

AUSTIN LAND DEVELOPMENT CODE

PC/ZAP Work Session

Administration and Procedures
Under CodeNEXT Draft 2
November 7, 2017

SHAPING THE AUSTIN WE IMAGINE



CODENEXT

NOV 7, 2017

ADMINISTRATION AND PROCEDURES



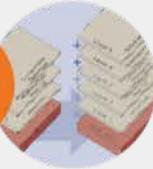
Top 10 Issues

1



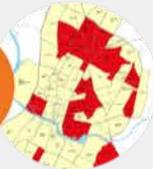
Ineffective Base Zoning Districts

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



INTENT

What does Austin aspire to achieve by improving the administration and procedures of the code?

- Efficient and effective administration
- Ensure inclusive and transparent administration and approval processes
- Create better base zones to address the variety of Austin contexts across many places
- Establish legal basis of regulation and enforcement



POLICY DIRECTION

What adopted policies affect process and procedures?

Complicated Process

- Lack of clarity and consistency in the decision-making process
- Lengthy and unpredictable review process
- Culture of continuously amending the LDC via:
 - Conditional overlays and
 - Neighborhood Plans (with separate Ordinances parallel to the Code)



What does D2 carry forward?

- Rezoning
- Text Amendments
- Conditional Use Permit
- Site Plan
- Appeals
- Variances
- Alternative Equivalent Compliance



What new processes does D2 propose?

Processes	Not Modified	New
Rezoning	✓	
Text Amendments	✓	
Conditional Use Permit	✓	
Minor Use Permit		✓
Site Plan	✓	
Appeals	✓	
Variances	✓	
Special Exceptions	✓	
Exempt Residential Standards		✓
Minor Adjustments		✓
Alternative Equivalent Compliance	✓	



CARRY FORWARD

What new processes does D2 propose?

Minor Use Permits (New)

- Approved by the Development Services Director
- Review criteria and conditions for approval include compatibility with the neighborhood, traffic mitigations, landscaping, performance standards, among others.
- Noticing required (same as a CUP)
- Can be appealed



CARRY FORWARD

What new processes does D2 propose?

Article 23-2F: Quasi-Judicial and Administrative Relief

- Exempt Residential Uses and Structures (*New*)
 - Building Official issue Certificate of Occupancy for long-standing non-compliant residential structures
- Minor Adjustments
 - Address minor unforeseen construction errors – 10% max



What does D2 change and how is it better?

Special Exceptions

Three types of special exceptions approved by the Board of Adjustments – provide relief to a property owner

- **Type 1 (Appeals Panel)** – facilitates context sensitive development; provides flexibility in a decision of the PC/ZAP Commission on an approved CUP for a new use *(new)*
- **Type 2** – relief for residential properties with longstanding code violations – minimal or no impact on surrounding areas *(existing)*
- **Type 3** – permits an existing use that was permitted by the City in error; no deceit or bad faith by applicant *(new)*



What does D2 change and how is it better?

- Modified application procedures to align with current City practice
- Requires that rules and interpretation memos be posted online
- Establishes new policy statement for future re-zonings



DRAFT 2 CHANGES

What does D2 change and how is it better?

Variations

- Variations or Special Exceptions can be submitted earlier in the process

Appeals

- Clarifies rules for determining deadlines
- Requirements for “communicating an interest” and “interested party” clarified
- Clarifies what types of decision may be appealed and to whom
- Eliminates redundant appeals and consolidates cases related to the same project
- Clarifies staff’s role to reject appeals that are “untimely” or do not meet procedural requirements



What does D2 change and how is it better?

- Expands applicability of 'Limited Adjustment' process
- Clarifies procedures and deadlines for appeals
- Consolidates and improves noticing requirements
- Restored notice times to existing Title 25
- Differentiates legally defined 'interested parties' and 'registered parties'
- Provides information in user-friendly table format
- Authorizes use of e-mail for notice when legally allowed
- Board of Adjustment's (BOA) has an expanded role



Help us get it right.

We invite you to review and comment on the draft code document, ask questions, and stay connected.

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Review and comment on the draft code
<https://codenext.civiccomment.org/>

Review and comment on the map
<http://codenext.engagingplans.org/>

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