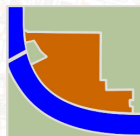


Conceptual Master Plans for the Brackenridge Tract

PROJECT REPORT - APPENDICES

VOLUME 2



C1. DBC EXHIBITS TO COMPARISON OF BRACKENRIDGE DEVELOPMENT AGREEMENT (BDA) TO CITY OF AUSTIN (COA) ORDINANCES: USES (BY TRACT), INFORMATION ON JURISDICTION OVER THE MARINA AND DOCK DESIGN, PRINCIPAL ROADWAY ORDINANCE, PUBLIC (P) DISTRICT REGULATIONS

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GOLF COURSE TRACT - APPENDIX 1

√ = Permitted Use C = Conditional Use PC = Permitted In The District But May Be Conditional

All Uses	Uses Allowed Under Dev. Agreement (not applicable)	Uses Allowed Under Current Zoning (P)	Uses Allowed Under (CR)	Uses Allowed Under (MF-4)	Uses Allowed Under (CS-MU)
RESIDENTIAL USES					
Bed & Breakfast (Group 1)		§ 25-2-624 of LDC	√	√	
Bed & Breakfast (Group 2)		§ 25-2-624 of LDC	√	√	
Condominium Residential		§ 25-2-624 of LDC		√	√
Duplex Residential		§ 25-2-624 of LDC		√	√
Group Residential		§ 25-2-624 of LDC		√	√
Mobile Home Residential		§ 25-2-624 of LDC			
Multifamily Residential		§ 25-2-624 of LDC		√	√
Retirement Housing (Small Site)		§ 25-2-624 of LDC		√	
Retirement Housing (Large Site)		§ 25-2-624 of LDC		C	
Single-Family Attached Residential		§ 25-2-624 of LDC		√	√
Single-Family Residential		§ 25-2-624 of LDC		√	√
Small Lot Single-Family Residential		§ 25-2-624 of LDC			
Townhouse Residential		§ 25-2-624 of LDC		√	√
Two-Family Residential		§ 25-2-624 of LDC		√	√
COMMERCIAL USES					
Administrative and Business Offices		§ 25-2-624 of LDC			√
Agricultural Sales and Services		§ 25-2-624 of LDC			√
Art Gallery		§ 25-2-624 of LDC	√		√
Art Workshop		§ 25-2-624 of LDC	√		√
Automotive Rentals		§ 25-2-624 of LDC			√
Automotive Repair Services		§ 25-2-624 of LDC			√
Automotive Sales		§ 25-2-624 of LDC			√
Automotive Washing (of any type)		§ 25-2-624 of LDC			√
Bail Bond Services		§ 25-2-624 of LDC			C
Building Maintenance Services		§ 25-2-624 of LDC			√
Business or Trade School		§ 25-2-624 of LDC			√
Business Support Services		§ 25-2-624 of LDC			√
Campground		§ 25-2-624 of LDC	C		√
Carriage Stable		§ 25-2-624 of LDC			
Cocktail Lounge		§ 25-2-624 of LDC			
Commercial Blood Plasma Center		§ 25-2-624 of LDC			C
Commercial Off-Street Parking		§ 25-2-624 of LDC			√
Communications Services		§ 25-2-624 of LDC			√
Construction Sales and Services		§ 25-2-624 of LDC			√
Consumer Convenience Services		§ 25-2-624 of LDC	C		√
Consumer Repair Services		§ 25-2-624 of LDC			√
Convenience Storage		§ 25-2-624 of LDC			√
Drop-Off Recycling Collection Facility		§ 25-2-624 of LDC			√
Electronic Prototype Assembly		§ 25-2-624 of LDC			√
Electronic Testing		§ 25-2-624 of LDC			√
Equipment Repair Services		§ 25-2-624 of LDC			√
Equipment Sales		§ 25-2-624 of LDC			√
Exterminating Services		§ 25-2-624 of LDC			√
Financial Services		§ 25-2-624 of LDC			√
Food Preparation		§ 25-2-624 of LDC			√
Food Sales		§ 25-2-624 of LDC			√
Funeral Services		§ 25-2-624 of LDC			√
General Retail Sales (Convenience)		§ 25-2-624 of LDC			√
General Retail Sales (General)		§ 25-2-624 of LDC			√
Hotel-Motel		§ 25-2-624 of LDC	C		√
Indoor Entertainment		§ 25-2-624 of LDC	C		√

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Indoor Sports and Recreation		§ 25-2-624 of LDC	C		√
Kennels		§ 25-2-624 of LDC			√
Laundry Services		§ 25-2-624 of LDC			√
Liquor Sales		§ 25-2-624 of LDC			
Marina		§ 25-2-624 of LDC			
Medical Offices --		§ 25-2-624 of LDC			√
exceeding 5000 sq. ft. GFA		§ 25-2-624 of LDC			
Medical Offices --		§ 25-2-624 of LDC			√
not exceeding 5000 sq. ft. GFA		§ 25-2-624 of LDC			
Monument Retail Sales		§ 25-2-624 of LDC			√
Off-Site Accessory Parking		§ 25-2-624 of LDC			√
Outdoor Entertainment		§ 25-2-624 of LDC			√
Outdoor Sports and Recreation		§ 25-2-624 of LDC			√
Pawn Shop Services		§ 25-2-624 of LDC			√
Personal Improvement Services		§ 25-2-624 of LDC			√
Personal Services		§ 25-2-624 of LDC			√
Pet Services		§ 25-2-624 of LDC			√
Plant Nursery		§ 25-2-624 of LDC			√
Printing and Publishing		§ 25-2-624 of LDC			√
Professional Office		§ 25-2-624 of LDC			√
Recreational Equipment Maint. & Stor.		§ 25-2-624 of LDC			
Recreational Equipment Sales		§ 25-2-624 of LDC			
Research Assembly Services		§ 25-2-624 of LDC			
Research Services		§ 25-2-624 of LDC			√
Research Testing Services		§ 25-2-624 of LDC			
Research Warehousing Services		§ 25-2-624 of LDC			
Restaurant (General)		§ 25-2-624 of LDC			√
Restaurant (Limited)		§ 25-2-624 of LDC			√
Scrap and Salvage		§ 25-2-624 of LDC			
Service Station		§ 25-2-624 of LDC			√
Software Development		§ 25-2-624 of LDC			√
Special Use Historic		§ 25-2-624 of LDC	C	C	
Stables		§ 25-2-624 of LDC			
Theater		§ 25-2-624 of LDC			√
Vehicle Storage		§ 25-2-624 of LDC			√
Veterinary Services		§ 25-2-624 of LDC			√
		§ 25-2-624 of LDC			
INDUSTRIAL USES		§ 25-2-624 of LDC			
Basic Industry		§ 25-2-624 of LDC			
Custom Manufacturing		§ 25-2-624 of LDC			
General Warehousing and Distribution		§ 25-2-624 of LDC			
Light Manufacturing		§ 25-2-624 of LDC			
Limited Warehousing and Distribution		§ 25-2-624 of LDC			
Recycling Center		§ 25-2-624 of LDC			
Resource Extraction		§ 25-2-624 of LDC			
AGRICULTURAL USES					
Urban Farm		§ 25-2-624 of LDC		√	
All Other Agricultural Uses		§ 25-2-624 of LDC			
CIVIC USES					
Administrative Services		§ 25-2-624 of LDC			
Aviation Facilities		§ 25-2-624 of LDC			
Camp		§ 25-2-624 of LDC			
Cemetery		§ 25-2-624 of LDC			
Club or Lodge		§ 25-2-624 of LDC		C	C
College and University Facilities		§ 25-2-624 of LDC	C	C	√
Communication Service Facilities		§ 25-2-624 of LDC	C	√	√
Community Events		§ 25-2-624 of LDC			
Community Recreation (Private)		§ 25-2-624 of LDC	√	C	√

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Community Recreation (Public)	§ 25-2-624 of LDC	√	C	√
Congregate Living	§ 25-2-624 of LDC		C	√
Convalescent Services	§ 25-2-624 of LDC		C	
Convention Center	§ 25-2-624 of LDC			
Counseling Services	§ 25-2-624 of LDC	√		√
Cultural Services	§ 25-2-624 of LDC	√	C	√
Day Care Services (Commercial)	§ 25-2-624 of LDC	C	C	√
Day Care Services (General)	§ 25-2-624 of LDC		√	√
Day Care Services (Limited)	§ 25-2-624 of LDC		√	√
Detention Facilities	§ 25-2-624 of LDC			
Employee Recreation	§ 25-2-624 of LDC			
Family Home	§ 25-2-624 of LDC		√	√
Group Home, Class I (General)	§ 25-2-624 of LDC		√	√
Group Home, Class I (Limited)	§ 25-2-624 of LDC		√	√
Group Home, Class II	§ 25-2-624 of LDC		C	√
Guidance Services	§ 25-2-624 of LDC			√
Hospital Services (General)	§ 25-2-624 of LDC			C
Hospital Services (Limited)	§ 25-2-624 of LDC	C	C	√
Local Utility Services	§ 25-2-624 of LDC	C	C	√
Maintenance and Service Facilities	§ 25-2-624 of LDC			√
Major Public Facilities	§ 25-2-624 of LDC			
Major Utility Facilities	§ 25-2-624 of LDC			
Military Installations	§ 25-2-624 of LDC			
Park and Recreation Services (General)	§ 25-2-624 of LDC			
Park and Recreation Services (Special)	§ 25-2-624 of LDC			
Postal Facilities	§ 25-2-624 of LDC			
Private Primary Educational Facilities	§ 25-2-624 of LDC	C	C	√
Private Secondary Educational Facilities	§ 25-2-624 of LDC	C	C	√
Public Primary Educational Facilities	§ 25-2-624 of LDC	C	√	√
Public Secondary Educational Facilities	§ 25-2-624 of LDC	C	√	√
Railroad Facilities	§ 25-2-624 of LDC			
Religious Assembly	§ 25-2-624 of LDC	C	√	√
Residential Treatment	§ 25-2-624 of LDC		C	√
Safety Services	§ 25-2-624 of LDC		C	√
Telecommunication Tower	§ 25-2-624 of LDC	PC	PC	PC
Transitional Housing	§ 25-2-624 of LDC			C
Transportation Terminal	§ 25-2-624 of LDC			C
All other Civic Uses	§ 25-2-624 of LDC			

- (5) communication service facilities; and
- (6) governmental, civic, public service, or public institutional uses, and related accessory uses.

Source: Section 13-2-226; Ord. 990225-70; Ord. 031211-11.

§ 25-2-623 AVIATION SERVICES (AV) DISTRICT REGULATIONS.

- (A) For publicly owned land in an aviation services (AV) district, this title does not prescribe site development regulations.
- (B) For privately owned land in an AV district:
 - (1) site development regulations are established by the approval of a conditional use site plan; and
 - (2) approval of an aviation-related use may not be granted until the owner obtains an airport use operating agreement for the intended activity.

Source: Section 13-2-680; Ord. 990225-70; Ord. 031211-11.

§ 25-2-624 PUBLIC (P) DISTRICT USES.

- (A) In a public (P) district, the following are permitted uses:
 - (1) governmental, civic, public service, and public institutional uses;
 - (2) residential uses associated with educational, military, medical, or similar public uses;
 - (3) commercial or industrial uses that are accessory to or in support of a principal public use on the same site;
 - (4) agricultural uses; and
 - (5) temporary uses.

- (B) A telecommunication tower use is a permitted or conditional use, as determined in accordance with Section 25-2-839 (*Telecommunication Towers*).

Source: Section 13-2-227; Ord. 990225-70; Ord. 000302-36; Ord. 031211-11.

§ 25-2-625 PUBLIC (P) DISTRICT REGULATIONS.

- (A) This section applies in a public (P) district, except for a community events use.
- (B) Entities described in Section 25-2-145 (*Public (P) District Designation*) must comply with the requirements of this section.
- (C) For a residential use, the site development regulations of the most comparable residential zoning district apply.
- (D) Except as provided in Subsection (E), this subsection applies to a nonresidential use.
 - (1) For a site less than one acre, the site development regulations of an adjoining zoning district apply for a distance of 100 feet into the site. The minimum lot size requirement of an adjoining zoning district does not apply to a use by the City.
 - (2) For a site of one acre or more, the site development regulations are established by the approval of a conditional use site plan.
- (E) This subsection applies to a parks and recreation services (special) use.
 - (1) The minimum site area is 10 acres.
 - (2) Except for the requirement of Subsection (D)(1), the site development regulations are established by the approval of a conditional use site plan.

GOLF COURSE TRACT

REGULATIONS	BRACKENRIDGE TRACT DEVELOPMENT AGREEMENT	CURRENT ZONING	COMPARABLE ZONING DESIGNATIONS		
			Comparable Zoning w/ Existing Development	Comparable Zoning w/ Residential Development	Comparable Zoning w/ Mixed Use Development
Provision/Zoning District	Not applicable	Public (P)	Community Recreation (CR)	Multifamily (MF-4)	Commercial Services (CS-MU)
Min. Lot Size	"	§ 25-2-625 of LDC*	20,000 SF	8,000 SF	Article 4; Subchapter E of LDC, See Appendix B
Min. Lot Width	"	§ 25-2-625 of LDC*	50'	50'	"
Max. Floor to Area Ratio	"	§ 25-2-625 of LDC*	0.25:1.0	0.75:1.0	"
Max. Height	"	§ 25-2-625 of LDC*	40'	60'	"
Min. Setbacks:					
Front	"	§ 25-2-625 of LDC*	50'	15'	"
Rear	"	§ 25-2-625 of LDC*	20'	10'	"
Side (Interior)	"	§ 25-2-625 of LDC*	20'	5'	"
Side (Street)	"	§ 25-2-625 of LDC*	50'	15'	"
Max. Building Coverage	"	§ 25-2-625 of LDC*	25% of GFA	60% of GFA	"
Max. Density	"	§ 25-2-625 of LDC*		36-54 UPA	
Max. Impervious Cover**: Zoning Category		§ 25-2-625 of LDC*	60% of NSA	70% of NSA	"
LA Water Supply Sub. Watershed	"	§ 25-2-625 of LDC*	40% of NSA	40% of NSA	30% NSA for Single Family & Duplex Uses 40% of NSA for Commercial Uses
Max. # of Driveways	"	Determined at Site Plan	Determined at Site Plan	Determined at Site Plan	Determined at Site Plan
Min. Site Area	"	§ 25-2-625 of LDC*		800 Sq. Ft. for Efficiency Unit 1,000 Sq. Ft. for One Bedroom 1,200 for Two or More Bedrooms	
Open Space Requirements	"	§ 25-2-625 of LDC*		Min. 100 Sq. Ft. Per Unit	
Parking: Off-street parking	"	Chapter 25-6 & Appendix A of LDC, See Appendix D	Chapter 25-6 & Appendix A of LDC, See Appendix D	Chapter 25-6 & Appendix A of LDC, See Appendix D	Article 4; Subchapter E of LDC, See Appendix B
Design Standards	"	Sec. 25-2; Subchapter E of LDC, See Appendix B	Sec. 25-2; Subchapter E of LDC, See Appendix B	Sec. 25-2; Subchapter F of LDC, See Appendix C	Sec. 25-2; Subchapter E and F of LDC, See Appendices B & C
Permitted Land Uses	"	See Appendix 1	See Appendix 1	See Appendix 1	See Appendix 1
Capital View Corridor	Red Bud Trail	Red Bud Trail	Red Bud Trail	Red Bud Trail	Red Bud Trail

* § 25-2-625 Public (P) District Regulations

- (A) This section applies in a public (P) district, except for a community events use.
- (B) Entities described in Section 25-2-145 (Public (P) District Designation) must comply with the requirements of this section.
- (C) For a residential use, the site development regulations of the most comparable residential zoning district apply.
- (D) Except as provided in Subsection (E), this Subsection applies to non-residential use.
 - (1) For a site less than one acre, the site development regulations of an adjoining zoning district apply for a distance of 100 feet into the site. The minimum lot size requirement of an adjoining zoning district does not apply to a use by the City.
 - (2) For a site of one acre or more, the site development regulations are established by the approval of a conditional use site plan.
- (E) This subsection applies to a parks and recreation services (special) use.
 - (1) The minimum site area is 10 acres.
 - (2) Except for the requirement of Subsection (D)(1), the site development regulations are established by the approval of a conditional use site plan.
 - (3) Locations for the sale of beer or wine, if any, must be identified on the site plan.
 - (4) The Land Use Commission may not consider a site plan until it receives a recommendation from the Parks and Recreation Board.

PARK STREET TRACT - APPENDIX 1

√ = Permitted Use C = Conditional Use PC = Permitted In The District But May Be Conditional

All Uses	Uses Allowed Under Dev. Agreement	Uses Allowed Under Current Zoning (SF-3)	Uses Allowed Under Current Zoning (CS)	Uses Allowed Under (GR)	Uses Allowed Under (MF-3)	Uses Allowed Under (CS-MU)
RESIDENTIAL USES						
Bed & Breakfast (Group 1)	√	√	√	√	√	
Bed & Breakfast (Group 2)	√		√	√	√	
Condominium Residential	√				√	√
Duplex Residential	√	√			√	√
Group Residential	√				C	√
Mobile Home Residential						
Multifamily Residential	√				√	√
Retirement Housing (Small Site)	√	√			√	
Retirement Housing (Large Site)	√				C	
Single-Family Attached Residential	√	√			√	√
Single-Family Residential	√	√			√	√
Small Lot Single-Family Residential	√					
Townhouse Residential	√				√	√
Two-Family Residential	√	√			√	√
COMMERCIAL USES						
Administrative and Business Offices	√		√	√		√
Agricultural Sales and Services			√			√
Art Gallery	√		√	√		√
Art Workshop	√		√	√		√
Automotive Rentals			√	√		√
Automotive Repair Services			√	√		√
Automotive Sales	√		√	√		√
Automotive Washing (of any type)			√	√		√
Bail Bond Services	√		C	C		C
Building Maintenance Services			√			√
Business or Trade School	√		√	√		√
Business Support Services	√		√	√		√
Campground			√			√
Carriage Stable						
Cocktail Lounge	√					
Commercial Blood Plasma Center	√		C			C
Commercial Off-Street Parking	√		√	√		√
Communications Services	√		√	√		√
Construction Sales and Services			√			√
Consumer Convenience Services	√		√	√		√
Consumer Repair Services	√		√	√		√
Convenience Storage	√		√			√

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Drop-Off Recycling Collection Facility	√		√			√
Electronic Prototype Assembly	√		√			√
Electronic Testing	√		√			√
Equipment Repair Services			√			√
Equipment Sales			√			√
Exterminating Services			√	√		√
Financial Services	√		√	√		√
Food Preparation	√		√	C		√
Food Sales	√		√	√		√
Funeral Services			√	√		√
General Retail Sales (Convenience)	√		√	√		√
General Retail Sales (General)	√		√	√		√
Hotel-Motel	√		√	√		√
Indoor Entertainment	√		√	√		√
Indoor Sports and Recreation	√		√	√		√
Kennels			√			√
Laundry Services			√			√
Liquor Sales	√					
Marina	√					
Medical Offices -- exceeding 5000 sq. ft. GFA	√		√	√		√
Medical Offices -- not exceeding 5000 sq. ft. GFA	√		√	√		√
Monument Retail Sales			√			√
Off-Site Accessory Parking	√		√	√		√
Outdoor Entertainment	√		C	C		C
Outdoor Sports and Recreation	√		√	√		√
Pawn Shop Services			√	√		√
Personal Improvement Services	√		√	√		√
Personal Services	√		√	√		√
Pet Services			√	√		√
Plant Nursery	√		√	C		√
Printing and Publishing	√		√	√		√
Professional Office	√		√	√		√
Recreational Equipment Maint. & Stor.	√					
Recreational Equipment Sales	√					
Research Assembly Services	√					
Research Services	√		√	√		√
Research Testing Services	√					
Research Warehousing Services	√					
Restaurant (General)	√		√	√		√
Restaurant (Limited)	√		√	√		√
Scrap and Salvage						
Service Station			√	√		√
Software Development	√		√	√		√
Special Use Historic		C		C	C	
Stables						
Theater	√		√	√		√
Vehicle Storage	√		√			√

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Veterinary Services	√		√			√
INDUSTRIAL USES						
Basic Industry						
Custom Manufacturing	√		√	C		
General Warehousing and Distribution						
Light Manufacturing	√					
Limited Warehousing and Distribution			√			
Recycling Center	√					
Resource Extraction						
AGRICULTURAL USES						
Urban Farm				√	√	
All Other Agricultural Uses						
CIVIC USES						
Administrative Services	√					
Aviation Facilities						
Camp	√					
Cemetery						
Club or Lodge	√	C	C	C	C	C
College and University Facilities	√	C	√	√	C	√
Communication Service Facilities	√	√	√	√	√	√
Community Events	√					
Community Recreation (Private)	√	C	√	√	C	√
Community Recreation (Public)	√	C	√	√	C	√
Congregate Living	√		√	√	C	√
Convalescent Services	√				C	
Convention Center	√					
Counseling Services	√		√	√		√
Cultural Services	√	C	√	√	C	√
Day Care Services (Commercial)	√	C	√	√	C	√
Day Care Services (General)	√	C	√	√	√	√
Day Care Services (Limited)	√	√	√	√	√	√
Detention Facilities						
Employee Recreation	√					
Family Home	√	√	√	√	√	√
Group Home, Class I (General)	√	C	√	√	√	√
Group Home, Class I (Limited)	√	√	√	√	√	√
Group Home, Class II	√		√	√	C	√
Guidance Services	√		√	√		√
Hospital Services (General)			C	C		C
Hospital Services (Limited)	√		√	√		√
Local Utility Services	√	C	√	√	C	√
Maintenance and Service Facilities			√			√
Major Public Facilities	√					
Major Utility Facilities	√					
Military Installations	√					
Park and Recreation Services (General)	√					

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Park and Recreation Services (Special)	√					
Postal Facilities	√					
Private Primary Educational Facilities	√	C	√	√	C	√
Private Secondary Educational Facilities	√	C	√	√	C	√
Public Primary Educational Facilities	√	√	√	√	√	√
Public Secondary Educational Facilities	√	√	√	√	√	√
Railroad Facilities						
Religious Assembly	√	√	√	√	√	√
Residential Treatment	√		√	√	C	√
Safety Services	√	C	√	√	C	√
Telecommunication Tower	√	PC	PC	PC	PC	PC
Transitional Housing			C			C
Transportation Terminal	√		C			C
All other Civic Uses						

PARK STREET TRACT

REGULATIONS	BRACKENRIDGE TRACT DEVELOPMENT AGREEMENT	CURRENT ZONING		COMPARABLE ZONING DESIGNATIONS		
		Family Residence (SF-3) ***	Commercial Services (CS)	Comparable Zoning w/ Existing Development	Comparable Zoning w/ Residential Development	Comparable Zoning w/ Mixed Use Development
Provision/Zoning District	Section 7.2	Community Commercial (GR)	Multifamily Medium Density (MF-3)	Commercial Services Mixed Use (CS-MU)		
Min. Lot Size	none	5,750 SF ***	5,750 SF	5,750 SF	8,000 SF	Article 4; Subchapter E of LDC, See Appendix B
Min. Lot Width	none	50' ***	50'	50'	50'	"
Max. Floor to Area Ratio	0.45:1.0		2.0:1.0	1.0:1.0	0.75:1.0	"
Max. Height	65' (5 stories)	35' ***	60'	60'	40'	"
Min. Setbacks:						"
Front	35' (Lake Austin Blvd.)	25' ***	10'	10'	25'	"
Rear	10' (Golf Course Tract)	10' ***	none	none	10'	"
Side (Interior)	none	5' ***	none	none	5'	"
Side (Street)	25' for residential uses (Enfield) - 50' commercial *	15' ***	10'	10'	15'	"
Max. Building Coverage	50% of GA	40% of GFA ***	95% of GFA	75% of GFA	55% of GFA	"
Max. Density					Up to 36 UPA	
Max. Impervious Cover** Zoning Category		45% of NSA ***	95% of NSA	90% of NSA	65% of NSA	"
LA Water Supply Sub. Watershed	80% of GA (Under Development Agreement)	30% of NSA ***	40% of NSA	40% of NSA	40% of NSA	30% NSA for Single Family & Duplex Uses 40% of NSA for Commercial Uses
Max. # of Driveways	3 (Lake Austin Blvd.) 1 (Enfield)***	Determined at Site Plan	Determined at Site Plan	Determined at Site Plan	Determined at Site Plan	Determined at Site Plan
Min. Site Area					1,200 Sq. Ft. for Efficiency 1,500 Sq. Ft. for One Bedroom 1,800 Sq. Ft. for Two or More Bedrooms	
Open Space Requirements					Min. 150 Sq. Ft. Per Unit	
Parking: Off-street parking	See Appendix E	2 spaces per dwelling unit (min.)	Chapter 25-6 & Appendix A of LDC, See Appendix D	Chapter 25-6 & Appendix A of LDC, See Appendix D	Chapter 25-6 & Appendix A of LDC, See Appendix D	Article 4; Subchapter E of LDC, See Appendix B
Design Standards	none	Sec. 25-2; Subchapter F of LDC, See Appendix C	Sec. 25-2; Subchapter E of LDC, See Appendix B	Sec. 25-2; Subchapter E of LDC, See Appendix B	Sec. 25-2; Subchapter F of LDC, See Appendix C	Sec. 25-2; Subchapter E and F of LDC, See Appendices B & C
Permitted Land Uses	See Appendix 1	See Appendix 1	See Appendix 1	See Appendix 1	See Appendix 1	See Appendix 1

* As applicable only to a 50 foot Building Setback Line along Enfield Road, the first 25 feet from Enfield Road shall have landscape and screening; it may also contain sidewalks and privacy fences. The area between 25 feet and 50 feet from Enfield Road may contain surface parking. The entire 50 foot building setback area may be used for recreational purposes. The requirements of this Section 7.2.d. are not applicable to the area contained within a 25 foot Building Setback Line for residential.

** Most restrictive max. impervious cover limitation applies

*** One driveway shall be permitted along Enfield Road, if the driveway is required for safety purposes, provided, however, that single family and duplex lots may each have one driveway onto Enfield Road.

*** Subject to additional development regulations pursuant to Sec 25-2; Subchapter E (Residential Design and Compatibility Standards) of the LDC

Additional Development Agreement Regulations:

1. Non-residential development shall be oriented away from Enfield Road;
2. Development for multifamily use shall be limited to a maximum of 22 units per acre.

SAFeway TRACT - APPENDIX 1

√ = Permitted Use C = Conditional Use PC = Permitted In The District But May Be Conditional

All Uses	Uses Allowed Under Dev. Agreement	Uses Allowed Under Current Zoning (LO)	Uses Allowed Under (GR)	Uses Allowed Under (MF-3)	Uses Allowed Under (CS-MU)
RESIDENTIAL USES					
Bed & Breakfast (Group 1)	√	√	√	√	
Bed & Breakfast (Group 2)	√	√	√	√	
Condominium Residential	√			√	√
Duplex Residential	√			√	√
Group Residential				C	√
Mobile Home Residential					
Multifamily Residential	√			√	√
Retirement Housing (Small Site)	√			√	
Retirement Housing (Large Site)	√			C	
Single-Family Attached Residential	√			√	√
Single-Family Residential	√			√	√
Small Lot Single-Family Residential	√				
Townhouse Residential	√			√	√
Two-Family Residential	√			√	√
COMMERCIAL USES					
Administrative and Business Offices	√	√	√		√
Agricultural Sales and Services					√
Art Gallery	√	√	√		√
Art Workshop	√	√	√		√
Automotive Rentals			√		√
Automotive Repair Services	√		√		√
Automotive Sales	√		√		√
Automotive Washing (of any type)	√		√		√
Bail Bond Services	√		C		C
Building Maintenance Services					√
Business or Trade School	√		√		√
Business Support Services	√		√		√
Campground					√
Carriage Stable					
Cocktail Lounge	√				
Commercial Blood Plasma Center	√				C
Commercial Off-Street Parking	√		√		√
Communications Services	√	√	√		√
Construction Sales and Services					√
Consumer Convenience Services	√		√		√
Consumer Repair Services	√		√		√
Convenience Storage					√
Drop-Off Recycling Collection Facility	√				√
Electronic Prototype Assembly	√				√
Electronic Testing	√				√
Equipment Repair Services					√
Equipment Sales					√
Exterminating Services			√		√
Financial Services	√		√		√
Food Preparation	√		C		√
Food Sales	√		√		√
Funeral Services			√		√
General Retail Sales (Convenience)	√		√		√
General Retail Sales (General)	√		√		√
Hotel-Motel	√		√		√

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Indoor Entertainment	√		√		√
Indoor Sports and Recreation	√		√		√
Kennels					√
Laundry Services					√
Liquor Sales	√				
Marina					
Medical Offices -- exceeding 5000 sq. ft. gross floor area	√	√	√		√
Medical Offices -- not exceeding 5000 sq. ft. gross floor area	√	√	√		√
Monument Retail Sales					√
Off-Site Accessory Parking	√		√		√
Outdoor Entertainment	√		C		C
Outdoor Sports and Recreation	√		√		√
Pawn Shop Services			√		√
Personal Improvement Services	√		√		√
Personal Services	√		√		√
Pet Services	√		√		√
Plant Nursery	√		C		√
Printing and Publishing	√		√		√
Professional Office	√	√	√		√
Recreational Equipment Maint. & Stor.					
Recreational Equipment Sales	√				
Research Assembly Services	√				
Research Services	√		√		√
Research Testing Services	√				
Research Warehousing Services	√				
Restaurant (General)	√		√		√
Restaurant (Limited)	√		√		√
Scrap and Salvage					
Service Station	√		√		√
Software Development	√	√	√		√
Special Use Historic		C	C	C	
Stables					
Theater	√		√		√
Vehicle Storage					√
Veterinary Services	√				√
INDUSTRIAL USES					
Basic Industry					
Custom Manufacturing	√		C		
General Warehousing and Distribution					
Light Manufacturing	√				
Limited Warehousing and Distribution					
Recycling Center	√				
Resource Extraction					
AGRICULTURAL USES					
Urban Farm		√	√	√	
All Other Agricultural Uses					
CIVIC USES					
Administrative Services	√				
Aviation Facilities					
Camp	√				
Cemetery					
Club or Lodge	√	C	C	C	C

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College and University Facilities	√	C	√	C	√
Communication Service Facilities	√	√	√	√	√
Community Events	√				
Community Recreation (Private)	√	C	√	C	√
Community Recreation (Public)	√	C	√	C	√
Congregate Living	√	C	√	C	√
Convalescent Services	√	√		C	
Convention Center	√				
Counseling Services	√	√	√		√
Cultural Services	√	√	√	C	√
Day Care Services (Commercial)	√	√	√	C	√
Day Care Services (General)	√	√	√	√	√
Day Care Services (Limited)	√	√	√	√	√
Detention Facilities					
Employee Recreation	√				
Family Home	√	√	√	√	√
Group Home, Class I (General)	√	√	√	√	√
Group Home, Class I (Limited)	√	√	√	√	√
Group Home, Class II	√	C	√	C	√
Guidance Services	√		√		√
Hospital Services (General)			C		C
Hospital Services (Limited)	√	C	√		√
Local Utility Services	√	√	√	C	√
Maintenance and Service Facilities					√
Major Public Facilities	√				
Major Utility Facilities					
Military Installations	√				
Park and Recreation Services (General)	√				
Park and Recreation Services (Special)	√				
Postal Facilities	√				
Private Primary Educational Facilities	√	√	√	C	√
Private Secondary Educational Facilities	√	C	√	C	√
Public Primary Educational Facilities	√	√	√	√	√
Public Secondary Educational Facilities		√	√	√	√
Railroad Facilities					
Religious Assembly	√	√	√	√	√
Residential Treatment	√	C	√	C	√
Safety Services	√	√	√	C	√
Telecommunication Tower	√	PC	PC	PC	PC
Transitional Housing					C
Transportation Terminal	√				C
All other Civic Uses					

SAFeway TRACT

REGULATIONS	BRACKENRIDGE TRACT DEVELOPMENT AGREEMENT	CURRENT ZONING	COMPARABLE ZONING DESIGNATIONS		
			Comparable Zoning w/ Existing Development	Comparable Zoning w/ Residential Development	Comparable Zoning w/ Mixed Use Development
Provision/Zoning District	Section 7.3	Limited Office (LO)	Community Commercial (GR)	Multifamily (MF-3)	Commercial Services (CS-MU)
Min. Lot Size	none	5,750 SF	5,750 SF	8,000 SF	Article 4; Subchapter E of LDC, See Appendix B
Min. Lot Width	none	50'	50'	50'	"
Max. Floor to Area Ratio	0.45:1.0	0.7:1.0	1.0:1.0	0.75:1.0	"
Max. Height	40' or (3 stories)	40' or (3 stories)	60'	40'	"
Min. Setbacks:					"
Front	35' (Lake Austin Blvd.)	25'	10'	25'	"
Rear	25' (West 8th St.)	5'	none	10'	"
Side (Interior)	25' (Newman St.)	5'	none	5'	"
Side (Street)	15' (Exposition Blvd.)	15'	10'	15'	"
Max. Building Coverage	50% of GA	50% of GFA	75% of GFA	55% of GFA	"
Max. Density				Up to 36 UPA	
Max. Impervious Cover*: Zoning Category		70% of NSA	90% of NSA	65% of NSA	"
LA Water Supply Sub. Watershed	90% of GA (Under Development Agreement)	40% of NSA	40% of NSA	40% of NSA	30% NSA for Single Family & Duplex Uses 40% of NSA for Commercial Uses
Max. # of Driveways	2 (Lake Austin) 1 (Newman Drive) 2 (Exposition Blvd.)	Determined at Site Plan	Determined at Site Plan	Determined at Site Plan	Determined at Site Plan
Min. Site Area				1,200 Sq. Ft. for Efficiency 1,500 Sq. Ft. for One Bedroom 1,800 Sq. Ft. for Two or More Bedrooms	
Open Space Requirements				Min. 150 Sq. Ft.	
Parking: Off-street parking	See Appendix E	Chapter 25-6 & Appendix A of LDC, See Appendix D	Chapter 25-6 & Appendix A of LDC, See Appendix D	Chapter 25-6 & Appendix A of LDC, See Appendix D	Article 4; Subchapter E of LDC, See Appendix B
Design Standards	none	Sec. 25-2; Subchapter E of LDC, See Appendix B	Sec. 25-2; Subchapter E of LDC, See Appendix B	Sec. 25-2; Subchapter F of LDC, See Appendix C	Sec. 25-2; Subchapter E and F of LDC, See Appendices B & C
Permitted Land Uses	See Appendix 1	See Appendix 1	See Appendix 1	See Appendix 1	See Appendix 1

* Most restrictive max. impervious cover limitation applies

TOWN LAKE TRACTS - APPENDIX 1

√ = Permitted Use C = Conditional Use PC = Permitted In The District But May Be Conditional

All Uses	Uses Allowed Under Dev. Agreement	Uses Allowed Under Current Zoning (SF-3)	Uses Allowed Under (MF-3)	Uses Allowed Under (MF-4)	Uses Allowed Under (CS-MU)
RESIDENTIAL USES					
Bed & Breakfast (Group 1)	√	√	√	√	
Bed & Breakfast (Group 2)	√		√	√	
Condominium Residential	√		√	√	√
Duplex Residential	√	√	√	√	√
Group Residential	√		C	√	√
Mobile Home Residential					
Multifamily Residential	√		√	√	√
Retirement Housing (Small Site)	√	√	√	√	
Retirement Housing (Large Site)	√		C	C	
Single-Family Attached Residential	√	√	√	√	√
Single-Family Residential	√	√	√	√	√
Small Lot Single-Family Residential	√				
Townhouse Residential	√		√	√	√
Two-Family Residential	√	√	√	√	√
COMMERCIAL USES					
Administrative and Business Offices	√				√
Agricultural Sales and Services					√
Art Gallery	√				√
Art Workshop	√				√
Automotive Rentals	√				√
Automotive Repair Services	√				√
Automotive Sales	√				√
Automotive Washing (of any type)	√				√
Bail Bond Services	√				C
Building Maintenance Services					√
Business or Trade School	√				√
Business Support Services	√				√
Campground					√
Carriage Stable					
Cocktail Lounge	√				
Commercial Blood Plasma Center	√				C
Commercial Off-Street Parking	√				√
Communications Services	√				√
Construction Sales and Services					√
Consumer Convenience Services	√				√
Consumer Repair Services	√				√
Convenience Storage					√
Drop-Off Recycling Collection Facility	√				√
Electronic Prototype Assembly	√				√
Electronic Testing	√				√
Equipment Repair Services					√
Equipment Sales					√
Exterminating Services					√
Financial Services	√				√
Food Preparation	√				√
Food Sales	√				√
Funeral Services					√
General Retail Sales (Convenience)	√				√
General Retail Sales (General)	√				√
Hotel-Motel	√				√
Indoor Entertainment	√				√

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Indoor Sports and Recreation	√				√
Kennels					√
Laundry Services					√
Liquor Sales	√				
Marina	√				
Medical Offices -- exceeding 5000 sq. ft. GFA	√				√
Medical Offices -- not exceeding 5000 sq. ft. GFA	√				√
Monument Retail Sales					√
Off-Site Accessory Parking	√				√
Outdoor Entertainment	√				C
Outdoor Sports and Recreation	√				√
Pawn Shop Services					√
Personal Improvement Services	√				√
Personal Services	√				√
Pet Services					√
Plant Nursery	√				√
Printing and Publishing	√				√
Professional Office	√				√
Recreational Equipment Maint. & Stor.	√				
Recreational Equipment Sales	√				
Research Assembly Services	√				
Research Services	√				√
Research Testing Services	√				
Research Warehousing Services	√				
Restaurant (General)	√				√
Restaurant (Limited)	√				√
Scrap and Salvage					
Service Station					√
Software Development	√				√
Special Use Historic		C	C	C	
Stables					
Theater	√				√
Vehicle Storage	√				√
Veterinary Services	√				√
INDUSTRIAL USES					
Basic Industry					
Custom Manufacturing	√				
General Warehousing and Distribution					
Light Manufacturing	√				
Limited Warehousing and Distribution					
Recycling Center	√				
Resource Extraction					
AGRICULTURAL USES					
Urban Farm			√	√	
All Other Agricultural Uses					
CIVIC USES					
Administrative Services	√				
Aviation Facilities					
Camp	√				
Cemetery					
Club or Lodge	√	C	C	C	C
College and University Facilities	√	C	C	C	√
Communication Service Facilities	√	√	√	√	√
Community Events	√				
Community Recreation (Private)	√	C	C	C	√

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Community Recreation (Public)	√	C	C	C	√
Congregate Living	√		C	C	√
Convalescent Services	√		C	C	
Convention Center	√				
Counseling Services	√				√
Cultural Services	√	C	C	C	√
Day Care Services (Commercial)	√	C	C	C	√
Day Care Services (General)	√	C	√	√	√
Day Care Services (Limited)	√	√	√	√	√
Detention Facilities					
Employee Recreation	√				
Family Home	√	√	√	√	√
Group Home, Class I (General)	√	C	√	√	√
Group Home, Class I (Limited)	√	√	√	√	√
Group Home, Class II	√		C	C	√
Guidance Services	√				√
Hospital Services (General)					C
Hospital Services (Limited)	√			C	√
Local Utility Services	√	C	C	C	√
Maintenance and Service Facilities					√
Major Public Facilities	√				
Major Utility Facilities	√				
Military Installations	√				
Park and Recreation Services (General)	√				
Park and Recreation Services (Special)	√				
Postal Facilities	√				
Private Primary Educational Facilities	√	C	C	C	√
Private Secondary Educational Facilities	√	C	C	C	√
Public Primary Educational Facilities	√	√	√	√	√
Public Secondary Educational Facilities	√	√	√	√	√
Railroad Facilities					
Religious Assembly	√	√	√	√	√
Residential Treatment	√		C	C	√
Safety Services	√	C	C	C	√
Telecommunication Tower	√	PC	PC	PC	PC
Transitional Housing					C
Transportation Terminal	√				C
All other Civic Uses					

in the landmark commission minutes a report of such review and take appropriate action on any amendments to the plan deemed necessary. Prior to presenting the preservation plan, or any amendment thereto, to the planning commission, the landmark commission shall hold a public hearing on the preservation plan or the amendment thereto.

(c) The landmark commission shall recommend to the city planning commission, ordinances designating certain buildings, structures, sites, districts, areas and lands in the city as historic landmarks. The landmark commission shall hold a public hearing on all proposed ordinances and the owner of any land included in the proposed ordinance shall be given at least ten (10) days' written notice of the public hearing.

(d) Any owner of property may request from the landmark commission a decision on whether the landmark commission intends to recommend to the planning commission that said property be designated "H." The landmark commission shall render a decision on the owner's request within ninety (90) days after the request is made.

(e) If the landmark commission finds that buildings, structures, sites, districts, lands or areas cannot be preserved without acquisition, the landmark commission shall recommend to the city council that the fee or a lesser interest of the property in question be acquired by gift, devise, purchase, eminent domain or otherwise, pursuant to the City Charter and state and federal law.

(f) Where there are conditions under which the required preservation of a historic landmark would cause undue hardship on the owner or owners, use district changes may be recommended by the landmark commission.

(g) The designation of a historic landmark may be amended or removed using the same procedure provided in this article for the original designation.

(h) The landmark commission shall provide information and counseling to owners of

designated historic landmarks. (Code 1967, § 45-47; Ord. No. 740307-A, pt. 1)

Secs. 13-2-178—13-2-190. Reserved.

ARTICLE VI. PRINCIPAL ROADWAY AREAS

Sec. 13-2-191. Definition.

(a) A "principal roadway area" shall be defined as that area of land lying within two hundred (200) feet and on each side of the right-of-way of a "principal roadway" as defined by subsection (b) below. Provided, however:

- (1) That the right-of-way for an interchange, crossover or intersection with a principal roadway shall be deemed part of the right-of-way of the principal roadway. For the purposes of this article, the right-of-way for an interchange, crossover or intersection with a principal roadway shall be considered as extending a distance of one hundred fifty (150) feet from the center line of the principal roadway proper or to the limit of state maintenance, whichever is greater.
- (2) That if any portion of a tract of land falls within a principal roadway area, as defined above, then such entire tract shall be deemed within the principal roadway area to the extent that such tract lies within the corporate limits of the city.

(b) The following roadways located within the corporate limits of the city shall be designated as "principal roadways" for the purposes of this chapter:

- (1) Airport Boulevard
- (2) Barton Springs Road
- (3) Ben White Boulevard (State Highway 71/U.S. 290)
- (4) Braker Lane
- (5) Brodie Lane
- (6) Cameron Lane
- (7) Camp Ben McCullough Road
- (8) Dessau Road

- (9) Howard Lane
- (10) Lake Austin Boulevard
- (11) MoPac Boulevard (Loop 1)
- (12) North Bluff
- (13) Parmer Lane
- (14) Riverside Drive
- (15) Slaughter Lane
- (16) Spicewood Springs Road between MoPac and 360
- (17) Wells Branch Parkway
- (18) William Cannon Drive
- (19) FM 826
- (20) FM 969
- (21) FM 973
- (22) FM 1325
- (23) FM 1327
- (24) I.H. 35
- (25) RM 620
- (26) RM 2222, west of MoPac only
- (27) Loop 360
- (28) RM 2244
- (29) S. H. 71 East
- (30) S.H. 71 West
- (31) U.S. 183 (Research Boulevard/Ed Bluestein Boulevard/Lockhart Highway)
- (32) U.S. 290 East
- (33) U.S. 290 West
- (34) West First Street

(c) The following principal roadways shall further be designated as "scenic arterials" for the purposes of this chapter:

- (1) Loop 360 (Capital of Texas Highway)
- (2) MoPac Boulevard (Loop 1)
- (3) R.M. 2222 (West of MoPac only)
- (4) R.M. 620

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- (5) R.M. 2244
- (6) Barton Springs Road
(Code 1967, § 45-57; Ord. No. 801120-Y, pt. 1; Ord. No. 820805-S, pt. 1; Ord. No. 841129-T, pt. 1)

Sec. 13-2-192. Compliance with special requirements; site plans.

(a) Unless otherwise provided by this article, in a principal roadway area, notwithstanding the use district or interim zoning classification, no building or land shall be used and no building shall be erected or structurally altered in violation of this article. The provisions of this article shall apply in addition to the other requirements of this Code. In case of conflict therewith, the provisions of this article shall govern; provided, however, that this article shall not apply to single-family or duplex residence uses.

(b) In a principal roadway area, the following shall require site plan approval by the planning commission:

- (1) Applications for zoning or rezoning; provided, however, that this subsection shall not apply to applications for zoning or rezoning initiated by the city.
- (2) Applications for special permits.

In cases of zoning or rezoning, such site plan approval must be obtained prior to passage of the ordinance zoning or rezoning the property and the approved site plan shall be made a part of such ordinance; provided, however, that either the planning commission or city council may require that the site plan be submitted for review at its public hearing of the zoning case if such information is deemed necessary to making a decision in such case. Provided, however, that an application consisting of a tract of land which falls within a principal roadway area, but which has no direct access or frontage on a principal roadway, shall not require site plan review, although such an application must comply with sections 13-2-193 and 13-2-194 of this article.

(c) In a principal roadway area, the following shall require site plan approval by the planning department, building inspection department and urban transportation department:

side yard landscaped area between such tracts shall also conform to the requirements set out in Table 1 below.

~~Sec. 13-2-194. Signs.~~

~~Unless otherwise provided by this article, signs in a principal roadway area, notwithstanding the use district or interim zoning classification, in~~

TABLE 1

<i>Use District</i>	<i>Minimum Width of Landscaped Area (feet)</i>
"A-2," "BB"	10
"B," "O," "O-1"	15
"LR," "GR," "C," "C-1," "C-2"	25
"DL" or less restrictive	50

(c) Provided, however, that with the approval of the planning commission and city council, the rear yard and side yard landscaping required by subsection (b) above may conform to the requirements set out in Table 2 below.

TABLE 2

<i>Use District</i>	<i>Minimum Width of Landscaped Area (feet)</i>	<i>Average Width of Landscaped Area (feet)</i>
"A-2," "BB"	5	10
"B," "O," "O-1"	10	15
"LR," "GR," "C," "DL" or less restrictive	15	25
	30	50

The total area of required landscaping along each common boundary shall be equivalent to the length of the boundary line times the average width of landscaping shown above. The minimum width of such landscaping shall apply at any given point along the boundary line.

(d) Notwithstanding any of the foregoing, the above requirements of this section shall be adjusted consistently with the actual distance between the pertinent abutting property line and construction existing on the ground prior to December 1, 1980, or prior to the annexation of the subject property into the corporate limits of the city, where such actual distance is less than the width otherwise required above. Such adjusted width shall be deemed as conforming with this section. (Code 1967, § 45-59; Ord. No. 801120-Y, pt. 1; Ord. No. 820408-J, pt. 2)

(7) The location and size of the proposed landscaped areas and a description of the type of landscaping to be used therein.

(e) When any other provision of this chapter requires a site plan for development of an area which is also subject to this article, the site plan shall contain the information required by such other provision of this chapter in addition to the information required by subsection (d), above.

(f) The planning commission or authorized departments, as applicable, shall approve a site plan which complies with the requirements of subsections (d) and (e), above, and which reflects compliance with the other provisions of this article.

Site plan approval shall be certified by the official signature of the director of planning or his designee. No permits shall be issued prior to such time.

Approval of the site plan under this subsection shall be for the purposes of this article only and does not constitute approval or waiver by the city of any other applicable provisions of this Code or applicable city ordinances; nor shall this subsection be construed as limiting the otherwise lawful exercise of judgment or discretion by the planning commission in recommending approval or denial of a zoning change or in granting or denying a special permit.

(g) Any applicant who is aggrieved by a decision of any of the authorized departments to disapprove a site plan required by subsection (c) above, may, within ten (10) days after receipt of notice of such departmental decision, appeal such decision to the planning commission by filing written notice thereof with the director of planning. The site plan shall then be reviewed by the planning commission on its earliest available regular meeting date. The planning commission shall approve the site plan for the purposes of this article if it finds that such site plan complies with all requirements made applicable by this article.

(h) Any applicant or other interested party, as defined below, who is aggrieved by a decision of the planning commission to approve or disapprove a site plan required by this article may, within ten (10) days after such decision, appeal such decision to the city council by filing written notice

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thereof with the city clerk. An interested party for the purposes of this subsection shall mean a person residing or owning real property within three hundred (300) feet of the property which is the subject of the site plan review.

It is not the intent of this subsection to provide a right of appeal from a decision of the planning commission in recommending approval or denial of a zoning change or from a decision of the planning commission to grant or deny a special permit. Nor is it the intent of this subsection to abrogate any existing rights of appeal from such decisions which may otherwise be provided by law. The right of appeal provided by this subsection pertains to the sole issue of whether the site plan complies with the requirements made applicable by this article. The city council shall approve the site plan for the purposes of this article if it finds that such site plan complies with all requirements made applicable by this article. However, nothing herein shall be construed as limiting the otherwise lawful exercise of judgment or discretion by the city council in granting or denying a zoning change or in granting or denying a special permit.

(i) The site plan as finally approved may be adjusted or altered subsequently when such modification is required by provisions of city ordinances or state statutes which are more restrictive than the approved site plan, or when the developer deems a revision in the site plan will provide more appropriate development of the site; provided, that such modification is consistent with the provisions of this article and, in the case of planning commission or city council approved site plans, is consistent with the intent of the planning commission and/or city council, as applicable. An application for such proposed modification shall be presented in writing to the building inspector, and if written specifications are inadequate to describe the proposed modification, a supplementary site plan shall be submitted with the application for modification. Such application and site plan shall be forwarded by the building inspector to the directors of planning and urban transportation who, within five (5) working days after receipt thereof, shall jointly furnish the building inspector a decision, in writing, either approving the proposed modification, or approving the modi-

fication subject to specific conditions and safeguards, or advising the building inspector that the proposed modification exceeds the scope of this subsection. If the proposed modification is approved by the directors of planning and urban transportation, the building inspector shall make necessary adjustments in construction permits and shall authorize the holder of the permit to alter construction accordingly. If the building inspector is advised by the directors of planning and urban transportation that the proposed modification exceeds the scope of this subsection, then the matter shall be referred to the planning commission and/or city council, as applicable, for consideration after due notice. (Code 1967, § 45-58; Ord. No. 801120-Y, pt. 1; Ord. No. 820408-J, pt. 1)

Sec. 13-2-193. Landscaping requirements.

(a) Unless otherwise provided by this article, landscaping in a principal roadway area shall comply with this section as well as with other landscaping requirements imposed by this Code.

(b) Where a tract lies within an "A-2" residence or less restrictive use district, and where the rear yard abuts a tract with (1) single-family residential or duplex residential uses, or (2) an "A" residence or more restrictive use district that extends fifty (50) feet or more from the common boundary, the rear yard landscaped area between such tracts shall conform to the requirements set out in Table 1 below.

Where a tract lies within an "A-2" or less restrictive use district, and where the side yard abuts a tract with (1) single-family residential or duplex residential uses, and (2) an "A" residence or more restrictive use district, that extends fifty (50) feet or more from the common boundary, the side yard landscaped area between such tracts shall also conform to the requirements set out in Table 1 below.

TABLE 1

<i>Use District</i>	<i>Minimum Width of Landscaped Area (feet)</i>
"A-2," "BB"	10
"B," "O," "O-1"	15
"LR," "GR," "C," "C-1," "C-2"	25
"DL" or less restrictive.	50

(c) Provided, however, that with the approval of the planning commission and city council, the rear yard and side yard landscaping required by subsection (b) above may conform to the requirements set out in Table 2 below.

TABLE 2

<i>Use District</i>	<i>Minimum Width of Landscaped Area (feet)</i>	<i>Average Width of Landscaped Area (feet)</i>
"A-2," "BB"	5	10
"B," "O," "O-1"	10	15
"LR," "GR," "C,"	15	25
"DL" or less restrictive	30	50

The total area of required landscaping along each common boundary shall be equivalent to the length of the boundary line times the average width of landscaping shown above. The minimum width of such landscaping shall apply at any given point along the boundary line.

(d) Notwithstanding any of the foregoing, the above requirements of this section shall be adjusted consistently with the actual distance between the pertinent abutting property line and construction existing on the ground prior to December 1, 1980, or prior to the annexation of the subject property into the corporate limits of the city, where such actual distance is less than the width otherwise required above. Such adjusted width shall be deemed as conforming with this section. (Code 1967, § 45-59; Ord. No. 801120-Y, pt. 1; Ord. No. 820408-J, pt. 2)

Sec. 13-2-194. Signs.

Unless otherwise provided by this article, signs in a principal roadway area, notwithstanding the use district or interim zoning classification, in

addition to other requirements imposed by this Code, shall meet the following requirements:

- (a) Freestanding on-premise business and property identification shall be restricted to a single freestanding sign per lot, parcel or tract.
- (b) Adjacent businesses located on individual lots may use the option of combining multiple individual freestanding signs into a single freestanding business sign. Such signs may be placed in any use district that allows freestanding signs, notwithstanding their partially off-premise character.
- (c) Off-premise signs and billboards may not be erected closer than one thousand (1,000) feet apart on the same side of the road. However, these spacing requirements do not apply to signs separated by buildings, natural surroundings, or other obstructions which cause only one sign located within the specified spacing to be visible at one time from one location.
- (d) On those roadways designated as scenic arterials on the principal roadway designation map, signs shall meet the following requirements:
 - (1) No off-premise signs or billboards within two hundred (200) feet of the right-of-way shall be permitted.
 - (2) No on-premise signs within two hundred (200) feet of the right-of-way shall be permitted except for berm signs as outlined under subsection (d) (3), below and signs placed flatwise against a building not to exceed seventy (70) per cent of the total surface area permitted other on-premise signs elsewhere in the city in the same use district. No facade sign shall exceed the roof line of the building and no flashing or intermittently lighted signs shall be allowed.
 - (3) Berm signs shall be allowed; provided, however, that there is only one berm sign per lot, parcel or tract, the maximum allowed height does not exceed the square root of the distance from the main travelled way of the principal roadway, and the maximum allowed size does not ex-

ceed seven-tenths square feet for every foot of frontage along the principal roadway, with a maximum size of two hundred fifty (250) square feet allowed. Flashing or intermittently lighted berm signs shall be prohibited. (Code 1967, § 45-60; Ord. No. 801120-Y, pt. 1; Ord. No. 820408-J, pt. 3)

Sec. 13-2-195. Provisions for access and egress.

Unless otherwise provided by this article, provisions for access and egress in a principal roadway area, notwithstanding the use district or interim zoning classification, in addition to other requirements imposed by this Code, shall meet the following requirements:

- (a) Minimum distance between driveways must be two hundred (200) feet, unless precluded by the location of existing driveways on adjacent properties or unless recommended by the director of urban transportation department and approved by the planning commission.
- (b) When a tract requires site plan approval under this article existing nonconforming driveways must be brought up to city standards, including driveway closing and curb construction where appropriate.
- (c) Designated principal roadways which are without access roads must comply with these additional requirements:
 - (1) Right turn acceleration/deceleration lanes must be provided at each driveway which has an average daily volume of more than one thousand (1,000) vehicles into each driveway and an average inbound peak hour volume of fifty (50) right turns or more. The design of the right turn lane must be approved by the director of urban transportation.
 - (2) A continuous right turn lane may be required for adjacent properties where it is anticipated that the need for right turn acceleration/deceleration lane meets the criteria outline in (1), above. The design must be approved by the director of urban

transportation department. (Code 1967, § 45-61; Ord. No. 801120-Y, pt. 1; Ord. No. 820408-J, pt. 4)

Sec. 13-2-196. Application to existing uses.

Unless otherwise specifically provided by this Code, uses lawfully existing in a principal roadway area prior to December 1, 1980, or prior to annexation into the corporate limits of the city may be continued though not in conformance with the detailed requirements of this article. Such uses shall be considered lawfully nonconforming as to this article. However, such nonconformity shall not be expanded. A nonconformity as to this article shall not be deemed to make an otherwise conforming use or property nonconforming for purposes other than the purposes of this article. (Ord. No. 820408-J, pt. 5)

Secs. 13-2-197-13-2-210. Reserved.

ARTICLE VII. SEXUALLY ORIENTED COMMERCIAL ESTABLISHMENTS

Sec. 13-2-211. Findings and objectives.

The city council finds:

- (1) That the business establishments herein regulated (adult book stores, adult film stores, adult peep shows, adult motion picture theatres and massage parlors) because of their very nature have serious objectionable operational characteristics and when several of them are concentrated under certain circumstances the result is a deleterious effect on both the area in which they are located or adjacent areas. The special regulations contained herein pertaining to these business establishments are necessary to insure that these adverse effects will not contribute to the blighting or downgrading of the neighborhood in which these businesses are located or of adjacent neighborhoods.
- (2) That the regulations contained herein neither have the purpose nor effect of imposing any content limitation on those

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who produce adult books, films or photographs or their ability to make them available to whom they desire and that these regulations neither have the purpose nor effect of restricting in any way the purpose or viewing of these materials by those who desire to view them.

- (3) That these regulations will not significantly affect any person's ability to engage in the businesses herein regulated and will not significantly affect any person's ability to frequent any of the businesses herein regulated because within the city there are sufficient business locations and/or buildings which are lawfully and reasonably available to accommodate any demand which exists for these businesses. (Code 1967, § 45-62; Ord. No. 810108-B, pt. 1)

Sec. 13-2-212. Definitions.

For the purposes of this article, the following terms shall have the meanings respectively ascribed to them by this section:

Adult book store: An establishment having as one of its principal business purposes, the selling of a stock in trade consisting of books, magazines, periodicals and/or other printed materials which are characterized by their emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas (as defined below).

Adult film store: An establishment having as one of its principal business purposes the selling of a stock in trade consisting of films and/or photographs which are characterized by their emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas (as defined below).

Adult motion picture theatre: An establishment having as its principal business purpose the showing of films characterized by an emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas (as defined below) to patrons therein.

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TOWN LAKE TRACTS					
REGULATIONS	BRACKENRIDGE TRACT DEVELOPMENT AGREEMENT	CURRENT ZONING	COMPARABLE ZONING DESIGNATIONS		
			Comparable Zoning w/ Existing Development	Comparable Zoning w/ Residential Development	Comparable Zoning w/ Mixed Use Development
Provision/Zoning District	7.5	Family Residence (SF-3) ****	Multifamily Medium Density (MF-3)	Multifamily Medium Density (MF-4)	Commercial Services Mixed Use (CS-MU)
Min. Lot Size	none	5,750 SF ****	8,000 SF	8,000 SF	Article 4; Subchapter E of LDC, See Appendix B
Min. Lot Width	none	50' ****	50'	50'	"
Max. Floor to Area Ratio	0.45:1.0		0.75:1.0	0.75:1.0	"
Max. Height	65' (5 stories) on Brackenridge Apts. 570' above MSL on Colorado Apts. Parcel*	35' ****	40'	60'	"
Min. Setbacks:					
Front	50' (Lake Austin Blvd.)	25' ****	25'	15'	"
Rear	200' (Lake Austin Blvd.)**	10' ****	10'	10'	"
Side (Interior)	25' (Red Bud Trail)	5' ****	5'	5'	"
Side (Street)	25' (Hearn St.)	15' ****	15'	15'	"
	The Building-Setback Line along Schulle Branch shall be the 10-Year Floodplain or 10 feet from the high bank, whichever is greater.				
Max. Building Coverage	50% of GA	40% of GFA ****	55% of GFA	60% of GFA	"
Max. Density			Up to 36 UPA	36-54 UPA	
Max. Impervious Cover: Zoning Category		45% of NSA ****	65% of NSA	70% of NSA	"
LA Water Supply Sub. Watershed	75% of GA (excluding setback areas)**	30% of NSA ****	40% of NSA	40% of NSA	30% NSA for Single Family & Duplex Uses; 40% of NSA for Commercial Uses.
Max. # of Driveways	See Appendix 2(Lake Austin Blvd.) 1 (Red Bud Trail - emergency only)	Determined at Site Plan	Determined at Site Plan	Determined at Site Plan	Determined at Site Plan
Min. Site Area			1,200 Sq. Ft. for Efficiency 1,500 Sq. Ft. for One Bedroom 1,800 Sq. Ft. for Two or More Bedrooms	800 Sq. Ft. for Efficiency 1,000 Sq. Ft. for One Bedroom 1,200 Sq. Ft. for Two or More Bedrooms	
Open Space Requirements			Min. 150 Sq. Ft. Per Unit	Min. 100 Sq. Ft. Per Unit	
Parking: Off-street parking	***	2 spaces per dwelling unit (min.)	Chapter 25-6 & Appendix A of LDC, See Appendix D	Chapter 25-6 & Appendix A of LDC, See Appendix D	Article 4; Subchapter E of LDC, See Appendix B
Design Standards	Exterior mirrored glass and/or reflective roofs are prohibited	Sec. 25-2; Subchapter F of LDC, See Appendix C	Sec. 25-2; Subchapter E of LDC, See Appendix B	Sec. 25-2; Subchapter F of LDC, See Appendix C	Sec. 25-2; Subchapter E and F of LDC, See Appendices B & C
Permitted Land Uses	See Appendix 1	See Appendix 1	See Appendix 1	See Appendix 1	See Appendix 1
Town Lake Waterfront Overlay:	Not applicable	University/Deep Eddy Subdistrict	University/Deep Eddy Subdistrict	University/Deep Eddy Subdistrict	University/Deep Eddy Subdistrict
Primary Setback	150' from Shoreline **	300' from Shoreline	300' from Shoreline	300' from Shoreline	300' from Shoreline

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Secondary Setback	50' from Primary Setback Line	100' from Primary Setback	100' from Primary Setback	100' from Primary Setback	100' from Primary Setback
Max. Height		35' (w/in setbacks and 50' of the secondary setback line)	35' (w/in setbacks and 50' of the secondary setback line)	35' (w/in setbacks and 50' of the secondary setback line)	35' (w/in setbacks and 50' of the secondary setback line)
Max. Floor to Area Ratio	0.45:1.0	May not be increased under § 25-2-714, See Appendix E	May not be increased under § 25-2-714, See Appendix E	May not be increased under § 25-2-714, See Appendix E	May not be increased under § 25-2-714, See Appendix E
Max. Impervious Cover	15% w/in Primary Setback** 30% w/in Secondary Setback**	40% for an area not included in setbacks.	40% for an area not included in setbacks.	40% for an area not included in setbacks.	40% for an area not included in setbacks.
Capitol View Corridor	Red Bud Trail	Red Bud Trail	Red Bud Trail	Red Bud Trail	Red Bud Trail

* For each square foot of additional gross floor area above five stories not to exceed sixty-five feet on the Colorado Apartment Parcel, there shall be a reduction of one square foot of allowable impervious cover on the Colorado Apartment Parcel.

** Within the first 150 feet from Town Lake ("Primary Setback") of the total 200 foot Town Lake Setback Line, no surface or above ground parking area, structure or portion of a structure may be located on any land. This shall not however apply to park related facilities including, without limitation, picnic tables, observation decks, trails, gazebos, pavilions, facilities and boat-houses for rowing activities or similar amenities located on land dedicated or used for park purposes. Maximum impervious cover in the Primary Setback area shall be fifteen percent (15%). Within the 200 feet Town Lake Setback Line, the 50 feet most distant from Town Lake shall be known as the Secondary Setback area. Within the Secondary Setback area transition uses, including without limitation, fountains, patios, terraces, outdoor restaurants or similar amenities shall be allowed. Impervious cover shall be limited to thirty percent (30%) of the area within the Secondary Setback area.

*** Surface parking should be oriented along Lake Austin Blvd. and shall be screened along Lake Austin Blvd. at street grade. This screening shall include dense massing of trees or shrubs, other wall or vegetative screening or berms. Topographic changes shall be considered. Underground parking structure, constructed totally below grade can occur anywhere within the Tract. Parking and structures above grade shall be creatively integrated architecturally with the building.

**** Subject to additional development regulations pursuant to Sec 25-2; Subchapter E (Residential Design and Compatibility Standards) of the LDC

Additional Development Agreement Regulations:

1. Development density for multifamily use shall not exceed 16 units per acre.
2. The University shall use the Town Lake Comprehensive Plan as adopted by the City Council on January 26, 1989 as a guideline for the development of walks, trails, parkways, and open spaces in the Development of the Tract.
3. Until Temporary Erosion Controls are in place, there shall be no clearing pursuant to a Site Development Plan within the Setback areas described in Section 7.5.g.5., except clearing for surveys.
4. All on site utilities shall be located underground unless otherwise required by the utility providing the service.

5. Lake. The Biological Field Laboratory may not be developed for Non-University Purpose during the initial term or any Extension Period as described in Section 16.3 of the Development Agreement. The Colorado Apartment Parcel may not be developed for Non-University Purpose any earlier than May 26, 1999. The Brackenridge Apartment Parcel may not be developed for Non-University Purpose any earlier than May 26, 2009.

BOAT TOWN TRACT - APPENDIX 1

√ = Permitted Use C = Conditional Use PC = Permitted In The District But May Be Conditional

All Uses	Uses Allowed Under Dev. Agreement	Uses Allowed Under Current Zoning (CS)	Uses Allowed Under (GR)	Uses Allowed Under (MF-3)	Uses Allowed Under (CS-MU)
RESIDENTIAL USES					
Bed & Breakfast (Group 1)		√	√	√	
Bed & Breakfast (Group 2)		√	√	√	
Condominium Residential	√			√	√
Duplex Residential	√			√	√
Group Residential	√			C	√
Mobile Home Residential					
Multifamily Residential	√			√	√
Retirement Housing (Small Site)	√			√	
Retirement Housing (Large Site)	√			C	
Single-Family Attached Residential	√			√	√
Single-Family Residential	√			√	√
Small Lot Single-Family Residential	√				
Townhouse Residential	√			√	√
Two-Family Residential	√			√	√
COMMERCIAL USES					
Administrative and Business Offices	√	√	√		√
Agricultural Sales and Services		√			√
Art Gallery	√	√	√		√
Art Workshop	√	√	√		√
Automotive Rentals	√	√	√		√
Automotive Repair Services		√	√		√
Automotive Sales		√	√		√
Automotive Washing (of any type)	√	√	√		√
Bail Bond Services	√	C	C		C
Building Maintenance Services		√			√
Business or Trade School	√	√	√		√
Business Support Services	√	√	√		√
Campground		√			√
Carriage Stable					
Cocktail Lounge	√				
Commercial Blood Plasma Center	√	C			C
Commercial Off-Street Parking	√	√	√		√
Communications Services	√	√	√		√
Construction Sales and Services		√			√
Consumer Convenience Services	√	√	√		√
Consumer Repair Services	√	√	√		√
Convenience Storage		√			√
Drop-Off Recycling Collection Facility	√	√			√
Electronic Prototype Assembly	√	√			√
Electronic Testing	√	√			√
Equipment Repair Services		√			√
Equipment Sales		√			√
Exterminating Services		√	√		√
Financial Services	√	√	√		√
Food Preparation	√	√	C		√
Food Sales	√	√	√		√
Funeral Services		√	√		√
General Retail Sales (Convenience)	√	√	√		√
General Retail Sales (General)	√	√	√		√
Hotel-Motel	√	√	√		√

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Indoor Entertainment	√	√	√		√
Indoor Sports and Recreation	√	√	√		√
Kennels		√			√
Laundry Services		√			√
Liquor Sales	√				
Marina	√				
Medical Offices -- exceeding 5000 sq. ft. gross floor area	√	√	√		√
Medical Offices -- not exceeding 5000 sq. ft. gross floor area	√	√	√		√
Monument Retail Sales		√			√
Off-Site Accessory Parking	√	√	√		√
Outdoor Entertainment	√	C	C		C
Outdoor Sports and Recreation	√	√	√		√
Pawn Shop Services		√	√		√
Personal Improvement Services	√	√	√		√
Personal Services	√	√	√		√
Pet Services	√	√	√		√
Plant Nursery	√	√	C		√
Printing and Publishing	√	√	√		√
Professional Office	√	√	√		√
Recreational Equipment Maint. & Stor.	√				
Recreational Equipment Sales	√				
Research Assembly Services	√				
Research Services	√	√	√		√
Research Testing Services	√				
Research Warehousing Services	√				
Restaurant (General)	√	√	√		√
Restaurant (Limited)	√	√	√		√
Scrap and Salvage					
Service Station	√	√	√		√
Software Development	√	√	√		√
Special Use Historic			C	C	
Stables					
Theater	√	√	√		√
Vehicle Storage	√	√			√
Veterinary Services	√	√			√
INDUSTRIAL USES					
Basic Industry					
Custom Manufacturing	√	√	C		
General Warehousing and Distribution					
Light Manufacturing	√				
Limited Warehousing and Distribution		√			
Recycling Center	√				
Resource Extraction					
AGRICULTURAL USES					
Urban Farm			√	√	
All Other Agricultural Uses					
CIVIC USES					
Administrative Services	√				
Aviation Facilities					
Camp	√				
Cemetery					
Club or Lodge	√	C	C	C	C

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College and University Facilities	√	√	√	C	√
Communication Service Facilities	√	√	√	√	√
Community Events	√				
Community Recreation (Private)	√	√	√	C	√
Community Recreation (Public)	√	√	√	C	√
Congregate Living	√	√	√	C	√
Convalescent Services	√			C	
Convention Center	√				
Counseling Services	√	√	√		√
Cultural Services	√	√	√	C	√
Day Care Services (Commercial)	√	√	√	C	√
Day Care Services (General)	√	√	√	√	√
Day Care Services (Limited)	√	√	√	√	√
Detention Facilities					
Employee Recreation	√				
Family Home	√	√	√	√	√
Group Home, Class I (General)	√	√	√	√	√
Group Home, Class I (Limited)	√	√	√	√	√
Group Home, Class II	√	√	√	C	√
Guidance Services	√	√	√		√
Hospital Services (General)		C	C		C
Hospital Services (Limited)	√	√	√		√
Local Utility Services	√	√	√	C	√
Maintenance and Service Facilities		√			√
Major Public Facilities	√				
Major Utility Facilities					
Military Installations	√				
Park and Recreation Services (General)	√				
Park and Recreation Services (Special)	√				
Postal Facilities	√				
Private Primary Educational Facilities		√	√	C	√
Private Secondary Educational Facilities		√	√	C	√
Public Primary Educational Facilities		√	√	√	√
Public Secondary Educational Facilities		√	√	√	√
Railroad Facilities					
Religious Assembly	√	√	√	√	√
Residential Treatment	√	√	√	C	√
Safety Services	√	√	√	C	√
Telecommunication Tower	√	PC	PC	PC	PC
Transitional Housing		C			C
Transportation Terminal	√	C			C
All other Civic Uses					

W.A.Y.A. TRACT - APPENDIX 1

√ = Permitted Use C = Conditional Use PC = Permitted In The District But May Be Conditional

All Uses	Uses Allowed Under Dev. Agreement (not applicable)	Uses Allowed Under Current Zoning (The property is not zoned)	Uses Allowed Under (GR)	Uses Allowed Under (MF-4)	Uses Allowed Under (CS-MU)
RESIDENTIAL USES					
Bed & Breakfast (Group 1)			√	√	
Bed & Breakfast (Group 2)			√	√	
Condominium Residential				√	√
Duplex Residential				√	√
Group Residential				√	√
Mobile Home Residential					
Multifamily Residential				√	√
Retirement Housing (Small Site)				√	
Retirement Housing (Large Site)				C	
Single-Family Attached Residential				√	√
Single-Family Residential				√	√
Small Lot Single-Family Residential					
Townhouse Residential				√	√
Two-Family Residential				√	√
COMMERCIAL USES					
Administrative and Business Offices			√		√
Agricultural Sales and Services					√
Art Gallery			√		√
Art Workshop			√		√
Automotive Rentals			√		√
Automotive Repair Services			√		√
Automotive Sales			√		√
Automotive Washing (of any type)			√		√
Bail Bond Services			C		C
Building Maintenance Services					√
Business or Trade School			√		√
Business Support Services			√		√
Campground					√
Carriage Stable					
Cocktail Lounge					
Commercial Blood Plasma Center					C
Commercial Off-Street Parking			√		√
Communications Services			√		√
Construction Sales and Services					√
Consumer Convenience Services			√		√
Consumer Repair Services			√		√
Convenience Storage					√
Drop-Off Recycling Collection Facility					√
Electronic Prototype Assembly					√
Electronic Testing					√
Equipment Repair Services					√
Equipment Sales					√
Exterminating Services			√		√
Financial Services			√		√
Food Preparation			C		√
Food Sales			√		√
Funeral Services			√		√

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General Retail Sales (Convenience)			√		√
General Retail Sales (General)			√		√
Hotel-Motel			√		√
Indoor Entertainment			√		√
Indoor Sports and Recreation			√		√
Kennels					√
Laundry Services					√
Liquor Sales					
Marina					
Medical Offices -- exceeding 5000 sq. ft. gross floor area			√		√
Medical Offices -- not exceeding 5000 sq. ft. gross floor area			√		√
Monument Retail Sales					√
Off-Site Accessory Parking			√		√
Outdoor Entertainment			C		C
Outdoor Sports and Recreation			√		√
Pawn Shop Services			√		√
Personal Improvement Services			√		√
Personal Services			√		√
Pet Services			√		√
Plant Nursery			C		√
Printing and Publishing			√		√
Professional Office			√		√
Recreational Equipment Maint. & Stor.					
Recreational Equipment Sales					
Research Assembly Services					
Research Services			√		√
Research Testing Services					
Research Warehousing Services					
Restaurant (General)			√		√
Restaurant (Limited)			√		√
Scrap and Salvage					
Service Station			√		√
Software Development			√		√
Special Use Historic			C	C	
Stables					
Theater			√		√
Vehicle Storage					√
Veterinary Services					√
INDUSTRIAL USES					
Basic Industry					
Custom Manufacturing			C		
General Warehousing and Distribution					
Light Manufacturing					
Limited Warehousing and Distribution					
Recycling Center					
Resource Extraction					
AGRICULTURAL USES					
Urban Farm			√	√	
All Other Agricultural Uses					
CIVIC USES					
Administrative Services					
Aviation Facilities					

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Camp					
Cemetery					
Club or Lodge			C	C	C
College and University Facilities			√	C	√
Communication Service Facilities			√	√	√
Community Events					
Community Recreation (Private)			√	C	√
Community Recreation (Public)			√	C	√
Congregate Living			√	C	√
Convalescent Services				C	
Convention Center					
Counseling Services			√		√
Cultural Services			√	C	√
Day Care Services (Commercial)			√	C	√
Day Care Services (General)			√	√	√
Day Care Services (Limited)			√	√	√
Detention Facilities					
Employee Recreation					
Family Home			√	√	√
Group Home, Class I (General)			√	√	√
Group Home, Class I (Limited)			√	√	√
Group Home, Class II			√	C	√
Guidance Services			√		√
Hospital Services (General)			C		C
Hospital Services (Limited)			√	C	√
Local Utility Services			√	C	√
Maintenance and Service Facilities					√
Major Public Facilities					
Major Utility Facilities					
Military Installations					
Park and Recreation Services (General)					
Park and Recreation Services (Special)					
Postal Facilities					
Private Primary Educational Facilities			√	C	√
Private Secondary Educational Facilities			√	C	√
Public Primary Educational Facilities			√	√	√
Public Secondary Educational Facilities			√	√	√
Railroad Facilities					
Religious Assembly			√	√	√
Residential Treatment			√	C	√
Safety Services			√	C	√
Telecommunication Tower			PC	PC	PC
Transitional Housing					C
Transportation Terminal					C
All other Civic Uses					

W.A.Y.A. TRACT

W.A.Y.A. TRACT					
REGULATIONS	BRACKENRIDGE TRACT DEVELOPMENT AGREEMENT	CURRENT ZONING	COMPARABLE ZONING DESIGNATIONS		
			Comparable Zoning w/ Existing Development	Comparable Zoning w/ Residential Development	Comparable Zoning w/ Mixed Use Development
Provision/Zoning District	Not applicable	Unzoned (UNZ)	Community Commercial (GR)	Multifamily (MF-4)	Commercial Services (CS-MU)
Min. Lot Size	"	Requires re-zoning	5,750 SF	8,000 SF	Article 4; Subchapter E of LDC, See Appendix B
Min. Lot Width	"	"	50'	50'	"
Max. Floor to Area Ratio	"	"	1.0:1.0	0.75:1.0	"
Max. Height	"	"	60'	60'	"
Min. Setbacks:					"
Front	"	"	10'	15'	"
Rear	"	"	none	10'	"
Side (Interior)	"	"	none	5'	"
Side (Street)	"	"	10'	15'	"
Max. Building Coverage	"	"	75% of GFA	60% of GFA	"
Max. Density	"	"		From 36-54 UPA	Article 4; Subchapter E of LDC, See Appendix B
Max. Impervious Cover: Zoning Category		"	90% of NSA	70% of NSA	"
LA Water Supply Sub. Watershed	"	"	40% of NSA	40% of NSA	30% NSA for Single Family & Duplex Uses 40% of NSA for Commercial Uses
Max. # of Driveways	"	"	Determined at Site Plan	Determined at Site Plan	Determined at Site Plan
Min. Site Area	"	"		800 sq. ft. for Efficiency Unit 1,000 sq. ft. for a One Bedroom Unit 1,200 sq. ft. for Two or More Bedrooms	Article 4; Subchapter E of LDC, See Appendix B
Open Space Requirement	"	"		Min. 100 sq. feet Per Unit	Article 4; Subchapter E of LDC, See Appendix B
Parking: Off-street parking	"	"	Chapter 25-6 & Appendix A of LDC, See Appendix D	Article 4; Subchapter E of LDC, See Appendix B	Article 4; Subchapter E of LDC, See Appendix B
Design Standards	"	"	Sec. 25-2; Subchapter E of LDC, See Appendix B	Sec. 25-2; Subchapter F of LDC, See Appendix C	Sec. 25-2; Subchapter E and F of LDC, See Appendices B & C
Permitted Land Uses	"	"	See Appendix 1	See Appendix 1	See Appendix 1

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DEEP EDDY TRACT - APPENDIX 1

√ = Permitted Use C = Conditional Use PC = Permitted In The District But May Be Conditional

All Uses	Uses Allowed Under Dev. Agreement	Uses Allowed Under Current Zoning (LR)	Uses Allowed Under Current Zoning (SF-3)	Uses Allowed Under (MF-3)	Uses Allowed Under (MF-4)	Uses Allowed Under (CS-MU)
RESIDENTIAL USES						
Bed & Breakfast (Group 1)	√	√	√	√	√	
Bed & Breakfast (Group 2)	√	√		√	√	
Condominium Residential	√			√	√	√
Duplex Residential	√		√	√	√	√
Group Residential	√			C	√	√
Mobile Home Residential						
Multifamily Residential	√			√	√	√
Retirement Housing (Small Site)	√		√	√	√	
Retirement Housing (Large Site)	√			C	C	
Single-Family Attached Residential	√		√	√	√	√
Single-Family Residential	√		√	√	√	√
Small Lot Single-Family Residential	√					
Townhouse Residential	√			√	√	√
Two-Family Residential	√		√	√	√	√
COMMERCIAL USES						
Administrative and Business Offices	√	√				√
Agricultural Sales and Services						√
Art Gallery	√	√				√
Art Workshop	√	√				√
Automotive Rentals						√
Automotive Repair Services						√
Automotive Sales						√
Automotive Washing (of any type)	√					√
Bail Bond Services	√					C
Building Maintenance Services						√
Business or Trade School	√					√
Business Support Services	√					√
Campground						√
Carriage Stable						
Cocktail Lounge	√					
Commercial Blood Plasma Center	√					C
Commercial Off-Street Parking	√					√
Communications Services	√					√
Construction Sales and Services						√
Consumer Convenience Services	√	√				√
Consumer Repair Services	√	√				√
Convenience Storage						√

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Drop-Off Recycling Collection Facility	√					√
Electronic Prototype Assembly	√					√
Electronic Testing	√					√
Equipment Repair Services						√
Equipment Sales						√
Exterminating Services						√
Financial Services	√	√				√
Food Preparation	√					√
Food Sales	√	√				√
Funeral Services						√
General Retail Sales (Convenience)	√	√				√
General Retail Sales (General)	√					√
Hotel-Motel	√					√
Indoor Entertainment	√					√
Indoor Sports and Recreation	√					√
Kennels						√
Laundry Services						√
Liquor Sales	√					
Marina						
Medical Offices -- exceeding 5000 sq. ft. GFA	√	C				√
Medical Offices -- not exceeding 5000 sq. ft. GFA	√	√				√
Monument Retail Sales						√
Off-Site Accessory Parking	√	√				√
Outdoor Entertainment	√					C
Outdoor Sports and Recreation	√					√
Pawn Shop Services						√
Personal Improvement Services	√					√
Personal Services	√	√				√
Pet Services	√	√				√
Plant Nursery	√	C				√
Printing and Publishing	√	√				√
Professional Office	√	√				√
Recreational Equipment Maint. & Stor.						
Recreational Equipment Sales	√					
Research Assembly Services	√					
Research Services	√					√
Research Testing Services	√					
Research Warehousing Services	√					
Restaurant (General)	√					√
Restaurant (Limited)	√	√				√
Scrap and Salvage						
Service Station	√	√				√
Software Development	√	√				√
Special Use Historic		C	C	C	C	
Stables						
Theater	√					√
Vehicle Storage						√

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Veterinary Services	√					√
INDUSTRIAL USES						
Basic Industry						
Custom Manufacturing	√	C				
General Warehousing and Distribution						
Light Manufacturing	√					
Limited Warehousing and Distribution						
Recycling Center	√					
Resource Extraction						
AGRICULTURAL USES						
Urban Farm		√		√	√	
All Other Agricultural Uses						
CIVIC USES						
Administrative Services	√					
Aviation Facilities						
Camp	√					
Cemetery						
Club or Lodge	√	C	C	C	C	C
College and University Facilities	√	√	C	C	C	√
Communication Service Facilities	√	√	√	√	√	√
Community Events	√					
Community Recreation (Private)	√	C	C	C	C	√
Community Recreation (Public)	√	C	C	C	C	√
Congregate Living	√	C		C	C	√
Convalescent Services	√			C	C	
Convention Center	√					
Counseling Services	√	√				√
Cultural Services	√	√	C	C	C	√
Day Care Services (Commercial)	√	√	C	C	C	√
Day Care Services (General)	√	√	C	√	√	√
Day Care Services (Limited)	√	√	√	√	√	√
Detention Facilities						
Employee Recreation	√					
Family Home	√	√	√	√	√	√
Group Home, Class I (General)	√	√	C	√	√	√
Group Home, Class I (Limited)	√	√	√	√	√	√
Group Home, Class II	√	C		C	C	√
Guidance Services	√	√				√
Hospital Services (General)	√					C
Hospital Services (Limited)	√	C			C	√
Local Utility Services	√	√	C	C	C	√
Maintenance and Service Facilities						√
Major Public Facilities	√					
Major Utility Facilities	√					
Military Installations	√					
Park and Recreation Services (General)	√					

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Park and Recreation Services (Special)	√					
Postal Facilities	√					
Private Primary Educational Facilities	√	√	C	C	C	√
Private Secondary Educational Facilities	√	√	C	C	C	√
Public Primary Educational Facilities	√	√	√	√	√	√
Public Secondary Educational Facilities	√	√	√	√	√	√
Railroad Facilities						
Religious Assembly	√	√	√	√	√	√
Residential Treatment	√	C		C	C	√
Safety Services	√	√	C	C	C	√
Telecommunication Tower	√	PC	PC	PC	PC	PC
Transitional Housing						C
Transportation Terminal	√					C
All other Civic Uses						

DEEP EDDY TRACT

REGULATIONS	BRACKENRIDGE TRACT DEVELOPMENT AGREEMENT	CURRENT ZONING		COMPARABLE ZONING DESIGNATIONS		
		Neighborhood Commercial (LR)	Family Residence (SF-3) **	Comparable Zoning w/ Existing Development	Comparable Zoning w/ Residential Development	Comparable Zoning w/ Mixed Use Development
Provision/Zoning District	7.4			Multifamily Medium Density (MF-3)	Multifamily Medium Density (MF-4)	Commercial Services Mixed Use (CS-MU)
Min. Lot Size	none	5,750 SF	5,750 SF **	8,000 SF	8,000 SF	Article 4; Subchapter E of LDC, See Appendix B
Min. Lot Width	none	50'	50' **	50'	50'	"
Max. Floor to Area Ratio	0.45:10	0.50:1.0		0.75:1.0	0.75:1.0	"
Max. Height	40' or (3 stories)	40' or (3 stories)	35' **	40'	60'	"
Min. Setbacks:						
Front	35' (Lake Austin Blvd.)	25'	25' **	25'	15'	"
Rear	50' for non-residential uses & 25' for Residential uses (West 7th St.)	none	10' **	10'	10'	"
Side (Interior)	none	none	5' **	5'	5'	"
Side (Street)	50' for non-residential uses & 25' for Residential uses (Hearn St.)	15'	15' **	15'	15'	"
Max. Building Coverage	50% of GA	50% of GFA	40% of GFA **	55% of GFA	60% of GFA	"
Max. Density				Up to 36 UPA	36-54 UPA	
Max. Impervious Cover*:						
Zoning Category		80% of NSA	45% of NSA **	65% of NSA	70% of NSA	"
LA Water Supply Sub. Watershed	80% of GA (Under Development Agreement)	40% of NSA	30% of NSA **	40% of NSA	40% of NSA	30% NSA for Single Family & Duplex Uses; 40% of NSA for Commercial Uses.
Max. # of Driveways	5 (Lake Austin) 3 (West 7th St.) 1 (Hearn St.)	Determined at Site Plan	Determined at Site Plan	Determined at Site Plan	Determined at Site Plan	Determined at Site Plan
Min. Site Area				1,200 Sq. Ft. for Efficiency 1,500 Sq. Ft. for One Bedroom 1,800 Sq. Ft. for Two or More Bedrooms	800 Sq. Ft. for Efficiency 1,000 Sq. Ft. for One Bedroom 1,200 Sq. Ft. for Two or More Bedrooms	
Open Space Requirements				Min. 150 Sq. Ft. Per Unit	Min. 100 Sq. Ft. Per Unit	
Parking:						
Off-street parking	See Appendix E	Chapter 25-6 & Appendix A of LDC, See Appendix D	2 spaces per dwelling unit (min.)	Chapter 25-6 & Appendix A of LDC, See Appendix D	Chapter 25-6 & Appendix A of LDC, See Appendix D	Article 4; Subchapter E of LDC, See Appendix B
Design Standards	none	Sec. 25-2; Subchapter E of LDC, See Appendix B	Sec. 25-2; Subchapter F of LDC, See Appendix C	Sec. 25-2; Subchapter E of LDC. See Appendix B	Sec. 25-2; Subchapter F of LDC, See Appendix C	Sec. 25-2; Subchapter E and F of LDC, See Appendices B & C
Permitted Land Uses	See Appendix 1	See Appendix 1	See Appendix 1	See Appendix 1	See Appendix 1	See Appendix 1

* Most restrictive max. impervious cover limitation applies

** Subject to additional development regulations pursuant to Sec 25-2; Subchapter E (Residential Design and Compatibility Standards) of the LDC

Additional Development Agreement Regulations:

1. Landscape screening shall be provided within the first 25 feet from the right-of-way along West 7th Street and Hearn St.
2. No direct traffic through the tract connecting any two public streets shall be allowed, unless required for safety purposes. It is the intent of the parties to discourage traffic flow across the Tract and various methods including, without limitation, crash gates and circuitous routes, may be used;
3. Area for stormwater detention, if required, shall be incorporated into the site plan for Deep Eddy Tract;
4. Non-residential Development will be oriented away from West 7th Street unless prevailing future uses along West 7th Street become non-residential;
5. Development density for multifamily use shall not exceed 22 units per acre.

C2. LDC SEC. 25-2, SUBCHAPTER E (COMMERCIAL DESIGN STANDARDS)

Austin - Land Development

SUBCHAPTER E: DESIGN STANDARDS AND MIXED USE.

Editor's note:

Background: On February 26, 2004, the Austin City Council directed the City Manager by resolution "...to prepare recommendations for citywide design standards for commercial and retail development. These recommended citywide design standards shall constitute the best practices of the standards adopted by communities around the nation and shall require design standards that reflect Austin's unique historic, landscape and architectural character..."

In order to implement the Council's direction, a specially appointed Task Force met over several months to consider research and input from the public, various stakeholder groups, and individuals. The Task Force sought to understand the preferences of Austin citizens and the design regulations of other cities prior to developing a recommendation.

The Task Force produced, and in May 2005 the City Council adopted, a policy report entitled "Raising Design Standards in Austin, Texas." The Task Force report identified a number of areas where regulatory improvements are necessary in order to raise the bar of development quality in Austin. The general intent was to develop regulations that will foster a built environment of aesthetic and sustainable value, enhance economic development efforts, promote Austin's unique character and natural environment, and ensure an efficient development review process.

The proposals for new standards were intended to raise the level of quality for all non-residential and mixed-use development, but within a regulatory structure offering options and flexibility, not strict requirements. New development would be subject to a set of minimum site and building design standards, recognizing that all new development, regardless of size, should be subject to minimum standards. The following topics were addressed in the Task Force report: Development orientation; Parking; Land use; Signs; Stormwater management; Connectivity; Exterior lighting; Screening and compatibility; and Building design.

In each of these topic areas, the Task Force report discussed the key issue generally and proposed

regulatory language to address the issue. In a few areas, specific ordinance language was proposed, but in most areas the proposed language recommended general approaches rather than actual ordinance language. In some areas, the proposed new standards would be new for Austin, while in other areas the proposed standards would require amendments to the Austin Code.

This Subchapter is intended to implement the Task Force report by establishing a clear, user-friendly, and legally enforceable ordinance that will result in improved development quality in Austin. This Subchapter is officially known as Subchapter E of Chapter 25-2 of the City Code. This Subchapter was adopted on August 31, 2006, and will become effective on January 13, 2007. The Task Force recommends reviewing this Subchapter once it has been in place for one year.

How to use this Subchapter:

Applicability is Based on Adjacent Roadway and Type of Development: This Subchapter recognizes that development should reflect and respond to its location within the city. For example, a commercial development in a suburban location can (and often should) look and function differently than a commercial development in downtown Austin. Because roadways provide both access to a site and define the urban design framework of the city, roadway types have been used as an organizing tool to establish many of the new development standards in this Subchapter. This approach is intended to help ensure a cohesive development pattern along Austin's streets and remove some of the inconsistency that arises from having a variety of zoning districts fronting a single roadway.

Because many of the standards in this Subchapter are defined based on roadway type(s) near the property, an important first step in the development process is to determine the roadway types that are adjacent to a site. The size of the site and the type of development (residential, commercial, mixed use, etc.) also need to be considered, since different standards may apply. The applicability chart in Article 1 summarizes the applicability of all the standards in this Subchapter, based on type of adjacent roadways and development activity.

The following different types of roadways are identified in this Subchapter:

Core Transit Corridors include roadways that have or will have a sufficient population density, mix of uses, and transit facilities to encourage and support transit use. Existing Core Transit Corridors have been designated and are defined in Article 5 and shown on Figure 1. Examples include South Congress Avenue (north of Stassney Lane) and Anderson Lane (between Burnet Road and Mopac). Additional Core Transit Corridors may be designated in the future through neighborhood planning processes.

Hill Country Roadways are those roadways identified in Section 25-2-1103, such as RM 2222 and Southwest Parkway. Standards in this Subchapter that reference the Hill Country Roadway designation apply to all properties within 1000 feet of these roadways.

Highways include all freeways, parkways, expressways, and frontage roads identified in the Austin Area Metropolitan Transportation Plan, except for Core Transit Corridors.

Internal Circulation Routes are public streets or private drives edged by a curb within a development.

Suburban Roadways are roads outside the Urban Roadway Boundary, defined below and shown on Figure 2, that are not Core Transit, Hill Country, or Highway Roadways.

Urban Roadways are roads other than those designated as Core Transit Corridors and Highways located within the following boundaries, as shown on Figure 2:

183 from Burnet to Hwy 71
 Hwy 71 from 183 to Loop 1
 Loop 1 from Hwy 71 to Lake Austin
 Lake Austin from Loop 1 to Exposition
 Exposition from Lake Austin to 35th
 35th from Exposition to Loop 1
 Loop 1 from 38th to RM 2222
 RM 2222 from Loop 1 to Mesa
 Mesa from RM 2222 to Spicewood Springs Road
 Spicewood Springs Road from Mesa to 360
 360 from Spicewood Springs Road to Great Hills Trail
 Great Hills Trail from 360 to 183
 183 from Great Hills Trail to Braker
 Braker from 183 to Burnet
 Burnet from Braker to 183

Austin - Land Development

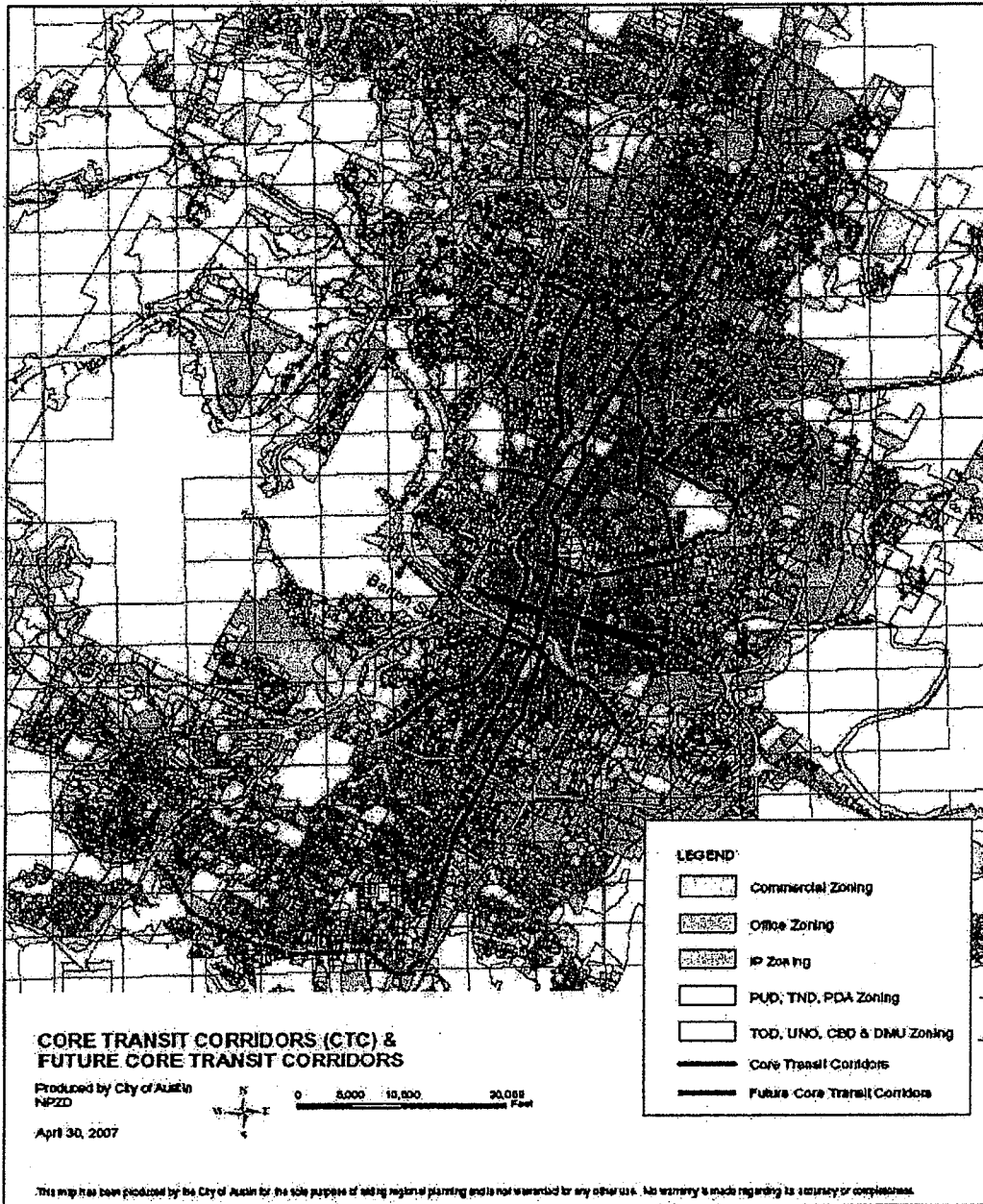


Figure 1: Core Transit Corridors Map

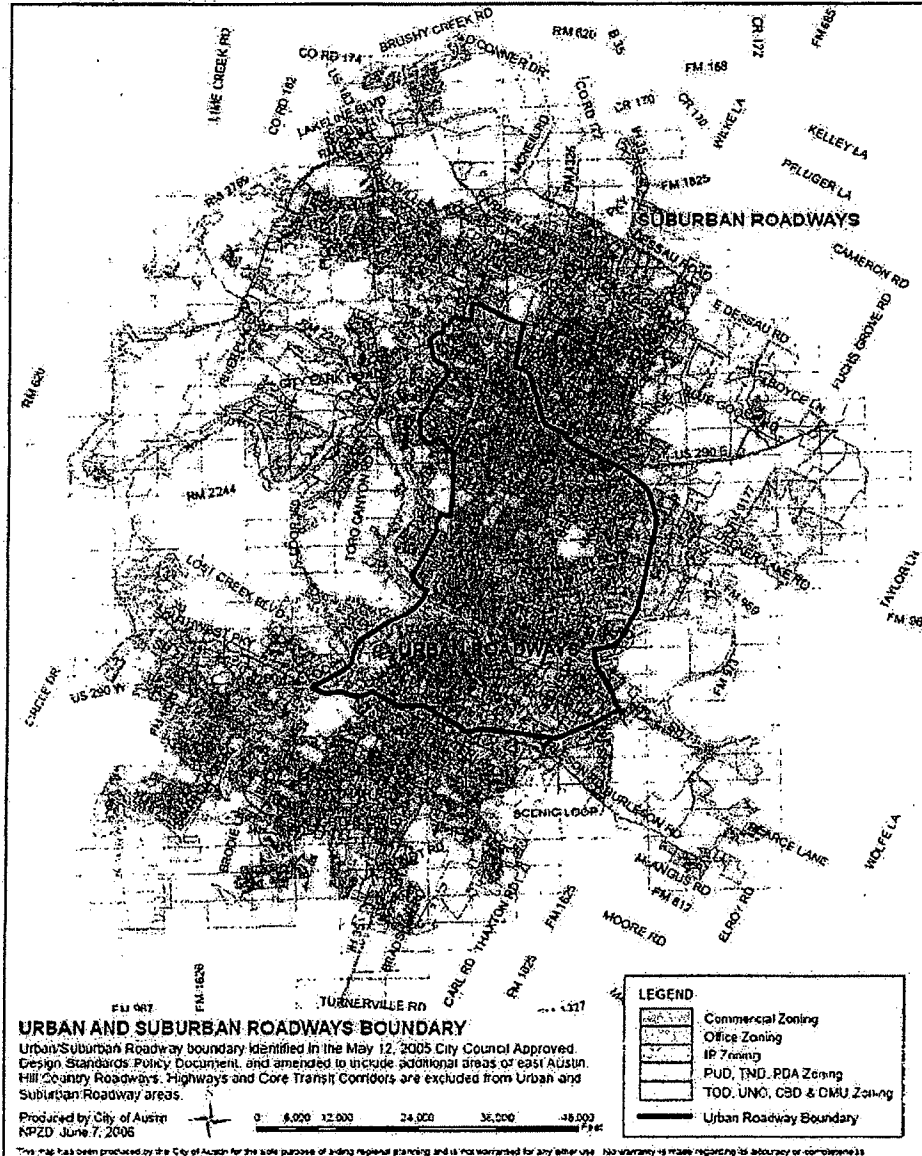


Figure 2: Urban/Suburban Roadways Map

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How this Subchapter is organized:

This Subchapter is divided into five Articles.

Article 1 includes General Provisions that should be reviewed for all development and redevelopment projects. Most importantly, a chart summarizes the applicability of the various standards based on roadway types and development types.

To allow flexibility in administering this Subchapter, this Article includes a "minor modification" provision that allows for City staff to approve small deviations from otherwise applicable standards in order to protect natural or historic features or to address unique site conditions.

The Article also encourages creativity and innovative design by allowing an applicant to propose an alternative approach to meeting the standards of the Subchapter through the "alternative equivalent compliance" provision.

Article 2 includes Site Development Standards intended to ensure that buildings relate appropriately to surrounding developments and streets, promote efficient pedestrian and vehicle circulation, and provide adequate parking in safe and appropriate locations, while creating a unique and identifiable image for development in Austin. In particular, standards in this Article address the following:

Relationship of buildings to streets and walkways (based on roadway type);

Connectivity (based on roadway type);

Parking reductions;

Exterior lighting;

Screening of equipment and utilities; and

Private common open space and pedestrian amenities.

Article 3 includes Building Design Standards intended to address the physical appearance of buildings subject to this Subchapter. Included are:

General requirements for glazing and shading to ensure that building facades are pedestrian-friendly; and

Additional options to improve building design. An applicant may choose which of these options to meet from a flexible, point-based menu. All buildings subject to this section must reach a minimum number of points, with additional points required for certain

building types (e.g., buildings with trademarked design features, large buildings or long facades, and buildings using a large percentage of certain building materials.)

Article 4 includes standards and incentives for Mixed Use development. This Article includes descriptions and standards for the Mixed Use Combining District and the Vertical Mixed Use Overlay District. This Article also includes standards and incentives for the development of Vertical Mixed Use (VMU) buildings.

Article 5 includes Definitions for terms used in this Subchapter.

ARTICLE 1: GENERAL PROVISIONS.

§ 1.1. GENERAL INTENT.

This Subchapter generally addresses the physical relationship between commercial and other non-residential development and adjacent properties, public streets, neighborhoods, and the natural environment, in order to implement the City Council's vision for a more attractive, efficient, and livable community. The general purposes of this Subchapter include:

- 1.1.1. To provide appropriate standards to ensure a high quality appearance for Austin and promote pedestrian-friendly design while also allowing flexibility, individuality, creativity, and artistic expression;
- 1.1.2. To strengthen and protect the image, identity, and unique character of Austin and thereby to enhance its business economy;
- 1.1.3. To protect and enhance residential neighborhoods, commercial districts, and other areas by encouraging physical development that is of high quality and is compatible with the character, scale, and function of its surrounding area;

- 1.1.4. To encourage developments that relate well to adjoining public streets, open spaces, and neighborhoods; and
- 1.1.5. To provide for and encourage development and redevelopment that contains a compatible mix of residential and nonresidential uses within close proximity to each other, rather than separating uses.

Source: Ord. 20060831-068.

§ 1.2. APPLICABILITY.

- 1.2.1. **General Applicability.** The applicability of this Subchapter varies by section and is dependent on the type of principal street that the subject lot or site faces and on the type of development activity proposed. The following table summarizes the applicability of each section of this Subchapter. Only those sites and projects that meet both the principal street and development type thresholds in the table are subject to the particular standard. General exemptions from the requirements of this Subchapter are listed in Section 1.2.3, and additional exemptions from specific standards are listed in subsequent sections of this Subchapter.

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Section	Standard	Applies if the Principal Street Is:	Applies to the Following:
ARTICLE 2: SITE DEVELOPMENT STANDARDS			
2.2: Relationship of Buildings to Streets and Walkways	2.2.2. Core Transit Corridors: Sidewalks and Building Placement	Core Transit Corridor	<ul style="list-style-type: none"> - All zoning districts - Single-family residential uses are exempt, in addition to the general exemptions in Section 1.2.3.
	2.2.3. Urban Roadways: Sidewalks and Building Placement	Urban Roadway	All non-residential zoning districts
	2.2.4. Suburban Roadways: Sidewalks and Building Placement	Suburban Roadway	All non-residential zoning districts
	2.2.5. Internal Circulation Routes: Sidewalks and Building Placement	Internal Circulation Route	All non-residential zoning districts (development of any site subject to the internal circulation system requirements in Section 2.3.1.)
	2.2.6. Building Entryways:	<ul style="list-style-type: none"> - Core Transit Corridor - Suburban Roadway - Highway - Hill Country Roadway - Urban Roadway 	<ul style="list-style-type: none"> - All zoning districts - All non-residential zoning districts
2.3: Connectivity	2.3.1. Internal Circulation Systems for Large Sites	<ul style="list-style-type: none"> - Core Transit Corridor - Urban Roadway 	<ul style="list-style-type: none"> - All zoning districts (development of any site five acres or larger) - See additional exemptions in 2.3.1.B.
		<ul style="list-style-type: none"> - Suburban Roadway - Highway - Hill Country Roadway 	<ul style="list-style-type: none"> - All non-residential zoning districts (development of any site five acres or larger) - See additional exemptions in 2.3.1.B.
	2.3.2. Improvements to Encourage Pedestrian, Bicycle, and Vehicular Connectivity	All roadway types	<ul style="list-style-type: none"> - Projects with a net site area of three acres or more in all non-residential zoning districts - Projects with a net site area of less than three acres that have parking between the building and the principal street in all zoning districts
2.4: Parking Reductions	All standards	All roadway types	All non-residential zoning districts
2.5: Exterior Lighting	All standards	All roadway types	All zoning districts

Section	Standard	Applies if the Principal Street Is:	Applies to the Following:
2.6: Screening of Equipment and Utilities	All standards	All roadway types	<ul style="list-style-type: none"> - All non-residential zoning districts - The following uses are exempt, in addition to the general exemptions of Section 1.2.3.: local utilities services use, electric service transformers within the right-of-way, telecommunication tower
2.7: Private Common Open Space and Pedestrian Amenities	All standards	All roadway types	All site plans five acres in size or larger
ARTICLE 3: BUILDING DESIGN STANDARDS			
3.2: Pedestrian Frontages	All standards	All roadway types	<ul style="list-style-type: none"> - Development of any commercial or civic land use - Section applies to any publicly visible building frontage. Building facades facing loading areas, rear service areas, or facades adjoining other buildings (attached to more than 50 percent of the sidewall) are exempt.
3.3: Options to Improve Building Design	All standards	All roadway types	<ul style="list-style-type: none"> - Development of any commercial use of 10,000 square feet or more that requires a building permit - Development of any commercial use of less than 10,000 square feet that contains any exterior trademarked design features - Any building zoned for industrial use or warehouse use at the point its use is converted to commercial - VMU buildings with external trademarked design features (not including signs) - Office development is exempt from this section
ARTICLE 4: MIXED USE			
4.3: Vertical Mixed Use Building	All standards	Core Transit Corridor, Future Core Transit Corridor	<ul style="list-style-type: none"> - Mixed Use Combining District - Vertical Mixed Use Overlay District - Properties that opt in to VMU pursuant to 4.3.5.C.3.
		Highway, Hill Country Roadway, Suburban Roadway, or Urban Roadway	<ul style="list-style-type: none"> - Mixed Use Combining District - Sites of three acres or more, subject to 4.3.2.B. - Properties that opt in to VMU pursuant to 4.3.5.C.3.

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1.2.2. New Construction, Redevelopment, and Major Rehabilitation. Unless exempted in Section 1.2.3., if a particular standard of this Subchapter is applicable to development on a particular site based upon the table above, then that standard shall be applicable to the following activity:

- A. New construction; and
- B. Redevelopment or major rehabilitation (for redevelopment or major rehabilitation, the Director shall determine the portion of the site to which the standard applies, based on the extent of change proposed), which for purposes of this Subchapter shall include any project that will, combined with all other redevelopment or rehabilitation of the site that has occurred since the effective date of this Subchapter:

1. For sites of less than one acre, generate 1,000 vehicle trips or more per day above the estimated trip level on the effective date of this Subchapter, and for sites of one acre or more, generate 2,000 vehicle trips or more per day above the estimated trip level on the effective date of this Subchapter; or
2. Increase the site's impervious cover by 25 percent or more beyond the amount of impervious cover existing on the effective date of this Subchapter.

1.2.3. Exemptions.

- A. **General Exemptions.** The following types of development are exempt from the requirements of this Subchapter:

1. Development that does not require a site plan under Chapter 25-5;

2. Development in the following zoning districts:

- a. Agricultural (AG) district;
- b. Aviation (AV) district; and
- c. Traditional neighborhood (TN) district;

3. Development built pursuant to the overlay district provisions of the university neighborhood overlay (UNO) district;

4. Development built pursuant to an adopted transit station area plan;

5. Development built pursuant to the Robert Mueller Municipal Airport Redevelopment Plan;

6. Development built pursuant to an adopted downtown plan;

7. Development of an industrial use or data center; and

8. Interior remodeling of a building.

- B. **Exemption for Restaurant or Service Station Redevelopment.** In the case of the redevelopment of a pad site building in which the existing principal use is a restaurant or service station and the proposed new principal use will continue to be a restaurant or service station operated by the same owner/family, corporation, or buyer, the owner/family, corporation, or buyer may rebuild the building to match its existing site configuration, even though that configuration may not fully comply with the building location standards of this Subchapter. In such cases, new sidewalks must be provided that comply with the sidewalk (but not the building location) requirements of Section 2.2 of this Subchapter unless compliance is

impracticable due to site constraints, in the determination of the Director. In addition, the rebuilt building must comply with the standards in Article 3, *Building Design Standards*, of this Subchapter, and also Subchapter G, *Landscape Regulations*, and Chapter 25-10, *Signs*.

C. Exemption for Downtown Sidewalks.

Development on all streets in the downtown area is exempt from the sidewalk and supplemental zone standards of Section 2.2. of this Subchapter, and instead is encouraged to comply with the sidewalk standards of the Great Streets Development Program. Development on all streets in the downtown area is subject to all other applicable provisions of this Subchapter except the sidewalk standards.

D. Exemption for Small Interior Lots.

Development on interior lots with 65 feet or less of frontage on the principal street and with vehicular access only from the principal street is exempt from the building location requirements of Sections 2.2.2. and 2.2.3. of this Subchapter.

1.2.4. Conflicting Provisions.

A. If the provisions of this Subchapter are inconsistent with provisions found in other adopted codes, ordinances, or regulations of the City of Austin not listed in subsection B. below, this Subchapter shall control unless otherwise expressly provided.

B. The following provisions supersede the requirements of this Subchapter to the extent of conflict:

1. The following provisions of Chapter 25-2:

- a. Subchapter C, Article 3 (*Additional Requirements for Certain Districts*);
- b. Subchapter C, Article 4 (*Additional Requirements for Certain Uses*);
- c. Subchapter C, Article 10 (*Compatibility Standards*);
- d. Provisions applicable to the Hill Country Roadways; and

2. Regulations applicable to a:

- a. Barton Springs Zone overlay district;
- b. Conditional overlay (CO) combining district;
- c. Central urban redevelopment (CURE) combining district;
- d. Neighborhood conservation (NC) combining district;
- e. Neighborhood plan (NP) combining district;
- f. Planned development area (PDA) combining district;
- g. Planned unit development (PUD) district;
- h. Waterfront overlay (WO) district (except that the redevelopment provisions of this Subchapter in Sections 2.3.1., *Internal Circulation Systems for Large Sites*, and 4.3., *Vertical Mixed Use Buildings*, shall apply to the WO district); or
- i. North Burnet/Gateway overlay (NB/GO) district.

1.2.5. Accessibility. Accessibility, integration and inclusion of people with disabilities are fundamental components of our vision for the future of the City of Austin. This Subchapter is not intended to supersede any applicable state or federal accessibility statutes and regulations. Administration and enforcement of this Subchapter shall comply with all such statutes and regulations.

1.2.6. State and Federal Facilities. Compliance with the standards of this Subchapter at all state and federal facilities is encouraged.

Source: Ord. 20060831-068; Ord. 20071101-052.

§ 1.3. REVIEW PROCESS.

1.3.1. Standards Applicable During Site Plan Review. The standards contained in the following sections of this Subchapter shall be applied in the normal review process for site plans as set forth in Chapter 25-5 of the Austin Code:

- A. Section 2.2, *Relationship of Buildings to Streets and Walkways*,
- B. Section 2.3, *Connectivity*,
- C. Section 2.4, *Parking*,
- D. Section 2.5, *Exterior Lighting* (for fixtures not affixed to buildings),
- E. Section 2.6, *Screening of Equipment and Utilities* (for fixtures not affixed to buildings),
- F. Section 2.7, *Private Common Open Space and Pedestrian Amenities*, and
- G. Article 4, *Mixed Use*.

In addition to meeting the review criteria specified in Chapter 25-5, each site plan application shall evidence compliance with the standards listed above.

1.3.2. Standards Applicable During Building Permit Review. The standards contained in the following sections of this Subchapter shall be applied in the normal review process for building permits as set forth in Chapter 25-11 of the Austin Code:

- A. Section 2.5, *Exterior Lighting* (for fixtures affixed to buildings),
- B. Section 2.6, *Screening of Equipment and Utilities* (for fixtures affixed to buildings), and,
- C. Article 3, *Building Design Standards*.

In addition to meeting the review criteria specified in Chapter 25-11, each building permit application shall evidence compliance with the standards listed above.

Source: Ord. 20060831-068.

§ 1.4. MINOR MODIFICATIONS.

1.4.1. Purpose and Scope. "Minor modifications" are small deviations from otherwise applicable standards of this Subchapter that may be approved by the Director in order to protect natural or historic features or to address unusual site conditions. Minor modifications are to be used when the limited nature of the modification requested, and the unlikelihood of any adverse effects on nearby properties or the neighborhood, make it unnecessary to complete a formal variance process.

1.4.2. Applicability. The Director may approve minor modifications of up to a maximum of ten percent (or up to a

maximum of 20 percent to protect an existing natural site feature) from any numeric development standard in this Subchapter, provided that the applicable Approval Criteria below are met. The minor modification process may be used only to authorize a less restrictive standard and may not be used to impose a standard on the subject property that is higher than otherwise provided in this Subchapter. In no circumstance shall the Director approve a minor modification that results in:

- A. An increase in overall project intensity, density, or impervious cover;
- B. A change in permitted uses or mix of uses;
- C. A change in the requirements of any of the following provisions:
 - 1. Subchapter C, Article 3 (*Additional Requirements for Certain Districts*);
 - 2. Subchapter C, Article 4 (*Additional Requirements for Certain Uses*);
 - 3. Subchapter C, Article 10 (*Compatibility Standards*); or
- D. A change in conditions attached to the approval of any subdivision plan, site plan, or special use.

1.4.3. Procedure. The Director may initiate or approve a minor modification allowed under this section at any time prior to submittal of the staff report on the application to another decision-making body or prior to final decision if the Director is the final decision-maker. The Director shall specify any approved minor modifications and the justifications for such modifications on

the pending development application for which the modifications were sought.

1.4.4. Approval Criteria. The Director may approve a minor modification from the terms of this Subchapter only upon finding that the modification meets all of the criteria below:

- A. The requested modification is in general conformity with the stated purposes of this Subchapter;
- B. The requested modification meets all other applicable zoning, building, drainage, water quality, and safety code requirements;
- C. The requested modification will have no significant adverse impact on the health, safety, or general welfare of surrounding property owners or the general public, or such impacts will be substantially mitigated; and
- D. The requested modification is necessary to compensate for some practical difficulty or some unusual aspect of the site of the proposed development not shared by landowners in general.

Source: Ord. 20060831-068.

§ 1.5. ALTERNATIVE EQUIVALENT COMPLIANCE.

1.5.1. Purpose and Scope. To encourage creative and original design, and to accommodate projects where the particular site conditions or the proposed use prevent strict compliance with this Subchapter, alternative equivalent compliance allows development to occur in a manner that meets the intent of this Subchapter, yet through an alternative design that does not strictly adhere to the Subchapter's standards. The procedure

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is not a general waiver of regulations. Alternative equivalent compliance shall not be used when the desired departure from the standards of this Subchapter could be achieved using the minor modification process in Section 1.4.

1.5.2. Applicability. The alternative equivalent compliance procedure shall be available only for the following sections of this Subchapter:

- A. Section 2.2, *Relationship of Buildings to Streets and Walkways*;
- B. Section 2.3, *Connectivity*;
- C. Section 2.7, *Private Common Open Space and Pedestrian Amenities*; and
- D. Article 3, *Building Design Standards*.

1.5.3. Procedure. The applicant may select at his or her discretion whether to seek an informal recommendation or a formal approval on a proposal for alternative compliance.

A. Option One: Informal Recommendation.

1. **Pre-Application Conference Required.** If an applicant desires only an informal response and recommendation as to a proposal for alternative compliance, he or she shall request and attend a pre-application conference prior to submitting the site plan and/or building permit application for the development. At the conference, the applicant shall provide a written summary of the project and the proposed alternative compliance, and the Director shall offer an informal, non-binding response and recommendation regarding the appropriateness of the proposed alternative. Based on that response, the applicant may

prepare a site plan and/or building permit application that proposes alternative compliance, and such application shall include sufficient explanation and justification, in both written and graphic form, for the alternative compliance requested.

2. **Decision-Making Responsibility.** Final approval of any alternative compliance proposed under this section shall be the responsibility of the decision-making body responsible for deciding upon the application. The final decision-making body for site plans is either the Director or the appropriate Land Use Commission, as specified in Chapter 25-5, and the building official for building permits.

B. Option Two: Formal Decision.

1. **Pre-Application Conference.** If an applicant desires formal approval of a proposal for alternative compliance, he or she shall request and attend a pre-application conference prior to submitting the site plan and/or building permit application for the development.
2. **Alternative Compliance Concept Plan Required.** At least ten days prior to the pre-application conference, the applicant shall submit an alternative compliance concept plan application to the Director, which shall include:
 - a. A written description of and justification for the proposed alternative method of compliance, specifically addressing the criteria in Section 1.5.4.; and

- b. A concept plan that describes and illustrates, in written and graphic format, the intended locations and quantities of proposed buildings on the site, the layout of proposed vehicle and pedestrian access and circulation systems, and areas designated to meet requirements for open space, parking, on-site amenities, utilities, and landscape. The concept plan shall describe the site's topography and shall provide a general description of environmental characteristics to assist in determining compliance with this Subchapter. If alternative compliance is requested from the standards of Article 3, *Building Design*, the concept plan also shall include descriptions and illustrations of the proposed building design elements that would not comply with the standards of this Subchapter.
3. **Decision by Director.** The Director shall review the concept plan for compliance with the criteria in Section 1.5.4, and shall approve, approve with conditions, or deny the concept plan in writing.
4. **Expiration of Alternative Compliance Concept Plans.**
- a. An approved alternative compliance concept plan shall expire if three years pass following its approval and no building permit that implements the concept plan has been issued.
- b. One, one-year extension may be issued by the Director provided that a written request has been received prior to the expiration of the concept plan, and the Director has determined that no major changes in the city's development standards, or changes in the development pattern of the surrounding properties, have occurred.
5. **Effect of Approval.** Written approval of an alternative compliance concept plan does not authorize any development activity, but rather authorizes the applicant to prepare a site plan and/or building permit application that incorporates the approved alternative compliance, and authorizes the decision-making body (either the Land Use Commission or the Director for site plans, and the building official for building permits) to review the site plan and/or building permit application for compliance with the alternative compliance concept plan, in addition to all other applicable requirements. The site plan and/or building permit application shall include a copy of the approved alternative compliance concept plan.
6. **Amendments to Alternative Compliance Concept Plans.**
- a. Minor amendments to any approved alternative compliance concept plan may be approved, approved with conditions, or denied administratively by the Director. For purposes of this provision, minor amendments are those that do not result in:

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- (i) An increase of 10 percent or more in the amount of square footage of a land use or structure; application shall be reviewed for compliance with the standards of this Subchapter and all other applicable requirements.
- (ii) A change in the types of uses in the project;
- (iii) An increase or decrease of 20 percent or more in the number of dwelling units in the project; or
- (iv) A change that would bring the project out of compliance with any requirement or regulation set forth in the City Code outside this Subchapter unless a variance to or waiver from such requirement or regulation is obtained.
- b. Amendments that are not determined by the Director to be minor amendments under subsection a. above shall be deemed major amendments. The applicant may seek approval of a major amendment by re-submitting the original approved plan along with the proposed amendment to the Director for review in the same manner prescribed in subsection B.2. above.
- c. If any site plan and/or building permit application includes a major amendment from the terms of the approved concept plan that has not been approved by the Director, the concept plan shall be void and the
- 1.5.4. Criteria.** Alternative equivalent compliance may be approved only if the applicant demonstrates that the following criteria have been met:
- A. The proposed alternative achieves the intent of the subject Article of this Subchapter from which the alternative is sought; or
- B. The proposed alternative achieves the intent of the subject Article of this Subchapter from which the alternative is sought to the maximum extent practicable and is necessary because:
1. Physical characteristics unique to the subject site (such as, but not limited to, slopes, size, shape, and vegetation) make strict compliance with the subject standard impracticable or unreasonable; or
 2. Physical design characteristics unique to the proposed use or type of use make strict compliance with the subject standard impracticable or unreasonable.
 3. An undue financial hardship would be created for a development less than 10,000 square feet without any exterior trademark design feature.
- 1.5.5. Effect of Approval.** Alternative compliance shall apply only to the specific site for which it is requested and shall not establish a precedent for approval of other requests.

Source: Ord. 20060831-068.

§ 1.6. ADOPTION DATE AND EFFECTIVE DATE.

The adoption date of this Subchapter is August 31, 2006. The effective date of this Subchapter is January 13, 2007.

Source: Ord. 20060831-068.

ARTICLE 2: SITE DEVELOPMENT STANDARDS.

§ 2.1. INTENT.

The standards of Article 2 are intended to use site planning and building orientation in order to:

- 2.1.1. Ensure that buildings relate appropriately to surrounding developments and streets and create a cohesive visual identity and attractive street scene;
- 2.1.2. Ensure that site design promotes efficient pedestrian and vehicle circulation patterns;
- 2.1.3. Ensure the creation of a high-quality street and sidewalk environment that is supportive of pedestrian and transit mobility and that is appropriate to the roadway context;
- 2.1.4. Ensure that trees, sidewalks, and buildings – three of the major elements that make up a streetscape – are arranged in a manner that supports the creation of a safe, human-scaled, and well-defined roadway environment;
- 2.1.5. Ensure that trees or man-made shading devices are used to create a pedestrian-friendly environment both alongside roadways and connecting roadside sidewalks to businesses;

2.1.6. Ensure that buildings relate appropriately to their roadway context, allowing for easy pedestrian access to buildings and providing well-defined edges to the roadway environment;

2.1.7. Ensure that building entranceways are convenient to and easily accessible from the roadside pedestrian system;

2.1.8. Provide opportunities for roadside uses that enliven and enrich the roadway and pedestrian environment, such as outdoor dining, porches, patios, and landscape features;

2.1.9. Ensure that vehicular parking is accommodated in a manner that enriches and supports, rather than diminishes, the roadside pedestrian environment, and that does not create a barrier between the roadside environment and the roadside buildings; and

2.1.10. Ensure that large sites are developed in a manner that supports and encourages connectivity and creates a cohesive visual identity and attractive street scene.

Source: Ord. 20060831-068.

§ 2.2. RELATIONSHIP OF BUILDINGS TO STREETS AND WALKWAYS.

- 2.2.1. **Overview of Roadway Types.** In this Subchapter, roadway types are used as an organizing tool for certain development standards. In this Section 2.2., sidewalk, building placement, and streetscape standards and building entryway location are determined by the roadway type that is adjacent to the site. The following five roadway types are listed from highest to lowest priority for purposes of this Subchapter:

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- A. Core Transit Corridor;
- B. Internal Circulation Route;
- C. Urban Roadway;
- D. Suburban Roadway; and
- E. Highway or Hill Country Roadway.

The roadway with the highest level of priority adjacent to the lot or site is considered the "principal street" for purposes of this Subchapter. For a lot or site that is adjacent to more than one roadway of equal priority, the development shall be subject to the standards associated with the roadway with the highest level of transit service, as determined by the Director, or if the roadways do not have transit service or the level of transit service is equal, the roadway designated by the lot owner.

2.2.2. Core Transit Corridors: Sidewalks and Building Placement.

- A. **Applicability.** The following table summarizes the applicability of this section:

Standard	Applies if the Principal Street Is:	Applies to the Following:
2.2.2. Core Transit Corridors: Sidewalks and Building Placement	Core Transit Corridor	<ul style="list-style-type: none"> - All zoning districts - Single-family residential uses are exempt, in addition to the general exemptions in Section 1.2.3.



Figure 3: Example of a Core Transit Corridor (South Congress)



Figure 4: Example of an Internal Circulation Route (Jefferson Center)



Figure 5: Example of a Highway (1-35)

B. **Sidewalks.** In order to create an environment that is supportive of pedestrian and transit mobility, public sidewalks shall be located along both sides of all Core Transit Corridors. No sidewalk shall be less than 15 feet in width, unless otherwise approved as part of the site plan review process. The 15-foot minimum requirement shall apply regardless of the available right-of-way. Where required, the sidewalk shall extend onto private property to fulfill the 15-foot minimum requirement, with a sidewalk easement provided. Sidewalks shall consist of two zones: a street tree/furniture zone located adjacent to the curb, and a clear zone. (See Figures 6 - 8.) The following standards shall apply to these zones:



Figure 6: Street tree/furniture zone example



Figure 7: Clear zone example

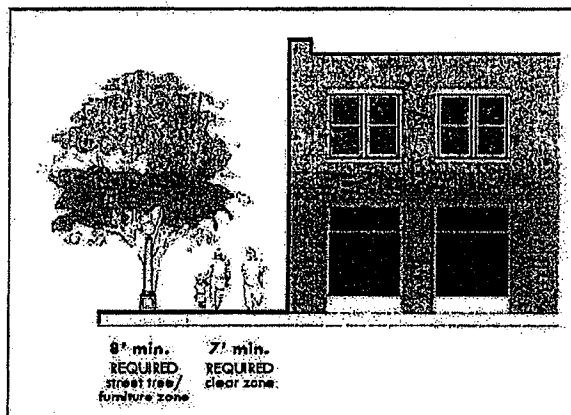


Figure 8: Core transit corridor sidewalk requirements. Street trees are required along core transit corridors with an average spacing not greater than 30 feet on center.

1. **Street Tree/Furniture Zone.**

- a. The street tree/furniture zone shall have a minimum width of eight feet (from face of curb) and shall be continuous and located adjacent to the curb.

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- b. The zone shall be planted with street trees at an average spacing not greater than 30 feet on center, or up to 60 feet on center if parallel or head-in parking is provided pursuant to Section 2.2.2.B.5. The Director of Watershed Protection and Development Review shall adopt a list of acceptable street trees for purposes of this section. The list shall emphasize shade trees; however, alternative trees may only be approved (pursuant to Section 2.2.2.B.3. below) where conflicts may arise because of overhead utility lines.

- c. In addition, the zone is intended for the placement of street furniture including seating, street lights, waste receptacles, fire hydrants, traffic signs, newspaper vending boxes, bus shelters, bicycle racks, public utility equipment such as electric transformers and water meters, and similar elements in a manner that does not obstruct pedestrian access or motorist visibility.

2. **Clear Zone.** The clear zone shall be a minimum width of seven feet, shall be hardscaped, shall be located adjacent to the street tree/furniture zone, and shall comply with ADA and Texas Accessibility Standards. The clear zone shall be unobstructed by any permanent or nonpermanent element for a minimum width of seven feet and a minimum height of eight feet. (See Figures 6 - 11.)

3. Utilities.

- a. All utility lines shall be underground from the building to the property line. Utility lines within the right-of-way shall be placed underground or relocated to the rear of the site to the maximum extent practicable. See Figure 9.

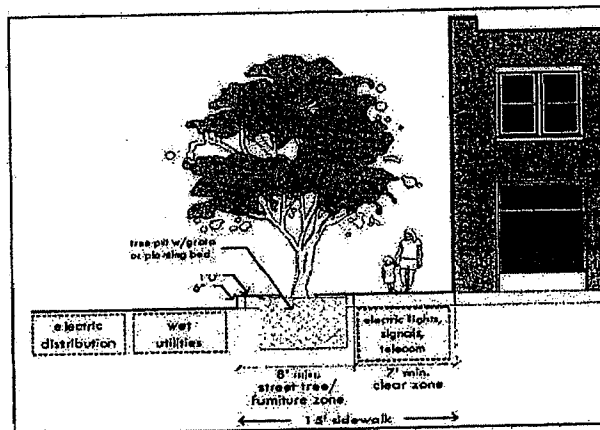


Figure 9: Core transit corridor with underground utilities.

- b. Where electric utilities remain overhead and are located behind the curb, an overhead utility zone shall be provided so that no portion of the building is located within a 10-foot radius of the energized conductor. This overhead utility zone shall be in addition to the minimum street tree/furniture zone, clear zone, and supplemental zone (if provided). Options for street tree planting and sidewalk placement in combination with overhead utilities are illustrated in Figures 10 and 11.

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- (1) The Director of Public Works seeks a waiver of this Council policy for the VMU development in question; and
 - (2) The Urban Design Officer makes an affirmative determination that the requested denial or modification of parallel or head-in parking will not undermine Council policy for Core Transit Corridors; and
 - (3) The Director of Public Works presents this request for waiver of Council policy at a regularly called meeting of the Austin City Council within 45 days of the site plan being filed; and
 - (4) Council approves the Director's request for waiver.
- (ii) If the affected property owner objects to the request for waiver of Council policy and submits a written objection, an affirmative vote by a super majority of the Council shall be required to approve the waiver.
- (iii) If the Council does not act on the waiver request within 45 days of the site plan being filed, the site plan provisions relating to head-in or parallel parking shall be approved administratively.
- b. For developments other than VMU developments, at the option of the applicant and subject to the approval of the Director of Public Works (based on administrative criteria that the Director shall present to the City Council at a regularly called Council meeting for Council approval no later than January 31, 2007), parallel or head-in parking may be provided in a cut-in inside of the existing curb line immediately abutting the development. The administrative criteria presented by the Director of Public Works for Council approval must demonstrate how this criteria meets Council policies for Core Transit Corridors, including promoting greater vertical mixed use development and emphasizing the more pedestrian-oriented planning function of Core Transit Corridors.
- c. If parking is provided to paragraphs a. or b. above, the sidewalk provisions of this section shall continue to apply, with both a clear zone and street tree/furniture zone placed adjacent to the curb at the inside of the parking spaces, and both zones meeting the requirements of subsections 1. and 2. above.
- C. **Supplemental Zone (Optional).** A supplemental zone may be provided at the option of the applicant between the street-facing facade line and the required clear zone. (See Figure 13.) The following standards apply to supplemental zones:

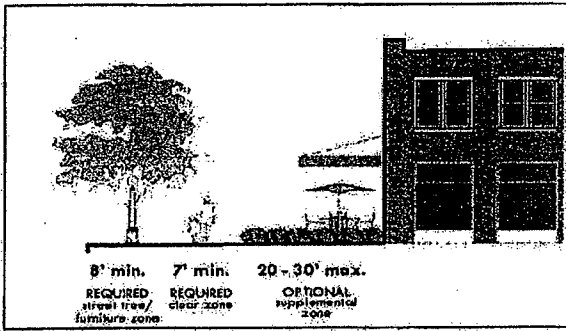


Figure 13: Core transit corridor with optional supplemental zone.

1. If a supplemental zone is provided, up to 30 percent of the linear frontage of the supplemental zone may be a maximum of 30 feet wide, and the remainder of the supplemental zone shall be a maximum of 20 feet wide. (See Figure 14.)

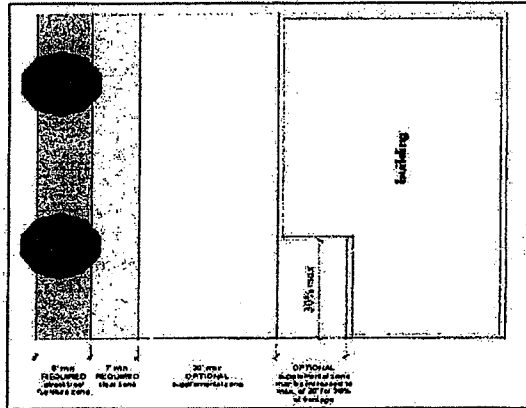


Figure 14: Optional supplemental zone may be expanded to 30 feet for a maximum of 30 percent of the frontage.

2. The following elements may be located within the supplemental zone:
 - a. Accessory outdoor dining, provided that the dining area may be separated from the

sidewalk only with planters, shrubs, or fencing with a maximum height of 42 inches (See Figure 15.);



Figure 15: Example of supplemental zone outdoor dining

- b. Balconies, pedestrian walkways, porches, handicap ramps, and stoops; provided, however, that no such feature shall extend beyond the supplemental zone without a license agreement;
 - c. Terraces, provided that they have a maximum finished floor height of 24 inches above the sidewalk elevation and shall be surrounded by a guardrail that meets city specifications;
 - d. Landscape and water features;
 - e. Plazas; and
 - f. Incidental display and sales.
3. Any features in the supplemental zone must not obstruct the open pedestrian connection between the building's primary entrance and the clear zone.

D. Building Placement.

1. **General Building Placement Standard.** Notwithstanding the minimum setback requirements of the base zoning districts, at least 75 percent of the net frontage length of the property along the Core Transit Corridor must consist of continuous building facade built up to the clear zone, or the supplemental zone if one is provided. (See Figure 16.) For purposes of this Subchapter, "net frontage length" is defined in Article 5. This minimum net frontage length requirement shall not apply if the site qualifies for one of the exceptions in subsections 2., 3., 4., or 5. below.

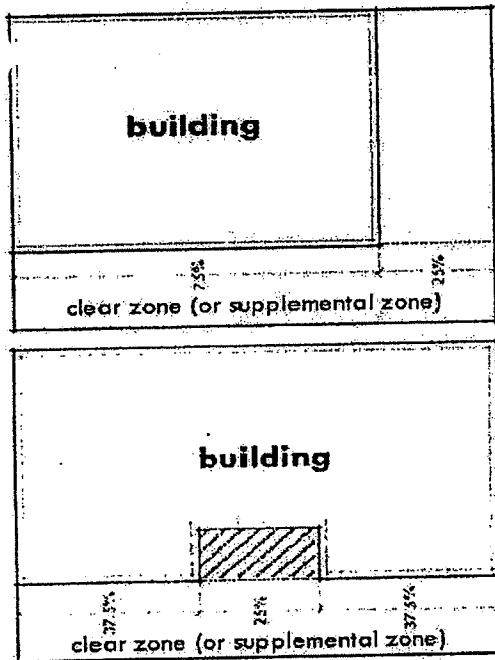


Figure 16: Examples of permitted building placement along core transit corridors. Parking is not permitted in the hatched area between the street-facing facade and the sidewalk.

2. **Exception: Sites of Five Acres or More.** If the lot or site is at least five acres in size and thus subject to the connectivity requirements in Section 2.3.1. of this Subchapter, no minimum net frontage length is required along the Core Transit Corridor. Instead, buildings shall meet the building placement requirements along the Internal Circulation Route in Section 2.2.5. (See Figure 17.)

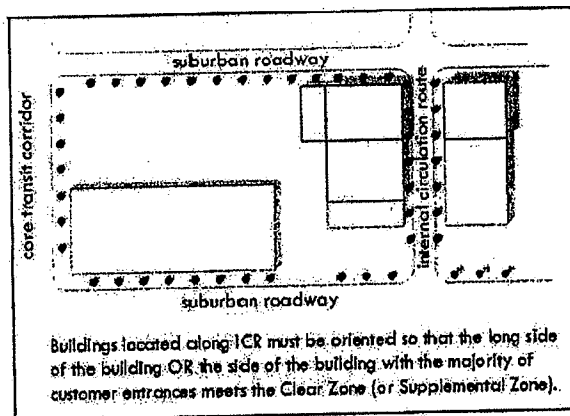


Figure 17: For sites of five acres or more, buildings may be located along the internal circulation route, instead of the core transit corridor.

3. **Exception: Civic Buildings.** In order to provide greater flexibility to create a distinctive architectural statement, civic buildings do not have to be built up to the clear zone (or supplemental zone if one is provided), so long as parking is not located between the building frontage facing the principal street and the street. (See Figure 18.)

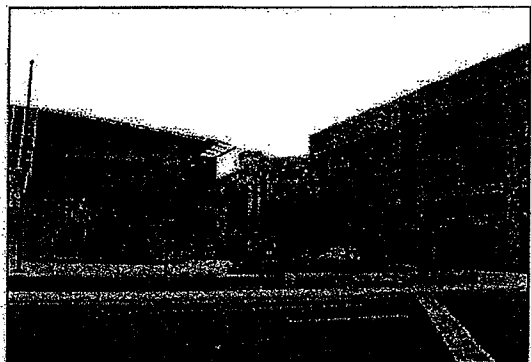


Figure 18: The Austin City Hall is set back from the street in some areas, while other non-civic buildings meet the street. This is a traditional urban design technique intended to emphasize the importance of civic uses.

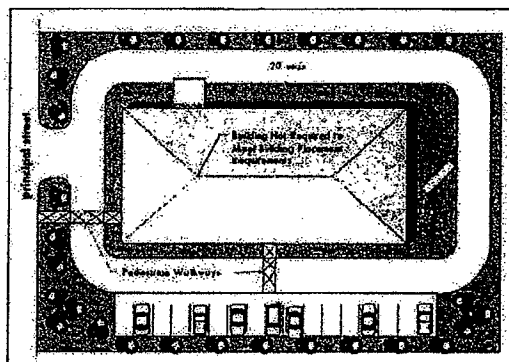


Figure 19: Drive-through uses serviced by a single curb cut do not have to meet the building placement standards in order to allow for a circulation lane.

4. Exception: Pad-site Building with Drive-In or Drive-Through.

When a pad-site building with a drive-in or drive-through is only permitted a single curb cut, the building site may contain a circulation lane between the building and the curb, and the building behind the circulation aisle does not have to be brought to the clear zone (or supplemental zone). The circulation lane may not have parking and cannot be wider than 20 feet. An accessible and clearly marked walkway that crosses the circulation aisle shall be provided to connect the clear zone and the building's principal entrance. (See Figure 19.)

5. Exception: Alternative Equivalent Compliance.

If the applicant applies for a modification of this building placement standard through the alternative equivalent compliance procedure in Section 1.5 because there will not be enough building frontage to meet the 75 percent net frontage length requirement, the Director may approve an alternative design provided one of the following is met, in addition to the criteria in Section 1.5.4.:

a. On a site with a single principal building:

(i) The longer side of the building must be built up to the clear zone (or supplemental zone if provided) (See Figure 20.), or

(ii) At least one side of the building must be built up to the clear zone (or supplemental zone if provided) and

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the majority of the tenant spaces must have principal entrances facing the principal street. (See Figure 21.)

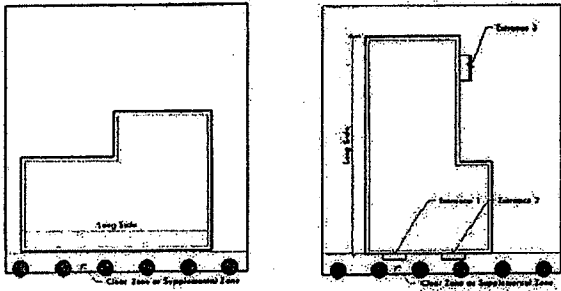


Figure 20 (left) & 21 (right): Alternative building placement options.

- b. On a site with more than one principal building, at least one building must be built to the clear zone (or supplemental zone), and:
- (i) The longer side of any building, any portion of which is within 100 feet of the principal street, must be built up to the clear zone (or supplemental zone if provided), or
 - (ii) At least one side of any building, any portion of which is within 100 feet of the principal street, must be built up to the clear zone (or supplemental zone if provided) and the majority of tenant spaces in any such building must have principal entrances facing the principal street.

E. Off-Street Parking.

1. Off-street parking is prohibited between the Core Transit Corridor and the corresponding street-facing facade line. (See Figure 22.)

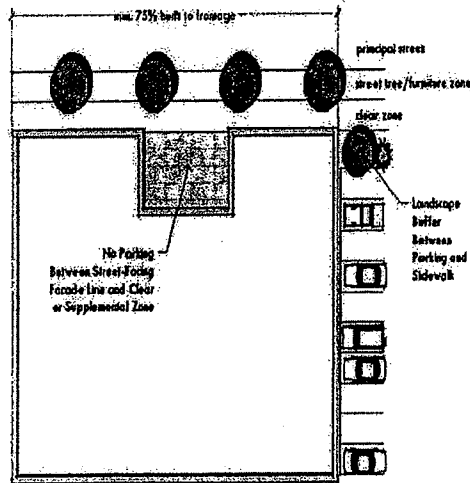


Figure 22: Parking to the side of a building is permitted but screening is required between the parking and the sidewalk. No parking is permitted between the building and the sidewalk on a Core Transit Corridor.

2. Any off-street surface parking along a Core Transit Corridor shall have landscape buffering in accord with Section 25-2-1006 of the LDC between the clear zone (or the supplemental zone if provided) and the parking area. The buffering method chosen must include shade trees.

2.2.3. Urban Roadways: Sidewalks and Building Placement.

- A. **Applicability.** The following table summarizes the applicability of this section:

Standard	Applies if the Principal Street Is:	Applies to the Following:
2.2.3. Urban Roadways: Sidewalks and Building Placement	Urban Roadway	All non-residential zoning districts

B. **Sidewalks.** Public sidewalks shall be located along both sides of all Urban Roadways. Sidewalks shall be no less than 12 feet in width, unless otherwise approved as part of the site-plan review process. (See Figure 23.) The 12-foot minimum requirement shall apply regardless of the available right-of-way. Where required, the sidewalk shall extend onto private property to fulfill the 12-foot minimum requirement, with a sidewalk easement provided. Sidewalks shall consist of two zones: a street tree/furniture zone located adjacent to the curb, and a clear zone. The following standards apply:

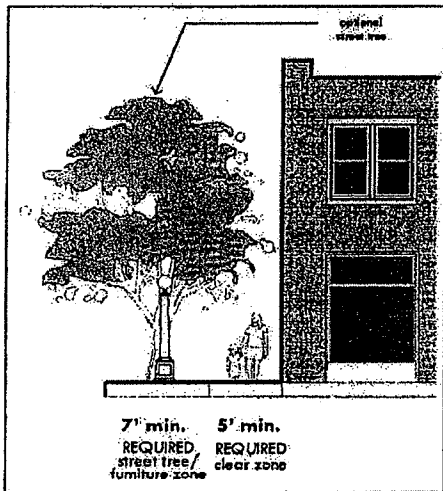


Figure 23: Urban roadway sidewalk width requirements. Note that street trees are optional on urban roadways.

1. **Street Tree/Furniture Zone.** The street tree/furniture zone shall have a minimum width of seven feet and shall be continuous and located adjacent to the curb.
2. **Clear Zone.** The clear zone shall be a minimum width of five feet, shall be hardscaped, shall be located adjacent to the street tree/furniture zone, and shall comply with ADA and Texas Accessibility Standards. The clear zone shall be unobstructed for a minimum width of five feet and a minimum height of eight feet.
3. **Utilities.** The standards for utility placement along core transit corridors shall also apply to utility placement along urban roadways. See Section 2.2.2.B.3. (See Figures 24 - 26.)

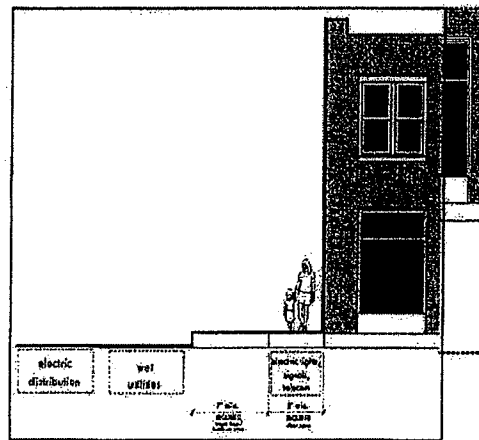


Figure 24: Underground Utilities on Urban Roadway

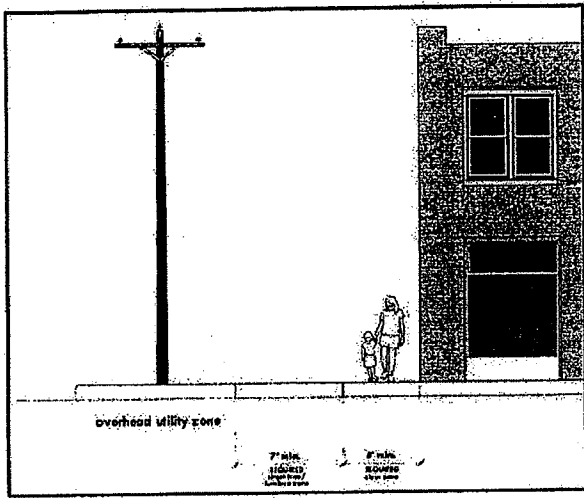


Figure 25: Above-Ground Utilities at Curb on Urban Roadway

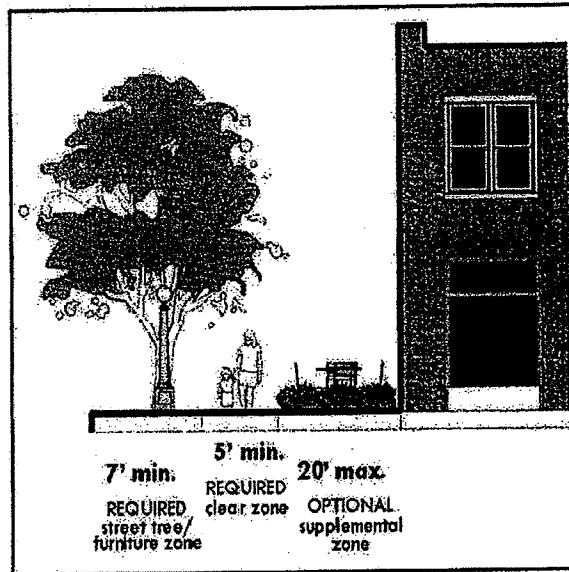


Figure 27: Urban Roadway with optional supplemental zone.

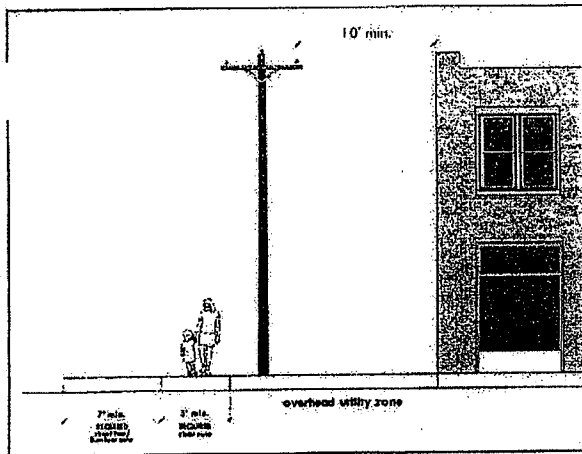


Figure 26: Above-Ground Utilities on Urban Roadway

C. **Supplemental Zone (Optional).** A supplemental zone may be provided, at the applicant's option, between the street-facing facade line and the required clear zone. If provided, the supplemental zone shall be a maximum of 20 feet wide and shall comply with the standards above in Section 2.2.2.C. (See Figure 27.)

D. **Building Placement.**

1. Notwithstanding the minimum setback requirements of the base zoning districts, at least 40 percent of the net frontage length along the Urban Roadway must consist of continuous building facade built up to the clear zone (or supplemental zone if provided). (See Figure 28.) Net frontage length is defined in Article 5. However, if the lot is subject to the connectivity requirements in Section 2.3.1., buildings may be built up to the sidewalk on an internal block along an Internal Circulation Route. (See Figure 29.)

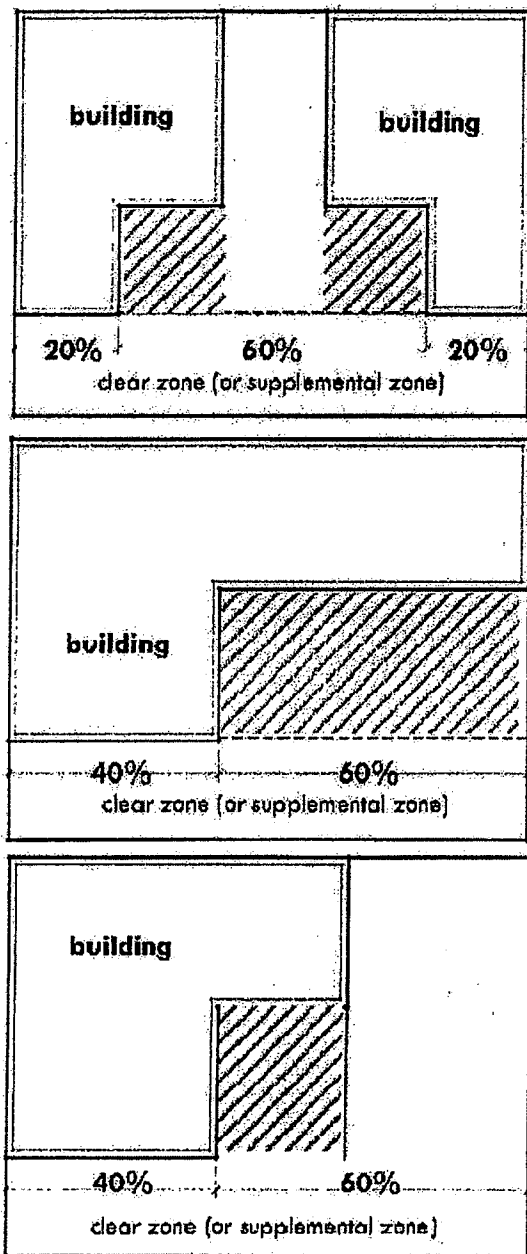


Figure 28: Examples of building placement on urban roadways. Parking is generally not permitted in the hatched area between the building facade and the sidewalk, except for shallow lots, as described in paragraph D.

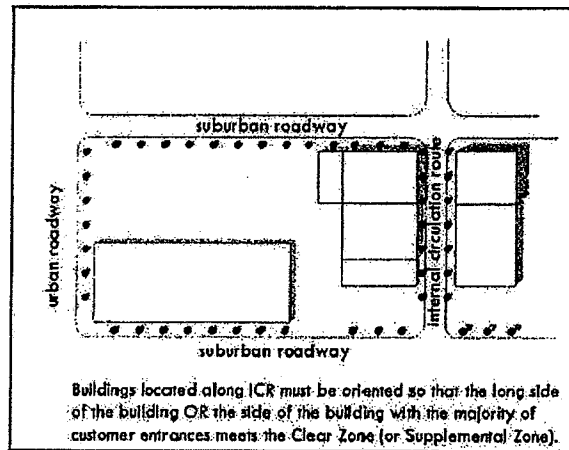


Figure 29: For sites of five acres or more, buildings may be located along the ICR instead of the urban roadway.

2. **Exception: Pad-site Building with Drive-In or Drive-Through.** When a pad-site building with a drive-in or drive-through is only permitted a single curb cut, the pad building site may contain a circulation lane between the building and the curb, and that building behind the circulation aisle does not have to be brought to the clear zone (or supplemental zone), pursuant to Section 2.2.2.D.4. and Figure 19.
3. **Exception: Alternative Equivalent Compliance.** If the applicant applies for a modification of this building placement standard through the alternative equivalent compliance procedure in Section 1.5 because there will not be enough building frontage to meet the 40 percent net frontage length requirement, the Director may approve an alternative design provided one of the standards in Section 2.2.2.D.5, is met, in addition to the criteria in Section 1.5.4.

E. Parking. Parking is prohibited between the building(s) and the property line adjacent to the Urban Roadway. However, on sites 400 feet deep or less, parking may be located between the street-facing facade line and the Urban Roadway if:

1. At least 60 percent of the property's net frontage length along the Urban Roadway consists of continuous building facade (divided into no more than two buildings) (see Figure 31), or 40 percent of the net frontage length consists of continuous vertical mixed use building facade (divided into no more than two buildings), built up to the clear zone (or supplemental zone if provided); and
2. Any surface parking along an Urban Roadway shall have landscape buffering in accord with Section 25-2-1006 of the LDC between the clear zone (or the supplemental zone if provided) and the parking area; and
3. A shaded sidewalk leads to the main customer entrance from the clear zone (or supplemental zone if provided). No more than one drive aisle can cross the sidewalk. For multi-tenant developments, there must be a shaded sidewalk to the street-facing building facade at least every 330 feet of Urban Roadway frontage. (See Figure 30.)

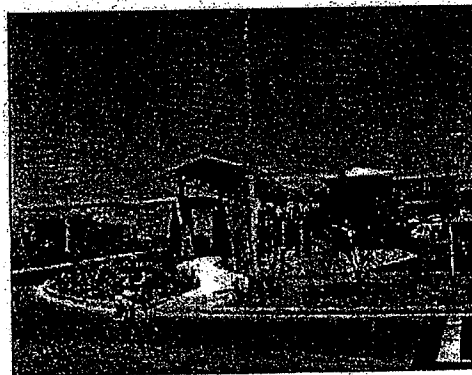


Figure 30: Examples of shaded sidewalks.

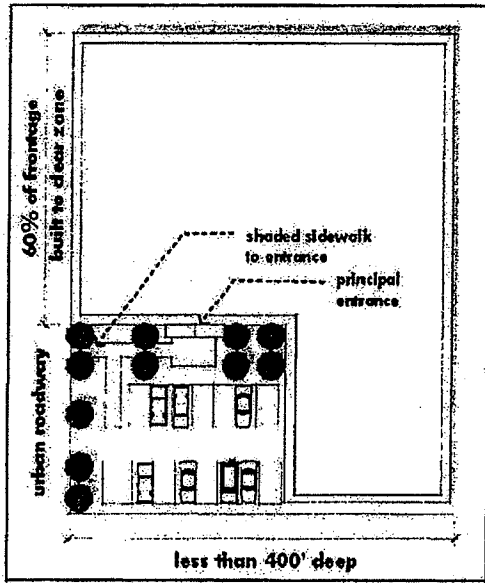


Figure 31: Parking is permitted between the building and the roadway on shallow lots less than 400 feet deep, when certain conditions are met.

F. **Corner Sites.** All sites located on a corner and adjacent to at least one Urban Roadway shall comply with the corner-site standards in Section 2.2.4.E.

2.2.4. Suburban Roadways: Sidewalks and Building Placement.

A. **Applicability.** The following table summarizes the applicability of this section:

Standard	Applies if the Principal Street Is:	Applies to the Following:
Standard 2.2.4, Suburban Roadways: Sidewalks and Building Placement	Suburban Roadway	All non-residential zoning districts (development of any site subject to the internal circulation system requirements in Section 2.3.1.)

B. **Sidewalks.** Public sidewalks shall be located along both sides of all Suburban Roadways. Sidewalks and supplemental zones shall comply with the standards for sidewalks along Urban Roadways in Section 2.2.3. above.

C. **Building Placement.**

1. On Suburban Roadways, parking is discouraged between the building and the street. (See Figure 32.) If the property meets the building placement requirements for Urban Roadways as set forth in Section 2.2.3.D. above and no parking is located between the principal street and any street-facing building elevation, the project is exempt from the connectivity requirements in Section 2.3.1.

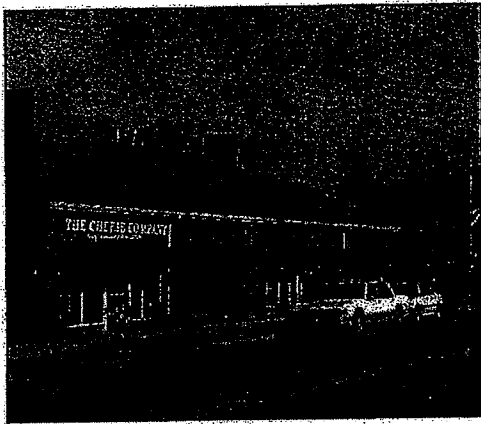


Figure 32: Parking is discouraged between the building and the street on Suburban Roadways.

2. **Exception: Pad-site Building with Drive-In or Drive-Through.** When a pad-site building with a drive-in or drive-through is only permitted a single curb cut, the pad building site may contain a circulation lane between the building and the curb, and that building behind the circulation aisle does not have to be brought to the clear zone (or supplemental zone), pursuant to Section 2.2.2.D.4. and Figure 19.

D. Parking. Parking along the street frontage must have:

1. Landscape buffering in accord with Section 25-2-1006 of the LDC; and
2. A shaded sidewalk leading to the main customer entrance from the property line. No more than two drive aisles may cross the sidewalk. For multi-tenant developments, there must be a shaded sidewalk for at least every 330 feet of frontage along the suburban roadway frontage.

E. Corner Sites. For sites located on a corner on Suburban Roadways:

1. Surface parking is prohibited within 100 feet of the corner, unless (See Figure 33.):

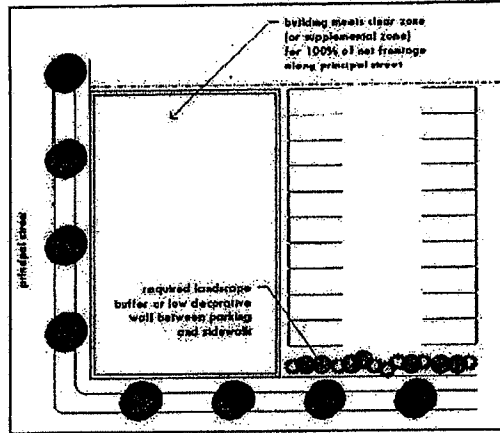


Figure 33: Corner Site on a Suburban Roadway (shown as "principal street")

- a. Landscape buffering between the parking area and the sidewalk is provided in accord with Section 25-2-1006 of the LDC (See Figure 34.); and

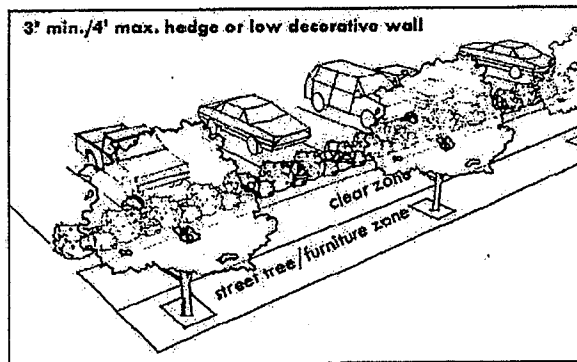


Figure 34: Required screening when parking is located near suburban roadway corners

- b. One hundred percent of the building frontage that faces the principal street shall be built to the clear zone (or supplemental zone if provided).
- 2. The development may not contain an auto-oriented use unless it meets option a. or b. in 2.2.4.B.1. above. For purposes of this provision, auto-oriented uses shall consist of the following: any use with a drive-through service facility; automotive rentals; automotive repair services; automotive sales; automotive washing; commercial off-street parking; equipment sales; off-site accessory parking; service station; and vehicle storage.

- 1. On portions of the street with building frontage meeting the requirements of subsection C. below, the sidewalks and supplemental zones shall comply with the applicable standards for Urban Roadways, as provided in Section 2.2.3. The zone shall be planted with street trees at an average spacing not greater than 30 feet on center, or up to 60 feet on center with approval of the Director if parallel or head-in parking is provided pursuant to Section 2.2.2.B.5. (See Figure 35.)

2.2.5. Internal Circulation Routes: Sidewalks and Building Placement.

A. **Applicability.** The following table summarizes the applicability of this section:

Standard	Applies if the Principal Street Is:	Applies to the Following:
2.2.5. Internal Circulation Routes: Sidewalks and Building Placement	Internal Circulation Route	All non-residential zoning districts

B. **Sidewalks.** Publicly accessible sidewalks shall be provided along both sides of all Internal Circulation Routes (whether built as public streets or as private drives).

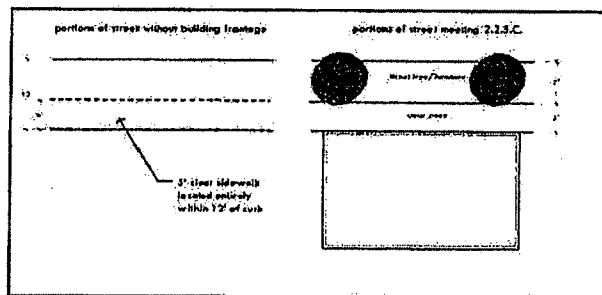


Figure 35: Required sidewalks on Internal Circulation Routes

- 2. On portions of the street that do not contain building frontage meeting the requirements of subsection C. below, a five-foot unobstructed sidewalk shall be provided, all of which shall be located within 12 feet of the curb.

C. Building Placement.

- 1. On a site with a single principal building:
 - a. The longer side of the building must be built up to the clear zone (or supplemental zone if provided), or

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- b. At least one side of the building must be built up to the clear zone (or supplemental zone if provided) and the majority of the tenant spaces must have principal entrances facing the Internal Circulation Route.
2. On a site with more than one principal building:
- a. The longer side of any building, any portion of which is within 100 feet of the Internal Circulation Route, must be built up to the clear zone (or supplemental zone if provided), or
 - b. At least one side of any building, any portion of which is within 100 feet of the Internal Circulation Route, must be built up to the clear zone (or supplemental zone if provided) and the majority of tenant spaces in any such building must have principal entrances facing the Internal Circulation Route.

D. Parking.

- 1. Off-street parking is prohibited between the Internal Circulation Route and the corresponding street-facing facade line.
- 2. On-street parallel parking, head-in parking, and angle parking are allowed on an Internal Circulation Route, subject to compliance with fire access standards, and, if the Internal Circulation Route is a public street, subject to approval of the Director of Public Works based on administrative criteria to be adopted.

2.2.6. Building Entryways.

- A. **Applicability.** The following table summarizes the applicability of this section:

Standard	Applies if the Principal Street Is:	Applies to the Following:
2.2.6. Building Entryways	Core Transit Corridor	All zoning districts
	- Suburban Roadway - Highway - Hill Country Roadway - Urban Roadway	All non-residential zoning districts

B. Standards.

- 1. At least one customer entrance should face the principal street and connect directly to the sidewalk along the principal street, unless the following requirements are met:
 - a. Regardless of the applicable building frontage requirements of Sections 2.2.2. through 2.2.5., at least 80 percent of the net frontage length along the principal street must consist of continuous building facade that is built up to the clear zone (or supplemental zone if provided);
 - b. The building must have a continuous shaded sidewalk linking the principal street and the building's principal entrance;

- c. The entrance must be less than 100 feet from the street-facing facade line of the building; and
- d. A row of shade trees between the building and the parking area shall be provided at an average spacing not greater than 30 feet on center (See Figure 36.).

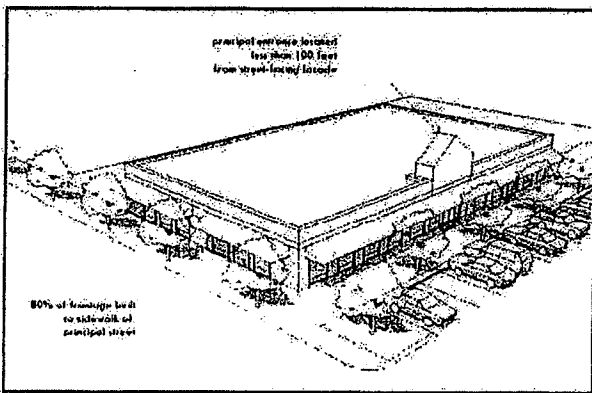


Figure 36: Requirements for a principal entrance that does not face the principal street

- 2. Building entrances should be located at intervals of no more than 75 feet along the elevation facing the principal street. If building entrances are located more than 75 feet apart (or there is a single entrance point on a facade greater than 150 feet in length), the areas between the entrances (or from building edge to the entrance) shall utilize shaded sidewalks that connect the entrances to improve the pedestrian-friendliness of the building along the principal street. (See Figure 37.)



Figure 37: When multiple entrances are not provided, long walls should be broken up with glazing and other pedestrian amenities

- 3. In no case shall this section require orienting a building entryway toward a street with zoning of SF6 or lesser density.

Source: Ord. 20060831-068.

§ 2.3. CONNECTIVITY.

2.3.1. Internal Circulation Systems for Large Sites.

- A. Applicability. The following table summarizes the applicability of this section:

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Standard	Applies if the Principal Street Is:	Applies to the Following:
2.3.1. Internal Circulation Systems for Large Sites	- Core Transit Corridor - Urban Roadway	- All zoning districts (development of any site five acres or larger) - See additional exemptions in subsection B.
	- Suburban Roadway - Highway - Hill Country Roadway	- All non-residential zoning districts (development of any site five acres or larger) - See additional exemptions in subsection B.

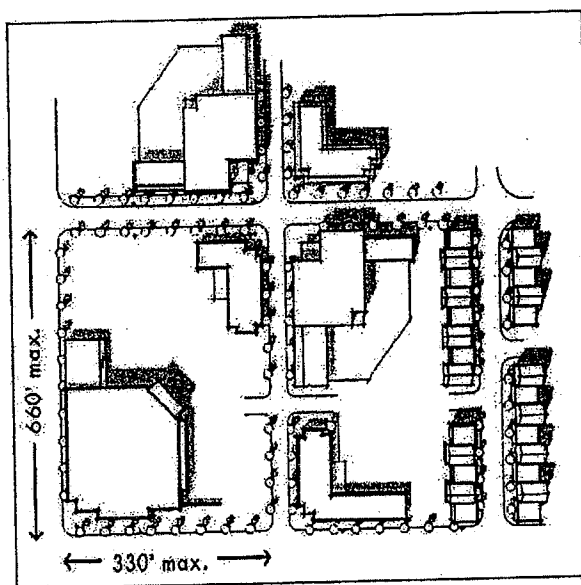


Figure 38: Example of an interconnected grid-like system for internal circulation. Blocks must not exceed 660' by 330' in most cases.

B. Standards. Any site for that is subject to this Section 2.3.1. must comply with the following:

1. **Maximum Block Size.** Unless exempted below, the site shall be divided into internal blocks no longer than 660 feet by 330 feet from curb to curb. (See Figure 38.) The maximum block length applies both to blocks containing buildings and blocks containing surface parking. This standard shall not require the block front adjacent to a Hill Country Roadway to be divided in a manner inconsistent with Chapter 25-6, Article 6, Division 2 (*Access to Hill Country Roadways*) or state highway access spacing requirements.

a. **Exemption: Corporate Campuses.** The maximum block length standard does not apply to a corporate campus. For purposes of this exemption, a "corporate campus" is defined as a site for a single company larger than ten acres with at least three office buildings larger than 50,000 square feet each, and a maximum of ten percent of the total building square footage of the site devoted to retail uses.

b. **Exemption: Sites Over 15 Acres.** On sites 15 acres or larger, the site may contain one block with a maximum dimension of 660 feet by 660 feet for each 30 acres (i.e., one 660 by 660 block on a site of between 15 to 30

acres, two 660 by 660 blocks on a 30 - 60-acre site, etc.).

- c. **Exemption: Office Sites in Drinking Water Protection Zone or Water Supply Watershed.** The maximum block length standard does not apply to any site in the Drinking Water Protection Zone or a Water Supply Watershed designated as a neighborhood office (NO), limited office (LO), or general office (GO) district.

2. Internal Circulation System Required.

- a. **Internal Circulation Routes** connecting the blocks must form an interconnected, grid-like transportation system on the site. (See Figure 34.)
- b. **Contiguous green spaces** are not subject to the block-length requirements, but if the green space is longer than 150 feet, it must include a pedestrian and bicycle shared use path as a mid-block connection every 150 feet.

- 3. **Parking Allowed.** On-street parallel parking, head-in parking, and angle parking are allowed on each new public street or Internal Circulation Route subject to compliance with fire access standards and, if the Internal Circulation Route is a public street, subject to approval of the Director of Public Works based on administrative criteria to be adopted.

- 4. **Height Increase for Offices in the General Office District.** For a greenfield development of ten acres or larger that includes at least two complete internal blocks of no larger than 660 feet by 330 feet and that is designated as a general office (GO) district, the maximum office height is increased to 80 feet. This height increase remains subject to compatibility standards.

- 5. **Sidewalk Credit.** Sidewalks and curbs alongside Internal Circulation Routes and adjacent public roadways may result in an exceedance of up to five percent above the watershed impervious cover limits. These sidewalk and curb areas:
 - a. May not exceed 15 feet in width; and
 - b. Shall be constructed of porous concrete or other surfaces as approved by the Director.

This provision applies only to sites outside the Barton Springs Zone and that are five acres or larger. Impervious cover resulting from this exceedance must be treated to meet current water quality and drainage standards.

- 6. **Subdivision of Internal Blocks.** Internal blocks abutting Internal Circulation Routes may be subdivided to allow for the sale and development of individual blocks without frontage on a public street if the Director determines that the Internal Circulation Routes are equivalent to a public street in terms of utilities, pavement design, and

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vehicle access requirements. For the purpose of compliance with setback and minimum lot frontage requirements, an Internal Circulation Route is considered equivalent to a public street.

2.3.2. Improvements to Encourage Pedestrian, Bicycle, and Vehicular Connectivity.

A. **Applicability.** The following table summarizes the applicability of this section:

Standard	Applies if the Principal Street Is:	Applies to the Following:
2.3.2. Improvements to Encourage Pedestrian, Bicycle, and Vehicular Connectivity	All roadway types	<ul style="list-style-type: none"> - Projects with a net site area of three acres or more in all non-residential zoning districts - Projects with a net site area of less than three acres that have parking between the building and the principal street in all zoning districts

B. Standards.

1. **Vehicular and Pedestrian Connections Between Sites.** All sites or developments subject to this section shall:

a. Provide private drive or public street connections to existing private drives

or public streets on adjacent sites, or stub-outs if connections are not feasible; and

b. Where a public street is adjacent to the property line, provide direct pedestrian and bicycle access from that street to a customer entrance. The pedestrian and bicycle access points must be fully accessible during operating hours. (See Figure 39.)



Figure 39: Example of a pedestrian/bicycle connection from sidewalk to building entrance.

2. **Additional Measures to Improve Connectivity.** All sites or developments subject to this section shall select and comply with at least two of the options in the table below. However, if a site or development provides surface parking that amounts to more than 125 percent of the parking required in Appendix A (Tables of Off-Street Parking and Loading Requirements), the site or development must select and comply with at least three of the options in the table below.

Option	Description/Comments
Provide pedestrian and bicycle connections from adjacent parkland.	Where public parkland is adjacent to the property line, provide pedestrian and bicycle access from the trail or walkway system on that parkland to the building entrance. The pedestrian and bicycle access points must be fully accessible during operating hours and shall meet city standards for pedestrian and bike ways.
Provide solar power shading devices in parking lots. (See Figure 40)	Devices shall comply with requirements of administrative rules on this subject.
Provide pedestrian connection to adjacent residential development.	If there is a residential development adjacent to the site, provide a pedestrian connection to those buildings, up to the property line, and to an existing pathway if one is present on the adjacent site. Compliance with this option also may include providing a sidewalk that connects the project site to an adjacent residential development and that runs along a public roadway where no sidewalk currently exists or where the existing sidewalk does not meet the width standards in this Subchapter.
Internal utility lines should be located in drive aisles or Internal Circulation Routes, rather than under parking areas.	Do not locate utility lines beneath surface parking areas. This is designed to facilitate future redevelopment.
Limit curb cuts.	Connections between site and adjacent arterials and highways occur no more frequently than every 330 feet. An Internal Circulation Route does not count as a curb cut.
At least 50 percent of the provided parking is constructed of concrete or pervious pavement (for example, pavers, open grid pavement system, pervious concrete). (See Figure 41.)	If located in the Edwards Aquifer Recharge zone, only concrete may be used to satisfy this option. Open grid pavement systems may be used in areas providing fire access only if shown to meet Fire Department load-bearing requirements. The use of concrete or pervious pavement shall not affect the impervious cover calculation for purposes of Section 2.3.1.B.5, "Impervious Cover Credit."
Enhance physical fitness opportunities and multi-modal connectivity by providing shower facilities.	To comply with this option, the site must meet by one of the following minimum size thresholds and provide the listed facilities: <ul style="list-style-type: none"> - <i>Office uses:</i> 1 shower facility and 3 lockers for buildings more than 10,000 square feet (ADA requirements may not permit a single unisex shower if the expected occupant load exceeds 10. The number of required showers may be increased to 2 ADA showers) - <i>Commercial uses:</i> 1 shower facility and 3 lockers for each building - <i>Industrial uses:</i> 1 shower facility and 3 lockers for each building exceeding 100,000 square feet of gross floor area
Provide shaded sidewalks along 100% of all publicly visible building facades	

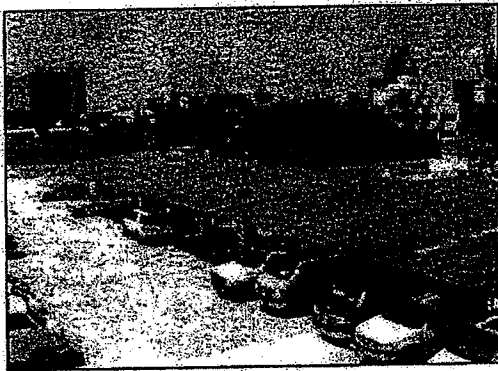


Figure 40: Example of solar power shading device in parking lot

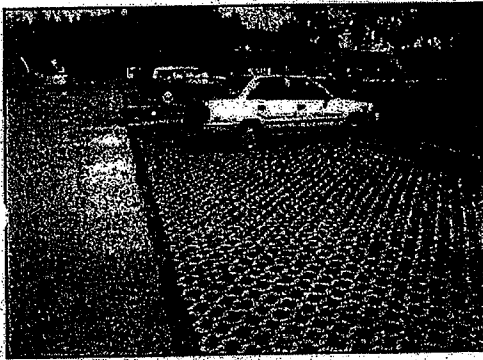


Figure 41: Example of pervious paving surface
Source: Ord. 20060831-068.

§ 2.4. PARKING REDUCTIONS.

2.4.1. **Applicability.** The following table summarizes the applicability of this section:

Standard	Applies if the Principal Street Is:	Applies to the Following:
2.4. Parking Reductions	All roadway types	All non-residential zoning districts

2.4.2. **Reduction of Minimum Off-Street Parking Requirements.** This section provides for reductions in the minimum off-street parking requirements in Chapter 25-6, Article 7, Off-Street Parking and Loading. The minimum off-street parking requirement shall be reduced as follows:

- A. By one space for each on-street parking space located adjacent to the site on a public street, including spaces on Internal Circulation Routes that meet public street standards.
- B. By up to 10 percent to preserve significant stands of trees or protected trees in addition to those required to be preserved by the Code, pursuant to protection measures specified in the Environmental Criteria Manual. If the applicant provides more parking spaces than the minimum required, the additional parking spaces may not result in the removal of significant stands of trees or protected trees.
- C. By 20 spaces for every car-sharing vehicle provided in a program that complies with the requirements prescribed by the Director by administrative rule.
- D. By one space for each shower facility with three or more lockers provided for employees in a nonresidential building.

Unless otherwise specified, the above reductions may be applied cumulatively, and may be applied in addition to the urban core parking reduction authorized in Section 25-6-478, but in no case may the minimum off-street parking requirements for a project set forth in Chapter 25-6, Appendix A, be reduced by more than 40 percent.

Source: Ord. 20060831-068.

§ 2.5. EXTERIOR LIGHTING.

2.5.1. **Applicability.** The following table summarizes the applicability of this section:

Standard	Applies if the Principal Street Is:	Applies to the Following:
2.5: Exterior Lighting	All roadway types	All zoning districts

2.5.2 Standards.

A. **Submission of Plans and Evidence of Compliance.** All site plan applications shall include a description of all lighting fixtures not affixed to buildings, both proposed and those that will remain on the site, as well as any existing or proposed fixtures to be located in adjacent right-of-ways after completion of the project. For new fixtures, the description may include, but is not limited to, catalog cuts and illustrations by manufacturers (including sections where required), that demonstrate compliance with the standards of this Subchapter. For lighting fixtures affixed to buildings, such information shall be provided as part of the building permit application.

B. **Fully Shielded and Full Cut-off Light Fixtures Required.** The following outdoor lighting applications shall be illuminated by fixtures that are both fully-shielded and full cut-off: (See Figure 42.)

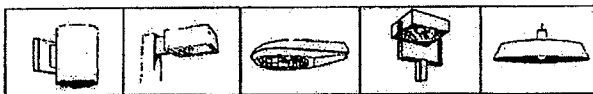


Figure 42: Examples of fully-shielded light fixtures

1. Public street and pedestrian lighting;

2. Parking lots;
3. Pathways;
4. Recreational areas;
5. Billboards;
6. Product display area lighting; and
7. Building overhangs and open canopies.

C. **Lighting of Building Facades.**

1. Buildings and structures shall be illuminated by fixtures that are both fully-shielded and full cut-off. Building facade lighting may only be used to highlight specific architectural features such as principal entrances and towers. This provision shall not apply to buildings in the downtown that are at least 120 feet tall, so long as such buildings contain no trademarked design features (not including signage) located over 120 feet above ground level.
2. Uniform floodlighting of building facades shall be permitted only through the alternative equivalent compliance review process.

D. **Directional Luminaires.** Directional luminaires may be used to illuminate signs and flagpoles. Such luminaires shall be installed and aimed so that they illuminate only the specific object or area and do not shine directly onto neighboring properties, roadways, or distribute excessive light skyward.

E. **Lamp or Fixture Substitution.** Should any outdoor light fixture or the type of light source therein be changed after site plan or building plan approval

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has been granted, a change request must be submitted to the Director for approval, together with adequate information to assure compliance with this Subchapter, which must be received prior to substitution.

F. Non-Conforming Lighting. All outdoor lighting fixtures lawfully installed prior to and operable on the effective date of this Subchapter are exempt from all requirements of this Subchapter until January 1, 2015, at which time they shall become subject to this Subchapter, and shall be considered non-conforming if they do not comply with the requirements of this Subchapter.

Source: Ord. 20060831-068.

§ 2.6. SCREENING OF EQUIPMENT AND UTILITIES.

2.6.1. Applicability. The following table summarizes the applicability of this section:

Standard	Applies if the Principal Street Is:	Applies to the Following:
2.6. Screening of Equipment and Utilities	All roadway types	<ul style="list-style-type: none"> - All non-residential zoning districts - The following uses are exempt, in addition to the general exemptions of Section 1.2.3.: local utilities services use, electric service transformers within the right-of-way, telecommunication towers

2.6.2. Standards. All development subject to this section shall comply with the following requirements:

- A. Solid waste collection areas and mechanical equipment, including equipment located on a rooftop but not including solar panels, shall be screened from the view of a person standing on the property line on the far side of an adjacent public street. (See Figure 43.)

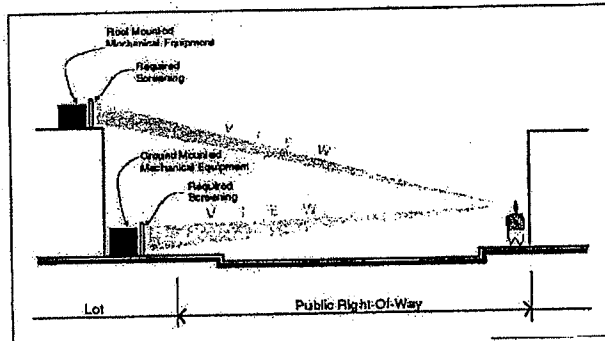


Figure 43: Screening of mechanical equipment.

- B. Loading docks, truck parking, outdoor storage, trash collection, trash compaction, and other service functions shall be incorporated into the overall design of the building and landscape so that the visual and acoustic impacts of these functions are fully contained and out of view from adjacent properties and public streets. Screening materials for solid waste collection and loading areas shall be the same as, or of equal quality to, the materials used for the principal building. In the downtown, loading docks, truck parking, outdoor storage, trash collection, trash compaction, and other service functions may be placed alongside public alleys without the necessity screening.

Source: Ord. 20060831-068.

§ 2.7. PRIVATE COMMON OPEN SPACE AND PEDESTRIAN AMENITIES.

2.7.1. Purpose. Open air and semi-enclosed public gathering spaces can act as central organizing elements in a large development. They can also help to shape the relationship between different land uses and provide focal points and anchors for pedestrian activity. Goals and requirements for common open space and pedestrian amenities complement the Austin Code's requirements for dedicated public open space and parks, and serve similar purposes.

2.7.2. Applicability. The following table summarizes the applicability of this section:

Standard	Applies if the Principal Street Is:	Applies to the Following:
2.7. Private Common Open Space and Pedestrian Amenities	All roadway types	All site plans five acres in size or larger

2.7.3. Standards.

A. Amenity Required. All development subject to this section shall devote a minimum of two percent of the net site area to one of the following types of private common open space or pedestrian amenities:

1. A natural and undisturbed private common open space, for use of the residents, employees, and visitors to the development.
2. A landscape area other than one required by Subchapter C, Article

9 (*Landscaping*), provided such landscaped area has a minimum depth and width of 10 feet and a minimum total area of 650 square feet. The area shall include pedestrian amenities to support these places as gathering areas.

3. A playground, patio, or plaza with outdoor seating areas, provided the playground, patio, or plaza has a minimum depth and width of ten feet and a minimum total area of 300 square feet. The area shall include pedestrian amenities to support these places as gathering areas.
4. A combination of the above-listed amenities. (See Figure 44.)

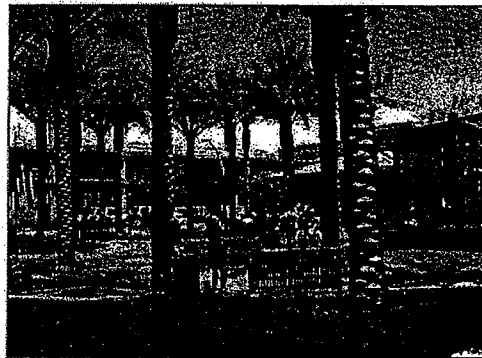


Figure 44: Examples of open space amenities

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Developments with primarily residential uses are encouraged to comply with this requirement by setting aside private common open space, while developments with a mix of uses or primarily non-residential uses are encouraged to comply by providing one or more of the other listed amenities.

- B. Location Criteria.** To the maximum extent feasible, where significant natural and scenic resource assets exist on a property, the developer shall give priority to their preservation as private common open space. In reviewing the proposed location of private common open space areas, the Director shall use all applicable plans, maps, and reports to determine whether significant resources exist on a proposed site that should be protected, with priority being given to the following areas (which are not listed in a particular order):

1. Wetlands;
2. Flood hazard areas;
3. Lakes, rivers, and stream/riparian corridors;
4. Tree preservation areas (See Figure 45.); and
5. Karst areas.



Figure 45: Example of tree preservation during construction

- C. Areas Not Credited.** Lands within the following areas shall not be counted towards private common open space or pedestrian amenities required by this section:

1. Private yards;
2. Public or private streets or rights of way;
3. Parking areas and driveways for dwellings; and
4. Water quality and storm water detention ponds, unless approved by the Director.

- D. Design Criteria.** Land set aside for private common open space or pedestrian amenities pursuant to this section shall meet the following design criteria, as relevant:

1. Common open space areas shall be located so as to be readily accessible and useable by residents or visitors in various locations of the development, unless the lands are sensitive natural resources and access should be restricted.
2. The lands shall be compact and contiguous unless the land shall be used as a continuation of an existing trail, or specific topographic features require a different configuration. An example of such topographic features would be the provision of a trail or private open area along a riparian corridor.
3. Where private common open space areas, trails, parks, or other public spaces exist adjacent to the tract to be subdivided or developed, the private common open space or pedestrian amenity shall, to the

maximum extent feasible, be located to adjoin, extend, and enlarge the presently existing trail, park, or other open area land.

E. Maintenance. All private common open space or pedestrian amenity areas shall be maintained by the owners of the development.

F. Fee In Lieu. Instead of providing private common open space or pedestrian amenities as required in this section, the developer of a property located within the urban roadways boundary (as defined in Article 5 of this Subchapter) may request approval to deposit with the city a nonrefundable cash payment, based on a formula established by the council. The Director shall review the request and accept or deny the request no later than 15 days following its receipt.

Source: Ord. 20060831-068.

ARTICLE 3: BUILDING DESIGN STANDARDS.

§ 3.1. INTENT.

These building design standards are intended to:

- 3.1.1. Strengthen Austin's unique character and help buildings to better function in Austin's environment;
- 3.1.2. Create buildings with appropriate human scale;
- 3.1.3. Ensure that buildings contribute to the creation of a pedestrian-friendly environment through the provision of glazing, shading, and shelter at the pedestrian level;

3.1.4. Lessen the impact of branded architecture that does not speak to the city's unique character and conditions; and

3.1.5. Increase the quality, adaptability, and sustainability in Austin's building stock.

Source: Ord. 20060831-068.

§ 3.2. PEDESTRIAN FRONTAGES.

3.2.1. **Applicability.** The following table summarizes the applicability of this section:

Standard	Applies if the Principal Street Is:	Applies to the Following:
3.2. Pedestrian Frontages	All roadway types	<ul style="list-style-type: none"> - Development of any non-residential land use - This section applies to any publicly visible building frontage. - Building facades facing loading areas, rear service areas, or facades adjoining other buildings (attached to more than 50 percent of the sidewalk) are exempt.

3.2.2. **Glazing on Building Facades.** Glazing provides interest for the pedestrian, connects the building exterior and interior, puts eyes on the street, promotes reusability, and provides a human-scale element on building facades. Projects subject to

this section shall meet the following minimum glazing requirements, but glazing shall not be limited to the areas discussed:

- A. On the facade facing the principal street:
1. At least 40 percent of the wall area that is between two and ten feet above grade shall consist of glazing (See Figure 46.); and

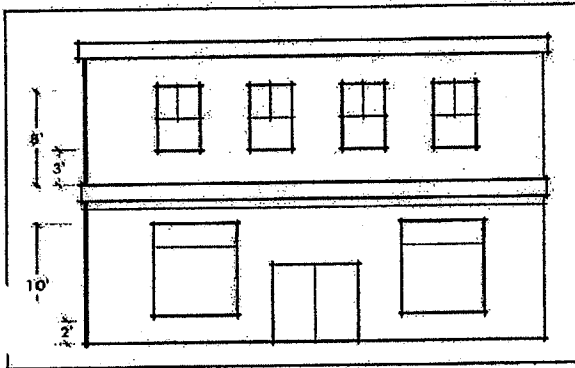


Figure 46: Glazing Requirements

2. The second floor must provide a minimum of 25 percent glazing between three and eight feet, as measured from that story's finished floor level. (See Figure 44.)
- B. On all other publicly visible facades, at least 25 percent of the wall area between two and ten feet above grade must consist of glazing. This requirement shall not apply if the building code prohibits windows on such facades.
- C. If a single-story building has a facade taller than 20 feet, the facade area above 15 feet is subject to the same window requirement as the second floor requirement in subsection 1.

D. Any facade that is built up to an interior mid-block property line is not required to have glazing on that facade if no prohibitions and no contractual or legal impediments exist that would prevent a building being constructed on the adjacent property up to the wall of the facade.

E. At least one-half of the total area of all glazing on ground-floor facades that face the principal street shall have a Visible Transmittance (VT) of 0.6 or higher.

3.2.3. **Shade and Shelter:** Austin's climate requires shade and shelter amenities in order to accommodate and promote pedestrian activity. These amenities will provide greater connectivity between sites and allow for a more continuous and walkable network of buildings. (See Figure 38.) Projects subject to this section shall meet the following shade and shelter requirements:

- A. A shaded sidewalk shall be provided alongside at least 50 percent of all building frontages adjacent to or facing the principal street or adjacent parking. When adjacent to parking, the shaded sidewalk shall be raised above the level of the parking by way of a defined edge. ADA ramps alongside the building must also be shaded. (See Figure 47.)

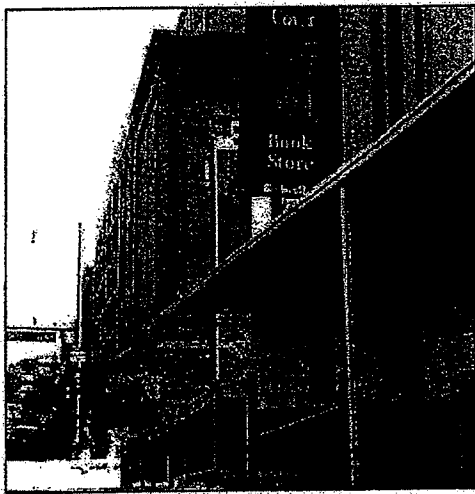


Figure 47: Example of ADA ramp with shade structure

B. Building entrances shall be located under a shade device such as an awning or portico.

Source: Ord. 20060831-068.

§ 3.3. OPTIONS TO IMPROVE BUILDING DESIGN.

3.3.1. **Applicability.** The following table summarizes the applicability of this section:

Standard	Applies if the Principal Street Is:	Applies to the Following:
<p>3.3. Options to Improve Building Design</p>	<p>All roadway types</p>	<ul style="list-style-type: none"> - Development of any commercial use of 10,000 square feet or more that requires a building permit - Development of any commercial use of less than 10,000 square feet that contains any exterior trademarked design feature - Any building zoned for industrial use or warehouse use at the point its use is converted to commercial - VMU buildings with external trademarked design features (not including signs) - Office development is exempt from this section

3.3.2. Building Design Options.

A. General Requirement.

1. Each building subject to this section must earn one base point from the table in paragraph 3.3.2.C. below, and may be required to earn additional points if certain design features are present.
2. Developments with multiple buildings are required to earn the applicable number of points for each building. Points may be aggregated among buildings only if the development contains at least 100 lineal feet of VMU building frontage along the principal street.

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B. **Additional Requirements for Certain Types of Development.** The following shall earn points as specified below, in addition to the base point required in subsection A. All points in this section shall be earned cumulatively.

1. A building with exterior trademarked design features shall earn additional points as follows:
 - a. Three additional points from the table in paragraph 3.3.2.C. if such features are located 12 feet or less above finished grade and there is no prototypical roof or parapet design;
 - b. Five additional points from the table in paragraph 3.3.2.C., two of which must come from Group B, if such features are located more than 12 feet above finished grade.
2. If the building plan depicts any of the design features listed below, one additional point must be earned for each design feature (except as noted):
 - a. Building is one story and greater than 20 feet tall, floor to bottom of roof structure.
 - b. Building facade exceeds 200 feet in width without entrances every 75 feet.
 - c. Individual use is greater than 100,000 square feet.
 - d. Building is a pad-site building located in the CBD or DMU districts with either of the following features (2 additional points):

- (i) Drive-in or drive-through;
- (ii) Building is separated from other buildings by surface parking on at least two sides;

- e. False fronts or shaped parapets are created to increase the apparent size of the building or house corporate signage or logos. If used, building parapets must not be greater than 50 percent higher than the distance of the building from grade to roof. (For example, a building that is 20 feet tall from the grade to the roof cannot have a parapet greater than 10 feet tall from roof to top of parapet.) (See Figure 48.)

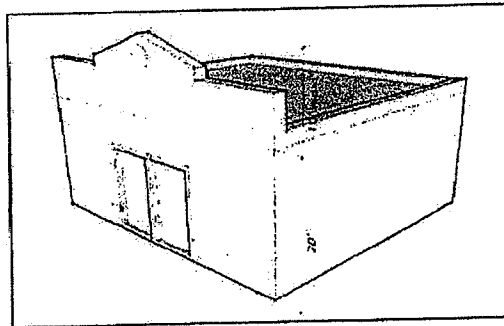


Figure 48: Standards for height of false fronts or parapets.

- f. Concrete block (not including split-faced concrete block) is used on more than 25 percent of a facade visible to the public.
- g. Concrete block (not including split-faced concrete block) is

- used on more than 75 percent of a facade visible to the public (must earn two additional points).
- h. EIFS is used as a material on the ground floor (below 10 feet).
 - i. Pad building with drive-in or drive-through (on a site with a Core Transit Corridor as the principal street).

C. Table of Design Options.

Option	Description/Comments
Group A: Each option worth 1 point	
Achieve star rating under the City of Austin Green Building program.	Each star of the rating qualifies for one point. No double credit for Green Building points from Group B.
Provide for liner stores in building facade. (1 point for each liner store)	See Article 5, <i>Definitions</i>
Provide facade articulation.	See definition D.1. below.
Provide primary entrance design.	See definition D.2. below.
Provide roof design.	See definition D.3. below.
Provide building materials meeting the standards of this section.	See definition D.5. below.

Option	Description/Comments
Improve storefronts to new regulatory standard of Section 3.2.2. for glazing type/size and shading.	Applies only for buildings existing at the effective date of this Subchapter.
100% of glazing on ground-floor facades that face any street or parking lot have a Visible Transmittance (VT) of 0.6 or higher.	
Complies with neighborhood design guidelines	
Group B: Each option worth 2 points	
Design building so that at least 75% of the facade facing the principal street consists of storefronts with at least two separate entrances facing the principal street	
Provide sustainable roof.	See definition D.4. below.
Integrate solar power generation into building design.	The specific features and design shall be approved by the Director. Examples may include, but are not limited to, rooftop solar panels or Building Integrated Photovoltaics.
Achieve Green Building rating of 2 stars.	

Option	Description/Comments
Group C: Option worth 3 points	
Develop VMU building	While VMU buildings are exempted from the requirements of this section, points are assigned for the purpose of aggregating point values for the mixed use development bonuses described in Article 4. In addition to the three base points associated with the VMU development, one additional point is added if the gross square footage of the VMU building contains a combination of at least 25% residential and 25% office or retail uses. However, no points may be earned for a building that contains external trademarked design features (not including signs).



D. Definitions of Options.

1. **Facade Articulation.** For purposes of satisfying the requirements in subsections A. and B. above, "facade articulation" shall consist of one of the following design features, none of which can be trademarked design features (See Figure 49.):

- a. Changes in plane with a depth of at least 24 inches, either horizontally or vertically, at intervals of not less than 20 feet and not more than 100 feet; or
- b. Changes of color, texture, or material, either horizontally or vertically, at intervals of not less than 20 feet and not more than 100 feet; or
- c. A repeating pattern of wall recesses and projections, such as bays, offsets, reveals or projecting ribs, that has a relief of at least eight inches.

Figure 49: Examples of facade articulation

2. **Primary Entrance Design.** For purposes of satisfying the requirements in subsections A. and B. above, "primary entrance design" shall consist of at least three of the following design elements at the primary entrance (none of which can be trademarked design features), so

that the primary entrance is architecturally prominent and clearly visible from the abutting street:

- a. Architectural details such as arches, friezes, tilework, murals, or moldings.
- b. Integral planters or wing walls that incorporate landscape or seating.
- c. Enhanced exterior light fixtures such as wall sconces, light covers with concealed light sources, ground-mounted accent lights, or decorative pedestal lights.
- d. Prominent three-dimensional features, such as belfries, chimneys, clock towers, domes, spires, steeples, towers, or turrets.
- e. A repeating pattern of pilasters projecting from the facade wall by a minimum of eight inches or architectural or decorative columns.

3. **Roof Design.** For purposes of satisfying the requirements in subsections A. and B. above, "roof design" shall consist of at least one of the following design elements, none of which can be trademarked design features:

- a. Parapets with horizontal tops having height changes of at least one foot occurring horizontally no less than every 100 feet. (See Figure 50.)

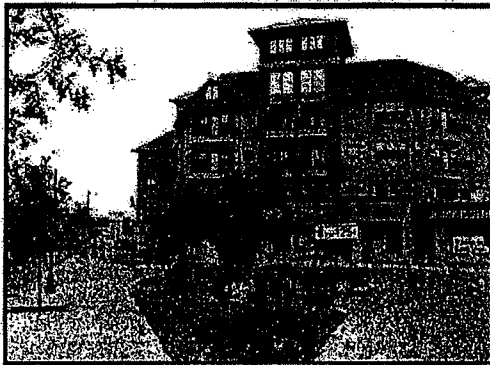


Figure 50: Examples of roof design

- (i) Parapets that do not have horizontal tops must have pitched or rounded tops with a pattern that repeats or varies no less than every 100 feet.
 - (ii) All parapets must have detailing such as cornices, moldings, trim, or variations in brick coursing.
- b. Sloping roofs with at least two of the following design elements:
 - (i) Slope of at least 5:12.

- (ii) Two or more slope planes.
 - (iii) Overhanging eaves extending at least three feet beyond the supporting wall.
4. **Sustainable Roof.** For purposes of satisfying the requirements in subsections A. and B. above, a "sustainable roof" is roofing that has one of the following:

- a. For a minimum of 75 percent of the total roof surface, a Solar Reflectance Index (SRI) of 78 or higher for a roof with a slope of 2:12 or less, or 29 or higher for a roof with a slope greater than 2:12; or
- b. For a minimum of 50 percent of the total roof surface, a vegetated roof (See Figure 49.);
- c. For a minimum of 50 percent of the total roof surface, rainwater collection system; or
- d. For a minimum of 75 percent of the total roof surface, a combination of a vegetated roof with rainwater collection system and SRI-compliant roof meeting the SRI standards in subsection 4.a. above. (See Figure 51.)



Figure 51: Example of a sustainable roof

- 5. **Building Materials.** For purposes of the satisfying the requirements in subsection 1. above, "building materials" are defined as limestone or brick. However, the brick color shall not be a trademarked design feature.

3.3.3. Alternatives to Section 3.3.2.

- A. **Large Single-Story Buildings.** Instead of complying with Section 3.3.2. above, a single-story commercial building that is 100,000 square feet or more in size may elect as a matter of right to comply with the following standards:
 - 1. The building facade shall consist of 75 percent masonry (not including concrete blocks), excluding the window area and rear service area on sides visible to the public;
 - 2. The use of trademarked design features above 12 feet and the use of trademarked roof and parapet design features is prohibited;
 - 3. The building meets the "facade articulation" requirements as defined in Section 3.3.2.D.1. above;

4. The building has 40 percent glazing on the front facade and 25 percent glazing and cutouts on each side visible to the public with a Visible Transmittance (VT) of 0.6 or higher; and
5. The building has a Green Building rating of at least 2 stars.

3. Pad sites shall not have any parking located between the building and the street on Core Transit Corridors, Urban Roadways and Suburban Roadways.

Source: Ord. 20060831-068.

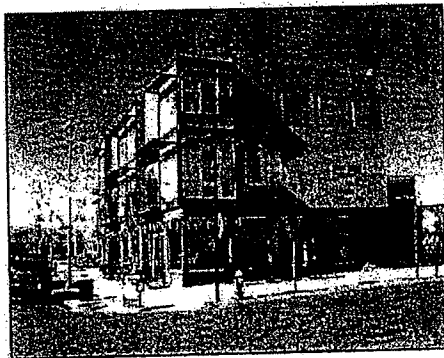
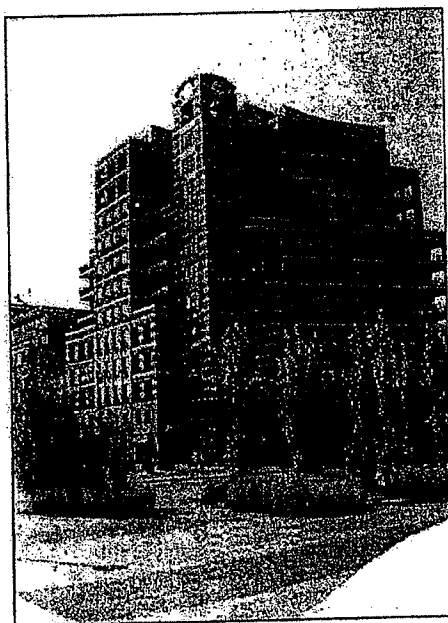
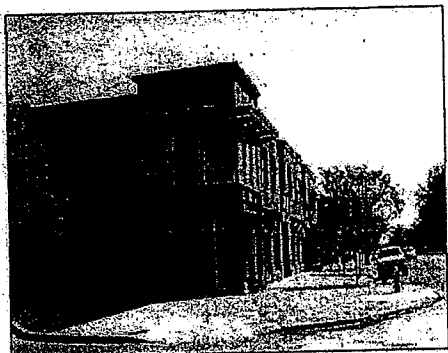
ARTICLE 4: MIXED USE.

B. Pad-site Buildings with Drive-In and/or Drive-Through Services. Instead of complying with Section 3.3.2. above, a pad-site building with a drive-in and/or drive-through services, or a single-use drive-in use not located on a Core Transit Corridor, may comply with the following standards:

1. The use of trademarked design features (not including signs or paint colors) above 12 feet is prohibited; and
2. The portion of the building below 12 feet consists of one of the following:
 - a. Limestone; or
 - b. Brick that has a different color than the trademarked brick color; or
 - c. For a building that occupies a pad or portion of a building within a planned project or shopping center, the building has similar design characteristics as the rest of the shopping center. This includes use of similar materials, patterns, rhythms, and proportions to the rest of the center.

§ 4.1. INTENT.

This Article 4 is intended to provide for and encourage development and redevelopment that contains a compatible mix of residential, commercial, and institutional uses within close proximity to each other, rather than separating uses. The mixed use provisions define the uses of land and the siting and character of the improvements and structures allowed on the land in a manner that encourages a balanced and sustainable mix of uses. They promote an efficient pedestrian-access network that connects the nonresidential and residential uses and transit facilities. Redevelopment of underutilized parcels and infill development of vacant parcels should foster pedestrian-oriented residential and mixed use development. (See Figure 52.)



COMMENTARY: MIXED USE DEVELOPMENT IN AUSTIN GENERALLY

The City of Austin allows and encourages the development of mixed use projects. Mixed use development integrates two or more land uses, such as residential and commercial, with a strong pedestrian orientation. Requirements and standards for mixed use development appear in various places throughout the Austin City Code.

Zoning Districts in which Mixed Use is Allowed and Encouraged

The following districts are intended, primarily for mixed use development and are described more fully in Section 4.2 below:

- Mixed Use Combining District (Section 4.2.1.).
- Vertical Mixed Use Overlay District (Section 4.2.2.).

Mixed use development also is allowed in other Austin zoning districts. Some of these districts are listed below and are described more fully in the referenced sections of the Austin Code. This list is not exhaustive, but rather is intended to illustrate the range of districts in which mixed use development is allowed.

- Central Business (CBD) (Section 25-2-100);
- Central Urban Redevelopment (CURE) (Section 25-2-163);
- Downtown Mixed Use (DMU) (Section 25-2-101);
- Planned Development Area (PDA) (Section 25-2-174);
- Planned Unit Development (Section 25-2-144);
- Traditional Neighborhood Development (Section 25-2-146);

Figure 52: Examples of vertical mixed use

- Transit Oriented Development (Section 25-2-147);
- Waterfront Overlay (WO) (Section 25-2-175); and
- University Neighborhood Overlay (UNO) (Section 25-2-178).

Types of Mixed Use Development

Within the districts that allow mixed use development, uses may be combined either vertically in the same building, or horizontally in multiple buildings, or through a combination of the two, depending on the standards of the district.

Vertical mixed use is allowed in two building types: the Vertical Mixed Use (VMU) Building and the Neighborhood Mixed Use (NMD) Building. Standards for VMU buildings are in Section 4.3. below, and standards for NMD buildings are in Subchapter D, Article 6.

Horizontal mixed use is the mixing of uses in a development project, though not necessarily in the same building. Horizontal mixed use is allowed and encouraged in Austin so long as each of the proposed uses is allowed within the applicable zoning district and the development meets all applicable requirements of the Austin Code.

Source: Ord. 20060831-068.

§ 4.2. MIXED USE ZONING DISTRICTS.

4.2.1. Mixed Use Combining District

- A. **Purpose.** The purpose of a mixed use (MU) combining district is to allow office, retail, commercial, and residential uses to be combined in a single development.
- B. **Base Districts.** A mixed use (MU) combining district may be combined with the following base districts:

1. Neighborhood office, if the use of an MU combining district will further the purpose of the neighborhood office base district;
2. Limited office;
3. General office;
4. Neighborhood commercial;
5. Community commercial;
6. General commercial services; and
7. Commercial liquor sales.

C. Uses Allowed. In the MU combining district, the following uses are permitted:

1. Vertical mixed use buildings, subject to compliance with Section 4.3. of this Subchapter;
2. Commercial uses that are permitted in the base district;
3. Civic uses that are permitted in the base district;
4. Townhouse residential;
5. Multifamily residential;
6. Single-family residential;
7. Single-family attached residential;
8. Small lot single-family residential;
9. Two-family residential;
10. Condominium residential;
11. Duplex residential;

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- 12. Group residential;
- 13. Group home, class I (limited);
- 14. Group home, class I (general); and
- 15. Group home, class II.

D. District Standards.

- 1. A single-family residential use must comply with the site development regulations prescribed by Section 25-2-492 (*Site Development Regulations*) for a family residence (SF-3) district, except for the front yard setback. The use must comply with the front yard setback prescribed for the base district.
- 2. A single-family attached residential use must comply with Section 25-2-772 (*Single-Family Attached Residential Use*).
- 3. A small lot single-family residential use must comply with Section 25-2-779 (*Small Lot Single-Family Residential Use*).
- 4. A two-family residential use must comply with Section 25-2-774 (*Two-Family Residential Use*).
- 5. A duplex residential use must comply with Section 25-2-773 (*Duplex Residential Use*).
- 6. This subsection applies to a multifamily residential use, a townhouse residential use, a condominium residential use, a group residential use, or a group home use.
 - a. In a mixed use (MU) combining district that is

combined with a neighborhood office (NO) base district, the minimum site area for each dwelling unit is:

- (i) 3,600 square feet, for an efficiency dwelling unit;
 - (ii) 4,000 square feet, for a one bedroom dwelling unit; and
 - (iii) 4,400 square feet, for a dwelling unit with two or more bedrooms.
- b. In an MU combining district that is combined with an limited office (LO) or neighborhood commercial (LR) base district, the minimum site area for each dwelling unit is:
 - (i) 1,600 square feet, for an efficiency dwelling unit;
 - (ii) 2,000 square feet, for a one bedroom dwelling unit; and
 - (iii) 2,400 square feet, for a dwelling unit with two or more bedrooms.
 - c. In an MU combining district that is combined with a general office (GO), community commercial (GR), general commercial services (CS), or commercial services - liquor sales (CS-1) base district, the minimum site area for each dwelling unit is:

- (i) 800 square feet, for an efficiency dwelling unit;
- (ii) 1,000 square feet, for a one bedroom dwelling unit; and
- (iii) 1,200 square feet, for a dwelling unit with two or more bedrooms.

C. **Uses Allowed.** In a VMU Overlay district, the following uses are permitted;

- 1. Uses that are permitted in the base district; and
- 2. Vertical mixed use buildings, subject to compliance with Section 4.3. of this Subchapter.

Source: Ord. 20060831-068.

4.2.2. Vertical Mixed Use Overlay District.

A. **Purpose.** The purpose of a vertical mixed use (VMU) overlay district is to allow the development of vertical mixed use (VMU) buildings, subject to compliance with the standards in Section 4.3.

B. **Applicability.** The VMU overlay district is established within each zoning district for all sites with a Core Transit Corridor or Future Core Transit Corridor as the principal street, subject to the following limitations:

- 1. In areas subject to a Neighborhood Plan combining district, VMU buildings may not contain uses prohibited for that lot under the neighborhood plan and are limited to commercially zoned properties.
- 2. In areas that have not undergone the neighborhood planning process, the VMU overlay is limited to commercially zoned properties.
- 3. The VMU overlay district does not apply to properties zoned H (Historic) and properties that are "contributing" structures to a local or National Register historic district.

§ 4.3. VERTICAL MIXED USE BUILDINGS.

4.3.1. **Applicability.** The following table summarizes the applicability of this section:

Standard	Applies if the Principal Street Is:	Applies to the Following:
Section 4.3. Vertical Mixed Use Buildings	Core Transit Corridor, Future Core Transit Corridor	- Mixed Use Combining District - Vertical Mixed Use Overlay District - Properties that opt in to VMU pursuant to 4.3.5.C.3.
	Highway, Hill Country Roadway, Suburban Roadway, or Urban Roadway	- Mixed Use Combining District - Sites of three acres or more, subject to 4.3.2.B. - Properties that opt in to VMU pursuant to 4.3.5.C.3.

City interpretation of existing technical criteria and development review policies shall be to achieve the policies of this section to promote vertical mixed use. Any technical criteria shall

include consideration of pedestrian level of service and not solely automobile level of service and shall include traffic impact analyses methodologies for traffic capture rather than methodologies for disaggregated single-use developments.

4.3.2. Where Allowed.

A. A VMU building is allowed in the following zoning districts:

1. Mixed use (MU) combining district; and
2. Vertical mixed use (VMU) overlay district, subject to the limitations of Section 4.3.2.C.

B. In addition, for sites not in the MU combining district or the VMU overlay district, a VMU building may be allowed through the conditional use permit process on any development site of three acres or more that has a Highway, Hill Country Roadway, Suburban Roadway, or Urban Roadway as the principal street, subject to the following limitations:

1. In areas subject to a Neighborhood Plan combining district, a VMU building may not contain uses prohibited for that lot under the Neighborhood Plan combining district.
2. In areas that have not undergone the neighborhood planning process, a VMU building is allowed only on commercially zoned properties.
3. A VMU building allowed under this section may only contain uses permitted in the base zoning district, as modified by Section 4.3.3.C.2.

C. This subsection applies to property in a VMU overlay district that is used exclusively for residential use and that is not designated as a MU combining district. A VMU building is allowed only:

1. through the opt-in process described in Section 4.3.5.C.5; or
2. through the conditional use permit process.

4.3.3. Standards. A building shall meet the following requirements:

A. **Pre-Application Conference.** Prior to filing any application for a development that will contain a VMU building, the developer shall request in writing a pre-application conference with the Director. The purpose of a pre-application conference is to provide an opportunity for an informal evaluation of the applicant's proposal and to familiarize the applicant and the city staff with the applicable provisions of this Subchapter such as the VMU affordability requirements, and other issues that may affect the applicant's proposal (e.g., accessibility requirements). The informal evaluation of the Director and staff provided at the conference are not binding upon the applicant or the city, but are intended to serve as a guide to the applicant in making the application.

B. **Mix of Uses.** A use on the ground floor must be different from a use on an upper floor. The second floor may be designed to have the same use as the ground floor so long as there is at least one more floor above the second floor that has a different use from the first two floors. At least one of the floors shall contain residential dwelling units. (See Figure 53.)

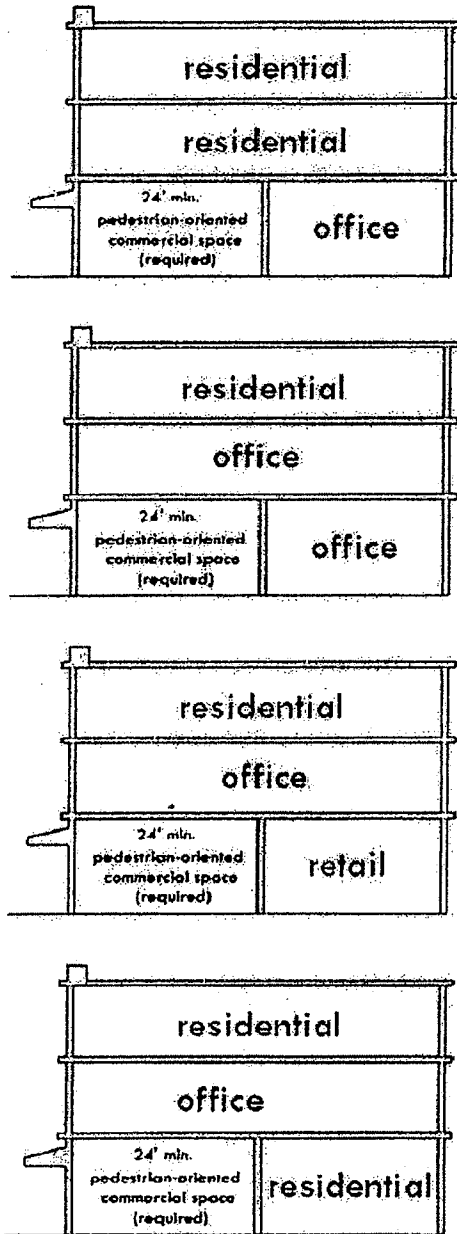


Figure 53: Examples (not a comprehensive list) of use mixes that would meet these requirements

C. **Pedestrian-Oriented Commercial Spaces.** Along at least 75 percent of the building frontage along the principal street, the building must be designed for commercial uses in ground-floor spaces that meet the following standards. A lobby serving another use in the VMU building shall not count as a pedestrian-oriented commercial space for purposes of this section.

1. **Dimensional Requirements.** Each ground-floor commercial space must have: (See Figure 54.)

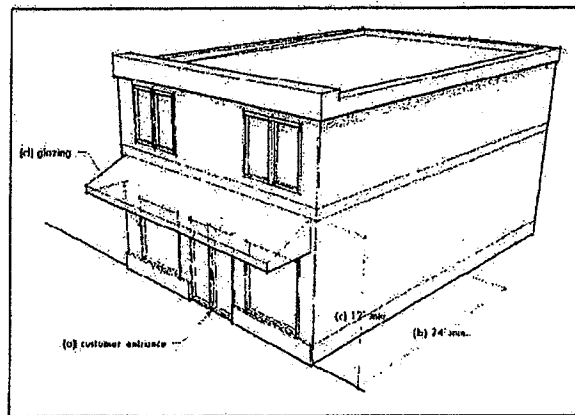


Figure 54: Pedestrian-Oriented Commercial Spaces

- A customer entrance that opens directly onto the sidewalk;
- A depth of not less than 24 feet;
- A height of not less than 12 feet, measured from the finished floor to the bottom of the structural members of the ceiling; and
- A front facade that meets the glazing requirements of Section 3.2.2. (See Figure 46.)

2. **Ground-Floor Commercial Uses Allowed.** Any commercial uses allowed in the base zoning district may be allowed at the ground-floor level in VMU buildings. In addition, in office districts the following additional uses may be allowed, except as provided in Section 4.3.5.:

- a. Consumer convenience services;
- b. Food sales;
- c. General retail sales (convenience or general);
- d. Restaurant (limited or general) without drive-in service.

D. **Compatibility Standards.** All VMU buildings are subject to the compatibility standards of Chapter 25-2, Article 10. In case of conflict between the compatibility standards and this Subchapter, the compatibility standards shall control.

E. **Dimensional and Parking Requirements.**

1. VMU buildings are subject to the height restrictions as provided in other sections of this Code.
2. Except as provided in Section 4.3.5., a VMU building that meets the affordability requirements in subsection F. below is not subject to certain dimensional standards applicable in the base zoning district. These standards include the following:
 - a. Minimum site area requirements (if applicable);

- b. Maximum floor area ratio;
- c. Maximum building coverage;
- d. Minimum street side yard setback and interior yard setback; and
- e. Minimum front yard setback; provided, however, that if the right-of-way is less than 60 feet in width, the minimum front yard setback for buildings three or more stories in height shall be 30 feet from the centerline of the street to ensure adequate Fire Department access.

3. For all uses in a VMU building, the minimum off-street parking requirement shall be 60 percent of that prescribed by Appendix A (*Tables of Off-Street Parking and Loading Requirements*). This reduction may not be used in combination with any other parking reduction. Only the parking requirements for commercial uses are subject to modification through the opt-in/opt-out process in Section 4.3.5.

F. **Affordability Requirements.** To be eligible for the dimensional and parking standards exemptions in subsection E. above, the residential units in a VMU building shall meet the following affordability requirements, which shall run with the land.

1. **Affordability Requirements for Owner-Occupied Units.**
 - a. Five percent of the residential units in the VMU building shall be reserved as affordable, for not less than

99 years from the date a certificate of occupancy is issued, for ownership and occupancy by households earning no more than 80 percent of the current Annual Median Family Income for the City of Austin Metropolitan Statistical Area as determined by the Director of Neighborhood Housing and Community Development Department.

- b. In addition, five percent of the residential units in the VMU building shall be reserved, for not less than 99 years from the date a certificate of occupancy is issued, for ownership and occupancy by households earning no more than 100 percent of the Annual Median Family Income.
- c. The homeowner association fees for the owner-occupied affordable units may not be set or increased to cause total housing costs to exceed the targeted affordability levels, pursuant to procedures and criteria established by the Director of Neighborhood Housing and Community Development.

2. Affordability Requirements for Rental Units.

- a. Ten percent of the residential units in the VMU building shall be reserved as affordable, for a minimum of 40 years following the issuance of the certificate of occupancy, for rental by

households earning no more than 80 percent of the Annual Median Family Income.

- b. As part of the one-time opt-in/opt-out process described in Section 4.3.5., an applicable neighborhood association or neighborhood planning team may request that the affordable rental units be available for renters earning a lower percentage of the annual median family income, to as low as 60 percent of the median family income. VMU projects that file zoning or site plan applications after the effective date of the first interim VMU ordinance and prior to September 1, 2006, will not be subject to this neighborhood affordability customization; and instead shall set aside affordable rental units as required by subsection 2.a. above or provide for affordable units as otherwise agreed to by an applicable neighborhood prior to September 1, 2006, provided that VMU projects are allowed on the applicable site following the completion of the opt-in/opt-out process.

- c. The city may elect to subsidize an additional ten percent of the residential units in the building for rental purposes for residents at any level of affordability pursuant to criteria and procedures established by the Director.

3. Affordability Definition. For purposes of subsections 1. and 2.

above, a unit is affordable for purchase or rental if the household is required to spend no more than 30 percent of its gross monthly income on utilities and mortgage or rental payments for the unit.

4. **Fee for Upper-Level Nonresidential Space.** The developers of VMU buildings that contain non-residential uses above the ground-floor shall pay a fee as set by the City Council for all climate-controlled nonresidential space above the ground floor. At the same time that it sets the amount of the fee, the City Council shall also identify a means by which fees paid pursuant to this section shall be reserved only for expenditure within the area of the City from which they were collected.
5. **Parkland Dedication Fee.** A VMU building that meets the affordability standards of this Section 4.3.3.F. and that is not located on a greenfield development site is exempt from the parkland dedication requirements in Chapter 25-4, Article 3, Division 5.
6. **Monitoring and Enforcement.** The City shall develop procedures to monitor and enforce this Section 4.3.3.F.
- G. **Mixed Use Buildings Other than VMU.** If a building that otherwise meets the standards for VMU buildings may be developed using the site development standards of the underlying zoning category, and without the use of the dimensional standard waivers or parking reductions

of Section 4.3.3.E., then that building need not comply with the standards (including affordability) that otherwise apply to VMU buildings.

- 4.3.4. **Development Bonuses.** A development that contains at least 100 lineal feet of VMU building frontage along the principal street shall be entitled to the following development bonuses:
 - A. The queuing requirements of Chapter 25-6, Appendix A, shall be reduced by 50 percent for each drive-through service in the development, so long as sufficient on-site queuing space exists to ensure queuing does not occur within the public right-of-way.
 - B. The number of connectivity options needed to comply with Section 2.3.2. of this Subchapter shall be reduced by two for each 100 lineal feet of VMU buildings.
 - C. All buildings in the development may aggregate points for building design in Section 3.3 of this Subchapter, rather than each building needing the minimum number of points.
 - D. Except for in the Barton Springs Zone, impervious cover existing as of the effective date of this Subchapter may be retained for redevelopment purposes for VMU buildings no taller than 60 feet and their accompanying structured parking, so long as the redevelopment meets current water quality standards and, for projects in the Drinking Water Protection Zone, the redevelopment incorporates the following measures to provide additional water quality benefits, pursuant to administrative rules to be developed by the Director of the Watershed Protection and Development Review Department:
 - of Section 4.3.3.E., then that building need not comply with the standards (including affordability) that otherwise apply to VMU buildings.

1. Rainwater collection and reuse;
2. Pervious pavement;
3. Integrated pcst management; and
4. Native and adapted landscaping.

E. Expedited Review for Residential Permit Parking Districts. Neighborhoods that do not opt out of the VMU overlay district pursuant to the process established in Section 4.3.5. shall receive expedited review of applications to establish Residential Permit Parking (RPP) districts, for blocks starting within 600 feet of the portion of the Core Transit Corridor or Future Core Transit Corridor within the VMU overlay. The application process shall proceed in the following manner:

1. A petition shall be circulated among all (100%) households within the proposed permit parking area. A minimum of 66.7% (two-thirds) of the signatures must be in a favor of the program. Only one signature for each household will be considered. A household is defined as a residence with a separate mailing address, phone number and/or utility bill. Multi-family properties of more than six units may be considered one household; in such cases, only the owner or manager of the property shall be allowed to sign the petition. The applicable Neighborhood Association must endorse the resident's request for the Residential Permit Parking program.
2. The City's requirement, which would otherwise apply, that a minimum of seventy-five percent (75%) of the available on-street parking spaces must be occupied

during peak parking hours (as determined by the neighborhood) of any two days during a two week period shall be waived.

3. Following the collection of the required signatures and delivery of all necessary RPP request documentation to City staff, staff shall review and act on the application within two weeks. Notice shall be sent to affected residents and the applicable neighborhood association, and signs shall be installed, within six weeks of approval.

4.3.5. Individual Neighborhood Consideration of VMU Requirements ("Opt-in/Opt-out Process")

- A. Purpose.** The purpose of this subsection is to establish a one-time process, which will begin following the adoption of this Subchapter, whereby individual neighborhoods may consider certain development characteristics of VMU buildings within their boundaries and communicate their preferences to the City Council. No property is eligible for an exemption from the dimensional standards (of Section 4.3.3.E.2.) or for the parking reduction (of Section 4.3.3.E.3.) or for the additional ground-floor uses otherwise authorized by Section 4.3.3.C.2, until the conclusion of the opt-in and opt-out processes described in this section.

B. Procedure.

1. **Initiation.** Upon the adoption date of this Subchapter, the Director shall identify neighborhood areas and notify each neighborhood planning team that the VMU neighborhood consideration process shall be

- initiated. If there is no neighborhood planning team, the applicable neighborhood associations in a neighborhood shall work together to develop an opt-in/opt-out application for the purposes of this section.
2. **Application.** Each neighborhood planning team or neighborhood association shall review the VMU standards in Section 4.3.3. The planning team or applicable neighborhood association may, no later than 90 days after receiving written notice from the Director of this Subchapter's adoption, submit an opt-in/opt-out application to the City Manager concerning any of the items listed in subsection C. below. The planning team or neighborhood association may amend a timely filed application not later than August 9, 2007.
 3. **Planning Commission Recommendation.** The City Manager shall forward any opt-in/opt-out applications received to the Planning Commission, which shall review and make recommendations on all such applications to the City Council.
 4. **City Council Decision.** After considering the Planning Commission's recommendations, the Council may by ordinance approve, approve with conditions, or deny each opt-in/opt-out request. The Council may concurrently amend the appropriate neighborhood plan. The neighborhood plan amendment process does not apply to the amendment.
 5. **Effect of Approval.** Following completion of this one-time opt-in/opt-out process:
 - a. The director shall indicate on the zoning map with map code "V" each property for which council has approved an exemption from the dimensional standards under Section 4.3.3.E.2, a parking reduction under Section 4.3.3.E.3, additional ground floor commercial uses under Section 4.3.3.C.2, or a reduction in the median family income for affordable rental housing under Section 4.3.3.F.2.b.
 - b. Any subsequent amendments to the VMU standards in a neighborhood shall require amendment of the applicable neighborhood plan and neighborhood plan combining district.
 - c. Any property owner or neighborhood association may submit an application to change the VMU rules on a specific property or properties by amending the applicable neighborhood plan and neighborhood plan combining district to opt-in to the exemption from the dimensional standards of Section 4.3.3.E.2 and/or for the parking reduction of Section 4.3.3.E.3 and/or the additional ground-floor uses identified by Section 4.3.3.C.2.

C. Types of Opt-in/Opt-Out Applications. Only the following types of opt-in/opt-out applications may be submitted:

1. VMU Overlay District: Opt-out.

- a. A neighborhood with properties in the VMU overlay district may request that the neighborhood "opt-out" of the dimensional and/or parking standards exemptions in Section 4.3.3.E.2, and 3., and/or the ground-floor commercial uses allowed in Section 4.3.3.C.2. for some or all of the properties within the VMU overlay district. If such an opt-out application is submitted and approved, the applicable standards shall not apply to affected VMU buildings within that neighborhood; instead, such buildings shall be required to comply with all dimensional and/or parking and/or use standards applicable to the base zoning district. Such buildings also shall comply with the applicable minimum site area requirements in the MU combining district; see Section 4.2.1.D.6.
- b. If no opt-out application is submitted on a property, or an opt-out application is submitted and denied, the dimensional and parking standard exemptions in Section 4.3.3.E.2, and 3. and the ground-floor commercial use provisions in Section 4.3.3.C.2. shall apply to all VMU buildings on that property.

2. MU-Designated Properties: Opt-in.

- a. A neighborhood with properties with the MU zoning designation may request to "opt-in" to the dimensional and/or parking standards exemptions in Section 4.3.3.E.2, and 3., and/or the ground floor commercial uses allowed in Section 4.3.3.C.2. for some or all of the properties with the MU zoning designation. If such an opt-in application is submitted and approved, the dimensional and/or parking and/or use standards shall apply to VMU buildings on sites with the MU zoning designation within the applicable neighborhood boundaries.
- b. If no opt-in application is submitted for a property, or an opt-in application is submitted and denied, VMU buildings on a property designated MU shall comply with all dimensional and parking and use standards applicable to the base zoning district and the MU combining district.

3. Properties Not in VMU Overlay District and without MU Designation: Opt-in to VMU. Any neighborhood that desires to allow VMU buildings within its boundaries on properties that are not otherwise eligible for VMU buildings under this Subchapter may submit an "opt-in" application to allow such development. The application

shall specify the properties on which the neighborhood wishes to allow VMU buildings, whether the ground-floor commercial listed in Section 4.3.3.C.2. should be allowed, and whether the dimensional standard exemptions of Section 4.3.3.E.2. and 3. should apply.

4. **All Properties that Allow VMU Buildings: Affordability Standards.** Also as part of the opt-in/opt-out process, for each neighborhood in which VMU buildings are allowed, the neighborhood association or neighborhood planning team may request that the affordable rental units be available for renters earning a lower percentage of the area median family income, to as low as 60 percent of the median family income, pursuant to Section 4.3.3.F.2.b.
5. **VMU Overlay District: Residential Opt-in.** A neighborhood that desires to allow VMU buildings within its boundaries on property in a VMU overlay district that is used exclusively for residential use and that is not designated as a MU combining district may submit an application to allow the development. The application shall specify the properties on which the neighborhood wishes to allow VMU buildings, whether ground-floor commercial listed in Section 4.3.3.C.2 should be allowed, and whether the dimensional and parking standards of Section 4.3.3.E.2 and 3 should apply.

6. **Removal from the VMU Overlay District.** A neighborhood may request that the Council amend the boundaries of the VMU overlay district to remove a property from the overlay district.

Source: Ord. 20060831-068; Ord. 20070215-071; Ord. 20070621-027; Ord. 20070726-133; Ord. 20071129-098.

ARTICLE 5: DEFINITIONS.

Building Facade Line

A line that is parallel to a lot line or internal circulation route curb line, as applicable, and the same distance from the lot line or curb line as the closest portion of a building.

Civic Buildings

For purposes of this Subchapter, civic buildings shall consist of the following:

- College or University Facilities
- Community Recreation (Public)
- Convention Center
- Cultural Services
- Detention Facilities
- Local Utility Services
- Major Utility Services
- Parks and Recreation Services (General)
- Parks and Recreation Services (Special)
- Postal Services
- Public Primary Education Facilities
- Public Secondary Education Facilities
- Safety Services
- Transportation Terminal

Clear Zone

The area dedicated for an unobstructed sidewalk.

Commercial Use

A use that appears in Section 25-2-4, *Commercial Uses Described*, of the Austin Code.

Core Transit Corridors

Core Transit Corridors are the following roadways:

1. South First Street, north of Ben White Boulevard;

2. East Seventh Street, west of Pleasant Valley Road;
 3. East Fifth Street, from I-35 to Pleasant Valley Road;
 4. West Fifth Street, from Guadalupe Street and Mopac Expressway;
 5. East Sixth Street, from I-35 to Pleasant Valley Road;
 6. West Sixth Street, from Guadalupe Street and Pressler Street;
 7. West Thirty-Fifth Street, from Mopac Expressway eastward until becoming West Thirty-Fifth Street Cutoff, and continuing eastward until becoming West Thirty-Eighth Street, and continuing eastward to Speedway;
 8. Airport Boulevard from Lamar Boulevard to I-35;
 9. Anderson Lane, from Burnet Road and Mopac Expressway;
 10. Barton Springs Road, east of Robert E. Lee Drive;
 11. Burnet Road, from 45th Street and Anderson Lane;
 12. South Congress Avenue, north of Stassney Lane;
 13. Guadalupe Street;
 14. Lamar Boulevard, from Banyon Boulevard and Ben White Boulevard;
 15. Martin Luther King, Jr. Boulevard, from Pearl Street and Airport Boulevard;
 16. Riverside Drive, west of Pleasant Valley Road;
 17. Cameron Road, from 51st Street to Highway 290;
 18. Fifty-first Street, from Cameron Road to Manor Road;
 19. Gaston Place, from Westminster Drive to Wellington Drive; and
 20. Briarcliff Boulevard, from Berkman Drive to Westminster Drive.
1. South Congress Avenue from Stassney Lane to Slaughter Lane;
 2. Slaughter Lane from I-35 to Mopac;
 3. Seventh Street from Pleasant Valley Road to 183;
 4. Lamar Boulevard from Banyon Lane to Howard Lane;
 5. Manor Road from Dean Keaton Street to 183;
 6. Airport Boulevard from Manor Road to I-35;
 7. Fifty-First Street from Cameron Road to Airport Boulevard;
 8. Far West Boulevard from Mopac to western side of Chimney Corner;
 9. Cameron Road from Highway 290 to Highway 183;
 10. Mesa Drive from Spicewood Springs to Steck; and
 11. Jollyville Road from Great Hills Trail to Highway 183.

Director

Unless otherwise specified, the Director of the Watershed Protection and Development Review Department, or his or her designee.

Fully-Shielded Light Fixture

A lighting fixture constructed in such a manner that the light source is not visible when viewed from the side and all light emitted by the fixture, either directly from the lamp or a diffusing element, or indirectly by reflection or refraction from any part of the luminaire, is projected below the horizontal as determined by photometric test or certified by the manufacturer. Any structural part of the light fixture providing this shielding must be permanently affixed.

Full Cut-off

A luminaire light distribution where zero candela intensity occurs at or above an angle of 90 above nadir. Additionally, the candela per 1000 lamp lumens does not numerically exceed 100 (10%) at or above a vertical angle of 80 above nadir. This applies to all lateral angles around the luminaire.

Core Transit Corridors, Future

For purposes of Section 4.2.2. of this Subchapter, the following roadways are considered "future core transit corridors" (including all lots with frontage on the listed intersections):

Glazing

The panes or sheets of glass or other non-glass material made to be set in frames, as in windows or doors.

Greenfield Development

Development on an undeveloped parcel located outside the Urban Roadway boundary.

Hardscape

Nonliving components of a streetscape or landscape design, such as paved walkways, walls, sculpture, patios, stone and gravel areas, benches, fountains, and similar hard-surface areas and objects.

Highways

All freeways, parkways, expressways, and frontage roads identified in the Austin Area Metropolitan Transportation Plan, except for Core Transit Corridors described in this Subchapter.

Hill Country Roadways

This roadway type applies on all properties within 1000 feet of those roadway identified in Section 25-2-1103.

Internal Block

One or more lots, tracts, or parcels of land bounded by Internal Circulation Routes, railroads, or subdivision boundary lines.

Internal Circulation Route

Either a public street or a private drive edged by a curb within a development.

LDC

The City of Austin Land Development Code.

Light Fixture

The complete lighting assembly (including the lamp, housing, reflectors, lenses and shields), less the support assembly (pole or mounting bracket); a light fixture.

Liner Store

A commercial use on the ground floor of a building located not more than 30 feet from the street right-of-way with an entrance facing the street.

Maximum Extent Feasible

No feasible and prudent alternative exists, and all possible efforts to comply with the regulation or minimize potential harm or adverse impacts have been undertaken. Economic considerations may be taken into account but shall not be the overriding factor in determining "maximum extent feasible."

Maximum Extent Practicable

Under the circumstances, reasonable efforts have been undertaken to comply with the regulation or requirement, that the costs of compliance clearly outweigh the potential benefits to the public or would unreasonably burden the proposed project, and reasonable steps have been undertaken to minimize any potential harm or adverse impacts resulting from the noncompliance.

Net Frontage Length

Determined by subtracting required Internal Circulation Routes, side or compatibility setbacks, easements, drive aisles, sidewalks, and stairs that occur at the building perimeter from the total property length, as measured along the front lot line from property line to property line. (See Figure 55.) In the case of a curved corner, the Director may determine the end point for purposes of measuring net frontage.

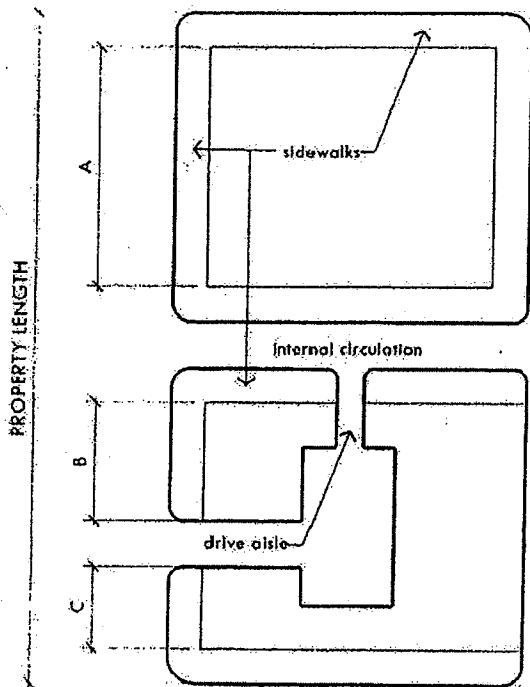


Figure 55: The net frontage length for this property is the total of lengths A, B and C. Required internal circulation routes, drive aisles, and perimeter sidewalks are not included.

Nonresidential Zoning Districts

The following are the City of Austin nonresidential zoning districts for purposes of this Subchapter:

- NO
- LO

184RRR

Austin - Land Development

- GO
- CR
- LR
- GR
- W/LO
- CS
- CS-1
- CH
- IP
- MI
- LI
- R&D

Pad-Site Building

A building that is intended for a single commercial use and that is physically separate from the other buildings on the site. Typically used in the context of retail shopping center development, a building or building site that is physically separate from and smaller than the principal building and reserved for free-standing commercial uses. Typical pad site uses include, by way of illustration only, free-standing restaurants, banks, and service stations.

Principal Building

A building in which is conducted the principal use of the lot on which it is located.

Principal Entrance

The place of ingress and egress most frequently used by the public.

Principal Street

In this Subchapter, the principal street of a lot or site is the street with the highest priority that is adjacent to the lot or site. Street priorities are as follows, from highest to lowest:

- Core Transit Corridor;
- Internal Circulation Route;
- Urban Roadway;
- Suburban Roadway; and
- Highway or Hill Country Roadway (Unless the higher road runs parallel to the highway and is within 660 feet of the Highway or within 1,000 feet of the Hill Country Roadway (i.e., a highway development would not have to orient to the Urban/Suburban Roadway next to a highway).

If a lot is adjacent to more than one street of equally high priority, the principal street is: the street with the highest level of transit service, as determined by the Director; or, if the streets do not have transit service or the level of transit service is equal, the street designated by the lot owner.

Publicly Visible

A site, building, structure, object, or any part thereof, that is visible from a public street or other area to which the public has legal access, from a vantage point of three feet to six feet off the ground.

Shaded Sidewalk

For purposes of this Subchapter, a shaded sidewalk shall be any one of the following:

- A sidewalk at least ten feet wide made of pervious concrete with shade trees at 30-foot intervals, or of standard concrete with the trees planted in tree wells. At least 50 percent of the shade trees must come from the approved list of the Environmental Criteria Manual.
- A five-foot sidewalk adjacent to a landscape strip at least ten feet wide planted with shade trees at 30-foot intervals. At least 50 percent of the shade trees must come from the approved list of the Environmental Criteria Manual.
- A sidewalk at least six feet wide covered with weather-protection materials (such as awnings).

Significant Stand of Trees

Three or more Class 1 or Class 2 tree specimens with a minimum measurement of two-inch Diameter at Breast Height, meeting the standards outlined within Section 3.5.2 of the Environmental Criteria Manual, and a minimum of 150 sq. feet of critical root zone preserved.

Street-Facing Facade

A wall of a building that is within 60 degrees of parallel to a street lot line; and is not behind another wall, as determined by measuring perpendicular to the street lot line. The length of a street-facing facade is measured parallel to the street lot line.

Street Tree/Furniture Zone

An area adjacent to the curb in which street trees are planted and street furniture such as benches, bicycle racks, and newspaper boxes are placed.

Suburban Roadways

All roadways that are not Transit, Hill Country, Highway, or Urban Roadways.

Supplemental Zone

An area between the clear zone and the building edge for active public uses such as a plaza, outdoor café or patio.

Trademarked Design Feature

An external design feature, including colors, shapes, and materials, of a building that is trademarked by a building occupant.

Urban Roadways

Urban Roadways are roads located within the following boundaries other than those designated as Core Transit Corridors and Highways:

- 183 from Burnet to Hwy 71
- Hwy 71 from 183 to Loop 1
- Loop 1 from Hwy 71 to Lake Austin
- Lake Austin from Loop 1 to Exposition
- Exposition from Lake Austin to 35th
- 35th from Exposition to Loop 1
- Loop 1 from 38th to RM 2222
- RM 2222 from Loop 1 to Mesa
- Mesa from RM 2222 to Spicewood Springs Road
- Spicewood Springs Road from Mesa to 360
- 360 from Spicewood Springs Road to Great Hills Trail
- Great Hills Trail from 360 to 183
- 183 from Great Hills Trail to Braker
- Braker from 183 to Burnet
- Burnet from Braker to 183

Vertical Mixed Use (VMU) Building

A building that meets the requirements set forth in Section 4.3. of this Subchapter.

Source: Ord. 20060831-068; Ord. 20070809-058.

C3. LDC SEC. 25-2, SUBCHAPTER F (RESIDENTIAL DESIGN STANDARDS)

**SUBCHAPTER F: RESIDENTIAL DESIGN
AND COMPATIBILITY STANDARDS.****ARTICLE 1: GENERAL PROVISIONS.****§ 1.1. INTENT.**

This Subchapter is intended to minimize the impact of new construction, remodeling, and additions to existing buildings on surrounding properties in residential neighborhoods by defining an acceptable buildable area for each lot within which new development may occur. The standards are designed to protect the character of Austin's older neighborhoods by ensuring that new construction and additions are compatible in scale and bulk with existing neighborhoods.

Source: Ord. 20060216-043; Ord. 20060309-058; Ord. 20060622-022; Ord. 20060928-022.

§ 1.2. APPLICABILITY.

Except as provided in Section 1.3, this Subchapter applies to property that is:

1.2.1. Within the area bounded by:

- A. Highway 183 from Loop 360 to Ben White Boulevard;
- B. Ben White Boulevard from Highway 183 to Loop 360;
- C. Loop 360 from Ben White Boulevard to Loop 1;
- D. Loop 1 from Loop 360 to the Colorado River;
- E. The Colorado River from Loop 1 to Loop 360; and
- F. Loop 360 from the Colorado River to Highway 183; and

[See map on page 186A.]



1.2.2. Used for a:

- A. Bed and breakfast (group 1) residential use;
- B. Bed and breakfast (group 2) residential use;
- C. Cottage special use;
- D. Duplex residential use;
- E. Secondary apartment special use;
- F. Single-family attached residential use;
- G. Single-family residential use;
- H. Small lot single-family residential use;
- I. Two-family residential use;
- J. Urban home special use;
- K. Club or lodge;
- L. Daycare services (general and limited);
- M. Family homes;
- N. Group homes (general and limited);
- O. Condo residential;
- P. Retirement housing (small and large site); or
- Q. Townhouse residential.

Source: Ord. 20060216-043; Ord. 20060309-058; Ord. 20060622-022; Ord. 20060928-022; Ord. 20080618-093.

§ 1.3. EXCEPTIONS.

1.3.1. This Subchapter does not apply to a lot zoned as a single-family residence small lot (SF-4A) district unless the lot is adjacent to property zoned as a single-family residence standard lot (SF-1), single-family residence standard lot (SF-2) district, or family residence (SF-3) district.

1.3.2. This Subchapter does not apply to the approximately 698.7 acres of land known as the Mueller Planned Unit Development, which was zoned as a planned unit development (PUD) district by Ordinance Number 040826-61.

1.3.3. This Subchapter does not apply to uses listed in subsections 1.2.2(K)-(Q) of Section 1.2 if an applicant has agreed, in a manner prescribed by the director, to comply with the requirements of Chapter 25-2, Article 10 (*Compatibility Standards*).

Source: Ord. 20060216-043; Ord. 20060309-058; Ord. 20060622-022; Ord. 20060928-022; Ord. 20080618-093.

§ 1.4. CONFLICTING PROVISIONS.

1.4.1. To the extent of conflict, this Subchapter supersedes:

- A. Section 25-1-21 (*Definitions*);
- B. Section 25-2-492 (*Site Development Regulations*);
- C. Section 25-2-555 (*Family Residence (SF-3) District Regulations*);
- D. Section 25-2-773 (*Duplex Residential Use*);

- E. Section 25-2-774 (*Two-Family Residential Use*);
- F. Section 25-2-778 (*Front Yard Setback for Certain Residential Uses*);
- G. Section 25-2-779 (*Small Lot Single-Family Residential Uses*); and
- H. Section 25-4-232 (*Small Lot Subdivisions*).

1.4.2. To the extent of conflict, the following provisions supersede this Subchapter:

- A. Section 25-2-1424 (*Urban Home Regulations*);
- B. Section 25-2-1444 (*Cottage Regulations*);
- C. Section 25-2-1463 (*Secondary Apartment Regulations*); or
- D. The provisions of an ordinance designating property as a:
 - 1. Neighborhood plan (NP) combining district;
 - 2. Neighborhood conservation (NC) combining district; or
 - 3. Historic area (HD) combining district.

Source: Ord. 20060216-043; Ord. 20060309-058; Ord. 20060622-022; Ord. 20060928-022; Ord. 20080618-093.

ARTICLE 2: DEVELOPMENT STANDARDS.

§ 2.1. MAXIMUM DEVELOPMENT PERMITTED.

The maximum amount of development permitted on a property subject to this Subchapter is limited to the greater of 0.4 to 1.0 floor-to-area ratio or 2,300 square feet of gross floor area, as defined in Section 3.3. Floor-to-area ratio shall be measured using gross floor area as defined in Section 3.3, except that the lot area of a flag lot is calculated consistent with the requirements of Section 25-1-22 (*Measurements*).

Source: Ord. 20060216-043; Ord. 20060309-058; Ord. 20060622-022; Ord. 20060928-022; Ord. 20080618-093.

§ 2.2. BUILDING HEIGHT.

Except where these regulations are superseded, the maximum building height for development subject to this Subchapter is 32 feet. Section 25-2-531 (*Height Limit Exceptions*) does not apply to development subject to this Subchapter, except for a chimney, vent, antenna, or energy conservation or production equipment or feature not designed for occupancy. Building height shall be measured under the requirements defined in Section 3.4.

Source: Ord. 20060216-043; Ord. 20060309-058; Ord. 20060622-022; Ord. 20060928-022.

§ 2.3. FRONT YARD SETBACK.

A. **Minimum Setback Required.** The minimum front yard setback required for development subject to this Subchapter is the lesser of:

- 1. The minimum front yard setback prescribed by the other provisions of this Code; or

2. The average front yard setback, if an average may be determined as provided in subsection B, below.

B. Average Front Yard Setback. The following rules apply for purposes of the setback calculation required by paragraph A.2:

1. A front yard setback is the distance between the front lot line and the closest front exterior wall or building façade of the principal residential structure located on the lot.
2. Except as provided in paragraph 3, average front yard setback is determined using the front yard setback of the four principal residential structures that are: (a) built within fifty feet of the front lot line; and (b) closest to, and on the same side of the block, as the property subject to the setback required by this section.

3. If less than four structures satisfy the criteria in paragraph B.2, average front yard setback is calculated using the number of existing residential structures on the same side of the street block as the property subject to the setback required by this section. If there are no structures on the same side of the block, average front yard setback is calculated using the front yard setbacks of the four structures on the opposite side of the block that are closest to the property subject to the setback required by this section. If there are less than four structures on the opposite side of the block, the lesser number of structures is used in the calculation. See Figure 1.

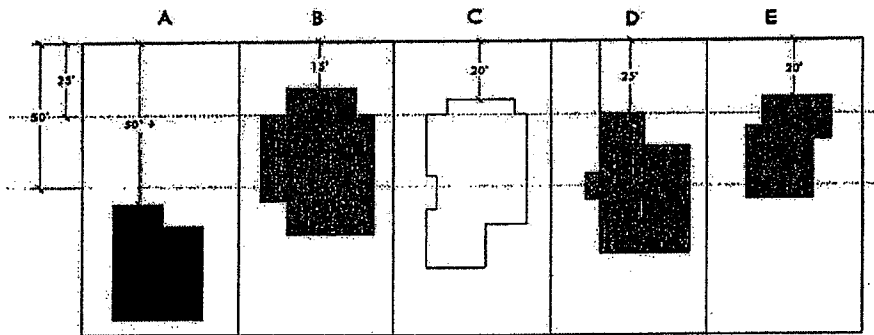


Figure 1: Average Front Yard Setback

In this example, the minimum required front setback in the underlying zoning district is 25 feet. However, because of the variety in existing setbacks of buildings on the same block face, new development on lot C may be located with a setback of only 20 feet, which is the average of the setbacks of lots B, D, and E. The building on lot A is not included in the average because it is located more than 50 feet from the property line.

Source: Ord. 20060216-043; Ord. 20060309-058; Ord. 20060622-022; Ord. 20060928-022; Ord. 20080618-093.

§ 2.4. REAR YARD SETBACK.

The principal structure shall comply with the rear yard setback prescribed by other provisions of this Code. All other structures shall comply with the rear yard setback provisions of this Code, but the minimum rear yard setback of a second dwelling unit may be reduced to five feet if the rear lot line is adjacent to an alley. See Figure 2.

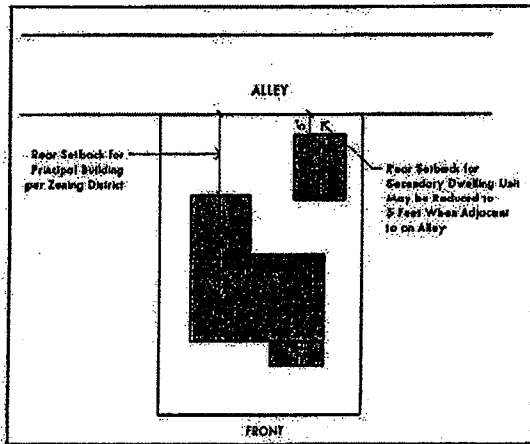


Figure 2: Rear Yard Setback

Source: Ord. 20060216-043; Ord. 20060309-058; Ord. 20060622-022; Ord. 20060928-022; Ord. 20080618-093.

§ 2.5. SIDE YARD SETBACKS.

All structures shall comply with the side yard setbacks prescribed by other provisions of this Code.

Source: Ord. 20060216-043; Ord. 20060309-058; Ord. 20060622-022; Ord. 20060928-022.

§ 2.6. SETBACK PLANES.

This subsection prescribes side and rear setback planes in order to minimize the impact of new development and rear development on adjacent properties. A structure may not extend beyond a setback plane except as authorized by subsection D. below. The height of a setback plane shall be measured under the requirements defined in Section 3.4.

A. **Side Setback Plane.** Except as provided in subsection D., an inwardly sloping 45-degree angle side setback plane begins at a horizontal line 15 feet directly above the side property line. The 15-foot height of the horizontal line is established for 40-foot deep portions of the lot beginning at the building line and extending to the rear of the lot, except that the last portion at the rear of the lot may be less than 40 feet deep. See Figures 3 through 5.

1. For the first portion, the 15-foot height of the horizontal line is measured at the highest of the elevations of the four intersections of the side lot lines, the building line, and a line 40 feet from and parallel to the building line.
2. For successive portions other than the last portion, the 15-foot height of the horizontal line is measured at the highest of the elevations of the four intersections of the side lot lines and the appropriate two lines that are 40 feet apart and parallel to the building line.
3. For the last portion, the 15-foot height of the horizontal line is measured at the highest of the elevations of the four intersections of the side lot lines, the appropriate line parallel to the building line, and the rear lot line.

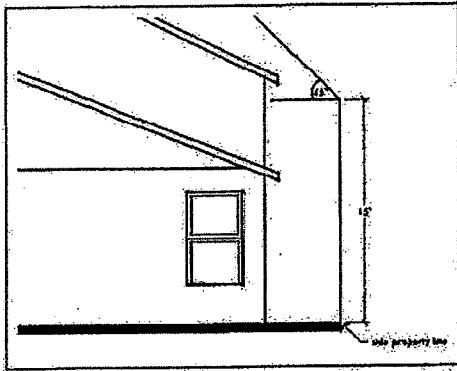


Figure 3: Side Setback Plane Measured From Side Property Line

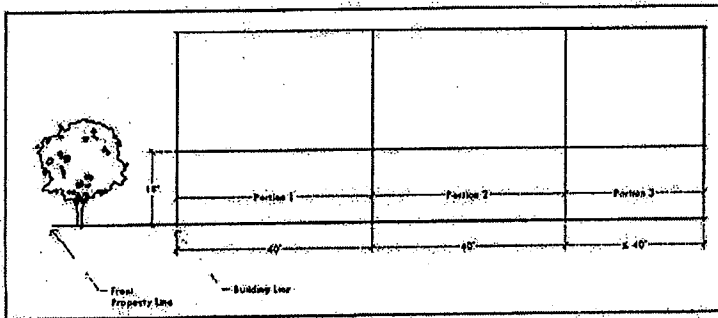


Figure 4: (Elevation View) Dividing Lot into 40-foot Portions to Create Side Setback Planes (Rear Setback Plane Not Shown)

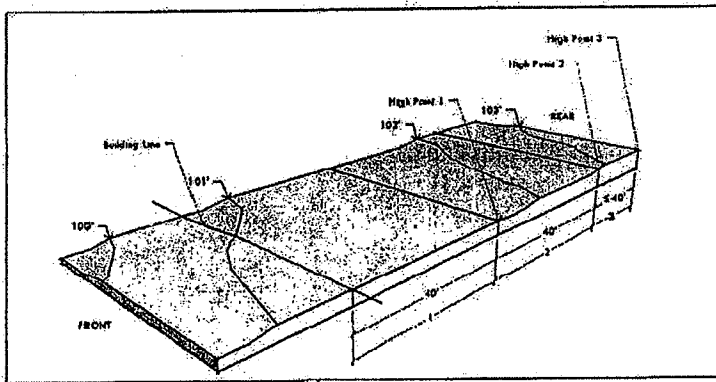


Figure 5: Determining High Points on a Sloping Lot
For each portion of the side setback plane, the 15-foot height of the horizontal line is measured starting from the highest point of the four intersections defining the portion. In this example, topography lines indicate that the lot is sloping downward from the rear to the front of the lot, and from the right to the left. The high points for Portions 1, 2, and 3 are indicated, along with the Building Line.

B. **Rear Setback Plane.** Except as provided in subsection D., an inwardly sloping 45-degree angle rear setback plane begins at a horizontal line directly above the rear property line at the same elevation as the horizontal line for the last portion of the side setback plane established in paragraph A.3. See Figures 6 through 9.

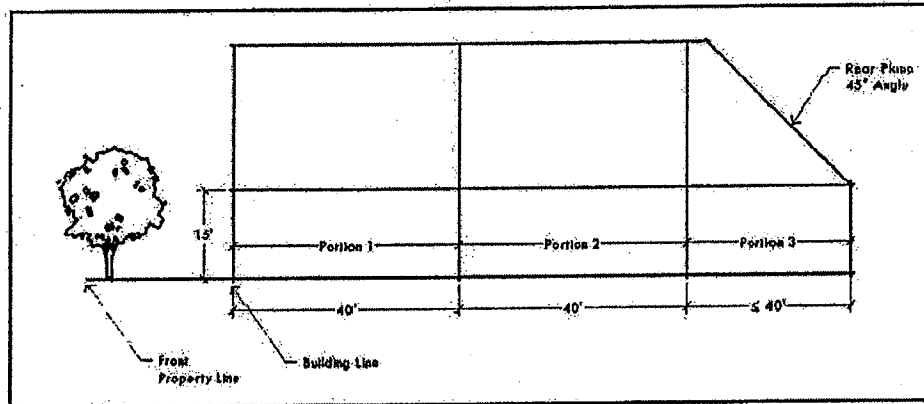


Figure 6: (Elevation View) Rear Setback Plane (Level Ground)

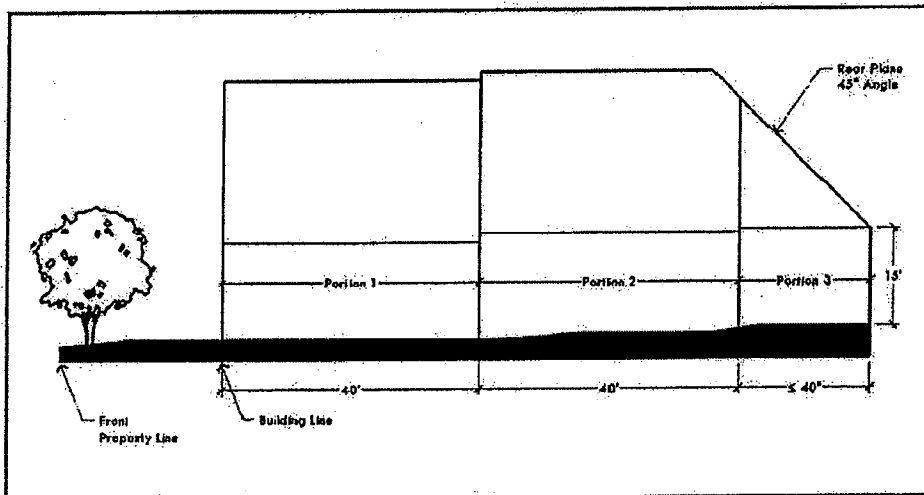


Figure 7: (Elevation View) Rear Setback Plane (Sloping Ground)

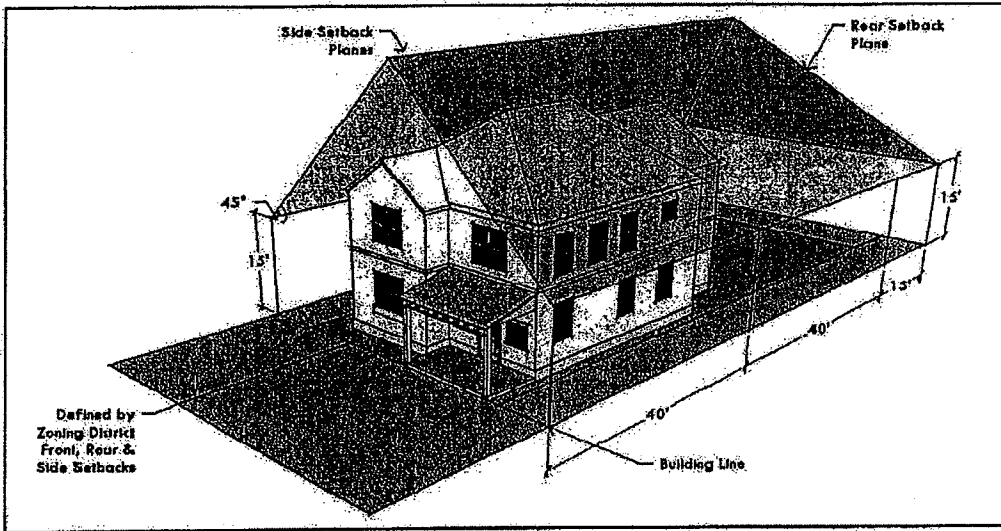


Figure 8: Side and Rear Setback Planes on Level Ground

The side and rear setback planes form a "tent" over the lot, rising from the property lines for 15 feet and then angling in at 45-degree angles from the side and rear. The required front, rear, and side yard setbacks are indicated by the darker shading on the ground.

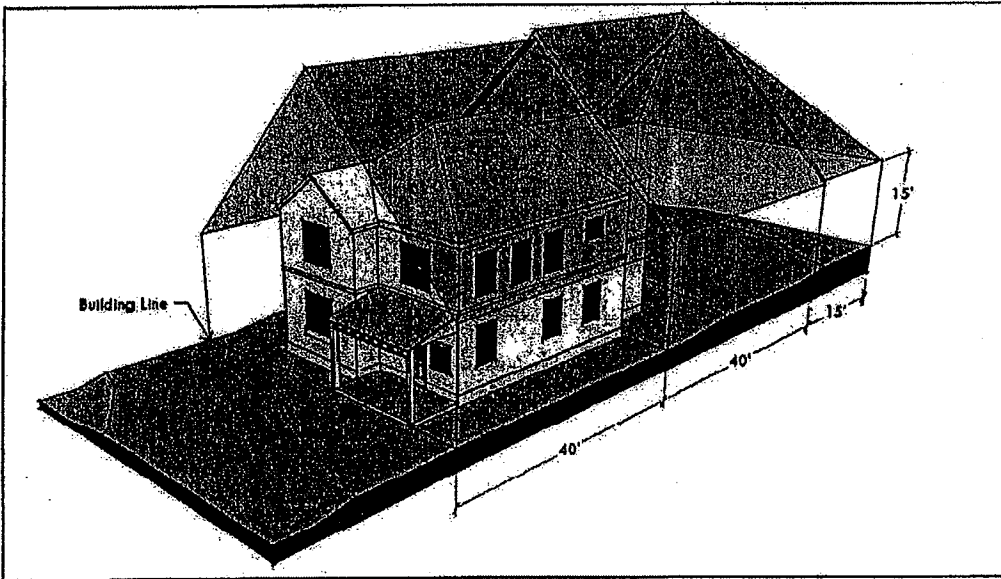


Figure 9: Side and Rear Setback Planes on Sloping Ground

- C. **Buildable Area.** The buildable area, as defined in Section 3.3., consists of the smallest area within the front, side, and rear yard setbacks; maximum height limit; and the combined side and rear setback planes. See Figures 10 and 11.

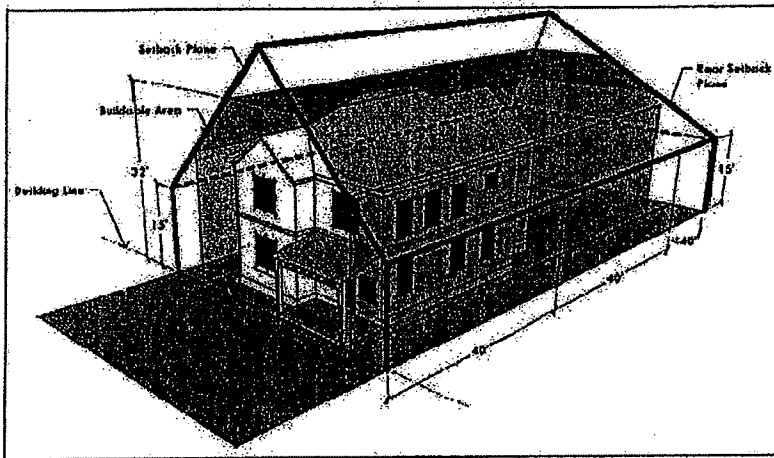


Figure 10: Buildable Area (Combination of Yard Setbacks, Maximum Height Limit, and Setback Planes)
The heavy blue line indicates the "tent" formed by the side and rear setback planes. The buildable area is the smallest area included within the front, side, and rear yard setbacks; maximum height limit; and the combined side and rear setback planes (shown here as the green area).

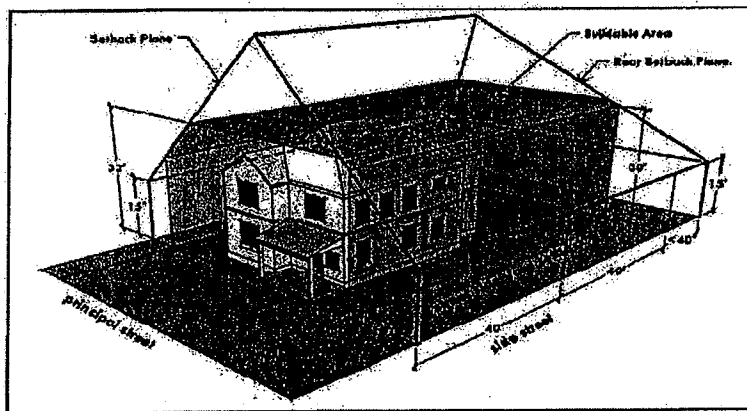


Figure 11: Buildable Area on Corner Lot

This figure shows the same concept illustrated in Figure 10 but for a corner lot that has a greater street side yard setback requirement. In this example, the minimum required street side yard setback in the underlying zoning district is 15 feet. Because the side setback plane is measured from the side property line, the height of the setback plane is 30 feet at the 15-foot street side yard setback line.

D. Side and Rear Setback Plane Exceptions for Existing One-Story Buildings.

1. Except as provided in paragraph 3 below, an applicant proposing to add a second story to a one-story building may choose either of the following side setback planes for the portion of the project that is within the building footprint originally constructed, or permitted for original construction, before October 1, 2006:
 - a. The side setback plane required under subsection A.
 - b. The inwardly sloping 45-degree angle side setback plane that begins at a horizontal line directly above the outermost side wall at a height equal to the height of the first floor wall plate that was originally constructed or received a building permit before October 1, 2006, plus 10 and one-half feet. See Figure 12. The wall plate is the lowest point of the existing first floor ceiling framing that intersects the exterior wall.
2. Except as provided in paragraph 3 below, an applicant proposing to add a second story to a one-story building may choose either of the following rear setback planes for the portion of the project that is within the building footprint originally constructed, or permitted for original construction, before October 1, 2006:
 - a. The rear setback plane required under subsection B.
 - b. An inwardly sloping 45-degree angle rear setback plane that begins at a horizontal line directly above the rear property line at a height equal to the height of the first floor wall plate that was originally constructed or received a building permit before October 1, 2006, plus 10 and one-half feet.
3. The side setback plane required under subsection A, and the rear setback plane required under subsection B, apply to:
 - a. any portion of the proposed construction that is outside of the building footprint originally constructed, or permitted for original construction, before October 1, 2006; and
 - b. the entire project, if any portion of the proposed construction requires the removal or demolition of exterior walls.

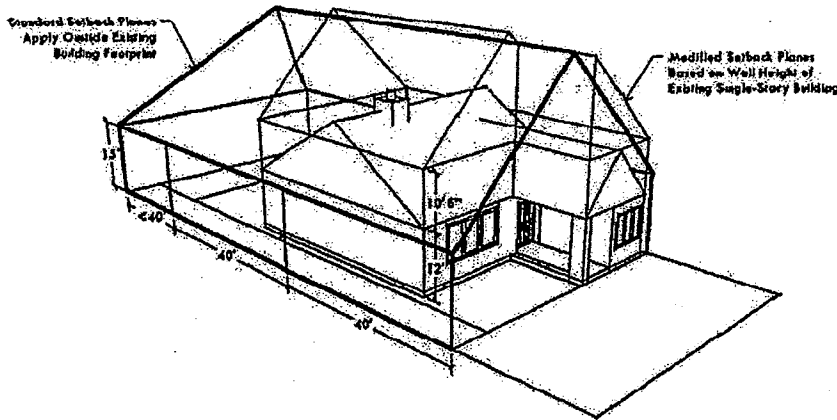


Figure 12: Side Setback Plane Exception for Existing Single-Story Buildings

The side setback planes for an existing single-story building are determined based on the height of the sidewall. In this example, the horizontal line that forms the base of the setback plane is placed ten feet and six inches above the sidewall height (12 feet). The revised plane rises above the standard setback plane within the area of the building footprint. The standard setback planes created in Sections 2.6. A. and B. apply outside of the existing footprint.

E. **Exceptions.** A structure may not extend beyond a setback plane, except for:

1. A structure authorized by the Residential Design and Compatibility Commission in accordance with Section 2.8. below;
2. A roof overhang or eave, up to two feet beyond the setback plane;
3. A chimney, vent, antenna, or energy conservation or production equipment or feature not designed for occupancy; and
4. Either:
 - a. **30-Foot Side-Gabled Roof Exception.** A side-gabled roof structure on each side of the building, with a total horizontal length of not more than 30 feet,

measured from the building line along the intersection with the side setback plane (See Figure 13.); or

b. **Gables Plus Dormers Exception.**

- (i) Gables or a shed roof, with a total horizontal length of not more than 18 feet on each side of the building, measured along the intersection with the setback plane (See Figures 14 and 17.); and
- (ii) Dormers, with a total horizontal length of not more than 15 feet on each side of the building, measured along the intersection with the setback plane. (See Figures 15 and 16.)

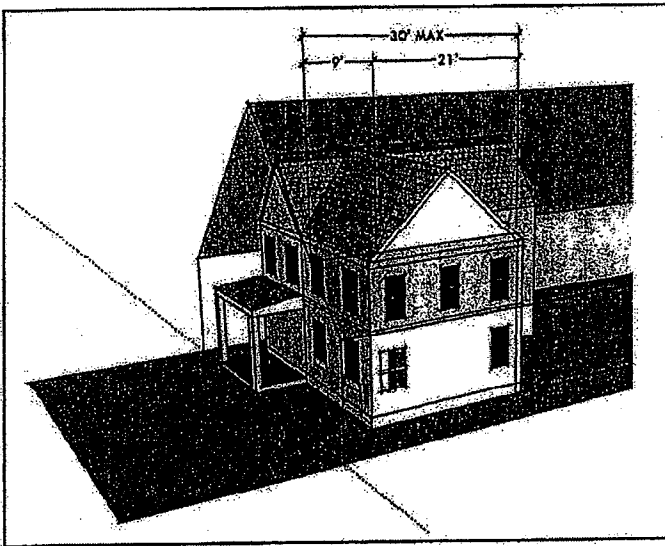


Figure 13: Side-Gabled Roof Exception

A side-gabled roof may project through the side setback plane for a horizontal distance of up to a maximum of 30 feet, measured from the building line. In this example, the gable intrudes into the setback plane beginning 9 feet behind the building line. Therefore, the maximum length of the gable intrusion would be 21 feet.

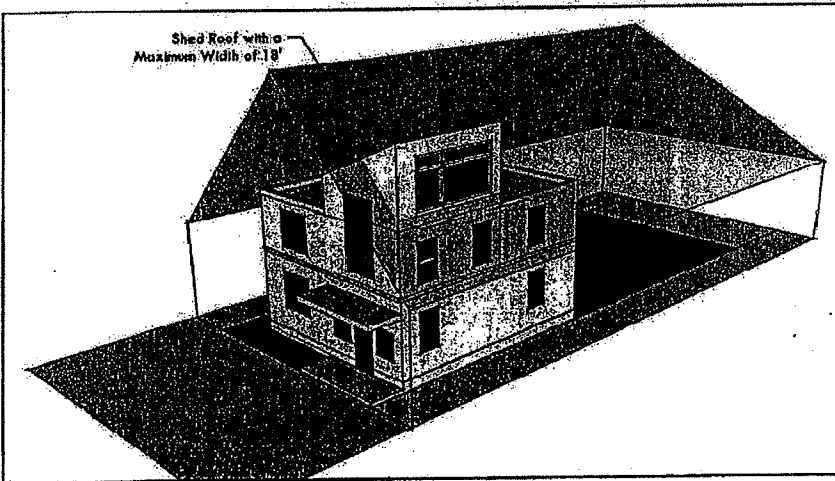


Figure 14: 18-foot Exception for Shed Roof

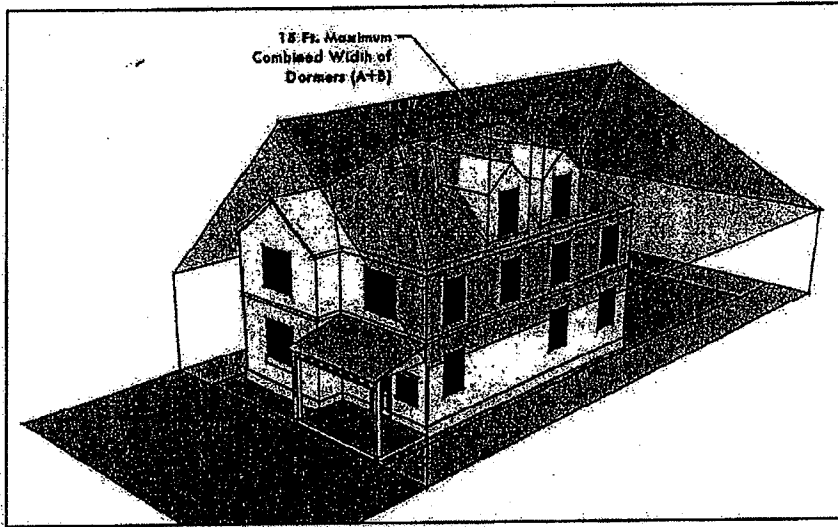


Figure 15: Dormer Exception (Gable or Shed)

One or more dormers with a combined width of 15 feet or less on each side of the roof may extend beyond the setback plane. The width of the dormer is measured at the point that it intersects the setback plane.

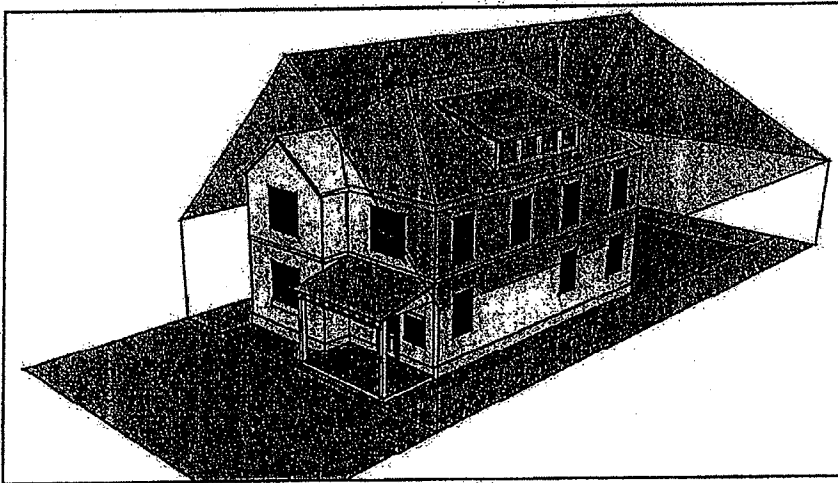


Figure 16: Dormer Exception (Gable or Shed)

One or more dormers with a combined width of 15 feet or less on each side of the roof may extend beyond the setback plane. The width of the dormer is measured at the point that it intersects the setback plane.

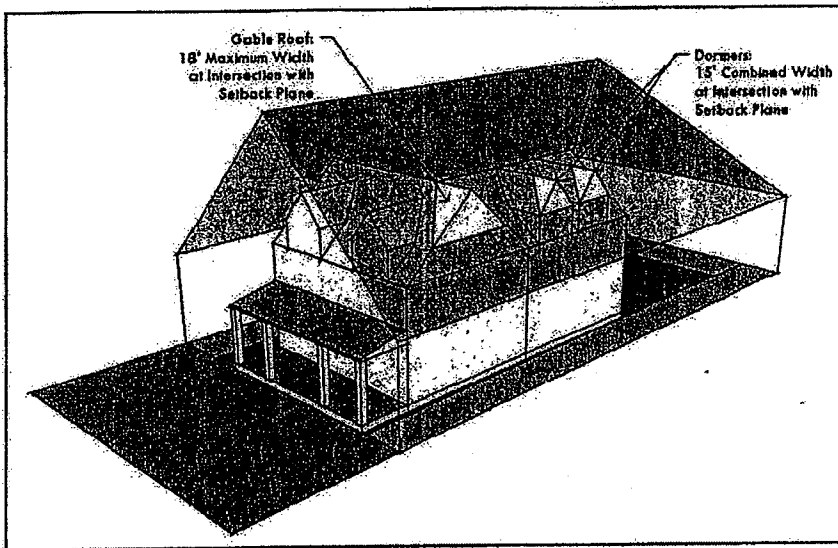


Figure 17: Combination of Roof and Dormer Exceptions

Source: Ord. 20060216-043; Ord. 20060309-058; Ord. 20060622-022; Ord. 20060928-022; Ord. 20080618-093.

§ 2.7. SIDE WALL ARTICULATION.

2.7.1. Except as provided in subsection 2.7.2, if a side wall of a building is more than 15 feet high and is an average distance of less than nine feet from an interior lot line, the sidewall may not extend in an unbroken plane for more than 36 feet along a side lot line without a sidewall articulation that meets the requirements of this section.

A. To break the plane, a sidewall articulation must:

1. be perpendicular to the side property line, at least four feet deep, and extend along the side property line for at least 10 feet, as shown in Figures 18 through 20;

2. extend the entire height of the first floor of an addition to, or remodel of, an existing one-story building;
3. extend the entire height of the second story of an addition to, or remodel of, a two or more story building;
4. extend to the height of the top floor of a newly constructed building; and
5. extend evenly upward for its entire height.

B. A sidewall articulation cannot:

1. create patios or decks or be screened from view; or
2. serve as an eave or gutter.

- C. Sidewall articulation required under this section may be satisfied by horizontal articulation, such that each story above the first story is setback further from the property line by at least nine feet and extends along the side property line for at least 10 feet.
- D. For purposes of subsection 2.7.1, wall height:
1. excludes side gables; and
 2. is measured from the lower of natural or finished grade adjacent to the structure up to the first floor wall plate, which is the lowest point of the existing first floor ceiling framing that intersects the exterior wall.
- 2.7.2. The requirements of this section do not apply to:
- A. Any side of a structure that is adjacent to a commercial use, unless the commercial use is occupying a residential structure.
- B. An addition to or remodel of an existing principal structure, or the construction of a new principal structure, provided that the resulting structure is less than 2,000 square feet in net building coverage and less than or equal to 32 feet in height.
- C. An addition to or remodel of an existing second structure, or the construction of a new second structure, provided that the principal structure is exempt under subsection 2.7.2.B and the resulting second structure:
1. does not exceed 550 square feet;
 2. does not exceed the maximum height allowed in the base zoning district; and
 3. is either detached from the principal structure or connected by a covered breezeway that is open on all sides, with a walkway of no more than six (6) feet in width that is covered by a roof of no more than eight (8) feet in width.
- D. The addition of a second story to an existing one-story structure if the addition is directly above a portion of the existing one-story structure that was originally constructed, or received a permit for construction, before October 1, 2006.
- E. An extension of the second floor of an existing two-story structure, provided that the building footprint of the structure is not increased.

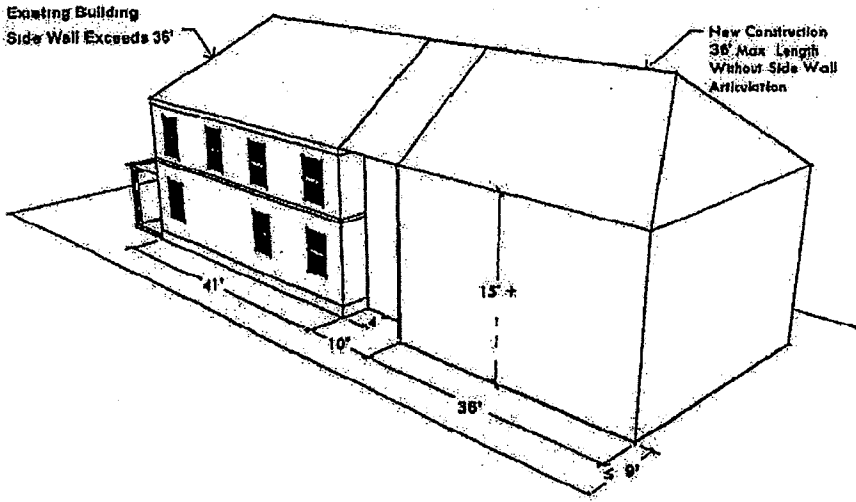


Figure 18: Side Wall Articulation (Existing Side Wall Exceeds 36 Feet)
Articulation is required for side walls on additions or new construction that are 15 feet or taller and located within 9 feet of the side lot line. No wall may extend for more than 36 feet without a projection or recession of at least 4 feet in depth and 10 feet in length.

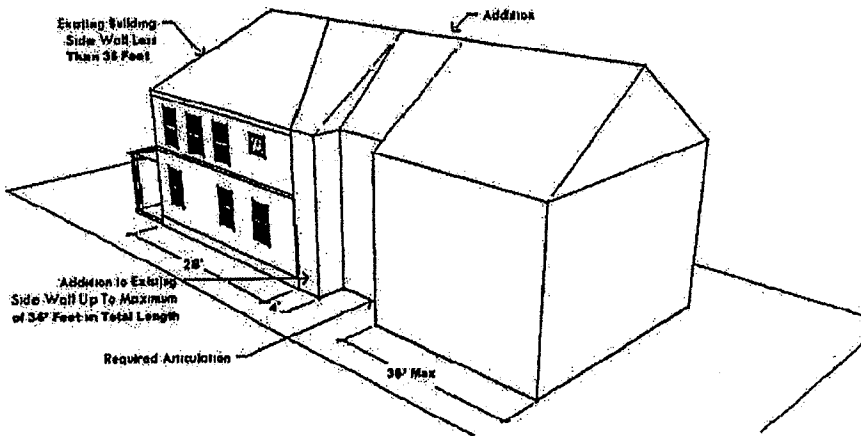


Figure 19: Side Wall Articulation (Existing Side Wall Less Than or Equal to 36 Feet)
An addition to an existing building may extend a side wall up to a maximum of 36' in total length without articulation.

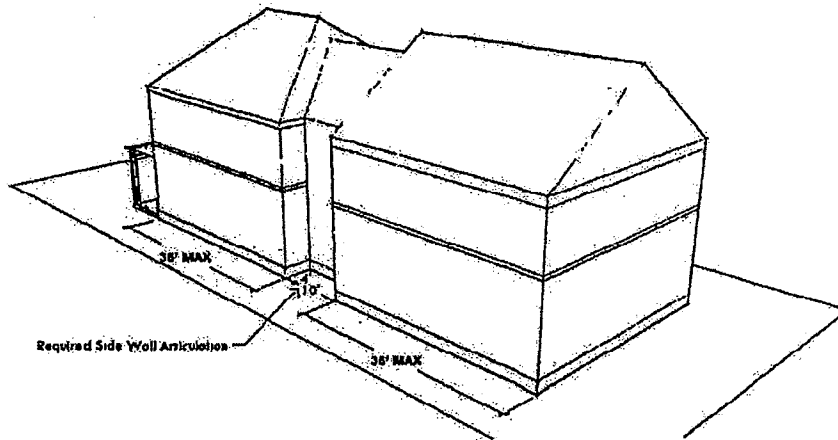


Figure 20: Side Wall Articulation (New Construction)

All new construction must meet the sidewall articulation standards.

Source: Ord. 20060216-043; Ord. 20060309-058; Ord. 20060622-022; Ord. 20060928-022; Ord. 20080618-093.

§ 2.8. MODIFICATIONS BY THE RESIDENTIAL DESIGN AND COMPATIBILITY COMMISSION.

This section provides for modification by the Residential Design and Compatibility Commission of certain requirements of this Subchapter for a proposed development.

2.8.1. Modifications that May be Approved. The Residential Design and Compatibility Commission may:

- A. Approve an increase of up to 25 percent in the:
1. Maximum floor-to-area ratio or maximum square footage of gross floor area;
 2. Maximum linear feet of gables or dormers protruding from the setback plane; or

- B. Waive or modify the side wall articulation requirement of Section 2.7. (*Side Wall Articulation*).

- C. In addition to modifications or waivers under subsections A and B of this section, the Residential Design and Compatibility Commission may waive the requirements of Section 2.6 (*Setback Planes*) for subdivisions that meet the S.M.A.R.T. Housing requirement in Section 25-1-703 (*Program Requirements*) if:

1. The subdivision includes a minimum of 12 lots on at least one acre; and
2. At least 40% of the units are reasonably priced, as provided in Section 25-1-703(C)-(D).

2.8.2. Modification Procedures.**A. Application and Notice.**

1. A person may request a modification listed in subsection 2.8.1. above by filing an application with the Director on a form provided by the Director.
2. Not later than the 14th day after an application is filed, the Director shall:
 - a. Mail notice of the application to:
 - (i) Each notice owner of property immediately adjacent to the subject property;
 - (ii) The appropriate neighborhood association, if any; and,
 - (iii) The neighborhood plan team, if any; and
 - b. Post notice of the application in accordance with Section 25-1-135 (*Posting of Signs*).

B. Approval Criteria. The Residential Design and Compatibility Commission may, after a public hearing, approve a modification if it determines that the proposed development is compatible in scale and bulk with the structures in the vicinity of the development. In making this determination, the commission shall consider:

1. The recommendation of the neighborhood plan team, if any;

2. The development's:

- a. Compliance with neighborhood design guidelines, if any;
 - b. Consistency with the streetscape of the properties in the vicinity;
 - c. Consistency with the massing, scale, and proximity of structures located on either side of or behind the development;
 - d. Impact on privacy of adjacent rear yards; and
 - e. Topography and lot shape; and
3. For a development of an entire block, whether the development will have a negative impact on adjacent property.

C. Additional Procedures for Historic Properties.

1. If the proposed development of a local historic landmark or a "contributing structure", as defined in Section 25-3-351 (*Contributing Structure*), would require both a modification from the requirements of this Subchapter and a certificate of appropriateness under Section 25-11-241, the applicant must request a modification under this section prior to seeking a certificate of appropriateness. If the Residential Design and Compatibility Commission

determines that the request is consistent with the approval criteria in subsection B of this section, it shall conditionally approve the modification contingent upon subsequent issuance of a certificate of appropriateness by the Historic Landmark Commission under Section 25-11-243. The applicant must include a copy of the approved modification with the application for a certificate of appropriateness.

2. If both a modification from the requirements of this Subchapter and a non-binding recommendation from the Historic Landmark Commission are sought, the Residential Design and Compatibility Commission may not approve a modification for a structure located in the National Register Historic District before the Historic Landmark Commission issues its recommendation.

D. **Appeals.** An interested party may appeal the Residential Design and Compatibility Commission's decision to the City Council.

E. **Board of Adjustment May Grant Variances.** This subsection does not prohibit the Board of Adjustment from granting a variance from a requirement of this Subchapter under Section 25-2-473 (*Variance Requirements*).

Source: Ord. 20060216-043; Ord. 20060309-058; Ord. 20060622-022; Ord. 20060928-022; Ord. 20070830-089; Ord. 20080618-093.

§ 2.9. MODIFICATIONS WITHIN NEIGHBORHOOD PLAN (NP) COMBINING DISTRICTS.

Under Section 25-2-1406 of the Code, an ordinance zoning or rezoning property as a neighborhood plan (NP) combining district may modify certain development standards of this Subchapter.

Source: Ord. 20060216-043; Ord. 20060309-058; Ord. 20060622-022; Ord. 20060928-022.

ARTICLE 3: DEFINITIONS AND MEASUREMENT.

§ 3.1. BUILDABLE AREA.

In this Subchapter, BUILDABLE AREA means the area in which development subject to this Subchapter may occur, and which is defined by the side and rear setback planes required by this Subchapter, together with the area defined by the front, side, and rear yard setbacks and the maximum height limit.

Source: Ord. 20060216-043; Ord. 20060309-058; Ord. 20060622-022; Ord. 20060928-022.

§ 3.2. BUILDING LINE.

In this Subchapter, BUILDING LINE means a line that is parallel to the front lot line and that intersects the principal residential structure at the point where the structure is closest to the front lot line, including any allowed projections into the front yard setback. See Figure 21.

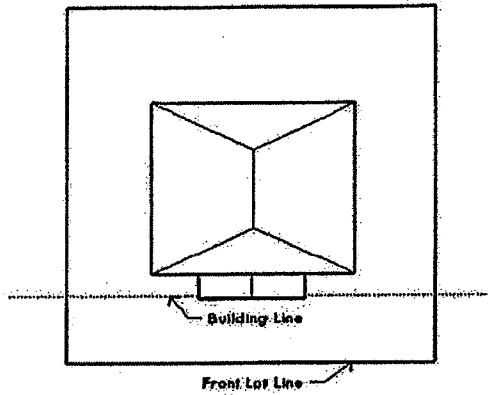


Figure 21: Building Line

Source: Ord. 20060216-043; Ord. 20060309-058;
Ord. 20060622-022; Ord. 20060928-022.

§ 3.3. GROSS FLOOR AREA.

In this Subchapter, GROSS FLOOR AREA has the meaning assigned by Section 25-1-21 (*Definitions*), with the following modifications:

3.3.1. In this Subchapter, GROSS FLOOR AREA means all enclosed space, regardless of its dimensions, that is not exempted under subsections 3.3.2, 3.3.3, or 3.3.4.

3.3.2. Subject to the limitations in paragraph C below, the following parking areas and structures are excluded from gross floor area for purposes of this Subchapter:

A. Up to 450 square feet of:

1. A detached rear parking area that is separated from the principal structure by not less than 10 feet;
2. A rear parking area that is 10 feet or more from the principal

structure, provided that the parking area is either:

- a. detached from the principal structure; or
- b. attached by a covered breezeway that is completely open on all sides, with a walkway not exceeding 6 feet in width and a roof not exceeding 8 feet in width; or

3. A parking area that is open on two or more sides, if:

- i. it does not have habitable space above it; and
- ii. the open sides are clear and unobstructed for at least 80% of the area measured below the top of the wall plate to the finished floor of the carport.

B. Up to 200 square feet of:

1. An attached parking area if it used to meet the minimum parking requirement; or
2. A garage that is less than 10 feet from the rear of the principal structure, provided that the garage is either:
 - a. detached from the principal structure; or
 - b. attached by a covered breezeway that is completely open on all sides, with a walkway not exceeding 6 feet in width and a roof not exceeding 8 feet in width.

C. An applicant may receive only one 450-square foot exemption per site under paragraph A. An applicant who receives a 450-square foot exemption may receive an additional 200-foot exemption for the same site under paragraph B, but only for an attached parking area used to meet minimum parking requirements.

3.3.3. Porches, basements, and attics that meet the following requirements shall be excluded from the calculation of gross floor area:

A. A ground floor porch, including a screened porch, provided that:

1. the porch is not accessible by automobile and is not connected to a driveway; and
2. the exemption may not exceed 200 square feet if a porch has habitable space or a balcony above it.

B. A habitable portion of a building that is below grade if:

1. The habitable portion does not extend beyond the first-story footprint and is:
 - a. Below natural or finished grade, whichever is lower; and
 - b. Surrounded by natural grade for at least 50% of its perimeter wall area, if the habitable portion is required to be below natural grade under paragraph 1.a.
2. The finished floor of the first story is not more than three feet above the average elevation at the intersections of the minimum front

yard setback line and the side property lines.

C. A habitable portion of an attic, if:

1. The roof above it is not a flat or mansard roof and has a slope of 3 to 12 or greater;
2. It is fully contained within the roof structure;
3. It has only one floor;
4. It does not extend beyond the footprint of the floors below;
5. It is the highest habitable portion of the building, or a section of the building, and adds no additional mass to the structure; and
6. Fifty percent or more of the area has a ceiling height of seven feet or less.

3.3.4. An enclosed area shall be excluded from the calculation of gross floor area if it is five feet or less in height. For purposes of this subsection:

A. Area is measured on the outside surface of the exterior walls; and

B. Height is measured from the finished floor elevation, up to either:

1. the underside of the roof rafters; or
2. the bottom of the top chord of the roof truss, but not to collar ties, ceiling joists, or any type of furred-down ceiling.

Source: Ord. 20060216-043; Ord. 20060309-058; Ord. 20060622-022; Ord. 20060928-022; Ord. 20080618-093.

§ 3.4. HEIGHT.

For purposes of this Subchapter, the HEIGHT of a building or setback plane shall be measured as follows:

3.4.1. Height shall be measured vertically from the average of the highest and lowest grades adjacent to the building to:

- A. For a flat roof, the highest point of the coping;
- B. For a mansard roof, the deck line;
- C. For a pitched or hip roof, the gabled roof or dormer with the highest average height; or
- D. For other roof styles, the highest point of the building.

3.4.2. The grade used in the measurement of height for a building or setback plane shall be the lower of natural grade or finished grade, except height shall be measured from finished grade if:

- A. The site's grade is modified to elevate it out of the 100-year floodplain; or
- B. The site is located on the approximately 698.7 acres of land known as the Mueller Planned Unit Development, which was zoned as a planned unit development (PUD) district by Ordinance Number 040826-61.

3.4.3. For a stepped or terraced building, the height of each segment is determined individually.

3.4.4. The height of a structure other than a building is measured vertically from the ground level immediately under the structure to the top of the structure. The height of a fence on top of a retaining wall is measured from the bottom of the retaining wall.

3.4.5. A maximum height is limited by both number of feet and number of stories if both measurements are prescribed, regardless of whether the measurements are conjoined with "or" or "and".

3.4.6. The habitable portion of a basement that is below natural grade and the habitable portion of an attic do not count toward the number of stories for purposes of Section 25-2-773(B)(5) (*Duplex Residential Use*) if the area satisfies the requirements for an exemption from gross floor area under subsections 3.3.2.B-C of this Subchapter.

Source: Ord. 20060216-043; Ord. 20060309-058; Ord. 20060622-022; Ord. 20060928-022; Ord. 20080618-093.

§ 3.5. NATURAL GRADE.

3.5.1. In this Subchapter, NATURAL GRADE is:

- A. The grade of a site before it is modified by moving earth, adding or removing fill, or installing a berm, retaining wall, or architectural or landscape feature; or
- B. For a site with a grade that was legally modified before October 1, 2006, the grade that existed on October 1, 2006.

3.5.2. Natural grade is determined by reference to an on-ground survey, City-approved topographic map, or other information approved by the director. The director may require an applicant to provide a third-party report that shows the natural grade of a site.

Source: Ord. 20060216-043; Ord. 20060309-058; Ord. 20060622-022; Ord. 20060928-022.

C4. LDC CHAPTER 25-6 (TRANSPORTATION) & APPENDIX A

CHAPTER 25-6. TRANSPORTATION.

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- § 25-6-2 Driveway Approaches Described
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- § 25-6-4 Subdivisions in Travis County Portion of Extraterritorial Jurisdiction

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- § 25-6-51 Reservation of Right-of-way
- § 25-6-52 Constructing a Structure or Improvement in Right-of-way Prohibited
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CHAPTER 25-6. TRANSPORTATION.

ARTICLE I. GENERAL PROVISIONS.

§ 25-6-1 DEFINITIONS.

In this article:

- (1) **BILLIARD PARLOR** is an establishment that devotes over 50 percent of its gross floor area to tables and playing area intended for billiards, pool, snooker, or similar games.
- (2) **BOWLING ALLEY** is an establishment that devotes over 50 percent of its gross floor area to bowling lanes, equipment, and playing area.
- (3) **DRIVE-THROUGH LUBRICATION SERVICE** is an establishment primarily engaged in the provision of lubricants, including oil change facilities, to motor vehicles by means of drive-through service bays. The term excludes service stations primarily engaged in the dispensing of motor fuel.
- (4) **FURNITURE OR CARPET STORE** is an establishment engaged in the sale or service of home or office furnishings or carpeting. The term excludes furniture or carpet departments of general retail stores, furniture rental establishments, and establishments engaged primarily in the sale or service of specialty household furnishings including lighting fixtures, mirrors, antiques, appliances, or household electronic equipment.
- (5) **GROSS LEASABLE AREA** is the total floor area designed for tenant occupancy in a shopping center or regional shopping mall, including areas used for storage and areas within mall walkways that are used for sales. The area of tenant occupancy is measured from the center lines of joint partitions to the outside of the tenant walls.
- (6) **LIVE THEATER** is a building or structure, the primary purpose of which is the commercial presentation of plays or other dramatic performances to an audience.
- (7) **MOTION PICTURE THEATER** is a building or structure, the primary purpose of which is the commercial presentation of motion pictures to an audience.
- (8) **REGIONAL SHOPPING MALL** means a single building containing over 600,000 square feet of gross leasable area and enclosing two or more stores with main entrances from a covered common pedestrian area. Typical uses include general retail sales (general), general retail sales (convenience), food sales, personal services, and restaurants.
- (9) **SHOPPING CENTER** is a group of architecturally unified commercial establishments built on a site that is planned, developed, owned, and managed as an operating unit. Typical uses in a shopping center include general retail sales (general), general retail sales (convenience), food sales, personal services, and restaurants.

Source: Section 13-5-95.1; Ord. 990225-70; Ord. 031211-11.

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§ 25-6-2 DRIVEWAY APPROACHES DESCRIBED.

(A) A type 1 driveway approach is a concrete driveway approach that provides access from a roadway to property on which a one or two family residence is located.

(B) A type 2 driveway approach is a concrete driveway approach that provides access to property used for a purpose other than a one or two family residence.

Source: Section 13-5-61; Ord. 990225-70; Ord. 030306-48A; Ord. 031211-11.

§ 25-6-3 SMART GROWTH CORRIDORS AND NODES DESCRIBED.

In this title:

(1) SMART GROWTH CORRIDOR is an area identified as a "smart growth corridor" in a neighborhood plan adopted by council.

(2) SMART GROWTH NODE is an area identified as a "smart growth node" in a neighborhood plan adopted by council.

Source: Ord. 000406-83; Ord. 031211-11.

§ 25-6-4 SUBDIVISION IN TRAVIS COUNTY PORTION OF EXTRATERRITORIAL JURISDICTION.

(A) Title 30 (*Austin / Travis County Subdivision Regulations*) prescribes transportation requirements for a subdivision in the portion of the city's extraterritorial jurisdiction that is within Travis County.

(B) Title 30 (*Austin / Travis County Subdivision Regulations*) supersedes this chapter to the extent of conflict.

Source: Ord. 031211-42.

ARTICLE 2. RESERVATION AND DEDICATION OF RIGHT-OF-WAY.

Division 1. General Provisions.

§ 25-6-21 APPLICABILITY.

(A) Except as provided in Subsection (B), this article applies to land for which an owner files an application for:

- (1) zoning or rezoning;
- (2) preliminary plan or final plat approval; or
- (3) site plan approval.

(B) This article does not apply to an application for:

- (1) a minor revision of an approved site plan;
- (2) a development permit for a lot in the extraterritorial jurisdiction of the City; or
- (3) a site plan application for a developed property or a site plan revision application for a property with an approved site plan that is filed to relocate facilities from an area of the property to be condemned for right-of-way.

Source: Section 13-5-2; Ord. 990225-70; Ord. 031211-11.

§ 25-6-22 ESTABLISHING BUILDING LINES.

The provisions of this article relating to the reservation of right-of-way and waiver of reservation of right-of-way requirements, do not preclude the City

from establishing a building line on a right-of-way under state law.

Source: Section 13-5-4; Ord. 990225-70; Ord. 031211-11.

Division 2. Reservation and Dedication of Right-of-way.

§ 25-6-51 RESERVATION OF RIGHT-OF-WAY.

- (A) The City reserves right-of-way along a roadway designated in:
 - (1) the Transportation Plan;
 - (2) an approved collector plan; or
 - (3) an established capital improvement project located in the planning jurisdiction of the City.
- (B) The extent and location of the right-of-way reserved under Subsection (A) must conform to the Transportation Plan, approved collector plan, or capital improvement project.

Source: Section 13-5-8(a); Ord. 990225-70; Ord. 031211-11.

§ 25-6-52 CONSTRUCTING A STRUCTURE OR IMPROVEMENT IN RIGHT-OF-WAY PROHIBITED.

Except as provided in Section 25-6-56 (*Agreement For Temporary Use Of Reserved Right-Of-Way*) and Section 25-6-81 (*Waiver Request*), a person may not erect a structure or make an improvement in a reserved right-of-way.

Source: Section 13-5-8(b); Ord. 990225-70; Ord. 000309-39; Ord. 031211-11.

§ 25-6-53 MEASURING SETBACKS.

A setback line prescribed under this title is measured from the boundary of the reserved right-of-way adjacent to the property unless waived under Section 25-6-83 (*Action On Waiver*).

Source: Section 13-5-8(c); Ord. 990225-70; Ord. 031211-11.

§ 25-6-54 ALIGNMENT.

- (A) The director shall determine the alignment of reserved right-of-way during:
 - (1) the review and approval process for a development application; or
 - (2) if an applicant files a waiver request under Section 25-6-81 (*Waiver Request*), not later than the 60th day after the waiver request is filed.
- (B) The alignment of reserved right-of-way is based on:
 - (1) the alignment established in the Transportation Plan, collector plan, or capital improvement project; and
 - (2) engineering criteria, including grade, curvature, and the existence of a flood plain.
- (C) In an area designated for a state roadway project, alignment may be established by the Texas Department of Transportation.
- (D) For an existing or platted street, the alignment is based on:
 - (1) the existing centerline established before an additional dedication from the opposite side of the right-of way occurs; or
 - (2) if the centerline of the street is proposed to be shifted from its present alignment, the proposed centerline.

(E) If the alignment for a roadway cannot be determined under Subsection (D), the reserved right-of-way shall be established equally on each side of the centerline of the existing roadway.

Source: Section 13-5-8(d); Ord. 990225-70; Ord. 031211-11.

§ 25-6-55 DEDICATION OF RIGHT-OF-WAY.

(A) If the city manager determines that all or a portion of a right-of-way is needed to accommodate the estimated traffic generated by a proposed development, the applicant may be required to dedicate:

- (1) an amount of land not to exceed 150 feet for a roadway that is subject to reservation of right-of-way under Section 25-6-51 (*Reservation Of Right-Of-Way*) and that is internal to a proposed subdivision or development project; or
- (2) an amount of land not to exceed 50 percent of the total right-of-way requirement for an existing or proposed roadway that:
 - (a) is subject to reservation of right-of-way under Section 25-6-51 (*Reservation Of Right-Of-Way*); and
 - (b) adjoins a proposed subdivision or development project.

(B) An applicant may not be required to dedicate more than 75 feet of land under Subsection (A)(2).

(C) The director may require the dedication of right-of-way in an amount greater than established in Subsection (A):

(1) for a street that is not subject to reserved right-of-way and that does not comply with the standards in the Transportation Criteria Manual; or

(2) if the additional right-of-way is necessary to accommodate traffic generated by the proposed development.

(D) The director may defer the dedication of right-of-way required at one stage of the development process to a later stage. A person must comply with all dedication requirements before the release of the subsequent application.

(E) In addition to the dedication of right-of-way, the City may require the applicant to construct a roadway improvement or may assess a fee instead of requiring construction of a roadway improvement to offset the traffic effects generated by the proposed development.

Source: Section 13-5-9; Ord. 990225-70; Ord. 010329-18; Ord. 010607-50; Ord. 031211-11; Ord. 20060504-039.

§ 25-6-56 AGREEMENT FOR TEMPORARY USE OF RESERVED RIGHT-OF-WAY.

(A) The City may, by written agreement, authorize use of reserved right-of-way for a temporary structure or improvement, including a parking area, detention pond, landscaping, and sign.

(B) The agreement must contain:

(1) an expiration date for the use of the right-of-way;

(2) the method the City will use to notify the property owner that a temporary improvement must be removed;

- (3) a requirement that the property owner replace the improvements on the remainder of the property when the temporary improvements are removed, if the improvements are required by the City Code;

- (4) the applicant's address for notification; and

- (5) a penalty for failure to remove a temporary improvement.

Source: Section 13-5-10; Ord. 990225-70; Ord. 031211-11.

Division 3. Waivers and Variances.

§ 25-6-81 WAIVER REQUEST.

- (A) An applicant who files a development application that proposes to erect a structure or construct an improvement in a reserved right-of-way or in a required setback from reserved right-of-way must:

- (1) execute an agreement under Section 25-6-56 (*Agreement For Temporary Use Of Reserved Right-Of-Way*); or

- (2) submit a request for waiver of the reservation requirements of this article with the development application.

- (B) An owner of property reserved for right-of-way who does not have a development application pending with the City may apply for a waiver of the reservation requirements of this article if 15 percent or more of the property is or would be subject to the reservation requirements of Section 25-6-51 (*Reservation Of Right-Of-Way*).

- (C) A waiver granted under Subsection (B) is only effective until the City determines that

acquisition of a reserved right-of-way is feasible.

Source: Sections 13-5-13 and 13-5-14; Ord. 990225-70; Ord. 031211-11.

§ 25-6-82 NOTICE OF WAIVER REQUEST.

- (A) After receiving a waiver request, the director shall establish the alignment of a relevant roadway and, if a development application has been filed, shall apply the dedication standards under Section 25-6-55 (*Dedication Of Right-Of-Way*).

- (B) If an application covers an area designated as a state roadway project, the director shall:

- (1) notify the Texas Department of Transportation that:

- (a) a request for a waiver has been filed; and

- (b) if applicable, that a development application has been filed proposing construction in a reserved right-of-way or setback from reserved right-of-way; and

- (2) request field notes from the Texas Department of Transportation.

- (C) If the proposed structure or improvement is located in reserved right-of-way subject to dedication, the director shall require that the application be amended to show the land to be dedicated.

- (D) The director shall certify to the city manager that:

- (1) the dedication requirements have been applied to the application and that a request for a waiver to erect a structure or construct an improvement in the reserved right-of-way has been filed; or

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- (2) a request for waiver of the reservation requirements of this article has been filed by an applicant who does not have a development application pending before the City and that 15 percent or more of the property is or would be subject to the reservation requirements of this article.

Source: Section 13-5-15(a); Ord. 990225-70; Ord. 010329-18; Ord. 010607-50; Ord. 031211-11; Ord. 20060504-039.

§ 25-6-83 ACTION ON WAIVER.

- (A) Not later than the 90th day after receipt of the certification submitted under Section 25-5-82 (*Notice Of Waiver Request*), the city manager shall determine if the City can acquire the reserved right-of-way that is the subject of a waiver request.

- (B) If the City cannot acquire the property, the director shall:

- (1) release the application from the requirement to comply with the requirements of this article; or
- (2) if no application has been filed, grant the waiver request for the period of time that the City is unable to acquire the reserved right-of-way.

- (C) If the City can acquire the reserved right-of-way, the director shall deny the waiver. The director may not approve the development application for a period not to exceed six months, pending acquisition of the property. If the City has not acquired the property during the 6 month period, the director shall continue to process the application.

Source: Section 13-5-15(b); Ord. 990225-70; Ord. 010329-18; Ord. 010607-50; Ord. 031211-11; Ord. 20060504-039.

§ 25-6-84 APPEAL OF DENIAL OF WAIVER.

An applicant may appeal the director's denial of a waiver request to the council.

Source: Section 13-5-15(c); Ord. 990225-70; Ord. 031211-11.

§ 25-6-85 AMENDING DEVELOPMENT APPLICATION.

- (A) An applicant may amend a development application to exclude an improvement from a reserved right-of-way.

- (B) If an applicant amends an application to exclude an improvement from a reserved right-of-way, the City may discontinue procedures to acquire the reserved right-of-way.

Source: Section 13-5-17; Ord. 990225-70; Ord. 031211-11.

§ 25-6-86 VARIANCE FROM DEDICATION REQUIREMENTS.

- (A) The director may grant a variance from the dedication requirements of Section 25-6-55 (*Dedication Of Right-Of-Way*) if the director determines that the requirements:

- (1) place an undue hardship on the property owner because of special circumstances applicable to the property; or
- (2) render the property unsuitable for an economically feasible use.

- (B) An applicant may appeal the denial of a variance to the council.

Source: Section 13-5-19; Ord. 990225-70; Ord. 031211-11.

ARTICLE 3. TRAFFIC IMPACT ANALYSIS.

Division 1. Traffic Impact Analysis and Neighborhood Traffic Analysis.

§ 25-6-111 TRAFFIC IMPACT ANALYSIS DESCRIBED.

A traffic impact analysis is a study that:

- (1) provides information on the projected traffic generated by a proposed development;
- (2) assesses the effect of the proposed development on a roadway near the development;
- (3) identifies a potential traffic operational problem or concern and recommends an action to handle the problem or concern; and
- (4) assesses the potential vehicular trips generated by other undeveloped sites in the established study boundary.

Source: Sections 13-5-42(a) and 13-5-42(b); Ord. 990225-70; Ord. 031211-11.

§ 25-6-112 NEIGHBORHOOD TRAFFIC ANALYSIS DESCRIBED.

A neighborhood traffic analysis is a simplified traffic impact analysis that assesses the effect of a proposed project on a residential street. The scope of a neighborhood traffic analysis is limited to an evaluation of the existing and projected operating level of a residential street and an identification of mitigation measures to minimize adverse traffic effects.

Source: Section 13-5-42(c); Ord. 990225-70; Ord. 031211-11.

§ 25-6-113 TRAFFIC IMPACT ANALYSIS REQUIRED.

- (A) Except as otherwise provided in Section 25-6-117 (*Waiver Authorized*), a person submitting a site plan application or a zoning or rezoning application must submit a traffic impact analysis to the department if the expected number of trips generated by a project exceeds 2,000 vehicle trips per day.
- (B) If the director determines that the traffic impact analysis does not comply with the requirements of this article, the director may require the applicant to supplement the traffic impact analysis to address a deficiency.
- (C) An applicant required to supplement an analysis under Subsection (B) must submit the required supplemental material before the 27th day before the date on which the application is scheduled for action.

Source: Sections 13-5-43, 13-5-44(b), and 13-5-46(a); Ord. 990225-70; Ord. 031211-11.

§ 25-6-114 NEIGHBORHOOD TRAFFIC ANALYSIS REQUIRED.

- (A) The director shall conduct a neighborhood traffic analysis for a project proposed in a site development permit application or a zoning or rezoning application if:
 - (1) the project has access to a residential local or collector street as described in Subsection (C); and
 - (2) the projected number of vehicle trips generated by the project exceeds the vehicle trips per day generated by existing uses by at least 300 vehicle trips per day.
- (B) If a current traffic count for an affected street is not available, the director may require the applicant to conduct a traffic count in accordance with procedures established by the city manager.

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(C) In this article, a residential local or collector street is a street:

- (1) that is not an arterial street; and
- (2) along which at least 50 percent of the frontage located:
 - (a) 1500 feet or less from the proposed project's property line has an urban family residential district (SF-5) or more restrictive zoning designation; or
 - (b) between the property line and the nearest arterial street that is less than 1500 feet from the property line has an SF-5 or more restrictive zoning designation.

(D) Under this article, residential property in a planned unit development (PUD) zoning district is treated as property in an SF-5 zoning district if the PUD land use plan establishes the density for the residential area at 12.44 units per acre or less.

(E) Under Subsection (C), each segment of a street that meets the criteria in Subsection (C)(2)(a) or (b) is considered separately.

Source: Sections 13-2-25, 13-5-44(a), 13-5-44(c), and 13-5-46(b); Ord. 990225-70; Ord. 010329-18; Ord. 010607-50; Ord. 031211-11; Ord. 20060504-039.

§ 25-6-115 STANDARDS FOR TRAFFIC IMPACT ANALYSIS.

- (A) The director shall determine the geographic area to be included in a traffic impact analysis.
- (B) A traffic impact analysis must be performed under the supervision of a registered professional engineer or other qualified individual.

(C) A traffic impact analysis must conform with the requirements of this article and the Transportation Criteria Manual.

(D) A traffic impact analysis report must describe the study methodology, the data used, and the study findings and provide recommendations based on the results.

(E) A traffic impact analysis report must be signed by a registered professional engineer or other qualified individual responsible for the supervision of the study and preparation of the traffic impact analysis.

Source: Sections 13-5-42(b) and 13-5-46(a); Ord. 990225-70; Ord. 031211-11.

§ 25-6-116 DESIRABLE OPERATING LEVELS FOR CERTAIN STREETS.

Traffic on a residential local or collector street is operating at a desirable level if it does not exceed the following levels:

<u>Pavement Width</u>	<u>Vehicles Per Day</u>
Less than 30 feet	1,200
30 feet to less than 40 feet	1,800
40 feet or wider	4,000

Source: Sections 13-5-47(c); Ord. 990225-70; Ord. 031211-11.

§ 25-6-117 WAIVER AUTHORIZED.

- (A) The director may waive the requirement to submit a traffic impact analysis.
- (B) If the director waives the requirement to submit a traffic impact analysis, the director shall include the reason for the waiver in the director's decision or recommendation on the application.
- (C) A person who obtains a waiver under this section must mitigate adverse effects of the traffic generated from a proposed development.

(D) The traffic generated from a proposed development for which the requirement to submit a traffic impact was waived may not:

- (1) in combination with existing traffic, exceed the desirable operating level established in Section 25-6-116 (*Desirable Operating Levels For Certain Streets*); or
- (2) endanger the public safety.

Source: Section 13-5-48; Ord. 990225-70; Ord. 031211-11.

Division 2. Approval Process.

§ 25-6-141 ACTION ON APPLICATION.

- (A) The council or director may deny an application if the results of a traffic impact analysis demonstrate that a proposed development may overburden the City's street system.
- (B) Except as provided in Subsection (C), the council or director shall deny an application if the traffic impact analysis or neighborhood traffic analysis demonstrates that:
 - (1) the projected traffic generated by the project, combined with existing traffic, exceeds the desirable operating level established in Section 25-6-116 (*Desirable Operating Levels For Certain Streets*) on a residential local or collector street in the traffic impact analysis study area or the neighborhood traffic analysis study area; or
 - (2) the project endangers the public safety.
- (C) The council may approve a zoning application that would otherwise be denied

under Subsection (B) of this section if the council determines that:

- (1) the applicant has satisfactorily mitigated adverse traffic effects; or
- (2) the projected additional traffic from a project has an insignificant effect on a residential street.

Source: Section 13-5-47(a) and (b); Ord. 990225-70; Ord. 031211-11.

§ 25-6-142 APPLICATION MODIFICATION BASED ON TRAFFIC ANALYSIS.

An applicant may modify an application to minimize the traffic-related effects identified in a traffic impact analysis or neighborhood traffic analysis. Modifications may include:

- (1) a reduction in the projected vehicle trips per day;
- (2) the dedication of additional right-of-way;
- (3) the rerouting of traffic and a proposed access and egress point;
- (4) participation in the funding of a traffic signal or intersection improvement; and
- (5) other modification determined to be necessary.

Source: Section 13-5-47(a); Ord. 990225-70; Ord. 031211-11.

§ 25-6-143 APPEAL OF DIRECTOR ACTION.

- (A) An applicant may appeal the director's denial of a site plan application under Section 25-6-141 (*Action On Application*) to the Land Use Commission. An applicant may appeal the decision of the Land Use Commission to the council.

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(B) The Land Use Commission or the council may approve a site plan application if the Land Use Commission or council determine that the:

- (1) applicant has satisfactorily mitigated adverse traffic effects; or
- (2) additional traffic from the project has an insignificant effect on a residential street.

Source: Section 13-5-47(b)(2); Ord. 990225-70; Ord. 010607-8; Ord. 031211-11.

ARTICLE 4. STREET DESIGN.

Division 1. Roadways Generally.

§ 25-6-171 STANDARDS FOR DESIGN AND CONSTRUCTION.

- (A) Except as provided in Subsections (B) and (C), a roadway, street, or alley must be designed and constructed in accordance with the Transportation Criteria Manual and City of Austin Standards and Standard Specifications.
- (B) The city manager may approve a local street that is less than 50 feet in width if a street of narrower width is warranted by topographical conditions, a drainage channel, proposed limited development on one side of the street, or other special condition.
- (C) A roadway, street, or alley must be designed and constructed in accordance with county requirements if it is located in a subdivision that is more than two miles from the city

limits and has a density of less than two and one-half lots or dwelling units for each acre.

Source: Section 13-5-53; Ord. 990225-70; Ord. 010329-18; Ord. 010607-50; Ord. 030306-48A; Ord. 031211-11; Ord. 20060504-039.

§ 25-6-172 ARTERIAL STREETS.

An arterial street must comply with the Transportation Plan.

Source: Section 13-5-54(a); Ord. 990225-70; Ord. 031211-11.

§ 25-6-173 COLLECTOR STREETS.

(A) The director of the Watershed Protection and Development Review Department shall make recommendations to the Planning Commission regarding the designation of collector streets.

(B) The Planning Commission shall designate collector streets after receiving the recommendations required under Subsection (A).

Source: Section 13-5-54(b); Ord. 990225-70; Ord. 010329-18; Ord. 010607-50; Ord. 031211-11; Ord. 20060504-039.

§ 25-6-174 PARTIAL CONSTRUCTION OF BOUNDARY STREETS.

The city manager may allow a person to construct one-half of a divided arterial roadway adjoining a subdivision if:

- (1) the pavement width of the proposed roadway is at least 24 feet; and
- (2) the city manager determines that the roadway can safely be used as a two-way street until construction of the entire divided roadway is completed.

Source: Section 13-5-55; Ord. 990225-70; Ord. 010329-18; Ord. 010607-50; Ord. 031211-11; Ord. 20060504-039.

**Division 2. Roadways in
Water Supply Rural Watersheds or
Water Supply Suburban Watersheds.**

§ 25-6-201 APPLICABILITY.

This division applies to a subdivision if a part of the subdivision is in a water supply rural watershed or water supply suburban watershed.

Source: Section 13-5-56(a); Ord. 990225-70; Ord. 031211-11.

**§ 25-6-202 STREETS IN A CRITICAL
WATER QUALITY ZONE OR WATER
QUALITY BUFFER ZONE.**

- (A) The right-of-way and street design for a local or collector street in a residential area located in a critical water quality zone or a water quality buffer zone must comply with the alternative geometric design criteria for streets without curbs and gutters prescribed in the Transportation Criteria Manual.
- (B) A street in a critical water quality zone or a water quality buffer zone other than a street described in Subsection (A) may comply with the alternative geometric design criteria in the Transportation Criteria Manual if the city manager determines that the design is consistent with transportation principles.
- (C) A street in an upland zone may be designed to comply with the alternative geometric design criteria in the Transportation Criteria Manual if the city manager determines that the design is consistent with transportation principles.

Source: Section 13-5-56(b) and (c); Ord. 990225-70; Ord. 010329-18; Ord. 010607-50; Ord. 031211-11; Ord. 20060504-039.

**§ 25-6-203 STREET CROSS-SECTION
DESIGN.**

An applicant must designate the type of street cross-section design to be used in a preliminary subdivision at the time that the plan is filed.

Source: Section 13-5-56(d); Ord. 990225-70; Ord. 031211-11.

**§ 25-6-204 LOTS ON STREETS WITH NO
CURB AND GUTTER.**

- (A) A lot in a subdivision designed with streets without curb and gutter must be one-half acre or more in size and have 100 feet or more of street frontage.

- (B) Land designated in a preliminary plan as dedicated for open space or public right-of-way may not be used to calculate a lot size for a lot described in Subsection (A).

Source: Section 13-5-56(d); Ord. 990225-70; Ord. 031211-11.

**§ 25-6-205 COLLECTOR AND LOCAL
STREETS.**

The city manager may modify a curb and gutter requirement or the minimum width of a right-of-way prescribed in the Transportation Criteria Manual for a local or collector street after considering:

- (1) a report from the Watershed Protection and Development Review Department that assesses the adequacy with which a proposed alternative design deals with storm water drainage, traffic safety, and general public welfare;
- (2) the applicant's written statement in support of the modification; and
- (3) the applicant's preliminary plan for street construction under the proposed modification.

Source: Section 13-5-56(e); Ord. 990225-70; Ord. 010329-18; Ord. 010607-50; Ord. 031211-11; Ord. 20060504-039.

**ARTICLE 5. DRIVEWAY, SIDEWALK,
AND RIGHT-OF-WAY CONSTRUCTION.**

Division 1. Construction License.

§ 25-6-231 LICENSE REQUIRED.

- (A) A person must establish that a person is qualified to construct, alter, remove, or repair a sidewalk, curb, gutter, driveway approach, or pedestrian way by obtaining a right-of-way construction license.
- (B) A person may not obtain a permit under Section 25-6-261 (*Permit Required For A Project*) to engage in an activity described in Subsection (A) unless a person is licensed under this division.
- (C) A contractor or agent of a franchise holder must comply with the licensing requirements in this division in order to perform work described in this division.
- (D) A licensee shall retain general supervision of all work engaged in under a license.
- (E) A person may not transfer or assign a license issued under this division.

Source: Sections 13-5-62, 13-5-65(a), and 13-5-71; Ord. 990225-70; Ord. 031211-11.

§ 25-6-232 APPLICATION; BOND.

- (A) To obtain a right-of-way construction license, a person must submit an application to the city manager on a prescribed form.
- (B) An application under Subsection (A) must be accompanied by a bond in a form approved by the city attorney and in an amount established by the city manager.

The bond must be payable to the City and issued by a surety authorized to do business in Texas.

- (C) The bond submitted under Subsection (B) must contain the following provisions:

- (1) the bond is issued for the use and benefit of the City and all persons who may suffer injury resulting from the construction performed under the license;
- (2) the principal protects the City and all persons from damage or injury arising from negligence in the performance of work under the contract;
- (3) the principal protects the City and all persons from damage or injury arising from failure to faithfully observe and comply with the City requirements for construction or repair work; and
- (4) the term of the bond is effective for the term of the license.

- (D) The city manager shall base the amount of the bond on:

- (1) the cost of the applicant's past projects and the projected cost of future projects; and
- (2) the potential damage to a right-of-way that the activity of the applicant may cause.

Source: Section 13-5-63(a) and (b); Ord. 990225-70; Ord. 010329-18; Ord. 031211-11; Ord. 20060504-039.

**§ 25-6-233 LICENSE APPROVAL
STANDARD.**

The city manager may approve a license if:

(A) the city manager determines that the applicant is qualified to perform the work based on the applicant's experience; and

(B) the applicant has provided the bond required by this division.

Source: Section 13-5-62; Ord. 990225-70; Ord. 010329-18; Ord. 031211-11; Ord. 20060504-039.

§ 25-6-234 LICENSE FEE.

(A) Except as provided by Subsection (B), an applicant must pay a license fee before a right-of-way construction license is issued.

(B) A holder of a City franchise is not required to pay a license fee.

Source: Section 13-5-63(a); Ord. 990225-70; Ord. 031211-11.

§ 25-6-235 LICENSE TERM; SUSPENSION AND REVOCATION.

(A) Except as otherwise provided by Subsection (B), a license issued under this division is effective on the date of issuance and remains effective through the end of the calendar year in which it is issued.

(B) If a bond required by this division lapses or is terminated, suspended, or revoked, the license issued to the contractor is automatically suspended. The contractor may not resume construction described by Section 25-6-231 (*License Required*) until the city manager reinstates or renews the license or issues a new license.

Source: Sections 13-5-62 and 13-5-63(e); Ord. 990225-70; Ord. 010329-18; Ord. 031211-11; Ord. 20060504-039.

Division 2. Construction Permit.

§ 25-6-261 PERMIT REQUIRED FOR A PROJECT.

(A) Except as provided by Subsection (C), a person must obtain a right-of-way construction permit to:

(1) construct, alter, repair, or remove a sidewalk, curb, gutter, driveway approach, or pedestrian way; or

(2) remove a tree from public right-of-way.

(B) A separate permit is required for each lot or tract of land on which activity described in Subsection (A) occurs.

(C) A permit is not required if the proposed construction:

(1) is performed in accordance with an approved site plan;

(2) is performed as part of the construction of a new subdivision if the construction:

(a) is included on the subdivision's approved street and drainage construction plans, and

(b) the proposed construction occurs at the time that construction of the street and drainage systems occurs; or

(3) is a minor repair or construction, as determined by the city manager; or

(4) will be performed by a public utility or franchise holder.

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(D) The exemption provided by Subsection (C)(2) does not apply after the City accepts the street and drainage construction of a subdivision.

(E) A person may not transfer or assign a permit issued under this division.

Source: Section 13-5-64, 13-5-65(c), 13-5-71, and 13-5-82(b); Ord. 990225-70; Ord. 010329-18; Ord. 031211-11; Ord. 20060504-039.

§ 25-6-262 APPLICATION.

To obtain a right-of-way construction permit, a licensed contractor must file an application with the city manager.

Source: Section 13-5-64(b); Ord. 990225-70; Ord. 010329-18; Ord. 031211-11; Ord. 20060504-039.

§ 25-6-263 CONSTRUCTION PERMIT FOR DRIVEWAY APPROACH.

A) Except as provided in Subsection (C), the city manager shall approve a construction permit application for a driveway approach unless the city manager determines that the proposed driveway will have an adverse effect on vehicle and pedestrian traffic and public safety.

(B) To determine the effect of a proposed driveway, the city manager shall consider:

- (1) the topography of the land;
- (2) land use, including the intensity of development, potential trip generation, the mix of vehicles, and turning movement;
- (3) function of the public street, including the design and layout of the street, sight distance, operating speed, traffic volume, entrance/exit ramps, and frontage roads;

(4) the location of a nearby street or driveway;

(5) the site plan, including on-site circulation, path delineation, the existence of parking stalls, building location, and loading facility location; and,

(6) the potential increase in traffic routed onto a local residential street as a result of the driveway installation.

(C) The city manager may not issue a permit for a driveway approach for:

(1) a driveway that provides access to or cut a curb that fronts on Lamar Boulevard between West 24th Street and West 30th Street; and,

(2) a project that provides for parking between an established curb line or edge of paving and the property line of the adjacent property, unless specifically directed by the council.

(D) A person may not construct a type 2 driveway approach to provide access to angle or head-in parking for which a portion of the pedestrian way is required to maneuver in or out of a space unless the person obtains a permit that states that the city manager has approved the construction.

(E) An applicant may appeal a decision of the city manager under this section to the Land Use Commission. In making a determination on an appeal filed under this section, the Land Use Commission shall consider the factors in Subsection (B).

Source: Sections 13-5-81(a), 13-5-81(c), 13-5-82(a) and 13-5-82(c); Ord. 990225-70; Ord. 010329-18; Ord. 010607-8; Ord. 030306-48A; Ord. 031211-11; Ord. 20060504-039.

§ 25-6-264 DRIVEWAY APPROACH DESIGN.

The design of a driveway approach must:

- (1) comply with an approved administrative site plan; or
- (2) be approved by the city manager.

Source: Sections 13-5-81(b); Ord. 990225-70; Ord. 010329-18; Ord. 031211-11; Ord. 20060504-039.

§ 25-6-265 AUTOMATIC REVOCATION.

A permit is automatically revoked if the city manager determines that an applicant falsified information in a governmental record submitted under this division or omitted information required under this division.

Source: Section 13-5-73; Ord. 990225-70; Ord. 010329-18; Ord. 031211-11; Ord. 20060504-039.

§ 25-6-266 AUTOMATIC SUSPENSION.

(A) A permit is automatically suspended if:

- (1) construction performed under the permit results in damage to or interferes with public utility equipment or service, a storm water drainage facility, or a tree in a pedestrian way; and
- (2) the permittee did not obtain consent of the owner of the utility service, drainage facility, or pedestrian way before performing the construction activity.

(B) The city manager may only reinstate a permit after determining that the permit holder has:

- (1) provided compensation for the damage; or

(2) eliminated the interference.

Source: Section 13-5-72; Ord. 990225-70; Ord. 010329-18; Ord. 031211-11; Ord. 20060504-039.

§ 25-6-267 ENFORCEMENT.

The director of the Public Works Department shall:

- (1) regulate the placement of improvements and facilities on public property;
- (2) order the removal of an unauthorized obstruction or encroachment from public property; and
- (3) suspend or revoke a permit issued under this division if the director determines that the permittee has violated the terms of the permit.

Source: Section 13-5-74(a); Ord. 990225-70; Ord. 010329-18; Ord. 031211-11.

§ 25-6-268 ROADWAY MAINTENANCE.

The director of the Public Works Department shall repair and maintain the roadways and facilities in the right-of-way.

Source: Section 13-5-74(b); Ord. 990225-70; Ord. 010329-18; Ord. 031211-11.

Division 3. General Design and Construction Requirements.

§ 25-6-291 COMPLIANCE REQUIRED.

- (A) Construction authorized by a permit issued under this article must comply with the requirements of Chapter 25-1, Article 8 (*Construction Management*) and this division.

- (B) The permittee shall retain general supervision of all work engaged in under a permit.

Source: Sections 13-5-64(c) and 13-5-71; Ord. 990225-70; Ord. 031211-11.

§ 25-6-292 DESIGN AND CONSTRUCTION STANDARDS.

- (A) The design, construction, alteration, or repair of a sidewalk, driveway approach, pavement, appurtenance on public property, or other facility to provide access to adjoining property must comply with the Transportation Criteria Manual.
- (B) The design, construction, alteration, or repair of a curb or gutter must comply with the Drainage Criteria Manual and the Transportation Criteria Manual.

- (C) Access to a lot from an alley must be approved by the city manager.

e. Section 13-5-66(a) and (c); Ord. 990225-70; Ord. 010329-18; Ord. 031211-11; Ord. 20060504-039.

§ 25-6-293 ESTABLISHING LINE AND GRADE.

- (A) The permittee shall establish the line and grade for construction performed under this division and shall set, preserve, and protect the line and grade stakes.
- (B) The city manager may require the permittee to set line and grade stakes under the direct supervision of a registered public surveyor or registered professional engineer.

Source: Section 13-5-67; Ord. 990225-70; Ord. 010329-18; Ord. 031211-11; Ord. 20060504-039.

§ 25-6-294 ALTERNATE MATERIALS, DESIGNS, AND CONSTRUCTION METHODS.

- (A) The director of the Public Works Department may approve an alternative material, design, or method of construction from that required by this article or the Transportation Criteria Manual if the director of the Public Works Department determines that the alternative is safe, durable, and equivalent to the requirements set out in this article and the Transportation Criteria Manual.

- (B) Materials, designs, or methods of construction approved under Subsection (A) must be used and installed in accordance with the terms of approval.

Source: Section 13-5-75; Ord. 990225-70; Ord. 010329-18; Ord. 031211-11.

§ 25-6-295 REMOVING EXISTING CURB OPENINGS OR DRIVEWAY APPROACHES.

A person who constructs a new driveway approach shall:

- (1) remove an existing curb opening or driveway approach on the same property if the opening or approach is not required;
- (2) match a new curb, gutter, or sidewalk, to the existing adjoining curb grade and alignment; and
- (3) install a new curb, gutter or sidewalk, if required, at the same time that the new driveway approach is installed.

Source: Section 13-5-83(c); Ord. 990225-70; Ord. 031211-11.

§ 25-6-296 RELOCATION OR REPLACEMENT OF CERTAIN FACILITIES OR TREES.

(A) A permittee shall pay the cost of relocating a public utility's stormwater drainage improvement, or tree required by the permittee's proposed construction.

(B) If relocating or replacing a tree is required as a condition of a right-of-way construction permit, the permit shall comply with the requirements of the director.

Source: Section 13-5-68; Ord. 990225-70; Ord. 010329-18; Ord. 031211-11.

§ 25-6-297 INSPECTION PROCEDURES.

The city manager shall establish a procedure for the inspection of construction authorized under a right-of-way construction permit. The inspection procedures must provide for the following:

(1) Phase 1 inspection: inspection of line and grade, forms, reinforcing steel, drainage and subgrade before a final course of material is placed; and

(2) Phase 2 inspection: final inspection of construction, including cleanup.

Source: Section 13-5-70; Ord. 990225-70; Ord. 010329-18; Ord. 031211-11; Ord. 20060504-039.

Division 4. Conditions for Approval of Development Applications.

§ 25-6-321 EXISTING DRIVEWAY.

The council or director may require an existing driveway to conform with this article and the Transportation Criteria Manual as a condition of approval for an application for zoning, rezoning, or site plan approval.

Source: Section 13-5-66(b); Ord. 990225-70; Ord. 031211-11.

§ 25-6-322 DRIVEWAY CLOSING AND CURB CONSTRUCTION.

(A) Based on the criteria of Transportation Criteria Manual, the director of the Public Works Department may:

(1) require a driveway closing or curb construction as a condition of approval of an administrative site plan; or

(2) recommend that driveway closing or curb construction be required as a condition of zoning or rezoning.

Source: Section 13-5-66(b); Ord. 990225-70; Ord. 010329-18; Ord. 031211-11.

§ 25-6-323 ALLEYWAYS.

The director of the Public Works Department may require an existing, unpaved alley to be paved for all or a portion of its length if access from an alley is proposed in an application for zoning, re-zoning, or site plan approval.

Source: Section 13-5-66(c); Ord. 990225-70; Ord. 010329-18; Ord. 031211-11.

Division 5. Sidewalks.

§ 25-6-351 SIDEWALK INSTALLATION IN SUBDIVISIONS.

(A) A person who subdivides property shall install sidewalks in a subdivision in accordance with the Transportation Criteria Manual. A preliminary subdivision plan and a final plat must indicate the location of a proposed sidewalk.

(B) The director may waive the requirement to install a sidewalk based on criteria in the Transportation Criteria Manual.

(C) A sidewalk that is indicated on a recorded plat or approved site plan shall be installed in conjunction with the installation of a type 1 or type 2 driveway approach.

(D) Except as provided in Section 25-6-354 (*Payment Instead Of Sidewalk Installation*), the accountable official may not issue a certificate of occupancy or certificate of compliance until a sidewalk required under this division is installed.

(E) The construction of a sidewalk or driveway approach is not complete until all utility connections are complete and a cut required by the utility installation is restored.

(F) Fiscal security is not required for the construction of a sidewalk in a subdivision within the corporate limits of the City if the location of the sidewalk is noted on a recorded final plat or approved site plan.

Source: Section 13-5-91; Ord. 990225-70; Ord. 010607-8; Ord. 030306-48A; Ord. 031211-11; Ord. 20080214-096.

§ 25-6-352 SIDEWALK INSTALLATION WITH SITE PLANS.

(A) The director or Land Use Commission may not approve a site plan unless sidewalks are shown on the site plan, if required by the Transportation Criteria Manual.

(B) The director may waive the requirement to install a sidewalk based on criteria in the Transportation Criteria Manual.

(C) Except as provided in Section 25-6-354 (*Payment Instead Of Sidewalk Installation*),

the accountable official may not issue a certificate of occupancy or certificate of compliance until a sidewalk required under this division is installed.

Source: Section 13-5-92; Ord. 990225-70; Ord. 010607-8; Ord. 031211-11; Ord. 20080214-096.

§ 25-6-353 SIDEWALK INSTALLATION WITH BUILDING OR RELOCATION PERMIT.

(A) This section applies to:

(1) a building permit for construction of:

- (a) a new building; or
- (b) an addition to an existing building that increases the building's gross floor area by 50 percent or more; or

(2) a relocation permit to move a building from one site to another.

(B) Except as provided in Section 25-6-354 (*Payment Instead Of Sidewalk Installation*) and Subsections (C) and (D):

(1) the building official may not approve a building or relocation permit unless sidewalks are shown on the plot plan or site plan, as applicable, if required by the Transportation Criteria Manual; and

(2) the building official may not issue a certificate of occupancy until a sidewalk required under this division is installed.

(C) The director may waive the requirement to install a sidewalk:

(1) based on criteria in the Transportation Criteria Manual; or

(2) if the director determines that the development does not generate pedestrian traffic for the sidewalk.

(D) Unless otherwise required by Section 25-6-351 (*Sidewalk Installation In Subdivisions*) or Section 25-6-352 (*Sidewalk Installation With Site Plans*), a sidewalk for a corner lot is required only along the street with the shortest lot frontage.

Source: Ord. 20080214-096.

§ 25-6-354 PAYMENT INSTEAD OF SIDEWALK INSTALLATION.

(A) An applicant may request to pay a fee instead of installing a sidewalk by filing a written request at the time the person submits a permit application in the manner prescribed by the director. An applicant who has not filed a request at the time of application, may later amend the application to request to pay fee instead of installing a sidewalk.

(B) For a sidewalk required under Section 25-6-353 (*Sidewalk Installation with Building or Relocation Permit*), the director shall approve payment of a fee instead of installation of a sidewalk if the director determines that:

- (1) the property is used only for a residential use and has not more than two dwelling units;
- (2) on the date the property was subdivided, the land development regulations did not include a sidewalk requirement; and
- (3) less than 50 percent of the block face on which the property is located has a sidewalk.

(C) For a sidewalk required under Section 25-6-351 (*Sidewalk Installation in Subdivisions*), the director shall approve payment of a fee instead of installation of a sidewalk if the subdivision:

- (1) consists of five or fewer lots;
- (2) only includes residential lots, each of which contains no more than two dwelling units;
- (3) is a resubdivision of land that was originally subdivided on a date when applicable regulations did not include a sidewalk requirement; and
- (4) less than 50 percent of the block face on which the property is located has a sidewalk.

(D) The director may approve payment of a fee instead of installation of a sidewalk if the director determines that installation is impractical because:

- (1) there are no sidewalks in the vicinity, and it is unlikely that there will be development nearby that would require the installation of sidewalks;
- (2) installation of the sidewalk would require the removal of a protected tree or other major obstruction within the right-of-way;
- (3) a stormwater drainage ditch or similar public utility facility prevents the installation of the sidewalk, and neither the sidewalk nor the facility can be reasonably relocated to accommodate both the sidewalk and the facility;
- (4) the topography would require the construction of a retaining wall more than two feet high to accommodate the sidewalk; or

- (5) other unusual circumstances make the sidewalk installation requirement unreasonable or inappropriate.
- (B) In making a determination under Subsection (D), the director shall give primary consideration to the following:
- (1) the adopted neighborhood plan;
 - (2) information provided by the neighborhood planning team;
 - (3) information provided by a registered neighborhood association; and
 - (4) the approved City sidewalk plan.
- (F) The amount of the fee is the current sidewalk installation cost, as determined in accordance with the Transportation Criteria Manual.
- (G) A fee paid under this section must be used to install a sidewalk or curb ramp in the same service area, as established by the Transportation Criteria Manual.
- (H) The City may refund the fee to the applicant if it is not spent within 10 years of the date of its collection.
- arterial, expressway, parkway, or freeway in the transportation plan or in a roadway plan approved by the appropriate county.
- (B) Except as provided in Subsections (C) and (D), a subdivision plat or a site plan may not provide for direct access from a lot to a major roadway unless the lot contains 200 feet or more of frontage on the major roadway and alternative access is not available.
- (C) The director shall permit access to a major roadway from a property with less than 200 feet of frontage on a major roadway if the property is subject to right-of-way condemnation and if:
- (1) the property possessed more than 200 feet of frontage on the roadway before condemnation;
 - (2) the proposed driveway is not located in a controlled access area;
 - (3) the proposed driveway is the lesser of 100 feet or 60 percent of the frontage from the intersection; and
 - (4) the city manager determines that the driveway does not create a public safety hazard.

Source: Ord. 20080214-096.

**ARTICLE 6, ACCESS TO MAJOR ROADWAYS
AND IN CERTAIN WATERSHEDS:**

**Division 1. Access to
Major Roadway.**

**§ 25-6-381 MINIMUM FRONTAGE FOR
ACCESS.**

- (A) In this section, "major roadway" means a roadway that is designated as a major

(D) If direct access to a major roadway is not authorized under Subsection (B) and alternative access is not available, the director shall permit one driveway approach from the property to a major roadway.

(E) The director may require joint access to a major roadway for adjoining lots that have insufficient frontage to allow a driveway approach for each lot under the requirements of the Transportation Criteria Manual.

Source: Section 13-5-84 (a), (b), and (c); Ord. 990225-70; Ord. 010329-18; Ord. 010607-50; Ord. 030306-48A; Ord. 031211-11; Ord. 20060504-039.

§ 25-6-382 PROPERTY SUBJECT TO CONDEMNATION.

On the request of a condemning authority or property owner before acquisition of a right-of-way occurs, the city manager may modify the access requirements of this division and the Transportation Criteria Manual for a property that is subject to right-of-way condemnation if the modification does not create a public safety hazard or have an adverse effect on traffic operation.

Source: Section 13-5-84(d); Ord. 990225-70; Ord. 010329-18; Ord. 010607-50; Ord. 030306-48A; Ord. 031211-11; Ord. 20060504-039.

Division 2. Access to Hill Country Roadways.

§ 25-6-411 APPLICABILITY.

This division applies to property located in a hill country roadway corridor and within the zoning jurisdiction of the City.

Source: Section 13-5-85(a); Ord. 990225-70; Ord. 031211-11.

§ 25-6-412 STREET SPACING.

The minimum distance between local streets that intersect with a hill country roadway must be 600 feet. The minimum distance between collector streets that intersect with a hill country roadway must be 1,320 feet.

Source: Section 13-5-85(f); Ord. 990225-70; Ord. 031211-11.

§ 25-6-413 ALIGNMENT OF STREETS AND MEDIANS.

(A) Except as provided by Subsection (B), the design and construction of a connecting street that intersects with an existing divided hill country roadway must align with an existing median break on a hill country roadway.

(B) The city manager may approve the construction of a connecting street that does not align with an existing median break if alignment is not practicable.

Source: Section 13-5-85(h); Ord. 990225-70; Ord. 010329-18; Ord. 010607-50; Ord. 031211-11; Ord. 20060504-039.

§ 25-6-414 IMPROVEMENTS TO INTERSECTIONS.

(A) The director may require an improvement at the intersection of a hill country roadway with another street if the results of a traffic impact analysis indicate that an improvement is necessary.

(B) The director may approve the construction of a grade-separated interchange on a hill country roadway that provides access for a single development if:

- (1) the interchange is located at the intersection of a hill country roadway and an arterial street; or

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- (2) the location of the interchange provides spacing for weaving maneuvers at ramps.

Source: Section 13-5-85(g); Ord. 990225-70; Ord. 031211-11.

§ 25-6-415 ACCESS FROM A SITE.

- (A) A maximum of two access points is permitted from any one site to a hill country roadway.
- (B) The director may prohibit access to a hill country roadway from:
- (1) a tract that has access to a street that intersects with a hill country roadway; or
 - (2) a tract that has frontage on a hill country roadway and that has access to a hill country roadway through an existing joint-use access easement or driveway.
- (C) If access to a hill country roadway from a site described in Subsection (B) is permitted, the director shall limit access to one driveway unless:

- (1) the estimated daily traffic volume for the single driveway exceeds 5,000 vehicles per day;
- (2) the traffic using the single driveway would exceed the capacity of an intersection controlled by a stop sign during one peak street traffic hour or the peak site traffic hour; or
- (3) based on the results of a traffic impact analysis, the director determines that an additional driveway is necessary because of traffic conditions.

Source: Section 13-5-85(b); Ord. 990225-70; Ord. 031211-11.

§ 25-6-416 REQUIREMENTS FOR DRIVEWAYS.

- (A) The maximum practical spacing between driveways along a hill country roadway must be provided.
- (B) Unless otherwise approved by the director, a driveway providing access to a hill country roadway:
- (1) must be at least 300 feet from the nearest driveway unless the driveway provides the only access available for a tract of land;
 - (2) must have a sight distance of at least 550 feet;
 - (3) may not be on the inside radius of a curve; or
 - (4) may not access a portion of a hill country roadway that has a grade of eight percent or more.

Source: Section 13-5-85(c); Ord. 990225-70; Ord. 031211-11.

§ 25-6-417 JOINT-USE DRIVEWAYS.

- (A) In this division, a joint-use driveway means a driveway located entirely or partially on a tract of land that is available for use by an adjoining tract of land as ingress and egress to a public street.
- (B) The director may require an applicant for site plan approval to provide an easement for a joint-use driveway across the applicant's tract generally parallel with the right-of-way of a hill country roadway for the use of an adjacent property owner that has insufficient frontage for access.
- (C) Access to a hill country roadway through a joint-use driveway is not permitted for a tract that does not have frontage on a hill

country roadway unless approved by the director.
Source: Section 13-5-85(d); Ord. 990225-70; Ord. 031211-11.

§ 25-6-418 COST-SHARING FOR JOINT-USE DRIVEWAY IMPROVEMENTS.

(A) If an applicant for site plan approval is required to construct a joint-use driveway, the owner of an adjacent tract benefitted by the driveway must participate in the cost of the driveway on a pro-rata basis.

(B) If the owner of a tract that benefits from a joint-use driveway is unable to participate in the cost of the driveway at the time the driveway is scheduled for construction, the owner of the tract on which the driveway is to be constructed may elect not to construct the driveway.

(C) An owner electing not to construct a driveway under Subsection (B) must leave sufficient area for the construction of the driveway.

(D) If an owner of a tract on which a driveway is to be constructed elects to construct the driveway before the adjoining tract is developed, the owner of a benefitted tract shall share in the cost of the driveway at the time the adjoining tract is developed.

Source: Section 13-5-85(d); Ord. 990225-70; Ord. 031211-11.

§ 25-6-419 EXCLUDING IMPERVIOUS COVER OF A JOINT-USE DRIVEWAY.

(A) A calculation of the allowable impervious cover on a site on which a joint use driveway required under this division is located shall exclude:

- (1) 110 percent of impervious cover that is required for the sole purpose of providing access from adjoining land to a joint-use driveway located entirely on the site; and

- (2) 50 percent of impervious cover that is required to provide a joint-use driveway if a portion of the driveway is not located on the adjoining land.

(B) The impervious cover excluded from the calculation of impervious cover on a site under Subsection (A) does not include impervious cover that serves as a parking space or an aisle serving a parking space.

Source: Section 13-5-85(e); Ord. 990225-70; Ord. 031211-11.

Division 3. Driveway Standards for Certain Watersheds.

§ 25-6-441 APPLICABILITY.

This section applies only to property in a water supply watershed and to property in the Barton Springs Zone.

Source: Section 13-5-86(a); Ord. 990225-70; Ord. 031211-11.

§ 25-6-442 ACCESS STANDARDS.

(A) A lot must be reasonably accessible by vehicle from a roadway to a building site.

(B) A driveway grade may not exceed 14 percent unless:

- (1) the portion of the grade that exceeds 14 percent is a travel distance of at least 25 feet from the nearest right-of-way boundary; and

(2) the Watershed Protection and Development Review Department has approved the surface and geometric design proposals.

Source: Section 13-5-86(b); Ord. 990225-70; Ord. 010329-18; Ord. 010607-50; Ord. 031211-11; Ord. 20060504-039.

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Division 4. Joint-use Driveways.

§ 25-6-451 JOINT-USE DRIVEWAYS.

- (A) In this division, JOINT-USE DRIVEWAY means a driveway located entirely or partially on a tract of land that is available for use by an adjoining tract of land as ingress or egress to a public street.
- (B) Vehicular access to a tract of land through a joint-use driveway is permitted as an alternative to direct access to an abutting public or private street.
- (C) A joint-use driveway used as alternative access for a single-family residential use may serve not more than eight dwelling units.

Source: Ord. 030306-48A; Ord. 031211-11.

ARTICLE 7. OFF-STREET PARKING AND LOADING.

Division 1. General Regulations.

§ 25-6-471 OFF-STREET PARKING FACILITY REQUIRED.

- (A) An applicant must provide an off-street parking facility for:
 - (1) a new building;
 - (2) a new use;
 - (3) an addition to or enlargement of an existing building or use; or
 - (4) a change of occupancy or operation that increases the number of needed parking spaces above the existing spaces.

(B) Except as provided in Subsection (C), additional parking facilities required under this section are required only for the addition, enlargement, or change, and not for the entire building or use.

(C) An addition, enlargement, or change in use for a cocktail lounge or a restaurant with a late-hours permit is required to meet parking facility requirements for the entire building or use.

(D) Except as provided by Section 25-6-501 (*Off-Site Parking Allowed*), a parking facility required under this article must be located on the same site as the use for which the facility is required.

(E) If an applicant provides more parking spaces for a use than prescribed under this article or under an approved site plan, the excess spaces may be considered for another use under Section 25-6-501 (*Off-Site Parking Allowed*).

(F) Except as provided in Section 25-6-478 (*Parking For Mixed Use Developments*), the parking facility requirement for a site with more than one use or for adjacent sites served by a common parking facility is the cumulative total of spaces required for each site or use.

(G) A parking facility is not required for an accessory use.

(H) A parking facility, circulation area, or queue line constructed or substantially reconstructed after January 1, 1985 must comply with the design standards prescribed in Division 4 (*Design And Construction Standards For Parking And Loading Facilities*), the Transportation Criteria Manual, and the landscape standards prescribed in Chapter 25-2, Subchapter C, Article 9 (*Landscaping*).

Source: Section 13-5-96(a), (c), (d), (f) and (g); Ord. 990225-70; Ord. 031211-11.

§ 25-6-472 PARKING FACILITY STANDARDS.

- (A) Except as provided in Section 25-6-473 (*Modification Of Parking Requirement*), a parking facility for a use must comply with the requirements in Appendix A (*Tables Of Off-Street Parking And Loading Requirements*).
- (B) A parking facility must:
- (1) be maintained for the duration of the use or existence of the building requiring the facility; and
 - (2) be used exclusively for the temporary parking of passenger automobiles, motor vehicles, or light trucks not exceeding one ton in capacity.
- (C) A parking facility requirement is based on gross floor area of a building or use served by the facility. Gross floor area does not include enclosed or covered areas used for off-street parking or loading.
- (D) The parking facility requirement for a general retail service use in a shopping center is based on the gross floor area of the entire shopping center, including portions not used for a general retail use. The parking requirement for a use in a shopping center other than a general retail service use is based on the rate for the use.
- (E) Except in the central business district (CBD) or a downtown mixed use (DMU) zoning district, an outdoor seating area for a restaurant (general) or a cocktail lounge use must be included with the gross floor area to determine the parking requirement.
- (F) If a calculation under Appendix A (*Tables Of Off-Street Parking And Loading Requirements*) results in a fractional requirement, a fraction of 0.5 or greater is rounded to the next larger whole number.

(G) If a parking facility requirement is based on seating or capacity, occupancy is determined as prescribed in Chapter 25-12 (*Uniform Building Code*).

(H) Head-in parking is prohibited in a townhouse and condominium residential (SF-6) or less restrictive zoning district.

(I) A person may not:

- (1) reduce the parking spaces to a number less than the number of spaces prescribed in Appendix A (*Tables Of Off-Street Parking And Loading Requirements*); or
- (2) alter the design or function of a parking space in a manner that violates Appendix A (*Tables Of Off-Street Parking And Loading Requirements*).

Source: Sections 13-5-96(b), (e) and (h) and 13-5-97(a), (b), (c), (d) and (h); Ord. 990225-70; Ord. 031120-44; Ord. 031211-11.

§ 25-6-473 MODIFICATION OF PARKING REQUIREMENT.

- (A) The director may modify the number of queue spaces required by Appendix A (*Tables Of Off-Street Parking And Loading Requirements*) and may establish queue space requirements for drive-in services not listed in Appendix A (*Tables Of Off-Street Parking And Loading Requirements*).
- (B) The director may reduce the parking space requirement triggered by a site plan or site plan revision application filed to relocate a facility as a direct result of right-of-way condemnation if the director determines that a reduction:
- (1) is reasonable given the present and anticipated future traffic volumes generated by the use of the site or the use of a nearby site; and

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(2) will not:

- (a) result in parking or loading on a public street that interferes with the free flow of traffic; or
- (b) create a safety hazard.

(C) The director may reduce the parking space requirement for an existing developed site or for a site covered by a released, unexpired site plan on March 11, 1996 if the director determines that a reduction of the parking requirement is necessary to comply with the Americans With Disabilities Act accessibility standards or the Uniform Building Code accessibility standards.

(D) The director may not reduce a parking requirement under Subsection (B) and (C) to less than 80 percent of the standard parking requirement.

(E) A reduction in a parking space requirement granted under Subsection (B) runs with the use to which it pertains and does not run with the land.

Source: Section 13-5-97(f), (g) and (i); Ord. 990225-70; Ord. 031120-44; Ord. 031211-11.

§ 25-6-474 PARKING FACILITIES FOR PERSONS WITH DISABILITIES.

(A) A site must have:

- (1) a parking facility that is accessible to a person with disabilities;
- (2) routes of travel that connect the accessible elements of the site; and
- (3) the number of accessible parking spaces required by the Uniform Building Code.

(B) A person may appeal the requirements of this section to the Board of Adjustment.

Source: Section 13-5-101; Ord. 990225-70; Ord. 031120-44; Ord. 031211-11.

§ 25-6-475 PARKING FOR COMPACT CARS.

(A) The owner of a parking facility containing 12 or more parking spaces may reserve not more than 30 percent of the spaces for small or compact cars. Compact parking spaces must be located in groups of not less than three contiguous spaces and must be identified by directions and markings.

(B) The owner of a developed property or a property with an approved site plan that is the subject of a right-of-way condemnation may reserve not more than 40 percent of the allowed parking spaces for compact parking spaces if the increase is necessary to replace parking spaces that are lost as a result of condemnation.

(C) The owner of a developed property or property with a released unexpired site plan on March 11, 1996, may reserve not more than 40 percent of the allowed parking spaces for compact parking spaces if the director determines that the increase is necessary to comply with the accessibility standards of the Americans With Disabilities Act or the accessibility standards of the Uniform Building Code.

Source: Section 13-5-98; Ord. 990225-70; Ord. 031120-44; Ord. 031211-11.

§ 25-6-476 PARKING FOR MIXED USE DEVELOPMENTS.

(A) This section applies to parking for motor vehicles and bicycles.

(B) A person may request an adjustment to the parking requirement for separate uses located on one site or for separate uses located on adjoining or nearby sites and served by a common parking facility.

(C) To apply for an adjustment under this section, an applicant must submit to the

director a site plan and transportation engineering report addressing the following:

- (1) the characteristics of each use and the differences in projected peak parking demand, including days or hours of operation;
 - (2) potential reduction in vehicle movements resulting from the multi-purpose use of the parking facility by employees, customers, or residents of the uses served;
 - (3) potential improvements in parking facility design, circulation, and access resulting from a joint parking facility; and
 - (4) compliance with shared parking guidelines in the Transportation Criteria Manual.
- (D) In determining whether to approve an adjustment under Subsection (B), the director shall consider the factors included in Subsection (C).
- (E) A decision of the director under this section may be appealed to the Land Use Commission. The decision of the Land Use Commission may be appealed to the city council.
- (F) A parking space subject to adjustment under this section must be located in a parking facility that provides similar use availability for all uses that the parking facility is intended to serve.
- (G) The director shall determine the type of bicycle spaces required for a mixed use development at the time that the director determines the bicycle parking requirement under this section.

Source: Sections 13-5-100 and 13-5-102(a)(2); Ord. 990225-70; Ord. 010607-8; Ord. 031120-44; Ord. 031211-11.

§ 25-6-477 BICYCLE PARKING.

- (A) In this section, "bicycle" includes a motorized bicycle.
- (B) An off-street parking facility for bicycles as prescribed in Appendix A (*Tables Of Off-Street Parking And Loading Requirements*) must be provided for each use on a site.
- (C) A required bicycle space must comply with the requirements of the Transportation Criteria Manual.
- (D) The location of an off-street bicycle parking facility must:
 - (1) be as convenient to building entrancees as the motor vehicle parking facility; and
 - (2) not interfere with pedestrian traffic.
- (E) A provision of this article that is applicable to off-street motor vehicle parking also applies to bicycle parking, unless the provision conflicts with this section.
- (F) The city manager may waive a requirement relating to the number or type of bicycle spaces or approve an alternate method of compliance after considering the characteristics of the use, the site, and the surrounding area. A waiver may not reduce the number of required bicycle spaces to less than two.

Source: Ord. 031120-44; Ord. 031211-11; Ord. 20060504-039.

§ 25-6-478 REDUCED PARKING IN CERTAIN GEOGRAPHIC AREAS.

- (A) Except as provided in Subsection (B), this section applies in the area bounded by:
 - (1) Highway 183 from Burnet Road to Highway 71;

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- (2) Highway 71 from Highway 183 to Loop 1;
- (3) Loop 1 from Highway 71 to Lake Austin Boulevard;
- (4) Lake Austin Boulevard from Loop 1 to Exposition Boulevard;
- (5) Exposition Boulevard from Lake Austin Boulevard to 38th Street;
- (6) 38th Street from Exposition Boulevard to Loop 1;
- (7) Loop 1 from 38th Street to RM Road 2222;
- (8) RM Road 2222 from Loop 1 to Mesa Drive;
- (9) Mesa Drive from RM Road 2222 to Spicewood Springs Road;
- (10) Spicewood Springs Road from Mesa Drive to Loop 360;
- (11) Loop 360 from Spicewood Springs Road to Great Hills Trail;
- (12) Great Hills Trail from Loop 360 to Highway 183;
- (13) Highway 183 from Great Hills Trail to Braker Lane;
- (14) Braker Lane from Highway 183 to Burnet Road; and
- (15) Burnet Road from Braker Lane to Highway 183.
- (B) This section does not apply:
- (1) to property in a central business (CBD) district or downtown mixed use (DMU) district;
- (2) to a commercial, industrial, or civic use in a traditional neighborhood (TN) district;
- (3) to a corner store special use; neighborhood mixed use building special use; commercial, industrial, or civic use portion of a neighborhood urban center special use; or commercial or civic use portion of a residential infill special use;
- (4) to property in the university neighborhood overlay (UNO) district; or
- (5) if the off-street parking requirement has been modified under Section 25-6-473 (*Modification Of Parking Requirement*) or Section 25-6-476 (*Parking For Mixed-Use Developments*).
- (C) The minimum off-street parking requirement is 80 percent of that prescribed by Appendix A (*Tables Of Off-Street Parking And Loading Requirements*).
- Source: Ord. 031120-44; Ord. 031211-11; Ord. 040902-58; Ord. 20060831-068.

Division 2. Off-site Parking.

§ 25-6-501 OFF-SITE PARKING ALLOWED.

- (A) As part of the site plan review process, the director may approve the location of all or a portion of the required or excess parking for a use on a site other than the site on which the use is located if:
- (1) both the primary use and accessory parking are located in a general office (GO) or less restrictive zoning district;

- (2) the primary use is a bed and breakfast residential use and the accessory parking is located in a general office (GO) or less restrictive zoning district; or
 - (3) the off-site parking involves shared off-street parking between the following uses:
 - (a) a religious assembly use and an existing public primary or secondary educational facility; or
 - (b) two or more religious assembly uses that do not conduct services on the same day.
- (B) Landscaping required by Section 25-6-563 (*Screening*) is not required for a site plan filed solely for approval of shared or off-site parking on an existing parking lot.
- (C) An off-site parking facility and the use that it serves may not be not more than 1,000 feet apart, measured from the nearest off-site parking space to the nearest public entrance of the use that the parking facility serves. The distance measured:

(1) assumes that between adjacent intersections with traffic control signals, pedestrians cross at a marked crosswalk; and

(2) does not cross private property unless access is authorized by the affected property owner.

(D) If the parking allowed under this division exceeds the maximum parking capacity allowed under this article for a use located in the central business district (CBD) or a downtown mixed use (DMU) zoning district, the standard parking requirement controls unless:

(1) the off-site parking is located in a district other than the CBD or a DMU zoning district; or

(2) the Land Use Commission approves the excess parking based on a finding that:

(a) the excess parking does not discourage mobility and accessibility by transit or the construction of appropriately located public parking facilities;

(b) the excess parking is compatible with a historic district or structure; and

(c) the access to the parking facility does not intrude on a pedestrian-oriented street frontage.

(E) A required parking space for persons with disabilities may not be located in an off-site parking facility unless the director determines that existing conditions preclude on-site parking.

Source: Sections 13-5-99 (a), (b), and (e) and 13-5-106(a); Ord. 990225-70; Ord. 990520-38; Ord. 010607-8; Ord. 031211-11.

§ 25-6-502 APPLICATION AND APPROVAL.

(A) A person requesting an off-site parking facility must file a written application with the director. The application must include:

(1) a description of the location and number of existing and proposed off-site parking and loading spaces;

(2) a calculation of applicable minimum requirements;

(3) proof of ownership of the proposed off-site parking facility or a lease agreement between the owner of the proposed off-site parking facility and the owner of the use; and

(4) if a site plan is required for approval of off-site parking, a site plan indicating the location of the primary use and the off-site parking and the property address and legal description of both sites.

(B) An off-site parking facility agreement must include a provision that modification or termination of the agreement is not effective until notice has been given to the City.

(C) In determining whether to approve an application for off-site parking, the director may consider relevant factors, including:

(1) the location of the use and of the proposed off-site parking;

(2) the existing and potential parking demand created by other uses in the area;

(3) the characteristics of each use, including employee and customer parking demand, times of operation, and the projected convenience and frequency of the use of the off-site parking;

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- (4) safety, adequacy, and convenience of pedestrian access between the off-site parking and the use;
- (5) traffic patterns on an adjacent street and proposed access to the off-site parking; and
- (6) the impact of off-site parking on nearby property:
 - (a) in an urban family residence (SF-5) or more restrictive zoning district; or
 - (b) on which a use permitted in an SF-5 or more restrictive zoning district is located.

Source: Section 13-5-99 (a), (c), and (d); Ord. 990225-70; Ord. 031211-11.

§ 25-6-503 OFF-SITE PARKING SIGNS.

A person using off-site parking shall post:

- (1) at least one sign at the off-site parking facility indicating the property or use served by the facility; and
- (2) at least one sign on the site of the use served indicating the location of the off-site parking.

Source: Section 13-5-99(f); Ord. 990225-70; Ord. 031211-11.

Division 3. Off-street Loading.

§ 25-6-531 OFF-STREET LOADING FACILITY REQUIRED.

- (A) A person must provide an off-street loading facility for:
 - (1) a new building or for a new use established in an existing building; and

- (2) an addition or enlargement of an existing use or a change of occupancy or operation that results in an additional loading space being required;

(B) For an off-street loading facility in use on March 1, 1984, a person may not:

- (1) reduce the capacity to less than the number of spaces prescribed by Appendix A (*Tables Of Off-Street Parking And Loading Requirements*); or
- (2) alter the design or function in a manner that violates Appendix A (*Tables Of Off-Street Parking And Loading Requirements*).

(C) A loading facility constructed or substantially reconstructed after January 1, 1985, must comply with the design standards prescribed in Division 4 (*Design And Construction Standards For Parking And Loading Facilities*) and the Transportation Criteria Manual.

(D) A required loading facility must:

- (1) be maintained for the duration of the use or existence of the building requiring the facility; and
- (2) be used exclusively for the purpose of loading and unloading goods, materials, and supplies.

Source: Section 13-5-103; Ord. 990225-70; Ord. 031211-11.

§ 25-6-532 OFF-STREET LOADING STANDARDS.

- (A) A person must provide an off-street loading facility for each use in a building or on a site as prescribed in Appendix A (*Tables Of Off-Street Parking And Loading Requirements*).

(B) Multiple uses or occupancies located in a single building or on one site may be served by a common loading space if the director determines that the loading space can adequately serve each use.

(C) For a common loading space, described under Subsection (B), the director shall apply Appendix A, *(Tables Of Off-Street Parking And Loading Requirements)* to the combination of buildings and uses served by the loading space instead of to each individual building and use. The schedule applicable to the use with the greatest load requirement shall be used.

(D) An off-street loading facility requirement is based on the gross floor area. The gross floor area does not include enclosed or covered areas used for off-street parking or loading.

(E) In this section, each two square feet of exterior site area used for a commercial or industrial use equals one square foot enclosed floor area.

Source: Section 13-5-104; Ord. 990225-70; Ord. 031211-11.

Division 4. Design and Construction Standards for Parking and Loading Facilities.

§ 25-6-561 APPLICABLE REGULATIONS; GENERAL MAINTENANCE.

(A) A parking or loading facility, circulation area, or queue line must comply with the design and construction standards in this section and in the Transportation Criteria Manual.

(B) A parking and loading facility must be maintained free of refuse or debris and must be available for the off-street parking or loading use for which the facility is required.

Source: Section 13-5-105(a) and (f); Ord. 990225-70; Ord. 031211-11.

§ 25-6-562 DRAINAGE; LIGHTING.

(A) The surfacing, curbing, and drainage improvements on a parking or loading facility must provide adequate drainage and prevent the free flow of water to an adjacent property or public street or alley.

(B) A light installed to illuminate a parking facility or paved area must be designed to reflect away from a residential use to the maximum extent practicable.

(C) An area used for primary circulation, frequent idling of vehicle engines, or loading activity must be designed and located to minimize the effect on an adjoining property, including the use for screening or sound baffling.

Source: Section 13-5-105(b), (c), and (e); Ord. 990225-70; Ord. 031211-11.

§ 25-6-563 SCREENING.

(A) A parking facility that is in a nonresidential district parking facility and that adjoins a residential district must be separated from the residential district by a wall or fence to screen the residential district from car lights and vehicle storage and movement. The wall or fence must be at least four feet in height and must be located on the common boundary between the parking facility and the residential district for the length of the common boundary.

(B) A parking facility containing more than 10 spaces and that is in a residential district that adjoins another property in a residential district must be separated from the adjoining property by a wall, fence, or landscape to screen the residential district from car lights and vehicle storage and movement. The wall, fence or landscape must be at least six feet in height and must be located on the common boundary between the parking facility and the adjoining property for the length of the common boundary.

(C) A screen prescribed under Subsection (A) or (B) must be located on the property line unless:

- (1) existing vegetation will be harmed if the screen is placed on the property line; or
- (2) placement of the screen on the property line would interfere with an existing drainage feature or utility.

(D) If a person places screening on the property other than on the property line, the person must provide lot line monuments along the property line.

(E) The director may waive a screening requirement prescribed by Subsection (A) or (B) if:

- (1) the director determines that extraordinary conditions exist as defined in the Environmental Criteria Manual; or
- (2) the property owner who benefits from the screening submits a written statement to the director that the owner would prefer that screening not be provided.

(F) The director or the Land Use Commission may modify a design and construction requirement of this division for a site subject to site plan review if the director or Land Use Commission determines that the modified requirement improves the esthetics or utility of the design or provides protection to an adjoining use in a manner equal to or greater than the specific requirements of this division.

Source: Section 13-5-105; Ord. 990225-70; Ord. 010607-8; Ord. 031211-11.

Division 5. Special Provisions for Property in the Central Business District (CBD), a Downtown Mixed Use (DMU) Zoning District, and the Central Urban Redevelopment (CURE) Combining District Area.

§ 25-6-591 PARKING PROVISIONS FOR DEVELOPMENT IN THE CENTRAL BUSINESS DISTRICT (CBD) AND A DOWNTOWN MIXED USE (DMU) ZONING DISTRICT.

(A) In a central business district (CBD) or downtown mixed use (DMU) zoning district:

- (1) off-street parking is not required for a use occupying a designated historic landmark or located in an existing building in a designated historic district;
- (2) off-street parking is not required for a use occupying less than 6,000 square feet of floor space in a structure that existed on April 7, 1997;
- (3) except as provided in Subsections (A)(4) and (B), the minimum parking facility requirement is 20 percent of the number of parking spaces required by Appendix A (*Tables Of Off-Street Parking And Loading Requirements*) and the maximum parking facility requirement is 60 percent of the number of parking spaces required by Appendix A (*Tables Of Off-Street Parking And Loading Requirements*); and
- (4) a parking facility for a residential use must provide at least 60 percent of the number of parking spaces required by Appendix A (*Tables Of Off-Street Parking And Loading Requirements*);

- (5) except as provided in Subsections (C) and (D), a parking garage must be separated from an adjacent street by a pedestrian-oriented use described in Section 25-2-691 (*Waterfront Overlay (WO) District Uses*) that fronts on the street at the ground level;
- (6) a curb cut for a garage access must have a width of 30 feet or less; and
- (7) at the intersection of sidewalk and parking access lane, ten degree cones of vision are required.

(B) The number of parking spaces allowed under Subsection (A)(3) may be increased:

- (1) by the director if all parking spaces are contained in a parking structure; or
- (2) by the Land Use Commission if the criteria in Section 25-6-501(D) (*Off-Site Parking Allowed*) are satisfied.

(C) The Land Use Commission may waive the requirement of Subsection (A)(5) during the site plan review process after determining that:

- (1) present and anticipated development in the area is not amenable to access by pedestrians;
- (2) the requirement does not allow a reasonable use of the property; or
- (3) other circumstances attributable to the property make compliance impractical.

(D) If a waiver is granted under Subsection (C), an area for which the requirement is waived must be screened.

Source: Section 13-5-106 (a) and (b); Ord. 990225-70; Ord. 990603-108; Ord. 010607-8; Ord. 031120-44; Ord. 031211-11.

§ 25-6-592 LOADING FACILITY PROVISIONS FOR THE CENTRAL BUSINESS DISTRICT (CBD) AND A DOWNTOWN MIXED USE (DMU) ZONING DISTRICT.

(A) This section applies to a site zoned central business district (CBD) or downtown mixed use (DMU), except for:

- (1) a building with a gross floor area of not more than 10,000 square feet; or
- (2) the renovation of an existing structure, if the director determines that there is not enough space on the site to comply with the requirements of this section.

(B) The following must be located on-site in accordance with this section:

- (1) a trash receptacle location, including space for a vehicle to empty the receptacle; and
- (2) an off-street loading facility.

(C) For a site that is adjacent to an alley:

- (1) the off-street loading facility and trash receptacle location must be accessible from the alley; and
- (2) the alley may not be used for loading or unloading.

(D) For a site that is not adjacent to an alley:

- (1) a curb cut for an off-street loading facility or trash receptacle location may not exceed 30 feet in width;
- (2) a vehicle may not use a public right-of-way to back into or out of an off-street loading facility or trash receptacle location; and
- (3) the off-street loading facility and trash receptacle location:

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(a) must be accessible from a street other than Congress Avenue or Sixth Street; and

(b) may not be visible from a street, except at a curb cut.

(E) The Land Use Commission may waive a requirement of Subsection (C) or (D) after determining that:

(1) waiving the requirement does not create a hazard to pedestrians or vehicles; and

(2) for a waiver of Subsection (D)(3)(b), the applicant has reduced the visibility of the off-street loading facility and trash location to the greatest extent possible.

(F) The minimum number of loading spaces for development in the CBD or a DMU zoning district is listed on the following schedule:

SCHEDULE OF OFF-STREET LOADING REQUIREMENTS FOR CENTRAL AUSTIN

Sizes: (feet) 10 x 30 x 14
 10 x 40 x 14
 10 x 55 x 15

<u>Use:</u>	<u>Gross Floor Area Of Structure</u>	<u>Required Loading Space Per Square Foot of Floor Area</u>
Banks, business or professional e. meeting, convention or exhibition halls	0 - 10,000	0
	10,001 - 100,000	1 (10 x 30)
	100,001 - 200,000	1 (10 x 30)
	each additional 150,000	1 (10 x 30)
Retail and wholesale stores equipment sales, services and light manufacturing	0 - 5,000	0
	5,001 - 50,000	1 (10 x 30)
	50,001 - 100,000	1 (10 x 30)
	each additional 100,000	1 (10 x 55)
Restaurants, bars	0 - 5,000	0
	5,001 - 10,000	1 (10 x 40)
	10,001 - 50,000	1 (10 x 30)
	50,001 - 100,000	1 (10 x 30)
	each additional 100,000	1 (10 x 30)
Hotels	0 - 10,000	0
	10,001 - 150,000	1 (10 x 40)
	150,001 - 300,000	1 (10 x 55)
	each additional 100,000	1 (10 x 30)

Source: Section 13-5-106(c); Ord. 990225-70; Ord. 990603-108; Ord. 010607-8; Ord. 031211-11.

§ 25-6-593 PROVISIONS FOR PROPERTY IN THE CENTRAL URBAN REDEVELOPMENT (CURE) COMBINING DISTRICT AREA.

(A) This section applies to property in the central urban redevelopment (CURE) area that is not in the central business district (CBD) or in a downtown mixed use (DMU) zoning district. The official map of the CURE combining district area as adopted by Ordinance No. 001130-110 is on file with the director.

(B) A person must provide at least 50 percent of the parking spaces required by Appendix A (*Tables Of Off-Street Parking And Loading Requirements*) for a use occupying a historic landmark or located in a historic district.

(C) A person must provide at least 80 percent of the parking spaces required by Appendix A (*Tables Of Off-Street Parking And Loading Requirements*) for residential, civic, or commercial use.

Source: Section 13-5-106(d); Ord. 990225-70; Ord. 001130-110; Ord. 031211-11; Ord. 041202-16.

Division 6. Special Provisions For The University Neighborhood Overlay District.

§ 25-6-601 PARKING REQUIREMENTS FOR UNIVERSITY NEIGHBORHOOD OVERLAY DISTRICT.

(A) Except as otherwise provided in this section, the minimum off-street parking requirement in the university neighborhood overlay district is 60 percent of that prescribed by Appendix A (*Tables Of Off-Street Parking And Loading Requirements*).

(B) Off-street parking is not required for a commercial use if the use:

(1) occupies less than 6,000 square feet of gross floor area; or

(2) is located on:

(a) Guadalupe Street between Martin Luther King, Jr. Blvd. and West 29th Street; or

(b) West 24th Street between Guadalupe Street and Rio Grande Street.

(C) For a multi-family residential use, the minimum off-street parking requirement is 40 percent of that prescribed by Appendix A (*Tables Of Off-Street Parking And Loading Requirements*) if the multi-family residential use:

(1) participates in a car sharing program that complies with the program requirements prescribed by administrative rule, as determined by the director of the Watershed Protection and Development Review Department; or

(2) sets aside for a period of not less than 15 years from the date a certificate of occupancy is issued at least 10 percent of the dwelling units on the site to house persons whose household income is less than 50 percent of the median income in the Austin statistical metropolitan area, as determined by the director of the Austin Neighborhood Housing and Community Development Office, in addition to complying with Section 25-2-765 (*Affordable Housing*).

Source: Ord. 040902-58.

Division 7. Special Provisions for a Transit Oriented Development District.

§ 25-6-611 PARKING REQUIREMENTS FOR A TRANSIT ORIENTED DEVELOPMENT DISTRICT.

(A) Except as provided in Subsection (B), in a transit oriented development (TOD) district the minimum off-street parking requirement is 60 percent of that prescribed by Appendix A (*Tables Of Off-Street Parking And Loading Requirements*).

(B) The parking requirements prescribed for property zoned central business district (CBD) apply to a downtown TOD district.

Source: Ord. 20050519-008.

Division 8. Special Provisions for the North Burnet Gateway Overlay District.

§ 25-6-618 PARKING REQUIREMENTS FOR NORTH BURNET/GATEWAY OVERLAY DISTRICT.

The minimum off-street parking requirement in the North Burnet/Gateway overlay district is 80 percent of that prescribed by Appendix A (*Tables of Off-Street Parking and Loading Requirements*).

Source: Ord. 20071101-052.

ARTICLE 8. ROAD UTILITY DISTRICTS.

Division 1. Approval of Petition.

§ 25-6-621 APPLICABILITY.

(A) This division applies to a petition by a proposed road utility district for approval or

modification of a preliminary plan for a road facility that the district intends to convey to the City or to a county in the City's extraterritorial jurisdiction.

(B) A road utility district under Subsection (A) is a district created under Article III, Section 52 of the Texas Constitution and Chapter 441 of the Transportation Code.

Source: Section 13-1-381 and 13-1-383; Ord. 990225-70; Ord. 031211-11.

§ 25-6-622 PREAPPLICATION REVIEW.

(A) An applicant shall notify the city manager, in writing, of the applicant's intent to file a petition at least 30 days before filing the petition with the City. If an applicant intends to convey facilities to a county rather than to the City, the applicant shall notify the city manager, in writing, at least 30 days before filing the petition with the county. Notice under this section is effective on receipt by the city manager.

(B) If the applicant intends to convey facilities to a county rather than to the City, the applicant must submit the information required by the Administrative Criteria Manual along with the notice filed under Subsection (A).

(C) The city manager shall schedule a meeting with the applicant, City staff, and representatives of the county in which the road utility district will be established to discuss the applicant's preliminary plan and the City's requirements for approval. The meeting may not be scheduled for a date later than the 10th day after the city manager receives notification under Subsection (A).

(D) Except as otherwise determined by the city manager, the City shall not accept the petition before the 31st day after receiving

notice of the applicant's intent to file a petition.

Source: Section 13-1-384; Ord. 990225-70; Ord. 031211-11.

§ 25-6-623 CONTENTS OF PETITION.

(A) The applicant shall file with the city manager a petition and the additional

documents required by the Administrative Criteria Manual.

(B) The statutory review period established by state law begins when the city manager determines that an application is complete.

Source: Section 13-1-385; Ord. 990225-70; Ord. 031211-11.

§ 25-6-624 CONDITIONS FOR APPROVAL.

(A) The council may approve a petition filed under Section 25-6-623 (*Contents Of Petition*) if:

- (1) the preliminary plan is consistent with the Transportation Plan;
- (2) the preliminary plan includes only arterials that are designated in the Transportation Plan before the application is filed;
- (3) proposed road construction and improvements comply with City requirements for roadways and drainage;
- (4) the construction and improvement of roadways comply with the general land use plan for the proposed road utility district that is consistent with the Comprehensive Plan and this title;

(5) the roadway project complies with the City's policies relating to archaeological site preservation, watershed protection, and other environmental policies in the Comprehensive Plan and this title;

(6) a preliminary plan demonstrates the applicant's financial ability to complete construction of a proposed roadway; and

(7) if a preliminary plan proposes to convey an existing roadway or roadway under construction to the City, the plan demonstrates that the roadway will be subject to construction plan review and inspection by the City during construction.

(B) At or before the time an application is filed, property owners in a proposed road utility district must:

- (1) petition the City for limited or full purpose annexation, at the City's option, if the road utility district adjoins the City boundary; or
- (2) if the road utility district is in the City's two mile extraterritorial jurisdiction at the time of application, agree to petition for annexation at the time the road utility district becomes contiguous to the City boundary;

Source: Section 13-1-380; Ord. 990225-70; Ord. 031211-11.

§ 25-6-625 REVIEW PROCESS.

(A) The city manager shall forward a copy of the petition to appropriate departments and to the:

- (1) Urban Transportation Commission;
 - (2) Environmental Board; and
 - (3) Planning Commission.
- (B) A department that receives a copy of a petition from the city manager shall submit a report on the petition to the city manager not later than the 30th day after the date the petition is filed with the City.
- (C) Each board and commission identified in Subsection (A) shall review the petition and provide a recommendation on the petition to the city manager.
- (D) After receiving recommendations from the boards and commissions, the city manager shall request the council to set a public hearing to consider the petition.
- (E) The council shall set the public hearing during a regularly scheduled meeting of the council.

Source: Section 13-1-386; Ord. 990225-70; Ord. 031211-11.

§ 25-6-626 CITY COUNCIL REVIEW AND ACTION.

The council shall approve or deny a petition before the expiration of the statutory review period. council's approval of a petition is conditioned on execution of a consent agreement by the City and by the petitioner as representative of each owner of property in the proposed road utility district. The consent agreement must require the road utility district to submit to the city manager, after creation, a list of directors and an annual report of road utility district activities.

Source: Section 13-1-387; Ord. 990225-70; Ord. 031211-11.

§ 25-6-627 ANNEXATION PETITIONS AND PETITIONS FOR CONSTRUCTION OF FACILITIES OUTSIDE THE ROAD UTILITY DISTRICT.

(A) A petition for annexation of land by a road utility district and a petition to construct or improve a roadway facility outside of the road utility district is subject to the review procedure established by this division.

(B) Except as provided in Subsection (C), a petition described under Subsection (A) is subject to the criteria in Section 25-6-624 (*Conditions For Approval*).

(C) The council may shorten the time period for consideration of a petition.

Source: Section 13-1-388; Ord. 990225-70; Ord. 031211-11.

Division 2. Construction of Facilities.

§ 25-6-651 SUBMITTAL OF CONSTRUCTION PLANS.

(A) If the City approves a preliminary plan and agrees to accept the conveyance of facilities after construction, the road utility district shall submit construction plans conforming to the requirements in the Administrative Criteria Manual to the director for review at least 45 days before construction begins.

(B) The director shall schedule a meeting between City staff members and road utility district representatives not later than the 15th day after receipt of the construction plans to discuss the proposed construction plans and requirements for City approval.

Source: Section 13-1-388.1 and 13-1-389; Ord. 990225-70; Ord. 031211-11.

§ 25-6-652 APPROVAL OF BOND-FINANCED FACILITIES.

(A) Before constructing a facility that is financed by bonds issued under Article III, Section 52 of the Texas Constitution or other state law, the road utility district shall submit construction plans to the director for approval.

(B) The director shall provide the road utility district with written comments that assess the degree to which the plans comply with the requirements of this article.

(C) The road utility district shall make the corrections as requested by the director and shall submit four sets of revised plans for review by the director.

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- (D) The director shall approve the plans if the plans comply with the City specifications.

Source: Section 13-1-390; Ord. 990225-70; Ord. 031211-11.

§ 25-6-653 CONSTRUCTION INSPECTION.

- (A) After approval of construction plans, but before commencement of construction, representatives of the road utility district shall meet with the city manager to discuss inspection by the City during the construction process.

- (B) City employees shall make periodic visits to the construction site to observe the progress and quality of the work and to determine if that the work is proceeding according to the plans and specifications. The city manager may review all laboratory, shop, and mill tests of materials conducted by the road utility district.

- (C) If the work does not comply with the construction plans, the city manager shall give notice of the failure to comply to the road utility district. The city manager may give notice that approval of the construction plans may be suspended and appropriate enforcement actions taken unless the work is brought into compliance within a specific period.

- (D) The road utility district shall retain the services of a firm experienced in construction inspection and quality control. The city manager must approve the scope of services to be performed by the firm.

- (E) The scope of services must:

- (1) include at least one qualified resident construction inspector;

- (2) require quality control testing of materials and installations that meets the minimum requirements for sampling and testing established by the Texas Department of Transportation; and

- (3) require that quality control testing include job control tests and record tests.

Source: Section 13-1-391; Ord. 990225-70; Ord. 010329-18; Ord. 031211-11; Ord. 20060504-039.

§ 25-6-654 NOTICE OF CONVEYANCE.

The road utility district shall give written notice to the City of its intent to convey a completed facility. The notice shall be given not later than the 10th day before the date of a public hearing before the road utility district board of directors, to determine if the facility is completed as specified in the road utility district's approved plan.

Source: Section 13-1-392; Ord. 990225-70; Ord. 031211-11.

§ 25-6-655 REPRESENTATION BY CITY MANAGER.

- (A) The city manager shall represent the City before the Texas Transportation Commission in all proceedings authorized or required by applicable state law.

- (B) The city manager shall represent the City in proceedings before the road utility district related to conveying facilities by the road utility district.

Source: Section 13-1-382; Ord. 990225-70; Ord. 031211-11.

APPENDIX A. TABLES OF OFF-STREET PARKING AND LOADING REQUIREMENTS.

PART I - MOTOR VEHICLES

Use Classification	Minimum Off-Street Parking Requirement	Off-Street Loading Requirement
Residential Uses		
Cottage special use Mobile home residential Secondary apartment special use Single-family residential Small lot single-family residential Townhouse residential Two-family residential Urban home special use	2 spaces for each dwelling unit	None
Accessory apartment Condominium residential Multifamily residential	Efficiency dwelling unit: 1 space 1 bedroom dwelling unit: 1.5 spaces Dwelling unit larger than 1 bedroom: 1.5 spaces plus 0.5 space for each additional bedroom	None
Duplex residential Single-family attached residential <ul style="list-style-type: none"> • Standard • If larger than 4,000 sq. ft. or more than 6 bedrooms 	4 spaces 4 spaces or 1 space for each bedroom, whichever is greater	None
Bed and breakfast residential	1 space plus 1 space for each rental unit	None
Group residential	1 space plus 1 space for each 2 lodgers or tenants	Schedule C
Retirement housing	80% of the parking otherwise required by this table for the residential use classification	Schedule C
Commercial Uses		
Agricultural sales and service	Schedule A	Schedule C
Art gallery	1 space for each 500 sq. ft.	None
Art workshop	Schedule B	None
Automotive rentals	Schedule A	Schedule B
Automotive repair service	1 space for each 275 sq. ft.	Schedule C
Automotive sales	Schedule A	Schedule C
Automotive washing <ul style="list-style-type: none"> • Automatic (full service) • Manual (coin-operated) 	1 space for each 2 employees plus 6 queue spaces for each queue line 3 queue spaces for each queue line	None

Use Classification	Minimum Off-Street Parking Requirement	Off-Street Loading Requirement
Bail bond services	1 space for each 275 sq. ft.	None
Building maintenance services Business support services	Schedule A	Schedule C
Business and professional offices	1 space for each 275 sq. ft.	Schedule C
Business or trade school Campground Carriage stable	Schedule B	Schedule B
Cocktail lounge or dance hall • <2,500 sq. ft. • 2,500 – 10,000 sq. ft. • >10,000 sq. ft.	1 space for each 100 sq. ft. 1 space for each 50 sq. ft. 1 space for each 25 sq. ft.	Schedule C
Commercial blood plasma center	1 space for each 275 sq. ft.	Schedule C
Commercial off-street parking	None	None
Communication services Construction sales and services	Schedule A	Schedule C
Consumer convenience services	Schedule B	None
Consumer repair services	1 space for each 275 sq. ft.	Schedule C
Convenience storage	1 space for each 4,000 sq. ft.	Schedule B
Drop-off recycling collection facility	Schedule B	Schedule B
Electronic prototype assembly	1 space for each 275 sq. ft.	Schedule C
Electronic testing	1 space per 300 sq. ft.	Schedule G
Equipment repair services Equipment sales	Schedule A	Schedule C
Exterminating services	1 space for each 1,000 sq. ft.	Schedule C
Financial services • Building • Drive-in service • ATM (drive-up) • ATM (walk-up)	1 space for each 275 sq. ft. 8 queue spaces for each service lane 2 queue spaces for each service lane None	Schedule C
Food preparation	Schedule A	Schedule C
Food sales	1 space for each 275 sq. ft.	Schedule C
Funeral services	1 space for each 5 persons capacity	Schedule B
Furniture or carpet store	1 space for each 500 sq. ft.	Schedule C
General retail sales and services (convenience or general)	1 space for each 275 sq. ft.	Schedule C

Use Classification	Minimum Off-Street Parking Requirement	Off-Street Loading Requirement
Hotel-motel • Other uses within hotel-motel	1.1 spaces for each room If not an accessory use, 80% of the parking otherwise required by this table for the use	Schedule C
Indoor entertainment • Meeting hall • Dance halls with liquor sales • Theater (live or motion picture)	1 space for each 50 sq. ft. See cocktail lounge 1 space for each 4 seats within auditorium	Schedule C
Indoor sports and recreation (except billiard parlor or bowling alley) • Billiard Parlor • Bowling Alley	1 space for each 500 sq. ft. 1 space for each 100 sq. ft. 1 space for each 275 sq. ft.	Schedule B
Kennels	1 space for each 1,000 sq. ft.	Schedule B
Laundry services	Schedule A	Schedule C
Liquor sales	1 space for each 275 sq. ft.	Schedule C
Marina	0.7 spaces for each boat slip	None
Medical offices • Free-standing medical clinic or office or a limited hospital facility • Within a shopping center or mixed use building	1 space for each 200 sq. ft. 1 space for each 275 sq. ft.	Schedule C
Monument retail sales	Schedule A	Schedule C
Outdoor entertainment	Schedule B	Schedule B
Outdoor sports and recreation		
Pawn shop services Personal improvement services Personal services Pet services	1 space for each 275 sq. ft.	Schedule C
Plant nursery Printing and publishing Recreational equipment maintenance and storage Recreational equipment sales	Schedule A	Schedule C
Regional shopping mall	1 space for each 275 sq. ft.	Schedule C

Use Classification	Minimum Off-Street Parking Requirement	Off-Street Loading Requirement
Research services Research assembly services Research testing services	1 space for each 275 sq. ft.	Schedule C
Research warehousing services	Schedule A	Schedule C
Restaurant <ul style="list-style-type: none"> • ≤2,500 sq. ft. • >2,500 sq. ft. • If no customer service or dining area is provided • Drive-in service 	1 space for each 100 sq. ft. 1 space for each 75 sq. ft. 1 space for each 275 sq. ft. 8 queue spaces for each service lane	Schedule C
Scrap and salvage services	Schedule A	Schedule C
Service station <ul style="list-style-type: none"> • Fuel sales • Lubrication service 	See Transportation Criteria Manual Section 9.4.5 1 parking space for each bay and 3 queue spaces for each bay	Schedule B
Software development	1 space for each 275 sq. ft.	Schedule C
Special use historic	The parking required for the use by this table.	Schedule B
Stables	Schedule B	Schedule B
Vehicle storage	None	None
Veterinary services	1 space for each 500 sq. ft.	Schedule B
<i>Industrial Uses</i>		
Basic industry Custom manufacturing General warehousing and distribution Light manufacturing Limited warehousing and distribution Recycling center	Schedule A	Schedule C
<i>Civic Uses</i>		
Administrative services	1 space for each 275 sq. ft.	Schedule C
Aviation facilities Camp Cemetery	Schedule B	Schedule B

Use Classification	Minimum Off-Street Parking Requirement	Off-Street Loading Requirement
Club or lodge	1 space for each 5 persons capacity	Schedule B
College and university facilities: <ul style="list-style-type: none"> • Dorm or other residence • Gymnasium or classroom • Administrative or office 	1 space for each 2 residents 1 space for each 500 sq. ft. 1 space for each 275 sq. ft.	Schedule B
Communication service facilities	Schedule A	Schedule C
Community events Community recreation (private or public)	Schedule B	Schedule B
Congregate living Convalescent services	1 space for each 4 beds, plus 1 space for each 2 employees (largest shift)	Schedule C
Convention center Counseling services	Schedule B	Schedule B
Cultural services	1 space for each 500 sq. ft.	Schedule B
Day care services (commercial, general, or limited)	1 space for each employee	Schedule B
Detention facilities	Schedule B	Schedule B
Family home	2 spaces for each dwelling unit	None
Group home	Schedule B	None
Guidance services: <ul style="list-style-type: none"> • Residential • Nonresidential 	1 space for each 4 beds 1 space for each 275 sq. ft.	Schedule B
Hospital service (general)	1 space for each 4 beds, plus 1 space for each 2 employees (largest shift)	Schedule C
Hospital services (limited)	1 space for each 200 sq. ft.	Schedule C
Local utility services	Schedule B	Schedule B
Maintenance and service facilities Major utility facilities	Schedule A	Schedule B

Austin - Land Development

Use Classification	Minimum Off-Street Parking Requirement	Off-Street Loading Requirement
Military installations Park and recreation services	Schedule B	Schedule B
Postal facilities	Schedule B	Schedule C
Public assembly	1 space for each 5 persons capacity	Schedule B
Public or private primary educational facilities	1.5 spaces for each staff member	Schedule B
Public or private secondary educational facilities	1.5 spaces for each staff member plus 1 space for each 3 students enrolled in 11 th and 12 th grades	Schedule B
Qualified community garden Railroad facilities	Schedule B	Schedule B
Religious assembly <ul style="list-style-type: none"> • Within mixed use shopping center or building • Stand-alone 	1 space for each 275 sq. ft. Schedule B	Schedule B
Residential treatment	1 space for each 4 residents	Schedule B
Safety services Telecommunication tower	Schedule B	Schedule B
Transitional housing	1 space for each 4 beds, plus 1 space for each 2 employees (largest shift)	Schedule C
Transportation terminals	Schedule B	Schedule B
<i>Agricultural Uses</i>		
Animal production Crop production	None	None
Horticulture Support housing Urban farm	Schedule B	None

SCHEDULE A

The minimum off-street parking requirement for a use is the sum of the parking requirements for the activities on the site, in accordance with the following table:

Activity	Requirement
Office or administrative activity	1 space for each 275 sq. ft.
Indoor sales, service, or display	1 space for each 500 sq. ft.
Outdoor sales, services, or display	1 space for each 750 sq. ft.
Indoor storage, warehousing, equipment servicing, or manufacturing	1 space for each 1,000 sq. ft.
Outdoor storage, equipment servicing, or manufacturing	1 space for each 2,000 sq. ft.

SCHEDULE B

The director shall determine the minimum off-street motor vehicle parking requirement, minimum off-street bicycle parking requirement, and minimum off-street loading requirement for a use that is subject to this schedule. In making a determination, the director shall consider the requirements applicable to similar uses, the location and characteristics of the use, and appropriate traffic engineering and planning data.

SCHEDULE C
Off-Street Loading Requirement

Square Feet of Floor Area	Minimum Number Of Off-Street Loading Spaces
0 - 10,000	0
10,001 - 75,000	1
75,001 - 150,000	2
150,001 - 300,000	3
Over 300,000	1 for each 100,000

PART 2 - BICYCLES

	Minimum Off-Street Parking Requirement
Residential uses other than condominium residential or multifamily residential Commercial uses: Carriage stable Scrap and salvage services Stable Vehicle storage Industrial uses: Resource extraction Stockyards Civic uses: Detention facilities Local utility services Agricultural uses	None
Commercial uses: Agricultural sales and services Automotive rentals Automotive repair services Automotive sales Automotive washing Building maintenance services Campground Commercial off-street parking Convenience storage Equipment repair services Equipment sales Exterminating services Civic uses: Aviation facilities Cemetery Convalescent services	2 spaces
Residential uses: Condominium residential Multifamily residential Commercial uses not listed above Industrial uses not listed above Civic uses not listed above	5 spaces or 5% of the motor vehicle spaces required by this appendix, whichever is greater.

Source: Section 13-5-107; Ord. 990225-70; Ord. 990520-38; Ord. 000511-109; Ord. 000831-65; Ord. 010426-48; Ord. 020627-234; Ord. 031120-44; Ord. 031211-11; Ord. 040617-Z-1.

C5. BRACKENRIDGE DEVELOPMENT AGREEMENT OFF-STREET PARKING REQUIREMENTS

PART I – MOTOR VEHICLES: RESIDENTIAL USES

<u>Use Classification</u>	<u>Minimum Off-Street Parking Requirement</u>	<u>Off-Street Loading Requirement</u>
Single Family Residential	2 spaces per dwelling unit	None
Single Family Attached Residential or Duplex Residential with fewer than 6 bedrooms per lot	2 spaces per dwelling unit. A driveway may be included as one of the two spaces required per unit in counting the spaces provided.	None
Single Family Attached Residential or Duplex Residential with 6 or more bedrooms per lot	1 space per bedroom. Driveway and garage or carport area may be included in satisfying this requirement, provided however, that no more than one space may be located behind another space in the driveway.	None
Two Family Residential	2 spaces per dwelling unit	None
Townhouse Residential	2 spaces per dwelling unit	None
Condominium Residential	Schedule A	None
Multifamily Residential	Schedule A	None
Retirement Housing (Small Site)	Schedule N	None
Retirement Housing (Large Site)	Schedule N	Schedule E
Group Residential	1 space per dwelling unit plus 1 space per 2 lodgers or tenants other than occupant of dwelling unit	None
Lodginghouse Residential	1 space per rented room, in addition to spaces required for the dwelling	None

PART I – MOTOR VEHICLES: COMMERCIAL USES

<u>Use Classification</u>	<u>Minimum Off-Street Parking Requirement</u>	<u>Off-Street Loading Requirement</u>
Administrative & Business Offices	1 space per 300 sq. ft.	Schedule G
Automotive Rentals	Schedule B	Schedule D
Automotive Repair Service	6 spaces per mechanic or repair stall	Schedule J
Automotive Sales	Schedule B	Schedule J
Automotive Washing:		
Automatic	1 space per 2 employees and 6 queue spaces per queue line	None
Manual	3 queue spaces per queue line	None
Building Maintenance Services	Schedule B	Schedule H
Business Support Services	Schedule B	Schedule H
Business or Trade School	1 space per 5 persons capacity	Schedule D
Cocktail Lounge	Schedule C	Schedule F
Commercial Off-Street Parking	None	None

PART I – MOTOR VEHICLES: COMMERCIAL USES

<u>Use Classification</u>	<u>Minimum Off-Street Parking Requirement</u>	<u>Off-Street Loading Requirement</u>
Communications Services	1 space per 500 sq. ft.	Schedule J
Construction Sales and Services	Schedule B	Schedule J
Consumer Convenience Services	Schedule D	None
Consumer Repair Services	1 space per 300 sq. ft.	Schedule H
Convenience Storage	1 space per 1,000 sq. ft.	Schedule D
Financial Services	1 space per 250 sq. ft.	Schedule G
Financial Services Drive-In	8 queue spaces per window	None
Food Sales	1 space per 250 sq. ft.	Schedule E
Funeral Services	1 space per 4 persons capacity	Schedule D
General Retail Services:		
Less than 25,000 sq. ft.	1 per 200 sq. ft.	
25,001-400,000 sq. ft.	1 per 250 sq. ft.	
400,001-600,000 sq. ft.	1 per 225 sq. ft.	
Over 600,000 sq. ft.	1 per 200 sq. ft.	
Hotel-Motel	Schedule L	Schedule F
Indoor Entertainment:	Schedule D	Schedule D
Dance Halls/Meeting Halls	1 per 40 sq. ft. or 2 per six seats for patron use	Schedule D
Dance Halls/(Liquor sales)	same as cocktail lounge	Schedule C
Motion Picture Theater	1 per 3.5 seats	
Indoor Sports & Recreation	Schedule D	Schedule D
Liquor Sales	1 space per 250 sq. ft.	Schedule I
Marina	0.7 space per boat slip	None
Medical Offices	1 space per 250 sq. ft.	Schedule G
Outdoor Entertainment	1 per employee plus 1 per 400 sq. ft.	Schedule D
Outdoor Sports & Recreation	Schedule D	Schedule D
Personal Improvement Services	1 space per 200 sq. ft.	Schedule H
Personal Services	1 space per 250 sq. ft.	Schedule H
Pet Services	1 space per 300 sq. ft.	Schedule H
Professional Offices	1 space per 250 sq. ft.	Schedule G
Research Services	1 space per 300 sq. ft.	Schedule G
Restaurant	Schedule C	Schedule F
Service Station	2 spaces per service bay. Queue spaces or temporary storage are required in accordance with the Transportation Criteria Manual.	Schedule D
Vehicle Storage	None	None

PART I – MOTOR VEHICLES: INDUSTRIAL USES

<u>Use Classification</u>	<u>Minimum Off-Street Parking Requirement</u>	<u>Off-Street Loading Requirement</u>
Custom Manufacturing	1 space per 1,000 sq. ft.	Schedule J
Light Manufacturing	1 space per 1,000 sq. ft.	Schedule K

PART I – MOTOR VEHICLES: CIVIC USES

<u>Use Classification</u>	<u>Minimum Off-Street Parking Requirement</u>	<u>Off-Street Loading Requirement</u>
Administrative Services	1 space per 250 sq. ft.	Schedule G
Club or Lodge	1 space per 5 persons capacity	Schedule D
Community Recreation	1 space per 5 persons capacity	Schedule D
Convalescent Services	1 space per 4 beds patient capacity, plus 1 space per 2 employees (max. shift)	Schedule F
Cultural Services	1 per 400 sq. ft.	Schedule D
Day Care Services	1 space per teacher, administrator or day care provider	Schedule D
Group Homes (both Limited and General; Class I and II)	Schedule D	None
Guidance Services:		
Residential	1 per 4 patients	Schedule D
Non-Residential	1 per 300 sq. ft.	Schedule D
Hospital Services (General)	1 space per 4 beds patient capacity, plus 1 space per 2 employees (max. shift)	Schedule F
Hospital Services (Limited)	Schedule D	Schedule D
Local utility Services	Schedule D	Schedule D
Maintenance and Service Facilities	Schedule B	Schedule D
Major Utility Facilities	Schedule B	Schedule D
Park & Recreation Services	Schedule D	Schedule D
Postal Facilities	Schedule D	Schedule I
Public & Private Primary Educational Facilities	1.5 spaces per faculty or staff member	Schedule D
Public Assembly	1 space per 10 seats	Schedule D
Safety Services	Schedule D	Schedule D
Public & Private Secondary Educational Facilities	Schedule D	Schedule D
Transportation Terminals	Schedule D	Schedule D

SCHEDULE A

Off-Street Parking Requirements for Condominium and Multifamily Residential uses:

<u>Dwelling Unit Size</u>	<u>Spaces Per Unit</u>
Efficiency	1.0
One bedroom	1.5
Two bedrooms or larger	2.0
Each additional bedroom	0.5

SCHEDULE B

Specific off-street parking requirements are to be based on the following minimum requirements for applicable functions or activities associated with each use:

<u>Activity</u>	<u>Requirement</u>
Office or administrative activity	1 space per 300 sq. ft.
Indoor sales, service, or display	1 space per 500 sq. ft.
Outdoor sales, services, or display	1 space per 750 sq. ft.
Indoor storage, warehousing, equipment servicing, or manufacturing	1 space per 1,000 sq. ft.
Outdoor storage, equipment servicing, or manufacturing	1 space per 2,000 sq. ft.

SCHEDULE C

Specific off-street parking requirement are to be based on the following minimum requirements for applicable functions or activities associated with each use. In no case shall these related functions and activities be allowed to double count their required space.

<u>Activity</u>	<u>Requirement</u>
Cocktail Lounge	
up to 2,500 sq. ft.	1 space per 100 sq. ft.
2,501 to 5,000 sq. ft.	1 space per 50 sq. ft.
5,001 to 10,000 sq. ft.	1 space per 45 sq. ft.
10,001 sq. ft. and up	1 space per 40 sq. ft.
Restaurant (General)	
up to 2,500 sq. ft.	1 space per 100 sq. ft.
2,501 sq. ft. and up	1 space per 75 sq. ft.
Restaurant with predominantly drive-in or take-out services	Three spaces for each 100 sq. ft. of customer service or dining area or one space per 200 sq. ft. if no customer service or dining area is provided. Eight queue spaces per window.

SCHEDULE D

The minimum of off-street motor vehicle and bicycle parking and loading requirements for uses subject to Schedule D shall be determined by the UTDP. In making such determination, the UTDP shall consider the requirements applicable to similar uses, the location and characteristics of the use, and appropriate traffic engineering planning data.

SCHEDULES E through K

**Applicable Off-Street Loading Requirement Schedule
(Number of Required Spaces)**

<u>Square Feet of Floor Area</u>	<u>E</u>	<u>F</u>	<u>G</u>	<u>H</u>	<u>I</u>	<u>J</u>	<u>K</u>
0 – 5,000	0	0	0	0	0	0	0
5,001 – 10,000	0	0	0	1	1	1	1
10,001 – 25,000	0	1	1	1	1	1	1
25,001 – 50,000	0	1	1	1	2	1	2
50,001 – 75,000	1	1	1	2	2	2	2
75,001 – 100,000	1	2	1	2	3	2	2
100,001 – 150,000	1	2	2	3	3	2	3
150,001 – 200,000	2	3	2	3	4	2	3
Over 200,000	1 per 100,000	1 per 100,000	1 per 150,000	1 per 100,000	1 per 50,000	1 per 100,000	1 per 75,000

Notes: For uses under 200,000 square feet, the table shows minimum number of loading spaces required.

For uses over 200,000 square feet, requirement shown is for each increment of square footage or major fraction thereof in excess of the first 200,000 square feet, and shall apply in addition to the requirement for the first 200,000 square feet.

SCHEDULE L

Off-Street Motor Vehicle Requirements for Hotels and Motels:

<u>Facility, Use or Activity</u>	<u>Minimum Motor Vehicle Parking Requirement</u>
Hotel-Motel:	
first 50 rooms	1.25 spaces/room
each additional room exceeding 50 rooms	1.0 space/room
each additional room exceeding 500 rooms	0.5 space/room
Other uses or activities within hotel-motel having up to 250 rooms	100% of Sec. 13-5-107
Other uses or activities within hotel-motel having more than 250 rooms	100% of Sec. 13-5-107
General retail services	90% of Sec. 13-5-107 requirement
Other uses or activities	50% of Sec. 13-5-107 requirement

SCHEDULE M

(DELETED)

SCHEDULE N

Off-Street Parking Requirements for retirement housing (small site and large site):

<u>Dwelling Unit Size</u>	<u>Spaces Per Unit (Base Requirements)</u>
Efficiency	1.0
One bedroom	1.25
Two or more bedrooms	1.5

The required number of off-street parking spaces for a Retirement Housing (Small Site or Large Site) development may be reduced below these base requirements according to the schedule of credits and additional regulations listed below:

<u>Credit</u>	<u>Percentage Reduction</u>
Within 500 feet of an existing retail center which offers Food Sales, Personal Services, or General Retail (limited or general) uses	10%
Within 500 feet of a transit route offering service at least 12 hours per day	5%
Served by private bus/van	10%
Meal service provided to all residents	5%
Housekeeping services to all residents	5%

Where multiple credits can be applied, after the initial percentage reduction, subsequent percentage reductions shall be applied to the balance of parking supply required. Multiple credits shall not be added together and subtracted from the total required parking.

ADDITIONAL REGULATIONS:

1. The site plan for the Retirement Housing (Small Site or Large Site) use shall indicate the existence and location of sufficient area to accommodate off-street parking expansion area equal to the difference between the minimum base requirement of this schedule and the number of spaces provided.
2. The required expansion area shall not encroach into a required landscape area but may encroach into an area reserved for required open space if the total encroachment does not exceed 50% of the required open space.

C6. CITY OF AUSTIN WATERFRONT DISTRICT OVERLAY

(5) maintenance and improvement of environmental quality, including stream bank stabilization, fencing, and wildlife and vegetation management; and

(6) general park support and maintenance.

(F) Development of an area of Town Lake Park not included in a natural area, neighborhood park, community park, cultural park, or urban waterfront described in Section 25-2-671 (*Town Lake Park Terms*) is limited to:

(1) walking, exercise, and bicycle trails;

(2) picnic facilities;

(3) surface parking of pervious material and park access roads; and

(4) general park support and maintenance.

(G) This section does not apply to a community events use.

Source: Section 13-2-228.1; Ord. 990225-70; Ord. 990902-57; Ord. 031211-11.

Division 7. Waterfront Overlay District and Subdistrict Uses.

§ 25-2-691 WATERFRONT OVERLAY (WO) DISTRICT USES.

(A) This section applies to the waterfront overlay (WO) district, except for a community events use.

(B) A residential use that is permitted in an MF-6 or more restrictive base district is also permitted in an NO or less restrictive base district.

(C) A pedestrian-oriented use is a use that serves the public by providing goods or services and includes:

(1) art gallery;

(2) art workshop;

(3) cocktail lounge;

(4) consumer convenience services;

(5) cultural services;

(6) day care services (limited, general, or commercial);

(7) food sales;

(8) general retail sales (convenience or general);

(9) park and recreation services;

(10) residential uses;

(11) restaurant (limited or general) without drive-in service; and

(12) other uses as determined by the Land Use Commission.

(D) Pedestrian oriented uses in an MF-1 or less restrictive base district:

(1) are permitted on the ground floor of a structure; and

(2) may be permitted by the Land Use Commission above the ground floor of a structure.

(E) A determination by the Land Use Commission under Subsection (D)(1) may be appealed to the council. For the City Hall subdistrict, a determination by the Land Use Commission under Subsection (C)(11) may be appealed to council.

Source: Section 13-2-228; Ord. 990225-70; Ord. 990715-115; Ord. 990902-57; Ord. 010607-8; Ord. 031211-11; Ord. 031211-41; Ord. 040617-Z-1.

**§ 25-2-692 WATERFRONT OVERLAY (WO)
SUBDISTRICT USES.**

(A) This subsection applies to the University / Deep Eddy subdistrict.

(1) The following uses are prohibited:

- (a) automotive rentals;
- (b) automotive repair services;
- (c) automotive sales;
- (d) automotive washing;
- (e) commercial off-street parking;
and
- (f) a use with a drive-in service.

(2) The following are conditional uses:

- (a) hotel-motel;
- (b) service station;
- (c) local utility services.

(B) In the North Shore Central subdistrict, not less than 50 percent of the net usable floor area of the ground level of a structure adjacent to Town Lake must be used for pedestrian-oriented uses. The Land Use Commission may allow an applicant up to five years from the date a certificate of occupancy is issued to comply with this requirement.

(C) This subsection applies to the Red Bluff subdistrict.

(1) The following uses are prohibited:

- (a) light manufacturing;
- (b) basic industry;

(c) stockyards;

(d) laundry services; and

(e) resource extraction.

(2) The following are conditional uses:

(a) automotive rentals;

(b) automotive repair services;

(c) automotive sales;

(d) automotive washing;

(e) commercial off-street parking;

(f) a use with a drive-in service; and

(g) warehousing and distribution.

(D) This subsection applies to the East Riverside subdistrict.

(1) The following uses are prohibited:

(a) automotive rentals;

(b) automotive repair services;

(c) automotive sales;

(d) automotive washing;

(e) basic industry;

(f) commercial off-street parking;

(g) a use with a drive-in service;

(h) laundry services;

(i) light manufacturing;

(j) stockyards; and

(k) warehousing and distribution.

- (2) The following are conditional uses:
- (a) hotel-motel;
 - (b) service station; and
 - (c) local utility service.
- (E) This subsection applies to the Travis Heights subdistrict.
- (1) The following uses are prohibited:
- (a) automotive rentals;
 - (b) automotive repair services;
 - (c) automotive sales;
 - (d) automotive washing;
 - (e) basic industry;
 - (f) commercial off-street parking;
 - (g) laundry services;
 - (h) light manufacturing;
 - (i) stockyards; and
 - (j) warehousing and distribution.
- (2) The following are conditional uses:
- (a) hotel-motel;
 - (b) service station; and
 - (c) local utility service.
- (F) In the South Shore Central subdistrict, not less than 50 percent of the net usable floor area of the ground level of a structure adjacent to Town Lake must be used for pedestrian-oriented uses. The Land Use Commission may allow an applicant up to five years from the date a certificate of occupancy is issued to comply with this requirement.
- (G) This subsection applies to the Auditorium Shores subdistrict, except for a community events use.
- (1) Not less than 50 percent of the net usable floor area of the ground level of a structure adjacent to Town Lake must be used for pedestrian-oriented uses. The Land Use Commission may allow an applicant up to five years from the date a certificate of occupancy is issued to comply with this requirement.
- (2) Use of the area between the primary setback line and the secondary setback line is limited to:
- (a) cultural services;
 - (b) day care services;
 - (c) park and recreation services;
 - (d) food sales; and
 - (e) restaurant (limited) without drive-in service.
- (H) In the Butler Shores subdistrict, not less than 50 percent of the net usable floor area of the ground level of a structure adjacent to Town Lake must be used for pedestrian-oriented uses. The Land Use Commission may allow an applicant up to five years from the date a certificate of occupancy is issued to comply with this requirement.
- (I) Use of the Zilker Park subdistrict is limited to park-related structures.
- (J) In the City Hall subdistrict, at least 50 percent of the net usable floor area of the ground level of a structure adjacent to

Town Lake must be used for pedestrian-oriented uses. The Land Use Commission may allow an applicant up to five years from the date a certificate of occupancy is issued to comply with this requirement. This requirement does not apply to a building used by the City for a governmental function.

Source: Section 13-2-229; Ord. 990225-70; Ord. 990715-115; Ord. 990902-57; Ord. 010607-8; Ord. 031211-11; Ord. 031211-41.

**Division 8. Waterfront Overlay
District and Subdistrict
Development Regulations.**

Subpart A. General Provisions.

§ 25-2-711 APPLICABILITY.

- (A) This division applies in the waterfront overlay (WO) combining district.
- (B) The requirements of this division do not apply to:
 - (1) a community events use; or
 - (2) the construction or reconstruction of existing or proposed development for which:
 - (a) a building permit was issued before July 18, 1986;
 - (b) a certificate of occupancy was issued before July 18, 1986;
 - (c) a site plan was approved before July 17, 1986, including a phased project or a special permit site plan;

- (d) a site plan was filed with the City before July 17, 1986 as a condition of zoning, and the site plan was previously approved by the council or Town Lake Task Force; or

- (e) building plans were filed with the City before July 17, 1986.

(C) The requirements of this division supersede the other provisions of this title, to the extent of conflict.

Source: Sections 13-2-700 and 13-2-701; Ord. 990225-70; Ord. 990902-57; Ord. 031211-11.

§ 25-2-712 DEFINITIONS.

In this part:

- (1) **BASEWALL** means the vertical surface of a building beginning at the finished grade up to a level defined by a setback or an architectural treatment, including a cornice line or similar projection or demarcation, that visually separates the base of the building from the upper portion of the building.
- (2) **PRIMARY SETBACK AREA** means the area between a primary setback line and the centerline of an identified creek, the shoreline of Town Lake, the shoreline of the Colorado River, or the boundary of an identified street, as applicable.
- (3) **PRIMARY SETBACK LINE** means a line that is a prescribed distance from and parallel to the centerline of an identified creek, the shoreline of Town Lake, the shoreline of the Colorado River, or the boundary of an identified street, as applicable.
- (4) **SECONDARY SETBACK AREA** means the area between a primary setback line and a secondary setback line.

- (5) **SECONDARY SETBACK LINE** means a line that is a prescribed distance from and parallel to a primary setback line.

Source: Section 13-2-1; Ord. 990225-70; Ord. 031211-11.

§ 25-2-713 VARIANCES.

- (A) The Land Use Commission may grant a variance from the requirements of Sections 25-2-692 (*Waterfront Overlay (WO) Subdistrict Uses*), 25-2-721 (*Waterfront Overlay (WO) Combining District Regulations*), or Subpart C (*Subdistrict Regulations*) after determining that:

- (1) the proposed project and variance are consistent with the goals and policies of the Town Lake Corridor Study, including environmental protection, aesthetic enhancement, and traffic; and
- (2) the variance is the minimum required by the peculiarities of the tract.

- (B) For the City Hall subdistrict, an interested party may appeal the Land Use Commission's grant or denial of a variance under Subsection (A) to the council.

Source: Section 13-2-704; Ord. 990225-70; Ord. 990715-115; Ord. 010607-8; Ord. 031211-11.

§ 25-2-714 ADDITIONAL FLOOR AREA.

- (A) In the WO combining district, a structure may exceed the maximum floor area permitted in the base district as provided by this section.

- (1) Additional floor area under Subsection (B) is limited to 60 percent of the base district maximum.

- (2) Additional floor area under Subsection (C), (D), (E), (F), (G), (H), or (I) is limited to 20 percent of the base district maximum.

- (3) Total additional floor area under this section is limited to 60 percent of the base district maximum.

- (B) For a structure in a neighborhood office (NO) or less restrictive base district, floor area for a residential use is permitted in addition to the maximum floor area otherwise permitted.

- (C) For a structure in a multifamily residence limited density (MF-1) or less restrictive base district, floor area for pedestrian-oriented uses is permitted in addition to the maximum floor area otherwise permitted, if the pedestrian-oriented uses are on the ground floor of the structure and have unimpeded public access from a public right-of-way or park land. The pedestrian-oriented uses required under Sections 25-2-692 (*Waterfront Overlay (WO) Subdistrict Uses*) and Subpart C (*Subdistrict Regulations*) are excluded from the additional floor area permitted under this subsection.

- (D) Except in the North Shore Central subdistrict:

- (1) an additional one-half square foot of gross floor area is permitted for each one square foot of gross floor area of a parking structure that is above grade; and

- (2) an additional one square foot of gross floor area is permitted for each one square foot of a parking structure that is below grade.

(E) Additional gross floor area is permitted for each existing Category A tree, as determined by the Watershed Protection and Development Review Department's tree evaluation system, that is either left undisturbed or transplanted under the supervision of the city arborist.

(1) A tree is considered undisturbed under this subsection if the area within a circle centered on the trunk with a circumference equal to the largest horizontal circumference of the tree's crown is undisturbed.

(2) A tree may be transplanted off-site if the Land Use Commission determines that the character of the site is preserved and approves the transplanting.

(3) The permitted additional gross floor area is calculated by multiplying the undisturbed area described in Subsection (E)(1) by the base district height limitation and dividing the product by 12.

(F) Additional gross floor area is permitted for land or an easement dedicated to the City for public access to Town Lake or the Colorado River. The additional gross floor area is calculated by multiplying the square footage of the access area by the height limitation applicable to the property and dividing the product by 12.

(G) Additional gross floor area is permitted for land that is restricted to create a side yard or restricted public access to Town Lake, the Colorado River, or a creek. The additional gross floor area is calculated by multiplying the square footage of the restricted area by the height limitation applicable to the property and dividing the product by 12.

(H) An additional one square foot of gross floor area is permitted for each one square foot of area restricted to create a scenic vista of Town Lake, the Colorado River, or a creek.

(I) For a proposal to develop less than the maximum allowable impervious cover, an additional one square foot of gross floor area is permitted for each one square foot of impervious cover less than the allowable maximum.

Source: Section 13-2-703; Ord. 990225-70; Ord. 010329-18; Ord. 010607-8; Ord. 031211-11.

Subpart B. District Regulations; Special Regulations.

§ 25-2-721 WATERFRONT OVERLAY (WO) COMBINING DISTRICT REGULATIONS.

(A) This subsection provides requirements for review and approval of site plans.

(1) Approval of a site plan by the Land Use Commission is required if an applicant requests a waiver from a requirement of this part under Section 25-2-713 (*Variances*).

(2) Review of a site plan by the director of the Parks and Recreation Department is required before the site plan may be approved. The director of the Parks and Recreation Department shall determine:

(a) whether the site plan is compatible with adopted park design guidelines; and

(b) if significant historic, cultural, or archaeological sites are located on the property.

- (B) In a primary setback area:
- (1) except as otherwise provided in this subsection, parking areas and structures are prohibited; and
 - (2) park facilities, including picnic tables, observation decks, trails, gazebos, and pavilions, are permitted if:
 - (a) the park facilities are located on public park land; and
 - (b) the impervious cover does not exceed 15 percent.
- (C) In a secondary setback area:
- (1) fountains, patios, terraces, outdoor restaurants, and similar uses are permitted; and
 - (2) impervious cover may not exceed 30 percent.
- (D) This subsection provides requirements for parking areas.
- (1) Surface parking:
 - (a) must be placed along roadways, if practicable; and
 - (b) must be screened from views from Town Lake, the Colorado River, park land, and the creeks named in this part.
 - (2) A parking structure that is above grade:
 - (a) must be on a pedestrian scale and either architecturally integrated with the associated building or screened from views from Town Lake, the Colorado River, park land, and the creeks named in this part; and
 - (b) if it is adjacent to Town Lake, the Colorado River, park land, or a creek named in this part, it must incorporate pedestrian oriented uses at ground level.
- (E) This subsection provides design standards for buildings.
- (1) Exterior mirrored glass and glare producing glass surface building materials are prohibited.
 - (2) Except in the City Hall subdistrict, a distinctive building top is required for a building that exceeds a height of 45 feet. Distinctive building tops include cornices, steeped parapets, hipped roofs, mansard roofs, stepped terraces, and domes. To the extent required to comply with the requirements of Chapter 13-1, Article 4 (*Heliports and Helicopter Operations*), a flat roof is permitted.
 - (3) Setback requirements do not apply to a parking structure that is completely below grade.
 - (3) Except in the City Hall subdistrict, a building base wall is required for a building that fronts on Town Lake, Shoal Creek, or Waller Creek, that adjoins public park land or Town Lake, or that is across a street from public park land. The base wall may not exceed a height of 45 feet.
 - (4) A building facade may not extend horizontally in an unbroken line for more than 160 feet.
- (F) Underground utility service is required, unless otherwise determined by the utility provider.

- (G) Trash receptacles, air conditioning or heating equipment, utility meters, loading areas, and external storage must be screened from public view.

Source: Section 13-2-700; Ord. 990225-70; Ord. 990715-115; Ord. 010607-8; Ord. 031211-11.

§ 25-2-722 SPECIAL REGULATIONS FOR PUBLIC WORKS.

- (A) Development of public works in Town Lake Park, including utility construction, flood control channels, and bridge improvements, must be consistent with the Town Lake Park Plan.
- (B) The Watershed Protection and Development Review Department shall review an application for development of public works in Town Lake Park and shall work with the Parks and Recreation Department to implement applicable recommendations by the Comprehensive Watershed Ordinance Task Force that were approved by the council on May 22, 1986.
- (C) The Environmental Board shall review a project if the director determines that the project offers an opportunity for a major urban water quality retrofit. If Land Use Commission review is required, the Environmental Board shall forward its comments to the Land Use Commission.

Source: Section 13-2-700.1; Ord. 990225-70; Ord. 010329-18; Ord. 010607-8; Ord. 031211-11.

§ 25-2-723 SPECIAL REGULATIONS FOR PUBLIC RIGHTS-OF-WAY.

- (A) For a right-of-way described in Subsection (B), development of the right-of-way, including street, sidewalk, and drainage construction, must be compatible with the development of adjacent park land and consistent with the Town Lake Park Plan. Factors to be considered in determining

consistency with the Town Lake Park Plan include park land access, road alignment, utility placement, sidewalk design, railing design, sign design and placement, landscaping, and stormwater filtration.

- (B) Subsection (A) applies to:

- (1) public rights-of-way within or adjoining the boundaries of the WO combining district, including public rights-of-way for streets designated in the Transportation Plan;
- (2) Trinity Street, from Cesar Chavez Street to Fifth Street; and
- (3) Guadalupe Street and Lavaca Street, from Cesar Chavez Street to Fifth Street.

- (C) For a street described in Subsection (D), streetscape improvements that are consistent with the Town Lake Park Plan are required. A streetscape improvement is an improvement to a public right-of-way, and includes sidewalks, trees, light fixtures, signs, and furniture.

- (D) Subsection (C) applies to:

- (1) Barton Springs Road, from Congress Avenue to MoPac Freeway;
- (2) Cesar Chavez Street, from MoPac Freeway to IH-35;
- (3) Congress Avenue, from Riverside Drive to First Street;
- (4) Grove Boulevard, from Pleasant Valley Road to Montopolis Drive;
- (5) Guadalupe Street, from Cesar Chavez Street to Fifth Street;
- (6) Lakeshore Boulevard, from Riverside Drive to Montopolis Drive;

- (7) Lamar Boulevard, from the Union Pacific railroad overpass to Barton Springs Road;
- (8) Lavaca Street, from Cesar Chavez Street to Fifth Street;
- (9) South First Street, from Town Lake to Barton Springs Road; and
- (10) Trinity Street, from Cesar Chavez Street to Fifth Street.

Source: Section 13-2-700.2; Ord. 990225-70; Ord. 031211-11.

Subpart C. Subdistrict Regulations.

§ 25-2-731 AUDITORIUM SHORES SUBDISTRICT REGULATIONS.

- (A) This section applies in the Auditorium Shores subdistrict of the WO combining district.
- (B) The primary setback line is located 1,200 feet landward from the Town Lake shoreline.
- (C) The secondary setback line is the northern boundary of public right-of-way of Barton Springs Road.
- (D) This subsection applies to a nonresidential use in a building adjacent to park land adjoining Town Lake.
 - (1) For a ground level wall that is visible from park land or a public right-of-way that adjoins park land, at least 60 percent of the wall area that is between 2 and 10 feet above grade must be constructed of clear or lightly tinted glass. The glass must allow pedestrians a view of the interior of the building.

- (2) Entryways or architectural detailing is required to break the continuity of nontransparent basewalls.

- (E) The maximum gross floor area at ground level is:

- (1) for a structure in the primary setback area, 2,000 square feet; and
- (2) for a structure in the secondary setback area, 75,000 square feet.

Source: Section 13-2-702(1); Ord. 990225-70; Ord. 031211-11.

§ 25-2-732 BALCONES ROCK CLIFF SUBDISTRICT REGULATIONS.

- (A) This section applies in the Balcones Rock Cliff subdistrict of the WO combining district.
- (B) The primary setback line is located:
 - (1) 75 feet landward from Town Lake shoreline; or
 - (2) 50 feet landward from the Town Lake shoreline, for a single-family lot platted before July 17, 1986 that is either zoned RR or at least 20,000 square feet in size.
- (C) For an area not included in a primary setback area or a secondary setback area, the maximum impervious cover is 30 percent.
- (D) For the exterior of a building visible from park land adjacent to Town Lake, natural building materials are required.
- (E) For the portion of a structure that is visible from the Town Lake shoreline, at least 75 percent of the structure at grade level must be screened with trees and shrubs native to

the Balcones Cliff subdistrict and approved by the city arborist.

Source: Section 13-2-702(o); Ord. 990225-70; Ord. 031211-11.

§ 25-2-733 BUTLER SHORES SUBDISTRICT REGULATIONS.

- (A) This section applies in the Butler Shores subdistrict of the WO combining district.
- (B) The primary setback lines are located:
 - (1) 100 feet landward from the Town Lake shoreline;
 - (2) 35 feet south of the southern boundary of Toomey Road;
 - (3) 35 feet south of the southern boundary of Barton Springs Road;
 - (4) 35 feet north of the northern boundary of Barton Springs Road; and
 - (5) 100 feet from the Barton Creek centerline.
- (C) The secondary setback line is located 100 feet from the primary setback line of Town Lake.
- (D) Impervious cover is prohibited on land with a gradient that exceeds 25 percent.
- (E) This subsection applies to a nonresidential use in a building adjacent to park land adjoining Town Lake.
 - (1) For a ground level wall that is visible from park land or a public right-of-way that adjoins park land, at least 60 percent of the wall area that is between 2 and 10 feet above grade must be constructed of clear or lightly tinted glass. The glass must allow pedestrians a view of the interior of the building.

(2) Entryways or architectural detailing is required to break the continuity of nontransparent basewalls.

(3) Except for transparent glass required by this subsection, natural building materials are required for an exterior surface visible from park land adjacent to Town Lake.

(F) For a structure on property adjacent to and oriented toward Barton Springs Road, a building basewall is required, with a maximum height of:

(1) 45 feet, if north of Barton Springs Road; or

(2) 35 feet, if south of Barton Springs Road.

(G) That portion of a structure built above the basewall and oriented towards Barton Springs Road must fit within an envelope delineated by a 70 degree angle starting at a line along the top of the basewall with the base of the angle being a horizontal plane extending from the line parallel to and away from the surface of Barton Springs Road.

Source: Section 13-2-702(m); Ord. 990225-70; Ord. 031211-11.

§ 25-2-734 EAST RIVERSIDE SUBDISTRICT REGULATIONS.

- (A) This section applies in the East Riverside subdistrict of the WO combining district.
- (B) The primary setback line is located 100 feet landward from the Town Lake shoreline.
- (C) For an area not included in a primary setback area or a secondary setback area, the maximum impervious cover is 50 percent.

Source: Section 13-2-702(i); Ord. 990225-70; Ord. 031211-11.

§ 25-2-735 FESTIVAL BEACH SUBDISTRICT REGULATIONS.

- (A) This section applies in the Festival Beach subdistrict of the WO combining district.
- (B) The primary setback line is located 100 feet landward from the Town Lake shoreline.
- (C) The secondary setback line is located 50 feet landward from the primary setback line.
- (D) For an area not included in a primary setback area or a secondary setback area, the maximum impervious cover is 40 percent.

Source: Section 13-2-702(e); Ord. 990225-70; Ord. 031211-11.

§ 25-2-736 LAMAR SUBDISTRICT REGULATIONS.

- (A) This section applies in the Lamar subdistrict of the WO combining district.
- (B) The primary setback lines are located:
 - (1) 100 feet landward from the Town Lake shoreline; and
 - (2) 90 feet from the Johnson Creek centerline.
- (C) The secondary setback line is located 100 feet landward from the primary setback line that is parallel to the Town Lake shoreline.
- (D) For a structure located within 140 feet of the Johnson Creek centerline, the maximum height is 35 feet.
- (E) Surface parking is prohibited, except for a parking area for buses, van pooling, the handicapped, or public access to park land.
- (F) A garage access point or curb cut is prohibited if the pattern or alignment of the

surrounding, existing sidewalks would be disrupted.

Source: Section 13-2-702(b); Ord. 990225-70; Ord. 000309-39; Ord. 031211-11.

§ 25-2-737 MONTOPOLIS / RIVER TERRACE SUBDISTRICT REGULATIONS.

- (A) This section applies in the Montopolis / Riverside Terrace subdistrict of the WO combining district.
- (B) The primary setback line is located 150 feet landward from the 430 foot contour line along the Colorado River.
- (C) The secondary setback line is located 100 feet landward from the primary setback line.

Source: Section 13-2-702(g); Ord. 990225-70; Ord. 031211-11.

§ 25-2-738 NORTH SHORE CENTRAL SUBDISTRICT REGULATIONS.

- (A) This subsection applies in the North Shore Central subdistrict of the WO combining district.
- (B) The primary setback lines are located:
 - (1) 100 feet landward from the Town Lake shoreline;
 - (2) 60 feet from the Shoal Creek centerline; and
 - (3) 50 feet from the Waller Creek centerline.
- (C) Surface parking is prohibited, except for a parking area for buses, van pooling, taxis, delivery services, commercial loading, public transportation, the handicapped, or public access to park land.

(D) The location of a garage access point or curb cut must minimize the disruption of pedestrian traffic on existing sidewalks.

(E) A structure must fit within an envelope delineated by a 70 degree angle starting at a line 45 feet above the property boundary line nearest Town Lake, Shoal Creek, or Waller Creek, with the base of the angle being a horizontal plane extending from the line parallel to and away from the surface of Town Lake, Shoal Creek, or Waller Creek.

(F) This subsection applies to a nonresidential use in a building adjacent to Town Lake.

(1) For a ground level wall that is visible from park land or a public right-of-way that adjoins park land, at least 60 percent of the wall area that is between 2 and 10 feet above grade must be constructed of clear or lightly tinted glass. The glass must allow pedestrians a view of the interior of the building.

(2) Entry ways or architectural detailing is required to break the continuity of nontransparent basewalls.

(3) Except for transparent glass required by this subsection, natural building materials are required for an exterior surface visible from park land adjacent to Town Lake.

(G) A building may not be constructed within 80 feet of the existing east curb line of Congress Avenue south of First Street.

Source: Section 13-2-702(c); Ord. 990225-70; Ord. 000309-39; Ord. 031211-11.

§ 25-2-739 RAINEY STREET SUBDISTRICT REGULATIONS.

(A) This section applies in the Rainey Street subdistrict of the WO combining district.

(B) The primary setback lines are located:

(1) 150 feet landward from the Town Lake shoreline; and

(2) 50 feet from the Waller Creek centerline.

(C) This subsection applies to property zoned central business district (CBD) after April 17, 2005.

(1) For a building located on Red River Street from Cesar Chavez Street to Driskill Street or River Street from I-35 to River Street's western terminus, the development must have sidewalks not less than ten feet wide along the street frontage.

(2) For a residential or mixed-use building, the maximum building height is 40 feet. This limitation does not apply if at least five percent of the dwelling units on the site are available to house persons whose household income is less than 80 percent of the median income in the Austin statistical metropolitan area, as determined by the director of the Neighborhood Housing and Community Development Office.

(3) A use with a drive-in service is prohibited.

(4) The permitted floor-to-area ratio is 12 to 1 if the building height limitation of 40 feet prescribed by Paragraph (2) does not apply and the development cumulates at least 65 points, as described in this paragraph.

(a) The development qualifies for 10 points if:

(i) at least 10 percent of the gross floor area of the development is used for a residential use; and

- (ii) at least 10 percent of the gross floor area of the development is used for a nonresidential use.
- (b) The development qualifies for 15 points if the development complies with this paragraph.
- (i) Street lights must be installed along the street frontage. The street lights may not be closer together than 88 feet and may not be farther apart than 112 feet.
 - (ii) Conduit for traffic signals and street lighting must be installed along the street frontage. The conduit and its installation must comply with the City's criteria manuals.
 - (iii) Shade trees must be installed along the street frontage. The trees may not be closer together than 22 feet and may not be farther apart than 30 feet. The trees must be Class A trees, as described in the City's criteria manuals.
 - (iv) Benches must be installed along the street frontage. Two benches for each 150 feet of street frontage are required.
 - (v) Trash receptacles must be installed along the street frontage. One trash receptacle for each street adjoining the development is required.
 - (vi) The director shall determine the placement of the street lights, conduit, shade trees, benches, and trash receptacles. Only products approved by the director may be used. The director shall by rule promulgate a list of approved products.
- (c) The development qualifies for 10 points if:
- (i) for a non-residential or mixed-use building:
 1. along not less than 75 percent of the building's street frontage, for a building depth of not less than 20 feet the minimum distance between the finished ground floor of the building and the structural portion of the ceiling is 15 feet; and
 2. for a ground level wall that faces a public street, not less than 50 percent of the wall area that is between two and ten feet above grade is constructed of glass with a visible transmittance rating of 0.6 or higher; or
 - (ii) for a residential building, each ground floor dwelling unit has its principal entrance facing and opening onto the street.
- (d) The development qualifies for five points if at least 10 percent of the development is used for a plaza, square, park, green, or other similar open space.

- (e) The development qualifies for five points if:
- (i) the parking is underground;
 - (ii) the parking is located in an interior court; or
 - (iii) the parking is located in an above-ground parking structure; and
 - 1. the headlights of automobiles in the parking structure are not directly visible from an adjacent building or a building across a street, other than an alley; and
 - 2. automobiles in the parking structure are screened from public view; and
 - (iv) for a parking garage within 50 feet of a public street other than an alley:
 - 1. each floor must be flat, except for access ramps between floors;
 - 2. the minimum distance between a floor and the structural portion of the ceiling is eight feet; and
 - 3. the minimum distance between adjacent floors is ten feet.
- (f) The development qualifies for five points if the development complies with this paragraph.
- (i) For a building adjacent to a historically significant structure, as determined in accordance with Subsection (C)(4)(j), the adjacent portions of the building above the second story are stepped back not less than 15 feet.
 - (ii) Each building has an entrance on each street on which it has frontage.
 - (iii) Each primary building entrance is architecturally differentiated from the entrances to the building's street level businesses, if any.
- (g) The development qualifies for:
- (i) five points if each building achieves at least a two star rating under the Austin Green Building program, as prescribed by a rule adopted in accordance with Chapter 1-2 (*Adoption of Rules*); or
 - (ii) 10 points if each building achieves at least a three star rating under the Austin Green Building program.
- (h) The development qualifies for five points if the development improves street or pedestrian connectivity in the Rainey Street subdistrict. The improvement must be in addition to a sidewalk or street improvement that is already required by this title.
- (i) The development qualifies for 10 points if the development is located along Rainey Street or River Street and each building has:
- (i) a minimum front setback of ten feet; and

(ii) a base wall with a maximum height of 45 feet and a building setback of not less than 15 feet at the top of the base wall.

(j) The development qualifies for five points for each historically significant structure that is preserved on-site or relocated to a site within the Rainey Street subdistrict, up to a maximum of 25 points. A structure is historically significant if the City's historic preservation officer determines that the structure contributes to the historic character of the Rainey Street National Historic Register District.

Source: Section 13-2-702(d); Ord. 990225-70; Ord. 031211-11; Ord. 20050407-063.

§ 25-2-740 RED BLUFF SUBDISTRICT REGULATIONS.

(A) This section applies in the Red Bluff subdistrict of the WO combining district.

(B) The primary setback lines are located:

(1) 40 feet from the 450 foot contour line, from Pleasant Valley road to the extension of Shady Lane; and

(2) 40 feet from the 440 foot contour line from the extension of Shady Lane to US 183.

(C) A secondary setback line is located 110 feet from the corresponding primary setback line.

(D) For the exterior of a building adjacent to Town Lake, natural building materials are required on the exterior surface.

Source: Section 13-2-702(f); Ord. 990225-70; Ord. 031211-11.

§ 25-2-741 SOUTH LAKESHORE SUBDISTRICT REGULATIONS.

(A) This section applies in the South Lakeshore subdistrict of the WO combining district.

(B) The primary setback lines are located:

(1) 65 feet landward from the Town Lake shoreline; and

(2) 50 feet south of Lakeshore Boulevard.

Source: Section 13-2-702(h); Ord. 990225-70; Ord. 031211-11.

§ 25-2-742 SOUTH SHORE CENTRAL SUBDISTRICT REGULATIONS.

(A) This section applies in the South Shore Central subdistrict of the WO combining district.

(B) The primary setback lines are located:

(1) 150 feet landward from the Town Lake shoreline;

(2) 80 feet from the East Bouldin Creek centerline; and

(3) 35 feet north of the northern public right-of-way boundary of Riverside Drive.

(C) The secondary setback lines are located:

(1) 50 feet landward from the primary setback line parallel to the Town Lake shoreline; and

(2) 130 feet from the primary setback line parallel to the East Bouldin Creek centerline.

(D) This subsection applies to a nonresidential use in a building adjacent to park land adjoining Town Lake.

- (1) For a ground level wall that is visible from park land or a public right-of-way that adjoins park land, at least 60 percent of the wall area that is between 2 and 10 feet above grade must be constructed of clear or lightly tinted glass. The glass must allow pedestrians a view of the interior of the building.
 - (2) Entryways or architectural detailing is required to break the continuity of nontransparent basewalls.
 - (3) Except for transparent glass required by this subsection, natural building materials are required for an exterior surface visible from park land adjacent to Town Lake.
- (1) 100 feet landward from the Town Lake shoreline;
 - (2) 80 feet from the East Bouldin Creek centerline; and
 - (3) 80 feet from the Blunn Creek centerline.
- (E) For a structure property adjacent to and oriented toward Riverside Drive, a building base wall is required, with a maximum height of:
 - (1) 45 feet, if north of Riverside Drive; or
 - (2) 35 feet, if south of Riverside Drive.
 - (F) That portion of a structure built above the base wall and oriented toward Riverside Drive must fit within an envelope delineated by a 70 degree angle starting at a line along the top of the base wall with the base of the angle being a horizontal plane extending from the line parallel to and away from the surface of Riverside Drive.

Source: Section 13-2-702(j); Ord. 990225-70; Ord. 031211-11.

§ 25-2-743 TRAVIS HEIGHTS SUBDISTRICT REGULATIONS.

- (A) This section applies in the Travis Heights subdistrict of the WO combining district.
- (B) The primary setback lines are located:

**§ 25-2-744 UNIVERSITY / DEEP EDDY
SUBDISTRICT REGULATIONS.**

- (A) This section applies in the University / Deep Eddy subdistrict of the WO combining district.
- (B) The primary setback lines are located:
 - (1) 200 feet landward from the Town Lake shoreline, between Tom Miller Dam and Red Bud Trail; and
 - (2) 300 feet landward from the Town Lake shoreline, between Red Bud Trail and MoPac Boulevard.
- (C) The secondary setback lines are located:
 - (1) 50 feet landward from the primary setback line, between Tom Miller Dam and Red Bud Trail; and
 - (2) 100 feet landward from the primary setback line, between Red Bud Trail and MoPac Boulevard.
- (D) For a primary setback area, a secondary setback area, or an area within 50 feet of a secondary setback line:
 - (1) the maximum building height is 35 feet; and
 - (2) the floor to area ratio may not be increased under Section 25-2-714 (*Additional Floor Area*).
- (E) For an area not included in a primary setback area or a secondary setback area, the maximum impervious cover is 40 percent.

Source: Section 13-2-702(a); Ord. 990225-70; Ord. 031211-11.

**§ 25-2-745 ZILKER PARK SUBDISTRICT
REGULATIONS.**

- (A) This section applies in the Zilker Park subdistrict of the WO combining district.
 - (B) The primary setback line is located 100 feet landward from the Town Lake shoreline.
 - (C) The secondary setback line is located 700 feet landward from the primary setback line.
 - (D) For an area not included in a primary setback area or a secondary setback area, the maximum impervious cover is 40 percent.
- Source: Section 13-2-702(n); Ord. 990225-70; Ord. 031211-11.*

**§ 25-2-746 CITY HALL SUBDISTRICT
REGULATIONS.**

- (A) This section applies in the City Hall subdistrict of the WO combining district.
- (B) The primary setback line is located 100 feet landward from the Town Lake shoreline.
- (C) A surface parking area located at or above grade is prohibited, except for a parking area for buses, van pooling, taxis, delivery services, commercial loading, public transportation, the handicapped, or public access to park land.
- (D) The location of a garage access point or curb cut must minimize the disruption of pedestrian traffic on existing sidewalks.
- (E) A structure:
 - (1) must fit within an envelope delineated by a 70 degree angle starting at a line 45 feet above the property boundary line nearest Town Lake, with the base of the angle being a horizontal plane extending from the line parallel to and away from the surface of Town Lake; or

(2) may not exceed a height of 100 feet.

(F) This subsection applies to a nonresidential use in a building adjacent to Town Lake.

(1) For a ground level wall that is visible from park land or a public right-of-way that adjoins park land, at least 60 percent of the wall area that is between 2 and 10 feet above grade must be constructed of clear or lightly tinted glass. The glass must allow pedestrians a view of the interior of the building.

(2) Entry ways or architectural detailing is required to break the continuity of nontransparent basewalls.

(3) Except for transparent glass required by this subsection, natural building materials are required for an exterior surface visible from park land adjacent to Town Lake.

Source: Ord. 990715-115; Ord. 031211-11.

Division 9. University Neighborhood Overlay District Requirements.

§ 25-2-751 APPLICABILITY.

This division applies to property in the university neighborhood overlay (UNO) district if the property owner files a site plan and an election for the property to be governed by this division.

Source: Ord. 040902-58.

§ 25-2-752 CONFLICT OF LAW.

For property governed by this division, this division supersedes the other provisions of this title to the extent of conflict.

Source: Ord. 040902-58.

§ 25-2-753 DEFINITIONS; LOCAL USES DESCRIBED.

(A) In this division:

(1) OCCUPANT SPACE means space in a building used for a use other than a parking facility or a mechanical facility.

(2) STREET WALL AREA means the portion of an exterior wall of a building adjacent to a public street other than an alley and accessible from a pedestrian path that extends from the base of street level:

(a) to a maximum height of 65 feet; or

(b) for an accessory parking structure, to a maximum height of two stories.

(B) In this division, a local use is a use that serves the public by providing goods or services in a manner readily accessible by pedestrians or the occupants of the structure in which the uses are located. Local uses include:

(1) administrative and business offices;

(2) art and craft studio;

(3) art gallery;

(4) art workshop;

(5) business and trade school;

(6) consumer convenience services;

(7) consumer repair services;

(8) counseling services;

(9) custom manufacturing;

C7. CITY OF AUSTIN UNIVERSITY NORTH OVERLAY (“UNO”) ORDINANCE

ORDINANCE NO. 040902-58

AN ORDINANCE AMENDING TITLE 25 OF THE CITY CODE TO ADD A NEW UNIVERSITY NEIGHBORHOOD OVERLAY ZONING DISTRICT.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

PART 1. Section 25-2-32(F) of the City Code is amended to read:

(F) Combining districts and map codes are as follows:

(1) historic landmark	H
(2) conditional overlay	CO
(3) neighborhood conservation	NC
(4) planned development area	PDA
(5) waterfront overlay	WO
(6) mixed use	MU
(7) Capitol view corridor	CVC
(8) Capitol dominance	CD
(9) Congress Avenue	CA
(10) East Sixth / Pecan Street	PS
(11) downtown parks	DP
(12) downtown creeks	DC
(13) convention center	CC
(14) central urban redevelopment	CURE
(15) East Austin	EA
(16) neighborhood plan	NP
(17) <u>university neighborhood overlay</u>	<u>UNO</u>

PART 2. Chapter 25-2 of the City Code is amended to add a new Section 25-2-178 to read:

§ 25-2-178 UNIVERSITY NEIGHBORHOOD OVERLAY (UNO) DISTRICT PURPOSE AND BOUNDARIES.

- (A) The purpose of the university neighborhood overlay (UNO) district is to promote high density redevelopment in the area generally west of the University of Texas campus, provide a mechanism for the creation of a densely populated but livable and pedestrian friendly environment, and protect the character of the predominantly single-family residential neighborhoods adjacent to the district.
- (B) The UNO district consists of the following subdistricts:
 - (1) inner west campus subdistrict;
 - (2) outer west campus subdistrict;
 - (3) Guadalupe subdistrict; and
 - (4) Dobie subdistrict.
- (C) The boundaries of the UNO district and each subdistrict are identified in Appendix C (*University Neighborhood Overlay District Boundaries, Subdistrict Boundaries, And Height Limits*) of this chapter.

PART 3. Chapter 25-2, Subchapter C, Article 3 of the City Code is amended to add a new Division 9 to read:

Division 9. University Neighborhood Overlay District Requirements.

§ 25-2-751 APPLICABILITY.

This division applies to property in the university neighborhood overlay (UNO) district if the property owner files a site plan and an election for the property to be governed by this division.

§ 25-2-752 CONFLICT OF LAW.

For property governed by this division, this division supersedes the other provisions of this title to the extent of conflict.

§ 25-2-753 LOCAL USES DESCRIBED.

(A) In this division, a local use is a use that serves the public by providing goods or services in a manner readily accessible by pedestrians or the occupants of the structure in which the uses are located. Local uses include:

- (1) administrative and business offices;
- (2) art and craft studio;
- (3) art gallery;
- (4) art workshop;
- (5) business and trade school;
- (6) consumer convenience services;
- (7) consumer repair services;
- (8) counseling services;
- (9) custom manufacturing;
- (10) day care services (commercial, general, or limited);
- (11) financial services;
- (12) food preparation;
- (13) food sales;
- (14) general retail sales (convenience or general);
- (15) guidance services;
- (16) indoor sports and recreation;
- (17) medical offices (under 5,000 square feet);
- (18) personal improvement services;
- (19) personal services;
- (20) pet services;
- (21) printing and publishing services;
- (22) professional office;
- (23) religious assembly;

- (24) restaurant (general or limited);
- (25) theater; and
- (26) a conditional use in the base zoning district that is approved by the land use commission.

(B) A local use may not include a drive-through facility.

§ 25-2-754 USE REGULATIONS.

- (A) In a nonresidential zoning base district, residential uses are permitted.
- (B) In any base zoning district, a hotel-motel use, a multifamily use, or a group residential use is permitted.
- (C) This subsection applies to a multifamily residential use.
 - (1) Each building must achieve at least a one star rating under the Austin Green Building program.
 - (2) All ground floor dwelling units must be:
 - (a) adaptable for use by a person with a disability; and
 - (b) accessible by a person with a disability from the on-site parking and common facility, if any.
 - (3) At least 10 percent of the dwelling units must be accessible for a person with a mobility impairment.
 - (4) At least two percent of the dwelling units must be accessible for a person with a hearing or visual disability.
 - (5) Each multistory building must be served by an elevator, unless at least 25 percent of the site's dwelling units are located on the ground floor.
 - (6) A parking space must be leased separately from a dwelling unit.
- (D) This subsection governs local uses in a residential base district.
 - (1) Except as provided in Paragraph (2), up to 20 percent of the gross floor area of a site may be used for local uses. At least one-half of the gross floor area of the local uses must be located at street level and accessible from a pedestrian path. In determining these percentages, a nonresidential use that is accessory to the principal residential use or

located in a historic landmark is excluded from the gross floor area of the local uses.

- (2) Up to 100 percent of the gross floor area of a structure may be used for local uses if the structure is:
 - (a) a historic landmark or the structure contains less than 10,000 square feet of gross floor area and is the only structure on the site; or
 - (b) less than 60 feet in height and located on:
 - (i) Guadalupe Street between Martin Luther King, Jr. Blvd. and 29th Street;
 - (ii) Martin Luther King Jr., Blvd. between Guadalupe Street and Rio Grande Street; or
 - (iii) 24th Street between Guadalupe Street and Rio Grande Street.

(E) This subsection applies to commercial off-street parking.

- (1) Commercial off-street parking on a surface lot is prohibited.
- (2) Commercial off-street parking in a structure is:
 - (a) permitted in any base zoning district in the Guadalupe, Dobie, or inner west campus subdistrict; and
 - (b) prohibited in the outer west campus subdistrict.
- (3) The street level portion of a commercial off-street parking structure that is accessible from a pedestrian path must contain local uses for a depth of at least 18-1/2 feet. This requirement does not apply to a portion of the structure used for an entrance or exit.

(F) A cocktail lounge is a conditional use if it is accessory to a hotel-motel use with at least 50 rooms.

§ 25-2-755 MINIMUM LOT AREA.

The minimum lot area is 2,500 square feet.

§ 25-2-756 HEIGHT.

(A) Except as provided in Subsection (B), maximum heights for structures are prescribed by Appendix C (*University Neighborhood Overlay District Boundaries, Subdistrict Boundaries, And Height Limits*).

(B) In the outer west campus subdistrict, a structure with a multi-family residential use may exceed by 15 feet the maximum height prescribed by Appendix C (*University Neighborhood Overlay District Boundaries, Subdistrict Boundaries, And Height Limits*) if:

- (1) the structure is located in an area for which the maximum height is at least 50 feet; and
- (2) the multi-family residential use, for a period of not less than 15 years from the date a certificate of occupancy is issued, sets aside at least:
 - (a) 10 percent of the dwelling units on the site to house persons whose household income is less than 80 percent of the median income in the Austin statistical metropolitan area, as determined by the director of the Austin Neighborhood Housing and Community Development Office; and
 - (b) 10 percent of the dwelling units on the site to house persons whose household income is less than 50 percent of the median income in the Austin statistical metropolitan area, as determined by the director of the Austin Neighborhood Housing and Community Development Office.

§ 25-2-757 SETBACKS.

- (A) There are no minimum front yard or street side yard setbacks, except:
- (1) the minimum setbacks are 10 feet along Martin Luther King, Jr. Blvd. between Rio Grande Street and San Gabriel Street; and
 - (2) the minimum front yard setback is two feet along Graham Place, West 24½ Street, San Pedro Street, West 21st Street, and Hume Place.
- (B) The maximum front yard setback and the maximum street side yard setback are 10 feet, except:
- (1) the maximum setbacks are 15 feet along 24th Street or along Martin Luther King, Jr. Blvd. between Rio Grande Street and San Gabriel Street;
 - (2) the maximum setbacks are 45 feet for a public plaza or private common open space;
 - (3) there are no maximum setbacks for a pedestrian entry court or an outdoor cafe; and

(4) the director of the Watershed Protection and Development Review Department may modify a maximum setback if the director determines that the modification is required to protect a historic structure or a tree designated as significant by the city arborist.

- (C) There is no minimum or maximum interior side yard setback.
- (D) There is no minimum or maximum rear yard setback.
- (E) A building must be at least 12 feet from the front face of the curb of the adjacent street.

§ 25-2-758 BUILDING STEPBACKS AND BUILDING ENVELOPE RESTRICTION.

(A) Except as provided in Subsection (B):

- (1) if an exterior wall of a building is adjacent to a street other than an alley, at a height of 60 feet, the upper portion of the wall must be set back from the lower portion of the wall by a distance of at least 12 feet; and
- (2) if the north side of a building is adjacent to a street other than an alley and is greater than 60 feet in height, the upper portion of the north side of the building must be set back within a building envelope that is formed by a plane that extends from the top of the lower portion of the north side exterior wall toward the building at an angle of 62 degrees above horizontal.

(B) If a building facade abuts street frontage for a distance of at least 280 feet, Subsection (A) does not apply to:

- (1) 15 percent of the length of a building facade that faces east, south, or west; or
- (2) 20 percent of the length of a building facade that faces north.

§ 25-2-759 STREET WALL AREAS ADJACENT TO OCCUPANT SPACE.

(A) In this section:

- (1) OCCUPANT SPACE means space in a building used for a use other than a parking facility or a mechanical facility.
- (2) STREET WALL AREA means the portion of an exterior wall of a building adjacent to a public street other than an alley and accessible from a pedestrian path that extends from the base of street level:

- (a) to a maximum height of 60 feet; or
 - (b) for an accessory parking structure, to a maximum height of two stories.
- (B) At least 42 percent of the street wall area of a building must be adjacent to occupant space.
- (C) If a building has street wall areas on more than one street, at least 29 percent of the total street wall area must be adjacent to occupant space on a street that runs east and west.
- (D) This section does not apply to a commercial off-street parking structure.

§ 25-2-760 STREETScape IMPROVEMENTS.

- (A) Except as provided in Subsection (B), a site owner shall install a sidewalk not less than 12 feet wide along each street frontage adjacent to the site.
- (B) A site owner shall install a sidewalk not less than five feet wide along West 24½ Street, San Pedro Street, West 21st Street, Hume Place, or Salado Street.
- (C) A site owner shall plant and maintain trees along an adjacent street right-of-way.
- (1) Trees must be spaced to create a nearly contiguous canopy when the trees reach maturity.
 - (2) A tree must be in scale with the adjacent building.
 - (3) A tree planted in a sidewalk area must have a tree grating.
- (D) A site owner shall install and maintain pedestrian-scale lighting along an adjacent street right-of-way.
- (E) The director of the Watershed Protection and Development Review Department shall adopt rules prescribing the requirements for tree planting and maintenance and the installation and maintenance of pedestrian-scale lighting.
- (F) The director of the Watershed Protection and Development Review Department may require fiscal security to ensure compliance with this section.

§ 25-2-761 PLACEMENT OF EQUIPMENT AND TRASH RECEPTACLES.

Utility equipment, mechanical equipment, and large trash receptacles:

- (1) are prohibited in the area between a building and a street; and

(2) must not be visible from a street.

§ 25-2-762 SITE ACCESS.

- (A) Vehicular access from a site to a public street is limited to two curb cuts.
- (B) Vehicular access to a site from 20th Street, 21st Street, 22nd Street, 23rd Street, 25th Street, 26th Street, 27th Street, or 28th Street between Guadalupe Street and Pearl Street is prohibited if the site has frontage on another street or alley.
- (C) A site with access to an alley must use the alley or a parking structure for service and delivery access.
- (D) A site that does not have access to an alley must provide a service and delivery area that is at least 30 feet deep, measured from the front setback line or side setback line, as applicable.
- (E) The director of the Watershed Protection and Development Review Department may waive or modify a requirement of this section if the director determines that the waiver or modification is necessary for adequate traffic circulation or public safety.

§ 25-2-763 CERTAIN REGULATIONS INAPPLICABLE OR SUPERSEDED.

- (A) The following provisions of this subchapter do not apply:
 - (1) maximum floor-to-area ratios;
 - (2) maximum building coverage percentages;
 - (3) Article 9 (*Landscaping*); and
 - (4) Article 10 (*Compatibility Standards*), if the property is at least 75 feet from the boundary of the university neighborhood overlay district.
- (B) Impervious cover limitations of this subchapter are superseded by this subsection. Maximum impervious cover is:
 - (1) 100 percent in the inner west campus and Guadalupe subdistricts;
 - (2) the greater of 90 percent or the percentage permitted in the base zoning district in the outer west campus subdistrict; and
 - (3) the greater of 85 percent or the percentage permitted in the base zoning district in the Dobie subdistrict.

- (C) For a multi-family residential use, minimum site area and open space requirements of this subchapter do not apply.

§ 25-2-764 DESIGN GUIDELINES.

- (A) A site plan must substantially comply with the design guidelines prescribed by administrative rule. An applicant shall file with the site plan a building elevation drawing that demonstrates substantial compliance with the design guidelines.
- (B) The director of the Watershed Protection and Development Review Department shall determine whether a site plan substantially complies with the design guidelines.
- (C) The director of the Watershed Protection and Development Review Department may waive a provision of the design guidelines if the director determines that the provision is unreasonable or impractical as applied to the site plan and that, with the waiver, the site plan will still substantially comply with the design guidelines. A waiver under this subsection must be the minimum departure from the provision necessary to avoid an unreasonable or impractical result.
- (D) An interested party may appeal to the land use commission:
- (1) a determination by the director of the Watershed Protection and Development Review Department that a site plan substantially complies with the design guidelines; or
 - (2) a decision by the director of the Watershed Protection and Development Review Department granting or denying a waiver under Subsection (C).

§ 25-2-765 AFFORDABLE HOUSING.

- (A) A multi-family residential use established after [effective date of ordinance] must, for a period of not less than 15 years from the date a certificate of occupancy is issued, set aside at least:
- (1) 10 percent of the dwelling units on the site to house persons whose household income is less than 80 percent of the median income in the Austin statistical metropolitan area, as determined by the director of the Austin Neighborhood Housing and Community Development Office; and
 - (2) except as provided in Subsection (B), an additional 10 percent of the dwelling units on the site to house persons whose household income is less than 65 percent of the median income in the Austin statistical

metropolitan area, as determined by the director of the Austin Neighborhood Housing and Community Development Office.

- (B) The University Neighborhood District Housing Trust Fund is established. Instead of complying with Paragraph (A)(2), a person may pay into the fund a fee of \$0.50 for each square foot of net rentable floor area in the multi-family residential use development.
- (C) The director of the Austin Neighborhood Housing and Community Development Office may allocate money from the University Neighborhood District Housing Trust Fund for housing development in the university neighborhood overlay district that provides at least 10 percent of its dwelling units to persons whose household income is less than 50 percent of the median income in the Austin statistical metropolitan area, as determined by the director of the Austin Neighborhood Housing and Community Development Office, for a period of not less than 15 years from the date a certificate of occupancy is issued.

PART 4. Section 25-6-478(B) of the City Code is amended to read:

(B) This section does not apply:

- (1) to property in a central business (CDB) district or downtown mixed use (DMU) district;
- (2) to commercial, industrial, or civic use in a traditional neighborhood (TN) district;
- (3) to a corner store special use; neighborhood mixed use building special use; commercial, industrial, or civic use portion of a neighborhood urban center special use; or commercial or civic use portion of a residential infill special use;
- (4) to property in the university neighborhood overlay (UNO) district; or
- (5) [~~(4)~~] if the off-street parking requirement has been modified under Section 25-6-473 (*Modification Of Parking Requirement*) or Section 25-6-476 (*Parking For Mixed-Use Developments*).

PART 5. Chapter 25-6, Article 7 of the City Code is amended to add a new Division 6 to read:

Division 6. Special Provisions For The University Neighborhood Overlay District.

§ 25-6-601 PARKING REQUIREMENTS FOR UNIVERSITY NEIGHBORHOOD OVERLAY DISTRICT.

- (A) Except as otherwise provided in this section, the minimum off-street parking requirement in the university neighborhood overlay district is 60 percent of that prescribed by Appendix A (*Tables Of Off-Street Parking And Loading Requirements*).
- (B) Off-street parking is not required for a commercial use if the use:
 - (1) occupies less than 6,000 square feet of gross floor area; or
 - (2) is located on:
 - (a) Guadalupe Street between Martin Luther King, Jr. Blvd. and West 29th Street; or
 - (b) West 24th Street between Guadalupe Street and Rio Grande Street.
- (C) For a multi-family residential use, the minimum off-street parking requirement is 40 percent of that prescribed by Appendix A (*Tables Of Off-Street Parking And Loading Requirements*) if the multi-family residential use:
 - (1) participates in a car sharing program that complies with the program requirements prescribed by administrative rule, as determined by the director of the Watershed Protection and Development Review Department; or
 - (2) sets aside for a period of not less than 15 years from the date a certificate of occupancy is issued at least 10 percent of the dwelling units on the site to house persons whose household income is less than 50 percent of the median income in the Austin statistical metropolitan area, as determined by the director of the Austin Neighborhood Housing and Community Development Office, in addition to complying with Section 25-2-765 (*Affordable Housing*).

PART 6. Chapter 25-2 of the City Code is amended to add a new Appendix C to read:

APPENDIX C

UNIVERSITY NEIGHBORHOOD OVERLAY DISTRICT BOUNDARIES, SUBDISTRICT BOUNDARIES, AND HEIGHT LIMITS

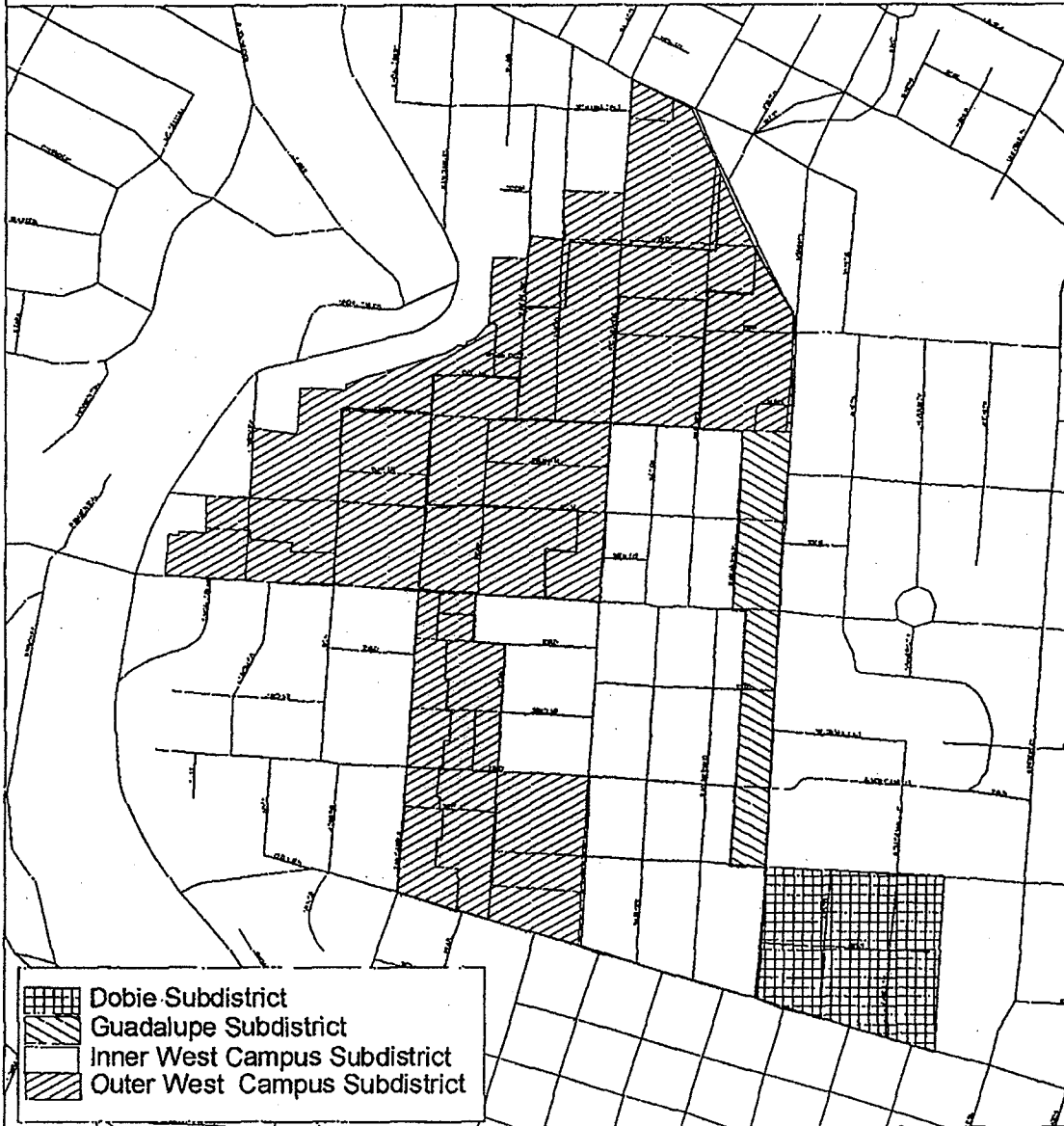
University Neighborhood Overlay District Boundaries

The university neighborhood overlay district is indicated on the subdistrict boundaries map and includes the area bounded:

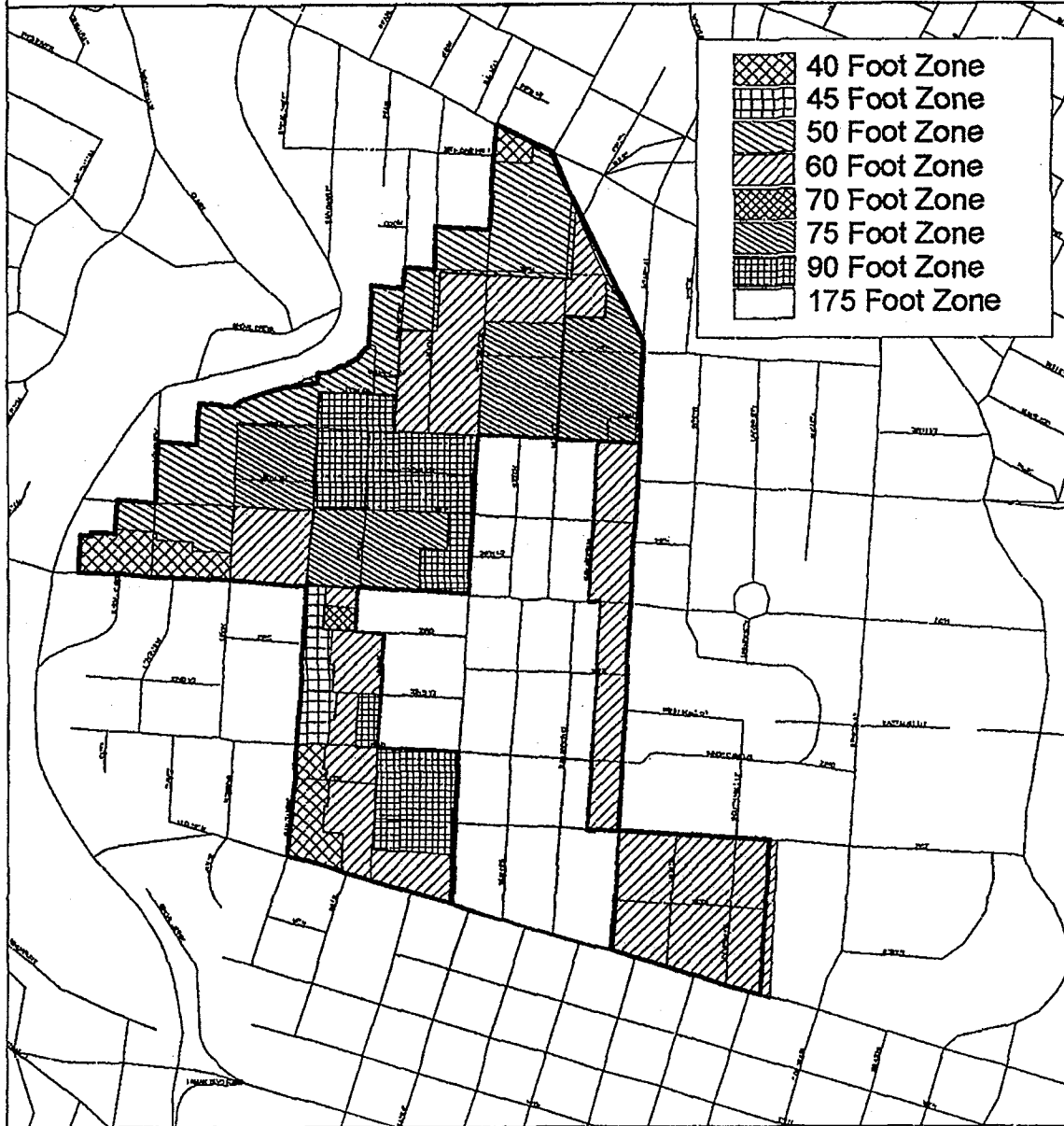
- (1) on the north by a line along West 29th Street from Rio Grande Street to Guadalupe Street;
- (2) on the east by a line along Guadalupe Street from West 29th Street to West 21st Street; West 21st Street from Guadalupe Street to the eastern ally of University Avenue; the eastern alley of University Avenue from West 21st Street to West MLK Jr. Boulevard;
- (3) on the south by a line along West MLK Jr. Boulevard from the eastern alley of University Avenue to San Gabriel Street; and
- (4) on the west by a line along San Gabriel Street to West 24th Street; west along West 24th Street to the western lot line of lot One of the Resubdivision of a Portion of Outlot Forty-Three; north along the western lot line of lot One of the Resubdivision of a Portion of Outlot Forty-Three to the alley between Lamar Boulevard and Longview Street; north along the alley to West 25th Street; east along West 25th Street to Longview Street; north along Longview Street to the northern lot line of lot Fifteen, Block Five of the Subdivision of Outlots Forty-Three, Forty-Four, Forty-Five and Fifty-Five; east along the northern lot line of lot Fifteen, Block Five of the Subdivision of Outlots Forty-Three, Forty-Four, Forty-Five and Fifty-Five to the alley between Longview Street and Leon Street; north along the ally to the northern lot line of lot Twenty-Three, Block Four of the Subdivision of Outlots Forty-Three, Forty-Four, Forty-Five and Fifty-Five; east along the northern lot line of lot Twenty-Three, Block Four of the Subdivision of Outlots Forty-Three, Forty-Four, Forty-Five and Fifty-Five to the northern lot lines of lots Twenty-Nine, Thirty, Thirty-One, Thirty-Two, and Three of the Harwood Subdivision; along the northern lot lines of lots Twenty-Nine, Thirty, Thirty-One, Thirty-Two, and Three of the Harwood Subdivision to San Gabriel Street; north along San Gabriel Street to the northern lot line of the Graham Subdivision of Outlots Fifty-Nine, Sixty, Sixty-Four, and the North Half of Fifty-Two; along the northern lot line of the

Graham Subdivision of Outlots Fifty-Nine, Sixty, Sixty-Four, and the North Half of Fifty-Two to a point 160' east of San Pedro Street of the southern lot line of lot One of the Gortons Addition; from this point north to a point 160' east of San Pedro Street on the northern lot line of lot Four of the Gortons Addition; east along the northern lot line of lot Four of the Gortons Addition to San Pedro Street; north along San Pedro Street to West 28th Street; west along 28th Street to Salado Street; north along Salado Street to an alley on the northern lot line of Outlot 67, Division D of the Graham Subdivision; east along the alley to Rio Grande Street; north along Rio Grande Street to West 29th Street.

University Neighborhood Overlay Subdistrict Boundaries



University Neighborhood Overlay Height Limits



PART 7. This ordinance takes effect on September 13, 2004.

PASSED AND APPROVED

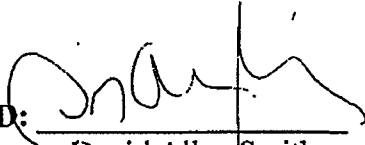
September 2, 2004

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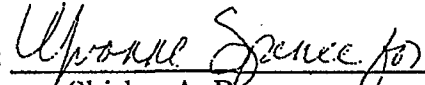
Will Wynh
Mayor

APPROVED:



David Allan Smith
City Attorney

ATTEST:



Shirley A. Brown
City Clerk

ORDINANCE NO. 20050519-Z001

AN ORDINANCE AMENDING SECTIONS 25-2-753 AND 25-2-754 OF THE CITY CODE RELATING TO LOCAL USES IN THE UNIVERSITY NEIGHBORHOOD OVERLAY DISTRICT.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

PART 1. Section 25-2-753(A) of the City Code is amended to read:

(A) In this division, a local use is a use that serves the public by providing goods or services in a manner readily accessible by pedestrians or the occupants of the structure in which the uses are located. Local uses include:

- (1) administrative and business offices;
- (2) art and craft studio;
- (3) art gallery;
- (4) art workshop;
- (5) business and trade school;
- (6) consumer convenience services;
- (7) consumer repair services;
- (8) counseling services;
- (9) custom manufacturing;
- (10) day care services (commercial, general, or limited);
- (11) financial services;
- (12) food preparation, in conjunction with food sales, general restaurant or limited restaurant accessory use;
- (13) food sales;
- (14) general retail sales (convenience or general);
- (15) guidance services;

- (16) indoor sports and recreation;
- (17) medical offices (under 5,000 square feet);
- (18) personal improvement services;
- (19) personal services;
- (20) pet services;
- (21) printing and publishing services;
- (22) professional office;
- (23) religious assembly;
- (24) restaurant (general or limited);
- (25) theater; and
- (26) a conditional use in the base zoning district that is approved by the land use commission.

PART 2. Section 25-2-754(D) of the City Code is amended to read:

(D) Local uses are permitted in any base district, subject to the limitations of this subsection. ~~[This subsection governs local uses in a residential base district.]~~

(1) In the outer west campus subdistrict, local uses are not permitted in a residential base district unless the property:

(a) has a permitted building height of 75 feet or greater; or

(b) is zoned historic and has a permitted building height of 60 feet or greater.

(2) ~~[(1)]~~ Except as provided in Paragraph **(3)** ~~[(2)]~~, up to 20 percent of the gross floor area of a site may be used for local uses. At least one-half of the gross floor area of the local uses must be located at street level and accessible from a pedestrian path. In determining these percentages, a nonresidential use that is accessory to the principal residential use or located in a historic landmark is excluded from the gross floor area of the local uses.

(3) ~~[(2)]~~ Up to 100 percent of the gross floor area of a structure may be used for local uses if the structure ~~[is]~~:

- (a) is a historic landmark and is located entirely in a subdistrict having a permitted building height of 60 feet or greater; or [the structure]
- (b) was constructed before September 13, 2004, contains less than 10,000 square feet of gross floor area, is less than 60 feet in height, and is located in the inner west campus or Guadalupe subdistricts or on; [and is the only structure on the site; or
- ~~(b) less than 60 feet in height and located on:]~~
- (i) Guadalupe Street between Martin Luther King, Jr. Blvd. and 29th Street;
- (ii) Martin Luther King, Jr. Blvd. between Guadalupe Street and Rio Grande Street; ~~[or]~~
- (iii) Rio Grande Street between 23rd Street and 24th Street;
- (iv) 23rd Street between Guadalupe Street and Rio Grande Street; or
- (v) [(iii)] 24th Street between Guadalupe Street and Rio Grande Street.

PART 3. This ordinance takes effect on May 30, 2005.

PASSED AND APPROVED

_____ May 19 _____, 2005

§
§
§

Will Wynn
Mayor

APPROVED:

David Allan Smith
City Attorney

ATTEST:

Shirley A. Brown
City Clerk

ORDINANCE NO. 20070726-132

AN ORDINANCE AMENDING SECTION 25-2-763 AND CHAPTER 25-10 OF THE CITY CODE RELATING TO SIGN REGULATIONS FOR THE UNIVERSITY NEIGHBORHOOD OVERLAY DISTRICT.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

PART 1. Section 25-2-763 (*Certain Regulations Inapplicable Or Superseded*) of the City Code is amended to add Subsection (D) to read:

- (D) Special regulations governing signs in university neighborhood overlay district are in Section 25-10-133 (*University Neighborhood Overlay Zoning District Signs*).

PART 2. Chapter 25-10 (*Sign Regulations*) of the City Code is amended to add Section 25-10-133 to read:

§ 25-10-133 UNIVERSITY NEIGHBORHOOD OVERLAY ZONING DISTRICT SIGNS.

- (A) This section applies to property that is:
- (1) within the university neighborhood overlay (UNO) zoning district; and
 - (2) outside a historic sign district.
- (B) This section supersedes the other provisions of this article to the extent of conflict.
- (C) A sign may not exceed 100 square feet of sign area, except that this limitation does not apply along the following roadways:
- (1) Guadalupe Street, from Martin Luther King, Jr. Blvd. to West 29th Street;
 - (2) West 24th Street, from Guadalupe Street to Leon Street;
 - (3) Martin Luther King, Jr. Blvd., from Pearl Street to the alley one block east of University Avenue; and
 - (4) West 29th Street, from Guadalupe Street to Rio Grande Street.
- (D) A freestanding sign is prohibited.

- (E) A roof sign is prohibited.
- (F) A sign is prohibited above the second floor of a building, except for a sign that displays only the building name.
- (G) A wall sign may be a projecting sign if the sign complies with this subsection.
 - (1) One projecting sign for each building facade is permitted.
 - (2) The sign area of a projecting sign may not exceed 35 square feet.
 - (3) A sign may extend from the building facade not more than the lesser of:
 - (a) six feet; or
 - (b) a distance equal to two-thirds the width of the abutting sidewalk.
 - (4) For a sign that projects over state right-of-way, the state must approve the sign.

PART 3. Section 25-10-153 (*Sidewalk Sign In Downtown Sign District*) of the City Code is amended to amend the section name and Subsection (A) to read:

§ 25-10-153 SIDEWALK SIGNS [~~SIGN IN DOWNTOWN SIGN DISTRICT~~].

- (A) A sidewalk sign is permitted in the downtown sign district or on property in the university neighborhood overlay (UNO) zoning district.

PART 4. This ordinance takes effect on August 6, 2007.

PASSED AND APPROVED

 July 26, 2007

§
 §
 § _____
 Will Wynn
 Mayor

APPROVED: _____
 David Allan Smith
 City Attorney

ATTEST: _____
 Shirley A. Gentry
 City Clerk

C8. CITY OF AUSTIN VERTICAL MIXED-USE (“VMU”) OVERLAY DISTRICT ORDINANCE (AS CODIFIED)

4. The building has 40 percent glazing on the front facade and 25 percent glazing and cutouts on each side visible to the public with a Visible Transmittance (VT) of 0.6 or higher; and
5. The building has a Green Building rating of at least 2 stars.
3. Pad sites shall not have any parking located between the building and the street on Core Transit Corridors, Urban Roadways and Suburban Roadways.

Source: Ord. 20060831-068.

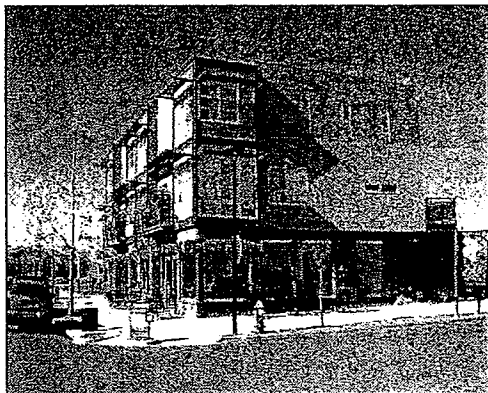
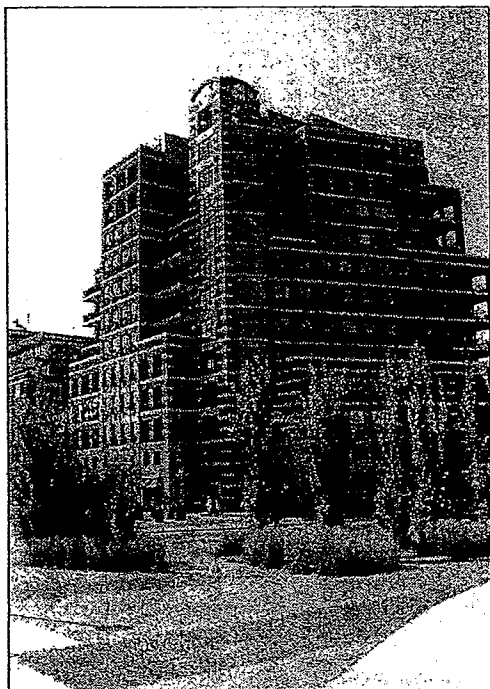
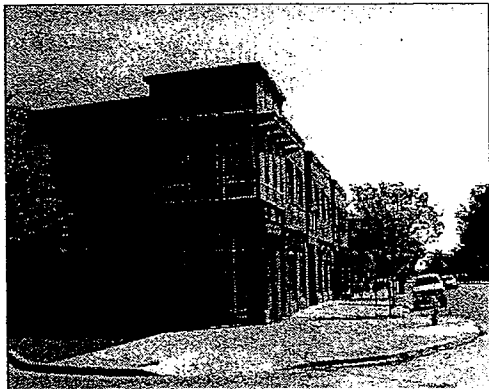
ARTICLE 4: MIXED USE.

- B. Pad-site Buildings with Drive-In and/or Drive-Through Services.** Instead of complying with Section 3.3.2. above, a pad-site building with a drive-in and/or drive-through services, or a single-use drive-in use not located on a Core Transit Corridor, may comply with the following standards:

1. The use of trademarked design features (not including signs or paint colors) above 12 feet is prohibited; and
2. The portion of the building below 12 feet consists of one of the following:
 - a. Limestone; or
 - b. Brick that has a different color than the trademarked brick color; or
 - c. For a building that occupies a pad or portion of a building within a planned project or shopping center, the building has similar design characteristics as the rest of the shopping center. This includes use of similar materials, patterns, rhythms, and proportions to the rest of the center.

§ 4.1. INTENT.

This Article 4 is intended to provide for and encourage development and redevelopment that contains a compatible mix of residential, commercial, and institutional uses within close proximity to each other, rather than separating uses. The mixed use provisions define the uses of land and the siting and character of the improvements and structures allowed on the land in a manner that encourages a balanced and sustainable mix of uses. They promote an efficient pedestrian-access network that connects the nonresidential and residential uses and transit facilities. Redevelopment of underutilized parcels and infill development of vacant parcels should foster pedestrian-oriented residential and mixed use development. (See Figure 52.)



COMMENTARY: MIXED USE DEVELOPMENT IN AUSTIN GENERALLY

The City of Austin allows and encourages the development of mixed use projects. Mixed use development integrates two or more land uses, such as residential and commercial, with a strong pedestrian orientation. Requirements and standards for mixed use development appear in various places throughout the Austin City Code.

Zoning Districts in which Mixed Use is Allowed and Encouraged

The following districts are intended, primarily for mixed use development and are described more fully in Section 4.2 below:

- Mixed Use Combining District (Section 4.2.1.).
- Vertical Mixed Use Overlay District (Section 4.2.2.).

Mixed use development also is allowed in other Austin zoning districts. Some of these districts are listed below and are described more fully in the referenced sections of the Austin Code. This list is not exhaustive, but rather is intended to illustrate the range of districts in which mixed use development is allowed.

- Central Business (CBD) (Section 25-2-100);
- Central Urban Redevelopment (CURE) (Section 25-2-163);
- Downtown Mixed Use (DMU) (Section 25-2-101);
- Planned Development Area (PDA) (Section 25-2-174);
- Planned Unit Development (Section 25-2-144);
- Traditional Neighborhood Development (Section 25-2-146);

Figure 52: Examples of vertical mixed use

- Transit Oriented Development (Section 25-2-147);
- Waterfront Overlay (WO) (Section 25-2-175); and
- University Neighborhood Overlay (UNO) (Section 25-2-178).

Types of Mixed Use Development

Within the districts that allow mixed, use development, uses may be combined either vertically in the same building, or horizontally in multiple buildings, or through a combination of the two, depending on the standards of the district.

Vertical mixed use is allowed in two building types: the Vertical Mixed Use (VMU) Building and the Neighborhood Mixed Use (NMD) Building. Standards for VMU buildings are in Section 4.3. below, and standards for NMU buildings are in Subchapter D, Article 6.

Horizontal mixed use is the mixing of uses in a development project, though not necessarily in the same building. Horizontal mixed use is allowed and encouraged in Austin so long as each of the proposed uses is allowed within the applicable zoning district and the development meets all applicable requirements of the Austin Code.

Source: Ord. 20060831-068.

§ 4.2. MIXED USE ZONING DISTRICTS.

4.2.1. Mixed Use Combining District

- A. **Purpose.** The purpose of a mixed use (MU) combining district is to allow office, retail, commercial, and residential uses to be combined in a single development.
- B. **Base Districts.** A mixed use (MU) combining district may be combined with the following base districts:

1. Neighborhood office, if the use of an MU combining district will further the purpose of the neighborhood office base district;
 2. Limited office;
 3. General office;
 4. Neighborhood commercial;
 5. Community commercial;
 6. General commercial services; and
 7. Commercial liquor sales.
- C. **Uses Allowed.** In the MU combining district, the following uses are permitted:
1. Vertical mixed use buildings, subject to compliance with Section 4.3. of this Subchapter;
 2. Commercial uses that are permitted in the base district;
 3. Civic uses that are permitted in the base district;
 4. Townhouse residential;
 5. Multifamily residential;
 6. Single-family residential;
 7. Single-family attached residential;
 8. Small lot single-family residential;
 9. Two-family residential;
 10. Condominium residential;
 11. Duplex residential;

12. Group residential;
13. Group home, class I (limited);
14. Group home, class I (general); and
15. Group home, class II.

D. District Standards.

1. A single-family residential use must comply with the site development regulations prescribed by Section 25-2-492 (*Site Development Regulations*) for a family residence (SF-3) district, except for the front yard setback. The use must comply with the front yard setback prescribed for the base district.
2. A single-family attached residential use must comply with Section 25-2-772 (*Single-Family Attached Residential Use*).
3. A small lot single-family residential use must comply with Section 25-2-779 (*Small Lot Single-Family Residential Use*).
4. A two-family residential use must comply with Section 25-2-774 (*Two-Family Residential Use*).
5. A duplex residential use must comply with Section 25-2-773 (*Duplex Residential Use*).
6. This subsection applies to a multifamily residential use, a townhouse residential use, a condominium residential use, a group residential use, or a group home use.
 - a. In a mixed use (MU) combining district that is

combined with a neighborhood office (NO) base district, the minimum site area for each dwelling unit is:

- (i) 3,600 square feet, for an efficiency dwelling unit;
- (ii) 4,000 square feet, for a one bedroom dwelling unit; and
- (iii) 4,400 square feet, for a dwelling unit with two or more bedrooms.

- b. In an MU combining district that is combined with an limited office (LO) or neighborhood commercial (LR) base district, the minimum site area for each dwelling unit is:

- (i) 1,600 square feet, for an efficiency dwelling unit;
- (ii) 2,000 square feet, for a one bedroom dwelling unit; and
- (iii) 2,400 square feet, for a dwelling unit with two or more bedrooms.

- c. In an MU combining district that is combined with a general office (GO), community commercial (GR), general commercial services (CS), or commercial services – liquor sales (CS-1) base district, the minimum site area for each dwelling unit is:

- (i) 800 square feet, for an efficiency dwelling unit;
- (ii) 1,000 square feet, for a one bedroom dwelling unit; and
- (iii) 1,200 square feet, for a dwelling unit with two or more bedrooms.

4.2.2. Vertical Mixed Use Overlay District.

A. **Purpose.** The purpose of a vertical mixed use (VMU) overlay district is to allow the development of vertical mixed use (VMU) buildings, subject to compliance with the standards in Section 4.3.

B. **Applicability.** The VMU overlay district is established within each zoning district for all sites with a Core Transit Corridor or Future Core Transit Corridor as the principal street, subject to the following limitations:

- 1. In areas subject to a Neighborhood Plan combining district, VMU buildings may not contain uses prohibited for that lot under the neighborhood plan and are limited to commercially zoned properties.
- 2. In areas that have not undergone the neighborhood planning process, the VMU overlay is limited to commercially zoned properties.
- 3. The VMU overlay district does not apply to properties zoned H (Historic) and properties that are "contributing" structures to a local or National Register historic district.

C. **Uses Allowed.** In a VMU Overlay district, the following uses are permitted:

- 1. Uses that are permitted in the base district; and
- 2. Vertical mixed use buildings, subject to compliance with Section 4.3. of this Subchapter.

Source: Ord. 20060831-068.

§ 4.3. VERTICAL MIXED USE BUILDINGS.

4.3.1. **Applicability.** The following table summarizes the applicability of this section:

Standard	Applies if the Principal Street Is:	Applies to the Following:
Section 4.3. Vertical Mixed Use Buildings	Core Transit Corridor; Future Core Transit Corridor	- Mixed Use Combining District - Vertical Mixed Use Overlay District - Properties that opt in to VMU pursuant to 4.3.5.C.3.
	Highway, Hill Country Roadway, Suburban Roadway, or Urban Roadway	- Mixed Use Combining District - Sites of three acres or more, subject to 4.3.2.B. - Properties that opt in to VMU pursuant to 4.3.5.C.3.

City interpretation of existing technical criteria and development review policies shall be to achieve the policies of this section to promote vertical mixed use. Any technical criteria shall

include consideration of pedestrian level of service and not solely automobile level of service and shall include traffic impact analyses methodologies for traffic capture rather than methodologies for disaggregated single-use developments.

4.3.2. Where Allowed.

- A. A VMU building is allowed in the following zoning districts:
1. Mixed use (MU) combining district; and
 2. Vertical mixed use (VMU) overlay district, subject to the limitations of Section 4.3.2.C.
- B. In addition, for sites not in the MU combining district or the VMU overlay district, a VMU building may be allowed through the conditional use permit process on any development site of three acres or more that has a Highway, Hill Country Roadway, Suburban Roadway, or Urban Roadway as the principal street, subject to the following limitations:
1. In areas subject to a Neighborhood Plan combining district, a VMU building may not contain uses prohibited for that lot under the Neighborhood Plan combining district.
 2. In areas that have not undergone the neighborhood planning process, a VMU building is allowed only on commercially zoned properties.
 3. A VMU building allowed under this section may only contain uses permitted in the base zoning district, as modified by Section 4.3.3.C.2.

- C. This subsection applies to property in a VMU overlay district that is used exclusively for residential use and that is not designated as a MU combining district. A VMU building is allowed only:

1. through the opt-in process described in Section 4.3.5.C.5; or
2. through the conditional use permit process.

4.3.3. Standards. A building shall meet the following requirements:

- A. **Pre-Application Conference.** Prior to filing any application for a development that will contain a VMU building, the developer shall request in writing a pre-application conference with the Director. The purpose of a pre-application conference is to provide an opportunity for an informal evaluation of the applicant's proposal and to familiarize the applicant and the city staff with the applicable provisions of this Subchapter such as the VMU affordability requirements, and other issues that may affect the applicant's proposal (e.g., accessibility requirements). The informal evaluation of the Director and staff provided at the conference are not binding upon the applicant or the city, but are intended to serve as a guide to the applicant in making the application.
- B. **Mix of Uses.** A use on the ground floor must be different from a use on an upper floor. The second floor may be designed to have the same use as the ground floor so long as there is at least one more floor above the second floor that has a different use from the first two floors. At least one of the floors shall contain residential dwelling units. (See Figure 53.)

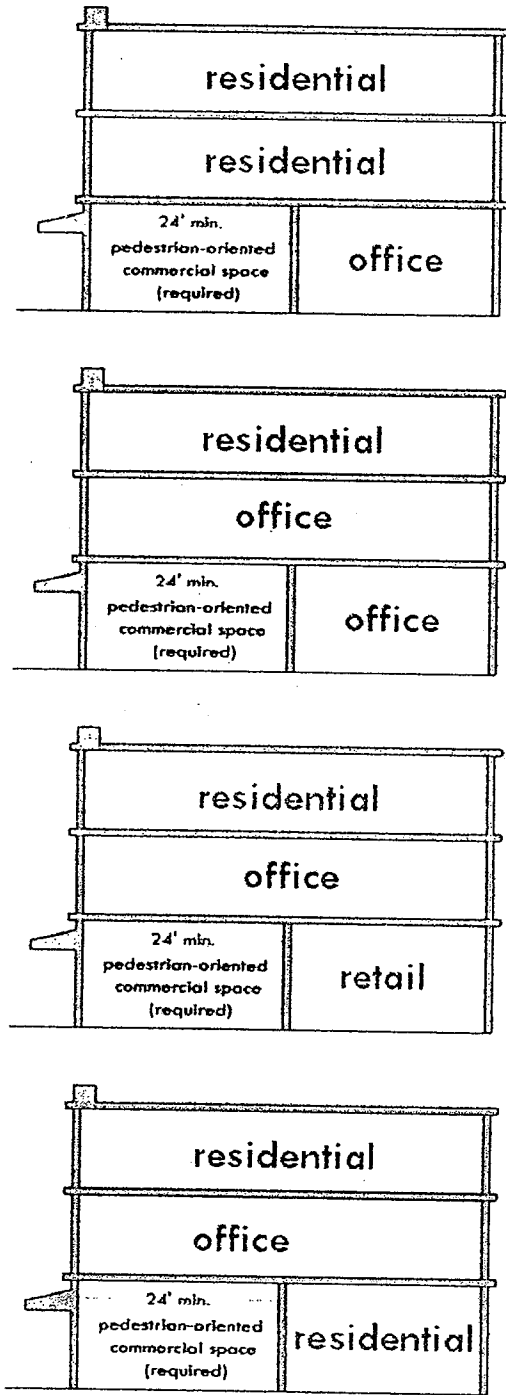


Figure 53: Examples (not a comprehensive list) of use mixes that would meet these requirements

C. **Pedestrian-Oriented Commercial Spaces.** Along at least 75 percent of the building frontage along the principal street, the building must be designed for commercial uses in ground-floor spaces that meet the following standards. A lobby serving another use in the VMU building shall not count as a pedestrian-oriented commercial space for purposes of this section.

1. **Dimensional Requirements.** Each ground-floor commercial space must have: (See Figure 54.)

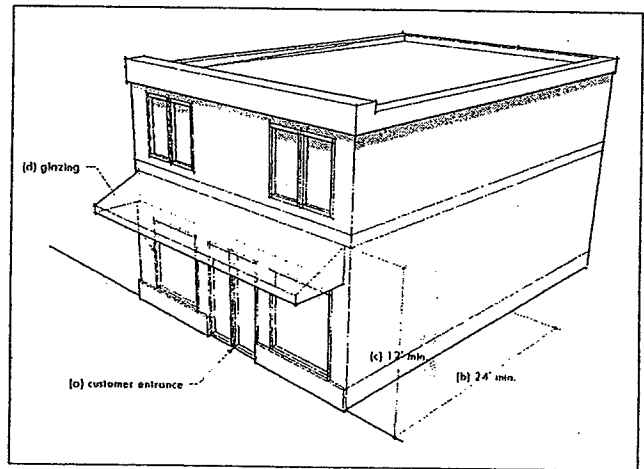


Figure 54: Pedestrian-Oriented Commercial Spaces

- a. A customer entrance that opens directly onto the sidewalk;
- b. A depth of not less than 24 feet;
- c. A height of not less than 12 feet, measured from the finished floor to the bottom of the structural members of the ceiling; and
- d. A front facade that meets the glazing requirements of Section 3.2.2. (See Figure 46.)

2. **Ground-Floor Commercial Uses Allowed.** Any commercial uses allowed in the base zoning district may be allowed at the ground-floor level in VMU buildings. In addition, in office districts the following additional uses may be allowed, except as provided in Section 4.3.5.:

- a. Consumer convenience services;
- b. Food sales;
- c. General retail sales (convenience or general);
- d. Restaurant (limited or general) without drive-in service.

D. **Compatibility Standards.** All VMU buildings are subject to the compatibility standards of Chapter 25-2, Article 10. In case of conflict between the compatibility standards and this Subchapter, the compatibility standards shall control.

E. **Dimensional and Parking Requirements.**

1. VMU buildings are subject to the height restrictions as provided in other sections of this Code.
2. Except as provided in Section 4.3.5., a VMU building that meets the affordability requirements in subsection F. below is not subject to certain dimensional standards applicable in the base zoning district. These standards include the following:
 - a. Minimum site area requirements (if applicable);

- b. Maximum floor area ratio;
- c. Maximum building coverage;
- d. Minimum street side yard setback and interior yard setback; and
- e. Minimum front yard setback; provided, however, that if the right-of-way is less than 60 feet in width, the minimum front yard setback for buildings three or more stories in height shall be 30 feet from the centerline of the street to ensure adequate Fire Department access.

3. For all uses in a VMU building, the minimum off-street parking requirement shall be 60 percent of that prescribed by Appendix A (*Tables of Off-Street Parking and Loading Requirements*). This reduction may not be used in combination with any other parking reduction. Only the parking requirements for commercial uses are subject to modification through the opt-in/opt-out process in Section 4.3.5.

F. **Affordability Requirements.** To be eligible for the dimensional and parking standards exemptions in subsection E. above, the residential units in a VMU building shall meet the following affordability requirements, which shall run with the land.

1. **Affordability Requirements for Owner-Occupied Units.**

- a. Five percent of the residential units in the VMU building shall be reserved as affordable, for not less than

99 years from the date a certificate of occupancy is issued, for ownership and occupancy by households earning no more than 80 percent of the current Annual Median Family Income for the City of Austin Metropolitan Statistical Area as determined by the Director of Neighborhood Housing and Community Development Department.

- b. In addition, five percent of the residential units in the VMU building shall be reserved, for not less than 99 years from the date a certificate of occupancy is issued, for ownership and occupancy by households earning no more than 100 percent of the Annual Median Family Income.
- c. The homeowner association fees for the owner-occupied affordable units may not be set or increased to cause total housing costs to exceed the targeted affordability levels, pursuant to procedures and criteria established by the Director of Neighborhood Housing and Community Development.

2. Affordability Requirements for Rental Units.

- a. Ten percent of the residential units in the VMU building shall be reserved as affordable, for a minimum of 40 years following the issuance of the certificate of occupancy, for rental by

households earning no more than 80 percent of the Annual Median Family Income.

- b. As part of the one-time opt-in/opt-out process described in Section 4.3.5., an applicable neighborhood association or neighborhood planning team may request that the affordable rental units be available for renters earning a lower percentage of the annual median family income, to as low as 60 percent of the median family income. VMU projects that file zoning or site plan applications after the effective date of the first interim VMU ordinance and prior to September 1, 2006, will not be subject to this neighborhood affordability customization; and instead shall set aside affordable rental units as required by subsection 2.a. above or provide for affordable units as otherwise agreed to by an applicable neighborhood prior to September 1, 2006, provided that VMU projects are allowed on the applicable site following the completion of the opt-in/opt-out process.
- c. The city may elect to subsidize an additional ten percent of the residential units in the building for rental purposes for residents at any level of affordability pursuant to criteria and procedures established by the Director.

- 3. **Affordability Definition.** For purposes of subsections 1. and 2.

above, a unit is affordable for purchase or rental if the household is required to spend no more than 30 percent of its gross monthly income on utilities and mortgage or rental payments for the unit.

4. **Fee for Upper-Level Nonresidential Space.** The developers of VMU buildings that contain non-residential uses above the ground-floor shall pay a fee as set by the City Council for all climate-controlled nonresidential space above the ground floor. At the same time that it sets the amount of the fee, the City Council shall also identify a means by which fees paid pursuant to this section shall be reserved only for expenditure within the area of the City from which they were collected.
 5. **Parkland Dedication Fee.** A VMU building that meets the affordability standards of this Section 4.3.3.F. and that is not located on a greenfield development site is exempt from the parkland dedication requirements in Chapter 25-4, Article 3, Division 5.
 6. **Monitoring and Enforcement.** The City shall develop procedures to monitor and enforce this Section 4.3.3.F.
 - G. **Mixed Use Buildings Other than VMU.** If a building that otherwise meets the standards for VMU buildings may be developed using the site development standards of the underlying zoning category, and without the use of the dimensional standard waivers or parking reductions of Section 4.3.3.E., then that building need not comply with the standards (including affordability) that otherwise apply to VMU buildings.
- 4.3.4. **Development Bonuses.** A development that contains at least 100 lineal feet of VMU building frontage along the principal street shall be entitled to the following development bonuses:
- A. The queuing requirements of Chapter 25-6, Appendix A, shall be reduced by 50 percent for each drive-through service in the development, so long as sufficient on-site queuing space exists to ensure queuing does not occur within the public right-of-way.
 - B. The number of connectivity options needed to comply with Section 2.3.2. of this Subchapter shall be reduced by two for each 100 lineal feet of VMU buildings.
 - C. All buildings in the development may aggregate points for building design in Section 3.3 of this Subchapter, rather than each building needing the minimum number of points.
 - D. Except for in the Barton Springs Zone, impervious cover existing as of the effective date of this Subchapter may be retained for redevelopment purposes for VMU buildings no taller than 60 feet and their accompanying structured parking, so long as the redevelopment meets current water quality standards and, for projects in the Drinking Water Protection Zone, the redevelopment incorporates the following measures to provide additional water quality benefits, pursuant to administrative rules to be developed by the Director of the Watershed Protection and Development Review Department:

1. Rainwater collection and reuse;
2. Pervious pavement;
3. Integrated pest management; and
4. Native and adapted landscaping.

E. Expedited Review for Residential Permit Parking Districts. Neighborhoods that do not opt out of the VMU overlay district pursuant to the process established in Section 4.3.5. shall receive expedited review of applications to establish Residential Permit Parking (RPP) districts, for blocks starting within 600 feet of the portion of the Core Transit Corridor or Future Core Transit Corridor within the VMU overlay. The application process shall proceed in the following manner:

1. A petition shall be circulated among all (100%) households within the proposed permit parking area. A minimum of 66.7% (two-thirds) of the signatures must be in a favor of the program. Only one signature for each household will be considered. A household is defined as a residence with a separate mailing address, phone number and/or utility bill. Multi-family properties of more than six units may be considered one household; in such cases, only the owner or manager of the property shall be allowed to sign the petition. The applicable Neighborhood Association must endorse the resident's request for the Residential Permit Parking program.
2. The City's requirement, which would otherwise apply, that a minimum of seventy-five percent (75%) of the available on-street parking spaces must be occupied

during peak parking hours (as determined by the neighborhood) of any two days during a two week period shall be waived.

3. Following the collection of the required signatures and delivery of all necessary RPP request documentation to City staff, staff shall review and act on the application within two weeks. Notice shall be sent to affected residents and the applicable neighborhood association, and signs shall be installed, within six weeks of approval.

4.3.5. Individual Neighborhood Consideration of VMU Requirements ("Opt-in/Opt-out Process")

A. Purpose. The purpose of this subsection is to establish a one-time process, which will begin following the adoption of this Subchapter, whereby individual neighborhoods may consider certain development characteristics of VMU buildings within their boundaries and communicate their preferences to the City Council. No property is eligible for an exemption from the dimensional standards (of Section 4.3.3.E.2.) or for the parking reduction (of Section 4.3.3.E.3.) or for the additional ground-floor uses otherwise authorized by Section 4.3.3.C.2. until the conclusion of the opt-in and opt-out processes described in this section.

B. Procedure.

1. **Initiation.** Upon the adoption date of this Subchapter, the Director shall identify neighborhood areas and notify each neighborhood planning team that the VMU neighborhood consideration process shall be

- initiated. If there is no neighborhood planning team, the applicable neighborhood associations in a neighborhood shall work together to develop an opt-in/opt-out application for the purposes of this section.
2. **Application.** Each neighborhood planning team or neighborhood association shall review the VMU standards in Section 4.3.3. The planning team or applicable neighborhood association may, no later than 90 days after receiving written notice from the Director of this Subchapter's adoption, submit an opt-in/opt-out application to the City Manager concerning any of the items listed in subsection C. below. The planning team or neighborhood association may amend a timely filed application not later than August 9, 2007.
 3. **Planning Commission Recommendation.** The City Manager shall forward any opt-in/opt-out applications received to the Planning Commission, which shall review and make recommendations on all such applications to the City Council.
 4. **City Council Decision.** After considering the Planning Commission's recommendations, the Council may by ordinance approve, approve with conditions, or deny each opt-in/opt-out request. The Council may concurrently amend the appropriate neighborhood plan. The neighborhood plan amendment process does not apply to the amendment.
 5. **Effect of Approval.** Following completion of this one-time opt-in/opt-out process:
 - a. The director shall indicate on the zoning map with map code "V" each property for which council has approved an exemption from the dimensional standards under Section 4.3.3.E.2, a parking reduction under Section 4.3.3.E.3, additional ground floor commercial uses under Section 4.3.3.C.2, or a reduction in the median family income for affordable rental housing under Section 4.3.3.F.2.b.
 - b. Any subsequent amendments to the VMU standards in a neighborhood shall require amendment of the applicable neighborhood plan and neighborhood plan combining district.
 - c. Any property owner or neighborhood association may submit an application to change the VMU rules on a specific property or properties by amending the applicable neighborhood plan and neighborhood plan combining district to opt-in to the exemption from the dimensional standards of Section 4.3.3.E.2 and/or for the parking reduction of Section 4.3.3.E.3 and/or the additional ground-floor uses identified by Section 4.3.3.C.2.

C. Types of Opt-in/Opt-Out Applications. Only the following types of opt-in/opt-out applications may be submitted:

1. VMU Overlay District: Opt-out.

- a. A neighborhood with properties in the VMU overlay district may request that the neighborhood “opt-out” of the dimensional and/or parking standards exemptions in Section 4.3.3.E.2. and 3., and/or the ground-floor commercial uses allowed in Section 4.3.3.C.2. for some or all of the properties within the VMU overlay district. If such an opt-out application is submitted and approved, the applicable standards shall not apply to affected VMU buildings within that neighborhood; instead, such buildings shall be required to comply with all dimensional and/or parking and/or use standards applicable to the base zoning district. Such buildings also shall comply with the applicable minimum site area requirements in the MU combining district; see Section 4.2.1.D.6.
- b. If no opt-out application is submitted on a property, or an opt-out application is submitted and denied, the dimensional and parking standard exemptions in Section 4.3.3.E.2. and 3. and the ground-floor commercial use provisions in Section 4.3.3.C.2. shall apply to all VMU buildings on that property.

2. MU-Designated Properties: Opt-in.

- a. A neighborhood with properties with the MU zoning designation may request to “opt-in” to the dimensional and/or parking standards exemptions in Section 4.3.3.E.2. and 3., and/or the ground floor commercial uses allowed in Section 4.3.3.C.2. for some or all of the properties with the MU zoning designation. If such an opt-in application is submitted and approved, the dimensional and/or parking and/or use standards shall apply to VMU buildings on sites with the MU zoning designation within the applicable neighborhood boundaries.
- b. If no opt-in application is submitted for a property, or an opt-in application is submitted and denied, VMU buildings on a property designated MU shall comply with all dimensional and parking and use standards applicable to the base zoning district and the MU combining district.

3. Properties Not in VMU Overlay District and without MU Designation: Opt-in to VMU.

Any neighborhood that desires to allow VMU buildings within its boundaries on properties that are not otherwise eligible for VMU buildings under this Subchapter may submit an “opt-in” application to allow such development. The application

shall specify the properties on which the neighborhood wishes to allow VMU buildings, whether the ground-floor commercial listed in Section 4.3.3.C.2. should be allowed, and whether the dimensional standard exemptions of Section 4.3.3.E.2. and 3. should apply.

4. **All Properties that Allow VMU Buildings: Affordability Standards.** Also as part of the opt-in/opt-out process, for each neighborhood in which VMU buildings are allowed, the neighborhood association or neighborhood planning team may request that the affordable rental units be available for renters earning a lower percentage of the area median family income, to as low as 60 percent of the median family income, pursuant to Section 4.3.3.F.2.b.
5. **VMU Overlay District: Residential Opt-in.** A neighborhood that desires to allow VMU buildings within its boundaries on property in a VMU overlay district that is used exclusively for residential use and that is not designated as a MU combining district may submit an application to allow the development. The application shall specify the properties on which the neighborhood wishes to allow VMU buildings, whether ground-floor commercial listed in Section 4.3.3.C.2 should be allowed, and whether the dimensional and parking standards of Section 4.3.3.E.2 and 3 should apply.

6. **Removal from the VMU Overlay District.** A neighborhood may request that the Council amend the boundaries of the VMU overlay district to remove a property from the overlay district.

Source: Ord. 20060831-068; Ord. 20070215-071; Ord. 20070621-027; Ord. 20070726-133; Ord. 20071129-098.

ARTICLE 5: DEFINITIONS.

Building Facade Line

A line that is parallel to a lot line or internal circulation route curb line, as applicable, and the same distance from the lot line or curb line as the closest portion of a building.

Civic Buildings

For purposes of this Subchapter, civic buildings shall consist of the following:

- College or University Facilities
- Community Recreation (Public)
- Convention Center
- Cultural Services
- Detention Facilities
- Local Utility Services
- Major Utility Services
- Parks and Recreation Services (General)
- Parks and Recreation Services (Special)
- Postal Services
- Public Primary Education Facilities
- Public Secondary Education Facilities
- Safety Services
- Transportation Terminal

Clear Zone

The area dedicated for an unobstructed sidewalk.

Commercial Use

A use that appears in Section 25-2-4, *Commercial Uses Described*, of the Austin Code.

Core Transit Corridors

Core Transit Corridors are the following roadways:

1. South First Street, north of Ben White Boulevard;

C9. CITY OF AUSTIN PLANNED UNIT DEVELOPMENT (“PUD”) ORDINANCE

ORDINANCE NO. 20080618-098

AN ORDINANCE AMENDING DIVISION 5, SUBCHAPTER B, CHAPTER 25-2, OF THE CITY CODE AND SECTION 2-1-144(I) OF THE CITY CODE REGARDING THE PROCESS AND STANDARDS FOR APPROVAL OF PLANNED UNIT DEVELOPMENTS.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

PART 1. Chapter 25-2, Subchapter B, Article 2, Division 5 (*Planned Unit Developments*) is amended to read as follows:

Division 5. Planned Unit Developments.

Subpart A. General Provisions [~~Previous Approvals; Planned Unit Developments in the Extraterritorial Jurisdiction~~].

1.1. General Intent.

This division provides the procedures and minimum requirements for a planned unit development (PUD) zoning district to implement the goals of preserving the natural environment, encouraging high quality development and innovative design, and ensuring adequate public facilities and services. The Council intends PUD district zoning to produce development that achieves these goals to a greater degree than and that is therefore superior to development under conventional zoning and subdivision regulations.

1.2. Council Authority.

The council retains the legislative authority to determine whether PUD zoning is appropriate regardless of whether the proposed development meets the standards prescribed by this division.

1.3. Pre-Application Filing Requirements and Review Criteria.

1.3.1. Report and Finding Required. The requirements of this section must be fulfilled before the Neighborhood Planning and Zoning Department may accept an application for a PUD zoning district classification.

A. The applicant must obtain a project assessment report on the proposed development from the director of the Neighborhood Planning and Zoning Department. Not later than the 11th day after issuance of the report, the director shall mail notice of the report to the neighborhood plan contact.

team and those entitled to notice under Section 25-1-133(A)(Notice of Applications and Administrative Decisions)

B The director of the Neighborhood Planning and Zoning Department must present the project assessment report at a council meeting and make recommendations regarding the requirements in Section 2 3 (Tier One Requirements), the criteria in Section 2 4 (Tier Two Requirements), and any other applicable requirements or criteria Not later than the 11th day before the date of the meeting, the director of the Neighborhood Planning and Zoning Department shall mail notice of the meeting to those entitled to receive notice of the project assessment report.

1.3.2 Council Response. The council or individual council members may supplement or respond to the recommendation of the director of the Neighborhood Planning and Zoning Department with comments identifying issues that should or must be addressed during subsequent review and consideration of the application A comment does not obligate council members to vote for or against approval of the proposed PUD district zoning

1.3.3. Baseline for Determining Development Bonuses; Estimate of Development Under Existing Zoning. The applicant must recommend and the director of the Neighborhood Planning and Zoning Department shall establish the following in the project assessment report

A. The zoning district or districts that would be most appropriate for the property if it were developed without PUD zoning The district or districts must be consistent with all applicable neighborhood plans or a neighborhood plan amendment initiated concurrently with the request for PUD zoning Unless the council establishes a different baseline as part of a comment under Section 1 3 2 (Council Response), the director's determination establishes the baseline for determining development bonuses under Section 2 5 (Development Bonuses)

B An estimate of the maximum extent of development allowable under the property's existing zoning, including any assumptions used to make the estimate

1.3.5. Fee Credit. The director of the Neighborhood Planning and Zoning Department shall credit the fee for the project assessment toward the zoning application fee if the zoning application is filed not later than one year after the applicant receives the assessment report

1.4. Land Use Plan.

1.4.1. Application Requirements. An application for a PUD zoning district classification must include a land use plan that contains each of the following.

A a general land use map,

B proposed site development regulations,

C the baseline for determining development bonuses under Section 2.5. (*Development Bonuses*), if any,

D a description of any bonuses requested under Section 2.5 (*Development Bonuses*) and the manner in which the bonus requirements are to be satisfied,

E requested waivers from or modifications of the requirements of this code under Section 2.2 (*Modification by Council*), if any, and

F any other information required by the director of the Neighborhood Planning and Zoning Department

1.4.2. Ordinance Requirements. An ordinance classifying land as a PUD zoning district must include a land use plan that meets the requirements of Section 1.4.1 (*Application Requirements*)

1.4.3 Effect of Land Use Plan. The land use plan included in the PUD ordinance establishes the use and site development regulations for development within a PUD zoning district

1.5. [~~§ 25-2-391~~] Planned Unit Developments Approved Before December 15, 1988.

A PUD zoning district approved under regulations applicable before December 15, 1988 is governed by the previous regulations and shall be identified on the zoning map as a PUD district

1.6. [~~§ 25-2-392~~] Planned Unit Developments in the Extraterritorial Jurisdiction.

A [~~(A)~~] The council may designate a planned unit development in the extraterritorial jurisdiction in accordance with state law

B [~~B~~] Unless otherwise agreed by the City and the landowners, a planned unit development must comply with all requirements applicable to a PUD zoning district in the City's zoning jurisdiction

C [~~C~~] Uses allowed in a planned unit development in the extraterritorial jurisdiction are the uses described in the planned unit development agreement

Subpart B. Planned Unit Development Standards [~~Project Assessment; Land Use Plan~~].

2.1. Compliance Required.

An applicant who seeks to have property designated as a PUD zoning district must demonstrate that the proposed development complies with this division.

2.2. Modification By Council.

The proposed development must comply with the requirements of this code, except that

A the council may modify a requirement in accordance with Section 2 5 (Development Bonuses), and

B the council may waive or modify a requirement if

1 the PUD ordinance identifies the waiver or modification, and

2 the council finds that:

a. the resulting development would achieve greater consistency with the goals enumerated in Section 1 1 (General Intent) than development that would occur without the waiver or modification, and

b the adverse effects of the waiver or modification are offset by other enforceable requirements, and

c. the objective of the waived or modified requirement is substantially achieved

2.3. Tier One Requirements.

2.3.1. Minimum Requirements. All PUDs must

A meet the objectives of the City Code.

- B provide for development standards that achieve equal or greater consistency with the goals in Section 1 1 than development under the regulations in the Land Development Code,
- C provide a total amount of open space that equals or exceeds 10 percent of the residential tracts, 15 percent of the industrial tracts, and 20 percent of the nonresidential tracts within the PUD, except that:
 - 1 a detention or filtration area is excluded from the calculation unless it is designed and maintained as an amenity, and
 - 2. the required percentage of open space may be reduced for urban property with characteristics that make open space infeasible if other community benefits are provided;
- D comply with the City's Planned Unit Development Green Building Program;
- E be consistent with applicable neighborhood plans, neighborhood conservation combining district regulations, historic area and landmark regulations, and compatible with adjacent property and land uses;
- F provide for environmental preservation and protection relating to air quality, water quality, trees, buffer zones and greenbelt areas, critical environmental features, soils, waterways, topography, and the natural and traditional character of the land,
- G. provide for public facilities and services that are adequate to support the proposed development including school, fire protection, emergency service, and police facilities,
- H. exceed the minimum landscaping requirements of the City Code,
- I. provide for appropriate transportation and mass transit connections to areas adjacent to the PUD district and mitigation of adverse cumulative transportation impacts with sidewalks, trails, and roadways,
- J prohibit gated roadways,
- K protect, enhance and preserve areas that include structures or sites that are of architectural, historical, archaeological, or cultural significance; and

L include at least 10 acres of land, unless the property is characterized by special circumstances, including unique topographic constraints

2.3.2. Additional Requirements. In addition to the requirements contained in Section 2.3 1 (Minimum Requirements), a PUD containing a retail, commercial, or mixed use development must

A comply with Chapter 25-2, Subchapter E (Design Standards And Mixed Use)

B inside the urban roadway boundary depicted in Figure 2, Subchapter E, Chapter 25-2 (Design Standards and Mixed Use), comply with the sidewalk standards in Section 2 2 2 , Subchapter E, Chapter 25-2 (Core Transit Corridors Sidewalks And Building Placement), and

C. contain pedestrian-oriented uses as defined in Section 25-2-691(C) (Waterfront Overlay District Uses) on the first floor of a multi-story commercial or mixed use building.

2.4. Tier Two Requirements.

This section contains criteria for determining the extent to which development proposed for a PUD district would be superior to that which would occur under conventional zoning and subdivision regulations as required under Section 1 1, General Intent A proposed PUD need not address all criteria in this section to achieve superiority, and the council may consider any other criteria the council deems appropriate.

<u>Open Space</u>	<u>Provides open space at least 10% above the requirements of Section 2 3 1 A (Minimum Requirements) Alternatively, within the urban roadway boundary established in Figure 2 of Subchapter E of Chapter 25-2 (Design Standards and Mixed Use), provide for proportional enhancements to existing or planned trails, parks, or other recreational common open space in consultation with the Director of the Parks and Recreation Department</u>
<u>Environment</u>	<u>Does not request exceptions to or modifications of environmental regulations.</u>
	<u>Provides water quality controls superior to those otherwise required by code</u>
	<u>Uses innovative water quality controls that treat at least 25 percent additional water quality volume and provide 20 percent greater pollutant removal, in addition to the minimum water quality volume</u>

	<p><u>required by code</u></p> <p><u>Provides water quality treatment for currently untreated, undeveloped off-site areas with a drainage area of at least 25 percent of the subject tract</u></p> <p><u>Reduces impervious cover or single-family density by five percent below the maximum otherwise allowed by code or includes off-site measures that lower overall impervious cover within the same watershed by five percent below that allowed by code</u></p> <p><u>Provides minimum 50-foot setback for unclassified waterways with a drainage area of five acres or greater</u></p> <p><u>Provides at least a 50 percent increase in the minimum waterway and critical environmental feature setbacks required by code.</u></p> <p><u>Clusters impervious cover and disturbed areas in a manner that preserves the most environmentally sensitive areas of the site that are not otherwise protected</u></p> <p><u>Provides pervious paving for at least 50 percent or more of all paved areas in non-aquifer recharge areas</u></p> <p><u>Prohibits uses that may contribute to air or water quality pollutants</u></p>
	<u>Employs other creative or innovative measures</u>
<u>Austin Green Builder Program</u>	<u>Provides a rating under the Austin Green Builder Program of three stars or above</u>
<u>Art</u>	<u>Provides art approved by the Art In Public Places Program in open spaces, either by providing the art directly or by making a contribution to the City's Art in Public Places Program or a successor program</u>
<u>Great Streets</u>	<u>Complies with City's Great Streets Program, or a successor program Applicable only to commercial, retail, or mixed-use development that is not subject to the requirements of Chapter 25-2, Subchapter E (<i>Design Standards And Mixed Use</i>)</u>
<u>Community amenities</u>	<u>Provides community or public amenities, which may include spaces for community meetings, day care facilities, non-profit organizations, or other uses that fulfill an identified community need</u>
<u>Transportation</u>	<u>Provides bicycle facilities that connect to existing or planned bicycle routes or provides other multi-modal transportation features not required by code</u>

<u>Building Design</u>	<u>Exceeds the minimum points required by the Building Design Options of Section 3 3 2 of Chapter 25-2, Subchapter E (<i>Design Standards And Mixed Use</i>)</u>
<u>Parking structure frontage</u>	<u>In a commercial or mixed-use development, at least 75 percent of the building frontage of all parking structures is designed for pedestrian-oriented uses as defined in Section 25-2-691(C) (<i>Waterfront Overlay District Uses</i>) in ground floor spaces</u>
<u>Affordable Housing</u>	<u>Provides for affordable housing or participation in programs to achieve affordable housing.</u>
<u>Historic Preservation</u>	<u>Preserves historic structures, landmarks, or other features to a degree exceeding applicable legal requirements</u>
<u>Accessibility</u>	<u>Provides for accessibility for persons with disabilities to a degree exceeding applicable legal requirements</u>
<u>Local Small Business</u>	<u>Provides space at affordable rates to one or more independent retail or restaurant small businesses whose principal place of business is within the Austin metropolitan statistical area</u>

2.5. Development Bonuses.

2.5.1. Limitation on Development. Except as provided in Section 2.5 2 (*Requirements for Exceeding Baseline*), site development regulations for maximum height, maximum floor area ratio, and maximum building coverage in a PUD with residential uses may not exceed the baseline established under Section 1 3 3 (*Baseline for Determining Development Bonuses*)

2.5.2. Requirements for Exceeding Baseline. Development in a PUD with residential uses may exceed the baseline established under Section 1 3 3 (*Baseline for Determining Development Bonuses*) for maximum height, maximum floor area ratio, and maximum building coverage if

- A. the application for PUD zoning includes a report approved by the Director of the Neighborhood Housing and Community Development Department establishing the prevailing level of affordability of housing in the vicinity of the PUD, expressed as a percentage of median family income in the Austin metropolitan statistical area, and
- B the developer either

- 1 provides contract commitments and performance guarantees that provide affordable housing meeting or exceeding the requirements of Section 2 5 3 (Requirements for Rental Housing) and Section 2 5 4 (Requirements for Ownership Housing); or
- 2 makes donations for affordable housing under Section 2 5 6 (Alternative Affordable Housing Options)

2.5.3. Requirements for Rental Housing. If rental housing units are included in a PUD, at least 10 percent of the rental units or rental habitable square footage within the PUD must

- A be affordable to a household whose income is less than the affordability level established under Section 2 5 5 (Affordability Levels),
- B remain affordable for 40 years from the date a certificate of occupancy is issued, and
- C be eligible for federal housing choice vouchers

2.5.4. Requirements for Ownership Housing. If owner occupied housing is included in a PUD, at least five percent of the owner occupied units or owner occupied habitable square footage within the PUD must be:

- A affordable to a household whose income is less than the affordability level established under Section 2.5 5 (Affordability Levels), and
- B. transferred to the owner subject to a shared equity agreement approved by the Director of the Neighborhood Housing and Community Development Department

2.5.5. Affordability Levels. For purposes of this subchapter, the affordability level is:

- A for a portion of a PUD within the urban roadway boundary depicted in Figure 2 of Subchapter E of Chapter 25-2 (Design Standards and Mixed Use), 80% of the median family income in the Austin metropolitan statistical area,
- B for a portion of a PUD outside the urban roadway boundary depicted in Figure 2 of Subchapter E of Chapter 25-2 (Design Standards and Mixed Use), 60% of the median family income in the Austin metropolitan statistical area, or

C if the Council finds that the prevailing level of affordability of housing in the vicinity of the PUD is lower than the level applicable under Paragraph A or B, any lesser percentage of the median family income in the Austin metropolitan statistical area established by the Council

2.5.6 Alternative Affordable Housing Options. Development within a PUD may exceed baseline standards as provided in Section 2 5 2 B 2 (Requirements for Exceeding Baseline) if the developer

A donates to the Austin Housing Finance Corporation land within the PUD that is appropriate and sufficient to develop 20 percent of the residential habitable square footage planned for the PUD, as determined by the Director of the Neighborhood Housing and Community Development Department, or

B. subject to approval by the city council, donates the amount established under Section 2 5.7 (In Lieu Donation) for each square foot of climate controlled space within the PUD to a Housing Assistance Fund to be used for producing or financing affordable housing, as determined by the Director of the Neighborhood Housing and Community Development Department

2.5.7. In Lieu Donation. The amount payable under Section 2 5 6 B (Alternative Affordable Housing Options) shall be 60 percent of the fee established under Section 25-2-586(I) (Affordable Housing Incentives in a Central Business District or Downtown Mixed Use Zoning District) or any successor fee established under the Austin Downtown Plan.

~~§ 25-2-401 PROJECT ASSESSMENT REQUIRED.~~

~~—(A)— An applicant may not file an application for a PUD zoning district classification until the applicant obtains a project assessment report on the proposed development from the director of the Neighborhood Planning and Zoning Department~~

~~—(B)— The director of the Neighborhood Planning and Zoning Department shall credit the fee for the project assessment toward the zoning application fee if the zoning application is filed not later than one year after the applicant receives the assessment report~~

~~§ 25-2-402 LAND USE PLAN REQUIRED.~~

~~—(A)— An applicant shall include a proposed land use plan in an application for a PUD zoning district classification—The proposed land use plan must include~~

- ~~— (1) a general land use map;~~
- ~~— (2) the proposed site development regulations;~~
- ~~— (3) requested waivers from the requirements of this title, if any, and~~
- ~~— (4) other information required by the director of the Neighborhood Planning and Zoning Department~~
- ~~— (B) A land use plan must be included in the ordinance classifying land as a PUD zoning district~~
- ~~(C) The land use plan in the ordinance establishes the use and site development regulations for development within a PUD zoning district~~

Subpart C. Land Use Plan; Regulations; Variances.

3.1. [§ 25-2-403] Land Use Plan Expiration and Amendment.

3.1.1. Expiration. ~~[(A)]~~ A land use plan does not expire unless the property is rezoned to a district other than PUD

3.1.2. Substantial Amendment. ~~[(B)]~~ A substantial amendment to a land use plan is a rezoning of the affected portion of the PUD zoning district and requires council approval. The following are substantial amendments:

- A. ~~[(1)]~~ adding a land use that is more intense than the existing permitted uses,
- B. ~~[(2)]~~ amending a site development regulation,
- C. ~~[(3)]~~ increasing the intensity of a land use adjacent to a platted single family residential tract;
- D. ~~[(4)]~~ amending a condition of approval of the PUD zoning district,
- E. ~~[(5)]~~ increasing land use intensity in a phase of development of the PUD without decreasing land use intensity an equivalent amount in the phase of development,
- F. ~~[(6)]~~ shifting development intensity in a manner that results in an “E” or “F” level of service on a roadway segment or intersection included in the traffic impact analysis governing the PUD, and
- G. ~~[(7)]~~ amending a phasing schedule to establish a non-residential land use before establishing the residential development supported by the non-residential use

3.1.3. Approval By Director. ~~[(C)]~~ The director of the Neighborhood Planning and Zoning Department may approve an amendment to a land use plan that is not a substantial amendment described under Subsection 3 1.2 (*Substantial Amendment*) ~~[(B)]~~.

A ~~[(1)]~~ An applicant must submit a proposed amendment to the director of the Neighborhood Planning and Zoning Department with an application for approval of an administrative site plan

B ~~[(2)]~~ The director of the Neighborhood Planning and Zoning Department's decision on an amendment may be appealed to the Land Use Commission The Land Use Commission's decision may be appealed to the council

3.1.4. Increased Intensity. ~~[(D)]~~ A substantial amendment based on increased land use intensity occurs if:

A ~~[(1)]~~ most restrictive base zoning district in which the proposed use is permitted is less restrictive than most restrictive base zoning district in which the existing use is permitted,

B ~~[(2)]~~ residential density is higher than authorized in the existing land use plan,
or

C ~~[(3)]~~ a multifamily use is proposed along the periphery of the project

Subpart C. — Regulations; Variances.

3.2. [§ 25-2-411] Planned Unit Development Regulations.

3.2.1. Uses and Regulations. ~~[(A)]~~ The permitted uses, conditional uses, and site development regulations for a planned unit development (PUD) district are established by the ordinance zoning property as a PUD district, the accompanying land use plan, and this section ~~[The council may modify a requirement of this title by identifying and approving the modification]~~

~~[(B)] — Except for requirements applicable to specific zoning districts, the requirements of this title apply to development in a PUD district~~

~~[(C)] — Public facilities and services that are adequate to support the proposed development are required.]~~ The council may require development phasing or the construction of off-site infrastructure

~~[(D)] — The natural topography, soils, critical environmental features, waterways, and vegetation must be incorporated into the design of a PUD district, if practicable Buffer zones and greenbelt areas are required In intensively developed areas, landscaping that exceeds the minimum requirements of this title is required.~~

~~[(E) — The design of a local street must discourage through traffic and provide convenient accessibility to the parking areas that serve each use. Collector streets must be designed so that future development will not require the conversion of a collector street to an arterial street.~~

~~(F) — The design of a parking area must prevent the backing of vehicles onto a collector or arterial street.~~

~~(G) — Vehicular and pedestrian passageways must be separated from public rights-of-way. If appropriate, walkways and bicycle paths connecting buildings, common open spaces, recreation areas, community facilities, and parking areas must be provided and lighted for night use.~~

3.2.2 Residential Uses. [(H)] For residential uses, a land use plan must include

A [(1)] the type and location of each use;

B [(2)] the maximum density,

C [(3)] for multifamily development, the maximum floor to area ratio,

D [(4)] the maximum building height,

E [(5)] the minimum lot size and width; and

F [(6)] other site development regulations that may be required by the council

3.2.3 Nonresidential Uses. [(I)] For nonresidential uses, a land use plan must include

A [(1)] the type and location of each use;

B [(2)] the maximum floor area ratio, which may not be greater than the maximum floor to area ratio permitted in the most restrictive base zoning district in which proposed use is permitted;

C [(3)] the maximum building height,

D [(4)] the minimum front yard and street side yard setbacks, which must be not less than the greater of.

1 [(a)] 25 feet for a front yard, and 15 feet for a street side yard, or

2 ~~[(b)]~~ those required by Subchapter C, Article 10 (*Compatibility Standards*),

E ~~[(5)]~~ the number of curb cuts or driveways, which must be the minimum necessary for adequate access to the site, and

F ~~[(6)]~~ other site development regulations that may be required by the council.

3.2.4. Industrial Uses. ~~[(J)]~~ An industrial use must comply with the performance standards established by Section 25-2-648 (*Planned Development Area (PDA) Performance Standards*)

~~[(K)] This subsection provides open space requirements-~~

~~— (1) Except as otherwise provided in this subsection-~~

~~— (a) for a nonresidential use, not less than 20 percent of a tract must be open space, and~~

~~— (b) or an industrial use, not less than 15 percent of a tract must be open space-~~

~~— (2) Not less than 10 percent of a tract must be open space if, excluding the tract, at least 10 percent of the PUD district is open space-~~

~~(3) A greenbelt or buffer zone may be included as open space, but a detention or filtration area is excluded unless the area is designed and maintained as an amenity to the site-~~

~~§ 25-2-412 VARIANCES-~~

~~— A variance from the requirements of Chapter 25-8 (*Environment*) or Subchapter C, Article 10 (*Compatibility Standards*) for development in a PUD may only be granted-~~

~~— (1) by the land use plan,~~

~~— (2) by amendment of the land use plan, or~~

~~— (3) for variances from subdivision or site plan engineering or design requirements, through the process established in Chapter 25-1, Article 7, Division 2 (*Variances*)]~~

Subpart D. Development Applications.

4.1. [~~§25-2-421~~] Concurrent Consideration of Development Applications.

The council may consider a preliminary plan or final plat processed concurrently with an application requesting a PUD zoning district classification for a property.

4.2. [~~§25-2-422~~] Development Applications Must Comply with Land Use Plan.

4.2.1. Approval. [~~(A)~~] The council, Land Use Commission, or director of the Neighborhood Planning and Zoning Department may approve a preliminary subdivision plan, final plat, site plan, or building permit for development in a PUD zoning district only if the proposed development complies with the requirements of the land use plan.

4.2.2. Director's Report. [~~(B)~~] The director of the Neighborhood Planning and Zoning Department's report on a development application considered by the Land Use Commission or council must include a determination of whether the application complies with the requirements of the land use plan

4.3. [~~§25-2-423~~] Rezoning if Development Applications Expire or Are Not Approved.

The director of the Neighborhood Planning and Zoning Department shall request that the council initiate the rezoning of property in a PUD zoning district if

A [~~(1)~~] a preliminary plan or site plan for a portion of the property is not approved within three years after the effective date of the ordinance approving the PUD zoning classification for the property, or

B [~~(B)~~] an approved preliminary plan or site plan expires.

PART 2. Section 2-1-144(I) (*Environmental Board*) of the City Code is amended to read as follows

(I) The board shall

(1) review all variances to requirements for water quality related to environmentally sensitive areas;

(2) review the monitoring of storm water runoff in developed and undeveloped areas;

(3) review the efficiency of existing and proposed structural and nonstructural controls;

- (4) periodically review the effectiveness of Chapter 25-4 (Subdivision);
- (5) review waste treatment permits within the city's extraterritorial jurisdiction;
- (6) review programs and policies for flood control, erosion control, and water quality;
- (7) review capital improvement projects;
- (8) review municipal utility district proposals and amendments;
- (9) review roadway plan amendments; [~~and~~]
- (10) recommend urban runoff standards, and
- (11) review planned unit developments.

PART 3. Requests for PUD district zoning initiated before the adoption of this ordinance shall be processed and reviewed under the standards in effect on the date of adoption of this ordinance and those standards are continued in effect for that purpose only.

PART 4. This ordinance takes effect on June 29, 2008.

PASSED AND APPROVED

_____ June 18 _____, 2008

§
§
§ _____
Will Wynn
Mayor

APPROVED: _____
David Allan Smith
City Attorney

ATTEST: _____
Shirley A. Gentry
City Clerk

C10. CITY OF AUSTIN TRANSIT ORIENTED DEVELOPMENT (TOD) ORDINANCE

ORDINANCE NO. 20050519-008

AN ORDINANCE AMENDING CHAPTERS 25-2 AND 25-6 OF THE CITY CODE TO ADD A NEW ZONING DISTRICT RELATING TO TRANSIT ORIENTED DEVELOPMENT.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

PART 1. Section 25-2-32(E) of the City Code is amended to read:

(E) Special purpose base districts and map codes are as follows:

- | | |
|---|------------|
| (1) development reserve | DR |
| (2) aviation services | AV |
| (3) agricultural | AG |
| (4) planned unit development | PUD |
| (5) public | P |
| (6) traditional neighborhood | TN |
| <u>(7) transit oriented development</u> | <u>TOD</u> |

PART 2. Chapter 25-2 of the City Code is amended to add a new Section 25-2-147 to read:

§ 25-2-147 TRANSIT ORIENTED DEVELOPMENT (TOD) DISTRICT.

Transit oriented development (TOD) district is the designation for an identified transit station and the area around it. The district provides for development that is compatible with and supportive of public transit and a pedestrian-oriented environment.

PART 3. Chapter 25-2, Subchapter C, Article 3 of the City Code is amended to add a new Division 10 to read:

Division 10. Transit Oriented Development District Regulations.

Subpart A. General Provisions.

§ 25-2-766.01 CONFLICTS; NONAPPLICABILITY.

- (A) This division supersedes other requirements of Title 25 (*Land Development*) to the extent of conflict.
- (B) This division does not apply to property governed by a development plan approved by a special board of review, as prescribed by Natural Resources Code Sections 31.161 through 31.167.

§ 25-2-766.02 TRANSIT ORIENTED DEVELOPMENT DISTRICT CLASSIFICATIONS DESCRIBED.

- (A) A transit oriented development (TOD) district is classified according to its location, as described below.
- (B) A neighborhood center TOD district is located at the commercial center of a neighborhood. The average density is approximately 15 to 25 dwelling units for each acre. Typical building height is one to six stories. Uses include small lot single-family residential use, single-family residential use with an accessory dwelling unit, townhouse residential use, low-rise condominium residential use and multifamily residential use, neighborhood retail and office uses, and mixed-use buildings.
- (C) A town center TOD district is located at a major commercial, employment, or civic center. The average density is approximately 25 to 50 dwelling units for each acre. Typical building height is two to eight stories. Uses include townhouse residential use, low- and mid-rise condominium residential use and multifamily residential use, retail and office uses, and mixed-use buildings.
- (D) A regional center TOD district is located at the juncture of regional transportation lines or at a major commuter or employment center. The average density is more than 50 dwelling units for each acre. Typical building height is three to ten stories. Uses include mid-rise condominium residential use and multifamily residential use, major retail and office uses, and mixed-use buildings.
- (E) A downtown TOD district is located in a highly urbanized area. The average density is more than 75 dwelling units for each acre. Typical building height is six stories or more. Uses include mid- and high-rise condominium residential use and multifamily residential use, large retail and office uses, and mixed use buildings.

§ 25-2-766.03 TRANSIT ORIENTED DEVELOPMENT DISTRICT ZONES DESCRIBED.

- (A) A transit oriented development (TOD) district may be divided into zones of varying development intensity, as described in this section.
- (B) A gateway zone is the area immediately surrounding the station platform, where passengers enter or exit transit vehicles. Typically, this area includes land that is about 300 to 500 feet from the edge of the station platform. This zone has a high level of transit integration, including streetscapes that connect the station platform with the surrounding buildings, and buildings that are oriented toward the station platform and provide ground floor pedestrian-oriented uses and employment or residential uses in the upper floors. A gateway zone has the highest density and building height in a TOD district.
- (C) A midway zone is the area between a gateway zone and a transition zone, beginning at the outer boundary of the gateway zone and ending approximately 1000 to 1500 feet from the edge of the station platform. This zone is predominately residential, but it may also contain retail and office uses. The zone includes a variety of building types. A midway zone has density and building height that are lower than a gateway zone but higher than a transition zone.
- (D) A transition zone is the area at the periphery of the TOD district. Development intensity is compatible with the existing or anticipated future development adjacent to the TOD district. A transition zone has the lowest density and building height in a TOD district.

§ 25-2-766.04 TRANSIT ORIENTED DEVELOPMENT DISTRICTS ESTABLISHED AND CLASSIFIED.

- (A) Transit oriented development (TOD) districts are established and classified as follows:
 - (1) The Convention Center TOD district is established as a downtown TOD district.
 - (2) The Plaza Saltillo TOD district is established as a neighborhood center TOD district.
 - (3) The Martin Luther King, Jr. Blvd. TOD district is established as a neighborhood center TOD district.
 - (4) The Lamar Blvd. / Justin Lane TOD district is established as a neighborhood center TOD district.

- (5) The Northwest Park and Ride TOD district is established as a town center TOD district.
 - (6) The North IH-35 Park and Ride TOD district is established as a town center TOD district.
- (B) The initial boundaries and zones of each TOD district are described in Appendix D (*Transit Oriented District Boundaries And Zones*). The official maps of the districts are on file with the director, who shall resolve uncertainty regarding the boundary of a district.
- (C) Council may establish additional TOD districts by amending Subsection (A) and Appendix D (*Transit Oriented District Boundaries And Zones*).

§ 25-2-766.05 TRANSITION FROM OVERLAY DISTRICT TO BASE DISTRICT.

- (A) Until council approves a station area plan in accordance with Subpart C (*Station Area Plan*):
- (1) a transit oriented development (TOD) district functions as an overlay district; and
 - (2) property within the TOD district:
 - (a) is subject to Subpart B (*Initial District Regulations*); and
 - (b) retains its base district zoning.
- (B) The approval by council of a station area plan in accordance with Subpart C (*Station Area Plan*) is a rezoning of the property as a TOD base district. After the rezoning, Subpart B (*Initial District Regulations*) does not apply.

Subpart B. Initial District Regulations.

§ 25-2-766.11 APPLICABILITY.

This subpart applies in a transit oriented development (TOD) district until council adopts a station area plan.

§ 25-2-766.12 USE REGULATIONS.

- (A) In a TOD district, the following uses are prohibited:
- (1) automotive sales;
 - (2) automotive washing;

- (3) basic industry;
- (4) convenience storage;
- (5) equipment repair services;
- (6) equipment sales;
- (7) recycling center;
- (8) scrap and salvage services; and
- (9) vehicle storage.

(B) In a gateway zone, the following uses are prohibited:

- (1) single-family residential;
- (2) single-family attached residential;
- (3) small lot single-family residential;
- (4) duplex residential;
- (5) two-family residential;
- (6) secondary apartment;
- (7) urban home; and
- (8) cottage.

(C) In a midway zone, the following uses are prohibited:

- (1) single-family residential;
- (2) single-family attached residential;
- (3) duplex residential; and
- (4) two-family residential.

(D) A use with a drive-in service is prohibited.

(E) In a gateway zone, a transportation terminal use is a permitted use if it is operated by a governmental entity.

(F) An automotive repair services use, automotive rentals use, or commercial off-street parking use that would otherwise be a permitted use is a conditional use.

(G) A residential use is permitted above the first floor of a commercial building.

§ 25-2-766.13 SITE DEVELOPMENT REGULATIONS.

(A) This section applies to:

(1) a new building; or

(2) an addition to a building, if the addition:

(a) exceeds 5,000 square feet of gross floor area; or

(b) increases the gross floor area on the site by more than 50 percent.

(B) The maximum front yard and street side yard setbacks are 15 feet, except the director of the Watershed Protection and Development Review Department may modify a maximum setback if the director determines that the modification is required to protect a historic structure or a tree designated as significant by the city arborist.

(C) The minimum front yard and street side yard setbacks are the lesser of:

(1) 10 feet; or

(2) the setbacks prescribed by Section 25-2-492 (*Site Development Regulations*).

(D) This subsection applies in a gateway zone.

(1) Building entrances are required:

(a) on the principal street; and

(b) on a street with transit service, if any.

(2) This paragraph applies to a building that is constructed along a front yard or street side yard setback line. For a depth of at least 20 feet, the minimum distance between the finished ground floor of the building and the structural portion of the ceiling is 15 feet. This requirement does not apply if the building is subject to Article 10 (*Compatibility Standards*) or if the director determines that the requirement is impractical because of site constraints.

(3) This paragraph applies to a commercial or mixed-use building. For a ground level wall that faces a public street, at least 50 percent of the wall area that is between two and ten feet above grade must be constructed of glass with a visible transmittance rating of 0.6 or higher.

§ 25-2-766.14 PARKING REGULATIONS.

- (A) For a building with a front yard setback of 15 feet or less, parking is prohibited in the area between the front lot line and the building.
- (B) For a rear parking lot on a site larger than three acres, the parking lot must be designed to permit future driveway and sidewalk connections with adjacent non-residential property. The director may waive this requirement if the director determines:
 - (1) the connections are impractical because of site constraints;
 - (2) the connections are inappropriate because of traffic safety issues; or
 - (3) the site's land use is incompatible with the land use of the adjacent property.
- (C) Parking requirements are prescribed by Section 25-6-611 (*Parking Requirements For A Transit Oriented Development District*).

Subpart C. Station Area Plan.

§ 25-2-766.21 PREPARATION OF STATION AREA PLAN.

- (A) The director shall prepare a station area plan for each transit oriented development (TOD) district. Capital Metropolitan Transportation Authority, Austin San Antonio Inter-municipal Commuter Rail District, the neighborhood plan contact team, if any, neighborhood organizations, business-owners and property owners, and other affected persons may participate in the preparation of a station area plan.
- (B) A station area plan must be included in an adopted neighborhood plan, if any. An amendment to an adopted neighborhood plan to include a station area plan must be reviewed and approved in accordance with the neighborhood plan amendment process established by council.
- (C) This subsection applies in the Plaza Saltillo TOD district. A station area plan may not include a gateway zone or create a midway zone outside the approximately 11 acres included in the Saltillo District Redevelopment Master Plan.

§ 25-2-766.22 ADOPTION OF STATION AREA PLAN.

- (A) Council by zoning ordinance may adopt a station area plan for a transit oriented development (TOD) district.

(B) A station area plan:

- (1) establishes the permitted and conditional uses;
- (2) prescribes site development regulations, including maximum and minimum development parameters;
- (3) prescribes requirements for street, streetscape, and other public area improvements;
- (4) may modify or waive an identified requirement of this title;
- (5) may establish standards for administrative modification of the station area plan;
- (6) may change the location of or omit a gateway, midway, or transition zone depicted on Appendix D (*Transit Oriented District Boundaries And Zones*);
- (7) outside a community preservation and revitalization zone, shall include a housing affordability analysis and feasibility review that describes potential strategies for achieving a goal of:
 - (a) at least 25 percent of new housing in each TOD to serve households at the following income levels: home ownership opportunities for households at or below 80 percent of median family income and rental housing opportunities for households at or below 60 percent of median family income;
 - (b) for home ownership residential units, a goal of providing 10 percent of the units to households with an income of not more than 70 to 80 percent of median family income, 10 percent of the units to households with an income of not more than 60 to 70 percent of median family income, and five percent of the units to households with an income of not more than 60 percent of median family income; or
 - (c) for rental residential units, a goal of providing 10 percent of the units to households with an income of not more than 40 to 60 percent of median family income, 10 percent of the units to households with an income of not more than 30 to 40 percent of median family income, and five percent of the units to households with an income of not more than 30 percent of median family income;

- (8) in a community preservation and revitalization zone established by council:
- (a) shall include a housing affordability analysis and feasibility review that describes potential strategies for achieving an affordable housing goal of providing at least 25 percent of new housing to households at the following income levels:
 - (i) home ownership residential units to households with an income of not more than 60 percent of median family income for the Austin area; and
 - (ii) for rental residential units, a goal of providing 10 percent of the units to households with an income of not more than 40 to 50 percent of median family income, 10 percent of the units to households with an income of not more than 30 to 40 percent of median family income, and five percent of the units to households with an income of not more than 30 percent of median family income;
 - (b) may not prescribe site development regulations that increase building height over the maximum prescribed by the applicable zoning district before adoption of the station area plan, unless:
 - (i) the regulations apply to a development that contains residential units; and
 - (ii) the development meets the affordable housing goal of providing at least 25 percent of new housing to households at the following income levels:
 1. home ownership residential units to households with an income of not more than 60 percent of median family income for the Austin area; and
 2. rental residential units to households with an income of not more than 50 percent of median family income for the Austin area;
- (9) for a transition zone in the Plaza Saltillo TOD district, may not prescribe site development regulations that increase building height over the maximum prescribed by the applicable zoning district before adoption of the station area plan;
- (10) shall include an analysis of the need for public parking; and

(11) may include consideration of public and civic art in or near transit stations.

§ 25-2-766.23 AMENDMENTS TO STATION AREA PLAN.

- (A) Council may, by zoning ordinance, amend a station area plan at any time.
- (B) Amendments to a station area plan may be proposed by land owners not more than once each calendar year for each property owned.
- (C) For a station area plan that is within an adopted neighborhood plan area, an amendment to the station area plan must be reviewed and approved in accordance with the neighborhood plan amendment process established by council.
- (D) This subsection prescribes the review process for an amendment to a station area plan that is outside an adopted neighborhood plan area.
 - (1) Except as provided in Paragraph (2), the director may not accept an application to amend a station area plan until one year after adoption of the plan. After that date, the director may accept an application to amend the plan relating to an individual property not more frequently than once each 12 months. An application may be filed for a station area plan west of Interstate Highway 35 only during the month of February and for a station area plan east of Interstate Highway 35 only during the month of July.
 - (2) The director may accept an application to amend a station area plan at a time other than that prescribed by Paragraph (1) if the director determines that:
 - (a) not accepting the application would result in a hardship to the applicant, and the development proposed by the applicant will not adversely affect the public health, safety, or welfare;
 - (b) the amendment would allow the development of a S.M.A.R.T. Housing certified project in which at least 40 percent of the proposed units are reasonably priced; or
 - (c) the amendment would allow development that:
 - (i) provides environmental protection that is superior to the protection that would otherwise be achieved under the existing station area plan; or

- (ii) promotes the recruitment or retention of an employment center with 100 or more employees.

PART 4. Chapter 25-2 of the City Code is amended to add a new Section 25-2-949 to read:

§ 25-2-949 CERTAIN USES IN A TRANSIT ORIENTED DEVELOPMENT DISTRICT.

- (A) This section applies to a use that is nonconforming under Section 25-2-766.12 (*Use Regulations*).
- (B) Except as provided by Subsection (C), the use is governed by Group "D" regulations prescribed by Section 25-2-947 (*Nonconforming Use Regulation Groups*).
- (C) If there is a conflict between the regulations prescribed by this section and the regulations as determined by Section 25-2-946 (*Determination of Nonconforming Use Regulation Group*), the more restrictive regulations apply.

PART 5. Section 25-2-1052 of the City Code is amended to add a new Subsection (F) to read:

- (F) This article does not apply within a transit oriented development (TOD) district after adoption of a station area plan in accordance with Chapter 25-2, Subchapter C, Article 3, Division 10, Subpart C (*Station Area Plan*), except that Division 2 (*Development Standards*) applies to property in a transition zone of a TOD district if triggered by property outside the TOD district.

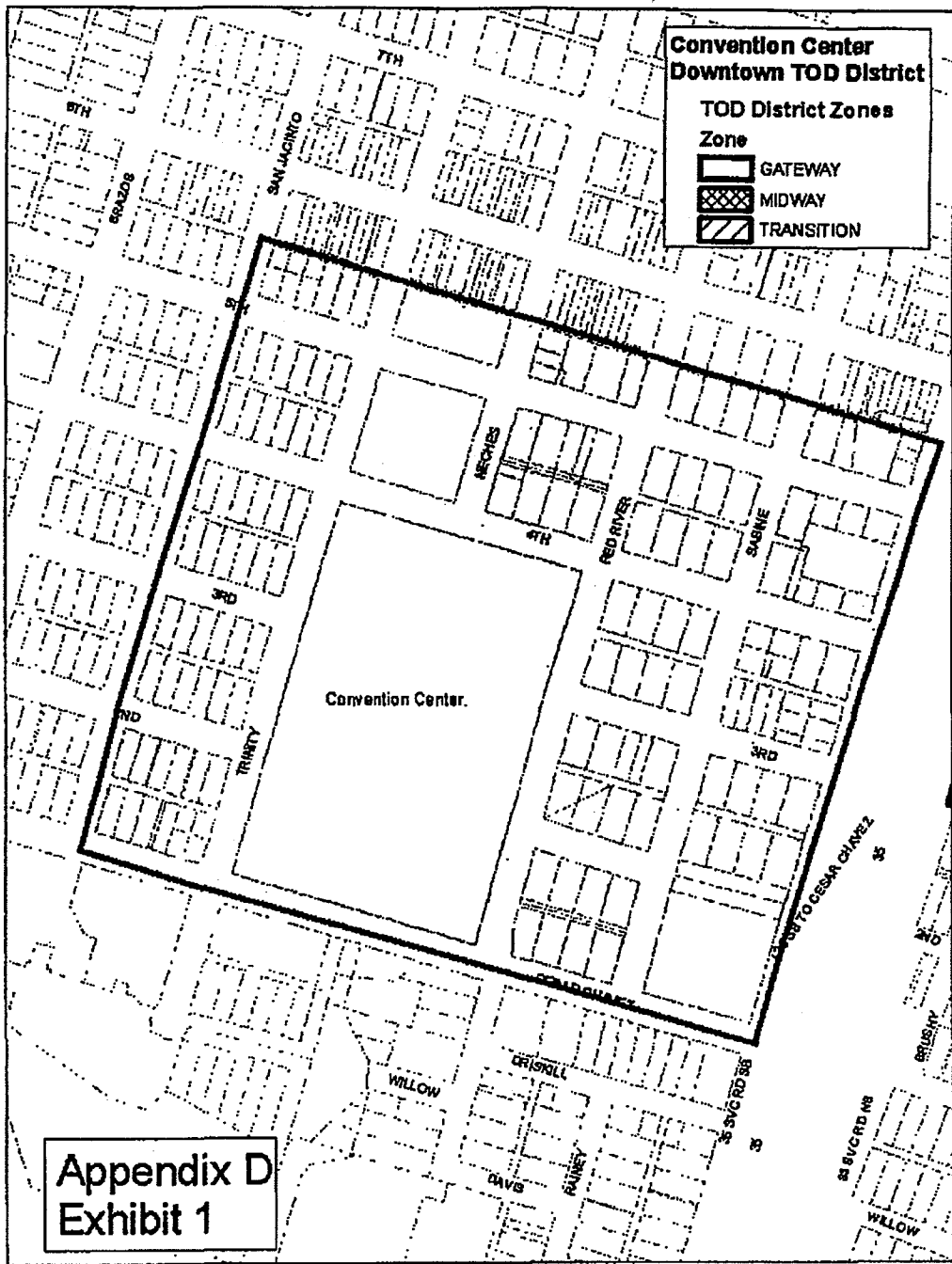
PART 6. Chapter 25-6, Article 7 of the City Code is amended to add a new Division 7 to read:

Division 7. Special Provisions For A Transit Oriented Development District.

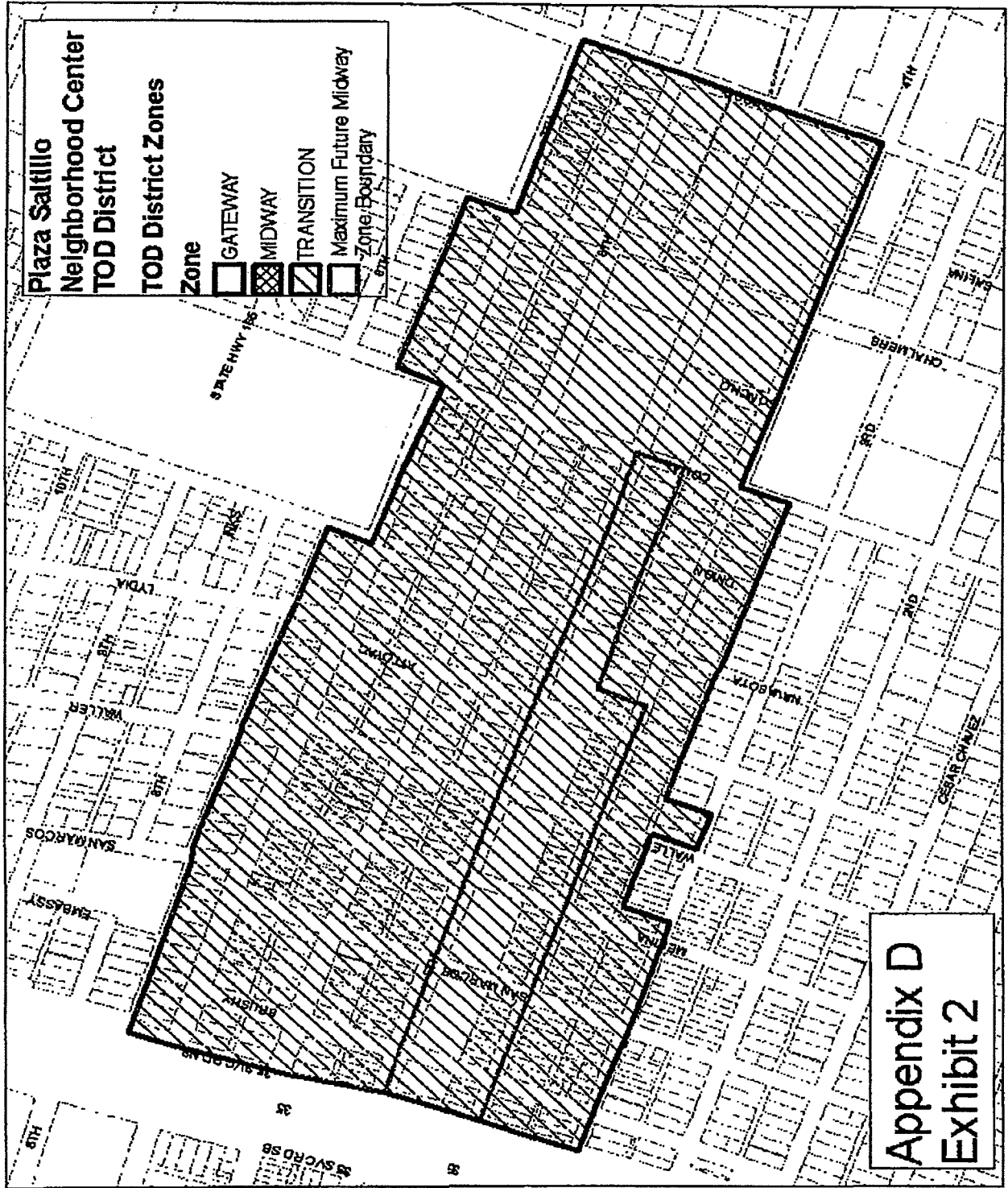
§ 25-6-611 PARKING REQUIREMENTS FOR A TRANSIT ORIENTED DEVELOPMENT DISTRICT.

- (A) Except as provided in Subsection (B), in a transit oriented development (TOD) district the minimum off-street parking requirement is 60 percent of that prescribed by Appendix A (*Tables Of Off-Street Parking And Loading Requirements*).
- (B) The parking requirements prescribed for property zoned central business district (CBD) apply to a downtown TOD district.

PART 7. Chapter 25-2 of the City Code is amended to add a new Appendix D to read:



**Appendix D
Exhibit 1**



**Appendix D
Exhibit 2**

Appendix D
Exhibit 5

Northwest Park & Ride
Town Center
TOD District

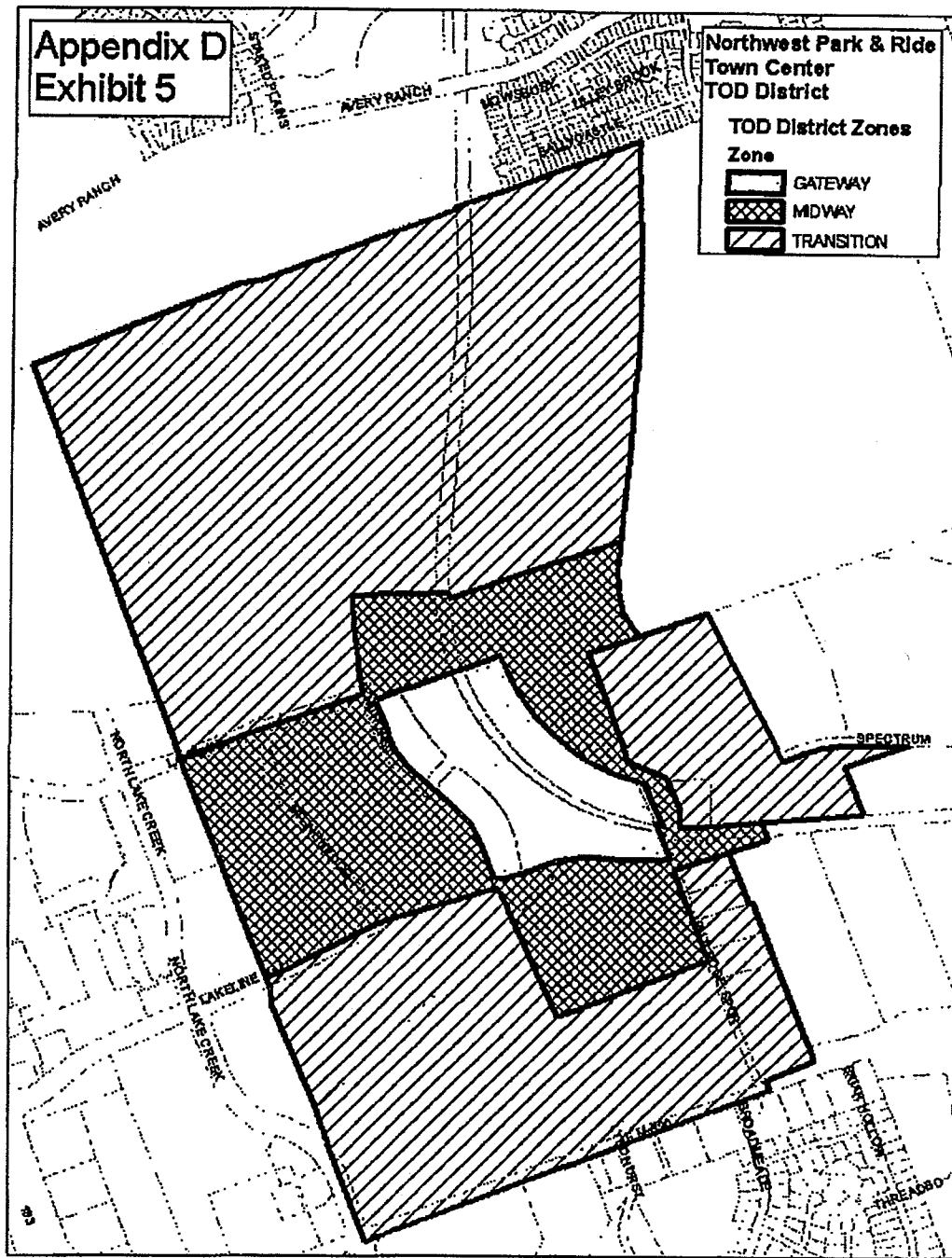
TOD District Zones

Zone

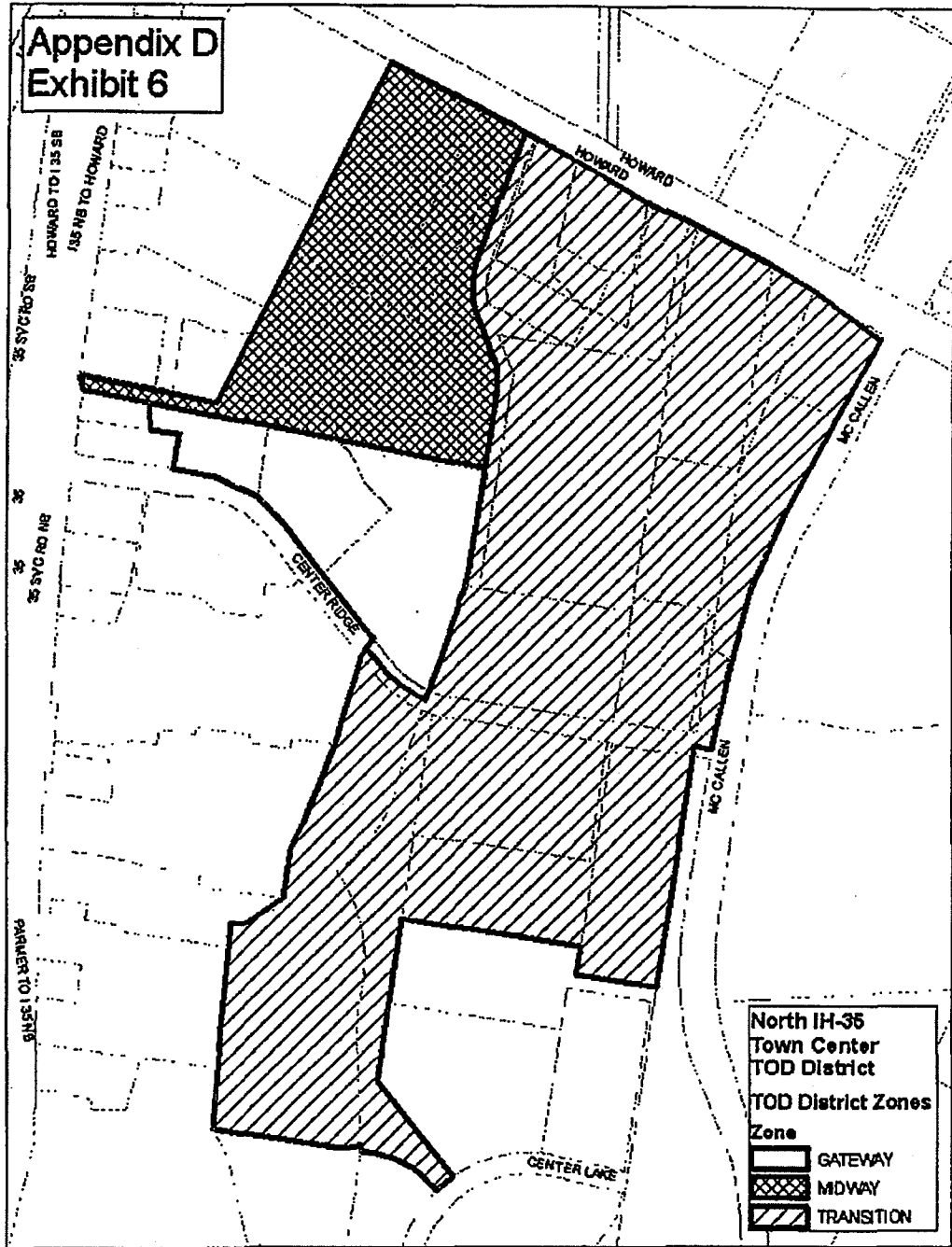
GATEWAY

MDWAY

TRANSITION



**Appendix D
Exhibit 6**




PART 8. This ordinance takes effect on May 30, 2005.

PASSED AND APPROVED

_____ May 19 _____, 2005

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Will Wynn
Mayor

APPROVED:



David Allan Smith
City Attorney

ATTEST:



Shirley A. Brown
City Clerk

ORDINANCE NO. 20060309-057

AN ORDINANCE AMENDING SECTION 25-1-46, SECTION 25-2-766.04, AND CHAPTER 25-2, APPENDIX D OF THE CITY CODE RELATING TO TRANSIT ORIENTED DEVELOPMENT DISTRICTS.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

PART 1. Section 25-1-46(D) (*Land Use Commission*) of the City Code is amended to read:

(D) Except as provided in Subsection (B), the Planning Commission shall act as the land use commission for property that is wholly or partly within:

- (1) the boundaries of a neighborhood plan that the council has adopted as a component of the comprehensive plan; ~~[or]~~
- (2) the former Robert Mueller Municipal Airport site; or
- (3) a transit oriented development (TOD) district.

PART 2. Section 25-2-766.04(A) (*Transit Oriented Development Districts Established And Classified*) of the City Code is amended to read:

(A) Transit oriented development (TOD) districts are established and classified as follows:

- (1) The Convention Center TOD district is established as a downtown TOD district.
- (2) The Plaza Saltillo TOD district is established as a neighborhood center TOD district.
- (3) The Martin Luther King, Jr. Blvd. TOD district is established as a neighborhood center TOD district.
- (4) The Lamar Blvd./Justin Lane TOD district is established as a neighborhood center TOD district.
- (5) The Northwest Park and Ride TOD district is established as a town center TOD district.
- (6) The North IH-35 Park and Ride TOD district is established as a town center TOD district.

(7) The Oak Hill TOD district is established as a town center TOD district.

PART 3. Chapter 25-2, Appendix D (*Transit Oriented Development Districts*) of the City Code is amended to add an Exhibit 7 to read:

Appendix D

Exhibit 7

Oak Hill TOD District Boundaries And Zones

The boundaries and zones of the Oak Hill TOD district have not been established. After Capital Metropolitan Transportation Authority selects a transit center site, the boundaries and zones of the TOD district are to be determined through the neighborhood planning process and established by council.

PART 4. This ordinance takes effect on March 20, 2006.

PASSED AND APPROVED

_____, March 9, 2006

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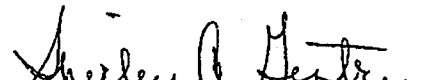
Will Wynn
Mayor

APPROVED:



David Allan Smith
City Attorney

ATTEST:



Shirley A. Gentry
City Clerk

ORDINANCE NO. 20061005-052

AN ORDINANCE AMENDING SECTION 25-2-766.04 AND CHAPTER 25-2, APPENDIX D OF THE CITY CODE TO ESTABLISH HIGHLAND MALL AND SOUTH IH-35 PARK AND RIDE TRANSIT ORIENTED DISTRICTS; AND AMENDING SECTIONS 25-2-766.13 AND 25-2-766.14 OF THE CITY CODE RELATING TO SITE DEVELOPMENT AND PARKING REGULATIONS FOR A TRANSIT ORIENTED DEVELOPMENT DISTRICT.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

PART 1. Section 25-2-766 04(A) (*Transit Oriented Development Districts Established And Classified*) of the City Code is amended to add Paragraphs (8) and (9) to read

(8) The Highland Mall TOD district is established as a town center TOD district

(9) The South IH-35 Park and Ride TOD district is established as a town center TOD district

PART 2. Section 25-2-766 13 (*Site Development Regulations*) of the City Code is amended to amend Subsections (B) and (D) to read

(B) The maximum front yard and street side yard setbacks are 15 feet, except the director of the Neighborhood Planning and Zoning Department [~~Watershed Protection and Development Review Department~~] may modify a maximum setback if the director determines that

(1) the modification is required to protect a historic structure or a tree designated as significant by the city arborist, or

(2) the modification allows an alternative development design that is compatible with and supportive of public transit and a pedestrian-oriented environment

(D) This subsection applies in a gateway zone

(1) Building entrances are required

(a) on the principal street, and

(b) on a street with transit service, if any

- (2) This paragraph applies to a building that is constructed along a front yard or street side yard setback line
- (a) For a depth of at least 20 feet, the minimum distance between the finished ground floor of the building and the structural portion of the ceiling is 15 feet
 - (b) This requirement does not apply if the building is subject to Article 10 (*Compatibility Standards*) or if the director of the Neighborhood Planning and Zoning Department determines that the requirement is impractical because of site constraints
 - (c) The director of the Neighborhood Planning and Zoning Department may modify this requirement if the director determines that the modification allows an alternative development design that is compatible with and supportive of public transit and a pedestrian-oriented environment
- (3) This paragraph applies to a commercial or mixed-use building
- (a) For a ground level wall that faces a public street, at least 50 percent of the wall area that is between two and ten feet above grade must be constructed of glass with a visible transmittance rating of 0.6 or higher
 - (b) The director of the Neighborhood Planning and Zoning Department may modify this requirement if the director determines that the modification allows an alternative development design that is compatible with and supportive of public transit and a pedestrian-oriented environment

PART 3. Section 25-2-766 14(A) (*Parking Regulations*) of the City Code is amended to read

- (A) For a building with a front yard setback of 15 feet or less, parking is prohibited in the area between the front lot line and the building The director of the Neighborhood Planning and Zoning Department may modify this requirement if the director determines that
- (1) the modification is required to protect a historic structure or a tree designated as significant by the city arborist, or
 - (2) the modification allows an alternative development design that is compatible with and supportive of public transit and a pedestrian-oriented environment

PART 4. Chapter 25-2, Appendix D (*Transit Oriented District Boundaries And Zones*) of the City Code is amended to add Exhibits 8 and 9 to read as follows

APPENDIX D

Exhibit 8

Highland Mall TOD District Boundaries And Zones

The boundaries and zones of the Highland Mall TOD district have not been established. The boundaries and zones of the TOD district are to be determined during the preparation of the station area plan and established by council.

ORDINANCE NO. 20071108-120

AN ORDINANCE AMENDING CHAPTER 25-2, SUBCHAPTER C, DIVISION 10 OF THE CITY CODE RELATING TO TRANSIT-ORIENTED DEVELOPMENT DISTRICTS.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

PART 1. Section 25-2-766.04(B) (*Transit Oriented Development Districts Established And Classified*) of the City Code is amended to read:

- (B) The initial boundaries and zones of each TOD district are described in Appendix D (*Transit Oriented District Boundaries And Zones*). The final boundaries and zones of a TOD district are established by the ordinance adopting the station area plan, as provided in Section 25-2-766.22 (*Adoption Of Station Area Plan*). The official maps of the districts are on file with the director, who shall resolve uncertainty regarding the boundary of a district.

PART 2. Section 25-2-766.12(E) (*Use Regulations*) of the City Code is amended to read:

- (E) A [~~In a gateway zone, a~~] transportation terminal use is a permitted use if:
- (1) it is operated by a governmental entity; and
 - (2) the director determines that the transportation terminal:
 - (a) uses urban design to enhance the community identity of the station area and to make it an attractive, safe, convenient, and interesting place;
 - (b) creates convenient connections to and within the station area to promote pedestrian and bicycling activity;
 - (c) enhances the existing transportation network to promote access to transit and other destinations within the station area;
 - (d) manages the amount and location of parking so that it does not dominate the station area or create an unattractive environment or unsafe situation; and
 - (e) makes the station area a unique place.

PART 3. Section 25-2-766.21 (*Preparation Of Station Area Plan*) of the City Code is amended to add a new Subsection (B) and amend the existing Subsection (B) to read as follows and reletter the remaining subsection accordingly:

(B) The director may recommend that council modify the initial boundaries of a TOD district and may prepare a station area plan with the proposed boundary modification. In that event, the director must allow the persons affected by the proposed boundary modification to participate in the preparation of the plan.

(C) [(B)] A station area plan must be included in an adopted neighborhood plan, if any. An amendment to an adopted neighborhood plan to include a station area plan must be reviewed and approved in accordance with the neighborhood plan amendment process established by council, except that the director may propose and the council may enact an amendment to an adopted neighborhood plan to include a station area plan at any time.

PART 4. Section 25-2-766.22 (*Adoption Of Station Area Plan*) of the City Code is amended to add a new Subsection (B) to read as follows and reletter the remaining subsection accordingly:

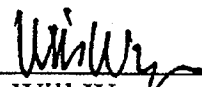
(B) The council may modify the initial boundaries of a TOD district in the ordinance adopting the station area plan.

PART 5. This ordinance takes effect on November 19, 2007.

PASSED AND APPROVED

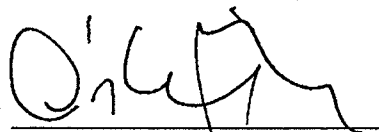
_____, November 8, 2007

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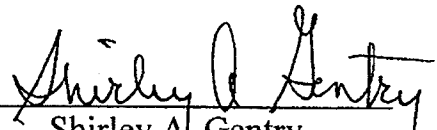
Will Wyrn
Mayor

APPROVED:



David Allan Smith
City Attorney

ATTEST:



Shirley A. Gentry
City Clerk