

8/31/06
#68PH

ORDINANCE NO.

AN ORDINANCE AMENDING SECTION 14-11-43 OF THE CITY CODE RELATING TO LICENSE AGREEMENTS; AMENDING SECTION 25-2-32 OF THE CITY CODE RELATING TO ZONING DISTRICTS AND MAP CODES; REPEALING AND REPLACING SECTION 25-2-172 OF THE CITY CODE RELATING TO MIXED USE DISTRICTS; ADDING SECTION 25-2-812 TO THE CITY CODE RELATING TO DRIVE-THROUGH FACILITIES; ADDING SECTION 25-2-813 TO THE CITY CODE RELATING TO SERVICE STATION USES; AMENDING CHAPTER 25-2 OF THE CITY CODE TO ADD SUBCHAPTER E RELATING TO DESIGN STANDARDS AND MIXED USES; AMENDING SECTION 25-6-478 RELATING TO REDUCED PARKING IN CERTAIN GEOGRAPHIC AREAS; AMENDING SECTION 25-8-63 OF THE CITY CODE RELATING TO IMPERVIOUS COVER CALCULATIONS; AND REPEALING SECTIONS 25-2-442, 25-2-646, AND 25-2-647 OF THE CITY CODE RELATING TO MIXED USE COMBINING DISTRICTS.

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

PART 1. Section 14-11-43 (*Annual Fee*) of the City Code is amended to amend Subsections (A) and (F) to read:

- (A) Except as provided in Subsections (C), ~~and~~ (E), and (F) and Section 14-11-46 (*Waiver for Subterranean Tunnel*), the holder of an approved license agreement shall pay the City an annual license fee.
- (F) The city manager shall waive an annual license fee if the city manager determines that:
- (1) the license agreement ~~[relates to property zoned central business (CBD) or downtown mixed use (DMU) and]~~ authorizes landscaping, overhead pedestrian cover, or a roof drain on adjacent public property; and
 - (2) the overhead cover, if any, is provided by a projection from a building, including a balcony or awning, or an arcade that is open to the street.

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

(8) vertical mixed use

VMU

1 **PART 3.** Section 25-2-172 (*Mixed Use Combining District Purpose*) of the City Code is
2 repealed and replaced with a new Section 25-2-172 to read:

3 **§ 25-2-172 MIXED USE (MU) COMBINING DISTRICT AND VERTICAL**
4 **MIXED USE (VMU) OVERLAY DISTRICT.**

5 Mixed use (MU) combining districts and vertical mixed use (VMU) overlay
6 districts are described and governed by Subchapter E, Article 4 (*Mixed Use*).

7 **PART 4.** Chapter 25-2 (*Zoning*) of the City Code is amended to add Section 25-2-812 to
8 read:

9 **§ 25-2-812 DRIVE-THROUGH FACILITY.**

10 A business that has a drive-through facility but does not have walk-in service must
11 provide safe and convenient access for pedestrians to the drive-through facility.

12 **PART 5.** Chapter 25-2 (*Zoning*) of the City Code is amended to add Section 25-2-813 to
13 read:

14 **§ 25-2-813 SERVICE STATION USE.**

15 A service station use:

- 16 (1) must be screened from the street by a building or a landscape buffer that
17 includes shade trees;
18 (2) may not have more than 16 fuel dispensers; and
19 (3) may not have more than eight vehicle queue lanes.

20 **PART 6.** Chapter 25-2 (*Zoning*) of the City Code is amended to add Subchapter E to
21 read as shown on Attachment "A".

22 **PART 7.** Section 25-6-478(A) (*Reduced Parking In Certain Geographic Areas*) of the
23 City Code is amended to read:

24 (A) Except as provided in Subsection (B), this section applies in the area bounded
25 by:

26 (1) Highway 183 from Burnet Road to Highway 71;

27 (2) Highway 71 from Highway 183 to Loop 1;

28 (3) Loop 1 from Highway 71 to Lake Austin Boulevard;

29 (4) Lake Austin Boulevard from Loop 1 to Exposition Boulevard;

- (5) Exposition Boulevard from Lake Austin Boulevard to 38th Street;
- (6) 38th Street from Exposition Boulevard to Loop 1;
- (7) Loop 1 from 38th Street to RM Road 2222;
- (8) RM Road 2222 from Loop 1 to Mesa Drive;
- (9) Mesa Drive from RM Road 2222 to Spicewood Springs Road;
- (10) Spicewood Springs Road from Mesa Drive to Loop 360;
- (11) Loop 360 from Spicewood Springs Road to Great Hills Trail;
- (12) Great Hills Trail from Loop 360 to Highway 183;
- (13) Highway 183 from Great Hills Trail to Braker Lane;
- (14) Braker Lane from Highway 183 to Burnet Road; and
- (15) Burnet Road from Braker Lane to Highway 183.
- ~~[(1) Highway 183 from Loop 360 to Highway 71;~~
- ~~(2) Highway 71 from Highway 183 to Loop 1;~~
- ~~(3) Loop 1 from Highway 71 to Lake Austin;~~
- ~~(4) Lake Austin from Loop 1 to Dry Creek;~~
- ~~(5) Dry Creek from Lake Austin to Ranch Road 2222;~~
- ~~(6) Ranch Road 2222 from Dry Creek to Mesa Drive;~~
- ~~(7) a line parallel to and 200 feet west of Mesa Drive from Ranch Road 2222 to Jollyville Road;~~
- ~~(8) Jollyville Road from Mesa Drive to Loop 360; and~~
- ~~(9) Loop 360 from Jollyville Road to Highway 183.]~~

PART 8. Section 25-8-63 (*Impervious Cover Calculations*) of the City Code is amended to add Subsection (D) to read:

- (D) Chapter 25-2, Subchapter E, Section 2.3.1.B.1.e. (*Impervious Cover Credit*) provides for certain exclusions from impervious cover calculations for large development sites outside the Barton Springs Zone.

1 **PART 9.** Section 25-2-442 (*Mixed Use Combining Districts Generally*), Section 25-2-
2 646 (*Mixed Use Combining District Permitted Uses*), and Section 25-2-647 (*Mixed Use*
3 *Combining District Regulations*) of the City Code are repealed.

4 **PART 10.** This ordinance takes effect on _____, 2006.

5 **PASSED AND APPROVED**

6
7
8
9 _____, 2006

§
§
§

Will Wynn
Mayor

10
11
12
13
14 **APPROVED:**

15 David Allan Smith
16 City Attorney
17
18

ATTEST:

Shirley A. Gentry
City Clerk