APPENDICES

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C. CORE, UPTOWN AND NORTHWEST DISTRICT FORM AND CHARACTER ANALYSIS; SUMMARY EVALUATION OF HISTORIC RESOURCES IN DOWNTOWN AUSTIN

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CITY OF AUSTIN, TEXAS

ORDINANCE NO. 960208-_C_

AN ORDINANCE AMENDING TITLE XIII (LAND DEVELOPMENT CODE) OF THE AUSTIN CITY CODE OF 1992 BY CREATING A "CURE" CENTRAL URBAN REDEVELOPMENT COMBINING DISTRICT; MODIFYING CERTAIN PARKING REQUIREMENTS; PROVIDING FOR SEVERABILITY; WAIVING THE REQUIREMENTS OF SECTIONS 2-2-3, 2-2-5, AND 2-2-7 OF THE AUSTIN CITY CODE OF 1992; AND PROVIDING AN EFFECTIVE DATE.

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

PART 1. That Section 13-2-1 (General Definitions) of the Austin City Code of 1992 is amended to add the following definition of "Central Urban Redevelopment" between the definitions of "Centerline" and "Change Of Use" as follows:

> ***CENTRAL URBAN REDEVELOPMENT (CURE)*** means the redevelopment of existing structures under unified control, planned and redeveloped as a whole in a single redevelopment operation or a programmed phasing of redevelopment, within specific central urban areas pursuant to modified regulations.

PART 2. That Article II, Division 7 of Chapter 13-2 of the Austin City Code of 1992 is amended to create a new Part H to read as follows:

Part H: Central Urban Redevelopment Combining District

SECTION 13-2-180 PURPOSE AND BOUNDARIES OF THE CURE CENTRAL URBAN REDEVELOPMENT COMBINING DISTRICT

(a) The CURE Central Urban Redevelopment Combining District is intended for combination with all base districts within specific central urban areas, in order to modify base district provisions as necessary to allow for appropriate uses.

(b) The CURE combining district is appropriate for sustainable redevelopment of homes, multifamily housing, and small businesses located in the central urban area. The CURE combining district may also be applied to vacant land within the central urban area. The CURE combining district is appropriate to accommodate projects of high priority to the stability of urban neighborhoods such as affordable housing and small businesses that serve the neighborhood along principal transportation routes. The CURE combining district is appropriate if it enhances stability of neighborhoods, provides affordable housing, provides space for small businesses, improves the natural environment, and encourages high quality development with architectural design and proportion compatible with the neighborhood. The minimum age of existing development generally considered appropriate for the CURE combining district is ten years.

(c) The CURE Central Urban Redevelopment Combining District may be applied only to properties located within the central urban area as shown in Figure 1. The official map of this area is on file with the Department of Planning and Development, and any uncertainty regarding the boundaries shall be resolved by the Director of the Department of Planning and Development.

SECTION 13-2-181 MODIFICATIONS TO BASE DISTRICT REGULATIONS IN A CURE COMBINING DISTRICT

Each ordinance zoning or rezoning property as a CURE combining district shall include a specific listing of the modifications to the base district regulations that the CURE combining district authorizes pursuant to Section 13-2-182.

SECTION 13-2-182 ALLOWABLE MODIFICATIONS IN A CURE COMBINING DISTRICT

The following modifications to regulations otherwise applicable in the base district may be included in an ordinance establishing a CURE combining district:

(1) Modifications to permitted and conditional uses authorized in the base district.

(2) Modifications to site development regulations applicable in the base district. The compatibility standards of Article VI, Division 4, Part A shall not be modified.

(3) Modifications to off-street parking and loading requirements, sign regulations, principal roadway area regulations, and landscaping and screening regulations applicable within the base district.

SECTION 13-2-183 DEVELOPMENT FEES IN A CURE COMBINING DISTRICT

(a) When considering a CURE combining district, the unique nature of each proposal may require, under proper circumstances, a reduction or elimination of development fees. Among the development fees that may be avoided or partially avoided are the following:

(1) Fees for development permits and inspections.

(2) Capital recovery fees.

(3) Parkland dedication fees.

(4) Stormwater drainage and water quality fees.

(5) Electric hook-up fees.

(b) Waivers or reductions of fees shall be by separate ordinance which shall comply with applicable legal requirements. Such ordinance may be processed concurrently with the zoning ordinance.

PART 3. That Section 13-2-1 (General Definitions) of the Austin City Code of 1992 is amended to delete the definition of "Off-Site Accessory Parking".

PART 4. That Section 13-2-3 (Commercial Uses Defined) of the Austin City Code of 1992 is amended to change the definition of "Off-Site Accessory Parking" to read as follows:

OFF-SITE ACCESSORY PARKING means parking spaces, together with driveways, aisles, turning and maneuvering areas, clearances, and similar features, located on a different site than the principal use.

PART 5. That Section 13-2-221 (Tables Of Uses Regulations) of the Austin City Code of 1992 relating to the "Uses Authorized In Commercial Base Districts" Table is amended to add "Off-Site Accessory Parking" as a conditional use in the following base districts: "CBD" and "DMU".

PART 6. That the Austin City Code of 1992 is amended to delete Section 13-2-223 (Additional Permitted Uses In CBD and DMU Districts).

PART 7. That Subsection (3) of Section 13-2-303 (Accessory Uses: Commercial Use Types) of the Austin City Code of 1992 is amended to read as follows:

(3) A parking facility, but not to provide parking exceeding the maximum allowable parking requirements for a use located in the CBD and DMU districts unless approved by the Planning Commission upon a finding that the purpose statement of Section 13-5-106(a) is not applicable.

PART 8. That Subsection (a) of Section 13-5-99 (Off-Site Parking) of the Austin City Code of 1992 is amended to read as follows:

(a) In accordance with the site plan review procedure for basic site plans, as described in Section 13-1-600 et seq. of this code, the Director of the Department of Planning and Development may approve locating all or a portion of the required or excess parking for a use on another site when both the primary use and accessory parking are located in a GO or less restrictive use district; however, shared off-site parking between a religious assembly use and an existing public primary or secondary educational facility, or between two or more religious assembly uses which do not conduct services on the same day, shall not require GO or less restrictive zoning, nor shall a site plan review procedure be required. The Director shall require only the minimum submission requirements necessary for review under this section (the location and number of existing and proposed off-street parking and loading spaces, and a calculation of applicable minimum requirements). Additional landscaping required by this chapter shall not be required if the sole purpose of the site plan is for shared or off-site parking on an existing parking lot. This section may not be used to provide parking which exceeds the maximum allowable parking requirements of these zoning regulations pursuant to this Article for a use located in the CBD or DMU districts unless the off-site parking is located in another district or the excess parking is approved by the Planning Commission upon a finding that the purpose statement of Section 13-5-106(a) is not applicable.

PART 9. That the heading of Section 13-5-106 of the Austin City Code of 1992 is amended to read as follows:

SECTION 13-5-106 SPECIAL PARKING AND LOADING PROVISIONS APPLICABLE TO CBD AND DMU DISTRICTS AND AREAS ELIGIBLE FOR A CURE COMBINING DISTRICT

PART 10. That Subsection (b) of Section 13-5-106 of the Austin City Code of 1992 is amended to read as follows:

(b) Within the CBD and DMU Districts, the following provisions apply in lieu of the regulations established by Section 13-5-107:

(1) No off-street parking is required for any use occupying a designated historic landmark or located in an existing building within a designated historic district.

(2) No off-street parking is required for any use occupying an existing structure of less than 6,000 gross square feet of floor space.

(3) Residential uses shall be required to provide at least 80% of the number of parking spaces otherwise required by Section 13-5-107.

(4) Open parking garages shall be screened along street frontages.

(5) Enclosed parking garages must be separated from the adjacent street by pedestrian oriented uses as defined in Section 13-2-228 fronting the adjacent street at the ground level. This provision may be waived or adjusted by the Planning Commission at the time of site plan approval upon a finding that the purpose statement of Section 13-5-106(a) is not applicable. All remaining areas shall be screened.

(6) Curb cuts for garage access shall be no greater than 30 feet in width.

(7) Clear ten degree cones of vision at the intersection of sidewalks and parking access lanes are required.

(8) The minimum number of parking spaces shall be 20% and the maximum number shall be 60% of the number of parking spaces otherwise required by Section 13-5-107. Allowable parking spaces may be increased without limit if all parking is contained within a parking structure or the excess parking is approved by the Planning Commission upon a finding that the purpose statement of Section 13-5-106(a) is not applicable.

PART 11. That Section 13-5-106 of the Austin City Code of 1992 is amended to create a new Subsection (d) to read as follows:

(d) Within the central urban area shown on Figure 1 to which a CURE combining district may be applied, except those zoned CBD or DMU, the following provisions apply in lieu of the regulations established by Section 13-5-107:

(1) Any use occupying a designated historic structure or located within a designated historic district shall be required to provide at least 50% of the number of parking spaces otherwise required by Section 13-5-107.

(2) Residential, Civic, and Commercial uses shall be required to provide at least 80% of the number of parking spaces otherwise required by Section 13-5-107.

PART 12. That if any provision, section, sentence, clause, or phrase of this ordinance, or the application of same to any person or set of circumstances is for any reason held to be unconstitutional, void, invalid, or for any reason unenforceable, the validity of the remaining portion of this ordinance or its application to other persons or sets of circumstances shall not be affected thereby, it being the intent of the City Council of the City of Austin in adopting this ordinance that no portion hereof or provision or regulation contained herein shall become inoperative or fail by reason of any unconstitutionality or invalidity of any other portion, provision or regulation.

PART 13. That the requirements imposed by Sections 2-2-3, 2-2-5, and 2-2-7 of the Austin City Code of 1992, as amended, regarding the presentation and adoption of ordinances are hereby waived by the affirmative vote of at least five members of the City Council.

PART 14. That this ordinance shall become effective upon the expiration of ten days following the date of its final passage, as provided by the Charter of the City of Austin.

PASSED AND APPROVED:

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February 8, 1996

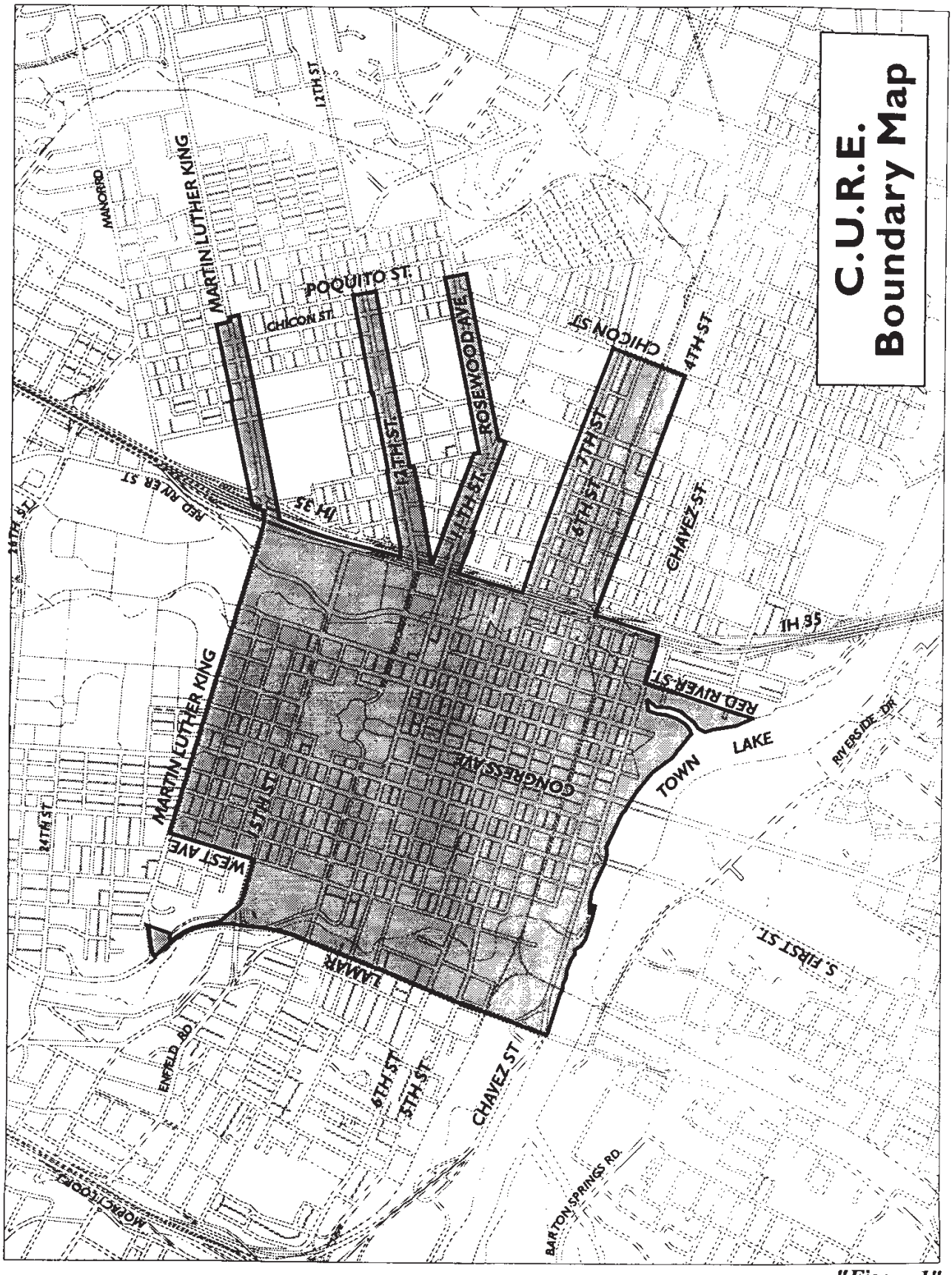
Bruce Todd
Mayor

APPROVED: Andrew Martin
Andrew Martin
City Attorney

ATTEST: James E. Aldridge
James E. Aldridge
City Clerk

8Feb96
MT/me

960207-C



"Figure 1"

PO#: 960208C

Ad ID#: 36M400600

Acct #: 4992499

Austin American-Statesman Acct. Name: City Clerk

AFFIDAVIT OF PUBLICATION

THE STATE OF TEXAS
COUNTY OF TRAVIS

Before me, the undersigned authority, a Notary Public in and for the County of Travis, State of Texas, on this day personally appeared:

ORDINANCE NO. 960208-C
AN ORDINANCE AMENDING TITLE XIII (LAND DEVELOPMENT CODE) OF THE AUSTIN CITY CODE OF 1992 BY CREATING A "CURE" CENTRAL URBAN REDEVELOPMENT COMBINING DISTRICT; MODIFYING CERTAIN PARKING REQUIREMENTS; PROVIDING FOR SEVERABILITY; WAIVING THE REQUIREMENTS OF SECTIONS 2-2-3, 2-2-5, AND 2-2-7 OF THE AUSTIN CITY CODE OF 1992; AND PROVIDING AN EFFECTIVE DATE.
MAYOR BRUCE TODD
AUSTIN, TEXAS

Rebecca Fruit

Classified Advertising Agent of the *Austin American-Statesman*, a daily newspaper published in said County and State that is generally circulated in Travis, Hays, Burnet and Williamson Counties, who being duly sworn by me, states that the attached advertisement was published in said newspaper on the following dates, to wit:

Date (s): March 7th, 1996

Class: 9980 Lines: 15 Cost: $36.90

and that the attached is a true copy of said advertisement.

R. Fruit

SWORN AND SUBSCRIBED TO BEFORE ME, this the 7th day of Mar 1996.

SHARON JANAK
NOTARY PUBLIC
State of Texas
Comm. Exp. 11-10-99

Sharon Janak
Notary Public in and for
TRAVIS COUNTY, TEXAS

Sharon Janak
(Name of Notary)

My Commission Expires: 11/10/99

305 South Congress Avenue, P.O. Box 670, Austin, Texas 78767-0670 • 512-445-3500

ORDINANCE NO. 20080131-132

AN ORDINANCE AMENDING CHAPTER 25-2 OF THE CITY CODE TO PROVIDE DEVELOPMENT REGULATION INCENTIVES FOR AFFORDABLE HOUSING; AND ESTABLISHING A FEE FOR AFFORDABLE HOUSING AND COMMUNITY BENEFITS.

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

PART 1. Chapter 25-2 *(Zoning)* of the City Code is amended to add Section 25-2-566 to read:

§ 25-2-566 SPECIAL REQUIREMENTS FOR AFFORDABLE HOUSING IN CERTAIN SINGLE FAMILY DISTRICTS.

(A) This section applies in a single family residence standard lot (SF-2) district or family residence (SF-3) district.

(B) A development may comply with single-family residence small lot (SF-4A) district site development regulations if:

(1) the development is on three or more acres of previously unsubdivided land; and

(2) the director of the Neighborhood Housing and Community Development Department certifies that the development complies with the City's S.M.A.R.T. Housing Program.

PART 2. Chapter 25-2 *(Zoning)* of the City Code is amended to add Section 25-2-567 to read:

§ 25-2-567 SPECIAL REQUIREMENTS FOR AFFORDABLE HOUSING IN CERTAIN MULTIFAMILY DISTRICTS.

(A) This section applies in a multifamily residence low density (MF-2) district, multifamily residence medium density (MF-3) district, multifamily residence moderate-high density (MF-4) district, or multifamily residence high density (MF-5) district on property that either has not been developed or that has been developed only with an agricultural use.

(B) Except as provided in Subsection (C), a development may comply with multifamily residence highest density (MF-6) district site development regulations if the director of the Neighborhood Housing and Community

Development Department certifies that the development complies with the City's S.M.A.R.T. Housing Program, and:

(1) for a rental development, ten percent of the residential units in the development are reserved as affordable for a minimum of 40 years following the issuance of a certificate of occupancy for rental by a household earning not more that 60 percent of the median family income for the Austin metropolitan statistical area; or

(2) for an owner-occupied development:

(a) five percent of the residential units in the development are reserved as affordable for a minimum of 99 years following the issuance of a certificate of occupancy for ownership and occupancy by a household earning not more than 80 percent of the median family income for the Austin metropolitan statistical area; and

(b) five percent of the residential units in the development are reserved as affordable for a minimum of 99 years following the issuance of a certificate of occupancy for ownership and occupancy by a household earning not more than 100 percent of the median family income for the Austin metropolitan statistical area.

(C) Development under this section must comply with the height regulations established in other provisions of this code.

PART 3. Chapter 25-2 *(Zoning)* of the City Code is amended to add Section 25-2-586 to read:

§ 25-2-586 AFFORDABLE HOUSING INCENTIVES IN A CENTRAL BUSINESS DISTRICT (CBD) OR DOWNTOWN MIXED USE (DMU) ZONING DISTRICT.

(A) This section applies to a residential, commercial, or a mixed use development that is located in a central business district (CBD) or, in the manner determined by the City Council in a zoning ordinance, in a downtown mixed use (DMU) zoning district.

(B) In this section:

(1) DESIGNATED HOUSING AREA includes:

(a) the area within two miles of the intersection of Sixth Street and Congress Avenue; and

(b) if a portion of a neighborhood planning area is within the area described in Subparagraph (a), the entire neighborhood planning area.

(2) CITY DEVELOPMENT FEES:

(a) means:

(i) all City fees authorized for waiver under the S.M.A.R.T. Housing Program, including fees for capital recovery, subdivision application, zoning application, site plan application, and site plan inspection including environmental and wastewater inspection; and

(ii) City fees for water meter, sewer tap, and right-of-way closure and licensing; and

(b) excludes parkland dedication fees.

(C) Development on a site may exceed the floor-area-ratio limitation of Section 25-2-492 *(Site Development Regulations)* and, in a DMU district may exceed the maximum height of the district as determined by the City Council, if the developer:

(1) participates in the City's Great Streets Program;

(2) substantially complies with the City's Design Guidelines, as determined by the Design Commission; and

(3) provides affordable housing or community benefits by:

(a) providing affordable housing in ten percent or more of the gross floor area that exceeds the floor-area-ratio limitation; or

(b) for a residential use, paying into the Housing Assistance Fund 100 percent of the fee prescribed by Subsection (I) for each square foot of gross floor area that exceeds the floor-area-ratio limitation; or

(c) for a commercial or mixed use:

(i) paying into the Housing Assistance Fund 50 percent of the fee prescribed by Subsection (I) for each square foot of gross floor area that exceeds the floor-area-ratio limitation; and

(ii) paying into the Community Benefits Fund 50 percent of the fee prescribed by Subsection (I) for each square foot of gross floor area that exceeds the floor-area-ratio limitation.

(D) Subject to the limitation of Subsection (D)(2), the director shall waive all City development fees and expedite the processing of all City applications, permits, and approvals, including license agreements and site plan applications, if the requirements of this subsection are met.

(1) The developer must:

(a) provide the affordable housing or pay the fee prescribed by Subsection (C) at the time of the issuance of the certificate of occupancy; or

(b) provide affordable housing in five percent or more of the site's gross floor area; or

(c) for a residential use, pay into the Housing Assistance Fund 100 percent of the fee prescribed by Subsection (I) for each square foot for five percent of the site's gross floor area; or

(d) for a commercial or mixed use:

(i) pay into the Housing Assistance Fund 50 percent of the fee prescribed by Subsection (I) for each square foot for five percent of the site's gross floor area; and

(ii) pay into the Community Benefits Fund 50 percent of the fee prescribed by Subsection (I) for each square foot for five percent of the site's gross floor area.

(2) If the developer elects to pay a fee into the Housing Assistance Fund or Community Benefits Fund instead of providing affordable housing, the amount of City development fees that are waived may not exceed the amount of fees paid into the fund by the developer.

(E) This subsection prescribes the requirements for affordable housing under Subsections (C) and (D).

(1) The development must comply with the City's S.M.A.R.T. Housing Program.

(2) An owner-occupied unit must be available for occupancy for a period of not less than 99 years by an occupant whose gross household income

does not exceed 120 percent of the median family income for the Austin metropolitan statistical area.

(3) A rental unit must be available for occupancy for a period of not less than 40 years by an occupant whose gross household income does not exceed 80 percent of the median family income for the Austin metropolitan statistical area.

(4) The director may require the developer to execute an agreement, restrictive covenant, or other binding restriction on land use that preserves affordability for the required period.

(F) The director of the Austin Neighborhood Housing and Community Development Department may allocate money from the Housing Assistance Fund collected under Subsection (C) or (D) for the financing or production of affordable units in the designated housing area that meet the following criteria:

(1) owner-occupied units are reserved as affordable for a period of not less than 99 years by a family whose gross household income does not exceed 80 percent of the median family income for the Austin metropolitan statistical area; or

(2) renter-occupied units are reserved as affordable for a period of not less than 40 years by a family whose gross household income does not exceed 60 percent of the median family income for the Austin metropolitan statistical area.

(G) The Community Benefits Fund is created. The director of the Neighborhood Planning and Zoning Department may allocate money from the fund collected under Subsection (C) or (D) for programs in the designated housing area that serve one or more of the following purposes:

(1) child and elder care;

(2) open space;

(3) pedestrian connectivity;

(4) transit;

(5) green building;

(6) historic preservation;

(7) space for non-profit corporations;

(8) public art;

(9) cultural facilities;

(10) sound mitigation;

(11) live music venues; or

(12) assistance for the homeless.

(H) In addition to the notice and public hearing requirements provided in Chapter 25-2, Subchapter B, Article 1, Division 3 *(Notice of Filing; Director's Report)* and Division 4 *(Public Hearing; Action)*, the director of the Neighborhood Planning and Zoning Department shall schedule a zoning application submitted under Subsection (A) for a public hearing before the Design Commission for recommendation.

(I) The fee to be paid for each square foot of gross floor area required by Subsections (C) and (D) for the Housing Assistance Fund and the Community Benefits Fund is established by ordinance and adjusted annually in accordance with the Consumer Price Index all Urban Consumers, US City Average, All Items (1982-84 = 100), as published by the Bureau of Labor Statistics of the United States Department of Labor. The city manager shall annually determine the new fee amounts for each fiscal year, beginning October 1, 2008, and report the new fee amounts to the city council.

PART 4. Chapter 25-2 *(Zoning)* of the City Code is amended to add Section 25-2-780 to read:

§ 25-2-780 AFFORDABLE HOUSING.

(A) A provision in this section applies only if:

(1) the director of the Neighborhood Housing and Community Development Department certifies that the development complies with the City's S.M.A.R.T. Housing Program; and

(2) ten percent or more of the dwelling units are reserved for a period of not less than 20 years for rental or purchase by an occupant whose gross household income does not exceed 60 percent of the median family income for the Austin metropolitan statistical area.

(B) This subsection applies in a single family residence standard lot (SF-2) district or single family residence (SF-3) district.

(1) The maximum impervious cover is 50 percent if the director of the Watershed Protection and Development Review Department determines that the development will not result in additional identifiable adverse flooding on other property.

(2) A noncomplying structure may be replaced with a new structure if the new structure does not increase the existing degree of noncompliance with yard setbacks.

(C) This subsection applies to a duplex residential use.

(1) The minimum lot area is 5,750 square feet.

(2) The maximum impervious cover is 50 percent if the director of the Watershed Protection and Development Review Department determines that the development will not result in additional identifiable adverse flooding on other property.

(3) A maximum of eight bedrooms are permitted.

(D) This subsection applies to a two family residential use.

(1) The minimum lot area is 5,750 square feet.

(2) The maximum impervious cover is 50 percent if the director of the Watershed Protection and Development Review Department determines that the development will not result in additional identifiable adverse flooding on other property.

(3) The second dwelling unit may not exceed a gross floor area of 850 square feet. All of the allowed gross floor area may be on the second story, if any. The gross floor area limitation does not apply to a lot with 7,000 or more square feet of area.

(E) This subsection applies to a secondary apartment special use.

(1) The maximum impervious cover is 50 percent if the director of the Watershed Protection and Development Review Department determines that the development will not result in additional identifiable adverse flooding on other property.

(2) The second dwelling unit may not exceed a gross floor area of 850 square feet. All of the allowed gross floor area may be on the second story, if any. The gross floor area limitation does not apply to a lot with 7,000 or more square feet of area.

PART 5. The fee to be paid into the City funds for each square foot of gross floor area under City Code Section 25-2-586 *(Affordable Housing Incentives In A Central Business (CBD) Or Downtown Mixed Use (DMU) Zoning District)* is established as $10.

PART 6. This ordinance takes effect on February 11, 2008.

PASSED AND APPROVED

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January 31, 2008 §

Will Wynn
Mayor

APPROVED:

David Allan Smith
City Attorney

ATTEST:

Shirley A. Gentry
City Clerk