

**ORDINANCE NO. 20060608-014**

**AN ORDINANCE AMENDING SECTION 25-2-647 OF THE CITY CODE RELATING TO MIXED USE COMBINING DISTRICT REGULATIONS AND VERTICAL MIXED USE BUILDINGS; AND PROVIDING FOR EMERGENCY PASSAGE.**

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

**PART 1.** Section 25-2-647 (H) (*Mixed Use (MU) Combining District Regulations*) of the City Code is amended to read:

(H) This subsection applies to a vertical mixed use building, except a building located in the university neighborhood overlay (UNO) district.

(1) In this subsection:

(a) NET FRONTAGE LENGTH is determined by subtracting required drive aisles and stairs that occur at the building perimeter from the gross length of building frontage.

(b) RESTAURANT USE includes a restaurant (general) and a restaurant (limited) use.

(c) [b] VERTICAL MIXED USE BUILDING means a building that meets the following requirements:

(i) A use on the ground floor must be different from a use on an upper floor.

(ii) Along not less than 75 percent of the net frontage length, the building must be designed for at least two commercial uses in ground floor spaces that each have:

1. a customer entrance that opens directly onto the sidewalk;
2. a depth of not less than 24 feet;
3. a height of not less than 12 feet, measured from the finished floor to the bottom of the structural members of the ceiling; and

4. a front facade with not less than 50 percent of the wall area between two and 10 feet above grade constructed of glass with a visible transmittance rating of 0.6 or higher.
- (iii) Motor vehicle parking is not permitted between the front building facade and the front lot line.
- (2) The minimum off-street parking requirement for a vertical mixed use building is 60 percent of that prescribed by Chapter 25-6, Appendix A (*Tables Of Off-Street Parking And Loading Requirements*).
- (3) Except as provided in Paragraph (4), a vertical mixed use building is not subject to:
  - (a) The minimum site area requirements of Subsection (G); or
  - (b) the following requirements of Section 25-2-492(C) (*Site Development Regulations*):
    - (i) minimum front yard setback;
    - (ii) minimum street side yard setback;
    - (iii) minimum interior yard setback; ~~[or]~~
    - (iv) maximum floor area ratio; or
    - (v) maximum building coverage.
- (4) This paragraph applies to a vertical mixed use building located on property designated as a MU combining district and as a neighborhood plan (NP) combining district before April 6, 2006.
  - (a) A vertical mixed use building must comply with the minimum site area requirements of Subsection (G), ~~[and]~~ the floor area ratio and minimum building coverage requirements of Section 25-2-492(C) (*Site Development Regulations*), and, for a cocktail lounge or restaurant use in the building, the minimum off-street parking requirement of Chapter 25-6 (*Transportation*), unless:
    - (i) the 90-day time period prescribed by Subparagraph (c) expires without an application described in Subparagraph (c) being filed; or

- (ii) an application described in Subparagraph (c) is filed and the council determines that a vertical mixed use building on the property is not subject to the minimum site area requirements of Subsection (G)[7] or the floor area ratio requirement or minimum building coverage requirement of Section 25-2-492(C) (*Site Development Regulations*), or that the reduced parking requirement of Paragraph (2) applies to a cocktail lounge or restaurant use in the building.
- (b) The director shall notify the neighborhood planning or contact team for a NP combining district that a property within the district is designated as a MU combining district.
- (c) The team may, not later than the 90<sup>th</sup> day after the notice is sent, submit an application to the city manager requesting that the council require a vertical mixed use building on the property to comply with the minimum site area requirements, maximum floor area ratio requirement, or maximum building coverage requirement, or that the council require a cocktail lounge or restaurant use in the building to comply with the off-street parking requirement of Chapter 25-6 (*Transportation*).
- (d) The planning commission shall review a request and make a recommendation to council.
- (e) The council shall consider the planning commission's recommendation before acting on a request.
- (f) The council may, by ordinance, require a vertical mixed use building on the property to comply with the minimum site area requirements, maximum floor area requirement, or maximum building coverage requirement, or, for a cocktail lounge or restaurant use in the building, the off-street parking requirement of Chapter 25-6 (*Transportation*).
- (5) This subsection expires on the effective date of an ordinance adopting commercial design standards that include requirements for vertical mixed use buildings.

**PART 2.** The council finds that Ordinance No. 20060406-009, signed on April 6, 2006, did not reflect council action, and the need to amend regulations currently in effect 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**

<u>June 8</u> , 2006	§ § § <u>Will Wynn</u> Will Wynn Mayor
<b>APPROVED:</b> <u>David Allan Smith</u> David Allan Smith City Attorney	<b>ATTEST:</b> <u>Shirley A. Gentry</u> Shirley A. Gentry City Clerk