

ORDINANCE NO.

AN ORDINANCE AMENDING CHAPTER 25-2, SUBCHAPTER E, SECTION 4.3. OF THE CITY CODE RELATING TO VERTICAL MIXED USE BUILDINGS AND THE OPT-IN / OPT-OUT PROVISIONS; AND PROVIDING FOR EMERGENCY PASSAGE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

**PART 1.** Chapter 25-2, Subchapter E, Section 4.3. (*Vertical Mixed Use Buildings*) of the City Code is amended to amend Subsections 4.3.5.B.2. and 4.3.5.B.4. to read:

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/optout 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.
4. **City Council Decision.** After considering the Planning Commission's recommendations, the Council may[, ] by ordinance [~~within 45 days of the 90-day deadline,~~] approve, approve with conditions, or deny each opt-in/optout request.

**PART 2.** The council finds that providing an opportunity for amendment of the opt-in/opt-out applications will improve the ability of the neighborhoods to adequately plan for development in the effected areas and that this constitutes an emergency. Because of this emergency, this ordinance takes effect immediately on its passage for the immediate preservation of the public peace, health and safety.

**PASSED AND APPROVED**

\_\_\_\_\_, 2007

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Will Wynn  
Mayor

**APPROVED:** \_\_\_\_\_  
David Allan Smith  
City Attorney

**ATTEST:** \_\_\_\_\_  
Shirley A. Gentry  
City Clerk