

1.5.3. Procedure

A. Application Required

An application for waiver must be submitted on a form provided by the Director in accordance with the following requirements:

1. Prior to Approval of a Site Plan or Issuance of a Building Permit.

The applicant may submit an application for waiver at any time prior to site plan approval or, if the project does not require a site plan, at any time prior to issuance of the building permit. The application must demonstrate that the requested waiver meets the requirements for approval in Section 1.5.4 and must include all documentation required by the Director.

2. After Issuance of a Building Permit

The applicant may submit an application for waiver following approval of a building permit only under the following conditions:

- a. Project construction reveals site conditions that were unknown prior to approval of the building permit and which make compliance impossible or infeasible;
- b. The application demonstrates compliance with the waiver criteria in Subsections 1.5.4.A and B.

B. Decision-Making Responsibility

Final approval of a waiver proposed under this section is 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 LDC Chapter 25-5, or the building official for building permits.

C. Effect of Approval

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 LDC Chapter 25-5, and the building official for building permits.

1.5.4. Criteria

The Director may waive a particular standard of this Document only if the applicant demonstrates that:

- A. Compliance with the requirement subject to the waiver request is impossible or impracticable due to:

1. Topography, protected trees, or critical environmental features;
 2. The location of existing buildings or other improvements to be retained on the site;
or
 3. The location of water quality or detention facilities.
- B. Alternative equivalent compliance under Section 1.4 is insufficient to allow development of the project.

1.5.5. Appeal

A. Administrative Site Plans

A decision by the Director to approve a waiver request for an administrative site plan may be appealed to the Land Use Commission in accordance with the requirements of LDC Chapter 25-1, Article 7, Division 1 (Appeals). In acting on an appeal, the Land Use Commission may affirm, reverse, or modify a decision by the Director to grant or deny a waiver under the criteria in Section 1.5.4. The decision of the Land Use Commission is final and not subject to appeal.

B. Sites Plans Approved by the Land Use Commission

A decision by the Land Use Commission to approve a waiver request in connection with its approval of a site plan under LDC Section 25-5-147 (Action by the Land Use Commission) may be appealed to Council in accordance with LDC Section 25-5-149 (Appeal to Council).

1.6. NONCONFORMING USES AND NONCOMPLYING STRUCTURES

All properties within the NBG Zoning District shall remain subject to Article 7 Nonconforming Uses and Article 8 Noncomplying Structures in the City LDC Sections 25-2-941 through 25-2-964. With reference to Article 7, all uses are governed by Group "D" regulations prescribed by Section 25-2-947.

1.7. TEXT AND GRAPHICS WITHIN THIS DOCUMENT

This Document was created with numerous images to enhance understanding and comprehension by providing visual aids to some of the standards. However, in the event of a conflict or inconsistency between the text of this Document and any heading, caption, figure, illustration, table, or map, the text shall control. Graphics and pictures contained in this Document are by way of example only and are not substantive requirements. Such graphics and pictures demonstrate one method of compliance with the standards set forth in this Document but do not preclude other methods for achieving compliance.

ARTICLE 2: LAND USE STANDARDS

2.1. INTENT

The NBG Subdistricts are used as a tool to create lively, walkable, healthy, livable areas where people are able to reduce vehicle usage without sacrificing access to neighborhood amenities. To accomplish this, the intent of Article 2 is to:

- 2.1.1.** Allow for creation of a dense and vibrant "town center" with an urban form and uses less reliant on the automobile.
- 2.1.2.** Provide for and encourage development and redevelopment that achieves a balance of jobs, housing, retail, open space and community facilities within close proximity to each other and to transit. The essence of a mixed-use area is that it allows for opportunities to live, work and play within the same area.
- 2.1.3.** Enable opportunities for transit-oriented development around the rail transit stations.
- 2.1.4.** Locate the highest level of activity and mix of uses in the TOD Subdistrict, around transit and along major streets thereby promoting greater transit ridership.
- 2.1.5.** Enable redevelopment and adaptive reuse while accommodating existing uses.
- 2.1.6.** Allow for significant higher density residential uses to accommodate some of the region's expected population growth.
- 2.1.7.** Provide for a variety of housing options to be developed in close proximity to potential jobsites as well as public transit so that residents may reduce their dependency on personal vehicles and save on transportation costs.

2.2. APPLICABILITY

For the purpose of applying the standards in this Article, refer to Article 1 for descriptions and maps of NBG Subdistricts.

2.3. NORTH BURNET/GATEWAY SUBDISTRICTS

2.3.1. Applicability

Standard	Applies if the NBG Subdistrict is:						Applies if the Adjacent Street is:				Applies to the following:
	TOD	CMU	NMU	NR	WMU	CI	CTC	PPC	UR	HWY	
Section 2.3 North Burnet/Gateway Subdistricts	●	●	●	●	●	●	●	●	●	●	All development.

2.3.2. NBG Subdistricts General

- A. The locations of the NBG Subdistricts in the NBG Zoning District are depicted in Figure 1-2.
- B. The NBG Subdistricts vary in terms of use, development intensity, and level of urban character.
- C. All NBG Subdistricts permit combinations of uses within a building or a site, except a basic industry use may not be combined with other uses within the same building in the Commercial Industrial Subdistrict.

2.3.3. Land Use Summary Table

The Land Use Summary Table in Figure 2-1 establishes the permitted, conditional, and prohibited uses according to NBG Subdistrict and any additional regulations that apply to a particular use in a specific subdistrict.

2.3.4. Subdistrict Typologies

A. Transit-Oriented Development (TOD) Subdistrict

TOD is the most intensively developed land use zone and will typically be expressed as high density residential or office over active ground floor uses, such as retail. This land use designation is concentrated near the Capital Metro commuter rail station.

The North Burnet/Gateway Master Plan also anticipates a future TOD zone near a potential future Austin-San Antonio Intermunicipal Commuter Rail (ASA Rail) station, which is in the planning stage. At such time as the ASA Rail, or any other rail transit, is funded and exact station locations in the NBG area have been determined, consideration will be given to designating another TOD Subdistrict in the NBG Zoning District. City Council would need to approve any Subdistrict change and normal public hearing and notification procedures would apply.

B. Commercial Mixed Use (CMU) Subdistrict

1. Typology

Commercial Mixed Use is a high density mixed use subdistrict in the NBG Zoning District. It allows for development such as high density residential, high rise office and entertainment complexes, destination retail and large scale civic uses.

2. University of Texas "Western Tract" Property

- a. The location of the UT "Western Tract" is shown on the Figure 1-2 NBG Subdistricts map.
- b. The NBG Master Plan vision for the Western Tract area is to allow neighborhood-focused land uses similar to the Neighborhood Mixed Use (NMU) Subdistrict, but with site development regulations of the CMU Subdistrict. Large scale commercial services and destination retail uses are not permitted on the UT "Western Tract" Property. Because of the large amount of destination retail that already exists west of MoPac in the NBG Zoning District, it is important to balance out the area with other uses. Permitted, conditional, and prohibited uses specific to the UT "Western Tract" property are shown in Figure 2-1.

C. Neighborhood Mixed Use (NMU) Subdistrict

The Neighborhood Mixed Use Subdistrict provides for mid-rise residential with neighborhood-oriented retail and smaller employers.

D. Neighborhood Residential (NR) Subdistrict

Neighborhood Residential is the primary residential zone outside of the higher density mixed-use Subdistricts and provides for a height transition to the existing neighborhoods outside of the NBG Zoning District. The Neighborhood Residential Subdistrict provides for a wide range of housing types, including townhomes, rowhouses, and lower density apartment and condominium development. Neighborhood retail and civic uses are also allowed.

E. Warehouse Mixed Use (WMU) Subdistrict

Warehouse Mixed Use is a transition subdistrict used to accommodate existing warehouse uses and enable future development to include residential and local retail uses.

F. Commercial Industrial (CI) Subdistrict

The Commercial Industrial Subdistrict accommodates basic industry, light manufacturing and warehousing uses.

2.3.5. Drive-Through Facilities

- A.** A use with a drive-through facility is prohibited in the TOD and the Neighborhood Residential (NR) Subdistricts.
- B.** A drive-through facility serving a restaurant use is prohibited in the TOD, Neighborhood Mixed Use (NMU) and Neighborhood Residential (NR) Subdistricts.

Article 2: Land Use Standards
Figure 2-1: NBG Zoning District Land Use Table

Figure 2-1: NBG ZONING DISTRICT LAND USE TABLE								
P = Permitted Use C = Conditional Use -- = Prohibited								
RESIDENTIAL USES	Transit-Oriented Development (TOD)	Commercial Mixed Use (CMU)	CMU-UT "Western Tract" (CMU-UT)	Neighborhood Mixed Use (NMU)	Neighborhood Residential (NR)	Warehouse Mixed Use (WMU)	Commercial Industrial (CI)	ADDITIONAL REQUIREMENTS
Bed & Breakfast (Group 1)	P	P	P	P	P	P	--	
Bed & Breakfast (Group 2)	P	P	P	P	P	P	--	
Condominium Residential	P	P	P	P	P	P	--	
Duplex Residential	--	--	--	--	P	--	--	
Group Residential	P	P	P	P	P	P	--	
Mobile Home Residential	--	--	--	--	--	--	--	
Multifamily Residential	P	P	P	P	P	P	--	
Retirement Housing (Small Site)	P	P	P	P	P	P	--	
Retirement Housing (Large Site)	P	P	P	P	P	P	--	
Single-Family Attached Residential	--	--	--	--	P	--	--	
Single-Family Residential	--	--	--	--	--	--	--	
Townhouse Residential	--	--	P	P	P	--	--	
Two-Family Residential	--	--	--	--	P	--	--	
COMMERCIAL USES	TOD	CMU	CMU-UT	NMU	NR	WMU	CI	ADDITIONAL REQUIREMENTS
Administrative and Business Offices	P	P	P	P	--	P	P	Use is limited to 5,000 gross sq. ft. in the NR Subdistrict
Agricultural Sales and Services	--	--	--	--	--	--	P	
Art Gallery	P	P	P	P	P	P	P	

Article 2: Land Use Standards
Figure 2-1: NBG Zoning District Land Use Table

P = Permitted Use C = Conditional Use -- = Prohibited								
COMMERCIAL USES (Cont.)	TOD	CMU	CMU-UT	NMU	NR	WMU	CI	ADDITIONAL REQUIREMENTS
Art Workshop	P	P	P	P	P	P	P	
Automotive Rentals	P	P	P	P	--	P	P	A maximum of 10 fleet cars is allowed in the TOD and NMU subdistricts and a maximum of 20 fleet cars is allowed in the CMU, CMU-UT, WMU, and CI subdistricts
Automotive Repair Services	--	P	P	--	--	P	P	
Automotive Sales	--	P	P	--	--	P	P	A maximum of 20 vehicles for sale or rental is allowed on the site. An existing automotive sales use in place prior to Nov. 1, 2007, located in a subdistrict in which the use is permitted, is not considered a non-conforming use and may exceed the 20-vehicle maximum established in this Document.
Automotive Washing (of any type)	--	--	--	--	--	P	P	
Bail Bond Services	--	--	--	--	--	--	--	
Building Maintenance Services	--	P	--	--	--	P	P	In CMU subdistrict use must be in an enclosed structure.
Business or Trade School	P	P	P	P	--	P	P	
Business Support Services	P	P	P	P	--	P	P	
Campground	--	--	--	--	--	--	--	
Carriage Stable	--	--	--	--	--	--	P	
Cocktail Lounge	P	C	C	C	--	C	--	
Commercial Blood Plasma Center	--	P	--	--	--	P	P	Permitted subject to LDC Section 25-2-803
Commercial Off-Street Parking	P	P	P	P	--	P	P	A commercial off-street parking use may not exceed one acre in site size. It may not be located within 100 feet of a corner. Not more than one commercial off-street parking use site may be located within a single block. The use must meet all applicable design requirements in this Document.
Communications Services	P	P	P	P	--	P	P	
Construction Sales and Services	--	--	--	--	--	P	P	
Consumer Convenience Services	P	P	P	P	P	P	P	
Consumer Repair Services	P	P	P	P	P	P	P	
Convenience Storage	--	P	--	--	--	P	P	In the CMU Subdistrict, the use must be enclosed in a single building on the site with no direct entry to individual storage units from outside.

Article 2: Land Use Standards
Figure 2-1: NBG Zoning District Land Use Table

P = Permitted Use C = Conditional Use -- = Prohibited								
COMMERCIAL USES (cont.)	TOD	CMU	CMU-UT	NMU	NR	WMU	U	ADDITIONAL REQUIREMENTS
Drop-Off Recycling Collection Facility	--	--	--	--	--	--	P	
Electronic Prototype Assembly	--	P	P	--	--	P	P	
Electronic Testing	--	P	P	--	--	P	P	
Equipment Repair Services	--	--	--	--	--	P	P	
Equipment Sales	--	--	--	--	--	--	P	
Exterminating Services	--	--	--	--	--	--	P	
Financial Services	P	P	P	P	P	P	P	Use is limited to 5,000 sq. ft. in the NR Subdistrict.
Food Preparation	P	P	P	P	--	P	P	
Food Sales	P	P	P	P	P	P	--	Use is limited to 5,000 sq. ft. in the NR Subdistrict.
Funeral Services	--	P	--	--	--	P	P	
General Retail Sales (Convenience)	P	P	P	P	P	P	P	Use is limited to 5,000 sq. ft. in the NR Subdistrict.
General Retail Sales (General)	P	P	P	P	--	P	P	Use is limited to 50,000 sq. ft. gross floor area in TOD, NMU, CMU-UT Subdistricts.
Hotel-Motel	P	P	P	--	--	P	--	
Indoor Entertainment	--	P	--	--	--	P	P	
Indoor Sports and Recreation	--	P	--	--	--	P	P	
Kennels	--	P	--	--	--	P	P	
Laundry Services	--	--	--	--	--	P	P	
Liquor Sales	P	P	P	P	--	P	--	
Marina	--	--	--	--	--	--	--	
Medical Offices – exceeding 5,000 sq. ft. gross floor area	P	P	C	--	--	P	P	
Medical Offices – not exceeding 5,000 sq. ft. gross floor area	P	P	P	P	C	P	P	
Monument Retail Sales	--	--	--	--	--	--	P	
Off-Site Accessory Parking	P	P	P	P	--	P	P	An off-street accessory parking use may not exceed one acre in site size. It may not be located within 100 feet of a corner. Not more than one off-site accessory parking use site may be located within a single block. The use must meet all applicable design requirements in this Document.

Article 2: Land Use Standards
Figure 2-1: NBG Zoning District Land Use Table

P = Permitted Use C = Conditional Use -- = Prohibited								
COMMERCIAL USES (cont.)	TOD	CMU	CMU-UT	NMU	NR	WMU	C	ADDITIONAL REQUIREMENTS
Outdoor Entertainment	--	--	--	--	--	--	--	
Outdoor Sports and Recreation	--	P	--	--	--	--	--	
Pawn Shop Services	--	--	--	--	--	P	P	
Personal Improvement Services	P	P	P	P	P	P	--	Use is limited to 5,000 gross sq. ft. in the NR Subdistrict.
Personal Services	P	P	P	P	P	P	--	
Pet Services	P	P	P	P	P	P	P	
Plant Nursery	--	P	C	C	--	P	P	
Printing and Publishing	--	P	C	C	--	P	P	
Professional Office	P	P	P	P	P	P	P	Use is limited to 5,000 gross sq. ft. in the NR Subdistrict.
Recreational Equipment Maintenance & Storage	--	--	--	--	--	--	P	
Recreational Equipment Sales	--	--	--	--	--	--	P	
Research Assembly Services	--	--	--	--	--	--	--	
Research Services	--	P	C	C	--	P	P	
Research Testing Services	--	--	--	--	--	--	--	
Research Warehousing Services	--	--	--	--	--	--	--	
Restaurant (General)	P	P	P	P	--	P	P	
Restaurant (Limited)	P	P	P	P	P	P	P	Use is limited to 5,000 gross sq. ft. in NR Subdistrict.
Scrap and Salvage	--	--	--	--	--	--	C	
Service Station	--	P	P	P	P	P	P	A service station use may have the capability of fueling not more than eight vehicles at one time in the CMU, CMU-UT, NMU, and NR subdistricts.
Software Development	P	P	P	P	P	P	P	Use is limited to 5,000 sq. ft. in the NR Subdistrict.
Special Use Historic	C	C	C	C	C	C	C	Use must comply with the requirements of LDC Section 25-2-807
Stables	--	--	--	--	--	--	--	
Theater	P	P	P	P	--	P	P	
Vehicle Storage	--	--	--	--	--	--	P	
Veterinary Services	P	P	P	P	--	P	P	A veterinary services use must be conducted entirely within an enclosed structure. Veterinary hospitals for livestock and large animals not permitted.

Article 2: Land Use Standards
Figure 2-1: NBG Zoning District Land Use Table

P = Permitted Use C = Conditional Use -- = Prohibited								
CIVIC USES	TOD	CMU	CMU-UT	NMU	NR	WMU	C	ADDITIONAL REGULATIONS
Administrative Services	P	P	P	P	--	P	P	Incidental maintenance of administrative services vehicles prohibited on site in TOD, CMU, CMU-UT, NMU, and NR subdistricts.
Aviation Facilities	--	--	--	--	--	--	--	
Camp	--	--	--	--	--	--	--	
Cemetery	--	--	--	--	--	--	--	
Club or Lodge	--	C	C	--	--	C	C	
College and University Facilities	P	P	P	P	--	P	P	An existing use in place prior to Nov. 1, 2007 is not considered a non-conforming use.
Communication Service Facilities	P	P	P	P	P	P	P	
Community Events	--	--	--	--	--	--	--	
Community Recreation (Private)	P	P	P	P	P	P	C	
Community Recreation (Public)	P	P	P	P	P	P	C	
Congregate Living	P	P	P	P	P	P	--	
Convalescent Services	--	P	P	P	P	P	--	
Convention Center	--	--	--	--	--	--	--	
Counseling Services	P	P	P	P	C	P	--	
Cultural Services	P	P	P	P	C	P	--	
Day Care Services (Commercial)	P	P	P	P	P	P	--	
Day Care Services (General)	P	P	P	P	P	P	--	
Day Care Services (Limited)	P	P	P	P	P	P	--	
Detention Facilities	--	--	--	--	--	--	--	
Employee Recreation	--	--	--	--	--	P	P	
Family Home	P	P	P	P	P	P	--	
Group Home, Class I (Limited)	P	P	P	P	P	P	C	
Group Home, Class I (General)	P	P	P	P	C	P	C	
Group Home, Class II	C	P	C	C	C	P	C	
Guidance Services	P	P	P	P	--	P	--	
Hospital Services (Limited)	P	P	P	P	C	P	--	

Article 2: Land Use Standards
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P = Permitted Use C = Conditional Use -- = Prohibited								
CIVIC USES (cont.)	TOD	CMU	CMU-UT	NMU	NR	WMU	CI	ADDITIONAL REGULATIONS
Hospital Services (General)	--	C	C	C	--	C	--	
Local Utility Services	P	P	P	P	P	P	P	
Maintenance and Service Facilities	--	--	--	--	--	C	P	
Major Utility Facilities	--	--	--	--	--	--	C	
Military Installations	--	--	--	--	--	--	--	
Park and Recreation Services (General)	P	P	P	P	P	P	--	
Park and Recreation Services (Special)	--	--	--	--	--	--	--	
Postal Facilities	P	P	P	P	P	P	P	Use is limited to 5,000 gross sq. ft. in all Subdistricts except CI.
Private Primary Educational Facilities	P	P	P	P	P	P	--	
Private Secondary Educational Facilities	P	P	P	P	P	P	--	
Public Primary Educational Facilities	P	P	P	P	P	P	--	
Public Secondary Educational Facilities	P	P	P	P	P	P	--	
Qualified Community Garden	P	P	P	P	P	P	--	Subject to LDC Section 8-4
Railroad Facilities	--	--	--	--	--	--	P	
Religious Assembly	P	P	P	P	P	P	P	
Residential Treatment	C	P	C	C	C	P	--	
Safety Services	P	P	P	P	C	P	P	
Telecommunication tower	P	P	P	P	P	P	P	Subject to LDC Section 25-2-839 (13-2-235 and 13-2-273). A telecommunications tower must be located on top of a building or be an architectural component of the building. Free standing towers are prohibited in TOD, CMU, CMU-UT, NMU, and NR subdistricts
Transitional Housing	--	C	--	--	--	C	--	
Transportation Terminal	P	P	P	P	C	P	P	All private transportation terminals are conditional in all NBG Subdistricts.

Article 2: Land Use Standards
Figure 2-1: NBG Zoning District Land Use Table

P = Permitted Use C = Conditional Use -- = Prohibited								
INDUSTRIAL USES	TOD	CMU	CMU-UT	NMU	NR	WMU	CI	ADDITIONAL REQUIREMENTS
Basic Industry	-	-	-	-	--	--	P	
Custom Manufacturing	P	P	P	P	C	P	P	
General Warehousing and Distribution	--	--	-	--	--	--	P	
Light Manufacturing	-	--	--	--	--	P	P	In the WMU Subdistrict, use may not produce noise, vibration, smoke, dust, odor, heat, glare, fumes, electrical interference, or waste run-off outside an enclosed structure.
Limited Warehousing and Distribution	--	--	--	--	--	P	P	In the WMU Subdistrict, use may not produce noise, vibration, smoke, dust, odor, heat, glare, fumes, electrical interference, or waste run-off outside an enclosed structure.
Recycling Center	--	-	--	-	--	--	P	
Resource Extraction	--	--	--	--	--	--	--	
Stockyards	--	-	--	-	--	--	--	
AGRICULTURAL USES	TOD	CMU	CMU-UT	NMU	NR	WMU	CI	ADDITIONAL REQUIREMENTS
Animal Production	--	-	-	-	-	-	-	
Crop Production	-	-	-	-	--	--	-	
Horticulture	-	--	-	-	--	--	--	
Support Housing	--	-	--	-	--	--	--	
Urban Farm	-	C	C	C	-	C	--	

ARTICLE 3: CIRCULATION, CONNECTIVITY AND STREETSCAPE

The applicability of standards in Article 3 is based on the NBG Subdistrict in which a property is located and the Roadway Type adjacent to it. Refer to Article 1 for descriptions and maps of NBG Subdistricts and NBG Roadway Types.

3.1. INTENT

The standards of Article 3 are intended to:

- 3.1.1. Increase mobility both within the North Burnet/Gateway area and to surrounding areas by improving connectivity and accommodations for pedestrians, cyclists and transit.
- 3.1.2. Encourage a greater percentage of travel accomplished by walking, biking, and transit.
- 3.1.3. Provide a built environment, streetscape and street design that are safe and enjoyable for pedestrians and cyclists.
- 3.1.4. Ensure that site design promotes efficient pedestrian and vehicle circulation patterns;
- 3.1.5. 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;
- 3.1.6. 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;
- 3.1.7. Ensure that there are multiple travel route options for all transportation modes in and around the NBG Zoning District;
- 3.1.8. 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
- 3.1.9. Ensure that sites are developed in a manner that supports and encourages connectivity for all modes of travel and that new and existing development, pedestrian and bicycle paths, and open spaces complement and link to one another.

3.2. APPLICABILITY

For the purpose of applying the standards in this Article, refer to Article 1 for descriptions and maps of NBG Subdistricts and NBG Roadway Types.

3.3. SIDEWALK STANDARDS

3.3.1. General Applicability

In order to create an environment that is supportive of pedestrian and transit mobility, public sidewalks shall be provided on both sides of all streets in the NBG Zoning District. The requirements of this section must be met on all adjacent roadway types.

3.3.2. Sidewalk Standards for All Roadway Types

A. Applicability

Standard	Applies if the NBG Subdistrict is:						Applies if the Adjacent Street is:				Applies to the following:
	TOD	CMU	NMU	NR	WMU	CI	CTC	PPC	UR	HWY	
Subsection 3.3.2 Sidewalk Standards for All Roadway Types	●	●	●	●	●	●	●	●	●	●	-All development -Requirement must be met on all adjacent roadway types

B. Sidewalks

Public sidewalks shall be located along both sides of all streets. No sidewalk shall be less than the width prescribed in Figure 3-3 for each roadway type. The minimum sidewalk width requirement shall apply regardless of the available right-of-way. Where required, the sidewalk shall extend onto private property to fulfill the 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 3-4 and 3-5). The following standards shall apply:

1. Street Tree/Furniture Zone

- The street tree/furniture zone shall have a minimum width as prescribed in Figure 3-3 for each roadway type (from face of curb) and shall be continuous and located adjacent to the curb.
- If required based on roadway type, the zone shall be planted with street trees at an average spacing not greater than 30 feet on center. The

Watershed Protection and Development Review Dept. maintains a list of acceptable street trees for purposes of this section.

- c. For properties within the TOD Subdistrict, the zone shall be planted with street trees at an average spacing not greater than 30 feet on center on all roadway types.
- d. While not required, 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 (see Figure 3-1).



Figure 3-1: Street tree/furniture zone

2. Clear Zone

- a. The clear zone shall be a minimum width as prescribed in Figure 3-3 for each roadway type, shall be hardscaped, shall be located adjacent to the street tree/furniture zone, and shall comply with ADA and Texas Accessibility Standards.
- b. 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 Figure 3-2).
- c. Along NBG Highways, the clear zone shall be located a minimum of 2 feet from the curb or ROW in compliance with TCM Section 4.2.1.



Figure 3-2: Clear zone example

Figure 3-3: SIDEWALK STANDARDS (applicability based on Roadway Type)

Standards	Applies if the Adjacent Street is:				Additional Requirements
	CTC	PPC	UR	HWY	
Min. Total Sidewalk Width (Feet)	15'	12'	12'	8'	
Min. Street Tree Zone Width (Feet)	8'	7'	7'	Optional	
Minimum Clear Zone Width	7'	5'	5'	8'	Along NBG Highways, sidewalks shall be located a minimum of 2 feet from the curb in compliance with TCM Section 4.2.1.
Street Trees Required	●	●			Street trees shall be planted for all properties in the TOD Subdistrict.

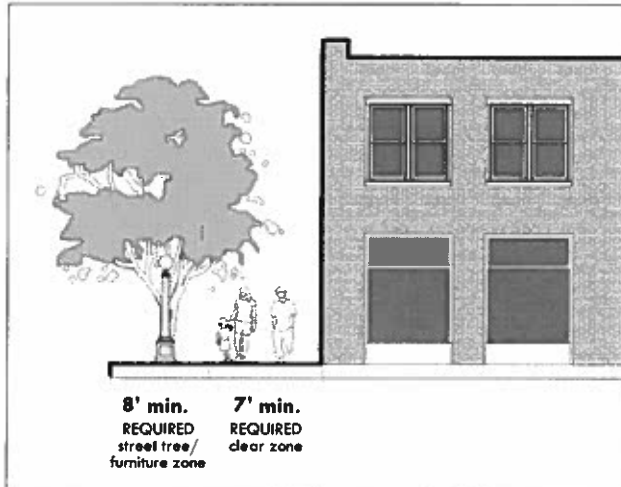


Figure 3-4: NBG Core Transit Corridor sidewalk requirements.

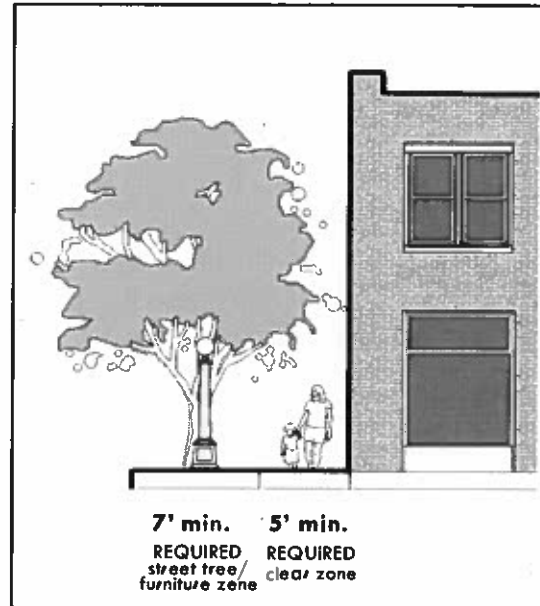


Figure 3-5: NBG Pedestrian Priority Collector and NBG Urban Roadway sidewalk width requirements.

Street trees with an average spacing not greater than 30 feet on center are required along NBG Core Transit Corridors, NBG Pedestrian Priority Collectors, and all roadway types in the TOD Subdistrict.

3. Accommodating Bicycle Facilities

- a. If the adjacent street is identified as an NBG Core Transit Corridor or NBG Pedestrian Priority Collector, sidewalks may only encroach in the street right-of-way (ROW) to the extent that enough ROW and/or pavement remains to be able to accommodate a 6-foot wide bicycle lane on both sides of the roadway in the future. Alternative Equivalent Compliance may be sought for relief from this standard if bicycle accommodations are provided as part of the sidewalk streetscape (one-way or two-way shared use facility); subject to review and approval by the Directors of the Public Works and Watershed Protection and Development Review Departments.
- b. Along NBG Highways, a minimum 8 foot clear zone is required in order to provide a shared use path that could be used for both pedestrian and bicycle travel.

4. 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 3-6).
- b. Where existing 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. In addition, street trees shall be set back from an energized conductor by a minimum of ten feet as measured from the centerline of the tree. Options for street tree planting and sidewalk placement in combination with overhead utilities are illustrated in Figures 3-7 and 3-8.
- c. Utility compatible trees may be used so that the trees can be located beneath, rather than offset from, the overhead electric utilities if one of the following conditions is met:
 - (i) If the depth of a lot is 120 feet or less and electric utilities remain overhead and are located behind the curb; or
 - (ii) If, in order to meet all of the requirements of this section, the building façade would be required to set back 30 feet or more beyond the curb face (Note: if the requirements of this section can be met within existing right-of-way, utility compatible trees may not be used).

3.3.3. Alternative Requirements for Shallow Lots on NBG Core Transit Corridors

On lots located on NBG Core Transit Corridors, with a depth of 150 feet or less and where insufficient right-of-way exists to meet sidewalk requirements, the total sidewalk width may be reduced to 12 feet, consisting of a seven-foot minimum street tree/furniture zone and a five-foot clear zone.

Article 3: Circulation, Connectivity and Streetscape
Section 3.3. Sidewalk Standards
Subsection 3.3.3. Alternative Requirements for Shallow Lots on NBG Core Transit Corridors

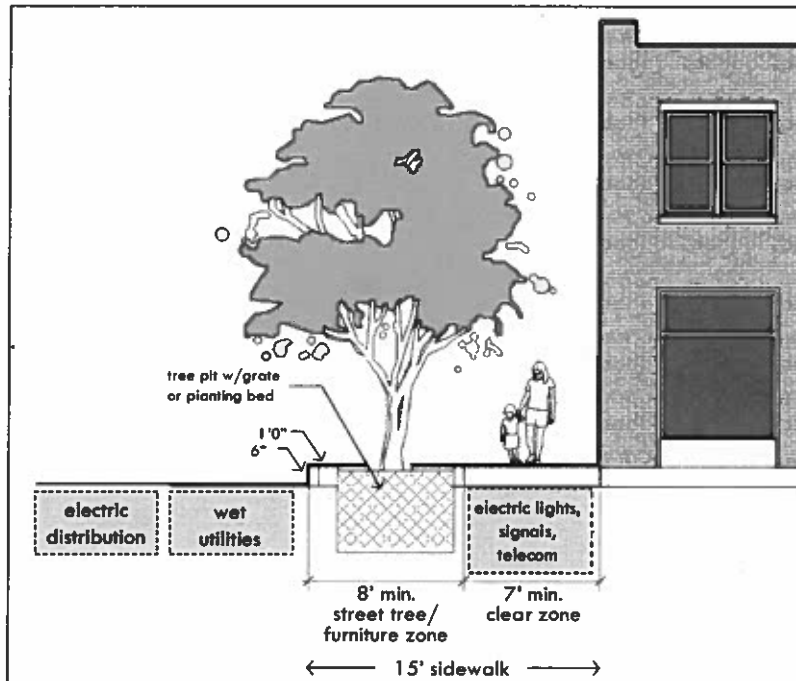


Figure 3-6: NBG Core Transit Corridor with underground utilities.

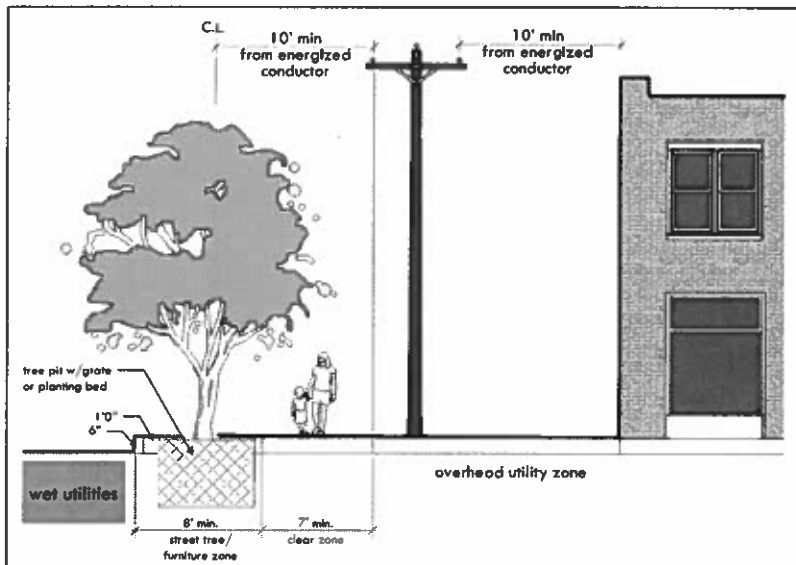


Figure 3-7: NBG Core Transit Corridor with overhead utility zone.

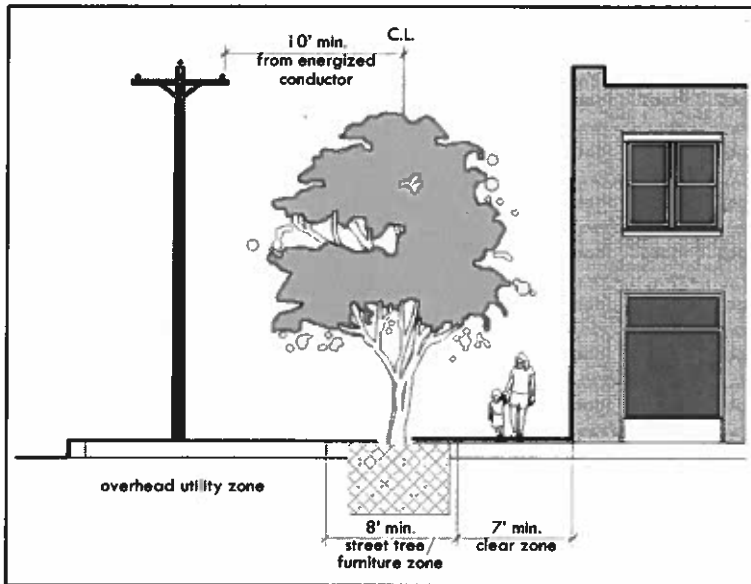


Figure 3-8: NBG Core Transit corridor with overhead utility zone at curb

3.3.4. Sidewalk Exemption for Edge Streets

If a street(s) is not required by the Collector Street Plan and is aligned along an interior and/or rear property line and a street connection to adjacent property is not feasible, the sidewalk standards in this section are not required along the outside edge of the street (Figure 3-9).

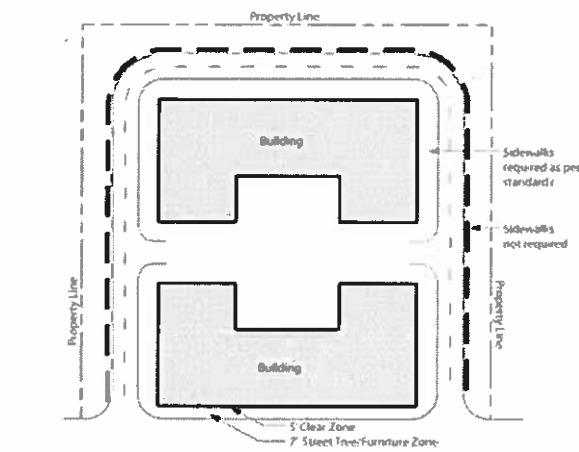


Figure 3-9: Sidewalk exemption on edge streets

3.4. ON-STREET PARKING

3.4.1. Applicability

Standard	Applies if the NBG Subdistrict is:						Applies if the Adjacent Street is:				Applies to the following:
	TOD	CMU	NMU	NR	WMU	CI	CTC	PPC	UR	HWY	
Section 3.4 On-street parking	●	●	●	●	●	●	●	●	●		Optional for all development.

3.4.2. Purpose

On-street parking is encouraged within the NBG Zoning District to serve retail, office, and residential parking needs. It is especially important in areas where there are active edge designations to support ground floor businesses and to serve as a buffer for pedestrian activity along high-volume streets. However, depending on conditions along existing streets in addition to City safety policies and procedures, the provision of on-street parking on all streets within the NBG Zoning District is subject to the approval of the Director of the Public Works Department and compliance with fire access standards.

3.4.3. On-Street Parallel Parking

A. NBG Core Transit Corridors

1. On-street parallel parking is encouraged along the following NBG Core Transit Corridors: Kramer Lane, Stonelake Blvd, and Capital of Texas Hwy within the NBG Zoning District, as indicated on the NBG Roadway Types Map (Figure 1-3).
2. The Director of the Public Works Department may determine that such parking is not feasible due to limited right-of-way width or lack of appropriate and adequate easement, transit activity conflict and interference, inadequate sight distance caused by vertical or horizontal curvature of a street, high roadway speeds, or other safety concerns.

3. The design for on-street parallel parking may be accommodated by providing parking inside the curb line (Figure 3-10).
4. If on-street parking is provided, the sidewalk standards under Section 3.3 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.
5. On-street parallel parking is not permitted on Burnet Road. The portion of Burnet Road in the North Burnet/Gateway planning area is part of the State Highway System (FM1325) and thus under the Texas Department of Transportation (TxDOT) jurisdiction. The North Burnet/Gateway Master Plan recommends the City of Austin request to take ownership of the roadway, and redesign the roadway into an urban transit boulevard. At such time as the City takes over ownership, consideration will be given to permitting parallel parking on Burnet Road.

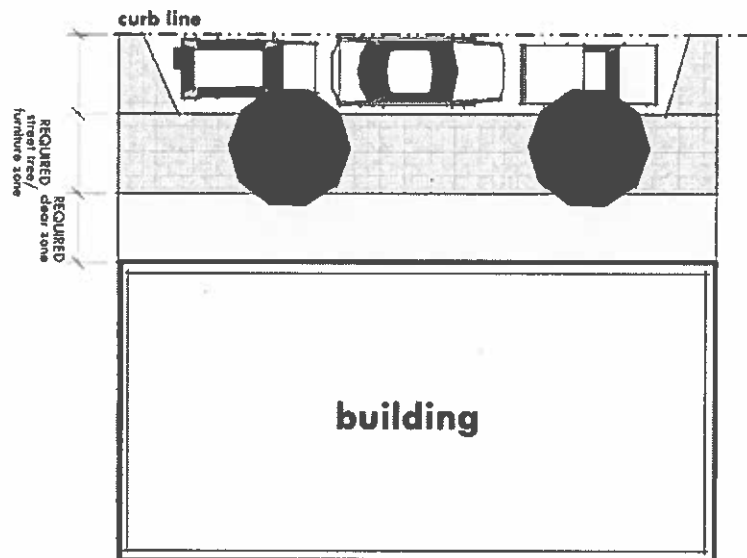


Figure 3-10: On-street parallel parking design inside the curb line.

B. NBG Pedestrian Priority Collectors and NBG Urban Roadways

1. On-street parallel parking is encouraged along all NBG Pedestrian Priority Collectors and NBG Urban Roadways and shall be permitted subject to the approval of the Director of the Public Works Department.
2. The design for on-street parallel parking may be accommodated using standard design adjacent to the curb (Figure 3-11) or by providing parking inside the curb line (Figure 3-10).
3. If on-street parking is provided, the sidewalk provisions under Section 3.3 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.

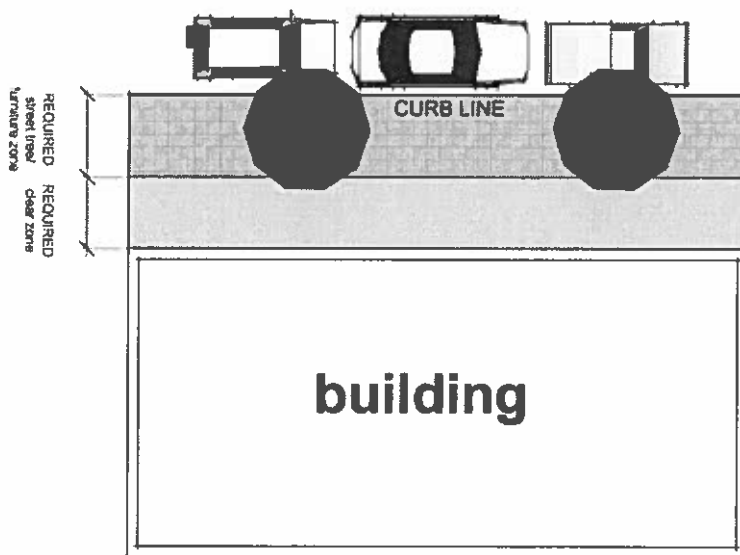


Figure 3-11: On-street parallel parking - standard design adjacent to the curb.

3.4.4. Head-in and Angle Parking Restrictions

Head-in and angle parking are not allowed in the TOD Subdistrict or on a NBG Core Transit Corridor or NBG Pedestrian Priority Collector in the NBG Zoning District.

3.5. CONNECTIVITY AND CIRCULATION

3.5.1. Project Circulation Plan

A. Applicability

Standard	Applies if the NBG Subdistrict is:						Applies if the Adjacent Street is:				Applies to the following:
	TOD	CMU	NMU	NR	WMU	CI	CTC	PPC	UR	HWY	
Section 3.5.1 Project Circulation Plan	●	●	●	●	●	●	●	●	●	●	All development

B. All projects must provide a Project Circulation Plan as part of the subdivision review process (or site plan if a subdivision plan is not required). The Project Circulation Plan shall be developed and reviewed for its consistency with this Section 3.5 and the NBG Collector Street Plan (Figure 3-12), which illustrates conceptual locations for new collector streets in the NBG Planning Area.

C. The Project Circulation Plan shall demonstrate:

1. How the on-site circulation system meets the standards of this Section 3.5.
2. How the on-site circulation system will be integrated with surrounding streets, bicycle facilities, trails, existing or future development, etc.
3. How new street design conforms with street cross section standards in Appendix A and reflects the intent of this Article.
4. How new collector street alignments conform with the NBG Collector Street Plan (Figure 3-12) or how deviations from the Collector Street Plan, in terms of roadway placement, alignment, and design, are consistent with the intent statements in this Document.
5. Consideration for pedestrians, bicyclists, transit, and vehicles.
6. That the street and pathway system will contribute to safe and convenient pedestrian connections between primary destinations within the Station Area (e.g. transit station, commercial services, parks) and the surrounding neighborhoods.

D. A Project Circulation Plan must be approved by the Directors of the Neighborhood Planning and Zoning and Watershed Protection and Development Review Departments. In reviewing the Project Circulation Plan for approval, the Directors shall consider whether the plan:

- 1. It is consistent with standards in this Section 3.5.**
- 2. It is consistent with the NBG Collector Street Plan (Figure 3-12) or presents alternatives that demonstrate satisfactory compliance with the Collector Street Plan; and**
- 3. It meets all applicable requirements in the Transportation Criteria Manual (TCM) or presents acceptable alternatives to the standards in the TCM.**

A subdivision or site plan may not be approved if the Project Circulation Plan is not approved. The Directors' decision is subject to the standard City process for appeals of administrative decisions.

3.5.2. Dedication of NBG Collector Streets

A. Applicability

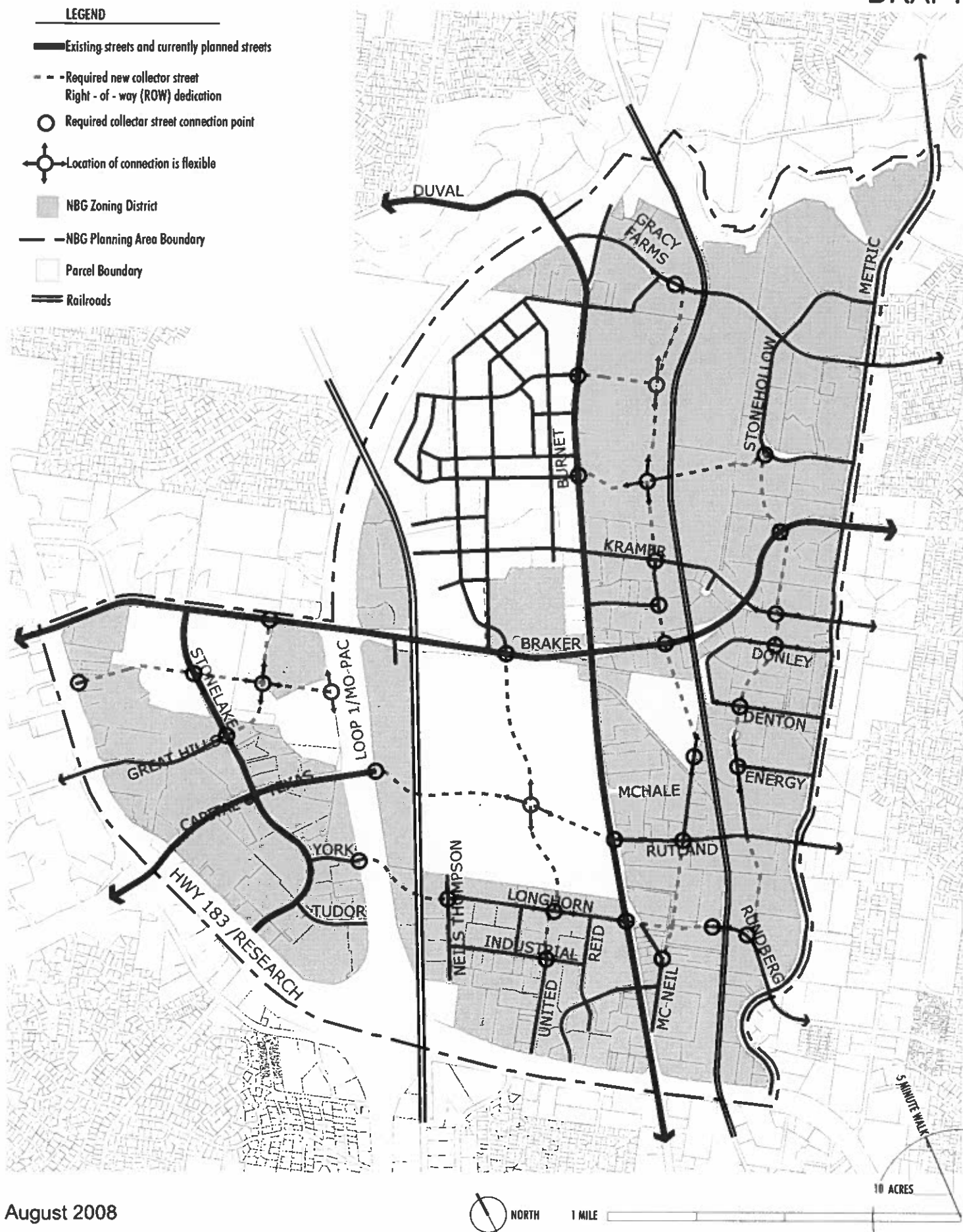
Standard	Applies if the NBG Subdistrict is:						Applies if the Adjacent Street is:				Applies to the following:
	TOD	CMU	NMU	NR	WMU	CI	CTC	PPC	UR	HWY	
Section 3.5.2 Dedication of NBG Collector Streets	●	●	●	●	●	●		●			Parcels shown with "Required new collector street right-of-way (ROW) dedication" lines on Figure 3-12.

B. Right-of-way shall be dedicated for collector streets as identified on the NBG Collector Street Plan (Figure 3-12).

- 1. New collector streets shall follow one of the Primary Collector Street cross-sections provided in Appendix A.**
- 2. Precise locations of collector conceptual alignments in the NBG Collector Street Plan (Figure 3-12) are subject to modification as deemed appropriate by the Directors.**
- 3. If a site is five acres or larger in size and required build a new street(s) to meet the block size standards in Section 3.5.4, a street alignment shall follow the collector street alignment as identified in Figure 3-12.**

Figure 3-12 : North Burnet / Gateway (NBG) Zoning District
Collector Street Plan

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4. If a site is less than five acres in size, or would otherwise not be required to provide a new street(s) on the site in compliance with the block size standards in Section 3.5.4 or any other requirement,
 - a. Floor-to-Area (FAR) calculations for the non-dedicated portion of the site shall be made based on the total site area prior to the dedication.
 - b. If the project builds the collector street following one of the Primary Collector Street cross-sections provided in Appendix A, the site will be eligible for a development bonus in exchange for building the collector street. The development bonus criteria and standards are detailed in Article 6.

3.5.3. Standards for New Streets

A. Applicability

Standard	Applies if the NBG Subdistrict is:						Applies if the Adjacent Street is:				Applies to the following:
	TOD	CMU	NMU	NR	WMU	CI	CTC	PPC	UR	HWY	
Section 3.5.3. Standards for New Streets	●	●	●	●	●	●	N/A	N/A	N/A	N/A	Any new street built in the NBG Zoning District.

N/A = Not Applicable.

- B. Any new street built in the NBG Zoning District will be required to follow one of the street cross-sections provided in Appendix A.
- C. New streets are encouraged to incorporate Innovative Water Quality Controls as described in Environmental Criteria Manual Section 1.6 and illustrated in Appendix C.

3.5.4. Block Standards

A. Applicability

Standard	Applies if the NBG Subdistrict is:						Applies if the Adjacent Street is:				Applies to the following:
	TOD	CMU	NMU	NR	WMU	CI	CTC	PPC	UR	HWY	
Section 3.5.4 Block Standards	●	●	●	●	●	●	●	●	●	●	A site five acres or larger, or any block face exceeding 500 feet in length.

B. Maximum Block Size

A site five acres or larger shall be generally divided into internal blocks. Streets connecting the blocks shall form an interconnected, grid-like transportation system on the site. Notwithstanding the provisions of new streets consistent with the NBG Collector Street Plan, the maximum length of any block face shall be 660 feet and the maximum block perimeter shall be 1,800 feet as measured from the curb line (see Figure 3-21) with the following exemptions, subject to the approval of the Director:

1. Block size should not exceed the standards in Subsection B above unless there are special circumstances including, but not limited to: restricted access due to easements, rail right-of-way, natural features (such as waterways and floodplain), and existing development.
2. Contiguous green spaces or parks are not subject to the block-length requirements, but if the green space or park is longer than 500 feet, it must include at a minimum of one pedestrian and bicycle shared use path as a mid-block connection. This path shall connect to other existing or planned pedestrian/bicycle routes through the site or adjacent to the site.
3. Contiguous areas adjacent to and following the Capital Metro railway right-of-way are not subject to the block length requirements if they do not extend more than 175 feet away from the rail right-of-way.

C. Mid-block Pathway

For a block face exceeding 500 feet in length, a pedestrian pathway shall be provided as a mid-block route to connect to public streets and/or other existing or planned pedestrian routes through the site or adjacent to the site (see Figure 3-13).

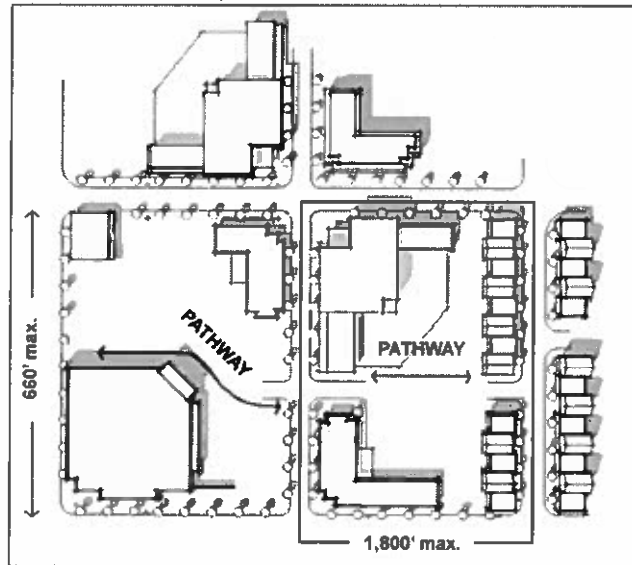


Figure 3-13: Example of a development meeting block standards and mid-block pathways

D. Subdivision of Internal Blocks

Internal blocks abutting new streets 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 new street is equivalent to a public street in terms of pedestrian and bicycle access, utilities, pavement design, and vehicle access requirements.

3.5.5. Curb Cut Spacing Standards

A. Applicability

Standard	Applies if the NBG Subdistrict is:						Applies if the Adjacent Street is:				Applies to the following:
	TOD	CMU	NMU	NR	WMU	CI	CTC	PPC	UR	HWY	
Section 3.5.5 Curb-cut Spacing Standards	●	●	●	●	●	●	●	●	●	●	All development

B. General Standards

In addition to the standards under Subsections C and D below, curb-cuts on streets in the NBG Zoning District shall be located in accordance with the driveway spacing standards in Section 5 of the Transportation Criteria Manual (TCM).

C. NBG Core Transit Corridors

Curb cuts for vehicular connections between the site and any adjacent NBG Core Transit Corridor shall not occur more frequently than every 330 feet. An NBG Pedestrian Priority Collector or NBG Urban Roadway does not count as a curb cut.

D. Small Lots on NBG Core Transit Corridors and NBG Pedestrian Priority Collectors

For lots with frontage less than 50 feet wide adjacent to an NBG Core Transit Corridor or Pedestrian Priority Collector, access to the lot shall be provided by a single joint use driveway from the CTC or PPC; otherwise access shall be provided from an NBG Urban Roadway, Highway, or Alley.

E. NBG Highways

Curb-cuts on NBG Highways shall be located in accordance with TxDOT driveway spacing standards located in the TxDOT Access Management Manual. The driveway spacing requirements are related to the posted speed limits. TxDOT is part of the City of Austin review process and all site developments that abut a state highway system are reviewed by the TxDOT Driveway and Utility Permit Office and Area Engineer's office prior to final approval by the City.

3.5.6. Curb-Cut Dimensional Standards

A. Applicability

Standard	Applies if the NBG Subdistrict is:						Applies if the Adjacent Street is:				Applies to the following:
	TOD	CMU	NMU	NR	WMU	CI	CTC	PPC	UR	HWY	
Section 3.5.6 Curb-Cut Dimensional Standards	●	●	●	●	●	●	●	●	●	●	All development

B. Curb-Cut Width Standards

Section 5 of the Transportation Criteria Manual (TCM) specifies driveway standards in 5.3.2 of the TCM. These standards shall continue to apply to residential (Type I) and commercial (Type II) driveways, except as provided in this subsection.

1. The maximum Type I driveway width for townhouse residences shall be 18 feet.
2. Driveways along street frontages with an active edge designation are discouraged. When they are deemed necessary by the Director, the maximum Type II driveway width for multi-family residential and commercial uses shall be 30 feet along an active edge.
3. Other Type II driveways within the NBG Zoning District shall be no more than 30 feet wide, and they may be expanded to a maximum width of 35 feet when deemed necessary by the Director for proper traffic circulation and access.
4. The maximum curb return radius for all Type II driveways shall be 15 feet in the TOD, CMU, NMU, and NR Subdistricts. The maximum curb return radius may be expanded when deemed necessary by the Director for proper traffic circulation and access.
5. Sidewalk clear zones crossing a driveway shall be continuous and as straight and level as possible. Curb cuts shall ramp up and down to the level of the sidewalk rather than require additional curb ramps along the sidewalk.

3.5.7. Commercial and Residential Alleys

A. Applicability

Standard	Applies if the NBG Subdistrict is:						Applies if the Adjacent Street is:				Applies to the following:
	TOD	CMU	NMU	NR	WMU	CI	CTC	PPC	UR	HWY	
Section 3.5.7 Commercial and Residential Alleys	●	●	●	●	●	●	●	●	●	●	Optional for all development

B. Alleys are encouraged to focus specific types of activity “behind the scenes” and to potentially allow for another point of access to the site. Alleys may provide space for, but not limited to, the following: loading areas, trash collection, utility location, and access to parking. Alleys shall comply with the Commercial Alley or Residential Alley cross-sections as shown in Appendix A.

C. Alleys should be used mid-block for service access and shall not substitute for streets required for emergency vehicle access or to meet block size or connectivity requirements.

3.5.8. Pedestrian, Bicycle, and Vehicular Circulation

A. Applicability

Standard	Applies if the NBG Subdistrict is:						Applies if the Adjacent Street is:				Applies to the following:
	TOD	CMU	NMU	NR	WMU	CI	CTC	PPC	UR	HWY	
Section 3.5.8 Pedestrian, Bicycle, and Vehicular Connectivity	●	●	●	●	●	●	●	●	●	●	All development

All sites or developments subject to this section shall:

B. Provide private drive or public/private street connections to existing private drives or public/private streets on adjacent sites;

C. Provide direct pedestrian access from any street adjacent to the property line to a building entrance (the pedestrian access point must be fully accessible during operating hours).

D. 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).