



#### MEMORANDUM

TO:

Betty Baker, Chair, and Members of the Zoning and Platting Commission

FROM:

George Zapalac, Division Manager

Planning and Development Review Department

DATE:

September 10, 2014

SUBJECT:

**CodeNEXT Code Approach Alternatives Report** 

This item is a presentation by CodeNEXT staff on the Code Approach Alternatives and Annotated Outlines report. This document describes three approaches to the reorganization and rewriting of the Land Development Code. The approaches range from reorganizing the current content of the Code to rewriting large sections of the Code. The preferred approach and annotated outline selected by the City Council will establish the general direction for revising the Code and allow the consultant team to begin work on more detailed outlines and drafting the actual content of the new code.

A flyer describing the report is attached. Full copies of the report have been distributed via email, and briefings to additional boards and commissions will be presented throughout September of 2014. A public hearing before the full Planning Commission will be scheduled for September 23, and City Council will conduct a hearing on the report on October 23. A full schedule of meetings to review the Approach Alternatives is attached.

At this time we are asking that the Zoning and Piatting Commission provide comments and/or recommendations on the Code Approach Alternatives for consideration by the Planning Commission and City Council.

If you have questions or need additional information, please contact me at (512) 974-2725.

George Zapalac

Planning and Development Review Department



#### Review Schedule for Code Approach Alternatives Report

Code Advisory Group/Public Event to present Code Approaches	Thursday, September 04, 2014
Waterfront Planning Advisory Board	Monday, September 08, 2014
Planning Commission (1st date)	Tuesday, September 09, 2014
Community Development Commission	Tuesday, September 09, 2014
Planning Commission Codes & Ordinances Committee	Tuesday, September 16, 2014
Zoning and Platting Commission	Tuesday, September 16, 2014
Environmental Board	Wednesday, September 17, 2014
Urban Transportation Commission	Thursday, September 18, 2014
Code Advisory Group (2nd meeting)	Monday, September 22, 2014
Design Commission	Monday, September 22, 2014
Planning Commission (2nd date)	Tuesday, September 23, 2014
City Council briefing	Thursday, October 02, 2014
Code Advisory Group (3rd meeting)	Monday, October 20, 2014
City Council Hearing	Thursday, October 23, 2014



# From Here to There: Setting a Path for Austin's Code

CODE APPROACH ALTERNATIVES & ANNOTATED OUTLINES | SEPTEMBER 4, 2014 | EVENT HANDOUT

#### Choosing an Approach for **Austin's Future**

The Code Approach Alternatives & Annotated Outlines document describes three approaches to the reorganization and rewriting of Austin's Land Development Code (LDC). The approaches range from reorganizing the current content of the existing Code to rewriting large sections of the LDC. The preferred approach and annotated outline identified by the city council will establish the general direction for revising the LOC and will allow the consultant team to begin work on more detailed outlines. In early 2015 the preferred approach will be presented to the new City Council to allow policymakers to provide any additional guidance. A brief overview of the three Alternative Approaches and the CodeNEXT team's Recommended Approach is found on Pages 2 and 3.





#### What does choosing a Code Approach do and not do?

- The selection of a preferred Code Approach by the City Council will set a general framework for the format and organization of the LDC, the ways in which development applications are reviewed and standards administered. and the types of development standards that will be crafted.
- The selection of a preferred Code Approach does not change development standards, revise zoning districts or neighborhood plans or create new zoning districts in the LDC. Instead it chooses a direction for the CodeNEXT team to explore with Austinites. Decisions on what standards remain the same, what standards change, where standards apply across the city and how they are administered will be explored during the next phase of CodeNEXT.
- Selecting an approach also does not decide where revised or new zoning districts will be "mapped" (where specific zoning districts and regulations apply). Decisions on where the revised or new zoning districts are mapped will occur after new draft zoning districts are crafted and will be thoroughly and publicly discussed.

#### Opticos Design, Inc. ornicos www.opticosdesign.com

#### How and when will the new Code be created?

The preferred Approach will set a framework for the new Code. The development of the content of the new Code will be based on policy direction from Imagine Austin, adopted Neighborhood Plans and master plans, Council policies such as Complete Streets, etc., the Code Diagnosis, and public and staff input. The Code team will begin work on the Code in late 2014. The public and stakeholders will have multiple opportunities to review and comment on the draft content of the Code.

#### What opportunities will the community have to review the content?

As content is completed, the Code will go through a review process that includes the community, stakeholder groups, the Code Advisory Group (CAG), boards and commissions, and City Council.

### Choosing The Approach





Major Elements of a Code	Brisk Sweep	Deep Clean	Complete Makeover
	1	2	3
Code Format and Organization How the LDC is formatted and organized.			
Format - The way information is presented on a page	Revise	Replace	Replace
Reorganization of Content - The way information is arranged	Limited	Extensive	Extensive
Content Rewriting - The extent of content revisions	Low/Medium	Medium	High
Clean up for Consistency	———Sam	ne Across All A	pproaches
Development Review  How the LDC is used to evaluate and permit development projects.  See glossary for definitions.			
By-Right Review - Development applications that comply with zoning can move to the building department/permit quickly	Low	Medium	High
Customized Zoning - New and independent regulations are necessary to regulate major projects	High	Medium	Low
Discretionary Review - A permit is issued at the "discretion" of the review authority	Medium	Low	Low
Development Standards The type of standards that comprise the LDC. See page 3 for further definitions.			
Euclidean Based - Focus on use separation and simple height/bulk standards	High	Medium	Low
Performance-Based - Focus on impacts of use and are more complex development standards	———Sam	ie Across All A	p <b>p</b> roach <b>e</b> s
Form-Based - Focus on building form and public space	Very Limited*	Medium	High
is it a Hybrid? - Uses the above development standards in combination	No	Yes	<b>Y</b> es

<sup>\*</sup> Applied only in New Small Area Plans

#### **KEY**

#### Revise

Use the existing Code framework/organization, with a cleaned up and targeted recalibration of standards. May create new districts and compress some existing districts, but few changes to the overall Code structure.

#### Replace

Replace the entire Code framework/organization with a new, alternative framework and recalibrate the standards in detail.

#### Low/Medium/High

Extent of application

Very Limited/Limited/Extensive Extent of application

See Approach Alternatives and Annotated Outlines for more details on the elements and alternatives at www.austintexas.gov/codenext.

### Recommendation Approach 2: Deep Clean

This approach would substantially improve the appearance, usability and consistency of the Code through a significant reworking of its content and structure. Approach 2 provides a balanced mix of by right review, customized zoning, and discretionary review where appropriate. Through careful refining and vetting of development standards, this approach will establish Form-based standards for walkable urban contexts, Euclidean-based standards for drivable suburban areas and maintain many of the Performance-based standards that exist today.

**Code Format and Organization** 

Under this approach the format of the Code document is entirely replaced and content is reorganized to optimize usability. Content is substantially cleaned up with targeted rewriting. The graphic format will be updated with new font styles and sizes, improvements to the basic page layout, and the addition of significant supporting graphics.

**Development Review** 

Because Form-based standards and revised Euclidean standards will be carefully created and refined, the development review process can rely more heavily on by-right review in addition to some customized zoning in areas where the more detailed standards do not apply. Discretionary review remains in use in more limited portions of Austin, where it is still needed or desired.

**Development Standards** 

In this approach a hybrid Code is created that establishes Euclidean, Performance, and Formbased standards in different parts of Austin based on the defined context (walkable urban, transitional, or drivable suburban), and which tool best implements existing plans such as imagine Austin, Neighborhood Plans and other small area plans.

While each of the three Approaches has its own merits and will provide a basic level of improvement to the Code, the CodeNEXT Team recommends Approach 2 based on a combination of factors. These include alignment with Imagine Austin Priority Programs, public and staff input, technical analysis of the LDC in the Code Diagnosis, the best combination of Approach Elements, and our understanding of the desired level of change within the community. We believe that Approach a offers the best combination of technical solutions and best fit with Austin's civic character as it includes a balance between significant change and maintaining community values.

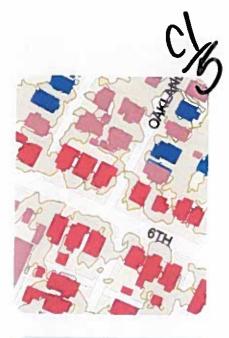
#### Other Approaches Not Recommended

Approach 1: Brisk Sweep

Approach 1 provides clean up of the existing LDC with targeted refinements, but does not make any major structural or organizational changes. Under this approach the organization of the Code document is minimally revised and reorganized only to address the most urgent usability issues in the existing Code. Form-based standards would have limited application, primarily to future small area plans. Combining districts are compressed where feasible, though most will remain in place. Some zoning districts are removed and new zoning districts are added.

Approach 3: Complete Makeover

Approach 3 provides the most extensive modifications to the LDC. This approach improves the appearance, usability, and consistency of the existing LDC by significantly reworking its content and structure. Development standards would be refined to the point that would allow for a development review process that relies primarily on by-right review. Performance-based and some Euclidean-based standards will remain. Combining districts are compressed where feasible. Form-based standards will be created and applied widely across the city.



#### Types of Zoning

**Euclidean-Based Zoning** standards, also sometimes called use-based zoning standards, focus on use separation and simple height/buik standards. Euclidean zoning was designed to limit uses in undesirable locations rather than encourage uses in desired locations.

Performance-Based Zoning standards focus on impacts of use and are more complex development standards. Performance zoning is still based on limiting an undesired effect. However it allows for a more precise application of limits than conventional zoning.

Form-Based Zoning standards focus on building form and definition and activation of public space. Form-based zoning standards go beyond simply limiting an undesired effect by encouraging appropriate building scale and format in places where a specific type and form of development is desired.

Hybrid Zoning standards apply a mix of Euclidean-based, Performancebased, and Form-based standards based on the context of the area and desired uses.

#### Selecting an Approach

#### DOES

- Set a framework Creates parameters to guide the revision of the LDC.
- Allow for future flexibility Future City Council will have opportunity to reaffirm selected Approach.
- Establish a road map for updating the Code Chooses a direction for the CodeNEXT team to explore with Austinites.



#### Next Steps -

Beginning in 2015

#### Discuss Issues

and Themes: CodeTALKs

During the drafting of the Code, a series of CodeTALKs will be held to discuss issues and themes raised by the public and staff. The input received in the Listening to the Community Report, the Code Diagnosis and the Community Character Manual will be used as starting points for community discussions on topics and issues.

#### Revising and Crafting **New Standards**

The development of the new Code will be based on policy direction from Imagine Austin, adopted Neighborhood Plans and master plans. Council policies such as Complete Streets, and input received from the public.

#### **DOES NOT**

- Change existing regulations or policies such as Neighborhood Plans Ooes not say which regulations will be kept, replaced, or removed.
- Revise zoning districts, neighborhood plans, or create new districts No recommendations of districts.
- Decide where new or revised zoning districts will apply within the City Code Approach does not provide direction for mapping.

#### Discuss and Revise **Proposed Standards**

As specific content is drafted, the Code will go through an iterative review process that includes the public, stakeholder groups, the CAG, and boards and commissions.

#### Adoption

After revising the proposed standards, the completed Code will go through a community review process to include stakeholder groups, the CAG, boards and commissions, and City Council.

#### Mapping of Revised and New Zoning Districts

Once the new Code is adopted new zoning districts will need to be applied or "mapped" across the city. The mapping process will be defined as the Code is being revised.

#### Glossary of Key Terms

#### Approaches

Unique combinations of elements of a Code that determine what kind of regulations are included, reviewed, and how the information is presented.

#### **Annotated Outline**

A summary of the Code structure and organization for an approach alternative (refined during drafting of the Code).

#### Elements of a Code

Different aspects of a land development Code that provide the standards and means of enforcement that make the Code document useful and actionable. These include the format and organization of the Code document, development review models, and development standards models.

#### By-right Review

A development review model where development applications are approved or denied based on compliance with an established, well-articulated set of measurable standards. Applications meeting established standards are approved without further review.

#### **Customized Zoning**

A development review model that requires new and independent regulations for major new projects. Often not coordinated with the overall LDC and are applicable only to the specific project for which they are written (Planned Unit Developments -PUDs and regulating plans).

#### **Discretionary Review**

A development review model that relies on established standards that are generally less specific than other models and that require interpretation by the reviewer, thus necessitating an extensive and sometimes subjective review process to ensure the intent of the standards are met. Projects often undergo multiple review cycles to obtain approval using this review model.

#### Mapping

The process of determining where zones are applied within the City: The act of outlining zoning districts on a map.



#### City of Austin Contact:

Matt Dugan (512) 974-7665 codenext@austintexas.gov



@ImagineAustin Use #CodeNEXT



facebook.com/ImagineAustin

#### How To Stay Involved

Stay plugged in at the Imagine Austin Facebook page and at the project website at www.austintexas.gov/codenext

**SpeakUpAustin** 

Join the conversation online and share your thoughts on this or other reports, https://austintexas.granicusideas.com/ projects/codenext-shaping-the-austin-we-imagine



# CODE MEXT SHAPING THE AUSTIN WE IMAGINE



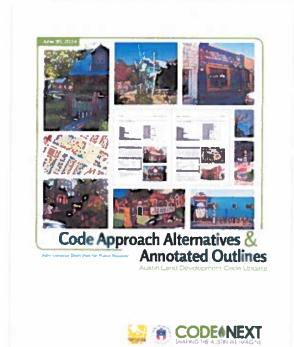
# From Here to There: Setting a Path for Austin's Code

Code Approach Alternatives & Annotated Outlines Document Public Review Draft

Presented by:

Planning and Development Review Dept.

Fall 2014





#### What choosing an approach does and does not do:

#### Selecting an approach...

#### Does

- Set a framework

  Creates parameters to guide the revision of the LDC.
- Allow for future flexibility
  Future City Council will have
  opportunity to reaffirm selected
  Approach.
- Establish a road map for updating the code
  Chooses a direction for the CodeNEXT team to explore with Austinites.

#### **Does Not**

Change existing regulations or policies such as neighborhood plans

Does not say which regulations will be kept, replaced, or removed. Revise zoning districts,

- neighborhood plans or create new districts

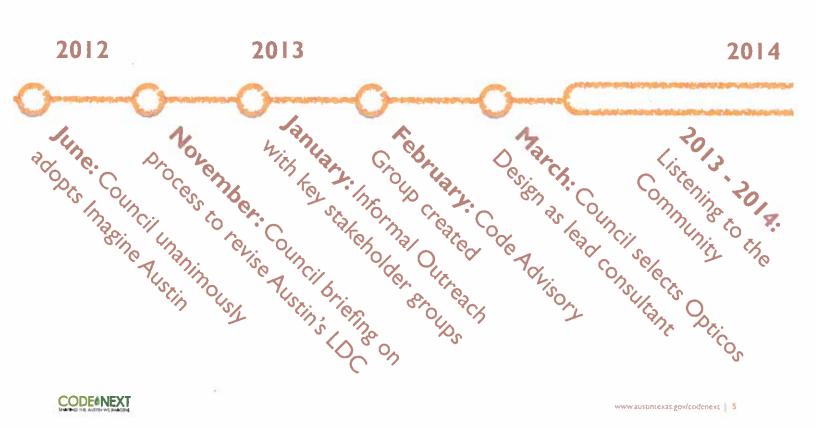
  No recommendation of districts.
- Decide where new or revised zoning districts will apply within the City

Code Approach does not provide direction for mapping.

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# **Chronology of Events**



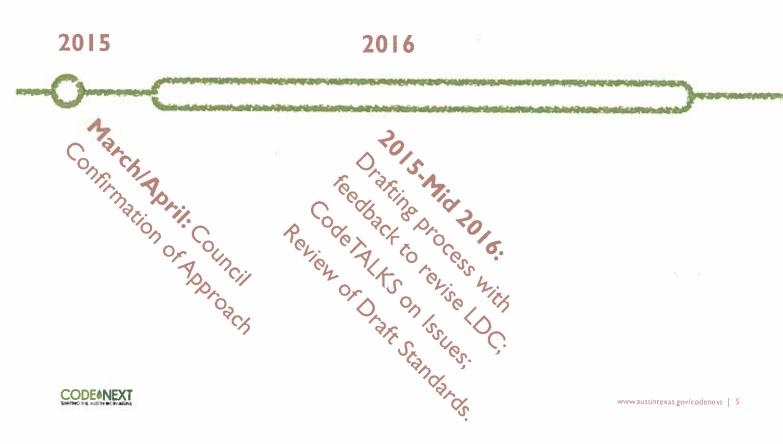


# **Chronology of Events**

2014

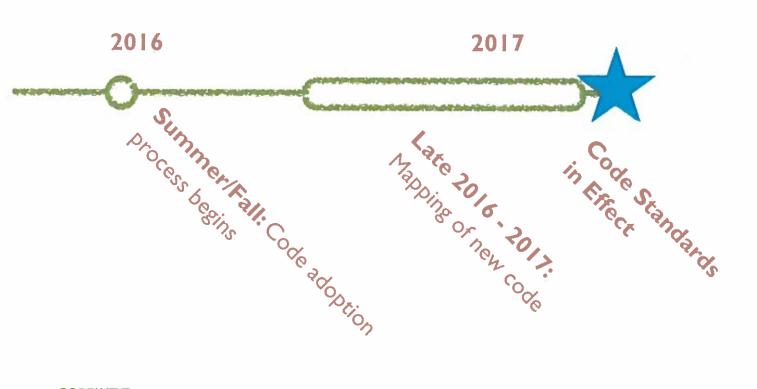


# **Chronology of Events**





# **Chronology of Events**



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#### **Current State of the Code and Where Austinites** Want to Be

Existing Code	Future Code
Ineffective in Implementing Imagine	Supports Creation of Complete
Austin	Communities and Implementation of Priority Programs
Complicated and Inefficient	Streamlined and Understandable
Unpredictable, Unclear, and Conflicting	Predictable Outcomes
Difficult to Implement and Administer	Transparent, Consistent Processes
Based on Community Values	Based on Community Values





#### The Three Approach Alternatives Explored

- I. Brisk Sweep
- 2. Deep Clean
- 3. Complete Makeover



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#### **Approach Alternative 1**

### The Brisk Sweep:

- No major structural/organizational changes to the Code.
- Clean-up of the existing LDC.
- Targeted refinements.
- Addition of a Form-Based Code that will have limited application.
  - Primarily to future small area plans.





# Approach Alternative 2 [Recommended Approach] The Deep Clean:

- · Significantly reworks content and structure.
- Substantially improves the appearance, usability, and consistency of the existing LDC.
- Citywide framework for form-based standards will be created and applied to a limited number of interested communities. But Allow for easy future applications.
- Hybrid nature allows for balanced mix of by-right review, customized zoning, and discretionary review where appropriate.
- Combining districts compressed where feasible.





#### **Approach Alternative 3**

# The Complete Makeover:

- · Most extensive modifications to the existing LDC.
- · Significantly reworks content and structure.
- Development standards include significant form-based standards. Applied widely across the city.
- Development review process relies primarily on by-right review.
- · Combining districts are compressed where feasible





#### Elements that Form an Approach

- 1. Code Format & Organization
- 2. Development Review Models
- 3. Development Standards Models



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# Criteria to Evaluate Elements of Code Approaches

- 1. Effectiveness
- 2. Clarity
- 3. Consistency
- 4. Predictability
- 5. Simplicity
- 6. Ease of Implementation
- 7. Ease of Administration





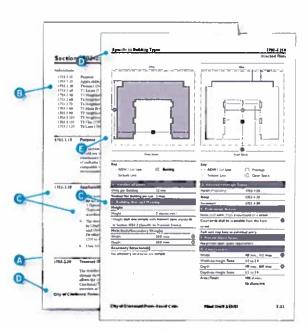


#### **Code Format and Organization:**

### **Code Format**

 Format refers to the way information is laid out on a page;

size and style of text, indenting, clear graphics, tables, and paragraph structure help to make information easy to find and understand.

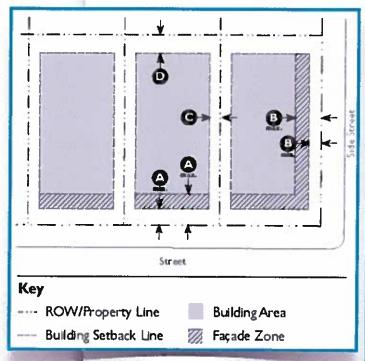


- A Clear break between major portions of code.
- 1 Table of Contents in each new section.
- Clear indenting, section breaks, and labeling.
- D Strong headers and footers explain where you are in the document.
- Clear graphics and illustrations visually explain regulations.

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#### Example of "Best Practices" for Usability and Clarity in Codes



Tables and diagrams make information easy to find and simple to understand.

Setback (Distance from R	OW/Property Line)
Principal Building	
Front <sup>1</sup>	20' min.; 30' max.
Front Façade within Façade	
Zone	50% min.
Side Street/Civic Space	12' min.; 25' max. (
Side	5' min.: 12" min.
	combined
Rear	25' min
Accessory Building or Structur	e
Front	20' min.
Side	3' min.; 6' max.
Rear	3' min.
<sup>1</sup> The setback may match an ex	isting adjacent building
as follows: the building may be	placed to align with

property, for a width no greater than that of the

minimum setback.

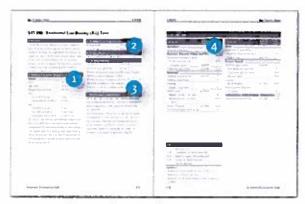
adjacent property's façade that encroaches into the



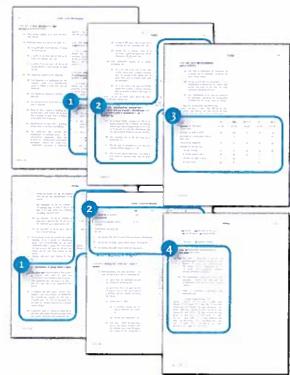
#### **Code Format and Organization:**

# **Code Organization**

Organization refers to the way information is arranged within the overall code document (the table of contents).



Potential Code: one location for all of the same regulations.



Existing Code: Many different locations to look for basic regulations.

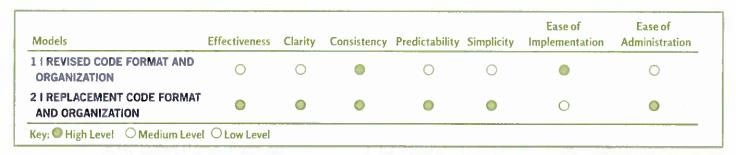
www.austifftexas.gov/codenext 20

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#### **Code Format and Organization Options:**

# **Comparing Options**



- Replacing the code format and organization will produce a document that is:
  - Substantially more simple to use than revising code format and organization.
  - More clear and predictable.

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#### **Approach Elements:**

# **Development Review Models**

- Process by which development applications are submitted, evaluated, and ultimately approved or denied. Or more simply, "how do you use the code."
- The **length of the review process**, the number of review loops, and the **subjective or objective** nature of the process should be kept in mind.
- In any of the development review models, careful consideration should be given to the development standards to ensure predictability in the built results.

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#### **Approach Elements:**

# **Development Review Models**

- I. By-right (Standards-based)
- 2. Discretionary Review
- 3. Customized



# I. By-Right (Standards-Based)

Models	Effectiveness	Clarity	Consistency	Predictability	Simplicity	Ease of Implementation & Administration
1 I BY-RIGHT (STANDARDS-BASED)	•	0	0	0	0	0

- In a by-right system, development applications that comply with zoning can move to the building department/permit quickly.
- This system is most effective when clear development standards provide predictable built results.
  - This can be applied to any Euclidean, performance or form-based standards.
- Example Administrative Site Plan Review.

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# 2. Discretionary Review

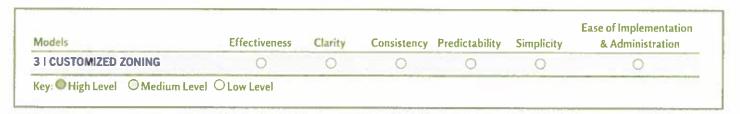
Models	Effectiveness	Clarity	Consistency	Predictability	Simplicity	Ease of Implementation & Administration
2 I DISCRETIONARY REVIEW	0	0	0	0	0	0

- Standards are less specific and allow for more interpretation.
- Requires a more extensive, and sometimes subjective review process to ensure the intent is met.
- Projects often undergo multiple review loops to obtain approval.
- Permits are issued at the "discretion" of the review authority.
- Example Sub-chapter E: Alternative Equivalent Compliance.

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# 3. Customized Zoning

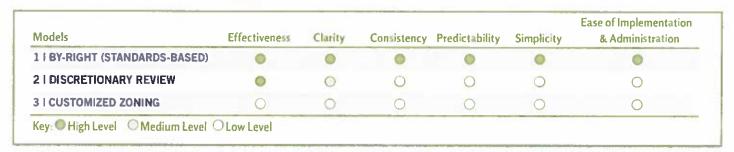


- In a customized zoning system, **new and independent regulations** are necessary to successfully regulate major projects.
- These new regulations are **not coordinated** with the overall LDC.
- Hard to administer in the long term.
- Examples are planned unit developments (PUD) and small area plans (regulating plans).

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# Comparing Development Review Models



- By-Right achieves the best scores using these criteria.
- Discretionary Review can be **very effective in targeted applications**, especially when a clear process and criteria are defined.
- Customized Zoning achieves the weakest scores when assessed using these criteria.

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#### **Approach Elements:**

### **Development Standards Models**

- Development standards determine what and how a code regulates.
- Also affect the efficiency of different development review.



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#### **Approach Elements:**

# Development Standards Models

- I.Euclidean Zoning Standards;
- 2. Performance Zoning Standards;
- 3. Form-Based Zoning Standards; and,
- 4. Hybrid code.

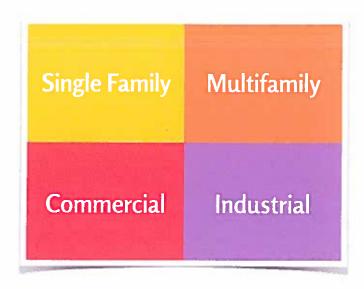
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### I. Euclidean Zoning Standards



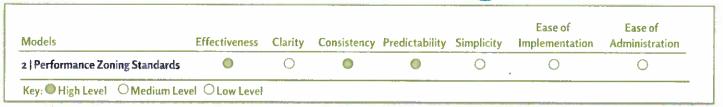
- Zones and code structure based primarily on desired uses
   Focus on use separation.
- Also sometimes called usebased zoning standards.



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# 2. Performance Zoning Standards

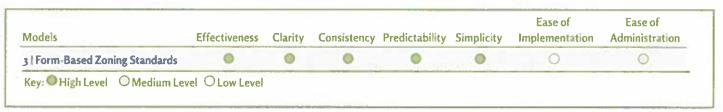


- Regulates the effects or impacts of a proposed development or activity on the community. Goal Oriented
- Less specific standards, providing more flexibility, but often complex formulas that are hard to understand.
- Often used to protect natural resources.
- Performance standards can be negative or positive.
  - Ex. They can set a **maximum level for the noise** impacts or they can require **specified types of buffers** to be established between certain types of land uses.





# 3. Form-Based Zoning Standards



• Zones and code structure based primarily on desired form rather than desired use.

- Focus on building form and public space.
- Typical Standards:
  - Build-to-Lines:
  - Broad Approach to Uses (still has allowed use tables);
  - Frontages and Building Types; and,
  - Thoroughfare Standards.



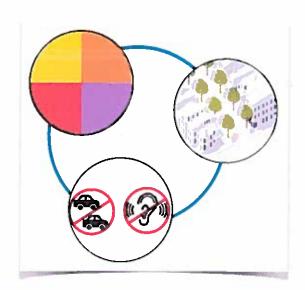




# 4. Mix of Zoning Standards (Hybrid Code)

					Ease of	Ease of
Effectiveness	Clarity	Consistency	Predictability	Simplicity	Implementation	Administration
0	0	0	0	0	0	0
	Effectiveness					

Combination and careful coordination of the best of conventional, performance and formbased elements.



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# **Comparing Models**

Models	Effectiveness	Clarity	Predictability	Simplicity	Ease of Implementation	Ease of Administration
1   EUCLIDEAN-BASED ZONING STANDARDS	•	0	0	•	•	0
2 I PERFORMANCE-BASED ZONING STANDARDS	•	0	0	0	0	0
3 I FORM-BASED ZONING STANDARDS	0	0	0	0	0	0
4 I MIX OF ZONING STANDARDS (HYBRID CODE)	•	0	•	0	0	0

- The mix of zoning standards a Hybrid Code scores the highest with this criteria.
- Form-Based Standards and Euclidean-Based Standards can be effectively applied to the right context.
- Performance standards can be less simple and clear, but can be effectively applied to implement certain goals.

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#### **Approach Comparison Table**

**Elements** Approaches

Approaches Comparison

	1	2	3
Code Format and Organization			
Format	Revise	Replace	Replace
Reorganization of Content	Limited	Extensive	Extensive
Content Rewriting	Low/Moderate	Moderate	High
Clean up for Consistency	Sa	me Across All	Approaches-
Development Review Models			
By-Right Review	Low	Medium	High
Customized Zoning	High	Medium	Low
Discretionary Review	Medium	Low	Low
<b>Development Standards Models</b>			
Euclidean Based	High	Medium	Low
Performance-Based	Sa	me Across All	Approaches———
Form-Based	Very Limited*	Medium	High
Is it a Hybrid?	No	Yes	Yes

<sup>\*</sup> Applied only in New Small Area Plans





# CodeNEXT Team Recommendation Deep Clean: Why this Approach?

- <u>Code Format & Organization</u>: This approach introduces a new format and re-organization of the document to **maximize** usability and clarity.
- <u>Development Review Models</u>: This approach introduces a **good balance** of by-right development in selected areas and discretionary review where appropriate.

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# CodeNEXT Team Recommendation Deep Clean: Why this Approach?

- <u>Development Standards Models</u>: This approach creates a hybrid code that applies Euclidean standards and form-based standards to appropriate contexts, **maximizing the benefits and strengths** of each without pushing the application of a form-based approach too aggressively.
- This approach is the closest alignment to Imagine Austin priority programs, community input (Listening to the Community Report) and Code Diagnosis.
- Best fit with Austin's civic culture and the community's desired level of change.

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When does the team get more specific about code changes? How will detailed comments from the community and city staff be used? Content

 Fleshing out Table of Contents, with the core management team on staff to a higher level of detail.

 Continue to engage community, stakeholders, staff, boards and commissions and Council.



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# Approach Alternatives and Annotated Outline Upcoming Schedule

#### September 4:

- Approach Alternatives Document Released
- Council Comprehensive Plan & Transportation (CPT)
   Committee
- Community Presentation: Approach Alternatives Document

September 8-22: Board and Commission presentations

September 9: Planning Commission

**September 16:** Codes & Ordinances Committee of Planning Commission, and Zoning and Platting Commission

**CODE NEXT** 



# Approach Alternatives and Annotated Outline Upcoming Schedule

September 22: Code Advisory Group meeting

September 23: Planning Commission (2nd meeting)

October 2: City Council briefing

October 6: Code Advisory Group meeting

October 20: Code Advisory Group meeting

October 23: City Council hearing

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043

### Q&A:

# CODE NEXT SHAPING THE AUSTIN WE IMAGINE