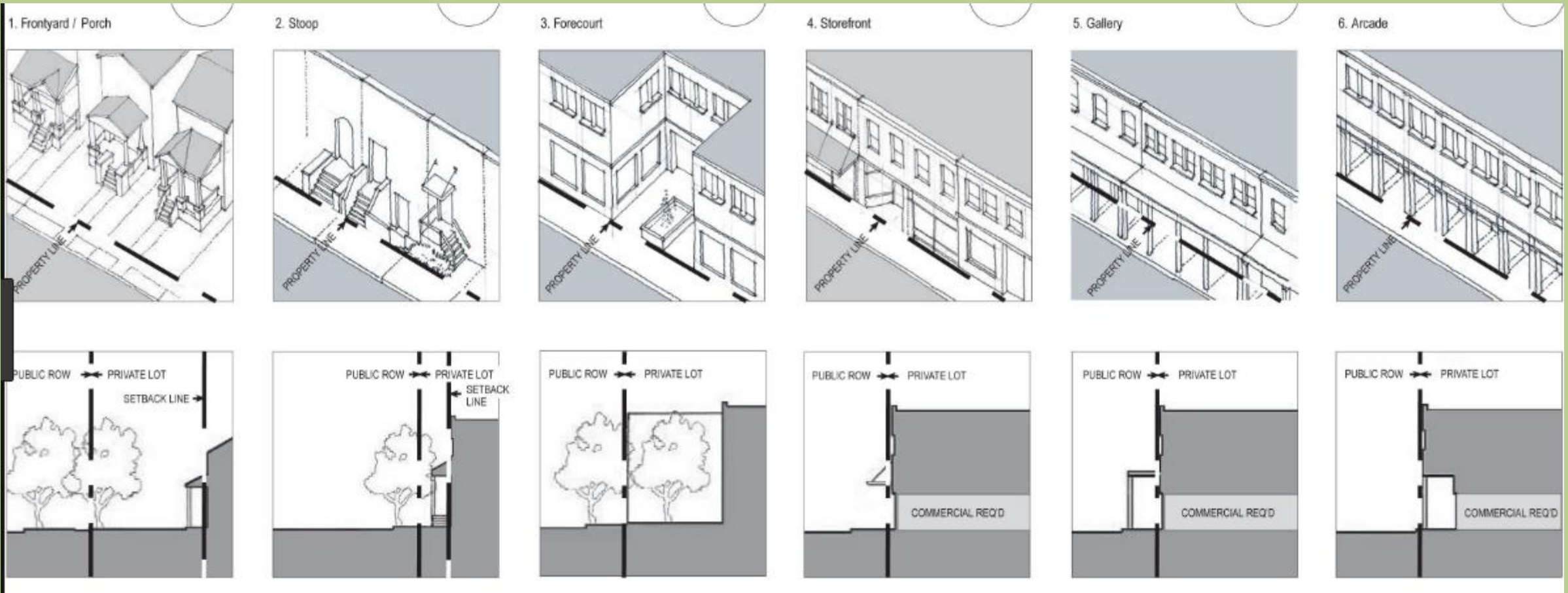
Form Based Zoning

Regulates building form but allows
multiple uses.



Form Based Requirements

Building Frontages (23-4E-1)



Form Based Requirements

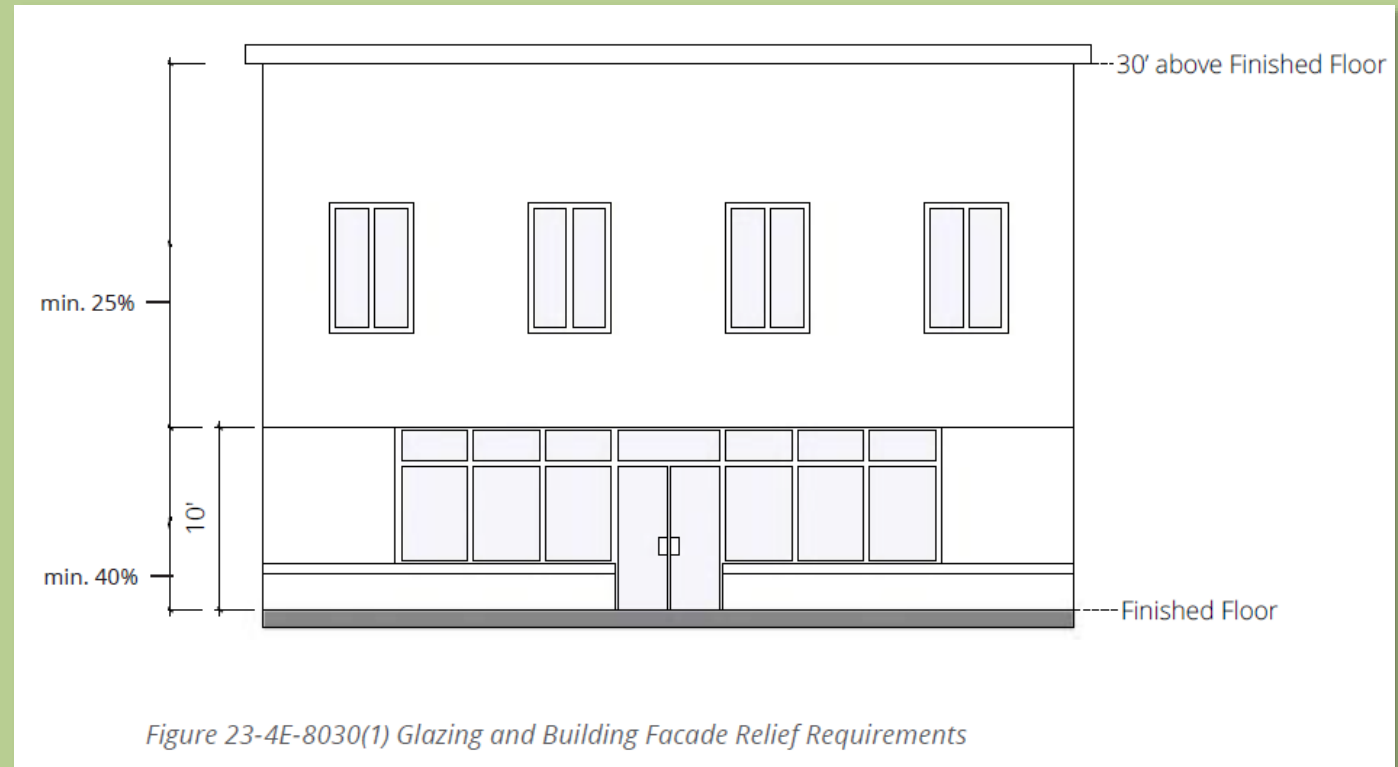
Building Design 23-4E-8

(Carryover from Sub-chapter E – Commercial Design Standards)

(8030) Glazing and Building
Façade Relief

(8040) Options to Improve
Building Design

(8050) Alternatives to Design
Options



**The zoning categories are
changing under code next**

Zoning Categories

Residential House Scale

Zone Name	Title 25 Single Family Residence - Standard Lot	Title 23 Residential 1C	Title 25 Single Family Residence - Standard Lot	Title 23 Residential 2A	Title 25 Family Residence/ Single Family Residence - Condominium Site	Title 23 Residential 2B	Title 25 Family Residence/ Single Family Residence - Condominium Site	Title 23 Residential 2C
Zone Abbreviation	SF-2	R1C	SF-2	R2A	SF-3 / SF-4B	R2B	SF-3 / SF-4B	R2C
Typical Uses/Building Types	Residential home	Residential	Residential home	Residential - House, Duplex, ADU	Residential-Home, Duplex, ADU	Residential - House, Duplex, ADU	Residential-Home, Duplex, ADU	Residential - House, Duplex, ADU
Affordable Housing Bonus Program (AHBP)	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
Additional Setbacks	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
Height Stepbacks	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
Duplex Allowance	n/a	n/a	n/a	Corner lot only	Allowed	Allowed	Allowed	Allowed
Townhouse	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
ADU Allowance	w/ NP exception	w/ Affordability Bonus	w/ NP exception	Allowed	Allowed	Allowed	Allowed	Allowed
Lot Size								
Lot Width (min.)	50'	45'	50'	varies	50' / 40'	varies	50' / 40'	45'
Lot Area (min.)	5,750 SQFT	5,000 SQFT	5,750 SQFT (0.13 acre)	5,000 SQ FT	5,750 SQFT/ 3,600 SQFT	5,000 SQ FT	5,750 SQFT/ 3,600 SQFT	5,000 SQ FT
Intensity								
Principal Dwelling units/lot (max.)	1	1	1	2	2	2	2	2
Dwelling units/building: AHBP Bonus	—	—	—	—	—	—	—	—
FAR Primary Building	—	0.4 (or 2300 SQFT)	—	0.4	—	0.4	—	0.4
FAR Primary Building: AHBP Bonus	—	—	—	—	—	—	—	—
Building Placement and Form								
Front Setback	25'	25'	25'	25'	25' / 15'	25'	25' / 15'	25'
Side Street Setback	15'	15'	15'	15'	15' / 10'	15'	15' / 10'	15'
Side Setback	5'	5'	5'	5'	5'	5'	5'	5'
Rear Setback	10'	10'	10'	10'	10'	10'	10'	10'
Other Building Form Standards								
Overall Building Width (max.)	—	—	—	—	—	—	—	—
Building Articulation Standards	n/a	Yes	n/a	Yes	n/a	n/a	n/a	Yes
Height								
To Eave/Parapet (max.)	—	22'	—	22'	—	—	—	22'
Overall (max.)	35'	32'	35'	32'	35'	35'	35'	32'

Residential Zoning Categories

Current Code

SF-2

Single Family

(SF-1) Single Family Large
(SF-2) Single Family Standard
(SF-3) Family Residence
(SF-4A) Single Family Small
(SF-4B) Single Family Condo
(SF-5) Urban Family

CodeNEXT

R2A

*Residential
House Form*

(R1A) (R1B) (R1C)
(R2A) (R2B) (R2C)
(R3A) (R3B) (R3C) (R3D)
(R4A) (R4B) (R4C)



Multi-Family Zoning Categories

Current Code

MF-5

Multi-Family

(SF-5) (SF-6) Townhouse
(MF-1) Multifamily Limited Density
(MF-2) Multifamily Low Density
(MF-3) Multifamily Medium Density
(MF-4) Multifamily Moderate-High Density
(MF-5) Multifamily High Density
(MF-6) Multifamily Highest Density

CodeNEXT

RM4A

*Residential
Multi-Unit*

(RM1A) 12-18 Units/Acre
(RM1B) 18-24 Units/Acre
(RM2A) 18-24 Units/Acre
(RM2B) 24-36 Units/Acre
(RM3A) 24-36 Units/Acre
(RM4A) 24-48 Units/Acre
(RM5A) 24-54 Units/Acre

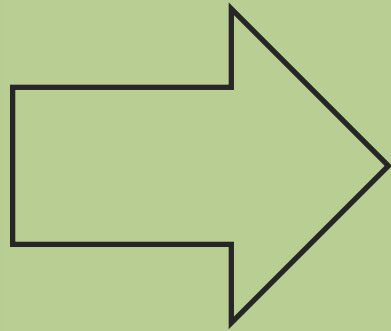


Commercial Zoning Categories

Current Code

LO

*Commercial &
Office Zones*



CodeNEXT

MU1A

Mixed Use

OR

CodeNEXT

MS1A

Main Street

(NO) Neighborhood Office
(GO) General Office
(LR) Neighborhood Commercial
(GR) Community Commercial
(CS) General Commercial Service
(CS-1) Commercial Service / Liquor Sales
(CH) Commercial Highway

(MU1A) (MU1B) (MU1C) (MU1D)
(MU2A) (MU2B)
(MU3A) (MU3B)
(MU4A) (MU4B)
(MU5A)

(MS1A) (MS1B)
(MS2A) (MS2B) (MS2C)
(MS3A) (MS3B)

Regional Center Zoning Categories

Current Code

CodeNEXT

DMU

*Downtown
Mixed Use*

CC120'

*Commercial
Center- 120'*

(CC40')
(CC60')
(CC80')
(CC120')

UC

Urban Center

(UC80')
(UC120')
(UC180')

CBD

*Central
Business
District*

DC

*Downtown
Core*

*Not currently
mapped, but
proposed for
South Central
Waterfront*

F-25 Zone

Current Code

*Neighborhood Conservation
Combining Districts
(E. 12th, Hyde Park, Fairview)*

TOD's

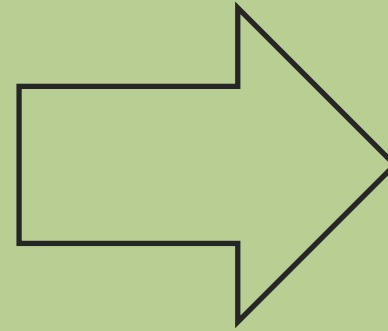
CURE

PUD's, PDA's

Regulating Plans –

*(East Riverside Corridor, Mueller,
North Burnet Gateway)*

Some Neighborhood Plan Overlays



CodeNEXT

F25

*Former
Title 25*

F-25 Zone

23-4D-8080 (A) (2)

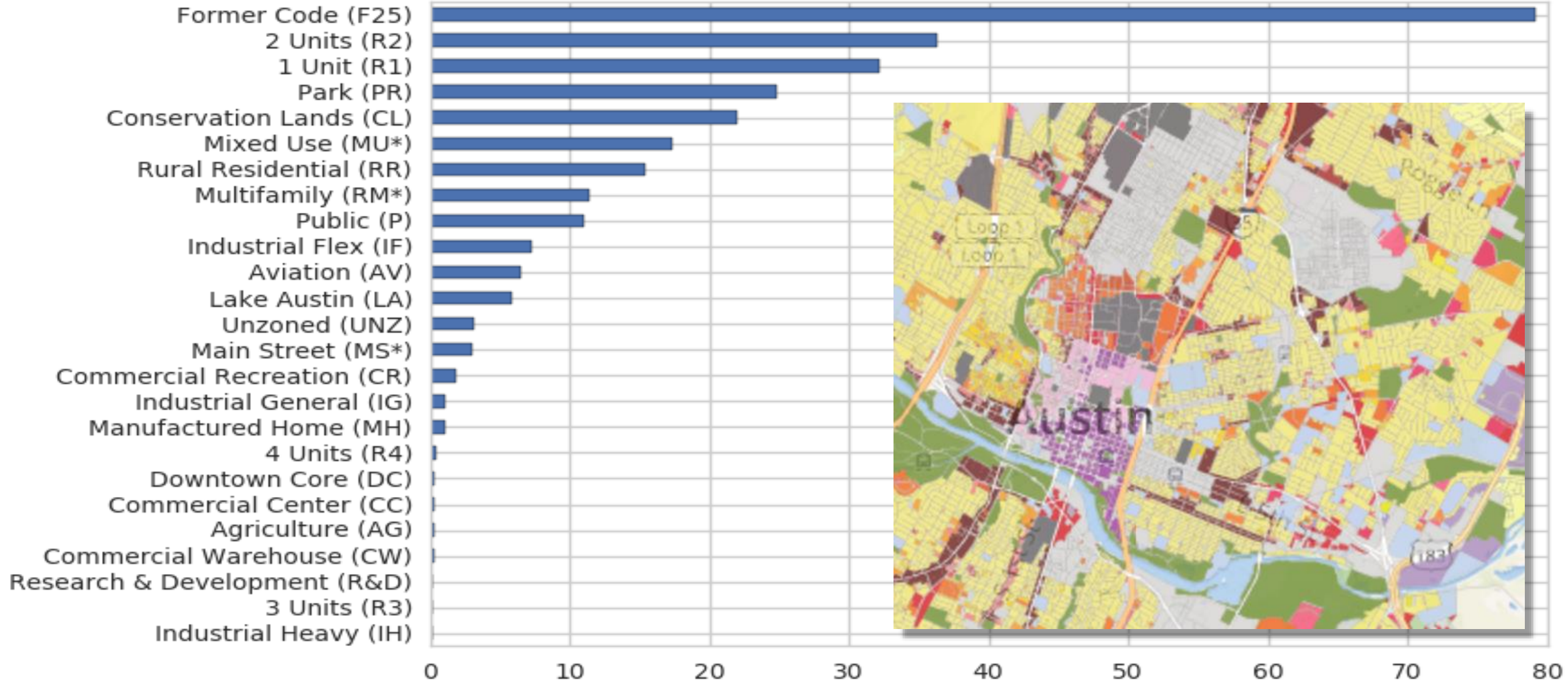
“It is the City’s intent that properties within the former title 25 zone shall be rezoned over time to zones established under this Title”

F-25 properties are subject to all regulations contained in current zoning 25-2, plus new applicable regulations in CodeNEXT other than 23-4 (Zoning Code).

- Article 10 compatibility still applies*
- Commercial Design Standards may still apply*
- Current parking requirements still apply*

F-25 Zone

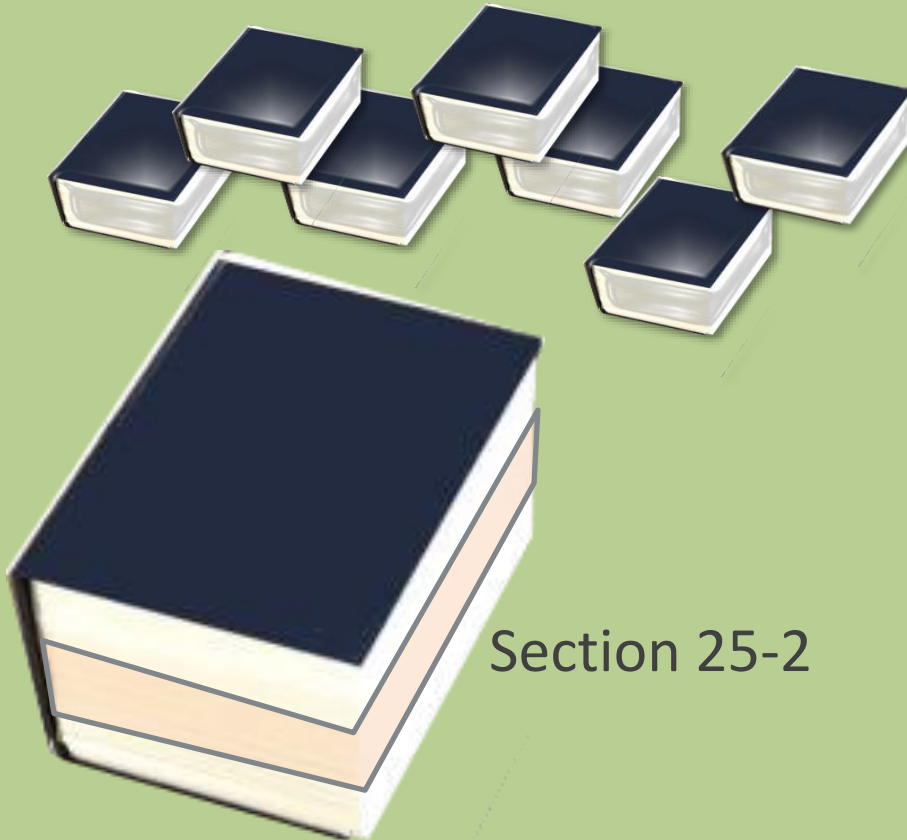
Zoning Types By Land Area (Square Miles)



F-25 Zone

Current Code

400 Pages + regulating plans
and conditional overlays



Section 25-2

CodeNEXT

1,566 Pages



Overlay Zones – Other overlap

Absorbed into base code

- Subchapter E - Commercial Design Standards
- Article 10 Compatibility
- McMansion Ordinance

New Overlay

- South Central Waterfront (23-4D-9120)

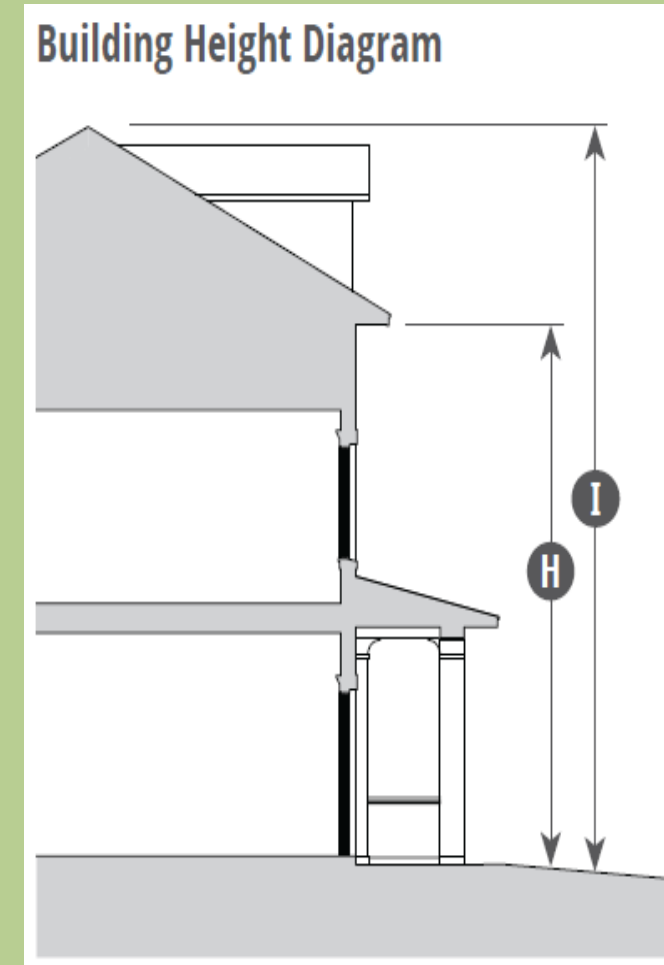


Preserved intact (23-4D-9)

- Barton Springs Overlay (SOS)
- Waterfront Overlay
- Capitol View Corridors
- Capitol Dominance Overlay
- Downtown Civic Spaces Overlay
- Downtown Plan Overlay (new)
- Hill Country Roadway Overlay
- Historic Landmark/District Overlay
- Lake Austin Overlay
- University Neighborhood Overlay
- Airport Overlay

CodeNEXT

- McMansion (Subchapter F – Residential Design Standards) are now included within each base zone rather than a separate section of the code.
- Minimum lot size for R2 (SF-3) reduced from 5,750 sf to 5,000 sf
- ADU's allowable in more zones and don't require parking. The allowable sizes of ADU's have been tailored to the particular zoning districts.
- There have been changes in the allowable height and the method height is measured in residential districts.



CodeNEXT

- House scaled zones only require 1 parking space per unit instead of 2.

Table 23-4D-2040(A) Parking Standards for Residential House-Scale Zones

Use Type	Off-Street Parking Requirement
----------	--------------------------------

(1) Residential	
------------------------	--

Accessory Dwelling Unit - Residential	none required ¹
---------------------------------------	----------------------------

Home Occupations	none required
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Other allowed residential uses	1 per unit ¹
--------------------------------	-------------------------

(2) Residential Support	
--------------------------------	--

No residential support uses allowed	
-------------------------------------	--

(3) Services	
---------------------	--

All allowed service uses	1 per 350 sf
--------------------------	--------------

(4) Office	
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CodeNEXT

- Front Yard Impervious Cover

(2) Frontyard Impervious Cover

This section applies to a single-family residential use, a duplex residential use, or a single-family attached use.

(a) For a lot with a width greater than 45 feet, then the impervious cover in a front yard may not exceed 40 percent;

(b) For a lot with a width not exceeding 45 feet, then the impervious cover in a front yard may not exceed 50 percent; or

(c) Subsection (a) and (b) do not apply to lots if the lot width is less than 30 feet.

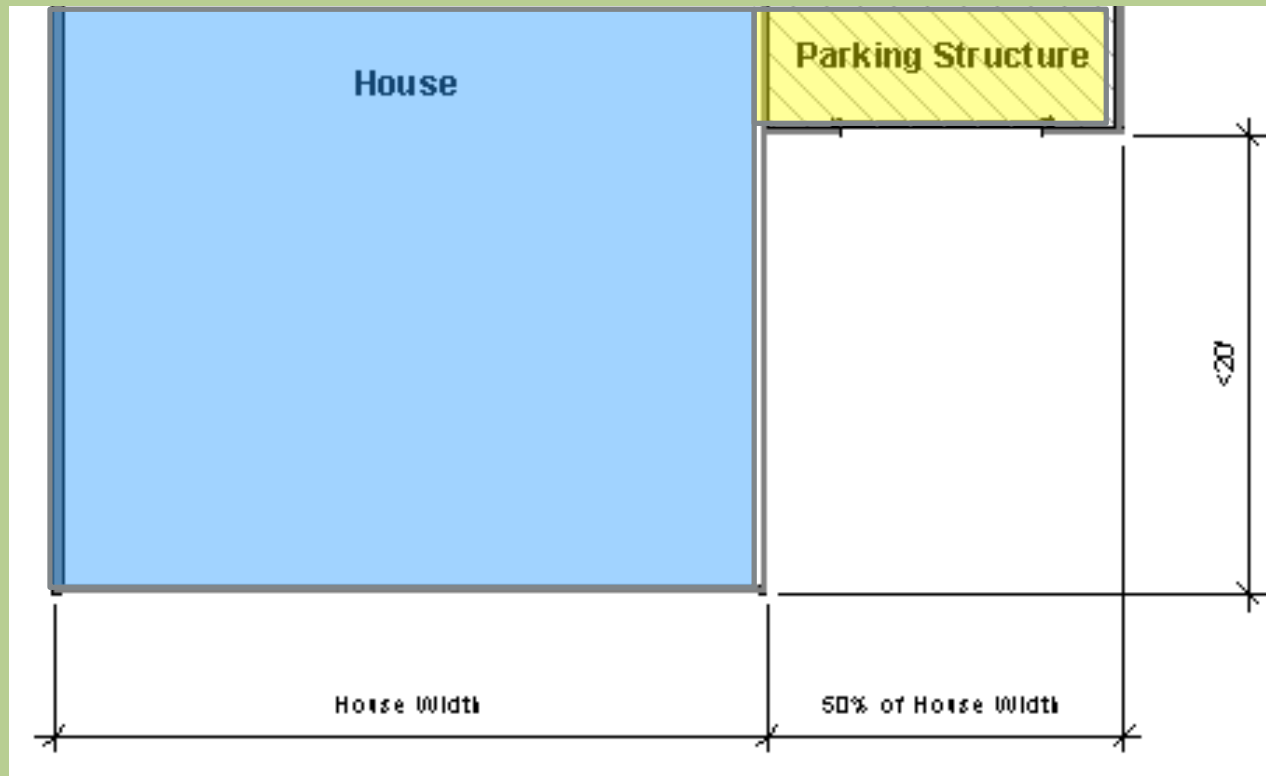
(d) The director may waive Subsection (a) or (b) if the director determines backing a motor vehicle onto the adjacent roadway is unsafe and that a circular driveway or turnaround in the front yard is required.

(e) A motor vehicle may only be parked or stored on driveway or paved parking space.

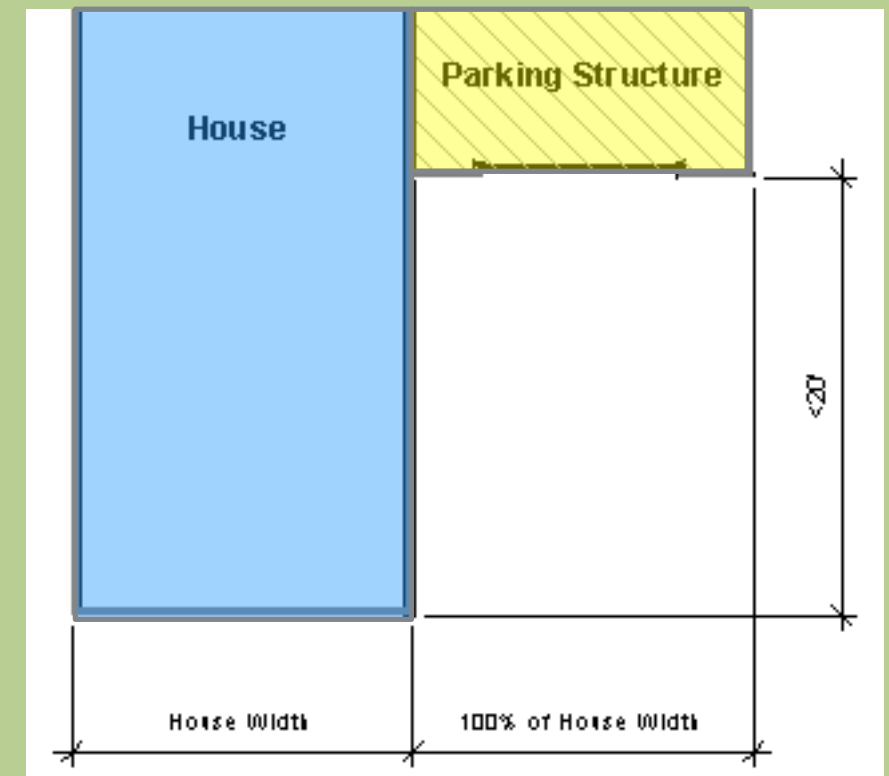
Residential

CodeNEXT – Garage Access and Placement

Standard Lot



Irregular Lot less than 45' in width



Core Transit Corridors

CodeNEXT

- Commercial and office zoning along corridors has been transitioned to Mixed Use and Main Street zoning that allows residential uses by right.
- Additional height (up to 85') possible with affordable housing bonus
- Article 10 compatibility replaced by less restrictive setbacks



Compatibility Setbacks

Current Code

For Commercial property adjacent to single family (SF-5 or more restrictive)

- 25' no build zone (All sides)

DMU and CBD are not subject to compatibility

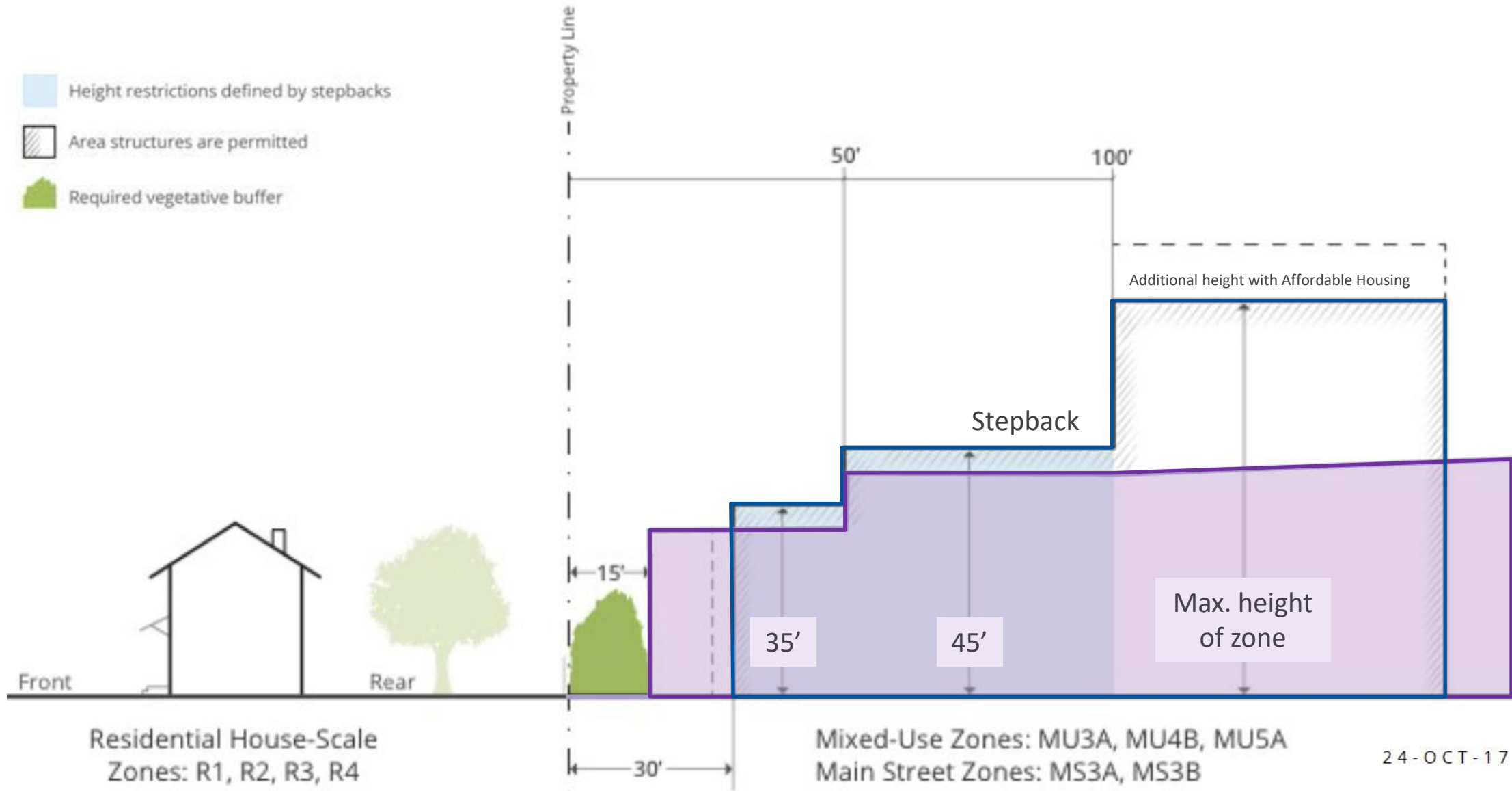
CodeNEXT

RM, MU, MS adjacent to R

- 5'-25' at front
- 5'-15' at street side yard
- 10'-20' at interior side yard
- 30' at rear yard

CC, UC and DC are not subject to compatibility

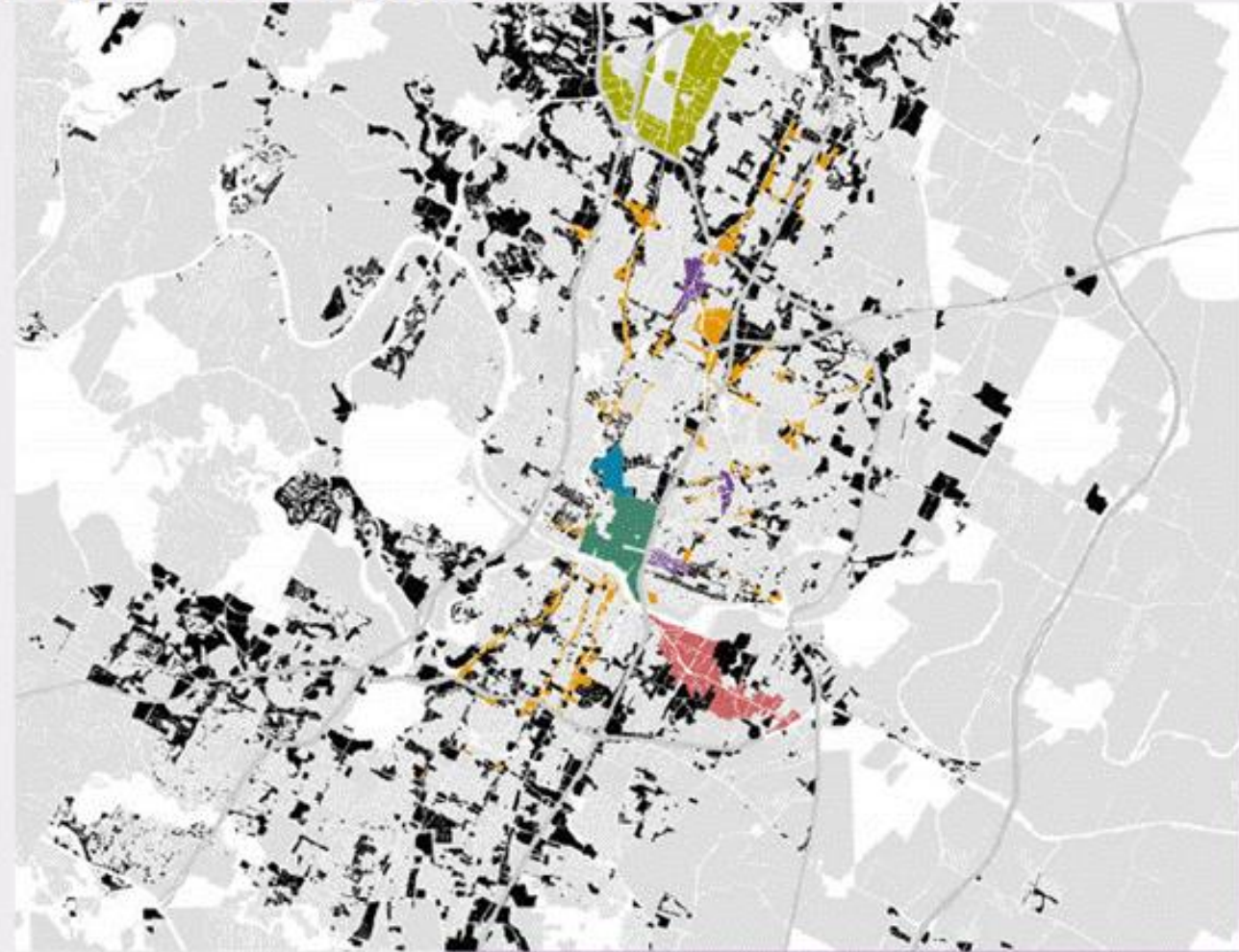
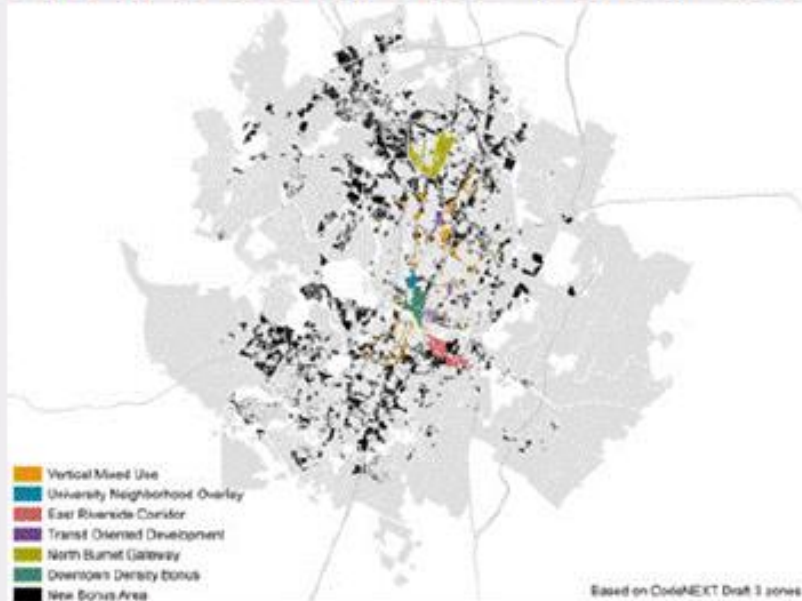
Compatibility – Height Stepbacks



Affordable Housing

DRAFT 3 **HOUSING** IMPROVEMENTS OVER
EXISTING LAND DEVELOPMENT CODE

DRAFT 3: MORE PROPOSED BONUS AREAS



Current Code: ~**5,600** Acres

CodeNEXT D2: ~**24,100** Acres

CodeNEXT D3: ~**30,000** Acres

Affordable Housing

Current Code

- Density Bonus for affordable units is only allowed in specified areas of the city (Mixed-use and vertical mixed-use combining districts, TOD, ERC, NBG, UNO, plus downtown)
- Different density bonuses in different areas
- Insufficient Bonus to entice inclusion of affordable units



CodeNEXT (23-3E)

- Density Bonus for affordability is available throughout the city
- Citywide Affordability Bonus Program
Bonuses can include:
 - Additional Units in Main Building
 - Dwelling Units per Acre
 - FAR
 - Height
- Downtown Density Bonus Program is carried over from current code (min. 50% of bonus from affordable housing)
- Fee in Lieu is permitted
- Off-site Production is permitted – if it produces more affordable units or greater community benefit
- Additional credit for family friendly housing

Current Code

- Residential uses
 - Single Family Residential
 - ADU – 1 space
 - Single Family Residence – 2 spaces
 - Multi Unit Residential
 - Efficiency – 1 per unit
 - 1 Bedroom – 1.5 per unit
 - Large than 1 bedroom – 1.5 per unit
plus .5 for each bedroom
- Commercial uses
 - Restaurant – 1 per 100sf, first 2,500sf
1 per 75sf, greater than 2,500sf
 - Office – 1 per 275sf
 - Retail – 1 per 275sf

CodeNEXT

- Lowers minimum required parking spaces for some types of zoning
 - Multi-unit residential zones*
 - ADU – none required
 - Home Occupancies – none required
 - Other allowed uses – 1 per unit
 - Mixed Use*
 - Allowed Residential Uses – 1 per unit
 - Office – 1 per 500sf after first 2,500sf
 - Restaurant – 1 per 250sf, first 2,500sf
- 1 per 125sf greater than 2,500sf
- Adds new parking maximum equal to 2x the minimum

Tree Preservation

CodeNEXT

- All tree review is now performed by the city arborist and not split with the environmental reviewer
- New size designations “Young Public Tree” and “Keystone Tree” have been added in addition to Protected and Heritage Trees.
- Young Public Tree, defined as a tree of 2-7.9” in the public right of way. Mitigation will be required if it impacts street trees.
- Keystone Trees, defined as a tree of 8 to 18.9”, may be required by the City Arborist to be mitigated.
- Trees in the R.O.W. 2” and greater must be surveyed

Board of Adjustment

Current Code

Current code allows city staff the authority to make judgements regarding alternative equivalent compliance for form-based code requirements under Subchapter E.

CodeNEXT

Under CodeNext, it appears that any deviations from form based code standards will instead go to the Board of Adjustment for approval— a lengthy public process. The only way to appeal a Board of Adjustment decision is through the court system, whereas staff decisions under current code may be appealed to City Council.

Parkland Dedication

Current Code

- Requirement for parkland dedication is based on City Parkland deficiency map
- Superior dedication included 10.4 acres per 1,000 residents
- Fee in Lieu

CodeNEXT

- Parkland dedication to be in site plan and subdivision submittal
- Required to dedicate 9.4 acres per 1,000 residents. Residents are calculated per table:

Table 23-3B-2010(A): Calculation of Parkland	
Density Classification	Residents in Each Dwelling Unit
Low Density: Not more than 6 units per acre	2.8
Medium Density: More than 6 and not more than 12 units per acre	2.2
High Density: More than 12 units per acre	1.7
Hotel-Motel Density: Total number of rooms	$1.7 \times \text{Annual Occupancy Rate}$

- Urban core parkland is limited to 15% of the site.
- Fee in Lieu

Civic and Public Open Space

CodeNEXT (23-4C)

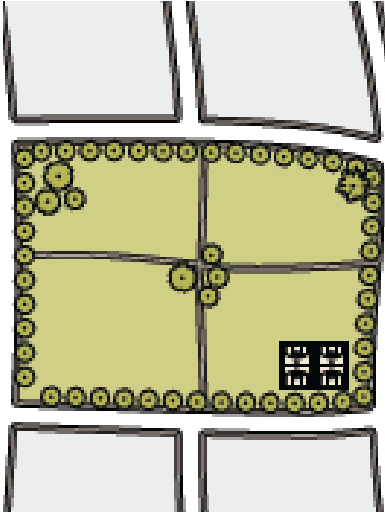
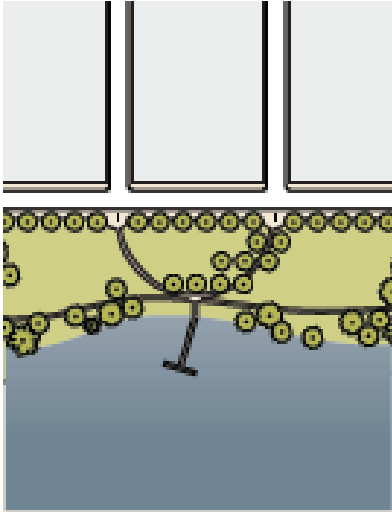
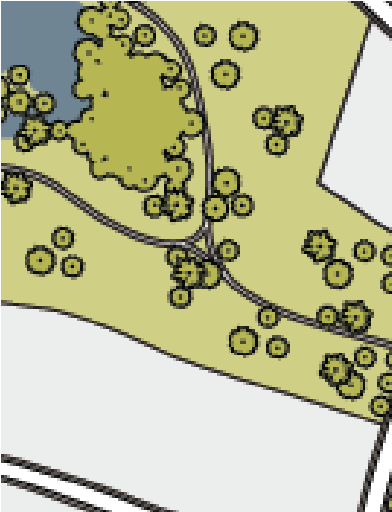
Common Open Space

- Required for sites between 1 and 4 acres
- Must be readily usable
- Must be compact and contiguous
- If property adjoins exiting or proposed trail, park or other public space, Open Space Amenity “MUST” connect with it.

Civic Open Space

- Required for sites over 4 acres
- Site plans and Subdivision shall designate 10 percent to Civic Open Space.
- Sites more than 15 acres, Civic space shall be distributed throughout the site.

Table 23-4C-2040(A) Civic Open Space Types Overview

Neighborhood Park	Greenbelt	Stormwater Amenity
 <p>Medium-scale public open space that provides basic recreational opportunities close to home.</p>	 <p>Natural corridor that often follows a river, creek, ridgeline, valley, or other linear public open space.</p>	 <p>Large public open space that accommodates required water quality and/or detention ponds with trails and other natural recreation amenities.</p>

Drainage and Water Quality

CodeNEXT

- Water quality and detention requirements are more stringent under the new code and generally will require additional site area and expense
- Engineer must certify Plan or Platt, stating that any changes made to existing drainage will not negatively impact adjacent property unless it is determined that there are only minor alterations (23-2A-3030, 3040)
- Storm water detention to pre-development (greenfield) standards – i.e. no credit given for existing impervious cover.
- Water quality controls must be provided using green storm water control measures as described by the Environmental Criteria Manual



Transportation

Current Code

TIA required if new development exceeds existing by 2,000 trips per day

CodeNEXT

The TIA threshold is reduced to 1,000 trips per day.

Infrastructure

Current Code

No regional planning outside of PUD zoning

CodeNEXT

Infrastructure needs are still dealt with on a site by site basis

Technical Criteria Manuals

Current Code

- Technical Manuals that provide design specifications for different types of construction (e.g. Environmental Criteria Manual, Drainage Criteria Manual, Fire Protection Criteria Manual)
- 12 Total

CodeNEXT

Technical Manuals have not been revised or re-issued with CodeNEXT. Staff does not plan to issue them until after the adoption of CodeNEXT.

Permitting Process

CodeNEXT

CodeNEXT does not significantly address problems with the current permitting process identified in the Opticos Code Diagnosis or the Zucker Report. However, some progress is being made outside of the scope of the land development code.

The introduction of substantial changes to the land development code will undoubtedly require extensive training for existing staff who will now be tasked with enforcing two codes – CodeNEXT and Current Code that will live on via legacy F-25 zoning.