

ORDINANCE NO. _____

**AN ORDINANCE AMENDING CITY CODE CHAPTER 25-5 RELATING TO
SITE PLAN EXEMPTIONS FOR TOWNHOUSE DEVELOPMENT WITHIN
CERTAIN PLANNED DEVELOPMENTS; AND WAIVING SECTION 25-1-502.**

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

PART 1. The Council makes the following findings:

- (A) Development within the Mueller Planned Unit Development and the Lamar Boulevard/Justin Lane Transit Oriented Development (TOD) are subject to heightened development regulations and planning requirements pursuant to the TOD regulating plan and the Mueller PUD zoning ordinance and master development agreement.
- (B) Because of the master planning and infrastructure development that has already occurred, requiring a site plan for the construction of individual townhouse structures within these areas imposes an unnecessary burden on already existing Development Review backlogs. Building permit review is sufficient to ensure compliance with applicable site development regulations.
- (C) The site plan exemption for townhouse development added by this ordinance codifies the current review process for projects at Mueller and extends that practice to portions of the Lamar Boulevard/Justin Lane Transit Oriented Development (TOD).

PART 2. Subsection (B) of City Code Section 25-5-2 (*Site Plan Exemptions*) is amended to read:

- (B) A site plan is not required for the following development:
 - (1) construction or alteration of a single-family residential, single-family attached residential, duplex residential, two-family residential, or secondary apartment special use structure, or an accessory structure, if:
 - (a) not more than one principal residential structure is constructed on a legal lot or tract; and
 - (b) a proposed improvement is not located in the 100 year flood plain, or the director determines that the proposed improvement will have an insignificant effect on the waterway;
 - (2) removal of a tree not protected by this title;

- 1 (3) interior alteration of an existing building that does not increase the
2 square footage, area, or height of the building;
- 3 (4) construction of a fence that does not obstruct the flow of water;
- 4 (5) clearing an area up to 15 feet wide for surveying and testing, unless a
5 tree more than eight inches in diameter is to be removed;
- 6 (6) restoration of a damaged building that begins within 12 months of the
7 date of the damage;
- 8 (7) relocation or demolition of a structure or foundation covering not
9 more than 10,000 square feet of site area under a City demolition permit, if
10 trees larger than eight inches in diameter are not disturbed and the site is not
11 cleared;
- 12 (8) development in the extraterritorial jurisdiction that is exempt from all
13 water quality requirements of this title; or
- 14 (9) placement of a commercial portable building on existing impervious
15 cover if the building does not impede or divert drainage and the site
16 complies with the landscaping requirements of this title[-]; and
- 17 (10) construction or alteration of a townhouse in the Mueller Planned Unit
18 Development or the area identified in Section 1.2.5.B (*Conflicting*
19 *Provisions*) of the Regulating Plan for the Lamar Blvd./Justin Lane Transit
20 Oriented Development.

21
22 **PART 3.** The requirements of City Code Section 25-1-502 (*Amendment; Review*) are
23 waived for the adoption of this ordinance.
24
25

PART 4. This ordinance takes effect on _____, 2013.

PASSED AND APPROVED

_____, 2013

§

§

§ _____

Lee Leffingwell
Mayor

APPROVED: _____
Karen M. Kennard
City Attorney

ATTEST: _____
Jannette S. Goodall
City Clerk