

**ORDINANCE NO. 20071129-098**

**AN ORDINANCE AMENDING SECTION 25-2-32 AND CHAPTER 25-2, SUBCHAPTER E, SECTION 4.4.5. OF THE CITY CODE RELATING TO VERTICAL MIXED USE BUILDINGS.**

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

**PART 1.** Section 25-2-32(F) (*Zoning Districts And Map Codes*) of the City Code is amended to add the following map code and renumber the remaining map codes accordingly:

(9) vertical mixed use building V

**PART 2.** Chapter 25-2, Subchapter E, Section 4.3.5. (*Individual Neighborhood Consideration of VMU Requirements ("Opt-in / Opt-out Process")*) of the City Code is amended to amend Paragraphs B.4. and B.5. to read:

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. [The Director shall amend the neighborhood plan combining districts and the zoning map to establish a conditional overlay district that shows the final decisions of the City Council on all opt-in/opt-out requests.]
  - 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.

**PART 3.** This ordinance takes effect on December 10, 2007.

**PASSED AND APPROVED**

\_\_\_\_\_, November 29, 2007      §  
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   §  
   \_\_\_\_\_  
   Will Wynn  
   Mayor

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

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