

CodeNEXT:


Format and Organization

*6/12/2017
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While the substantive provisions of CodeNEXT are topics du jour, code structure is equally important.

You might think of it as assembling an automobile. While its accessories may personalize it, its chassis is its critical and indispensable foundation.

What Were We Promised?



The image shows a document titled "Approach Comparison Table Bemoans" with a yellow circular stamp that says "A MUST READ SECTION Approaches Comparison". A red dashed box highlights a portion of the table, and a red arrow points to the number "2.5" above it.

	1	2	3
Code Format and Organization			
Format	Replace	Replace	Replace
Reorganization of Content	Limited	Extensive	Extensive
Content Rewriting	Low/Moderate	Moderate	High
Consistency	Same	Same	Same
By-Right	Low	Medium	High
Customize	Low	Medium	High
Discretion	Low	Medium	High
Euclidean	Low	Medium	High
Performance	Low	Medium	High
Form	Low	Medium	High
Hybrid	Low	Medium	High

Element	Approach
Format	Replace
Reorganize	Extensive
Rewriting	Mod-High
Consistency	Same
By-Right	Med-High
Customize	Med-Low
Discretion	Low
Euclidean	Med-Low
Performance	Same
Form	Med-High
Hybrid	Yes

Three years ago, our CodeNEXT consultants offered the city council a choice of three zoning approaches – 1) brisk sweep, 2) deep clean or 3) complete makeover.

It was like selecting from X (mild), XX (spicy) or XXX (hot) at the Texas Chili Parlor. The council chose “spicy plus”.

The city council essentially asked for an “extensive code reorganization and rewrite” with “blended use and form-based zoning districts” and “significant graphics.”

Only consistency and performance were to remain the same and not be altered in all three approaches.

So did we get what we ordered?

How Do We Compare?

City	Pages	Zones	A&P
Tulsa OK*	315	27	42
Buffalo NY	334	25	53
Chicago IL*	339	56	53
Miami FL	342	18	45
Arlington VA*	407	44	32
Memphis TN*	478	30	59
Raleigh NC	464	18	78
Denver CO	1,204	116	76
CodeNEXT	1,130	64	222

CodeNEXT is not, as promised, succinctly written!

In fact, it is three times as wordy as most other big city codes, and its administrative chapter is fourfold fatter.

In other words, CodeNEXT suffers from verbal obesity.

And several chapters have not even yet been delivered.

The first rule in code drafting is to “keep it short and simple,” the KISS principle!

How Are Codes Organized?

CHICAGO*

Chapter 17-1 Introductory Provisions
 Chapter 17-2 Residential Districts
 Chapter 17-3 Business and Commercial Districts
 Chapter 17-12 Signs
 Chapter 17-13 Review and Approval Procedures
 Chapter 17-14 Administration
 Chapter 17-15 Nonconformities
 Chapter 17-16 Enforcement and Penalties
 Chapter 17-17 Terminology and Measurements

MEMPHIS*

Article 1. General Provisions
 Article 2. Districts and Uses
 Article 3. Building Envelope Standards
 Article 4. General Development Standards
 Article 5. Infrastructure & Public Improvements
 Article 6. Open Space & Natural Resources
 Article 7. Special Purpose Districts
 Article 8. Overlay Districts
 Article 9. Administration
 Article 10. Nonconformities
 Article 11. Enforcement
 Article 12. Definitions

Legend

Districts
 Standards
 Infrastructure
 Administration

ARLINGTON*

Article 1. Introductory Provisions
 Article 2. District Map
 Article 3. Density and Dimensional Standards
 Article 4. Public (P) Districts
 Article 5. Residential (R) Districts
 Article 6. Multiple-Family (RA) Districts
 Article 7. Commercial/ Mixed Use (C) Districts
 Article 8. Industrial (M) Districts
 Article 9. Special Planning Area Regulations
 Article 10. Unified Developments
 Article 11. Overlay and Form-Based Code Districts
 Article 12. Use Standards
 Article 13. Signs
 Article 14. Site Development Standards
 Article 15. Administration and Procedures
 Article 16. Nonconformities
 Article 17. Violations, Enforcement and Penalties
 Article 18. Definitions

CodeNEXT is not, as promised, well reorganized!

In fact, it is inconsistent with normal code structure.

A well-organized development code, like a good book, should have a definable Beginning, Middle and End.

- the Beginning should set forth development review rules in sequential order (subdivision, zoning, site plan); (yellow)
- the Middle, infrastructure or facility adequacy requirements (streets, parks, utilities, drainage, etc.) (blue) and
- the End, administrative procedures and terminology (processing, permitting, enforcement, definitions, etc.). (green)

Here, for example, are the codes for Chicago, Memphis and Arlington VA, - three codes my former firm drafted.

How Are Codes Organized?

DENVER

Article 1. General Provisions
Article 2. Using the Code
Article 3. Suburban (S-) Neighborhood Context
Article 4. Urban Edge (E-) Neighborhood Context
Article 5. Urban (U-) Neighborhood Context
Article 6. General Urban (G) Neighborhood Context
Article 7. Urban Center (C-) Neighborhood Context
Article 8. Downtown (D-) Neighborhood Context
Article 9. Special Context and Districts
Article 10. General Design Standards
Article 11. Use Limitations and Definitions
Article 12. Zoning Procedures & Enforcement
Article 13. Rules of Measurement & Definitions

PORTLAND

10 Introduction
100 Base Zones
200 Additional Use and Development Regulations
400 Overlay Zones
500 Plan Districts
600 Land Divisions and Planned Developments
700 Administration and Procedures
800 Land Use Reviews
900 General Terms

RALEIGH

Article 1. Introductory Provisions
Article 2. Residential Districts
Article 3. Mixed Use Districts
Article 4. Special Districts
Article 5. Overlay Districts
Article 6. Use Regulations
Article 7. General Development Standards
Article 8. Subdivision and Site Plan Standards
Article 9. Natural Resources Protection
Article 10. Administration
Article 11. Building and Housing Code
Article 12. Definitions

PITTSBURGH*

Article I. Introduction and Establishment
Article II. Base Zoning Districts
Article III. Overlay Zoning Districts
Article IV. Planning Districts
Article V. Use Regulations
Article VI. Development Standards
Article VII. Nonconformities
Article VIII. Review and Enforcement
Article IX. Measurements and Definitions

.... and for Denver, Raleigh, Portland and Pittsburgh.

How Are Codes Organized?

ALBUQUERQUE

Part 1. General Provisions
Part 2. Zoning Districts
Part 3. General Regulations
Part 4. Administration and Enforcement

BUFFALO

Article 1. Introductory Provisions
Article 2. Definitions and Measurements
Article 3. Neighborhood Zones
Article 4. District Zones
Article 5. Corridor Zones
Article 6. Uses
Article 7. Site Development
Article 8. Access and Parking
Article 9. Signs
Article 10. Transportation Network
Article 11. Administration & Approvals
Article 12. Nonconformities & Enforcement
Article 13. Zoning Board of Appeals

SACRAMENTO

Division I. General Provisions.
Division II. Zoning Districts and Land Use
Division III. Overlay Zones
Division IV. Special Planning Districts and PUDs
Division V. Infrastructure Design & Improvements
Division VI. Architectural Design & Development
Division VII. City-Wide Programs
Division VIII. Administrative Matters
Division IX. Administration of Plan and Code

MIAMI

Article 1. Definitions of Terms and Uses
Article 2. General Provisions
Article 3. General to Zones
Article 4. Standards and Tables
Article 5. Specifics to Zones
Article 6. Supplemental Regulations
Article 7. Procedures and Nonconformities
Article 8. Thoroughfares
Article 9. Landscape Regulations
Article 10. Sign Regulations

.... and Albuquerque, Sacramento, Buffalo and Miami.

The latter two codes, which are form-based, located their definitions up front to introduce new vocabularies.

How Are Codes Organized?

TULSA*

Chapter 1 Introductory
 Chapter 5 Residential Districts
 Chapter 10 Mixed-use Districts
 Chapter 15 Office, Commercial, Industrial Districts
 Chapter 20 Overlay Districts
 Chapter 25 Special Districts
 Chapter 30 Legacy Districts
 Chapter 35 Building Types and Use Categories
 Chapter 40 Supplemental Use and Building Regs
 Chapter 45 Accessory Uses and Structures
 Chapter 50 Temporary Uses
 Chapter 55 Parking
 Chapter 60 Signs
 Chapter 65 Landscaping, Screening & Lighting
 Chapter 70 Review and Approval Procedures
 Chapter 75 Administration
 Chapter 80 Nonconformities
 Chapter 85 Violations, Penalties and Enforcement
 Chapter 90 Measurements
 Chapter 95 Definitions

CINCINNATI

Chapter 1701. Introductory Provisions
 Chapter 1703. Use Districts
 Chapter 1707. Overlay Districts
 Chapter 1711. Site Development
 Chapter 1751. Administration
 Chapter 1753. Definitions

CODENEXT

23.1: Introduction
 23.2: Administration and Enforcement
 23.3: General Planning Standards for All
 23.4: Zoning Code
 23.5: Subdivision
 23.6: Site Plan
 23.7: Building, Demolition & Relocation Permits
 Special Requirements for Historic Structures
 23.8: Signage (work in progress)
 23.9: Transportation
 23.10: Infrastructure
 23.11: Technical Codes (work in progress)

... and Tulsa, Cincinnati and finally CodeNEXT.

Of all these codes, CodeNEXT is the only one to not follow the sequence of development and to scatter administrative and infrastructure provisions throughout the code.

Chapter 25: Current Code

CHAPTER 25-1. - GENERAL REQUIREMENTS AND PROCEDURES ARTICLE 1. - GENERAL PROVISIONS ARTICLE 2. - DEFINITIONS, REQUIREMENTS ARTICLE 3. - ACCESSIBLE DESIGN ARTICLE 4. - APPLICATIONS AND APPROVALS ARTICLE 5. - FEES AND FINANCIAL SECURITY ARTICLE 6. - PUBLIC PUBLIC HEARING PROCEDURES ARTICLE 7. - APPEALS, VARIANCES, SPECIAL EXCEPTIONS ARTICLE 8. - CONSTRUCTION MANAGEMENT ARTICLE 9. - COMPLIANCE OF COMPLIANCE AND OCCUPANCY ARTICLE 10. - EMPLOYMENT ARTICLE 11. - ACCESSORY PROVISIONS ARTICLE 12. - EASEMENTS ARTICLE 13. - LANDSCAPE REGULATION ARTICLE 14. - SIGNAGE ARTICLE 15. - NEIGHBORHOOD PLAN AMENDMENTS ARTICLE 16. - NEIGHBORHOOD DEVELOPMENT AGREEMENTS	CHAPTER 25-4. - SUBDIVISION ARTICLE 1. - SUBDIVISION COMPLETION ARTICLE 2. - SUBDIVISION PROCEDURES ARTICLE 3. - PLATTING REQUIREMENTS CHAPTER 25-5. - SITE PLANS ARTICLE 1. - SITE PLANS GENERALLY ARTICLE 2. - SUBMITTALS, SITE PLANS ARTICLE 3. - APPROVED SITE PLANS CHAPTER 25-6. - TRANSPORTATION ARTICLE 1. - GENERAL PROVISIONS ARTICLE 2. - TRAFFIC IMPACT STUDIES AND RIGHT-OF-WAY DESIGNATION ARTICLE 3. - TRAFFIC IMPACT ANALYSIS AND NOTIFICATION ARTICLE 4. - STREET DESIGN ARTICLE 5. - DRIVEWAY, SIDEWALK, AND BIKEWAY CONSTRUCTION ARTICLE 6. - SIDEWALK, SIDEWALK, AND BIKEWAY CONSTRUCTION ARTICLE 7. - SIDEWALK, SIDEWALK, AND BIKEWAY CONSTRUCTION ARTICLE 8. - SIDEWALK, SIDEWALK, AND BIKEWAY CONSTRUCTION ARTICLE 9. - SIDEWALK, SIDEWALK, AND BIKEWAY CONSTRUCTION ARTICLE 10. - SIDEWALK, SIDEWALK, AND BIKEWAY CONSTRUCTION ARTICLE 11. - SIDEWALK, SIDEWALK, AND BIKEWAY CONSTRUCTION ARTICLE 12. - SIDEWALK, SIDEWALK, AND BIKEWAY CONSTRUCTION ARTICLE 13. - SIDEWALK, SIDEWALK, AND BIKEWAY CONSTRUCTION ARTICLE 14. - SIDEWALK, SIDEWALK, AND BIKEWAY CONSTRUCTION ARTICLE 15. - SIDEWALK, SIDEWALK, AND BIKEWAY CONSTRUCTION ARTICLE 16. - SIDEWALK, SIDEWALK, AND BIKEWAY CONSTRUCTION ARTICLE 17. - SIDEWALK, SIDEWALK, AND BIKEWAY CONSTRUCTION ARTICLE 18. - SIDEWALK, SIDEWALK, AND BIKEWAY CONSTRUCTION ARTICLE 19. - SIDEWALK, SIDEWALK, AND BIKEWAY CONSTRUCTION ARTICLE 20. - SIDEWALK, SIDEWALK, AND BIKEWAY CONSTRUCTION ARTICLE 21. - 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... and Tulsa, Cincinnati and finally CodeNEXT.

Of all these codes, CodeNEXT is the only one to not follow the sequence of development and to scatter administrative and infrastructure provisions throughout the code.

Chapter 23: CodeNEXT

Chapter 23-1: Introduction

Article 23-1A: General Provisions
Article 23-1B: Responsibility for Administration

Chapter 23-2: Administration and Procedures

Article 23-2A: Purpose and Applicability
Article 23-2B: Application Review and Fees
Article 23-2C: Notice
Article 23-2D: Public Hearings
Article 23-2E: Legislative Amendments
Article 23-2F: Quasi-Judicial and Administrative Relief
Article 23-2G: Nonconformity
Article 23-2H: Construction Management and Certificates
Article 23-2I: Appeals
Article 23-2J: Enforcement
Article 23-2K: Vested Rights
Article 23-2L: Miscellaneous Provisions
Article 23-2M: Definitions and Measurements

Chapter 23-3: General Planning Standards for All

Article 23-3A: Purpose and Applicability
Article 23-3B: Parkland Dedication
Article 23-3C: Urban Forest Protection and Replenishment
Article 23-3D: Water Quality
Article 23-3E: Affordable Housing Incentive Program

Chapter 23-4: Zoning Code

Article 23-4A: Introduction
Article 23-4B: Zoning Administration and Procedures
Article 23-4C: General to All Development
Article 23-4D: Specific to Zones
Article 23-4E: Supplemental to Zones

Chapter 23-5: Subdivision

Article 23-5A: Introduction
Article 23-5B: Subdivision Procedures
Article 23-5C: Platting Requirements

Chapter 23-6: Site Plan

Article 23-6A: Purpose and Applicability
Article 23-6B: Site Plan Review and Filing Requirements
Article 23-6C: Expiration

Chapter 23-7: Building, Demolition, and Relocation Permits; Special Requirement Permits for Historic Structures

Article 23-7A: General Provisions
Article 23-7B: Building and Demolition Permits
Article 23-7C: Relocation Permits
Article 23-7D: Special Requirement Permits For Historic Structures

Chapter 23-8: Signage (work-in-progress)

Article 23-9A: Purpose and Applicability
Article 23-9B: Sign Permits and Procedures
Article 23-9C: Regulations Applicable to All Zones
Article 23-9D: Regulations Applicable to Certain Sign Zones
Article 23-9E: Other Sign Types

Chapter 23-9: Transportation

Article 23-9A: General Provisions
Article 23-9B: Right-Of-Way and Transportation Improvements
Article 23-9C: Transportation Impact Analysis and Mitigation
Article 23-9D: Street Design
Article 23-9E: Driveway, Sidewalk, Urban Trail, and Right-Of-Way Construction
Article 23-9F: Access to Major Roadways
Article 23-9G: Transportation Demand Management
Article 23-9H: Connectivity
Article 23-9I: Road Utility Districts

Chapter 23-10: Infrastructure

Article 23-10A: Utility Service
Article 23-10B: Water Districts
Article 23-10C: Water and Wastewater Capital Recovery Fees
Article 23-10D: Reclaimed Water
Article 23-10E: Drainage

Chapter 23: CodeNEXT Revised

Chapter 23-1: Introduction

Article 23-1A: General Provisions
Division 23-1A-4: Consistency with Imagine Austin
Division 23-1A-5: Rules of Interpretation

Chapter 23-4: Zoning

Article 23-4A: Introduction
Division 23-4D-3: Use-Based (Non-Transect) Zones
Division 23-4D-2: Form-Based (Transect) Zones
Division 23-4D-7: Overlay Zones
Division 23-4D-6: Legacy Zones

Chapter 23-5: Subdivision

Article 23-5A: Introduction
Article 23-5B: Subdivision Procedures
Article 23-5C: Platting

Chapter 23-6: Site Plan

Article 23-6A: Introduction
Article 23-6B: Site Plan Procedures
Article 23-6C: Expiration

Chapter 23-3: General Standards

Division 23-4E-3: Parking and Loading
Division 23-4E-4: Landscape
Chapter 23-8: Signage (work-in-progress)
Article 23-xx: Compatibility Standards
Article 23-3E: Density Bonuses

Chapter 23-x: Environment

Article 23-3D: Watersheds and Floodplains
Division 23-3D: Erosion and Sedimentation
Division 23-3C: Regulated and Heritage Trees
Division 23-3D: Save our Springs Initiative
Article 23-XX: Beneficial Use
Article 23-XX: Green Infrastructure

Expand
General
Standards

Recreate
Environment
chapter

Chapter 23-10: Infrastructure

Chapter 23-9: Transportation
Article 23-10A: Wastewater
Article 23-10B: Potable Water
Article 23-10D: Reclaimed Water
Article 23-10E: Drainage

Chapter 23-x: Adequate Facilities

Article 23-10C: Capital Recovery Fees
Article 23-3B: Parkland Dedication
Article 23-xx: Traffic Impact Fees (work-in-progress)
Article 23-9C: Transportation Impact Analysis
Article 23-9I: Road Utility Districts

Chapter 23-2: Administration and Procedures

Article 23-2A: Purpose and Applicability
Article 23-1B: Responsibility for Administration
Article 23-4B: Zoning Administration and Procedures
Article 23-2B: Application Review and Fees
Article 23-2C: Public Notice
Article 23-2D: Public Hearings
Article 23-2E: Legislative Amendments
Article 23-2F: Variances and Administrative Relief
Article 23-2G: Nonconformity
Article 23-2H: Construction Management
Article 23-xx: Valid Petitions
Article 23-2I: Appeals
Article 23-2J: Enforcement
Article 23-2K: Vested Rights
Article 23-7B: Building and Demolition Permits
Article 23-7C: Relocation Permits
Article 23-7D: Permits For Historic Structures

Chapter 23-x: Definitions

Merge
Infrastructure
and Transportation
chapters

Create
Adequate
Facilities
chapter

Merge Administration
and Permitting chapters
and move to rear

Close with
Definitions
chapter

Remove
Technical
Manuals

CodeNEXT Is Too Wordy!

CodeNOW 7 pages, no graphics or tables, 2582 words



CodeNEXT 6 ½ pages, no graphics, 3 tables, 2350 words



CodeNEW 4 pages, 2 graphics, 1 table, 893 words



How? By eliminating redundancies, removing unnecessary provisions, adding graphics and wordsmithing text.

CodeNEXT is not, as promised, streamlined!

In fact, it's provisions are scattered and duplicative.

It is also very difficult to differentiate the new from old.

For example, the Hill Country roadway ordinance was incorporated CodeNEXT essentially unchanged.

By removing unnecessary provisions, adding graphics and doing more wordsmithing, it can be cut almost half.

As could be the rest of the CodeNEXT document!

... Is Not Well Illustrated!



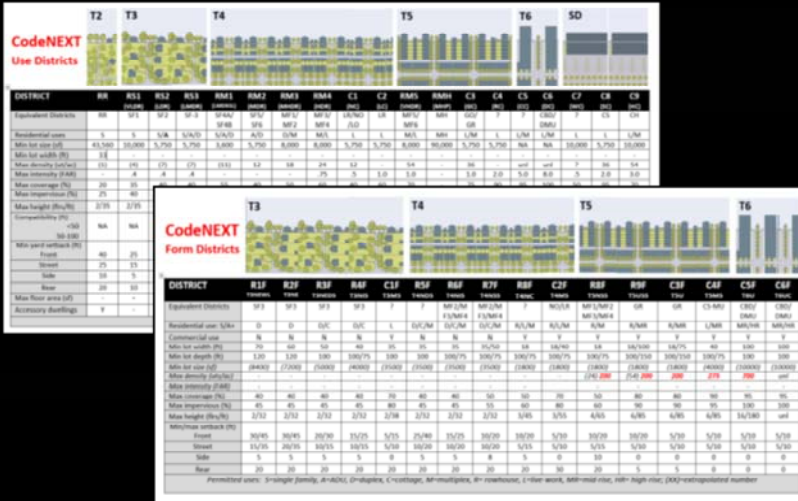
CodeNEXT is not, as promised, well illustrated!

In fact, except for its form districts, it is visual desert.

Here are several examples from the Arlington code that show the variety of available graphic techniques and how “a picture can be worth a 1,000 words.”

The Arlington code includes its Columbia Pike form-based code and several small area regulatory plans, including Crystal City and Clarendon, and is considered one of the nation’s more innovative and progressive.

... Is Not Hybrid!



CodeNEXT is not, as promised, a blended hybrid code!

In fact, it is actually two distinctly different codes pasted together - one use-based and one form-based.

And to make things even more complicated, about one-fourth of Austin will apparently continue to be regulated by the current code making the future administration of land use a bureaucratic nightmare for everyone involved.

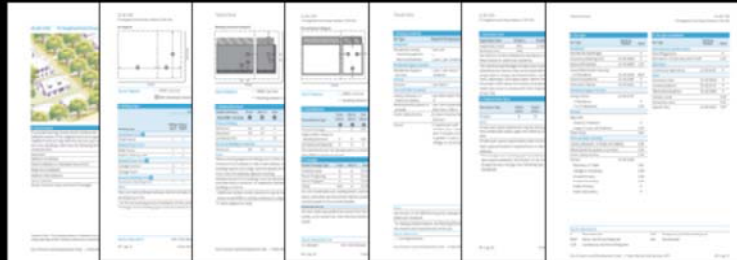
We will witness the “perfect zoning storm!”

... Is Too Prescriptive!

LMDR-SL



T3N.DS



Another example of CodeNEXT's increased complexity is the prescriptiveness of its form-based coding districts.

While it takes only one page for use-based requirements, it takes six or seven pages for each form-based district.

... Uses Confusing Nomenclature!

CURRENT: RR, LA, SF1-6, MF1-6, MH, NO, LO, GO, CR, LR, GR, L, CBD, DMU, WLO, CS, CS-1, CH, IP, MI, LI, R&D, DR, AV, AG, PUD, P, TOD, NBG, ERC, TOD and combining districts.

PROPOSED:

Transect: T3NE.WL, T3NE, T3N.DS, T3N.IS, T4N.I, T4N.SS, T4N.SS, T4MS, T5N.SS, T5U.SS, T5U, T5MS, T6U and T6UC + Open appendages.

Non-Transect: RR, VLDR, LDR, LMDR, LMDR-SL, MDR, MHDR, HDR, VHDR and MHP; NC, LC, GC, RC, CC, DC, WC, SC, HC and CR; AG, DR, ERC, NBG, OS, P and PUD.

OTHER CITIES:

Miami: T3-RLO, T4-RLO, T5-RLO, T6-RLO, CS, CI-HD, D1, D2, D3

Philadelphia: RSD1-3, RSA1-5, RTA, RM1-4, RMX1-3, CMX1-3, CA1-2, RMX, ICMX, I1-3

Kansas City: R-80>R-.03, O, B1>B4, DC, DX, DR, M1>M4 + overlays

Flagstaff: RR, ER, RI, RIN, MR, HR, MH, SC, CC, HC, CS, CB, RD, U, LI-O, HI, HI-O, PF, PLF, POS, TI, T2, T3N.1, T3N.2, T4N.1, T4N.2, AO, DO, LO, TO and RPO.

Tulsa: RE RS1-5, RM0-3, RMH, MX1-3, OL, OM, OMH, OH, CS, CG CH, CBD, IL, IM, AG, PK, CO, SR, IMX, MPD, FBC, PUD, HP, SA and PI.

Buffalo: N1D, NIC, NIS, N2C, N2E, N2R, N3C, N3E, N3R, N4-30, N4-50, DR, DM, DE, S, DC, DIL, DIH, DOS, DOG, DON, CM, CR and CW.

Denver: S-SU-A, etc.

CodeNEXT is not, as promised, simplified!

In fact, it is much more complex than the current code.

For example, it introduces a much more confusing two-part district naming or nomenclature system!



Thank You!

As mentioned at the outset, consistency and performance were to remain the same in all three CodeNEXT approaches.

So it was disconcerting to see CodeNEXT targeting density increases in urban neighborhoods rather than in centers and corridors as would be consistent with Imagine Austin.

And it was also disconcerting to see CodeNEXT essentially doing away with compatibility standards, which have been the city's main use of performance standards since 1985.

Both of these major action changes seem to be in direct conflict with council desires as set forth in Approach 2.5.

Thank You!