

Article 23-4E: Supplemental to Zones

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23-4E-1010 Purpose

This Division sets forth the standards applicable to the development of private frontages ~~in transect zones.~~ Private frontages are the components of a building in the area between the building and the sidewalk that provide the important transition and interface between the public realm (street and sidewalk) and the private realm (yard or building). ~~These standards supplement the standards for each zone. For each private frontage type, a description, a statement~~ ~~These standards supplement the standards for each transect zone. For each private frontage type, a description, a statement~~ of the type's intent, and design standards are provided. These standards are intended to ensure development that reinforces the highly-valued existing character and scale of Austin's neighborhoods, corridors, and

downtown.

23-4E-1020 Applicability

These standards apply to all private frontages ~~within transect~~ zones that reference this Division and shall be considered in combination ~~with Section 23-4D-2 (Transect Zoning Districts) and in this this~~ Article. Additional setbacks and/or easements may be required where ROW, public easements, and/or other utility criteria manual standards are required. The ability for private frontages to encroach into the ROW is subject to approval by the Public Works Director in compliance with Chapter 14-11 (Use of Right-of-Way), in the

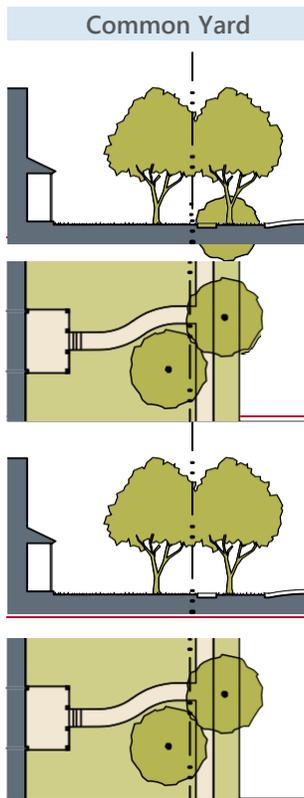
event that any of these elements are permanent and/or required for site compliance, which if removed would render the site non-compliant with site development standards.

23-4E-1030 Private Frontages Overview

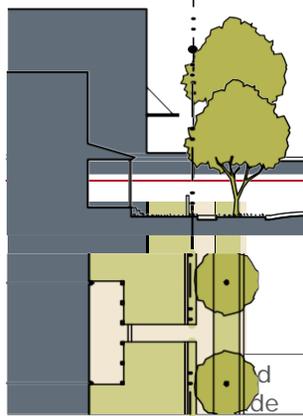
Table 23-4E-1030.A (Austin Private Frontage Types Overview) provides an overview of the allowed private frontage types.

Purpose

Table: 23-4E-1030.A Austin Private Frontage Types Overview



A common yard remains unfenced and is visually continuous with adjacent yards, supporting a common landscape and working in conjunction with the other private frontages. The main facade of the building has a large planted setback from the sidewalk.

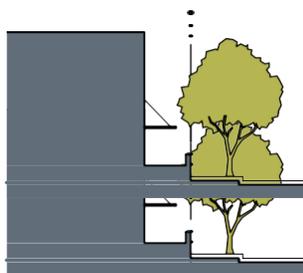


of the building is set back a small distance from the public realm. At the sidewalk, it is defined by a low wall or hedge. A dooryard is not for public circulation along the street. A dooryard may be raised, sunken, or at grade and is intended for ground-floor residential.

Porch: Projecting

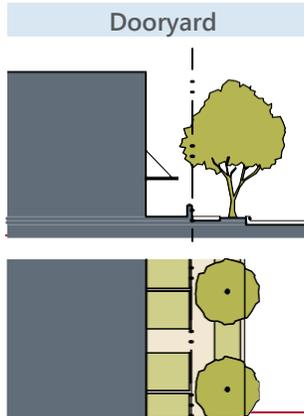
the building for public circulation.

A projecting porch has three sides open. The main facade of the building is set back from the sidewalk, resulting in a front yard that can be defined by a fence or hedge to spatially maintain the edge of the street. ~~or hedge to spatially maintain the edge of the street.~~

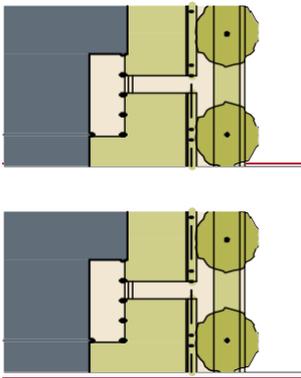


Terrace/ Loading Dock

A terrace provides at-grade access while accommodating a grade change. Usually there are multiple sets of steps up to the terrace, as well as ramps. The main facade of the building is at or near the sidewalk, with an elevated terrace along



Porch: Engaged

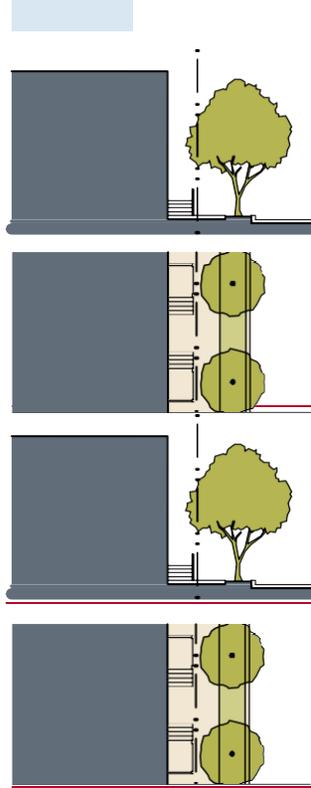


An engaged porch has two adjacent sides of the porch attached to the building, while the other two sides are open. The main facade of the building is set back from the sidewalk, resulting in a front yard that can be defined by a fence or hedge to spatially maintain the edge of the street.

Lightwell

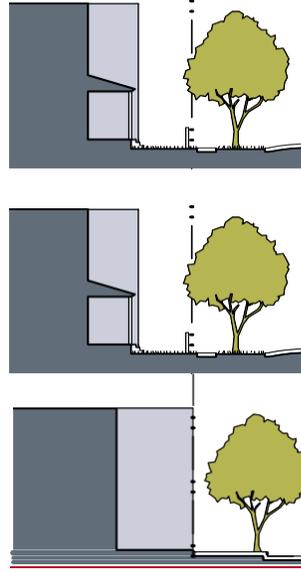
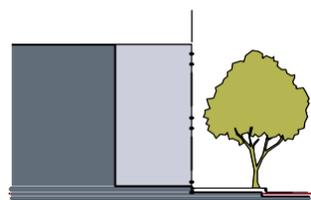
A lightwell buffers residential, retail or service uses from the sidewalk and removes the private yard from public encroachment. The main facade of the building is set back from the right-of-way by an elevated terrace or a sunken lightwell.

Stoop



A stoop is elevated above the sidewalk to provide privacy within the building for buildings near the sidewalk. Stairs or ramps from the stoop may lead directly to the sidewalk or be side-loaded, running along the face of the building parallel to the facade.

Forecourt



A forecourt can be used as an entry court or shared garden space for apartment buildings, or as additional shopping or restaurant seating area within retail and service areas. The building sits at or near the sidewalk and a small percentage

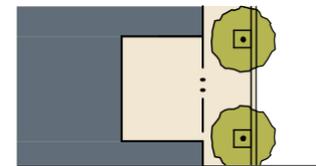
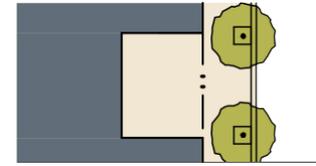
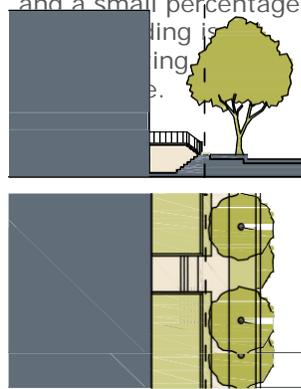
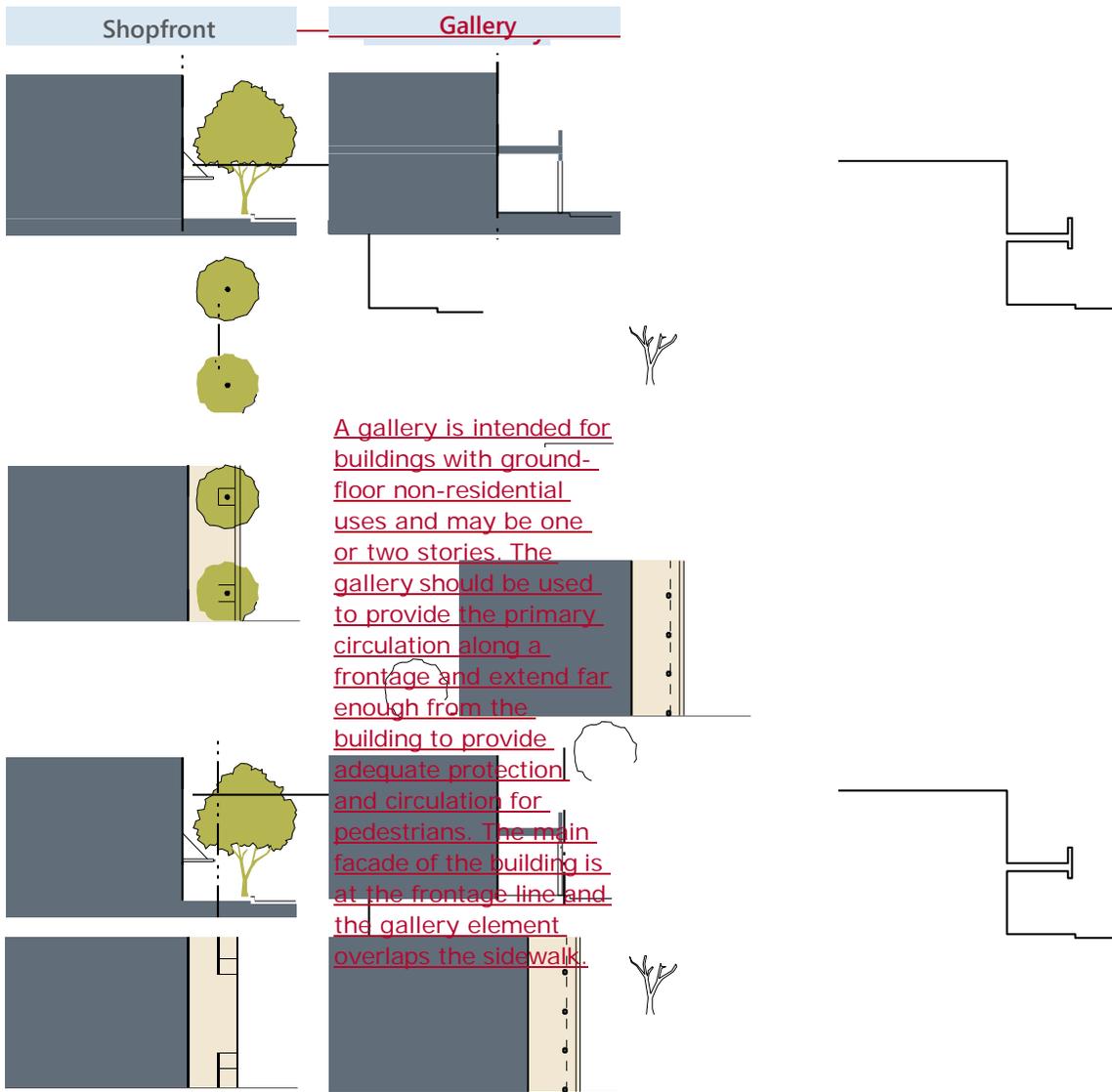


Table: 23-4E-1030.A Austin Private Frontage Types Overview (continued)



A shopfront is intended

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~~A gallery is intended for buildings with ground-floor non-residential uses and may be one or two stories. The gallery should be used to provide the primary circulation along a frontage and extend far enough from the building to provide adequate protection and circulation for pedestrians. The main facade of the building is at the frontage line and the gallery element overlaps the sidewalk.~~

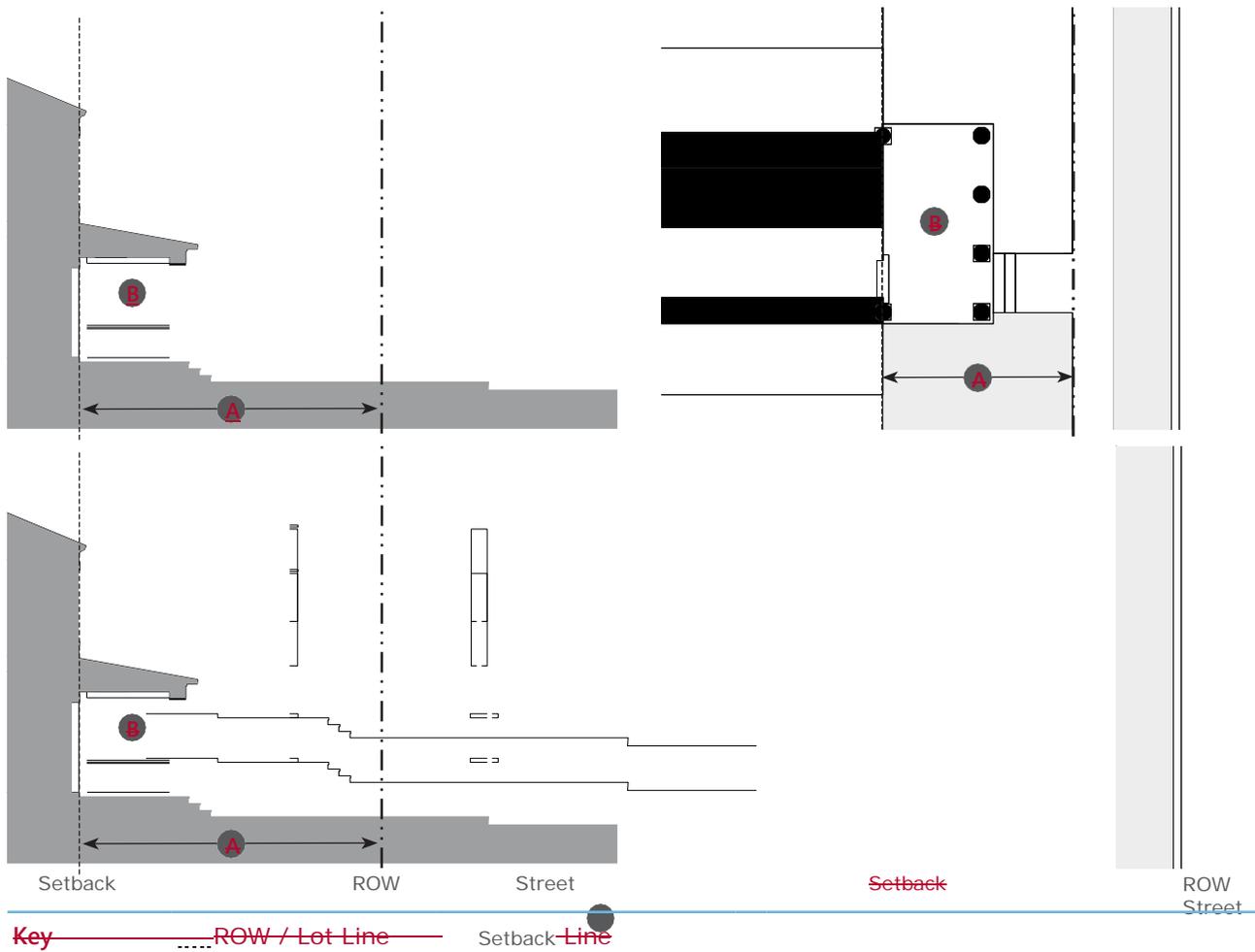
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23-4E-1040 Common Yard



A. Description

The main facade of the building has a large planted setback from the right-of-way providing a buffer from the higher-speed thoroughfares. The front yard remains unfenced and is visually continuous with adjacent yards, supporting a common landscape and working in conjunction with the other private frontages.

B. Size

Depth Equal to minimum front setback established in zone

C. Miscellaneous

Common Yard frontages shall be used in conjunction with another allowed private frontage type, such as the Porch.

Fences between front yards or between the sidewalk and front yard are not allowed.

A. Description

The main facade of the building has a large planted setback from the right-of-way providing a buffer from the higher-speed thoroughfares. The front yard remains unfenced and is visually continuous with adjacent yards, supporting a common landscape and working in conjunction with the other private frontages.

B. Size

Depth Equal to minimum front setback established in zone **A**

C. Miscellaneous

Common Yard frontages shall be used in conjunction with another allowed private frontage type, such as the Porch. **B**

Fences between front yards or between the sidewalk and front yard are not allowed.

D. Examples

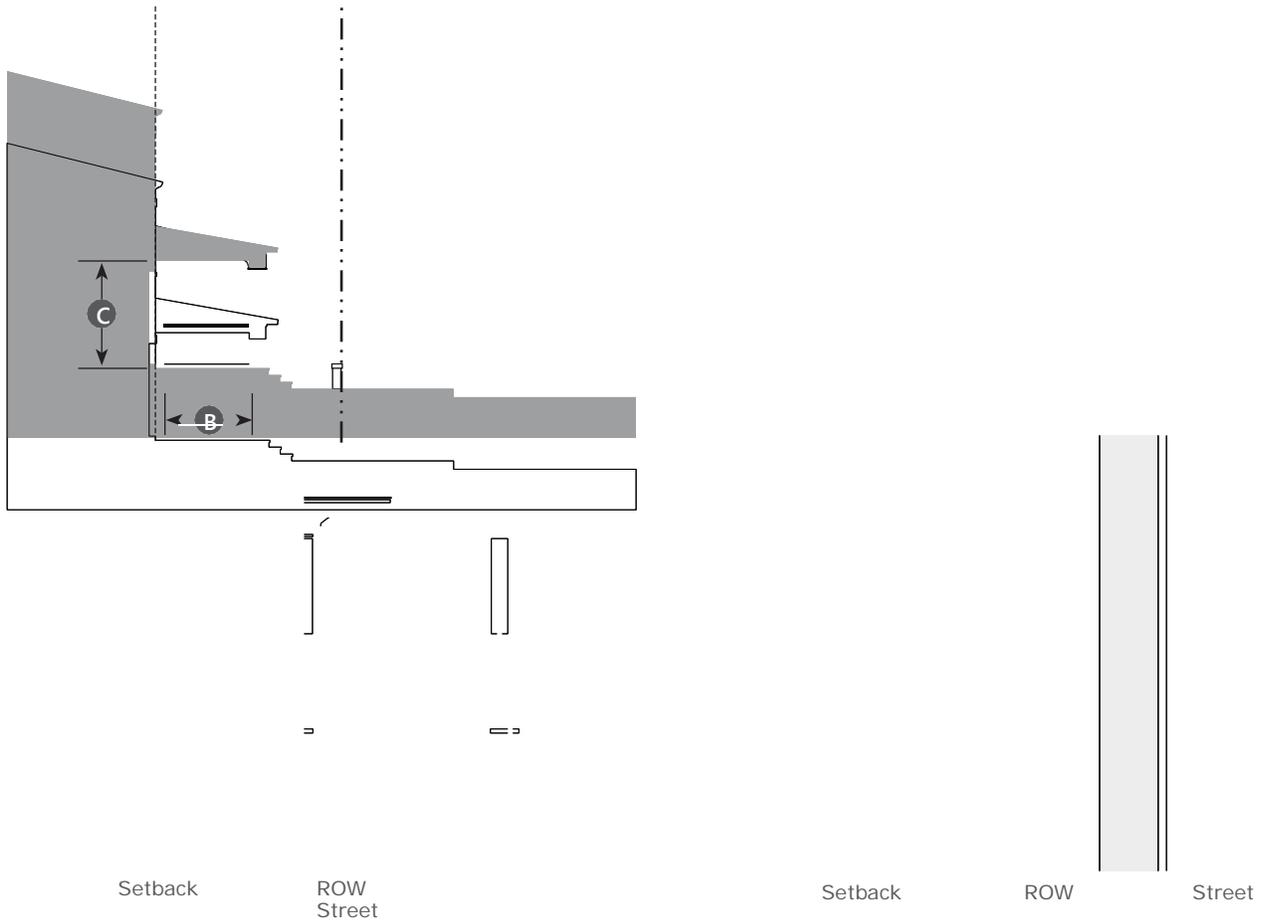


The front yards of these rowhouses form a continuous common yard.



Large detached houses with common yard frontage.

23-4E-1050 Porch: Projecting



Key ——— ROW / Lot Line
 Setback Line

A. Description

The main facade of the building has a small to medium setback from the right-of-way. The resulting front yard is typically very small and can be defined by a fence or hedge to spatially maintain the edge of the street. The projecting porch is open on three-sides and all habitable space is located behind the building setback line.

B. Size

Width, clear	10' min.	ROW / Lot Line	A	Setback Line
Depth, clear	8' min.			
Height, clear	8' min.			
Height	2-Stories max.			
Furniture area, clear	4' x 6' min.			
Path of travel, clear	4' wide min.			

C. Miscellaneous

Projecting porches must be open on three sides and have a roof.
 Fences between front yards or between the sidewalk and front yard are allowed, to a maximum height of 3'.

D. Examples



A wrap-around projecting porch defined by landscaping.



A projecting porch that frames the main entrance to the house.

A. Description

The main facade of the building has a small to medium setback from the right-of-way. The resulting front yard is typically very small and can be defined by a fence or hedge to spatially maintain the edge of the street. The projecting porch is open on three sides and all habitable space is located behind the building setback line.

B. Size

Width, clear	10' min.	A
Depth, clear	8' min.	B
Height, clear	8' min.	C
Height	2 Stories max.	
Furniture area, clear	4' x 6' min.	D
Path of travel, clear	3' wide min.	E

C. Miscellaneous

Projecting porches must be open on three sides and have a roof.

Fences between front yards or between the sidewalk and front yard are allowed, to a maximum height of 3'.

D. Examples

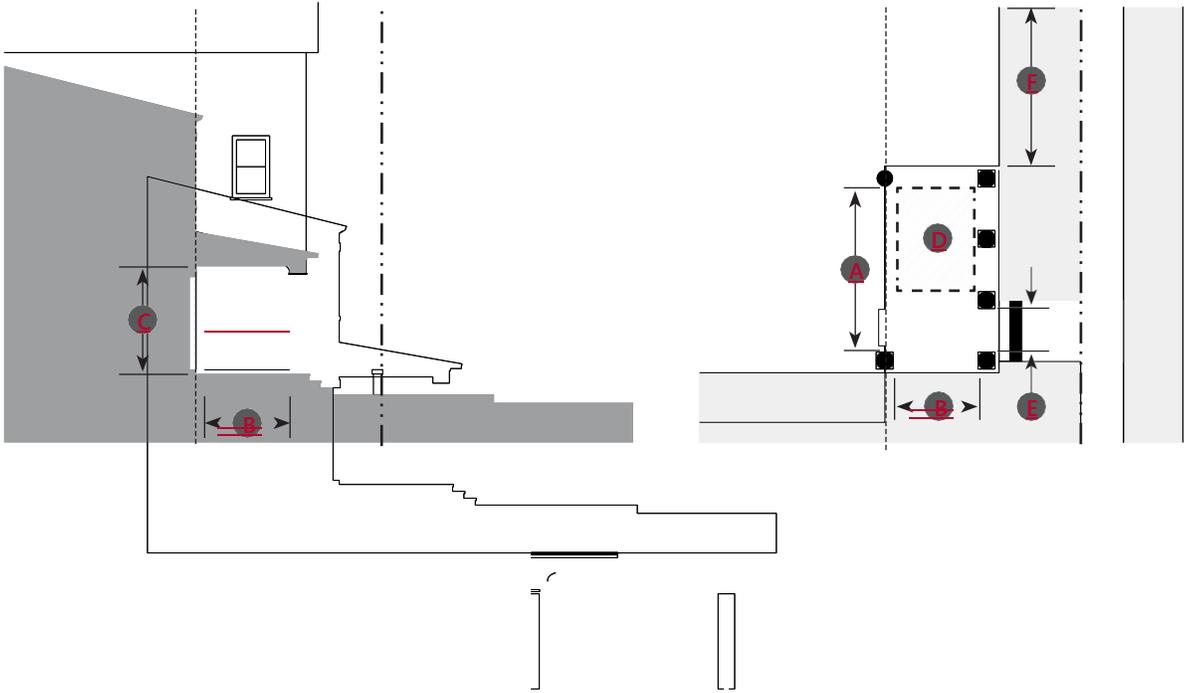


A wrap-around projecting porch defined by landscaping.



A projecting porch that frames the main entrance to the house.

23-4E-1060 Porch: Engaged



Setback ROW Street = Setback ROW Street

Key ROW / Lot Line Setback Line

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A. Description

The main facade of the building has a small to medium setback from the right-of-way. The resulting front yard is typically very small and can be defined by a fence or hedge to spatially maintain the edge of the street. The engaged porch has two adjacent sides of the porch that are engaged to the building while the other two sides are open.

B. Size

Width, clear	10' min.	A
Depth, clear	8' min.	B
Height, clear	8' min.	C
Height	2 Stories max.	
Furniture area, clear	4' x 6' min.	D
Path of travel, clear	3' wide min.	E

C. Miscellaneous

In zones where both porches and encroachments are allowed, a porch and up to 2/5 of the building facade are allowable encroaching elements.

Engaged porches must be open on two sides and have a roof.

Fences between front yards or between the sidewalk and front yard are allowed, to a maximum height of 3'.

D. Examples

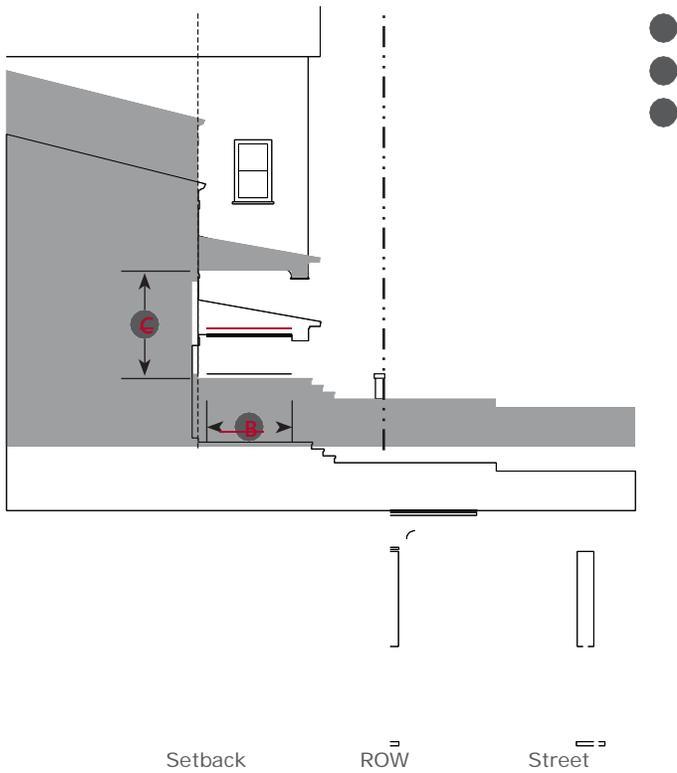
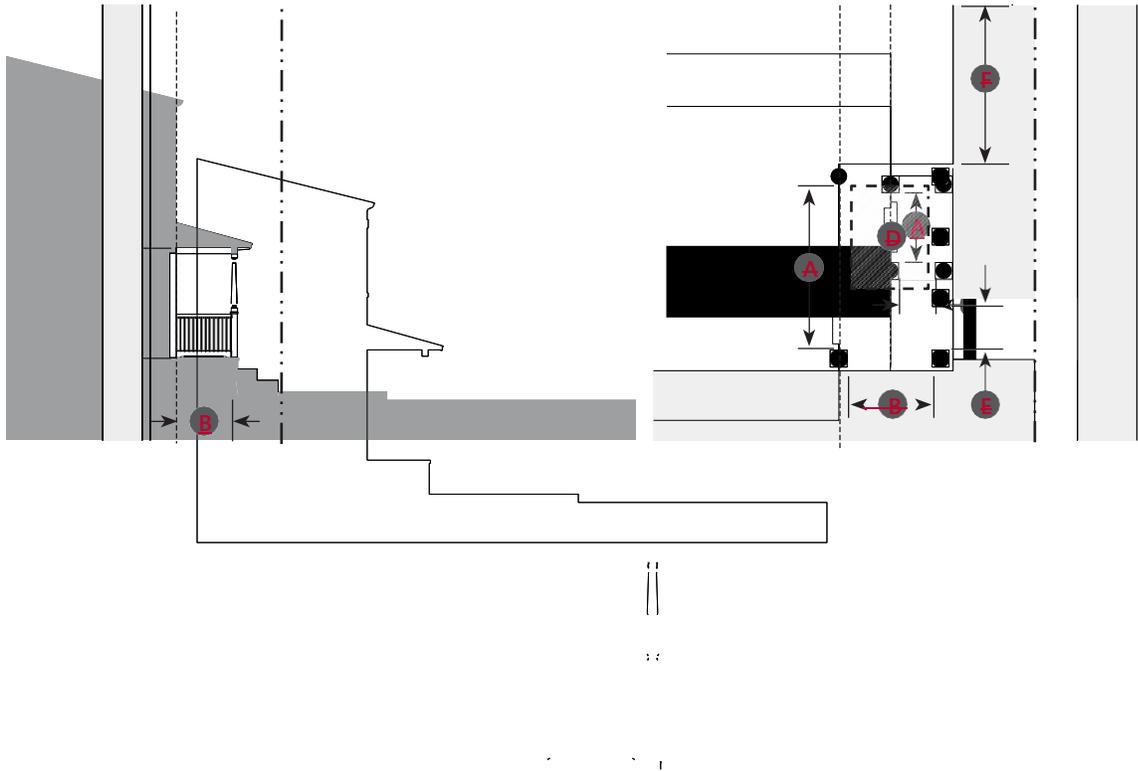


An engaged porch as an attached element leading up to the entrance.



An engaged porch separated from the sidewalk by landscape.

23-4E-1060 Porch: Engaged 1070 Stoop





A. Description

The main facade of the building has a small to medium setback from the right-of-way. The resulting front yard is typically very small and can be defined by a fence or hedge to spatially maintain the edge of the street. The engaged porch has two adjacent sides of the porch that are engaged to the building while the other two sides are open.

B. Size

Width, clear	Key	10' min.	ROW / A	Setback Line
		Lot Line		
Depth, clear		8' min.		
Height, clear		8' min.		
Height		2 Stories max.		
Furniture area, clear		4' x 6' min.		
Path of travel, clear		3' wide min.		

C. Miscellaneous

In transect zones where both porches and encroachments are allowed, a porch and up to 2/5 of the building facade are allowable encroaching elements.

Engaged porches must be open on two sides and have a roof.

Fences between front yards or between the sidewalk and front yard are allowed, to a maximum height of 3'.

D. Examples



An engaged porch as an attached element leading up to the entrance.



An engaged porch separated from the sidewalk by landscape.

A. Description

The main facade of the building is near the right-of-way and the elevated stoop engages the sidewalk. The stoop is elevated above the sidewalk to provide privacy along sidewalk-facing rooms. Stairs or ramps from the stoop may lead directly to the sidewalk or may be side-loaded. Stoops are appropriate for buildings with small setbacks.

B. Size

Width, clear	5' min.; 8' max.	A
Depth, clear	5' min.; 8' max.	B
Height, clear	8' min.	C
Height	1 Story max.	
Depth of recessed entries	6' max.	

C. Miscellaneous

Stairs may be perpendicular or parallel to the building facade.

Ramps shall be parallel to facade or along the side of the building.

The entry door shall be covered or recessed to provide shelter from the elements.

Gates are not allowed.

D. Examples

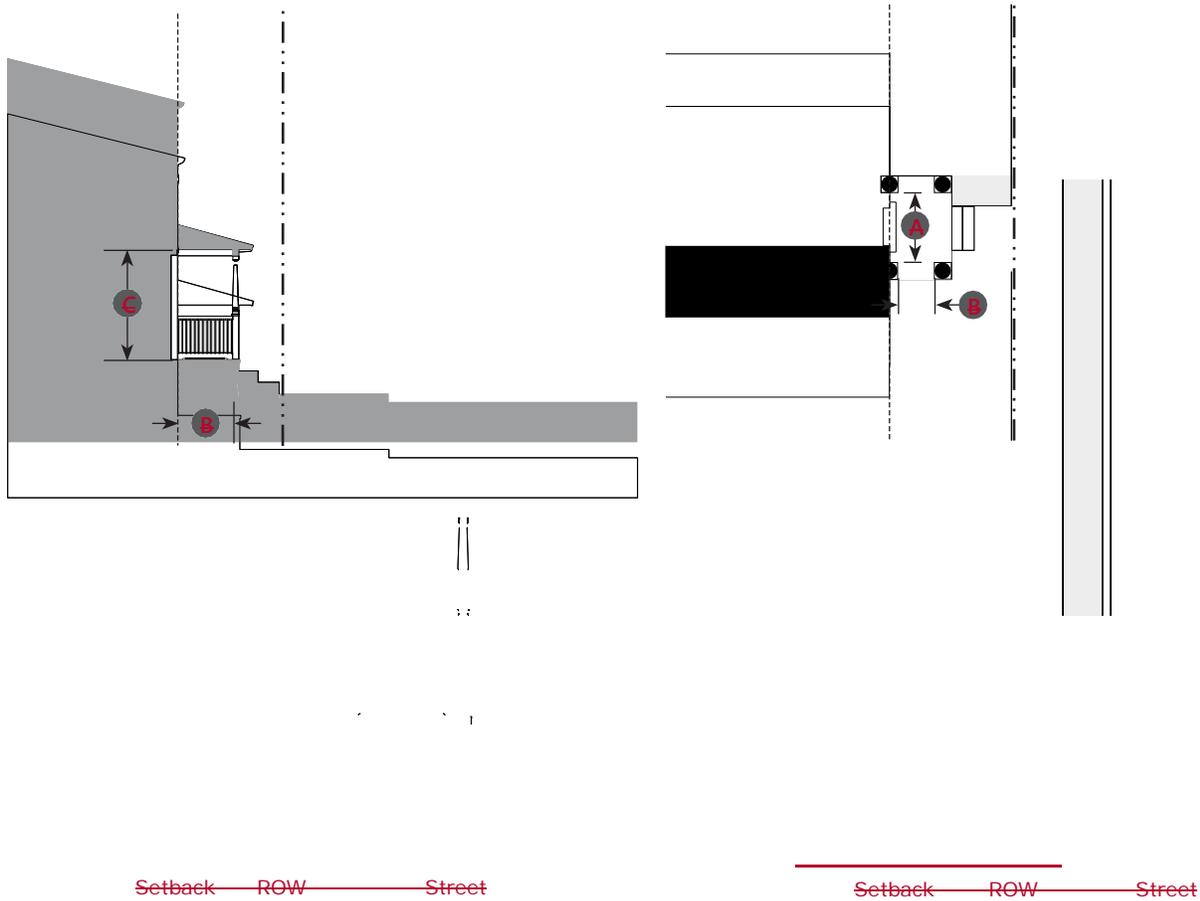


A stoop on a small detached house.



A stoop on a fourplex with a shared entry.

23-4E-1070 Stoop



Key ——— ROW / Lot Line ——— Setback-
Line

A. Description

The main facade of the building is near the right-of-way and the elevated stoop engages the sidewalk. The stoop is elevated above the sidewalk to provide privacy along sidewalk-facing rooms. Stairs or ramps from the stoop may lead directly to the sidewalk or may be side-loaded. Stoops are appropriate for buildings with small setbacks.

B. Size

Width, clear	5' min.; 8' max.	●
Depth, clear	5' min.; 8' max.	●
Height, clear	8' min.	●
Height	1-Story max.	
Depth of recessed entries	6' max.	

C. Miscellaneous

- Stairs may be perpendicular or parallel to the building facade.
- Ramps shall be parallel to facade or along the side of the building.
- The entry door shall be covered or recessed to provide shelter from the elements.
- Gates are not allowed.

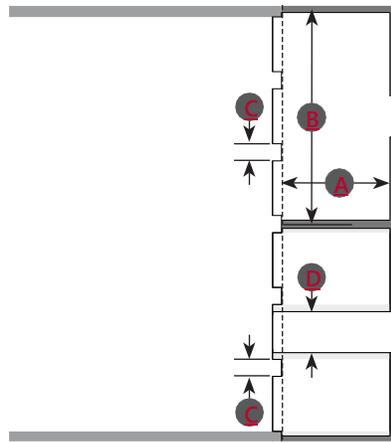
D. Examples



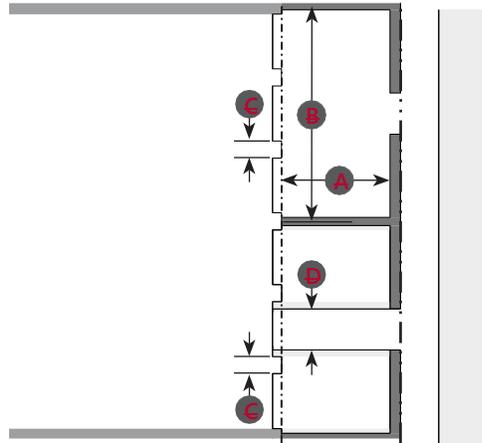
A stoop on a small detached house.



A stoop on a fourplex with a shared entry.



23-4E-1080 Dooryard



D. Examples

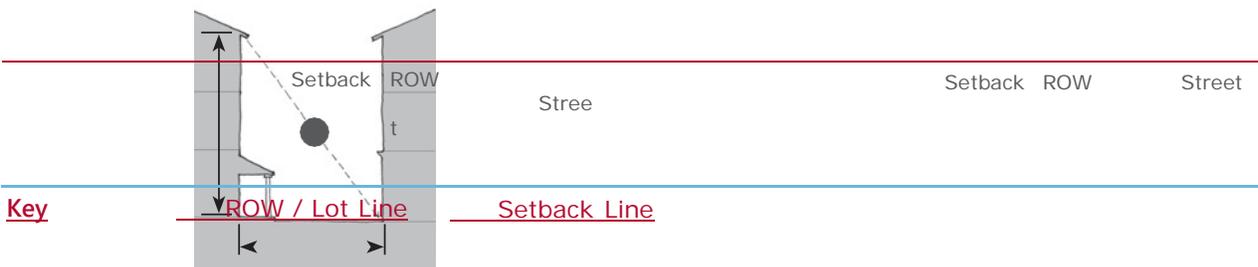
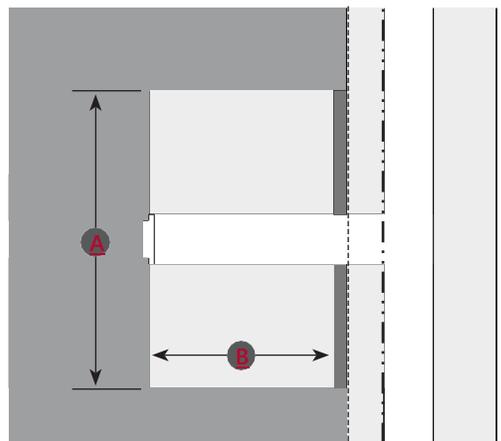
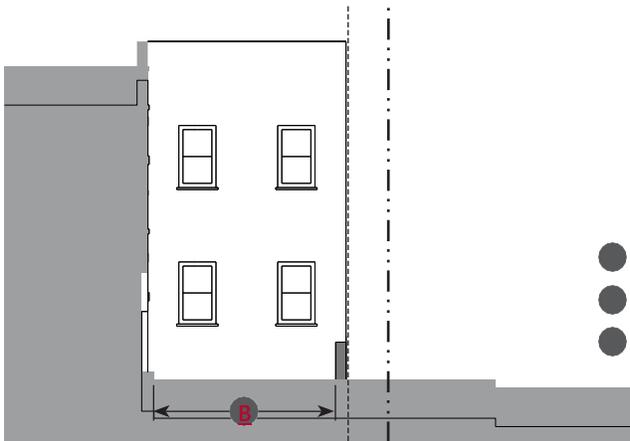
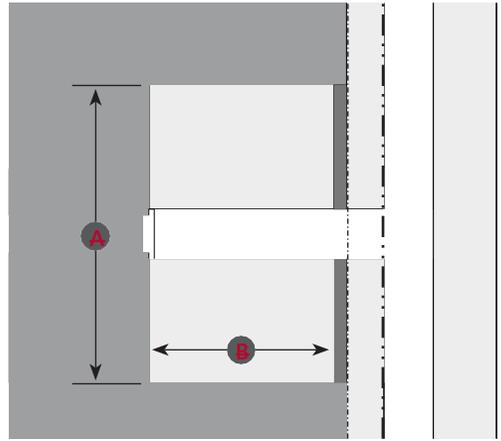
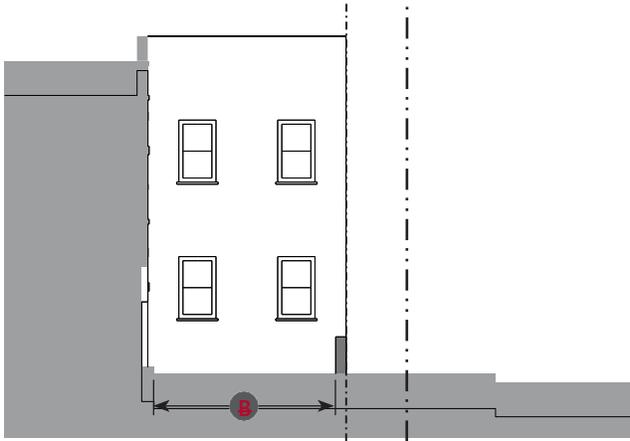


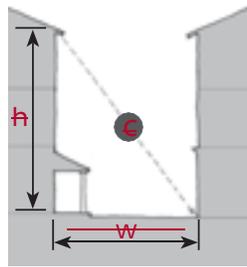
A series of small dooryards on a series of rowhouses.



A series of residential dooryards. Each dooryard has its own steps with railings providing separation between the dooryards of adjacent units.

23-4E-1090 Forecourt





D. Examples



This residential forecourt provides a prominent entry yard and breaks down the massing along the street.



This commercial forecourt provides an outdoor dining area along a vibrant commercial street. The ROW is defined by a low wall as required by this code.

23-4E-1100 Terrace



Key ——— ROW / Lot Line ——— Setback Line

A. Description

The main facade is at or near the right-of-way with an elevated terrace providing public circulation along the facade. This type can be used to provide at-grade access while accommodating a grade change. Frequent steps up to the terrace are necessary to avoid dead walls and maximize access. This type may also be used in historic industrial areas to mimic loading docks.

B. Size

Depth, clear Key 8' min. ROW / Lot Line A Setback Line

~~Finish level above sidewalk 42" max.~~

~~Length of terrace 150' max.~~

~~Distance between stairs 50' max.~~

~~C. Miscellaneous~~

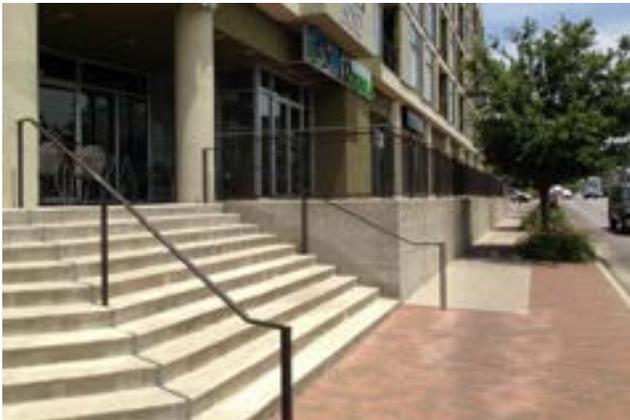
~~These standards shall be used in conjunction with those for the Shopfront Frontage Type. In case of conflict between them, the Terrace standards shall prevail.~~

~~Low walls used as seating are encouraged.~~

D. Examples



A terrace with outdoor seating that wraps around the building corner.



A terrace used to accommodate a change in grade.

A. Description

The main facade is at or near the back of sidewalk with an elevated terrace providing public circulation along the facade. This type can be used to provide at-grade access while accommodating a grade change. Frequent steps up to the terrace are necessary to avoid dead walls and maximize access. This type may also be used in historic industrial areas to mimic loading docks.

B. Size

Depth, clear	8' min.	A
Finish level above sidewalk	42" max.	B
Length of terrace	150' max.	
Distance between stairs	50' max.	C

C. Miscellaneous

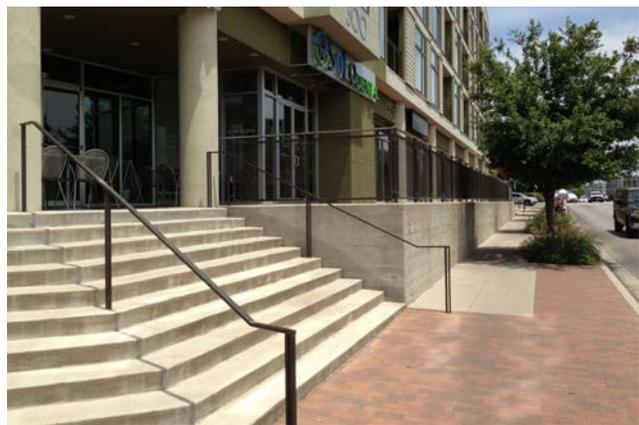
These standards shall be used in conjunction with those for the Shopfront Frontage Type. In case of conflict between them, the Terrace standards shall prevail.

Low walls used as seating are encouraged.

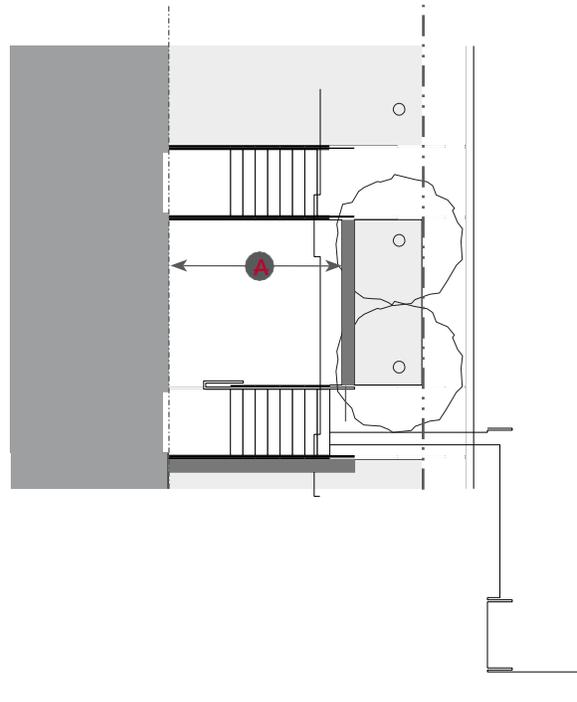
D. Examples



A terrace with outdoor seating that wraps around the building corner.



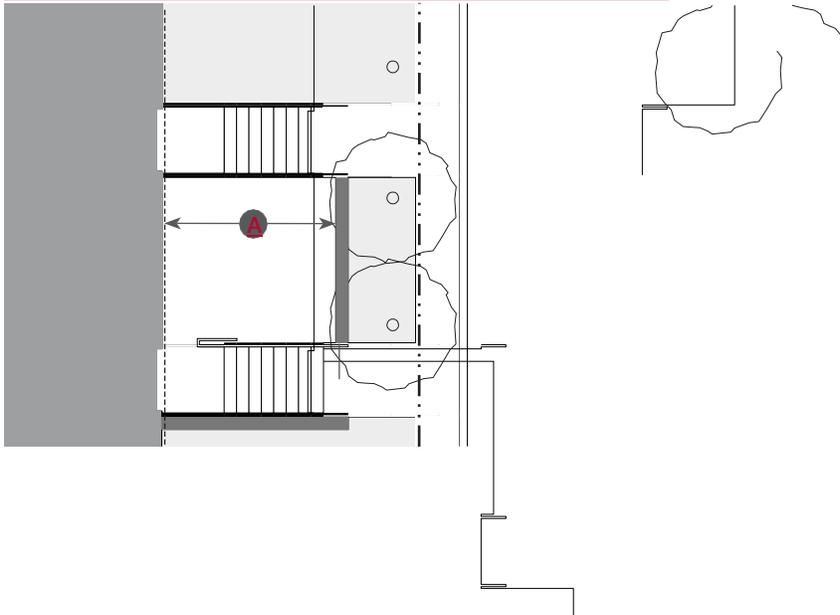
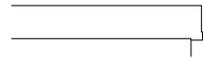
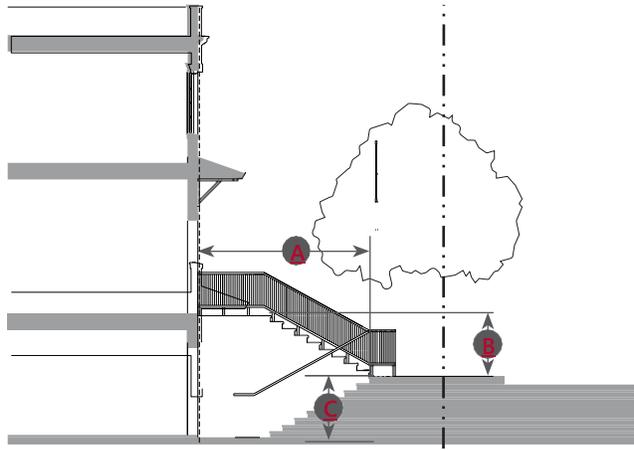
A terrace used to accommodate a change in grade.



Private

23-4E-

23-4E-1110 Lightwell



Setback ROW Stree Setback ROW Street

Key ROW / Lot Line Setback Line

A. Description

The main facade of the building is set back from the right-of-way by an elevated terrace or a sunken lightwell. This frontage type is used primarily on residential buildings to accommodate a change in grade.

B. Size

Depth, ClearKey 5' min. ROW / A Setback Line
 Lot Line

Height

Landing (above Sidewalk) 6' max. ●

Lightwell (below Sidewalk) 6' max. ●
●

C. Miscellaneous

A short fence or wall not to exceed 36" in height shall be placed along the setback where it is not defined by a building.



~~D. Examples~~



Lightwell with flanking entrances that lead to upper story housing.



Lightwell frontage for a rowhouse building.

A. Description

The main facade of the building is set back from the right-of-way by an elevated terrace or a sunken lightwell. This frontage type is used primarily on residential buildings to accommodate a change in grade.

B. Size

Depth, Clear	5' min.	A
Height		
Landing (above Sidewalk)	6' max.	B
Lightwell (below Sidewalk)	6' max.	C

C. Miscellaneous

A short fence or wall not to exceed 36" in height shall be placed along the setback where it is not defined by a building.

D. Examples

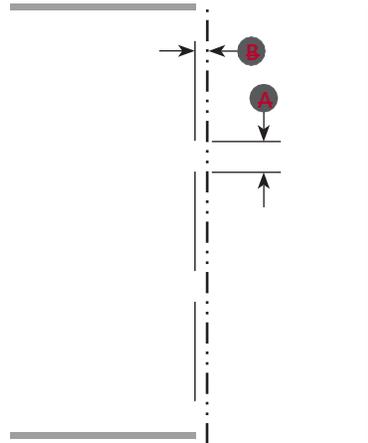


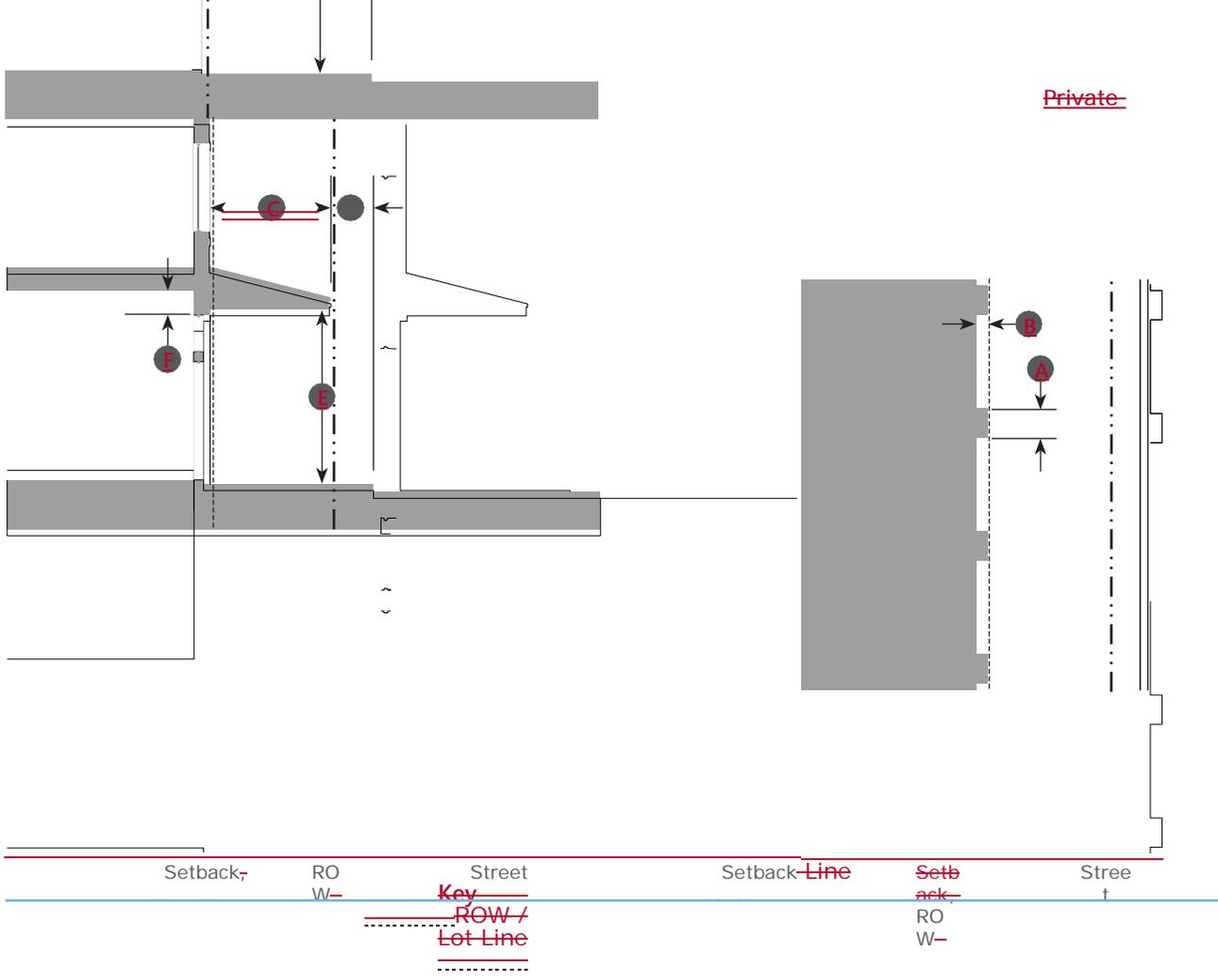
Lightwell with flanking entrances that lead to upper story housing.



Lightwell frontage for a rowhouse building.

23-4E-1120 Shopfront





A. Description

The main facade of the building is at or near the right-of-way with an at-grade entrance along the public way. This type is intended for retail or live/work uses. It has substantial glazing at the sidewalk level and may include an awning that may overlap the sidewalk. It may be used in conjunction with other frontage types such as dooryards, arcades, and galleries.

B. Size

Distance between glazing	2' max.	Key
Ground floor transparency	75% min.	
Depth of recessed entries	5' max.	
Depth of shopfront base	8" min.; 36" max.	

C. Awning

Depth	4'	
Setback from curb	min.	
Height	2'	
	min.	

D. Miscellaneous

Top of glazing shall be within 3' of unfinished height.
Residential windows shall not be used.

Doors may be recessed as long as main facade is within minimum and maximum setback.

Operable awnings are encouraged.

Open-ended awnings are encouraged.

Rounded and hooped awnings are discouraged.

Accordion-style doors/windows or other operable windows that allow the space to open to the street are allowed.

A. Setback Line

E. Examples



A series of shopfronts defined by columns along the building facade.



Vibrant shopfronts framed by awnings and a variety of signage.

A. Description

The main facade of the building is at or near the back of sidewalk with an at-grade entrance along the public way. This type is intended for retail or live/work uses. It has substantial glazing at the sidewalk level and may include an awning that may overlap the sidewalk. It may be used in conjunction with other frontage types such as dooryards, arcades, and galleries.

B. Size

Distance between glazing	2' max.	A
Ground floor transparency	75% min.	
Depth of recessed entries	5' max.	
Depth of shopfront base	8" min.; 36" max.	B

C. Awning

Depth	4' min.	C
Setback from curb	2' min.	D
Height, clear	8' min.	E

D. Miscellaneous

- Top of glazing shall be within 3' of unfinished ceiling height. F
- Residential windows shall not be used.
- Doors may be recessed as long as main facade is within minimum and maximum setback.
- Operable awnings are encouraged.
- Open-ended awnings are encouraged.
- Rounded and hooped awnings are discouraged.
- Accordion-style doors/windows or other operable windows that allow the space to open to the street are allowed.

E. Examples

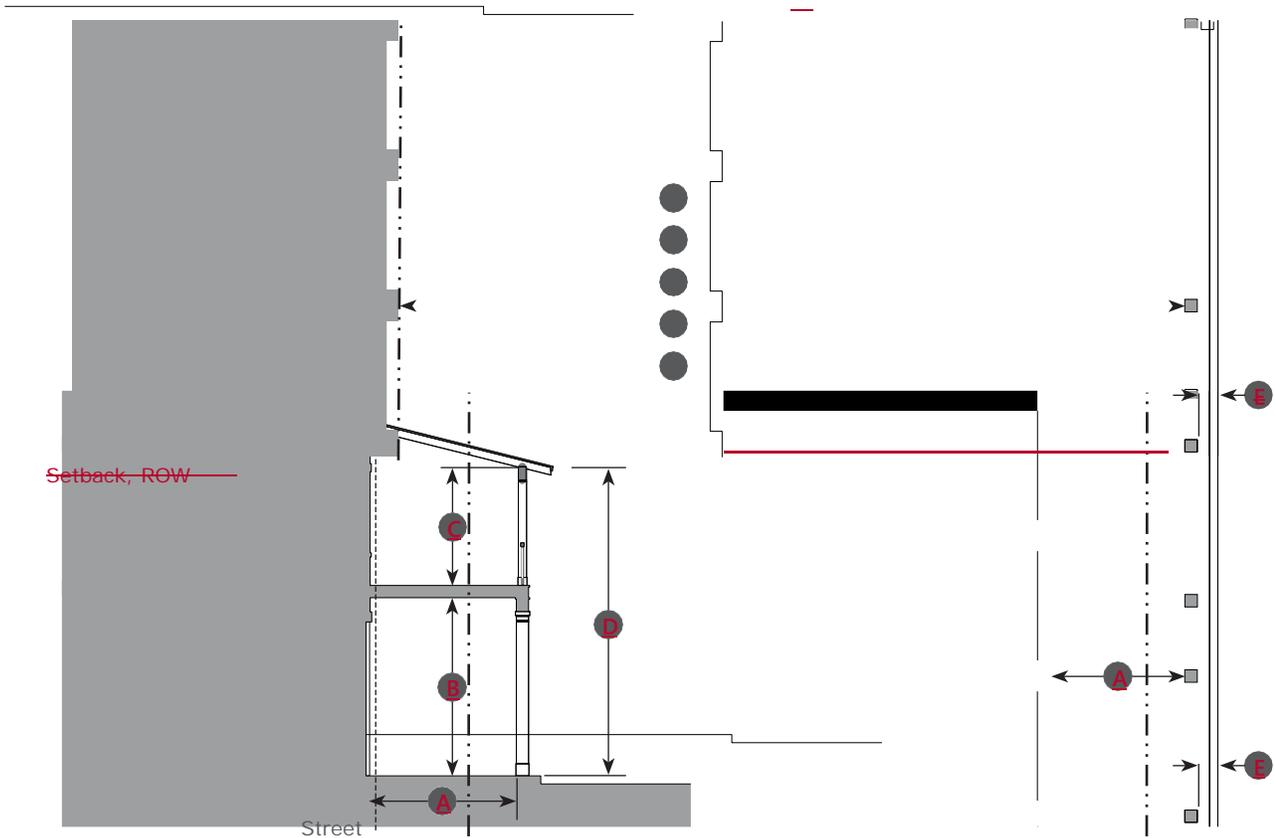
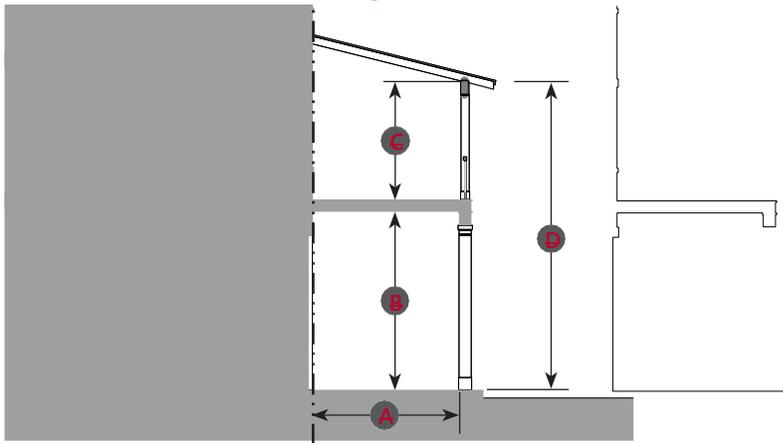


A series of shopfronts defined by columns along the building facade.



Vibrant shopfronts framed by awnings and a variety of signage.

23-4E-1130 Gallery



Key ——— ROW / Lot Line - - - - - Setback
 Line

D. Examples



A single-story gallery with second-floor access to the spaces on the upper story.



A single-story gallery defining an outdoor seating area.

A. Description

The main facade of the building is at or near the back of sidewalk and the gallery element overlaps the sidewalk. This type is intended for buildings with ground-floor commercial uses and may be one or two stories. The gallery extends far enough from the building to provide adequate protection and circulation for pedestrians and is close enough to the curb so that a pedestrian cannot bypass it.

B. Size

Depth, clear	8' min.	A
Ground floor height, clear	11' min.	B
Upper floor height, clear	9' min.	C
Height	2 Stories max.	D
Setback from curb	2' min.	E

C. Miscellaneous

These standards shall be used in conjunction with those for the Shopfront Frontage Type. In case of conflict between them, the Gallery standards shall prevail.

Upper-story galleries facing the street shall not be used to meet primary circulation requirements.

Galleries must have a consistent depth along a frontage.

Galleries must project over a sidewalk.

Galleries may encroach into the street ROW, subject to the approval of an encroachment agreement in compliance with Chapter 14-11 (Use of Right-of-Way).

D. Examples



A single-story gallery with second floor access to the spaces on the upper story.



A single-story gallery defining an outdoor seating area.

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Division 23-4E-2: Outdoor Lighting

Contents

~~23-4E-2010 Intent 1~~
~~23-4E-2020 Applicability 1~~
~~23-4E-2030 Standards 1~~

~~23-4E-2010 Intent 1~~
~~23-4E-2020 Applicability 1~~
~~23-4E-2030 Standards 1~~

23-4E-2010 Intent

The intent of this Division is to encourage lighting practices and systems which will minimize light pollution, glare, and light trespass; conserve energy and resources while maintaining night time safety, utility, security, and productivity; and curtail the degradation of the night time visual environment.

23-4E-2020 Applicability

The following standards apply in all developments requiring a Site Plan.

23-4 E-2030 Standards

- (A) **Submission of Plans and Evidence of Compliance.** All site plan applications shall include a description of all lighting fixtures not affixed to buildings, both proposed and those that will remain on the site, as well as any existing or proposed fixtures to be located in adjacent rights-of-way after completion of the project. For new fixtures, the description may include, but is not limited to, catalog cuts and illustrations by manufacturers (including sections where required), that demonstrate compliance with the standards of this Division. For lighting fixtures affixed to buildings, such information shall be provided as part of the building permit application.
- (B) **Fully Shielded and Full Cut-off Light Fixtures Required.** The following outdoor lighting applications shall be illuminated by fixtures that are both fully-shielded and full cut-off:

(1) Public Street and Pedestrian Lighting

- (a) Parking lots;
- (b) Pathways;
- (c) Recreational areas;
- (d) Billboards;
- (e) Product display area lighting; and
- (f) Building overhangs and open canopies.

(2) Lighting of Building Facades

- (a) Buildings and structures shall be illuminated by fixtures that are both fully- shielded and full cut-off. Building facade lighting may only be used to highlight specific architectural features such as principal entrances and towers. This standard shall not apply to buildings in the downtown that are at least 120 feet tall, so long as such buildings contain no trademarked design features (not including signage) located over 120 feet above ground level.
- (b) Uniform floodlighting of building facades shall be allowed only through the alternative equivalent compliance review process.
- (C) **Directional Luminaires.** Directional luminaires may be used to illuminate signs and flagpoles. Such luminaires shall be installed and aimed so that they illuminate only the specific object or area and do not shine directly onto neighboring properties or roadways, or distribute excessive light skyward.
- (D) **Lamp or Fixture Substitution.** Should any outdoor light fixture or the type of light source therein be changed after either a site plan or building plan approval **has been granted, or after a site plan exemption has been granted,** a change request must be submitted to the Planning Director for approval, together with adequate information to assure compliance with this Division, which must be received prior to substitution.
- (E) **Non-Conforming Lighting.** All outdoor lighting fixtures ~~lawfully installed prior to and operable on~~ subject to the effective date applicability of this Division ~~are exempt from all standards of this Division until January 1, 2015, at which time they shall become subject to this Division, and~~ shall be considered nonconforming if they do not comply with the requirements_ of this Division.

Division 23-4E-3: Parking and Loading

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23-4E-3010 Purpose

The purpose of this Division is to provide regulatory standards for parking and access for motor vehicles and bicycles. The Division also provides options for the adjustment of parking requirements and the provision of parking alternatives. These standards provide for the parking needs of new land uses and development while being designed and located in a manner consistent with the desired character and development patterns of the community and as outlined in the Austin Comprehensive Plan.

23-4 E-3020 Applicability

These standards apply to all development within zones and shall be considered in combination with Article 23-4D (Zoning Districts) and Chapter 23-9 (Transportation).

(A) Parking and Loading Requirements apply to development of:

- (1) A new building;
- (2) An enclosed addition that results in an increase in the gross floor area of 25 percent or more;
- (3) A change in land use that increases the number of required parking spaces above the number of existing spaces;

- (4) Addition of Residential Units, except for accessory dwelling, on the same lot as an Existing Dwelling; and/or
- (5) A change of occupancy or operation that increases the number of required parking spaces above the existing number of spaces.

- (B) Additional parking or loading facilities required under this Division are required only for the addition, enlargement, or change, and not for the entire building or use, except as follows:
 - (1) An addition, enlargement, or change in use for a cocktail lounge or a restaurant with a late-hours permit is required to meet parking requirements for the entire building or use.
- (C) **Nonconforming Uses, Structures or Lots.** When a nonconforming use, structure, or lot is abandoned for a period of 180 consecutive days and then changed to a new use according to the requirements of Section 23-2G-1060 (Termination of Non-Conforming Use) and Section 23-2G-2030 (Nonconforming Parking) of this Code, then parking facilities shall be provided for the entire building, structure, or premises, to the maximum extent feasible as determined by the Planning Director.
- (D) **Exempt**
 - (1) **Existing Single-Family Dwellings.** The standards within this Division shall not apply to existing single family dwellings as follows:
 - (a) When dwellings are added to a lot and the total number of dwellings is more than two on the same lot, ~~it shall require that~~ the parking and access for the second single-family dwelling shall be required to meet the standards in this ~~division~~ Division. The parking and access for the original dwelling does not have to meet the requirements of this Division; and
 - (b) When more than two single-family dwellings are on the same lot, where allowed, ~~it shall be required that~~ the parking and access for all the dwellings, including existing single-family dwellings, shall be required to meet the requirements in this Division.
 - (2) Parking and/or loading is not required for an accessory use.
 - (3) **Uses Within a Parking Management District.** The parking requirements required by this Division shall not apply, except as provided by the parking management district.
- (E) **Design.** A parking and loading ~~areas~~ area, circulation area, or queue line constructed or substantially reconstructed after January 1, 1985 must comply with the design standards prescribed in the Transportation Criteria Manual, and the landscape standards prescribed in Division 23-4E-4 (Landscaping).

23-4

E-3030 Calculations

- (A) **Calculations.** Any fraction greater than or equal to 0.50 shall be rounded up to nearest whole number. No additional space shall be required for a fractional unit of less than 0.50.
- (B) **Square Feet.** In any case where the number of required parking spaces is based on floor area in square feet (sf) the measurement shall mean square feet of gross floor area, unless stated otherwise.
- (C) **Number of Employees.** In any case where a parking requirement based on number of employees, the number of employees shall be calculated based on the largest work shift.
- (D) **Maximum Number of Parking Spaces.** Developments over 10,000 square feet in floor area or containing 25 or more residential units shall not exceed the minimum number of parking spaces by more than 100 percent.

- (E) **Compact Car Spaces.** Up to 40 percent of required parking spaces may be designed as compact spaces.
- (F) Tandem parking may count towards the required parking for an individual residential unit.
- (G) Parking lifts may be used to meet the residential portion of the parking requirement.

23-4 E-3040 Parking Limitations

- (A) **Reduction of Parking.** Required off-street parking shall not be reduced below the requirements of this Division. Existing parking that is determined to be nonconforming in accordance with Division 23-2G-2 (Nonconforming Parking), shall not be further reduced from the number of parking spaces available on the effective date of this Land Development Code.

23-4 E-3050 Parking for Persons with Disabilities

(A) Applicability.

- (1) Development must comply with Federal ADA and Texas Accessibility Standards when applicable.
 - (2) A parking facility that is accessible to a person with disabilities that is compliant with current Federal ADA Standards, current Texas Accessibility Standards, and current locally adopted Building Code;
 - (3) Routes of travel that connect the accessible elements of the site; and
 - (4) The number of accessible parking spaces required by the current Federal Americans with Disabilities Act (ADA) Standards and current Texas Accessibility Standards. Where the standards found here conflict with other standards the most restrictive shall apply.
 - (5) A single-family dwelling or duplex and residential sites not governed by the Federal Fair Housing Act must have an accessible route of travel as required by the Visitability section of this Land Development Code.
- (B) **Appeal.** A person may appeal the requirements of this section to the Board of Adjustment; however, Federal and State laws must be appealed through their respective processes.
 - (C) **Variance.** A variance granted applies only to the use for which the variance was granted and does not run with the land on which the use is located.
 - (D) **Design.** Parking facilities for persons with disabilities must comply with the design standards prescribed in the ~~Transportation Criteria Manual~~International Building Code.

23-4 E-3060 Off-Street Motor Vehicle Parking Adjustments

(A) **Simple Parking Adjustments.** Adjustments that are applicable with Planning Director approval when requirements are met.

(1) **Maximum Parking Adjustment.** Where multiple parking adjustments are allowed the maximum cumulative parking reduction is 40%.

Table 23-4E-3060.A Simple Parking Adjustments

Type	Type-Requirement	Reduction	<u>Reduction</u>
Transect Non-Transect			
Developments Located in Proximity to: Zones Zones			
Transit Corridor	Located within 1/4 mile of a transit corridor		<u>20%</u>
Transit Corridor	Located within 1/2 mile of a transit corridor		<u>10%</u>
<u>Developments Providing the Following Features:</u>			
Preservation of On-Site Trees	Preserve significant stands of trees or protected trees in addition to those required to be preserved by the Code, pursuant to protection measures specified in the Environmental Criteria Manual.		<u>10%</u>
Car-Share	Car-sharing vehicle provided on-site in compliance with requirements prescribed by the Planning Director by administrative rule.		<u>20 spaces per car-share vehicle</u>
<u>Bicycle Parking</u>			
On-site Bicycle Parking above requirements of Section 23-4E-3080.	For every 4 bicycle parking spaces, requirement may be reduced by 1 motor vehicle space		<u>up to 5% max.</u>
<u>Buildings Providing Shower and Changing Facilities for employees</u>			
Up to 20,000 gsf	One unisex shower and changing facility min.		<u>10%</u>
20,001 to 100,000 gsf	Two unisex shower and changing facility min.		<u>10%</u>
Greater than 100,000 gsf	Four unisex shower and changing facility min.		<u>10%</u>
Transit Corridor	Located within 1/4 mile of a transit corridor	20%	<u>20%</u>
Transit Corridor	Located within 1/2 mile of a transit corridor		<u>no reduction</u>
		10%	
		%	

Developments Providing the Following Features:		All
Preservation of On-Site Trees	Preserve significant stands of trees	10%
	or protected trees in addition to those required to be preserved by the Code, pursuant to protection measures specified in the Environmental Criteria Manual.	20 spaces per car-share vehicle
Car-Share	Car sharing vehicle provided on site in compliance with requirements prescribed by the Planning Director by administrative rule.	
Bicycle Parking		
On-site Bicycle Parking above requirements of Section 23-4E-3080.	For every 4 bicycle parking spaces, requirement may be reduced by 1 motor vehicle space	up to 5% max.
Buildings Providing Shower and Changing Facilities for employees		

~~Up to 20,000 gsf — One unisex shower and changing facility min.~~
~~20,001 to 100,000 gsf — Two unisex shower and changing facility min.~~
Greater than 100,000 gsf — Four unisex shower and changing
facility min.

10%

10%

10%

(B) Parking Adjustments Requiring Planning Director Approval.

- (1) **Shared On-Site Parking.** Where two or more uses on the same site or adjacent parcels have distinct and differing peak parking usage periods (e.g., a theater and a bank), a reduction in the required number of parking spaces as determined by the Planning Director may be allowed in the following manner:
 - (a) The reduction in number of required parking spaces shall be based on a parking demand study provided by the applicant. The parking demand study shall be in accordance with established professional practices.
 - (b) Approval shall also require a recorded covenant running with the land, recorded by the owner of the parking lot, guaranteeing that the required parking will be maintained exclusively for the uses served and remain for the duration of the use.
 - (c) To apply for an adjustment under this Section, an applicant must submit to the Planning Director a site plan and transportation engineering report addressing the following:
 - (i) The characteristics of each use and the differences in projected peak parking demand, including days or hours of operation;
 - (ii) Potential reduction in vehicle movements resulting from the multi-purpose use of parking by employees, customers, or residents of the uses served;
 - (iii) Potential improvements in parking design, circulation, and access resulting from joint parking;
 - (iv) Compliance with shared parking guidelines in the Transportation Criteria Manual; and
 - (v) Detail the amount of bicycle parking to be provided.
- (2) **Off-site Parking.** ~~The location of off-premises parking facilities in relation to the use served are described in this Subsection.~~ All distances specified shall be between the closest edge of such parking facilities to the closest edge of the site being served.
 - (a) Off-site parking and the use that it serves may not be not more than 1,000 feet apart, measured from the nearest off-site parking space to the nearest public entrance of the use that the parking serves. The distance measured:
 - (i) Assumes that between adjacent intersections with traffic control signals, pedestrians cross at a marked crosswalk; and
 - (ii) Does not cross private property unless access is authorized by the affected property owner.
 - (b) Pedestrian access between the use or the site and the off-premise parking area shall be via paved sidewalk or walkway.
 - (c) ~~In non-transect zones off~~ Off-site parking facilities for a non-residential use shall not be located in a residential zone.
 - (d) Landscaping required by Section 23-4E-4130 (Visual Screening) is not required_ for a site plan filed solely for approval of shared or off-site parking on an existing parking lot.

- (e) The owner shall provide a recorded parking agreement reflecting the arrangement with the other site.
 - (f) If the off-premise parking is shared, the Planning Director may allow a reduction in the same manner as on-site shared parking as described in Subsection 1 above.
- (3) **In-Lieu Fee.** The owner of any property upon which a development is proposed may pay an in-lieu parking fee if the City approves it as part of the site plan review. A request to pay the in-lieu fee for more than 15 parking spaces must be approved by the Council. The Council shall make the following findings before approving any in-lieu fee proposal:
- (a) The development is within a parking management district;
 - (b) There is available or planned public parking capacity to offset this demand;
 - (c) The public parking will be made available within a reasonable time period of the approval of this development; and,
 - (d) The fee option is available only if existing or planned parking exists within 600 feet of the site, or within a distance set by the parking management district. The fee shall be the current value of land and parking construction costs per space needed, as determined by an adopted parking management plan
- (4) **Transportation Demand Management.** May reduce parking requirement based on approved Transportation Demand Management plan as set forth in Article 23-9H9G (Transportation Demand Management).

23-4 E-3070 Loading

- (A) Required off-street loading facility must:
 - (1) Be maintained for the duration of the use or existence of the building requiring the facility; and
 - (2) Be used exclusively for the purpose of loading and unloading goods, materials, and supplies.
- (B) Off-street loading facility shall be provided for each use in a building or on a site as follows:

Table 23-4E-3070.A Off-Street Loading Requirement	
Floor-	Requirement-
Up to 10,000 gsf	none required
10,001 to 100,000	1 off-street loading area
Greater than 100,000	1 off-street loading area per 100,000 gsf

- (C) Multiple uses or occupancies located in a single building or on one site may be served by a common loading space.
- (D) **Calculations.** An off-street loading facility requirement is based on the gross floor area.

- (1) Gross Floor Area for calculating Off-Street Loading Requirement includes exterior site area at a ratio of 1 square foot for every 2 gross square feet of area used for a commercial or industrial use.
- (2) Gross floor area does not include enclosed or covered areas used for off-street parking or loading.

23-4 E-3080 Bicycle Parking

(A) Applicability

- (1) The following regulations are applicable whenever the provisions of this Division apply.
- (2) Bicycle parking is not required for single-family residential developments and uses.

(B) Required Spaces

~~Table 23-4E-3080.A Bicycle Parking Requirement~~
~~Retail, Office, Service Uses~~
Retail, Office, Service Uses

Up to 10,000 gsf	2 spaces
Greater than 10,000 gsf	2 spaces plus an additional 1 per 1,000 gsf
Residential Development	
12 to 25 units	1 per x
units Greater than 25 units	1 per x
units	

(C) Location and Design

- (1) The location of off-street bicycle parking must comply the design requirements found in the Transportation Criteria Manual and with the following requirements:
- (2) A minimum of 50% of all required bicycle parking must be located within 50 feet of the principal building entrance which shall not be obscured from public view; and
- (3) The remaining required bicycle parking may be located as follows:
- (4) In a secure location within 50 feet of building entryways other than the principal building entrance;
- (5) At employee only entrances;
- (6) Within a building; or
- (7) In covered motor vehicle parking within 50 feet of a street level entrance.
- (8) The closest bicycle parking must be no farther than the closest motor vehicle parking space, excluding accessible parking spaces.
- (9) Where a conflict exists the more restrictive standard shall apply.

Table 23-4E-3090.A Parking Lot Landscaping	
Parking Lot Medians	Width (min.)
<u>Width</u>	<u>10'</u>
<u>Width: Existing Tree</u>	<u>10' or 1/2 critical root zone, whichever is greater</u>
Parking Lot Tree Island	
<u>End of Parking Run</u>	<u>1 at end of parking run</u>
<u>Middle of Parking Run, When Not Adjacent to Median</u>	<u>1 every 8 parking spaces</u>
<u>Width</u>	<u>10'</u>
<u>Depth</u>	<u>match parking depth</u>
Parking Lot Medians	Width
<u>Width</u>	<u>10'</u>
<u>Width: Existing Tree</u>	<u>10' or 1/2 critical root zone, whichever is greater</u>
Parking Lot Perimeter	
<u>Parking Lots adjacent to a public thoroughfare other than an alley</u>	<u>10'</u>

Division 23-4E-4: Landscape

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As the City of Austin's population grows and development density increases, it is the purpose of this section to address the City's natural sense of place and character through the preservation, protection, and enhancement of the existing, natural, and planted landscapes. It is the intent of this section to establish minimum landscape standards that provide ecological benefits at the site level. The requirements of this section are meant to enhance, improve, and maintain the quality of the Austin landscape by providing the following:

- (A) To aid in stabilizing the environment's ecological balance by contributing to the processes of air purification, oxygen regeneration, ground water recharge, and storm water infiltration, while at the same time aiding in noise, glare, and heat abatement;
- (B) To preserve and replenish the local stock of native trees and vegetation;
- (C) To prevent overcrowding of land and provide air quality;
- (D) To provide visual buffering to enhance the beautification of the City;
- (E) To safeguard and enhance property values and protect public and private investment;
- (F) To preserve and protect the unique identity and environment of the City of Austin and preserve the economic base attracted to the City of Austin by such factors;

- (G) To provide cooling shade thereby conserve energy; and
- (H) To enhance public health, safety and general welfare.

23-4 E-4020 Applicability

(A) Applicability/Exceptions

- (1) This section applies to:
 - (a) All new development ~~properties~~ requiring a site plan ~~which that~~ includes a proposed use, a building, and/or stormwater controls such as sedimentation/filtration and detention ponds, within the city's zoning jurisdiction; except:
 - (i) Substantial restoration of a building within one year after the building is damaged;
 - (ii) Restoration of a building designated as a historic landmark;
 - (iii) Single family and ~~single~~ duplex; or
 - (iv) Boat dock.
 - (b) All substantial improvements or renovations projects in which:
 - (i) The proposed and existing structures have a combined 5,000 ~~SF-~~ 1st square feet first floor (GFA) footprint ~~(and for which the project cost exceeds 50% of the pre-project value of the structure);~~ or
 - ~~(ii) A net change in the amount of parking is proposed.~~
 - (ii) For which the project cost exceeds 50 percent of the pre-project value of the structure).

(B) Conflicts with Other Provisions

- (1) If this Division conflicts with other provisions of this title, this Division prevails.
- (2) If this Division conflicts with a provision of Chapter 23-9 (Transportation), Article 23- 10E (Drainage), Article 23-3C (Urban Forest Protection and Replenishment), or Article 23-3D (Water Quality), those provisions prevail.

(C) Alternative Compliance

- (1) The Director may approve a site plan that proposes an alternative to compliance by using criteria provided by the Environmental Criteria Manual. The alternative compliance site plan must adequately achieve, or be an improvement on, the intent of the landscape requirements in this section.
- (2) In considering an alternative compliance plan, the Director shall give special consideration to the preservation of large existing native trees.

23-4E-4030 Landscape Requirements



A. Overview of Landscape and Buffer Types

Landscape	Section Number
Front Planting Zone (FPZ)	23-4E-4040
	A
Foundation Buffer	23-4E-4050
	B
Surface Parking Area Landscape	
Parking Area Tree Islands	23-4E-4060
	C
Parking Area Landscape Medians	23-4E-4070
	D
Parking Lot Perimeter Landscape Strips	23-4E-4080
	E

A. Overview of Landscape and Buffer Types

Landscape	Section Number
Compatibility Buffers	23-4E-4090
	F [†]
Intermittent Visual Obstruction Buffer	
Semi-Opaque Buffer	23-4E-4100
	G
Opaque Buffer	23-4E-4110
	H [†]
Other Types	
Functional Green	23-4E-4120
	I [†]
Visual Screening	23-4E-4130
	J [†]

Notes

[†] Not shown in diagram



Overview of Landscape and Buffer Types

Landscape Type	Section Number	Symbol
Front Yard Planting	23-4E-4040	A
Foundation Buffer	23-4E-4050	B
Surface Parking Area		
Tree Islands	23-4E-4060	C
Landscape Medians	23-4E-4070	D
Parking Lot Perimeter Landscape	23-4E-4080	E

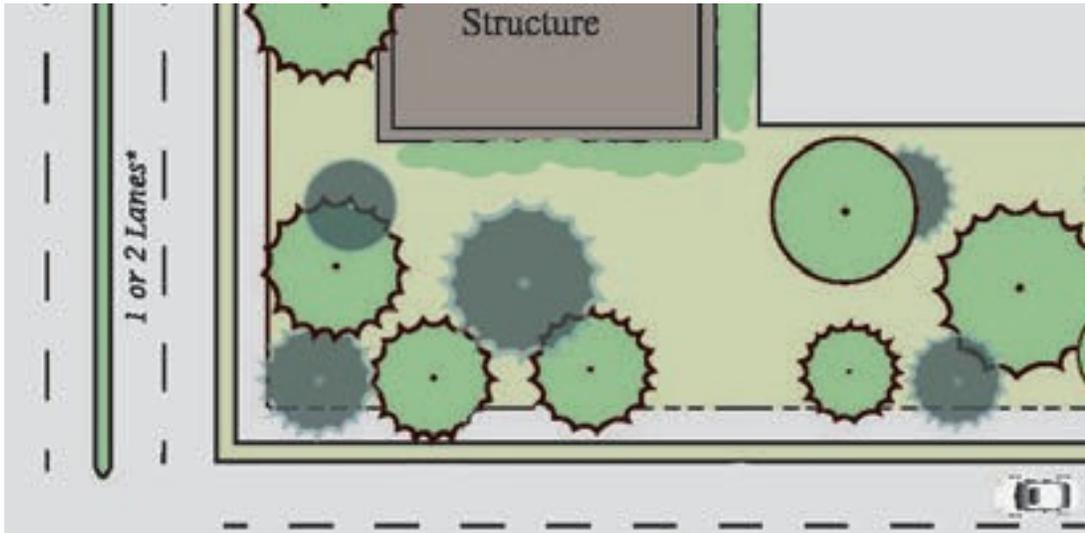
Overview of Landscape and Buffer Types (continued)

Landscape Type	Section Number	Symbol
Compatibility Buffers		
Intermittent Visual Obstruction	23-4E-4090	F
Semi-Opaque	23-4E-4100	G
Opaque	23-4E-4110	H
Other Types		
Functional Green	23-4E-4120	I ¹
Visual Screening	23-4E-4130	J

Notes

¹ Not shown in diagram

23-4E-4040 Front Yard Planting Zone



[GRAPHIC TO BE REVISED to include Single lot examples of how to determine FPZ area]

A. Description

The Front Planting Zone provides landscaping between the front building facade and the adjacent right-of-way along a public street or road.

B. Applicability

Single-family and multi-family developments in Non-Transect zones and development in transect zones located on a public right-of-way.

C. Size

Standards are being coordinated with street design, landscape, utilities, functional green and other standards. Anticipated release in April 2017.

Zone

Notes

¹ Minimum Foundation Buffer width is required in addition to sidewalks and ramps.



D. Planting Requirement	
Zone-District	Quantity per Landscape-Area (min.)
	Shade trees — Ornamental trees

Standards are being coordinated with street design, landscape, utilities, functional green and other standards. Anticipated release in April 2017.

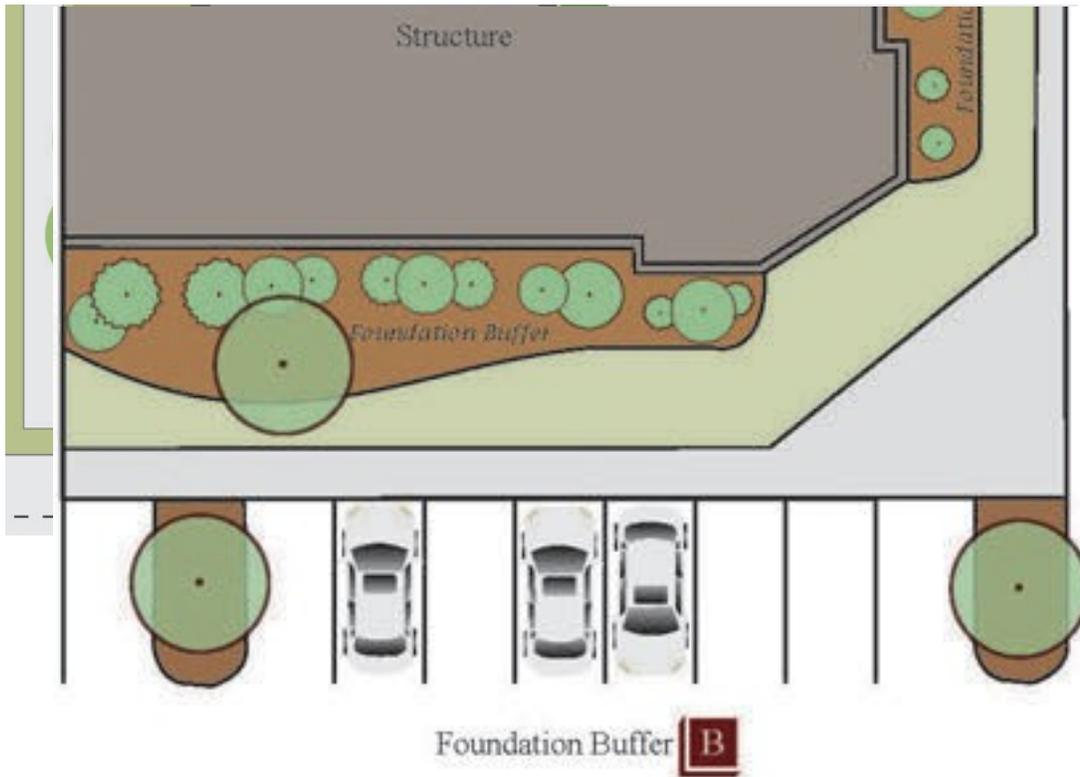
E. Miscellaneous

Required plantings (in chart below) must be located within the Front Planting Zone without conflict with structures, paving, or service utility spacing requirements.

Minimum soil volume requirements must be provided for all trees.

Healthy, existing plant materials that are located within undisturbed areas of the Front Planting Zone, and are listed in Environmental Criteria Manual Appendix N, may be credited at 100% toward the minimum plant requirements.

Requirements of Table 23 + 4E-4170.A (Diversity Standards) apply



Description

The Front Yard Planting provides landscaping between the front building facade and the adjacent right-of-way.

Applicability

The Front Yard Planting applies to all commercial and multi-family developments located on a public right-of-way.

Requirements

The minimum number of required plantings (in chart below) must be located within the Front Yard Planting without conflict with structures, paving, or service utility spacing requirements.

Healthy, existing plant materials that are located within undisturbed areas of the Front Yard Planting area, may be credited at 100 percent toward the minimum plant requirements.

Requirements of Environmental Criteria Manual Tree Diversity Standards apply.

Green Infrastructure

The Front Yard Planting may comply with Section 23-3D-6030 (Water Quality Control and Beneficial Use Standards) by integrating green stormwater infrastructure into landscape design and/or using stormwater for irrigation of landscaped areas.

Front Yard Planting Requirements

When setback is:	Front Yard area is calculated* from front property line to offset width of:	Min. % of Front Yard required to be Planted Landscape Area**	Shade trees required	Ornamental trees required in Front Yard Landscape Area
0	NA	NA	NA	NA
5' min-10' max	10'	50%	1/300 sf	3/300 sf
10' min. -15' min.	12'	50%	1/400 sf	3/400 sf

20' min. – 30' 15' 50% 1/500 sf 3/500 sf

*Square feet of driveway perpendicular to street within Front Yard is not included in calculation.

**Planted Landscape Area means the area of ground surface completely covered in living plant materials

including; trees, shrubs and grasses, groundcovers, perennials and annuals.

23-4E-4050 Foundation Buffer

A. Description

Foundation Buffer is required between any structure exterior wall and a parking lot or drive aisle. A Foundation Buffer is not required around service/

loading areas or drive-through facilities.

B. Applicability

A Foundation Buffer applies to all Conventional (Non-

transect)

C. Size

D. Planting Requirement

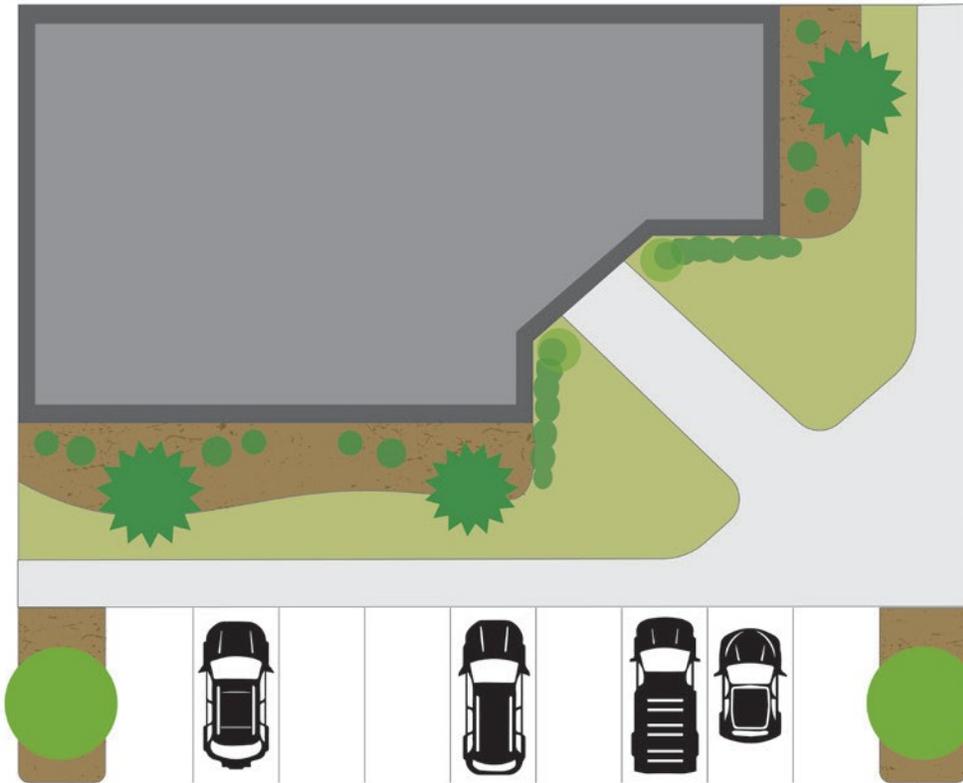
Plant	Quantit
Ornamental trees	5 per 100 linear feet

Perennial shrubs, grasses and/or groundcovers ²	45 per linear feet
--	--------------------

Notes

² No more than 50% shall be small shrubs

Requirement	Width (min.)	Length
Foundation Buffer ¹	10'	75% of length of each exterior wall facing a parking lot or drive aisle.
Length (min.)	Entire length of parking row	



Description

Foundation Buffer is required between any structure exterior wall and any portion of a parking lot or drive aisle. A Foundation Buffer is not required around service/loading areas or drive-through facilities.

Applicability

A Foundation Buffer is required in all zones.

Requirements

Minimum width of Foundation Buffer shall be 10 feet. Sidewalks and ramps are excluded from this width.

Minimum length of Foundation Buffer shall be equal to 75 percent of length of each exterior wall facing a parking lot or drive aisle.

Notes

¹ Minimum Foundation Buffer width is required in-

Planting Requirements

Plant Type	Quantity
Ornamental trees	5 per 100 linear feet
Perennial shrubs, grasses, and/or groundcovers	45 per 100 linear feet ¹

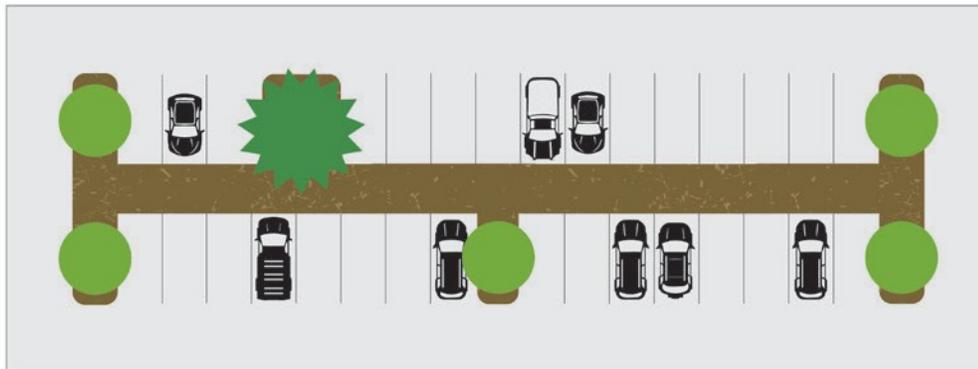
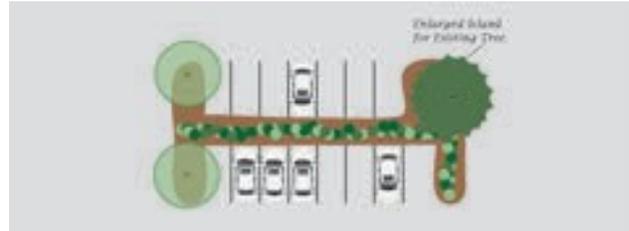
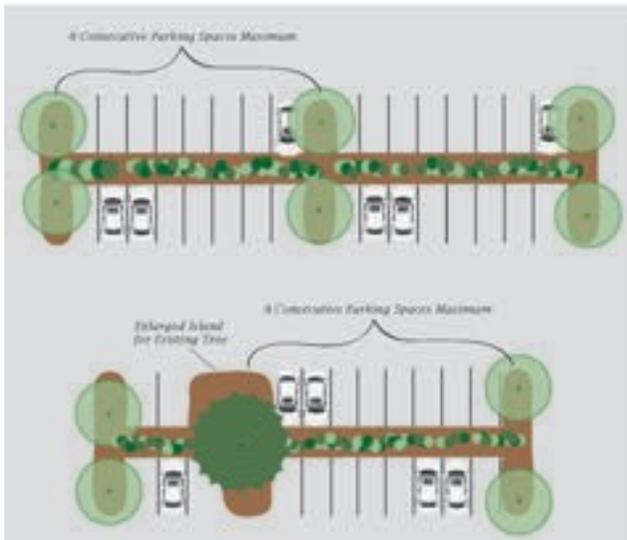
Notes

¹ No more than shall be small shrubs which are 50% shrubs no higher than 4 feet.

Landscape
~~addition to sidewalks and ramps.~~

~~23-4E-110~~

23-4E-4060 Surface Parking Area-Tree Islands



A. Description

Tree islands allow for shade trees to grow in parking areas for the purpose of providing shade, reducing heat island effect, and promoting plant diversity.

Exception for Saving Existing Trees

Surface Parking Tree Islands apply to all off-street parking areas lots.

C. Location

Location and Quantity Shade Tree

Middle One shade tree (existing or proposed) is required at

D. Island Size for Proposed Trees

8 parking run to separate the last space from the adjacent travel lanes.

No more than eight consecutive parking spaces can occur without an intervening tree island.

Notes

In order to preserve existing trees and foster context-based design flexibility, the number and location of tree islands can be reduced to the extent that not more than 12 parking spaces occur between tree islands and an average of one tree island per eight parking spaces is maintained.

Tree Island with Proposed Shade Tree

Tree Islands shall be sized to meet Soil Volume Requirements

Width-(min.)	10' <u>measured from edge of pavement</u> ¹
Length-(min.)	Entire length of parking space

Tree Island that Preserves Existing Tree

Width-(min.)	10' or measured from edge of pavement and no less ½ critical root zone, whichever is greater
Tree Island Minimums	no less ½ critical root zone, whichever is greater
Length-(min.)	Entire length of parking space or and no less ½ critical root zone, which ever is greater

Notes

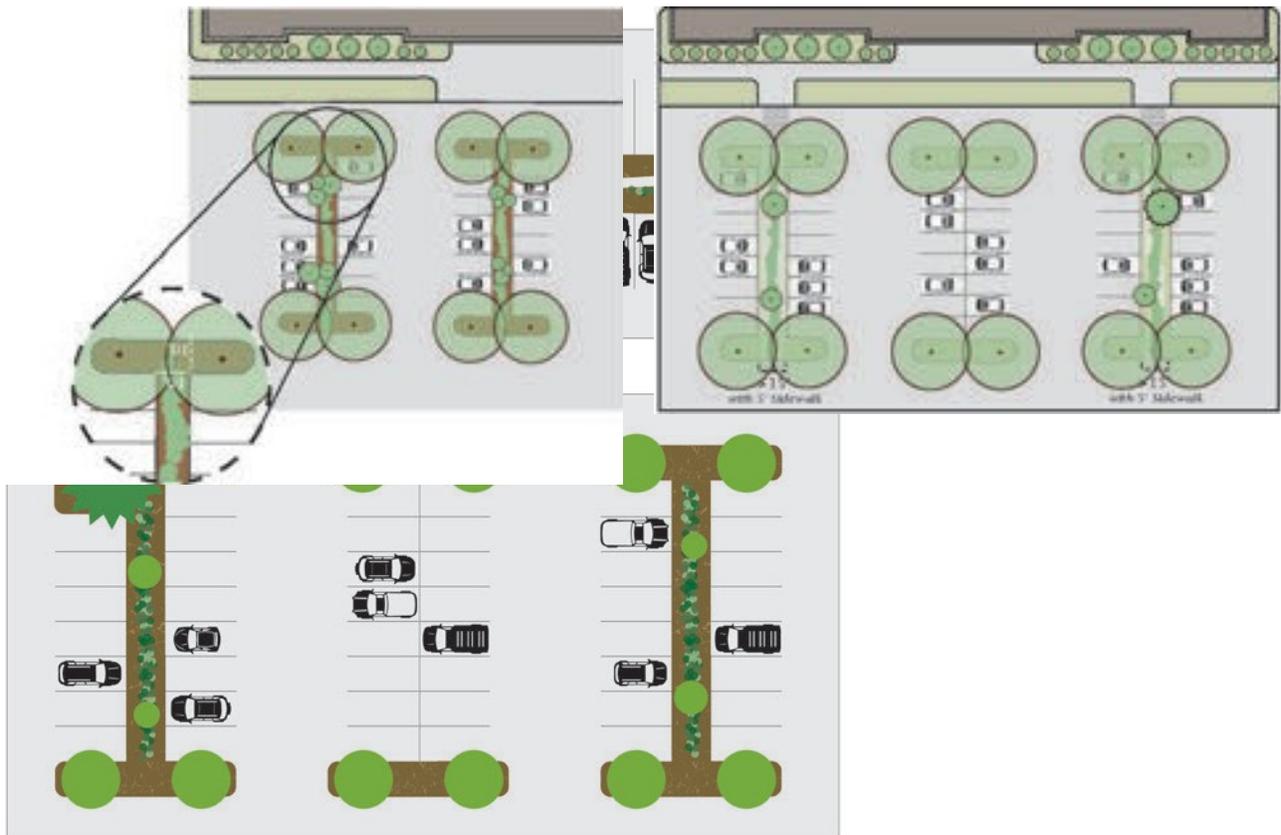
¹ Or comply with soil volume standards in Environmental Criteria Manual

Green Infrastructure

New tree planting, surface parking tree islands and peninsulas shall be graded to receive stormwater in accordance with the Environmental Criteria Manual. Edge of pavement treatment is required to allow runoff to enter planting areas as well as protect planting from automobile traffic.

This area may comply with Section 23-3D-6030 (Water Quality Control and Beneficial Use Standards) by integrating green stormwater infrastructure into landscape design and/or using stormwater for irrigation of landscaped areas.

23-4E-4070 Surface Parking Area-Landscape Medians



A. Description

D. Beneficial Use of Stormwater

Landscape Medians protect parking bays on the interior portions of parking lots.

greater Length (min.) — Entire length of parking row

Applicability

B. Applicability

Landscape Medians apply to parking lots that have more than one parking bay of parking

Alternative Configuration

Surface

Requirements

~~Landscape Median~~ ~~Shade Tree~~ ~~Preserved~~ ~~Existing~~

Width (min.) 10' — 10' or ½ critical root zone, measured from edge of pavement
 1
 whichever is

~~If surface parking lot withhas 120 parking spaces or more, may use an alternative configuration of one every other parking run may be a 15 foot wide landscape median with a walkway of at least 5 foot width running the entire length of the median ~~can be utilized between two standard 10 foot Landscape Medians.~~~~

Width to Preserve Existing Tree 18' or 1/2 critical root zone, whichever is wider

Notes

Comply

1 Or comply with soil volume standards in Environmental Criteria Manual

Optional Configuration

Green Infrastructure

Parking lot islands, medians, and peninsulas shall be graded to receive stormwater in accordance with the Environmental Criteria Manual. Edge of pavement treatment is required to allow runoff to enter planting areas as well as protect planting from automobile traffic.

traffic.

This area may comply with beneficial use of stormwater [Section 23-3D-6030] (Water Quality Control and Beneficial Use Standards) by integrating green stormwater infrastructure practices such as rain gardens, vegetative filter strips, berms, swales, rainwater harvesting, and rainwater harvesting into landscape design and/or using stormwater for irrigation of landscaped areas.

23-4E-4080 Surface Parking Lot Perimeter Landscape ~~Strips~~

A. Description



B. Applicability

Description

The Parking Lot Perimeter Landscape Strips serve the purpose of screening surface parking lots from internal circulation routes (private or public) and maintaining pedestrian vitality along commercial centers and mixed use corridors serving pedestrian traffic.

Applicability

apply to all off-street parking areas and public or private thoroughfares where landscaping is not otherwise required. Parking Lot Perimeter Landscape Strips also apply to buffers adjoining parking lots where no cross-access is provided.

C. Size

Perimeter Landscape Strip With Planting	Width	Width
	10 feet	10'

Green Infras

If new planting, parking lot perimeter landscape shall be in accordance with the City of Austin Manual. Edge of pavement treatment is required to allow runoff to enter planting areas as well as protect planting from automobile traffic.

3 foot max height-
5'
(fences or walls and landscape)

D. Planting Materials

Planting Type

Ornamental trees 1 per 20 linear feet
Small or medium shrubs 1 per 3 linear feet

E. Screening Height

Screening	Height
Small Shrub	3' min.; 4' max.
Fence	4' max.

Where no fences or walls are used, small shrubs shall be used to form the continuous visual screen in the parking lot perimeter - landscape strip. Shrubs shall be maintained at a minimum height of 3 feet and a maximum height of 4 feet.

Where fences or walls are utilized they shall meet the standards of [code reference XXX]. Fence height shall be limited to 4 feet. Planting shall be limited to groundcover and small shrubs.

may comply with Section 23-3D-6030 Quality Control and Beneficial Use Standards) by integrating green stormwater structure landscape design and/or using stormwater for irrigation of landscaped areas.

5 Planting and Screening

Ornamental trees 1 per 20 linear feet

Small or medium shrubs 1 per 3 linear feet

23-4E-4090 Intermittent Visual Obstruction Buffer

A. Description



Description

This type of Compatibility Buffer functions as an intermittent visual obstruction from the ground to a height of at least 20 feet, and creates the impression of spatial separation without eliminating visual contact between properties.

B. Applicability

~~An Intermittent Visual Obstruction Buffer applies in Non-Transect zones when a mixed-use land use abuts a commercial land use.~~

D. Planting Materials

Trees per 100 linear	Aggregate Caliper

This area may comply with Section 23-3D-6030 (Water Quality Control and Beneficial Use Standards) by integrating green

stormwater infrastructure into landscape design and/or using stormwater for irrigation of landscaped areas.

Requirements

Minimum Buffer Width 15'

Min. planting per 100 linear feet Aggregate Caliper

Evergreen Shade Trees 9"

Shrubs per 100 linear feet Quantity

Evergreen Shrubs

15'

15'

15'

Shrubs per 100 linear feet

Quantity

Evergreen Shrubs

15

Green Infrastructure

Buffer Width 25' min.[†]

Notes

[†]Temporary proposal. Will coordinate with Planning and Zoning Department compatibility setbacks.

Healthy, existing plant materials that are located within the undisturbed area of a buffer and are listed in Appendix N of the Environmental Criteria Manual can be credited at 100 percent toward the minimum planting requirements.

23-4E-4100 Semi-Opaque Buffer

A. Description

This type of Compatibility Buffer functions as a semi-opaque screen from the ground to a height of at least 6 feet, and creates the impression of a spatial separation without eliminating visual contact between properties.

B. Applicability

A Semi-Opaque Buffer applies in Non-Transect zones when a single family/duplex abuts a commercial use or mixed use.*

D. Planting Materials

Trees per 100 linear	Aggregate Caliper
----------------------	-------------------

Shade Trees	12"
-------------	-----

Ornamental trees	14"
------------------	-----

Shrubs per 100 linear feet	Quantity
----------------------------	----------

Shrubs	25
--------	----

C. Size

Buffer Width ~~—————~~ 25' min.[†]

Notes

~~†Temporary proposal. Will coordinate with Planning and Zoning Department compatibility setbacks.~~



Description

This type of Compatibility Buffer functions as a semi- opaque screen from the ground to a height of at least 6 feet, and creates the impression of a spatial separation without eliminating visual contact between properties.

Requirements

Minimum Buffer Width	15'
Min. planting per 100 linear feet	Aggregate Caliper
Evergreen Shade Trees	12"
Evergreen Ornamental Trees	14"
Shrubs per 100 linear feet	Quantity
Evergreen Shrubs	33

Green Infrastructure

Healthy, existing plant materials that are located within the undisturbed area of a buffer and are listed in Appendix N of the Environmental Criteria Manual can be credited at 100 percent toward the minimum planting requirements.

This area may comply with Section 23-3D-6030 (Water Quality Control and Beneficial Use Standards) by integrating green stormwater infrastructure into landscape design and/or using stormwater for irrigation of landscaped areas.

23-4E-4110 Opaque Buffer

A. Description

This type of Compatibility Buffer functions as an opaque screen from the ground to a height of at least six feet. This type of buffer prevents visual contact between uses and creates a strong impression of total separation.

B. Applicability

An Opaque Buffer applies when an industrial use abuts a single family/duplex, mixed use, or commercial use.*

C. Size

Buffer Width _____ 25' min.[†]

Notes

[†]Temporary proposal. Will coordinate with Planning and Zoning Department compatibility setbacks.

D. Planting Materials

Trees per 100 linear	Aggregate Caliper
Shade Trees _____	18"
Ornamental trees _____	20"
Shrubs per 100 linear feet	
Quantity	
Shrubs _____	55



Description

This type of Compatibility Buffer functions as an opaque screen from the ground to a height of at least six feet. This type of buffer prevents visual contact between uses and creates a strong impression of total separation.

Requirements

Minimum Buffer Width ¹ 15'

Min. planting per 100 linear feet Aggregate Caliper

Evergreen Shade Trees 18"

Evergreen Ornamental Trees 20"

Shrubs per 100 linear feet Quantity

Evergreen Shrubs ¹ 55

Notes

Green Infrastructure

Healthy, existing plant materials that are located within the undisturbed area of a buffer and are listed in Appendix N of the Environmental Criteria Manual can be credited at 100 percent toward the minimum planting requirements.

This area may comply with Section 23-3D-6030 (Water Quality Control and Beneficial Use Standards) by integrating green stormwater infrastructure into landscape design and/or using stormwater for irrigation of landscaped areas.

Landscap

¹ Buffer width can be reduced to 12 feet when an

8-foot, two-sided, solid masonry wall is utilized.
Shrubs are not required when an 8-foot, two-
sided, solid masonry wall is utilized.

23-4E-4120 Functional Green

A. Description

Functional Green requires a site to provide an amount of ecosystem function equivalent to 20% pervious cover through selection from a weighted menu of landscape options.

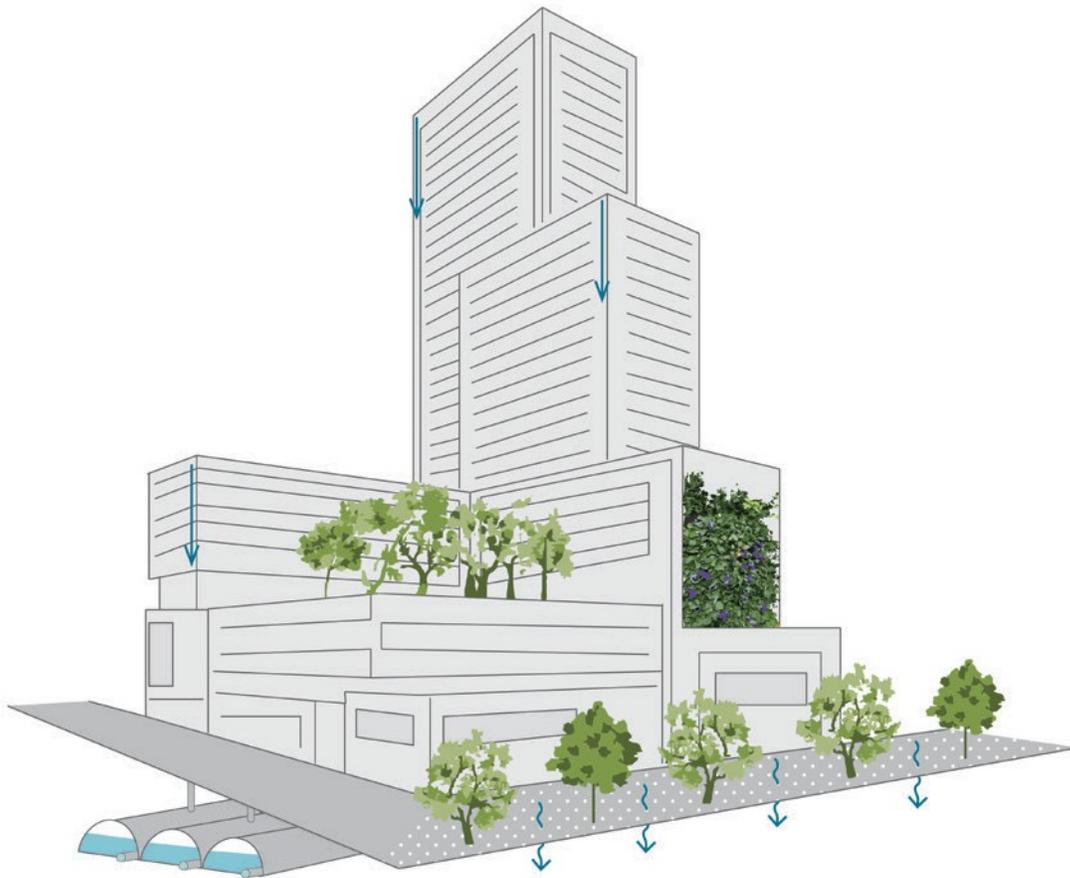
B. Applicability

Functional Green landscape requirements apply to

C. Requirements

developments with impervious cover greater than 80%.

Requirements are being prepared and will be located in the Environmental Criteria Manual. Anticipated release in April 2017.



Description

Applicability

Functional Green is a landscape requirement designed to provide landscape on sites with little to no area to meet the standard landscape requirements or provide plantings at ground level. It requires an applicant to select from a weighted menu of Green Infrastructure options to provide an amount of ecosystem function equivalent to the amount provided by sites that can meet the standard landscape requirements.

Functional Green applicability is currently under discussion. At a minimum, Functional Green will apply in Zones with zero building setback. Functional Green will not apply in the Barton Springs Zone, Water Supply Rural watersheds, or Water Supply Suburban watersheds. It will not apply to a site with a surface parking lot.

Requirements

Requirements are prescribed in Environmental Criteria Manual.

23-4 E-4130 Visual Screening



~~(A)~~ General Requirements-

~~(A)~~ Screening shall be required to conceal specific areas of high visual or auditory impact__ or hazardous areas from off-site views. Such areas shall be screened at all times, unless otherwise specified, regardless of adjacent uses, zones, or other proximate landscape material.

~~(B)~~ Items to be Screened. ~~The following areas shall be screened in accordance with this Section:~~

~~(C)~~

The following items shall be screened in accordance with this Section:

- (1) Large waste receptacles (e.g., dumpsters and cardboard recycling containers) and refuse collection areas;
- (2) Loading and service areas;
- (3) Outdoor storage areas (including, but not limited to, inoperable vehicles, appliances, tires, manufactured homes, building materials, equipment, raw materials, and aboveground storage tanks) located within 200 feet of a public right-of-way;
- (4) Exterior shopping cart storage areas located adjacent to single-family development;
- (5) Ground-level mechanical equipment ~~and (excluding utility -meters-);~~
- (6) Water quality and detention ponds, excluding rain gardens, biofiltration ponds, and wet ponds; and
- (7) Telecommunication equipment and facilities.

~~(D)~~ Screening Methods

- ~~(1) The following items are permitted for use as screening materials, and more than one method may be used on a development site:~~

- ~~(a) Vegetative materials that provide a fully opaque screen to the minimum height necessary to fully screen the facility from off-site views; or~~
- ~~(b) An opaque fence or wall.~~
- ~~(E) **Configuration of Vegetative Materials.** Where vegetative materials are used for screening a site feature in accordance with this Section, the vegetative materials shall:~~
 - ~~(1) Be planted around the perimeter of the site feature in a manner that screens it from all off-site views;~~
 - ~~(2) Be configured in two staggered rows or other arrangement that provides maximum screening;~~
 - ~~(3) Consist of upright, large, evergreen shrubs capable of reaching at least six feet in height within three years of planting; and~~
 - ~~(4) Be spaced no farther than three feet on center.~~
- ~~(F) **Large Waste Receptacles and Refuse Collection Areas.** Except for facilities serving individual single-family detached dwellings, two-family dwellings, manufactured homes, and temporary waste receptacles, all large waste receptacles and refuse collection areas shall be subject to the following standards:~~
 - ~~(1) Depicted on Land Development Plan and Plan Submitted with Building Permit. The location and configuration of screening for large waste receptacles and refuse collection areas shall be depicted on all land development plans and on a plan submitted with an application for a building permit.~~

~~(2) Screening Configuration. Where access to large waste receptacles and refuse collection areas faces a public right-of-way, the access way shall be screened with an opaque gate. Chain link shall not be used for such gates.~~

23-4 E-4140 Submittal Requirements~~(A) Site Analysis~~

~~An analysis of existing conditions shall be provided for all sites. The analysis shall document existing vegetation, habitats, soils, and geologic, historic, and archeological features to be preserved, in accordance with the ECM.~~

~~(B)~~**(A) Landscape Plans**

Landscape plans for development shall be prepared by, and bear the seal of a landscape architect licensed to practice in the State of Texas. Landscape plans shall be provided as part of the submission for site plan approval and shall:

- (1) Be sealed by Landscape Architect;
- (2) Be drawn to scale and include property boundaries, north arrow, engineer or architect's graphic scale, and date;
- (3) Delineate existing and proposed structures, parking spaces, access ways and other vehicular use areas, sidewalks, utilities, easements, and height and voltage of power lines on the property or adjacent property;
- (4) Indicate the common and scientific name and quantity of plants to be installed using "Landscape Legend" code format as prescribed by the Environmental Criteria Manual;
- (5) Identify all existing vegetation, soils, landscape features and ~~non-living-landscaperock~~ materials;
- (6) Depict- stormwater retention/detention areas;
- (7) Include a fully completed, permanently affixed "Landscape Legend" as prescribed by the Environmental Criteria Manual; _
- (8) Show on the plan specific location, species, size and quantities of proposed trees;
- (9) Provide tree protection plan and plan to relocate existing trees and plant communities during construction, if appropriate;
- (10) Include planting notes, details, and specifications;
- (11) ~~include~~For the first 18 months, include schematic ~~irrigation~~irrigation plans and irrigation notes (Environmental Criteria Manual Appendix O);
- (12) Illustrate existing utilities and proposed utilities;
- (13) Provide tree mitigation analysis;
- (14) Provide landscape calculations; and
- (15) Provide accurate sheet numbering and title according to submittal-set legend.

23-4 E-4150 Final Inspection

- (A) ~~Final Inspection~~—The Director shall inspect each site to ensure compliance with this section. Before the Director may conduct a final landscape inspection, it must receive a letter, under seal, from a licensed landscape architect, stating that the project has been implemented in accordance with the approved plan.
 - (B) Any site seeking a certificate of occupancy before landscape installation shall provide a Developer’s Agreement to Landscape Inspector.
-

23-4 E-4160 Landscape Maintenance**(A) Time for Installation of Required Landscape**

- (1) Time Limit. All required landscape shall be installed in accordance with the required planting standards set forth in this Section before issuance of a Certificate of Occupancy unless a developer agreement is submitted.

(B) Maintenance of Landscape Materials

The owner shall be responsible for the maintenance of all landscape areas not in the public right-of-way. Such areas shall be maintained in accordance with the approved landscape plan or alternative landscape plan and shall present a healthy and orderly appearance free from refuse and debris. All plant life shown on an approved landscape plan or alternative landscape plan shall be replaced if it dies, is seriously damaged, or is removed.

- ~~(1) Damage Due to Natural Occurrence. If any vegetation or physical element functioning to meet the standards of this Section is severely damaged due to an unusual weather occurrence, natural catastrophe, or other natural occurrence such as damage by wild or domestic animals, the owner or developer may be required to replant or replace the vegetation or element if the landscape standards are not being met. The owner shall have one growing season to replace or replant. In determining the extent of replanting or replacement required, the Director shall consider the type and location of the landscape buffer or required vegetation area as well as the propensity for natural re-vegetation.~~
- ~~(2) Protection During Operations. The owner or developer shall take actions to protect trees and landscape from unnecessary damage during all facility and site maintenance operations. Plants shall be maintained in a way that does not obstruct sight distances at roadway and driveway intersections, obstruct traffic signs or devices, or interfere with the use of bikeways, sidewalks, or pedestrian trails.~~
- ~~(3) Natural Death. The natural death of existing vegetation within any required landscape area does not necessarily constitute a violation and does not require re-vegetation to replace the plant material unless the required landscape area no longer complies with the required standards of this Section. In no instance shall this provision be construed to prevent re-planting if, in the opinion of the Director, the required performance standard of the landscape is not being met.~~
- ~~(4) Performance Guarantee. All initial replacement landscape shall be subject to a two-year performance guarantee that ensures proper replacement and maintenance.~~

(C) Monitoring of Compliance with Landscape Standards

- (1) The Director shall inspect a development site before issuance of a Certificate of Occupancy for the development and such certificate shall not be issued if the landscape required under this Section is not living, healthy, or installed in accordance with the approved landscape plan.
- ~~(2) This section applies to an owner who is responsible for property for which a site plan has been approved by the City of Austin.~~
- ~~(3) An owner shall perpetually maintain required landscaped areas in accordance with the site plan and in healthy condition, free from diseases, pests, weeds, and litter, in accordance with generally accepted horticultural practice.~~
- ~~(4) An owner who receives notification from the Director that plants on a site are dead, diseased, or severely damaged is required to replace plants with plants that are the same size and species as shown on the approved site plan or must be of equivalent quality and size. The replacement of plants under this section is not an amendment to the approved plan.~~

23-4 E-4170 Planting & Soil Standards

~~Landscape Architect~~Owner shall ensure that all plants thrive. New plantings provided in accordance with this section shall comply with the ~~following~~ standards: found in the Environmental Criteria Manual.

~~(A) Plant Standards~~

~~Plantings are grouped into six types: Shade trees, ornamental trees, large shrubs, medium shrubs and ornamental grasses, and vines and groundcovers. See ECM.~~

- ~~(1) Trees~~
 - ~~(a) Minimum Plant Size at Time of Planting~~
 - ~~(i) Shade Trees. At the time of planting, Shade trees shall have a caliper of at least three inches, as determined in the American Standard for Nursery Stock (ANSI Z60.1-2004 as amended).~~
 - ~~(ii) Ornamental trees At the time of planting, ornamental trees shall have a caliper of at least two inches, as determined in the American Standard for Nursery Stock, (ANSI Z60.1-2004, as amended).~~
 - ~~(b) Tree Diversity Standard. In order to curtail the spread of disease or onset of infestation in a plant species, new tree plantings must comply with tree diversity standards in Table 23-4E-4170.A, below.~~

Table 23-4E-4170.A Diversity Standards

Number of Trees	Number of Different Species
2 to 19	At least 2 different species
20-39	At least 3 different species
40 or more	At least 4 different species

~~Species to be provided in roughly equal proportions~~

~~(A) Aggregate Caliper Inch requirement. Where an Aggregate Caliper Inch (ACI) requirement~~
Irrigation Requirements

- ~~(e) Irrigation is utilized to derive the required amount of landscape or tree cover, and the ACI figure includes a fraction, the applicant may:~~
- ~~(i) Utilize a tree or trees with a caliper inch measurement exceeding the to ensure survival. At a minimum size at planting standard to meet the required ACI; or~~
 - ~~(ii) Round the ACI figure upwards until the figure corresponds with a whole number of trees meeting the minimum size at time of planting standard.~~

~~(2) Shrubs~~

~~(a) Minimum Plant Size at Time of Planting~~

- ~~(i) Large Shrubs. Large deciduous or evergreen shrubs shall meet the minimum standards of a five-gallon nursery container as required by the American Standard for Nursery Stock standards.~~
- ~~(ii) Medium Shrubs and Ornamental Grasses. Medium deciduous and evergreen shrubs shall meet the minimum standards of a three-gallon nursery container as required by the American Standard for Nursery Stock standards.~~
- ~~(iii) Groundcovers and vines. Groundcovers and vines shall meet the minimum standards of a one-gallon nursery container as required by the American Standard for Nursery Stock standards.~~

~~(3) Materials~~

- ~~(a) All landscape plant materials shall conform to the American Standard of Nursery Stock (ANSI Z60.1, as amended).~~
- ~~(b) A minimum of 80 percent of the planting shall be native or adapted, drought-tolerant species.~~

~~(4) Locations~~

- ~~(a) **Utility and Easement Plantings.** Without the consent of the easement holder only groundcover may be planted or installed within any underground or overhead utility, drainage, water, or gas easement, or within five feet of a fire protection system. Should the necessary parties consent, an agreed-upon Landscape Plan may be enacted in which trees, shrubs, grasses, and groundcover are installed in a manner that supports the Purpose and Intent of this Section. Approval is required by each party to the easement within which planting is proposed.~~
- ~~(b) **Power lines.** Only utility compatible trees (Environmental Criteria Manual Appendix F) can be installed within ten feet of overhead electric conductors or underground electric facilities.~~
- ~~(c) **Transmission Facilities** Only utility compatible approved trees (Environmental Criteria Manual Appendix F) can be installed within 30 feet of existing or proposed electric transmission lines or structures/poles.~~
- ~~(d) **Pad Mounted Electric Equipment.** Only utility compatible approved trees (Environmental Criteria Manual Appendix F) are allowed within 10 feet of any pad-mounted electric equipment.~~
- ~~(e) **Sewer, Gas, and Water Lines.** Tree species whose roots are known to cause damage to sewer, gas, and water lines shall not be planted closer than 12 feet to~~

~~such public utilities unless the tree root system is completely contained with a barrier or is otherwise approved by the utility provider.~~

- ~~(f) Fire Hydrants. No planting except groundcover less than six inches in height shall be installed within three feet of any fire hydrant or fire protection system.~~
- ~~(g) All proposed trees shall be planted in a landscape area adequately dimensioned to meet the minimum soil volumes requirement specified by category in the Environmental Criteria Manual Appendix N.~~
- ~~(h) All proposed trees shall maintain a minimum distance of five feet from any impervious surface.~~
- ~~(i) All trees shall be planted such that, upon maturation, maximum height and spread shall not encroach within 10 feet of overhead power lines, street lights, or similar utility infrastructure.~~
- ~~(j) Promote safe planting practices. Plants with thorns and sharp points shall be planted a minimum of five feet from a pedestrian area.~~

~~(B) Soil Composition~~

~~(1) Soil Composition. Compacted soil and backfill material within Landscape Beds and planting areas throughout site shall be excavated to a minimum depth of 18 inches and replaced with a combination of native topsoil and blended soils~~

- ~~(a) Blend planting bed soils to provide specific portions of sandy soil, loamy soil, and organic compost for different areas of the landscape within the site.~~
- ~~(b) Actual portions in the mix should be based upon laboratory data. Soil should be formulated to provide optimal growing conditions for specified plants related to:

 - ~~(i) Nutrients;~~
 - ~~(ii) Soil structure/mechanics; and~~
 - ~~(iii) Water availability/moisture retention.~~~~

~~(2) Ground Stabilization. Disturbed areas and required landscape planting areas shall be stabilized and maintained per Section 23-3D-7020 (Development Completion).~~

~~(3) Soil Volume for Proposed Trees~~

~~(a) Tree planting areas must be adequately sized to accommodate the necessary functions of air, nutrient and water uptake, and root space. All planting areas that contain proposed trees must meet the minimum tree soil volume requirements:~~

Table 23-4E-4170.B Soil Volume	
Shade Trees	1500 cubic feet
Ornamental Trees	600 cubic
feet Minimum depth of tree planting area is 3 feet.	
Soil volume of up to 25% can be shared between two trees.	

- ~~(b) For proposed trees the minimum depth of a tree well shall be three (3) feet.~~
- ~~(c) Trees must be spaced appropriately to provide individual minimum soil volume requirements except that:

 - ~~(i) Shade trees can share (overlap) a maximum of 20 percent by being~~~~

~~spaced closer together.~~

~~(4) Soil Volume for Existing Trees~~~~(a) Minimum Soil Volume for existing trees must be maintained in accordance with [Environmental Criteria Manual 3.5.2].~~~~(5) Irrigation Requirements~~~~(a) Auxiliary Water Use: Placeholder for auxiliary water use in landscape (TBD).~~~~Plants and all new trees must be irrigated for establishment during the first two growing seasons by an 18 months by one of the following:~~~~(b)(1) An automatic irrigation system or by a hose attachment, if:~~~~(i) The hose attachment is within 100 feet of the landscaped area; and~~~~(ii) There only if there is not a road or parking pavement between the hose attachment and the landscaped area; or~~~~(iii) (3) A temporary, above ground automatic irrigation system, if the system complies with the water conservation requirements in the Environmental Criteria Manual.~~~~(e)(B) No permanent irrigation is required for the following:~~~~(i)(1) Undisturbed natural area;~~~~(ii)(2) Undisturbed existing trees; and~~~~(iii)(3) Areas that have been revegetated with native seed and that are irrigated by temporary irrigation during the establishment period.~~~~(d) Automatic irrigation systems shall comply with TCEQ Chapter 344, as well as the following requirements:~~~~(e) These requirements shall be noted on the site development permit and shall be implemented as part of the landscape inspection:~~~~(i) The system must provide a moisture level adequate to sustain growth of the plant materials;~~~~(ii) The system does not include spray irrigation on areas less than 10 feet wide (such as medians, buffer strips, and parking lot islands);~~~~(iii) Circuit remote control valves have adjustable flow controls;~~~~(iv)(C) Serviceable in-head check valves are adjacent to paved areas where elevation differences may cause low head drainage; Environmental Criteria Manual Appendix O.~~~~(v) A master valve installed on the discharge side of the backflow preventer;~~~~(vi) Above-ground irrigation emission devices are set back at least six inches from impervious surfaces;~~~~(vii) An automatic rain shut-off device shuts off the irrigation system automatically after not more than a one-half inch rainfall; and~~~~(viii) Newly planted trees shall have permanent irrigation consisting of drip or bubblers.~~~~(f) The irrigation installer shall develop and provide an as-built design plan to the City at the time the final irrigation inspection is performed.~~~~(i) Unless fiscal security is provided to the City for the installation of the system, it must be operational at the time of the final landscape inspection.~~

- ~~(g) The irrigation installer shall also provide exhibits to be permanently installed inside or attached to the irrigation controller, including:~~
 - ~~(i) A laminated copy of the water budget containing zone numbers, precipitation rate, and gallons per minute; and~~
 - ~~(ii) A zone map with the emergency shut-off valve location.~~

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Division 23-4E-5: Docks, Bulkheads, and Shoreline

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23-4E-5010 Intent

This Division establishes the permitting and ~~license~~licensing standards and applicable development standards for docks, bulkheads, and shore-line access for the lakes within the jurisdiction of the City.

23-4 E-5020 Applicability

- (A) This Division applies to a structure or development:
 - (1) In Lake Austin, Lady Bird Lake, or Lake Walter E. Long;
 - (2) Along the shore of Lake Austin in the area below 504.9 feet above mean sea level;

- (3) Along the shore of Lady Bird Lake below 435 feet above mean sea level;
 - (4) Along the shore of Lake Walter E. Long; or
 - (5) Used for access to areas described in this Subsection.
- (B) The Planning Director shall implement and enforce this Division.

Permit Required for Construction

23-4 E-5030 Permit Required for Construction

- (A) **Site Plan and Building Permit Required.** A Site Plan and Building Permit must be obtained and applicable fees paid prior to construction or modification of a dock, bulkhead, or shoreline access, ~~unless~~ except in compliance with [Section 23-6A-2010 \(Exemptions\)](#), ~~from Site Plan Review~~. A Site Plan required, in compliance with this Section, must be signed and sealed by a licensed ~~professional engineer~~ [Professional Engineer](#) and must include all information required by the Planning Director ~~responsible for administering this Division~~.
- ~~(B) **Display Standards.** A permit obtained in compliance with this Section must be prominently displayed at the construction site until the final inspection and approval by the Planning Director.~~
- ~~(C) (B) **Penalty Fee.** If a permit is required in compliance with this Section and is not obtained before construction begins, the required fee will be increased by an amount established by ordinance. Payment of the additional fee does not relieve a person~~ [the applicant](#) from complying with the standards of this Title.
- ~~(D) (C) **Inspection Report Required.** Where an inspection is required by state law, neither a Certificate of Compliance nor a final inspection may be issued for shoreline access unless the applicant has submitted an Inspection Report, signed by a QEI-1 Inspector registered with the Texas Department of Licensing and Regulation, stating that all applicable ~~state~~ [State](#) standards have been met.~~

23-4 E-5040 Structural Standards

- (A) In addition to other applicable standards of this Title, a dock must:
 - (1) Comply with the standards of [Chapter Article 23-11B \(Technical Codes\)](#), including [Article Division 1 \(Building Code\)](#), [Article Division 7 \(Fire Code\)](#), and the Building Criteria ~~Manual~~;
 - (2) Be designed and constructed in a manner that does not pose a hazard to navigation safety;
 - (3) Be braced to withstand pressure of wind and water when boats are tied to the dock; and
 - (4) If the dock is a floating dock, be supported by solid displacement flotation devices, with durable nonferrous protective coverings that are securely attached to the dock and capable of withstanding prolonged exposure to wave action and weather.
- (B) A bulkhead with a [vertical slope](#) greater than 45 ~~degree vertical slope degrees~~, for any portion greater than one foot in height, is not allowed on or adjacent to the shoreline of a lake that is subject to this Division, unless the shoreline is located within an existing man-made channel.

23-4 E-5050 Lighting and Electrical Standards

- (A) **General Lighting Standards.** A dock must be lighted as provided in this Section and in compliance with [Division 23-11B-4 \(Electrical Code\)](#). This Section does not apply to a dock located on an inlet or slough, unless the dock is on Bee Creek or Bull Creek.
- (B) **Lighting Standards for Certain Docks.** This Subsection applies to a dock that extends more than eight feet from the shoreline. The distance that a dock extends from a ~~shoreline~~ is measured perpendicular ~~to the shoreline, and the shoreline length of a dock is the length of a dock measured parallel~~ to the shoreline.
 - (1) A dock must be continuously lighted with amber lights between sunset and sunrise each day.
 - (2) A dock must have at least one light station. The light station must be located on the end of the dock and on the side that is farthest from and parallel to the shoreline, except as otherwise provided in this Subsection. The light must be visible to a properly approaching watercraft.
 - (3) A dock that extends 30 feet or more from the shoreline, or that has a shoreline ~~length~~frontage of 25 feet or more, must have at least one light station on each side of the dock that does not face the shoreline.
 - (4) The standards of this Subsection apply if the Planning Director determines that a dock described in [Subsection \(B\)\(3\)](#) may be a navigational hazard between sunset and sunrise.
 - (a) A dock that extends less than 50 feet from the shoreline must have a light station half way between the shoreline and the end of the dock that is farthest from the shoreline.
 - (b) A dock that extends 50 feet or more from the shoreline must have light stations from the shoreline to the end of the dock at intervals of not more than 25 feet, except that a light station may not be located within eight feet of the shoreline.
 - (c) A dock that has a shoreline ~~length~~frontage of at least 25 feet but less than 50 feet must have a light station located at each end of the dock on the side farthest from the shoreline.
 - (d) A dock that has a shoreline ~~length~~frontage of 50 feet or more must have light stations located at intervals of ~~not~~no more than 25 feet along its ~~length~~frontage.
 - (e) Light stations are required at each end of the dock on the side farthest from the shoreline.
- (C) **Light Fixture Standards**
 - ~~(1)~~ A required light station must have a two-bulb fixture with two working light bulbs that emit at least 112 lumens and not more than 400 lumens. Light bulbs or bulb covers must be amber, ~~and~~ white light must not radiate from the fixture. ~~Weatherproof~~
 - (1) lamp holders and junction boxes are required. Each light fixture must be wired with a switch operated by a photoelectric cell so that the lights will operate automatically during the hours that the dock is required to be lighted.
 - (2) Wiring on a dock must be enclosed in rigid conduit or weatherproof flexible conduit with appropriate fittings.

- (3) If lights other than those required by this Section are installed on a dock, only an amber navigation light may cast a beam of light outward from the dock.

- (D) **Temporary Lights.** Docks subject to this ~~Subsection~~Section must provide temporary navigation lights that meet the standard of this ~~Subsection~~Section during construction and until the permanent navigation lights installed on the dock are working.
- (E) **Violation.** If a dock does not comply with this Section, the Code Director shall post notice on the dock and shall notify the applicant by mail of the violation. An offense in compliance with this Section is punishable by a fine of not less than -\$200.

23-4

E-5060 Site Development Standards for Docks, Marinas, and Other Lakefront Uses**(A) General Standards**

~~(1) Fence Standards. A fence may not extend into the water beyond the shoreline unless the fence:~~

~~(a) A fence may not extend more than 40 feet beyond the shoreline.~~

~~(b) A fence may not extend into the water beyond the shoreline unless the fence:~~

~~(a)(i) _____ Was part of a commercial livestock operation, other than raising domestic pets, existing before or on April 17, 1994. A fence must be removed if the livestock operation ceases;~~

~~(b)(ii) _____ Is constructed of smooth wire or mesh; or~~

~~(c) Extends no more than 40 feet beyond the shoreline;~~

~~(d)(iii) _____ Includes a navigation buoy indicating "DANGER", in compliance with the Texas Water Safety Act, installed at the end of the fence, unless the fence does not extend further beyond the shoreline than an immediately adjacent dock; or,~~

~~(e) Must be removed if the livestock operation ceases.~~

(2) **Prohibited Uses.** Construction of a boat ramp is prohibited.

(B) **Environmental Protection.** In addition to other applicable standards of this Title, a dock, bulkhead, or shoreline access must be designed, constructed, and maintained in compliance with the following standards:

~~(1) A retaining wall, bulkhead, or other erosion protection device must be designed and constructed to minimize wave return and wave action in compliance with the Environmental Criteria Manual.~~

~~(2)(1) _____~~ A marine fuel facility or service station must comply with the standards of [Chapter 6-2 \(Hazardous Materials\)](#) and must be designed, maintained, and operated in a manner that prevents the spilling or leaking of fuel or petroleum products into the water.

~~(3)(2) _____~~ The maintenance and repair of watercraft must be performed in a manner that prevents discharge of fuel, oil, or other pollutants into the water.

~~(4)(3) _____~~ Containers of hazardous materials, fuel, oil, herbicides, insecticides, fertilizers, or other pollutants must not be stored on docks extending into or above Lake Austin, Lady Bird Lake, or Lake Walter E. Long.

~~(5)(4) _____~~ Construction of shoreline access structures must minimize disturbance

to woody and herbaceous vegetation, preserve the tree canopy, and replace herbaceous ground cover to the extent practicable.

- ~~(6)(5)~~ A marina or marine fuel service facility or service station must provide adequate fire protection approved by the Fire Chief of the Austin Fire Department in compliance with [Division 23-11B-7 \(Fire Code\)](#) and the National Fire Protection Association standards for marinas and boatyards.

Site Development Standards for Docks, Marinas, and Other Lakefront Uses

- (C) **Standards for Docks.** A dock, or similar structure, must comply with the following standards:
- (1) A dock may extend up to 30 feet from the shoreline, except that the Planning Director may require a dock to extend a lesser or greater distance from the shoreline if deemed necessary to ensure navigation safety.
 - (2) ~~The length~~No portion of a dock ~~from the shoreline may not exceed~~shall extend more than 20 percent of ~~the lake's~~ channel width as measured by a line that is perpendicular to the centerline of the channel and that extends from the shoreline where the dock is located ~~and continuing~~ to the opposite shoreline.
 - (3) A dock may not be constructed closer than 10 feet to the side property line, regardless of the side-~~yard~~ setback applicable within the base- zone.
 - (4) The width of a dock measured parallel to the shoreline of the lot or tract where the dock is proposed, and including all access and appurtenances, may not exceed 20 percent of the shoreline ~~width~~widthfrontage, if the shoreline width exceeds 70 feet or 14 feet, if the shoreline ~~width~~widthfrontage is no greater than 70 feet.
 - (5) The footprint of a dock, including the portion of a cut-in slip, attached access structures, or roof overhang, may not exceed:
 - (a) 1,200 square feet for a dock that is accessory to a principal residential use; or
 - (b) For a cluster dock, 600 square feet multiplied by the number of dwelling units in a multi-family development or the number of principal residential structures in a subdivision, if the dock will be located in a common area that fronts Lake Austin or Lady Bird Lake and lots within the subdivision have perpetual use rights to the common area.
 - (6) A dock may not exceed 30 feet in height as measured from the highest point of the structure above the normal pool elevation of the lake.
 - (7) No portion of a dock may be enclosed, except for an enclosed storage closet that is limited to no more than 48 square feet for each principal residential use associated with the dock and oriented to minimize cross sectional area perpendicular to flow.
 - (8) The dock must be designed and constructed to meet the following standards:
 - ~~(a) No more than one wall per floor may consist of~~All solid structural supports ~~or building materials, except for storage closets allowed in compliance with Subsection (C)(6);~~
 - ~~(b)~~(a) ~~Solid~~ and ~~mesh~~other materials used for enclosure, including lattice, wire panels, seat walls, and screening, must be at least 66 percent open, except that mesh for solid structural components~~insect screening that is at least 66 percent open will not count toward the total enclosure percentage, except for storage closets~~ allowed in compliance with Subsection (C)(8)(a) and 7);
 - (b) No framing materials that are capable of being converted to support walls or windows may be used; and
 - (c) Percentage of required openness is calculated per side, with the assumed height of eight feet per floor when no roof is proposed.
 - (9) The number of motorboats anchored, moored, or stored on a dock may not

exceed: ~~Site Development Standards for Docks, Marinas, and Other Lakefront~~

- (a) Two for a principal residential use utilizing an individual dock that is not part of a cluster dock; or
- (b) The number of single-family or multi-family residential units that have a perpetual right to use of a cluster dock located in a common area of the residential subdivision or multi-family development; and do not utilize a dock other than a cluster dock.

- (10) For purposes of determining the total number of motorboats that may be anchored, moored, or stored on a dock or over water, one personal watercraft is equivalent to one-half of a motorboat.
- (11) Shoreline access, ~~as defined in Article 23-2M (Definitions)~~, must be screened from the view of adjacent ~~Low to Medium Intensity Residential House-Scale Zones~~. ~~A person~~An applicant may comply with this ~~Subsection~~Section by providing vegetation and tree canopy as prescribed by rule, and may supplement compliance with other screening methods prescribed by the rule. The applicant shall maintain the screening in compliance with this Section.

(12) Construction of a boat ramp is prohibited, unless the boat ramp is constructed on public land and dedicated for public use.

- (D) **Standards for a Marina or Cluster Dock.** A marina area or cluster dock must comply with the following standards:
- (1) A parking lot or permanent structure, other than a dock or a combined storage area on the water's edge, must be set back at least 100 feet from the shoreline.
 - (2) Sanitation facilities must be provided in compliance with the following standards:
 - (a) Permanent sanitation facilities are required for a marina or common area with 10 or more boat slips; or
 - (b) Temporary or permanent sanitation facilities are required for a marina or common area with fewer than 10 boat slips.
 - (3) A ~~facility operator~~Facility Operator shall remove garbage in a timely manner and provide for the on-site collection of garbage at a marina or common area and at least one garbage can with a capacity of at least 32 gallons for each four picnic units and for each four boat slips.
- (E) **Docks as an Accessory Use.** A dock is allowed as an accessory use to a residential use in compliance with this Subsection.
- (1) A dock may be located off-site.
 - (2) A dock must not include habitable space or living quarters or other elements - not necessary to the function of a dock, including, but ~~are~~-not limited to, space conditioning, sinks, toilets, or wastewater or potable water lines or connections.
 - (3) A dock may only include the following equipment or means of access:
 - (a) A storage closet;
 - (b) A roof;
 - (c) A second floor;
 - (d) Marine lockers;
 - (e) Railings;
 - (f) A non-potable water pump and hose bib;
 - (g) Electrical connections;
 - (h) Lighting and fans;
 - (i) Non-mechanized access, including a staircase, pedestrian bridge, gangway, and gates;

- (j) Non-mechanized recreational equipment, including, but are not limited to slides or swings; and

- (k) Accessories or slips that may accommodate the mooring or storage of boats in compliance with the standards in this Division.
- (4) Only one dock is allowed for a principal residential use, even if the use is located on more than one lot.

23-4 E-5070 City Licensing Standards for Docks, Marinas, and Other Lakefront Uses

- ~~(A)~~ **License Agreement Required.** No living quarters or business, including a marina, may be constructed into or above a lake ~~that is subject to~~ compliance with this Division, unless the Planning
- ~~(A)~~ Director approves a license agreement for the use after receiving a recommendation from the Land Use Commission.
- ~~(B)~~ **Exemptions.** A license agreement from the City is not required for a dock located along Lake Austin, Lady Bird Lake, or Lake Walter E. Long, regardless of any easements or other ownership rights held by the City.

23-4 E-5090 Enforcement and Registration

- (A) If the Planning Director determines that a dock has become or is in imminent danger of becoming structurally unsound, the Planning Director:
 - (1) Shall take action to declare the dock a hazard;
 - (2) Shall abate the hazard in compliance with [Division 23-11B-9 \(Property Maintenance Code\)](#), at the applicant's expense; and
 - (3) May impose a lien on the affected property to recover the cost of abatement.
- (B) An applicant must place a registration tag on a boat dock in a manner prescribed by the Code Director. A person must not remove a tag required to be placed on a dock in compliance with this ~~Subsection~~Section.
- (C) In addition to the actions authorized in compliance with this Section, the Planning Director may take any other authorized action to enforce the standards of this ~~Division~~.

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Division 23-4E-6: Specific to Use

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23-4E-6010 Intent

This Division provides site planning, development, and operating standards for certain land uses where allowed by Article 23-4D (Specific to Zones) and for activities that require special standards to ensure their compatibility with site features and existing uses.

E

~~23-4~~ 23-4E-6020 Applicability

(A) The standards of this Division apply to all proposed development, in all zones, unless otherwise specified in this Division, and must be considered in combination with all other applicable provisions of Title 23. If there is a conflict between any standards, the provisions of this Division control over Article 23-4D (Specific to Zones). If there is a conflict with any other requirements of this Title, the provision which is more restrictive or imposes higher standards or requirements shall control, so that in all cases the most restrictive provision shall ~~apply.~~

~~(B) Table 23-4E-6020.A lists applicability of each Section.~~

~~Table 23-4E-6020.A Applicability to Transect or Non-Transect Zones~~

Section	Use	Applicability(All Zones, Non-Transect Zones Only)
23-4E-6030	Accessory Dwelling Unit	All Zones
23-4E-6040	Accessory Uses	All Zones
23-4E-6050	Adult Entertainment	All Zones
23-4E-6060	Alcohol Sales	All Zones
23-4E-6070	Alternative Financial Services	All Zones
23-4E-6080	Bed and Breakfast	All Zones
23-4E-6090	Camping/RV Park	All Zones
23-4E-6100	Commercial Blood Plasma Center	All Zones
23-4E-6110	Communications	All Zones
23-4E-6120	Community Agriculture	All Zones
23-4E-6130	Convention Center	All Zones
23-4E-6140	Drive-Through	All Zones
23-4E-6150	Gas Station	All Zones
23-4E-6160	General Retail with Outside Storage	All Zones
23-4E-6170	Group Home	All Zones
23-4E-6180	Home Occupations	All Zones
23-4E-6190	Live/Work	All Zones

Section
Table 23-4E-6020.A Applicability to Transect or Non-Transect Zones (continued)
Us
Applicability(All Zones, Non-Transect Zones Only)

e

23-4E-6200	Manufacturing and Storage	All Zones
23-4E-6210	Micro-Brewery/Micro-Distillery/ Winery	All Zones
23-4E-6220	Mobile Food Sales	All Zones
23-4E-6230	Mobile Retail Sales	All Zones
23-4E-6240	Multi-Family	Non-Transect Zones
23-4E-6250	Recycling Center	All Zones
23-4E-6260	Research and Development	All Zones
23-4E-6270	Restaurant, Late-Night-Operation	All Zones
23-4E-6280	Reverse Vending	All Zones
23-4E-6290	School	All Zones
23-4E-6300	Senior /Retirement Housing	All Zones
23-4E-6310	Short-term Rental	All Zones
23-4E-6320	Special Uses	All Zones
23-4E-6330	Sports or Events Arena	All Zones
23-4E-6340	Telecommunications	All Zones
23-4E-6350	Two-Family	Non-Transect Zones

23-4 E-6030 Accessory Dwelling Unit - Residential

- (A) **Development Standards.** An Accessory Dwelling Unit (ADU) in residential zones must comply with the standards of the base zone, except as provided in Table 23-4E-6030-(A) (Standards for Accessory Dwelling Units). ~~Table 23-4E-6030.A does not apply to Transect Zones.~~

Table 23-4E-6030.A Standards for Accessory Dwelling Units in Non-Transect Zones

<u>Requireme</u>	<u>Standar</u>
Lot Area	Equivalent to a standard lot.
Impervious Cover	Max .45%
Building Coverage	Max .40%
Building Height	30 ft30' and limited to 2 stories, unless the base zone is more restrictive.
Floor Area and	(1) Max. 1,100 sf total or FAR of 0.15 (whichever is greater <small>smaller</small>);

(2) Max. 550 sf on a second

floor.

~~Parking~~

~~Prohibited in front setback, except on a driveway~~

Table 23-4E-6030.A Standards for Accessory Dwelling Units in Non-Transect Zones

Requirement	Standard
Placement structure	(1) Not in the primary structure; must be in a secondary structure
(2)	Min. 40ft 10' to the <u>front, rear, or side</u> of the primary structure or above a detached garage, <u>or within the primary structure.</u>
	(3) (2) May be connected to the primary structure with a covered walkway.
Other	May not be used as a short-term rental for more than 30 days in a calendar year if the unit was constructed after October 1, 2015.

~~(B) Restrictive Covenant~~

- ~~(1) The property owner shall sign a restrictive covenant before a notary public that runs with the land on a form prepared by the City affirming that the property owner shall:

 - ~~(a) Occupy either the primary residence or the ADU; or~~
 - ~~(b) If the property owner rents or leases a property with both a primary residence and an ADU to a third party, then neither the primary residence nor the ADU shall be sub-leased.~~~~
- ~~(2) The restrictive covenant shall be submitted to the City prior to the issuance of a Building Permit for the ADU. The City shall record the restrictive covenant after the Building Permit has been issued.~~

(1) Additional Standards for LA, RR, R1A, R1B, and R1C Zones

- (a) Minimum lot size is 15,000 square feet.
- (b) The ADU must be occupied by a family that has at least one member employed on-site for security, maintenance, management, supervision, or personal service.

(2) Additional Standards for Accessory Apartments

- (a) An accessory apartment is an ADU that is contained within the primary structure of a single-family residence, and that is occupied by at least one person who is 60 years of age or older or physically disabled.
- (b) An accessory apartment is allowed in addition to a detached ADU.
- (c) If space within a primary structure is converted to an accessory apartment, the accessory apartment must not include a new entrance visible from a thoroughfare.
- (d) A Building Permit may not be issued for construction or remodeling of an accessory apartment unless the applicant submits an affidavit verifying that one of the proposed occupants of the accessory apartment is 60 years of age or older or physically disabled.

23-4 E-6040 Accessory Dwelling Unit - Non-Residential

(A) Accessory dwelling to a Principal Commercial Use. One ADU is allowed if not more than 50 percent of the building area is used for the dwelling unit. The occupant of the ADU is not required to be engaged in the principal use.

(B) Accessory Uses to a Principal Industrial Use.

(1) For a warehouse use, an ADU is allowed as an accessory use if the dwelling unit is occupied by a person engaged in security, leasing, or management for the principal use, and no more than 25 percent of the building is used for the dwelling unit.

(2) For a Industrial flex use, an ADU is allowed as an accessory use if the dwelling unit occupies no more than 40 percent of the building.

(C) Accessory Uses to a Principal Civic and Public Assembly Use. An ADU is allowed if it is occupied only by a family that has at least one member employed on-site for security, maintenance, management, supervision, or personal service.

23-4 E-6050 Accessory Uses

(A) Applicability

(1) This Section applies to accessory uses as allowed in ~~Division Article 23-4D-3 (Residential Zones), 23-4D-4 (Commercial Zones), Division 23-4D-5 (Industrial Zones) and Division 23-4D-6 (Other Specific to Zones).~~

(2) The standards applicable to a principal use apply to an accessory use, except as otherwise provided in this Section.

(B) Accessory Uses

(1) An accessory use is a use or structure that:

- (a) Is incidental to and customarily associated with a principal use;
- (b) Unless otherwise provided, is located on the same site as the principal use; and
- (c) May include parking for the principal use.

(2) Table 23-4E-6040-(A) (Allowed Accessory Uses) lists allowed accessory uses in compliance with this Section.

Table 23-4E-6040.A Allowed Accessory Uses

Accessory Uses to a Residential Use

~~Accessory Apartment~~

~~Accessory Dwelling Unit~~

~~Dock~~

Table 23-4E-6050(A) Allowed Accessory Uses

Accessory Uses to a Residential Use

Dock

Garage Sales subject to the requirements of Subsection

~~(F);~~ Guest House

The keeping of dogs, cats, and similar small animals as household pets

Playhouses, patios, cabanas, porches, gazebos, and household storage

buildings Radio and television receiving antenna, and dish-type satellite

receivers Recreational activities and facilities

Religious study meetings

Residential Convenience Service

Residential Tours subject to the requirements of Subsection (E)

~~Playhouses, patios, cabanas, porches, gazebos, and household storage~~

~~buildings Solar collectors~~

~~Vehicle Storage~~

Accessory Uses to a Commercial Use

~~Additional accessory uses in the Commercial Recreation (CR) Zone in Subsection-~~

~~(I)(5) One dwelling unit subject to the requirements of Subsection (H)(4)~~

~~Parking facility~~

~~Retail, restaurant and bar, or entertainment and recreation use or industrial use that~~

~~is otherwise prohibited in the base zone subject to the requirements of Subsection-~~

Accessory Uses to an Industrial Use

~~Commercial use otherwise prohibited in the base zone subject to the requirements of~~
~~Subsection (I)(1)~~

~~Major Utility~~

~~One dwelling unit subject to the requirements of Subsection (I)(4)~~

~~Parking facility~~

~~Major Utility~~

Accessory Uses to a Civic and Public Assembly Use

~~Cafeterias, dining halls, and similar~~

~~Columbarium subject to the requirements of Subsection (~~

~~J)(6) Gift shops, newsstands, and similar~~

~~One dwelling unit subject to the requirements of Subsection (~~

~~J)(1) Parking facilities~~

~~Refreshment stands, convenience food or beverage sales~~

Accessory Uses to an Agricultural Use

~~Uses that are necessarily and customarily associated with the purpose and function of~~
~~an agricultural use~~

Table 23-4E-6050(A) Allowed Accessory Uses
Accessory Uses to a Residential Use (cont.)
<u>Playhouses, patios, cabanas, porches, gazebos, and household storage buildings</u>
<u>Solar collectors</u>
<u>Vehicle Storage</u>
Accessory Uses to a Commercial Use
<u>Additional accessory uses in the Commercial Recreation (CR) Zone in Subsection (I)(5)</u>
<u>Parking facility</u>
<u>Retail, restaurant and bar, or entertainment and recreation use or industrial use that is otherwise prohibited in the base zone subject to the requirements of Subsection (H)(2)</u>
Accessory Uses to an Industrial Use
<u>Commercial use otherwise prohibited in the base zone subject to the requirements of Subsection (I)(1)</u>
<u>Major Utility</u>
<u>Parking facility</u>
Accessory Uses to a Civic and Public Assembly Use
<u>Cafeterias, dining halls, and similar</u>
<u>Columbarium subject to the requirements of Subsection (J)(6)</u>
<u>Gift shops, newsstands, and similar</u>
<u>Parking facilities</u>
<u>Refreshment stands, convenience food or beverage sales</u>
Accessory Uses to an Agricultural Use
<u>Uses that are necessarily and customarily associated with the purpose and function of an agricultural use</u>

- (C) **Development Standards.** The development standards of the base zone apply to an accessory use or an accessory structure allowed in compliance with this Section, except:
- (1) **Accessory Structures in a Residential Zone**
 - (a) Rear Setback-. Minimum 5 feet-.
 - (b) Height-. Maximum 15 feet-.
- (D) **Accessory Uses to a Principal Residential Use-** This Subsection prescribes the standards for an accessory use to a principal residential use-
- (1) A residential use includes a use in the Residential and Residential Support Services use categories-
 - (2) A use other than one described in this Section is allowed as an accessory use if the Planning Director determines that the use is necessary, customary, appropriate, incidental, and subordinate to a principal use-
 - (3) An accessory use must not generate more than 10 guest vehicles trips a day or 30 guest vehicle trips a week-

- (4) The following uses are allowed as an accessory use to a principal residential use:
- (a) Recreational activities and recreational facilities for use by residents;
 - (b) Religious study meetings;
 - (c) Playhouses, patios, cabanas, porches, gazebos, and household storage buildings;
 - (d) Radio and television receiving antenna and dish-type satellite receivers;
 - (e) Solar collectors;
 - (f) The keeping of dogs, cats, and similar small animals as household pets;
 - (g) On-site sales as authorized by Subsection (E) or Subsection (F);
 - ~~(h) A single accessory apartment in compliance with the standards of Subsection (G).~~
 - ~~(h)~~ (h) Vehicle storage in compliance with Subsection (D)(5), below;
 - ~~(j)~~ (j) A dock in compliance with Subsection 23-4E-5060(E) (Docks as Accessory Uses);
 - ~~(k)~~ (i) (j) A guest house if:
 - (i) The principal use is a single-family residential use;
 - (ii) It is located on a lot with at least 10,000 square feet of area; and
 - (iii) Is occupied only by ~~occasional~~ nonpaying guests of the permanent residents.
 - ~~(l) An accessory dwelling unit in compliance with Section 23-4E-6030 (Accessory Dwelling Unit).~~
 - ~~(m)~~ (k) A residential convenience service if:
 - (i) The principal use is a multi-family use or a ~~mobile home~~ manufactured park use;
 - (ii) It is operated as an integral part of the principal use;
 - (iii) Is not identifiable from outside the site; and
 - (iv) Is intended to be patronized solely by the residents of the principal use.

(5) Vehicle storage

- (a) Maximum one motor vehicle for each licensed driver residing on the premises may be stored on the premises~~-~~.
- (b) A private garage for the storage of maximum four motor vehicles is allowed~~-~~.
- (c) A motor vehicle with a capacity of one ton or greater is prohibited, except for an antique vehicle or recreational vehicle.
- (d) Maximum one commercial vehicle owned or operated by the resident may be stored on the premises that is less than or equal to 14,000 gross vehicle weight rating (GVWR).
- (e) An inoperable motor vehicle must not be stored on any public right-of-way~~-~~. A motor vehicle is inoperable if, for more than 72 hours, the vehicle:
 - (i) Does not have license plates or has license plates that have expired for more than 90 days;
 - (ii) Does not have a motor vehicle safety inspection sticker or has a motor vehicle inspection safety sticker that has expired for more than 90 days; or
 - (iii) Cannot be started or legally operated in a public right-of-way~~-~~.

~~(iii)~~

- (f) Exceptions. The prohibition of Subsection (D)(5) does not apply to an antique or recreational vehicle stored at an owner's residence or a vehicle under repair for less than 60 days, if not more than one other vehicle is also under repair-
 - (g) Up to two vehicles that are either antique or recreational vehicles may be stored on the premises, if the storage area is not a health hazard and is either in an enclosed building or screened from public view with a solid wood fence or masonry wall at least six feet high-
- (E) **Residential Tours-** Participation on an annual or semi-annual tour is allowed as an accessory residential use subject to the standards of this Subsection and all other applicable standards-
- (1) As authorized by this Subsection, a tour is an organized event in which multiple residential properties are opened to members of the public for any lawful purpose, including, but not limited to, the appreciation and study of architecture, and the production and incidental sale of artwork by an individual responsible for making or producing the artwork-
 - (2) To qualify as an accessory use under this Subsection, a residential tour that includes the production or sale of art must comply with the following standards:
 - (a) A tour organizer shall provide the dates of the tour and the address of all participating properties to the Economic Director;
 - (b) A tour must not take place on more than six days per calendar year; and
 - (c) A residential property must not:
 - (i) Participate on a tour more than 12 days per calendar year;
 - (ii) Participate in more than three tours per calendar year;
 - (iii) Participate in a tour more than three days per week;
 - (iv) Include more than six guest artists, in addition to the primary artist; or

(v) Include a garage sale.

(F) **Garage Sales.** A garage sale is allowed as an accessory residential use subject to the standards of this Subsection.

- (1) A garage sale includes yard sales, carport sales, or similar types of sales involving the sale of used or secondhand tangible property customarily found at a residence, and the production and incidental sale of artwork by an individual responsible for making or producing the artwork.
- (2) A garage sale must be conducted entirely on a property used as the seller's principal residence.
- (3) A garage sale must not be held at the same property more than four days per calendar year or at a property participating in a residential tour under Subsection (E) above.

~~(G) Accessory Apartments~~

- ~~(1) An accessory apartment is a separate dwelling unit that is contained within the principal structure of a single-family residence, and that is occupied by at least one person who is 60 years of age or older or physically disabled.~~
- ~~(2) If space within a principal structure is converted to an accessory apartment, the accessory apartment must not include converted garage space or a new entrance visible from a thoroughfare.~~
- ~~(3) A Building Permit may not be issued for construction or remodeling of an accessory apartment unless the applicant submits an affidavit verifying that one of the proposed occupants of the accessory apartment is 60 years of age or older or physically disabled.~~

~~(H)~~(G) **Accessory Uses to a Principal Commercial Use-** This Subsection prescribes the standards for an accessory use to a principal commercial use located in a non-residential zone.

(1) For this Subsection, a commercial use includes a use in any of the following categories:

~~(a)~~ Artistic production, including, but not limited to, performing and visual arts;

~~(a)~~~~(b)~~ Automobile ~~Related~~related;

~~(b)~~~~(c)~~ Entertainment and ~~Recreation~~recreation;

~~(e)~~~~(d)~~ Innovation and ~~Technology~~technology;

~~(d)~~ Office;

(e) ~~(f)~~

Retail;

~~(f)~~~~(g)~~ Restaurant and ~~Bars~~bars; and

~~(g)~~~~(h)~~ Services-

(2) A commercial or industrial use that is otherwise prohibited in the base zone is allowed as an accessory use if the use:

(a) Is operated primarily for the convenience of employees, clients, or customers of the principal use;

(b) Occupies less than 10 percent of the total floor area of the use;

(c) Is an integral part of the principal use; and

(d) For an industrial use, is not located in the ~~NC~~Mixed-Use 2A (MU2A) ~~Zone~~ or within 100 feet of any residential zone.

~~(3)~~ A parking facility is allowed as an accessory use.

~~(4)~~ ~~(3)~~ One dwelling unit is allowed as an accessory use if not more than 50 percent of the building is used for the dwelling unit. An occupant is not required to be engaged in the principal use.

~~(5)~~ ~~(4)~~ **Exceptions for the Commercial Recreation Zone.** The following provisions supersede the standards of this Subsection to the extent of conflict.

(a) The following are allowed as accessory uses in a ~~Commercial~~Commerical Recreation- Zone:

~~(i)~~ ~~Any sized~~ Day ~~care~~Care services ~~→ 7 →~~ ~~≤ 20 people~~;

~~(ii)~~ ~~(i)~~ Day care services ~~≤ 7 people~~;

~~(iii)~~ ~~(ii)~~ Food sales;

~~(iv)~~ ~~(iii)~~ General retail sales;

~~(v)~~ ~~(iv)~~ Personal services;

~~(vi)~~ ~~(v)~~ Public safety facilities; and

~~(vii)~~ ~~(vi)~~ Restaurant without alcohol sales.

(b) An accessory use, as described in Subsection ~~(H)~~ ~~(5G)~~ ~~(4)~~ (a), must not occupy more than 50 percent of the site area or the gross floor area of the structures on the site.

~~(+)(H)~~ **Accessory Uses to a Principal Industrial Use.** This Subsection prescribes the standards for an accessory use to a principal industrial use.

- (1) A retail, restaurant, ~~office, business and bar, or entertainment and financial/professional service, personal storage, pawnshop, or~~ recreation use that is otherwise prohibited in the base zone is allowed as an accessory use if the use:
 - (a) Is operated primarily for the convenience of employees, clients, or customers of the principal use;
 - (b) Occupies less than ~~25~~40 percent of the total floor area of the use; or
 - (c) Is an integral part of the principal use.
- (2) A parking facility is allowed as an accessory use.
- (3) A major utility facility is allowed as an accessory use if the facility is operated as an integral part of the principal use, and the facility is not a public utility under the Texas Public Utility Regulatory Act.
- ~~(4) For a warehouse use, a dwelling unit is allowed as an accessory use if the dwelling unit is occupied by a person engaged in security, leasing, or management for the principal use, and no more than 25 percent of the building is used for the dwelling unit.~~

~~(+)(I)~~ **Accessory Uses to a Principal Civic and Public Assembly Use.** For a principal civic or public assembly use, the following are accessory uses:

- ~~(1) A dwelling unit that is occupied only by a family that has at least one member employed on-site for security, maintenance, management, supervision, or personal service.~~

~~(2)~~(1) Refreshment stands and convenience food or beverage sales that serve a public assembly use;

~~(3)~~(2) Cafeterias, dining halls, and similar food services that are primarily for the convenience of employees, residents, clients, patients, or visitors;

~~(4)~~(3) Gift shops, newsstands, and similar commercial activities primarily for the convenience of employees, residents, clients, patients, or visitors;

~~(5)~~(4) Parking facilities, except a facility located in a ~~Low to Medium-Intensity Residential House-Scale Zone~~ must not exceed the minimum parking requirements; and

~~(6)~~(5) A columbarium that:

- (a) Is affiliated with a religious assembly use;
- (b) Occupies maximum 10 percent of the site area or 10,000 square feet, whichever is less;
- (c) Is oriented to the interior to the site; and
- (d) Is not visible from public rights-of-way.

~~(K)~~(J) **Accessory Use to a Principal Agricultural Use**. For a principal agricultural use, accessory uses that are necessarily and customarily associated with the purpose and function of the agricultural use are allowed.

23-4 **E-~~6050~~6060** **Adult Entertainment**

(A) Purpose

- (1) The City recognizes that there are some uses which, because of their nature, are recognized as having serious adverse secondary effects. Particularly when such uses are concentrated, impact the use and enjoyment of adjacent areas, and increase law enforcement problems-. Special regulation of these uses is necessary to insure that these adverse secondary effects will not contribute to blighting or downgrading of surrounding neighborhoods, endanger public safety, or decrease the value of surrounding properties-. The purpose of these standards is to promote the health, safety, and welfare of the City by preventing a concentration or clustering of these uses in any one area of the City and to restrict their proximity to residential areas, schools, religious institutions, parks, and other public facilities-.
- (2) It is not the intent of this Title to restrict access by adults to sexually oriented materials protected by the First Amendment, suppress any speech activities protected by the First Amendment, or deny access by the distributors and exhibitors of sexually-oriented entertainment to their market-. The provisions propose content- neutral standards that address the negative secondary impacts of adult retail uses and entertainment establishments and prevent the negative economic and aesthetic impacts upon neighboring properties and the community as a whole-. Further, it is not the intent of this Title to permit any use or act, which is otherwise prohibited or made punishable by law-.

~~(B)~~ **Legislative Findings Regarding the Secondary Effects of Adult-Oriented Business.** Based on evidence concerning the adverse secondary effects of Sexually Oriented Businesses on the community presented in hearings and in reports made available to the Council, and on findings incorporated in the cases of City of Renton v. Playtime Theatres,

Adult

Inc., 475 U.S. 41 (1986); Young v. American Mini Theatres, 427 U.S. 50 (1976); FW/PBS, Inc.

(B) v. City of Dallas, 493 U.S. 215 (1990); Barnes v. Glen Theatre, Inc., 501 U.S. 560 (1991); City of Erie v. Pap's A.M., 529 U.S. 277, 120 S. Ct. 1382 (2000); City of Los Angeles v. Alameda Books, Inc., 122 S. Ct. 1728 (2002); Baby Dolls Topless Saloons, Inc. v. City of Dallas, 295 F.3d 471 (5th Cir. 2002); LLEH, Inc. v. Wichita County, Texas, 289 F.3d 358 (5th Cir. 2002); Mitchell v. Commission on Adult Entertainment, 10 F.3d 123 (3rd Cir. 1993); Schultz v. City of Cumberland, 228 F.3d 831 (7th Cir. 2000); Hang On, Inc. v. City of Arlington, 65 F.3d 1248 (5th Cir. 1995); 2300, Inc. v. City of Arlington, 888 S.W.2d 123 (Tex. App. – Fort Worth, 1994); Colacurcio v. City of Kent, 163 F.3d 545 (9th Cir. 1998), cert denied, 529 U.S. 1053 (2000); Kev, Inc. v. Kitsap County, 793 F.2d 1053 (9th Cir. 1986); Center for Fair Public Policy v. Maricopa County, 336 F.3d 1153 (9th Cir. 2003); DLS, Inc. v. Chattanooga, 107 F.3d 403 (6th Cir. 1997); Jake's, Ltd., Inc. v. Coates, 384 F.3d 884 (8th Cir. 2002); and on studies, reports and/or testimony in other communities including, but not limited to: Phoenix, Arizona; Minneapolis, Minnesota; St. Paul, Minnesota; Houston, Texas; Indianapolis, Indiana; Dallas, Texas; Amarillo, Texas; Garden Grove, California; Los Angeles, California; Whittier, California; Austin, Texas; Seattle, Washington; Oklahoma City, Oklahoma; Cleveland, Ohio; Beaumont, Texas; Newport News, Virginia; Bellevue Washington; New York, New York; St. Croix County, Wisconsin; Kitsap County, Washington; Los Angeles, California Police Department (dated August 12, 2003); Arlington, Texas, License and Amortization Appeal Board hearings, 2001 and 2002; Arlington Community Health Profile (dated July 2003); [a summary of land use studies compiled by the National Law Center](#) ~~a summary of land use studies compiled by the National Law Center~~ for Children and Families; and also on findings from the Report of the Attorney General's Working Group – On The Regulation Of Sexually Oriented Businesses (June 6, 1989, State of Minnesota), and the study entitled Survey of Texas Appraisers – Secondary Effects of

Adult Entertainment

Sexually-Oriented Businesses on Market Values by Cooper and Kelley and Crime Related Secondary Effects

– Secondary Effects of “Off-Site” Sexually-Oriented Businesses by McCleary, June 2008, consistent with the findings of the Texas State Legislature that the unrestricted operation of certain sexually oriented businesses may be detrimental to the public health, safety, and welfare by contributing to the decline of residential and business neighborhoods and the growth of criminal activity, the City finds that:

- (1) Adult-oriented businesses, as a category of commercial land uses, are associated with a wide variety of adverse secondary effects, including negative impacts on surrounding properties, personal and property crimes, illicit drug use and trafficking, lewdness, prostitution, potential spread of disease, and sexual assault.
- (2) Adult-oriented businesses should be separated from the sensitive land uses that are identified in Subsection (B)(1) to minimize the impact of their secondary effects on these uses and should be separated from other adult oriented businesses to insure that these adverse secondary effects will not contribute to the blighting or downgrading of the existing surrounding neighborhoods, endanger public safety, or decrease the value of surrounding properties.
- (3) There is a substantial government interest in preventing each of the forgoing negative secondary effects. This substantial government interest exists independent of any comparative analysis between adult-oriented businesses and non-adult-oriented businesses.
- (4) The evidentiary record before the City establishes a reasonable basis to show that this standard has the purpose and effect of suppressing secondary effects related to adult-oriented businesses while leaving the quantity and accessibility of speech substantially intact. The City finds that a substantial interest and sufficient evidence exists to regulate adult oriented businesses independent of any comparative rationale or comparative analysis involving the secondary effects of adult-oriented businesses.

The City further finds that sufficient evidence exists in the record that the secondary effects associated with adult-oriented businesses will be reduced by these standards.

- (C) **Advertisements and Displays-** On-premises advertisements, displays, or other promotional materials for an adult-oriented business that emphasize specified sexual activities or specified anatomical areas must not be visible from public or semi-public places outside the business-

(D) **Permit Requirements**

- (1) An adult entertainment use, excluding an adult lounge, is allowed by right in the ~~SCMU4B~~ or ~~HCMU5A~~ Zone and with a Conditional Use Permit in the DC or CC Zone.
- (2) An adult lounge is allowed with a Conditional Use Permit in a ~~SC, HCMU4B, MU5A~~, DC or CC Zone.

- (E) **Location Restrictions.** An adult-oriented business must not be located on a lot:

- (1) That is within 1,000 feet of a lot on which another adult-oriented business is located;
 - (2) That is within 1,000 feet of a lot on which a school, church, public park or playground, licensed day-care center, museum, or library is located; or
 - (3) Where 50 percent or more of the lots within a 1,000 foot radius are zoned or used for a residential use-
-

23-4 E-60606070 Alcohol Sales

- (A) **On-Site Consumption.** A business that serves alcoholic beverages for on-site consumption must comply with the following standards:
 - (1) **Gross Income.** ~~At least~~ 51 percent or more of the gross income revenue of the business must be derived from non-alcohol food sales-. If ~~51~~50 percent or more of ~~total business sales~~gross revenue are from alcohol related sales, the business shall be classified as a bar/nightclub; and
 - (2) **Signage Advertising.** An area within a business devoted to the preparation, sale, and consumption of alcoholic beverages must not be operated or advertised under a name different from the primary business. An outside sign, separate identification, ~~or advertising~~ or advertising for the area within the business devoted to the preparation, sale, and consumption of alcoholic beverages must be incidental to and in conjunction with the primary use. ~~for the area within the business devoted to the preparation, sale, and consumption of alcoholic beverages must be incidental to and in conjunction with the primary use; and~~
- (B) **Off- Site Consumption.** A business that ~~servessells~~ alcohol (including beer, wine, and/or liquor) for off-site consumption must comply with applicable ~~state~~State requirements.

(C) Location Restrictions

- (1) Both on-site and off-site alcohol sales are prohibited where the place of business is located within 300 feet of a church, public school, or hospital except as provided by the Texas Alcoholic Beverage Code
- (2) A permit or license holder under Chapter 25, 28, 32, 69, or 74 of the Texas Alcoholic Beverage Code who does not hold a food and beverage certificate may not sell or engage in the business of selling any alcoholic beverage where the place of business is located within 300 feet of a Day Care center facility except as provided by the Texas Alcoholic Beverage Code.

23-4 E-60706080 Alternative Financial Services

- (A) **Location Restrictions.** An alternative financial service use must not be located on a site that is:
 - (1) Within 1,000 feet of a site that contains another alternative financial services business use;
 - (2) Within 200 feet of a property in a base or overlay zone in which a residential use is allowed or in which a residential use is located;

- (3) Within 500 feet of the rights-of-way of Interstate Highway 35, U.S. Highway 183, U.S. Highway 290, Texas State Highway Loop 360, Texas State Highway Loop 1, Texas State Highway 130, or Texas State Highway 45; or
 - (4) Within the Waterfront Overlay Zone, ~~The~~the University Neighborhood Overlay Zone, or the area bounded by Interstate Highway 35, Airport Boulevard, and Town Lake.
-

23-4 E-~~60806090~~ Bed and Breakfast

- (A) **Applicability.** A residential structure may be used as a bed and breakfast residential use only if it qualifies as a Group 1 or Group 2 bed and breakfast residential use structure.
- (1) **Group 1.** A Group 1 bed and breakfast residential use structure contains a maximum of:
 - (a) Five rental units if the building in which the bed and breakfast residential use is located is more than 50 years old; or
 - (b) Three rental units if the building in which the bed and breakfast residential use is located is 50 years old or less-.
 - (2) **Group 2.** A Group 2 bed and breakfast residential use structure contains a maximum of:
 - (a) Ten rental units if the building in which the bed and breakfast residential use is located is more than 50 years old; or
 - (b) Five rental units if the building in which the bed and breakfast residential use is located is 50 years old or less-.
 - (3) **Exceptions.** For an establishment that operated as a lodging house residential use on or before October 1, 1994:
 - (a) A Group 1 bed and breakfast residential use structure contains a maximum of five rental units; and
 - (b) A Group 2 bed and breakfast residential use structure contains a maximum of 10 rental units-.
- (B) General Requirements**
- (1) Each bed and breakfast residential use structure of a Group 2 bed and breakfast residential use facility must comply with this Section and other applicable requirements of this Title.
 - (2) A person shall not structurally alter the exterior of a Group 1 residential use structure to change the existing residential character of the ~~_structure-~~.
- (C) **License Required.** The owner shall obtain a license to operate a bed and breakfast residential use structure-. The license must be renewed ~~_annually-~~.
- (D) Ownership**
- (1) The owner shall reside in the bed and breakfast residential use structure or in another residential structure on the lot on which the structure is located-.
 - (2) The owner ~~of a bed and breakfast residential use structure-~~ must own the land on which the structure is located-.

- (3) The owner ~~of a bed and breakfast residential use~~ may employ one or more persons who do not permanently reside on the lot on which the use is located to assist in the operation of the bed and breakfast residential use if the total hours worked by the employees does not cumulatively total more than 40 hours per week.

(E) Operational Standards

- (1) Meal service is prohibited, except for breakfast service to an overnight ~~guest~~.
- (2) A register of guests must be maintained.

Bed and Breakfast

(2)

(F) Location Requirements

- (1) A bed and breakfast residential use must be more than 1,000 feet from an existing ~~_bed and breakfast residential use-~~. A Council-adopted Neighborhood Plan that allows spacing of 1,000 feet or less supersedes this ~~_Subsection-~~.
- (2) A Group 1 bed and breakfast residential use must be located in the principal residential structure on the ~~lot-~~.

(G) Number of Rental Units

- (1) A bed and breakfast residential use structure may contain:
 - (a) One rental unit for each 500 square feet of gross floor area within the structure if the owner resides in the structure; and
 - (b) One rental unit for each 700 square feet of gross floor area within the structure if the owner resides in another residential structure on the ~~_lot-~~.
- (2) In this Section, gross floor area does not include rooms occupied exclusively by the owner.

(H) Certain Advertising Prohibited- Advertising the street address of a bed and breakfast residential use through signs, billboards, television, radio, or newspapers is prohibited-

(I) Parking Requirements

- (1) Pervious pavers can be used as driveway and parking surface materials within the property boundaries-
- (2) Maximum 25 percent of the parking surface may be constructed of gravel-
- (3) A guest parking space is not allowed in the front setback of a bed and breakfast residential ~~_use structure-~~.

(J) Rental of a bed and breakfast residential use facility for gatherings

- (1) The use of a bed and breakfast residential use facility as a rented site for a gathering, including a wedding, requires a Conditional Use Permit.
- (2) A Conditional Use Permit may be approved only if the bed and breakfast residential use structure is not located in a ~~Low to Medium Intensity Residential Zone House Form Zone~~ and a Certificate of Occupancy has been issued that authorizes the use of the site for a gathering-
- (3) The maximum number of attendees at a gathering held under this Section equals four times the total of the number of parking spaces for rental units plus the number of spaces on the property that are not required for other uses on the property.
- (4) Amplified live outdoor music is prohibited at a ~~-gathering.~~

- (5) A gathering must end at 9:00 p.m. on Sunday through Thursday and at 10:30 p.m. on Friday and Saturday.
- (6) The Land Use Commission may not approve an increase of the maximum number of attendees, authorize amplified live outdoor music, or extend the hours of operation through the Conditional Use Permit process.
- ~~(7) The Land Use Commission may reduce the hours of operation.~~

(7)

(K) Waivers

- (1) The owner of an establishment that operated as a lodging house residential use on or before October 1, 1994, may submit to the Planning Director an application for a waiver of the requirements prescribed in Subsections (D), (F), (G), and (H).
- (2) The Planning Director shall give notice of a waiver application under Section 23-2C- 5020 (Notice of Administrative Decision).
- (3) A waiver application shall be considered by the Planning Director-. The Planning Director shall grant a waiver application if the Planning Director determines that the waiver will not harm the surrounding area-.
- (4) An applicant may appeal the denial of an application by the Planning Director to the Land Use Commission-.
- (5) If an interested party files a protest of an approved waiver application, the application shall be considered by the Land Use Commission-.
- (6) The Land Use Commission shall review a waiver application filed under this Section in compliance with the Conditional Use Permit process described in Section 23-4B-1020 (Conditional Use Permit).

23-4

E-~~60906100~~ Camping/RV Park

- (A) **Applicability.** This Section applies to a campground used as a tourist or trailer camp-.
- (B) **Applicability of Hotel Laws; Registration of Guests-** A recreational vehicle park shall be operated in conformity with State Law relating to hotels-. A person staying in a recreational vehicle park shall register and give to the manager, operator, or person in charge the person's name, residence address, and automobile license plate number and the state in which it is registered-.
- (C) **Site Plan Approval.** ~~Approval of a Site Plan by the~~The Health Authority ~~is required-~~must approve the Site Plan before the Development Services Director may approve a Site Plan under this Section-.

(D) Health Authority Approval Required

- (1) A person shall obtain a permit from the Health Authority to establish, maintain, or operate a recreational vehicle park, whether or not payment for use is required.
- (2) The Health Authority shall inspect and issue a permit, in writing, for the establishment, operation and maintenance of a recreational vehicle park, as applicable-.
- (3) A permit issued under this Section is nontransferable and expires one year from the date of issuance-. The permit fee shall be set by a separate ordinance-.

- (4) If the Health Authority denies an application for a permit under this Section, the applicant may appeal to the Council in compliance with the procedures established in Article 23-2I (Appeals).

(E) Technical Requirements

- (1) A recreational vehicle park must be located on land that is well-drained, free from heavy growth or brush or weeds, and graded or equipped with storm sewers to insure rapid drainage of rainwater.
- (2) An entrance or exit drive to a recreational vehicle park licensed under this Division must:
 - (a) Be surfaced with a minimum width of 18 feet;
 - (b) Be well marked to designate roadway, parking, and unit boundaries;
 - (c) ~~Lighted~~Be lit at night; and
 - (d) ~~Comply~~Be compliant with Division 23-11B-7 (Fire Code).
- (3) A unit reserved for the accommodation of a recreational vehicle or camp cottage must:
 - (a) Have a minimum area of 576 square feet, excluding the driveway;
 - (b) Be at least 24 feet wide, defined clearly by markers at each corner; and
 - (c) Be level, free from rock and weeds, and well drained.
- (4) The owner or licensee of a recreational vehicle park shall provide the park with a ~~water supply in compliance with Division 23-5C-3 (Utilities) and is must be approved~~ by the Health Authority. If the owner or licensee proposes to provide water from a source other than the ~~city~~City water supply, the ~~Health Authority must first approve the~~ proposed water supply source ~~must first be approved by the Health Authority~~. A water supply source provided in compliance with this Section is subject to periodic examination by the Health Authority and the ~~City~~.
- (5) The owner or licensee of a recreational vehicle park shall provide the park with a sewer system, either by connecting to the City sewerage system if available, or to a private on-site sewage facility, in compliance with this Title and standards prescribed by the Health Authority.
- (6) The owner or licensee of recreational vehicle park shall provide the park with facilities for the collection and removal of waste and garbage.
- (7) An owner or licensee of a recreational vehicle park shall provide toilet facilities, wash basins, bathing facilities, slop basins, and water faucets and spigots in compliance with the ~~Buildings~~Building Criteria Manual in a recreational vehicle park where two or more recreational vehicles or camp cottages are located and where private conveniences for each site or cottage are not provided. A toilet facility must be in room separate from a bathing facility, or partitioned in a manner that provides privacy and promotes cleanliness. A community toilet facility must provide private toilet stalls separated by a partition. The floor surface surrounding a toilet facility must be designed and constructed to prevent that area from draining on to a shower floor.
- (8) A recreational vehicle or other structure must not be placed or erected at a distance of less than five feet from the property line separating the court from the adjoining property, measuring from the nearest point of the recreational vehicle.

- (9) A sleeping room in a recreational vehicle park must contain a minimum of 1,000 cubic feet, and must have at least two well screened windows with a total window surface area of not less than 25 square feet. The greatest dimension of a single room must not be more than twice its minimum dimension, and the height from the floor to the top of the wall must be a minimum of seven feet.
-

23-4 ~~E-6106110~~ E-6106110 Commercial Blood Plasma Center

- (A) **Conditional Use Permit Required.** A commercial blood plasma center that is allowed in the base zone requires a Conditional Use Permit if the use is within:
- (1) One-half mile of another commercial blood plasma center; or
 - (2) Five hundred forty feet of a lot ~~that allows, by right~~which is used for:
 - (a) Any residential use;
 - (b) Any residential support service use;
 - (c) A public or private school;
 - (d) A church;
 - (e) A ~~day care~~Day Care ≤ 7 or < 7 and < 20 people; or (f) A park or playground.
-

23-4 ~~E-61106120~~ E-61106120 Communications

- (A) **Applicability.** For a communications use, the base zone standards are superseded by the standards of this Section.
- (B) **Exemptions.** Base zone standards for lot size, lot width, floor area ratio, and building coverage do not apply.
- (C) **Site Development Standards**
- (1) **Side Setback.** The minimum width of a side setback is the lesser of five feet or the width required by the site development standards for the base zone.
 - (2) **Front and Street Side Setbacks.** A structure must be set back at least 25 feet from a front or side street if the structure is located:
 - (a) In a ~~Low to Medium Intensity Residential~~ House-Scale Zone;
 - (b) Adjacent to or across a thoroughfare from a ~~Low to Medium Intensity Residential~~ House-Scale Zone; or
 - (c) Adjacent to or across a thoroughfare from an allowed residential or residential support service use.
 - (3) **Landscaping.** Minimum 50 percent of the setback areas must be landscaped, and one tree at least six feet in initial height is required in the front setback. The following landscaping standards do not apply:
 - (a) Section 23-4E-4060 (~~Surface~~-Parking Area Tree Islands);
 - (b) ~~Subsection~~Section 23-4E-~~40904130~~ (Visual Screening);

(c) ~~Subsections~~Sections 23-4E-~~4100~~4140 (Submittal Requirements); and
(d) ~~Subsection~~Section 23-4E-~~4110~~4150 (Final Inspection).

Community Agriculture

~~(d)~~

- (4) **Impervious Cover.** Impervious cover must not exceed the greater of the maximum percentage allowed by the applicable site development standards for the base zone:
 - (a) 95 percent for a site less than 2,500 square feet in size;
 - (b) 85 percent for a site at least 2,500 and maximum 3,600 square feet in size;
 - (c) 50 percent for a site at least 3,600 and maximum 5,000 square feet in size; or
 - ~~(d) 45 percent for a site more than 5,000 square feet in size.~~
- (5) **Height.** Maximum 12 feet.
- (6) **Visual obstruction.** A structure's location must not create a visual obstruction to traffic.

23-4

~~E-6120~~ **E-6130 Community Agriculture**

(A) Standards for Community Agriculture Uses Greater Than One Acre in Size

- (1) A community agriculture use is allowed within the Critical Water Quality Zone if it meets the standards in Section 23-3D-4040 (Critical Water Quality Zone Development) for sustainable urban agriculture or a community garden.
- (2) **Site area.** Minimum one acre and maximum five acres.
- (3) The number of dwelling units allowed on a site must not exceed the number of dwelling units allowed under the base zone standards to a maximum of two units allowed on the site.
- (4) Animal raising, in compliance with Subsection (A)(6) and (A)(7), is not allowed without a dwelling unit on the site.
- (5) Accessory structures are allowed without a principal dwelling unit.
- (6) Raising livestock is prohibited, except as provided in Chapter 3-2 (Restrictions on Animals) of the City Code.
- (7) The following standards apply to properties not zoned residential:
 - (a) The raising, slaughtering, processing, and composting of fowl, rabbits, and aquatic foods using an aquaponic system is allowed in compliance with Chapter 3-2 (Restrictions on Animals) of the City Code;
 - (b) One animal (either fowl or rabbit) may be processed per 10 percent of an acre per week;
 - (c) Composting, slaughtering or processing of animals must take place at least 50 feet from the nearest residential structure other than the structure associated with the use. Slaughtering and processing animals must take place out of public view; and
 - (d) For properties zoned residential; raising of fowl, rabbits, and aquatic foods using an aquaponic system is allowed in compliance with Chapter 3-2 (Restrictions on Animals) of the City Code. Slaughtering and processing of aquatics foods - is

~~_allowed-~~. Slaughtering, processing of fowl and rabbits is prohibited.
Composting of animal parts is prohibited in residential zones.

- (8) Water conservation practices must be followed, at minimum, in compliance with Chapter 6-4 (Water Conservation) of the City Code.

- (9) The use of synthetic inputs is prohibited~~-~~. An Integrated Pest Management Plan, developed in compliance with the Environmental Criteria Manual and approved by the Watershed Director, must be followed~~-~~.
- (10) Agricultural and value-added agricultural products raised by the farmer or produced within the State of Texas may be sold from the site or distributed off-site to buyers. Agricultural products and value-added agricultural products produced off-site by someone other than the farmer cannot exceed 20 percent of the retail space by area~~-~~.
- (11) The maximum number of full-time, non-seasonal employees is two for each full acre, plus two for the remaining portion of an acre, if any, and excluding the property owner~~-~~.
- (12) The residential character of the lot and dwelling must be maintained~~-~~.
- (13) A sign is allowed in compliance with Section 23-9E-1040 (Urban Farm Sign and Market Garden Signs).

(B) Standards for Community Agriculture Uses Less Than One Acre in Size

- (1) A community agriculture use is allowed within the Critical Water Quality Zone if it meets the standards in Section 23-3D-4040 (Critical Water Quality Zone Development) for sustainable urban agriculture or a community garden.
- (2) **Site Area.** Maximum one acre~~-~~.
- (3) The number of dwellings units on a site must not exceed the number of dwelling units allowed under the base zone standards.
- (4) The raising of fowl, rabbits, and aquatic foods using aquaponic systems is allowed in compliance with Chapter 3-2 (Restrictions on Animals) of the City Code. On-site slaughtering, processing or composting of animals is not allowed~~-~~.
- (5) An Integrated Pest Management Plan, developed in compliance with the Environmental Criteria Manual and approved by the Watershed Director, must be followed. The use of synthetic fertilizers and pesticides is prohibited.
- (6) Water conservation practices must be followed in compliance with Chapter 6-4 (Water Conservation) of the City Code.
- (7) Agricultural products produced on-site may be sold from the site or distributed off- site to buyers~~-~~. On-site farm stands are not allowed~~-~~. Sales must be conducted out of sight of the general public on the property~~-~~. No more than three customer-related trips per day are allowed~~-~~.
- (8) The maximum number of full-time employees is one, excluding the property owner~~-~~.
- (9) The residential character of the lot and dwelling must be maintained~~-~~.
- (10) A sign is allowed in compliance with Chapter 23-8 (Signage).

~~23-4E-6130~~ Convention Center~~23-4~~ ~~E-6140~~ **Convention Center**

- (A) **Council Approval Required-** Council approval of a Conditional Use Permit for a ~~Convention Center~~convention center is required to establish site development standards and waive standards that are inconsistent with the Conditional Use Permit, if any-.
- (B) **Hearing.** A public hearing is required for each Conditional Use Permit considered under this Section, notice of which must be given in compliance with Section 23-2C-4020 (Type 1 Public Hearing Notice).

23-4 ~~E-6140~~**6150** **Drive Through**

- (A) **Design Objectives.** A drive-through retail or service facility shall only be allowed if the Planning Director first determines that the design and operation will ~~avoid~~not create congestion, disrupt the pedestrian realm, and will limit excessive pavement, litter, and noise-.
- (B) **Limitation on Location.** The drive-through shall only be located along the building's facade, away from a street frontage-.
- (C) **On-site Circulation Standards-**~~The. An internal circulation and traffic control plan shall be provided for a~~ drive-through retail or service facility ~~shall be provided internal circulation and traffic control~~ as follows:
- (1) **Drive-through Lane Design**
- The entrance/exit of any drive-through lane shall be a minimum of 50 feet from an intersection of public rights-of-way (measured at the closest intersecting curbs).
 - The drive-through lane shall be designed with a minimum 10-foot interior radius at curves and a minimum 10-foot width-.
 - To the maximum extent feasible drive-through lanes shall not be located between a property line and the front of the building-. Where this is not practical, the drive-through lane shall be screened by a wall designed to match the building materials of the primary building(s) on the site.
- (2) **Drive-through Stacking Area.** A clearly identified area shall be provided for vehicles waiting for drive-through service that is physically separated from other ~~onsite~~on-site traffic circulation-.
- The stacking area shall accommodate a minimum of five cars for each drive-up or drive-through window in addition to the vehicle receiving service-.
 - The stacking area shall be located at and before the service window (e.g., pharmacy, teller, etc.).
 - Separation of the stacking area from other traffic shall be by concrete curbing or paint striping on at least one side of the lane-.
 - Stacking areas adjacent and parallel to thoroughfares or public rights-of-way shall be prohibited-.
- (D) **Parking.** Parking ~~shall~~must be provided in compliance with Division 23-4E-3 (Parking and Loading).

~~(E)~~

(E) Pedestrian Access

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

- (b) An on-site pedestrian walkway shall not intersect a drive-through aisle.
- (F) **Visual Buffer-** The drive-through aisle shall be screened from the sidewalk or thoroughfare with landscaping or walls and berms-.

23-4 E-6160 Duplex

(A) **Development Standards.** The development standards of the base zone apply, except as provided in Table 23-4E-63160(A) (Development Standards for a Duplex Use).

Table 23-4E-6160(A) Development Standards for a Duplex Use	
Requireme	Standar
Building Height	The lesser of 30' or 2 stories, unless the base zone is more restrictive
Tandem Parking	Max. 1 space behind a required parking space

(B) The duplex units are subject to the following standards:

- (1) The two units must have a common ceiling or a common wall, which may be a common garage wall, that:
 - (a) Extends for at least 50 percent of the maximum depth of the building, as measured from the front to the rear of the lot; and
 - (b) Maintains a straight line for a minimum of four foot intervals or segments.
- (2) At least one of the two units must have a front porch that faces the front thoroughfare and an entry to the dwelling unit, except that units located on a corner lot must each have a front porch that faces a separate thoroughfare and an entry to the dwelling unit.
- (3) The two units must not be separated by a breezeway, carport, or other open building element.

(C) Additional requirements in the R3B and R3C Zones

- ~~(2)(1)~~ On a lot with a lot area of less than 10,000 square feet, the use must not exceed 4,000 square feet of gross floor area or contain more than six bedrooms.
- (2) On a lot with a lot area of 10,000 square feet or more, the use must not exceed a floor area ratio of ~~0.6150~~ .57.

~~23-4~~ Gas Station

23-4 E-6170 Gas Station

- (A) **Screening-** A gas station must be screened from the thoroughfare by a building or a landscape buffer that includes shade trees in compliance with the standards of Division 23-4E-4 (~~Landscaping~~~~and Screening~~).
- (B) **Fuel dispensers.** No more than 16 fuel dispensers are allowed-.
- (C) **Vehicle Queue Lanes.** No more than eight vehicle queue lanes are allowed.

23-4 ~~E-41606180~~ General Retail w/ Outside Storage

- (A) **Applicability-** This Section applies to a general retail use with outside storage, such as a plant nursery or hardware store-.
- (B) **Site Development Standards.** The development standards of the base zone apply, except as provided below-.
 - (1) **Site Area.** Maximum one acre-.
 - (2) ~~Storage~~**All storage** areas for herbicides, pesticides, fertilizers, or other equipment, if any, must be shown on the Site Plan-.
 - (3) **Storage and Display of Hazardous Materials.** This Subsection applies to products that are required by the Environmental Protection Agency to be labeled "combustible", "corrosive", "danger", "flammable", "highly flammable", "poison", or "warning".
 - (a) Storage or display of a product is required to be:
 - (i) In an enclosed building; and
 - (ii) For a site larger than one acre, separated from property used or zoned for a residential use by at least 75 feet plus 20 feet for each acre of site area over one acre-.
 - (b) Total storage and display area:
 - (i) Is limited to 100 square feet for each acre, or portion of an acre, of site area; and
 - (ii) Must not exceed 1,000 square feet.
 - (c) A bulk storage area for soil, compost, or a similar product outside of an enclosed building:
 - (i) Must not exceed 10 percent of the site area;
 - (ii) Must be at least 25 feet from property used or zoned for a residential - use;
 - (iii) Must be screened from view from adjacent property used or zoned for a residential use; and

(iv) Must not cause noxious odors that are detectable from adjacent property used or zoned for a residential use.

23-4 **~~E-6170~~6190** **Group Home**

- (A) **Location Restrictions.** A group home <7 must not be located within a one-half mile radius of another group home-. This standard does not apply to a group home for persons 60 years of age or older-. The Council may waive this _standard-.
- (B) **Supervisory Personnel.** This Subsection prescribes limits to the number of supervisory personnel that can reside on site-.
 - (1) Maximum two supervisory personnel in a group home, <7 people.
 - (2) Maximum three supervisory personnel in a group home, 7-15 _people-.
 - (3) Maximum three supervisory personnel in a group home, _restricted-.

23-4 **~~E-6180~~6200** **Home Occupations**

- (A) A home occupation is a commercial use that is accessory to a residential use-. A home occupation must comply with the standards of this Section-.
- (B) A home occupation must be conducted entirely within the dwelling unit or an accessory structure-.
- (C) Participation in a home occupation is limited to occupants of the dwelling unit, except_ that one person who is not an occupant may participate in a medical, professional, administrative, or business office if off-street parking is available for that person, and up to three employees are allowed subject to approval of an Minor Use Permit.
- (D) The residential character of the lot and dwelling must be maintained-. A home occupation that requires a structural alteration of the dwelling to comply with a nonresidential construction code is prohibited. This prohibition does not apply to modifications needed to comply with accessibility requirements.
- (E) ~~The~~Limited sale of merchandise directly to ~~a customer~~customers on ~~the~~-premises is ~~prohibited~~ allowed with an Minor Use Permit and only between the hours of 9:00 a.m. and 5:00 p.m.
- (F) Equipment or materials associated with the home occupation must not be visible from locations off the premises.
- (G) A home occupation must not produce dust, glare, heat, noise, vibration, smoke, odor, fumes, electrical interference, or waste run-off outside the dwelling unit or garage.
- (H) Parking a commercial vehicle on ~~the premises or on~~-a thoroughfare adjacent to a residentially zoned property is prohibited. Parking a commercial vehicle on the premises of a residentially zoned property is prohibited unless the vehicle is screened from the street or housed in a garage conforming to residential standards.
- (I) Advertising a home occupation by a sign on the premises is prohibited, except as provided in compliance with Chapter 23-8 (Signage). Advertising the street address of a home occupation through signs, billboards, television, radio, or newspapers is prohibited-.
- (J)) Any use that complies with the standards of this Section is allowed as a home occupation, except for the following prohibited uses:

- (1) An activity requiring an H-occupancy in compliance with Division 23-11B-1 (Building Code); and
- (2) Adult oriented businesses;

- (3) Animal breeding;
- (4) Animal service/boarding;
- (5) Automobile repair;
- (6) Bar/nightclub (any kind);
- (7) Businesses involving the repair of any type of internal combustion engine, including equipment repair services~~;~~
- (8) Commercial services, no outside storage;
- (9) Commercial services, w/ ~~incidental~~incidental outside ~~storage~~;
- (10) Heavy equipment sales;
- (11) Hospital;
- (12) Medical services; ~~_~~
- (13) Personal services, restricted;
- (14) Recycling centers;
- (15) Rental outlets;
- (16) Restaurants (any kind); (17) Reverse vending; and
- (18) Salvage/junk yard~~;~~

23-4 E-61906210 Live/Work

- (A) **Purpose**~~-~~. This Section provides standards for the development of live/work units and for the reuse of existing residential~~, commercial, and industrial~~ buildings to accommodate live/work opportunities~~-~~.
- ~~(B) Types of Live/Work~~
 - ~~(1) **in Residential Non-Transect Zones and Transect Zones**. A live/work unit in residential ~~non-transect zones and transect~~ zones shall function predominantly as living space with limited work facilities~~-~~. The standards of this Section do not apply to ~~mixed use~~Mixed-Use developments~~-~~.~~
 - ~~(2) **Commercial and Industrial Non-Transect Zones**. A live/work unit in commercial and industrial non-transect zones shall function predominantly as work space with limited living facilities~~-~~. The standards of this Section do not apply to mixed-use developments~~-~~.~~
- (C) **Maximum Floor Area**. In all zones a live/work use must not exceed 5,000 square feet of gross floor area.

(D) **Limitations on Use.** The non-residential component of a live/work development shall only be a use allowed within the applicable zone. A live/work unit shall not be established or used in conjunction with any of the following activities:

- (1) Adult-oriented businesses;
- (2) Vehicle maintenance or repair (e.g., body or mechanical work, including boats and recreational vehicles), vehicle detailing and painting, upholstery, etc.);
- (3) Storage of flammable liquids or hazardous materials beyond that normally associated with a residential use;
- (4) Welding, machining, or any open flame work;
- (5) Medical marijuana dispensary; _
- (6) Outdoor storage of materials;

(4)

- (7) The use of welding equipment, fiberglass, or epoxy; and
- (8) Any other activity or use as determined by the Planning Director not to be compatible with residential activities and/or to have the possibility of affecting the health or safety of live/work unit residents because of the potential for the use to create dust, glare, heat, noise, vibration, smoke, odor, noxious ~~gasses~~gases, traffic, or other impacts, or would be hazardous because of materials, processes, products, or wastes.

(E) **Residential Density.** Live/work units shall not exceed the density in the ~~underlying~~base zone.

(F) **Occupancy Requirement.** The residential space within a live/work unit shall be occupied by at least one individual employed in the business conducted within the live/work ~~unit~~.

(G) Design Standards

~~(4)~~ **Floor Area Requirements**

~~(4)(1)~~ **Residential Non-Transect Zones and Transect Zones.** The floor area of the living space shall be at least 50 percent of the total floor area. All floor area other than that reserved for work space shall be reserved and regularly used for living ~~space~~.

~~(4)~~ **Commercial and Industrial Non-Transect Zones.** ~~The floor area of the working space shall be at least 50 percent of the total floor area. All floor area other than that reserved for living space shall be reserved and regularly used for work space.~~

(2) **Separation and Access.** Access to each live/work unit shall be provided from a public thoroughfare or common access areas, corridors, or halls~~.~~ The access to each unit shall be clearly separate from other live/work units or other uses within the building~~.~~

(3) **Location of Facilities for ~~Commercial or Industrial~~Non-Residential Activities.** A live/work unit ~~shall~~must be designed to accommodate commercial or light industrial uses as evidenced by the provision of flooring, interior storage, ventilation, and other physical improvements of the type commonly found in exclusively commercial or light industrial facilities used ~~for~~ the same work activity~~.~~

(a) ~~Residential Non-Transect Zones and Transect Zones.~~ Non-residential space may be incorporated into the ground floor or upper floors of a live/work unit in compliance with Subsection (G)(1)(a).

~~(4)~~ **Commercial and Industrial Non-Transect Zones.** ~~In compliance with Subsection (G) (1)(b), non-residential space shall be incorporated into the ground floor of a live/ work unit; the upper floors shall only be used for residential space.~~

- (4) **Integration of Living and Working Space.** Areas within a live/work unit that are designated as living space shall be an integral part of the live/work unit-. The living space of a live/work unit should be accessed by means of an interior connection from the work space, but may have exterior access if designed in compliance with ~~the~~ Division 23-11B-1- (Building Code).
 - (5) **Mixed Occupancy Building.** If a building contains mixed occupancies of live/work units and other nonresidential uses, occupancies other than live/work shall meet all applicable requirements for those uses, and proper occupancy separations shall be provided between the live/work units and other occupancies, as determined by the Building Official.
 - (6) **Signage.** All signage for live/work units shall be in compliance with Chapter 23-8 (Signage).
 - (7) **Parking.** Parking shall be provided in compliance with Division 23-4E-3 (Parking and Loading). The Development Services Director may modify parking requirements for the use of existing structures with limited parking-.
 - (8) **Landscaping.** All landscaping for live/work units shall be in compliance with Division 23-4E-4 (Landscape~~and Screening~~).
- (H) Operating Requirements**
- (1) **Sale or Rental of Portions of Unit.** No portion of a live/work unit may be separately rented or sold as a commercial or industrial space for any person not living in the premises or as a residential space for any person not working in the same unit-.

~~Manufacturing and Storage~~

- (2) **On-premises Sales.** On-premises sales of goods are limited to those produced within the live/work unit; provided, the retail sales activity shall be incidental to the primary production work within the unit-. These provisions shall allow occasional open studio programs and gallery shows-.
- (3) **Nonresident Employees.** Up to two persons who do not reside in the live/work unit may work in the unit, unless this employment is prohibited, expanded, or limited by a Conditional Use Permit-. The employment of three or more persons who do not reside in the live/work unit may be allowed, subject to Conditional Use Permit approval, based on an additional finding that the employment will not adversely affect parking and traffic conditions in the immediate vicinity of the unit.
- (4) **Client and Customer Visits.** Client and customer visits to live/work shall be compatible with adjacent ~~commercial or industrial uses, or adjacent~~ residentially zoned areas.
- (I) **Changes in Use-** No Live/Work unit shall be changed to exclusively a residential or commercial use in any building unless the residential or commercial use is allowed in the zone in which the building is located.
- (J)) **Required Findings.** Where a Conditional Use Permit is required for a live/work unit, approval shall require that the Development Services Director first make all of the following findings, in addition to meeting the requirements for Conditional Use Permit approval in Section 23-4B-1020 (Conditional Use Permits):
 - (1) The establishment of live/work units will not conflict with nor inhibit residential, commercial, or industrial uses in the area where the development is proposed;

- (2) The building containing live/work units and each live/work unit within the building has been designed to ensure that the units will function predominantly as residential with incidental work spaces; and
- (3) Any changes proposed to the exterior appearance of the building will be compatible with adjacent residential, commercial, or industrial ~~uses~~.

23-4**~~E-62006220~~ Manufacturing and Storage****(A) Additional Requirements for a Brewery/Winery/Distillery**

- (1) **Permit Requirements.** The sale of beer, ale, wine, or distilled liquor produced on-site for on-site consumption:
 - (a) Is ~~an~~ allowed use, if the use is at least 540 feet from any single-family residential use, as measured from lot line to lot line;
 - (b) Is a conditional use, if the use is less than 540 feet from any single-family residential use, as measured from lot line to lot line; and
 - ~~(c)~~ Must not exceed 33 percent or 5,000 square feet of the total floor area of the principal developed use, whichever is ~~less~~.

(e)

(2) Exceptions

- (a) Beer, ale, wine, or distilled liquor sold on-site may be consumed during a tour in an area exceeding 33 percent or 5,000 square feet of the total floor area of the principal developed use, whichever is less.
- (b) Beer, ale, wine, or distilled liquor sold on-site may be consumed in an area exceeding 33 percent or 5,000 square feet of the total floor area of the principal developed use, whichever is less, if the use is located in Airport Overlay zones AO- 1, AO-2, or AO-3.
- (c) The Planning Commission may increase the square footage allowed in compliance with Subsection (A)(1)(c) during the Conditional Use Permit approval process.

~~23-4 E-6210 Micro-Brewery/Micro-Distillery/Winery~~

~~(B) **Conditional Manufacturing and Storage - Light.** The following performance measures apply to light manufacturing and storage in Mixed-Use-Permit **Required**. A micro-brewery, micro-distillery, Main Street, or winery Regional Center Zones:~~

~~**(1) Lighting**~~

~~(a) Exterior lighting must be hooded or shielded so that is allowed in the base-zone requires light source is not directly visible to a Conditional Use Permit if they are located less than 540 feet from any single-family residential use, as measured.~~

~~(b) Lighting use to illuminate an off-street parking area, sign or other structure shall be arranged as to deflect light away from any adjoining property or from lot line to lot line public streets through fixture type, height, and location.~~

~~(B) **Maximum Tasting Area.** The area reserved for the sale and consumption of beer, ale, spirits or wine for on-site consumption shall not exceed 33 percent or 5,000-square feet of the total floor area of the micro-brewery, micro-distillery or winery use, whichever is less.~~

~~(C) **Exceptions**~~

~~(1) Beer, ale, spirits or wine sold on-site may be consumed in an area exceeding 33 percent or 5,000 square feet of the total floor area of the micro-brewery, micro-distillery or winery, whichever is less, if the micro-brewery, micro-distillery or winery is located in Airport Overlay zones AO-1, AO-2, or AO-3.~~

- ~~(2) The Planning Commission or Council may increase the square footage allowed in compliance with Subsection (B) during the Conditional Use Permit approval process.~~

(2) Noise and Vibration

- (a) A use must not produce any excessive noises or vibration beyond the property line.
- (b) The noise level of mechanical equipment or other activities associated with light manufacturing operations must not exceed 70 decibels when measured at the property line that is across the thoroughfare from or abutting a residential use.
- (3) **Odor.** Operations must not cause noxious or objectionable odors that are detectable from adjacent property used or zoned for a residential use.
- (4) **Outdoor Storage.** Any activity storing materials outdoors must construct an opaque fence to screen the ground-level view from any public right of way or of any residential use. Materials must not be piled or staked higher than the opaque fence.
- (5) **Loading Docks.** Where the site abuts a residential use, the building wall facing the lot shall not have any service door openings or loading docks oriented toward the residential use.

23-4 **E-62206230** **Mobile Food Sales**

- (A) **Applicability-** This Subsection applies to all mobile food establishments except those located on private property for three hours or less between the hours of 6:00 a.m. and 10:00 p.m.
- (B) **Permit Required.** Mobile food sales use operating in the public right-of-way must also comply with standards in Title 14 (Use of Streets and Public Property) in the City Code.
- (C) **Permit Not Required.** A Site Plan, Site Plan exemption, or Temporary Use Permit is not required for the operation of a mobile food establishment.
- (D) **Where Prohibited.** A mobile food establishment is not allowed:

- (1) On private property, except as provided in this Section;
 - (2) Within 50 feet of a lot with a building that contains both a residential and commercial use; or
 - (3) Within 20 feet of a restaurant with or without ~~alcohol~~.
- (E) **Operational Requirements.** A mobile food establishment must:
- (1) Be licensed by the Health Authority;
 - (2) Not operate between the hours of 3:00 a.m. and 6:00 a.m.;
 - (3) Not contain a drive-through; and
 - (4) Be located on the same site as a restaurant which serves food provided by the restaurant may only operate between the hours of 6:00 a.m. and 10:00 p.m. if the mobile food establishment is located 300 feet or less from property in a ~~Low to Medium Intensity Residential~~ House-Scale Zone.
- (F) **Noise.** The noise level of mechanical equipment or outside sound equipment used in association with a mobile food establishment must not exceed 70 decibels when measured at the property line that is across the thoroughfare from or abutting a residential use.
- (G) **Lighting.** Exterior lighting must be hooded or shielded so that the light source is not directly visible to a residential use.
- (H) **Signs.** Signs must be securely mounted to project no more than six inches from the exterior sides of the mobile food ~~establishment~~.
- (I) **Debris and Litter**
- (1) During business hours, the permit holder shall provide a trash receptacle for use by customers.
 - (2) The permit holder shall keep the area around the mobile food establishment clear of litter and debris at all times.
- (J) **Utilities**
- (1) A permanent water or wastewater connection is ~~prohibited~~.

- (2) Electrical service must be provided only by temporary service or other connection provided by an electric utility or an onboard generator.

~~(f) Additional Optional Restrictions in a Neighborhood Association Area~~

~~(1) Application Procedures~~

- ~~(a) **Eligible Applicant.** The following persons may submit an application to the Planning Director requesting that the Council require mobile food establishments in a Neighborhood Association Area:~~

~~(i) For an area with an adopted Neighborhood Plan, the Chair of the official Planning Area Contact Team, or an officer of a Neighborhood Association if there is no official Planning Area Contact Team.~~

~~(ii) For an area without an adopted Neighborhood Plan, an officer of a Neighborhood Association.~~

- ~~(b) **Review and Decision.** The Planning Director shall accept an application made under this Subsection during February of each year. The Council shall consider the applications annually and make a decision.~~

- ~~(c) **Notice and hearing.** Notice of a public hearing on the application by the Council is required in compliance with Section 23-2C-4040 (Type 2 Public Hearing Notice). In addition, the notice must be:~~

~~(i) In English and Spanish; and~~

~~(ii) Mailed to each mobile food establishment licensed by the Health Authority and each registered neighborhood association.~~

- ~~(d) The Planning Director shall maintain a map that depicts the areas to which this Subsection applies.~~

- ~~(e) The standards of this Section may be added to an ordinance zoning or rezoning property as a Neighborhood Plan Overlay Zone in compliance with Section 23-4D-7100 (Neighborhood Plan Overlay Zone).~~

- ~~(2) **Additional Minimum Distance Requirements.** A mobile food establishment must not be less than 50 feet from property in a Low to Medium Intensity Residential Zone or on which a residential use allowed in a Low to Medium Intensity Residential Zone is located.~~

~~(3) Additional Operational Requirements~~

- ~~(a) A mobile food establishment may operate between 6:00 a.m. and 10:00 p.m. if the mobile food establishment is more than 50 feet and less than 300 feet from a property in a Low to Medium Intensity Residential Zone.~~

- ~~(b) A mobile food establishment may operate between 6:00 a.m. and 3:00 a.m. if the mobile food establishment is more than 300 feet from a property in a Low to Medium Intensity Residential Zone.~~

- ~~(4) A mobile food establishment must comply with this Section within 60 days of the application approval or adoption of an ordinance rezoning the property to an NP Overlay Zone.~~

~~Ⓚ~~(K) The permit holder shall comply with the provisions of this Section-. The standards of this Section will be enforced in compliance with the enforcement provisions of Division 23-2J (Enforcement) as a Class C misdemeanor.

23-4 ~~E-62306240~~ Mobile Retail Sales

- (A) **Applicability.** This Section does not apply to a mobile food establishment defined in Article 23-2M (Definitions) or to a mobile retail establishment that is located on private property for three hours or less between the hours of 6:00 a.m. and 11:00 p.m.-.
- (B) **Permit Not Required-** A Site Plan, Site Plan exemption, or Temporary Use Permit is not required for the operation of a mobile retail sales use.
- ~~(C)~~ **Time Limit-** A mobile retail establishment must not remain at the same location for more than 180 consecutive days-.



(D) Application Procedure

- (1) A person shall not operate a mobile retail establishment until the Planning Director approves an application for the use in compliance with this ~~Section~~.
- (2) The Planning Director may approve establishment ~~Mobile Retail~~mobile retail use if all of the following is provided by the operator:
 - (a) The name and address of the mobile retail establishment owner;
 - (b) Proof of motor vehicle or trailer registration;
 - (c) A description of the items that the mobile retail establishment sells;
 - (d) Proof of sales tax;
 - (e) Proof of Texas Department of Licensing and Regulation license(s), if applicable for personal services use;
 - (f) An itinerary of the locations where sales occur;
 - (g) If at one location more than two hours, a written agreement from a business within 150 feet of the location to allow employees of the mobile retail establishment to use flushable restrooms or other facilities approved by the Health Authority during hours of operation;
 - (h) A fee, as established by separate ordinance; and
 - (i) Any other information reasonably required by the Planning Director to enforce this ~~Section~~.

- (E) **Items and Services to be Sold**~~-~~. An operator may only sell non-food retail items or ~~services~~. Mobile retail establishments must only sell items or services allowed under ~~a general retail, and personal service use~~. All sales items and supplies must be stored within the mobile unit.

(F) Location Requirements

- (1) A mobile retail establishment must be located minimum 50 feet from a lot with a building that contains both a residential and commercial use, except if located in a CC or DC Zone.

- (2) A mobile retail establishment must be minimum 50 feet from a ~~Low to Medium Intensity Residential~~ House- Scale Zone.
- (3) A mobile retail establishment must be located minimum 20 feet from a general retail or personal service use.
- (4) A mobile retail establishment must not be located within the right-of-way unless the mobile retail establishment obtains and possesses the permission required in compliance with Sections 14-8-2 (Permit Required; Waiver of Deadlines) and 14-9-21 (Street Vendor License Authorized) of the City Code.
- (5) A mobile retail establishment must not occupy or impede required parking for another use.

~~(5)~~

(G) Operational Requirements

- (1) A person shall not operate a mobile retail establishment between the hours of 11:00 p.m. and 6:00 a.m.
 - (2) A drive-through is not allowed.
 - (3) A person shall not place sales items, equipment, or supplies that are part of its operations outside of the allowed unit and shall conduct all of its operational activities within the mobile retail establishment.
- (H) **Lighting**. Exterior lighting must be hooded or shielded so that the light source is not directly visible to a residential use.
- (I) **Noise**. The noise level of mechanical equipment or outside sound equipment used in association with a mobile retail establishment must not exceed 70 decibels when measured at the property line that is across the thoroughfare from or abutting a residential use.
- (J)) **Signs**. A mobile retail establishment is limited to signs attached to the exterior of the mobile retail establishment. The signs:
- (1) Must be secured and mounted flat against the mobile retail establishment;
 - (2) Must not project more than six inches from the exterior of the mobile retail establishment;
 - (3) Must not use a flashing light source; and
 - (4) Must not use an LED message board.
- (K) **Debris and Litter**. During business hours a mobile retail establishment shall provide a trash receptacle for use by customers. The mobile retail establishment shall also keep the area around the mobile retail establishment clear of litter and debris at all times.
- (L) **Utilities**. A permanent water or wastewater connection is prohibited. Electrical service must be provided only by a temporary service or other connection provided by an electric utility or by an onboard generator.
- ~~(M)~~ **(M) Waste and Disposal**. An operator shall dispose of all waste generated by the mobile retail establishment in compliance with City Code standards.
- ~~(N)~~ **(N) Mobility**. An operator shall demonstrate that the vehicle or trailer is readily movable if requested by the Planning Director.

(O) Revocation and Appeal

- (1) The Planning Director may revoke an approved application granted in compliance with this Section if an operator provides false information on an application or commits repeated violations of applicable law-.
- (2) In determining whether to revoke an approved application, the Planning Director shall consider the frequency of any repeated violations, whether a violation was committed intentionally or knowingly, and any other information relevant to the degree to which an operator has endangered the public health, safety, or welfare-.
- (3) An operator may appeal the Planning Director's decision to revoke an approved application to the Planning Commission-.

- (4) An operator shall file an appeal in compliance with this Section with the Planning Director no later than the ~~20th day~~20 days following the date of the Planning Director's decision-. The appeal must be on a form approved by the Planning Director-.
- (5) After notice and public hearing, the Planning Commission shall either uphold or overturn the decision of the Planning Director-. In making its decision, the Planning Commission shall consider the criteria contained within this Section-. The Planning Commission's decision shall be final on this matter.
- (P) **Compliance Required; Offense.** An operator shall comply with this Section-. The standards of this Section will be enforced in compliance with the enforcement provisions of ~~Division~~Article 23-2J (Enforcement) as a Class C misdemeanor.

23-4 **E-~~6240~~6250** **Multi-Family**

- (A) **Screening.** A wall, hedge, or solid fence, not less than five feet in height, is required along a side lot line that adjoins a required ~~private~~-setback.
- (B) **Driveways**
 - (1) The width of a driveway that serves only one unit and that is located in the front setback of the lot must not exceed 50 percent of the lot width-.
 - (2) A driveway that serves more than one unit must not include more than 50 percent of the combined area of the required front setbacks of the units served by the driveway. The driveway must not have more than two points of vehicular access to a public thoroughfare-.
- (C) **Required Open Space**
 - (1) **Ten or more dwelling units-** A multi-family use with 10 or more dwelling units in a building constructed after the effective date of this ordinance must comply with the standards of ~~Subsection 23-3D-4050(G)~~ ~~(Private Section 23-4C-1030~~ (Common Open Space) except if:
 - (a) The development is located in:
 - (i) The University Neighborhood Overlay and the applicant elects to comply with Section 23-4D-~~71209150~~ (University Neighborhood Overlay Zone) of this Chapter;
 - (ii) The **CC Zone**; or
 - (iii) The DC Zone; and

(b) The development is certified under a local, state, or federal affordable housing program and located within ¼ mile safe pedestrian travel distance of an existing and developed public park or multi-use trail, measured from the boundary of the site to the nearest public entrance of the park or multi-use trail; ~~or~~

~~(c)~~(i) In evaluating safe pedestrian travel distances in compliance with Subsection ~~(C)~~(1)(b), consideration shall be given to factors affecting the suitability of the area for pedestrian travel, including physical or topographic barriers, traffic volumes, pedestrian crosswalks, and accessible routes compliant with the Americans with Disabilities Act.

Less than 10

- ~~(2) **Ten or more dwelling units-** A multi-family use with 10 units or less than 10 dwelling units must provide private personal open space in compliance with the standards requirements of this Subsection.~~
- ~~(a) The open space must be a minimum of five percent of the gross site area of the property.~~
- ~~(b) An area of private personal open space at ground level must contain at least 100 square feet and must not be less than 10 feet across in each direction.~~
- ~~(c) An area of private personal open space above ground level must contain at least 50 square feet and must not be less than five feet across in each direction.~~
- ~~(d)(2) The standards of this Subsection do not apply to a multi-family use located within a development that meets the standards in Subsection Table 23-4E-6260(A) of this Section. (Additional Standards for Multi-Family).~~

Table 23-4E-6260(A) Additional Standards for Multi-Family			
Open Space Type	Area (min.)		
Personal	5% of gross site area		
Area Requirements	Width (min.)	Depth (min.)	Area (min.)
Ground Level	10'	10'	100 sf
Above Ground	5'	5'	50 sf
Notes			
Personal open space requirement may be met by ground level personal open space, upper story balcony, or roof deck.			
Personal open space requirements shall not be met by open space provided in required front or side street setbacks.			
The standards of this Subsection do not apply to a multi-family use located within a development that meets the requirements of Subsection (C)(1)(a).			

23-4 E-6260 Performance Venue/Theater

(A) **Applicability.** This Section applies to performance venue/theater, indoor and performance venue/theater, outdoor uses.

(B) Alcohol as an Accessory Use

- (1) Incidental sale of alcohol as associated with the operations of the primary use is allowed, subject to the same permit requirements as the primary use.
- (2) Revenue from incidental alcohol sales is limited to 50 percent of gross revenue. If revenue of alcohol sales is more than 50 percent or more of gross revenue the use shall be considered a bar/nightclub.

23-4 E-6270 Recreation Indoor/Outdoor

(A) **Applicability.** This Section applies to recreation, indoor and recreation, outdoor uses.

(B) Alcohol as an Accessory Use

- (1) Incidental sale of alcohol as associated with the operations of the primary use is allowed, subject to the same permit requirements as the primary use.
- (2) Revenue from incidental alcohol sales is limited to 50 percent of gross revenue. If revenue of alcohol sales is more than 50 percent or more of gross revenue the use shall be considered a bar/nightclub.

~~(3) E-6280 Exceptions for Affordable Units. A multi-family use may qualify for a density bonus or other incentives if the project meets the applicable provisions of Chapter 23-3E (Affordable Housing).~~

23-4 E-6250 Recycling Center

- (A) ~~Frontage-~~ A recycling center site must have at least 150 feet of frontage on a public thoroughfare.

(B) **Outdoor Unloading Area-** An outdoor unloading area for recyclable materials must be at least 50 feet from a ~~CommercialMixed-Use~~ or ~~ResidentialMain Street Zone~~ or residential zone.

(C) **Screening-** The portion of a site used for truck maneuvering or the storage, ~~bailing~~baling, processing, or other handling of recyclable material must be enclosed by an 8-foot-tall solid fence or wall with a non-glare finish.

(D) Loading/Unloading Area

(1) A loading or unloading area or a truck maneuvering area must be paved.

(2) A facility operator shall keep the facility free of refuse and ~~putrescence~~putrescent materials.

(3) A facility operator shall not use chemical or heating processes on the recyclable materials.

23-4

~~E-62606290~~

Research and Development

~~(A) A research and development use must comply with the performance standards of Section 23-4D-7110 (Planned Development Area Overlay Zone).~~

- ~~(B)~~(A) If a research and development use is located in a CC or DC ~~zone~~Zone, the use must:
- (1) Be in a single-tenant building, not including any residential uses or ground floor pedestrian-oriented uses;
 - (2) Have a maximum height of 90 feet; and
 - (3) Not require Group H occupancy, in compliance with Division 23-11B-1 (Building - Code).

23-4 ~~E-6270~~E-6300 Restaurant, Late Night Operation

- (A) Late-Hours Permit. A restaurant operating late at night that requires a Late-Hours -Permit from the Texas Alcoholic Beverage Commission that is allowed by right in the—
~~(A)~~ base zone requires a Conditional Use Permit if it is not waived in compliance with Section 23-4B-1020(Conditional Use Permit).
- (B) On-Site Consumption. Restaurant, Late Night Operation must also comply with the requirements of Section 23-4E-6070 (Alcohol Sales).
- ~~(B)~~(C) Live Entertainment. Live entertainment is allowed if the amplified sound does not exceed 70 decibels, measured at the property line of the licensed premises-. In this Section, “premises” has the meaning ascribed to it in the Texas Alcoholic Beverage Code.
- ~~(C)~~(D) Verified Audit. The Building Official may order a verified audit that includes documents submitted to taxing authorities. A person’s failure to timely produce requested documents is prima facie evidence of a violation of this Section-.

~~23-4~~ ~~E-6280~~ Reverse Vending

~~(A) Site Development Standards~~

- ~~(1) A facility must be located in an enclosed structure or enclosable trailer, or be screened on three sides by a solid fence or wall not less than six feet high. This requirement does not apply to a single-feed reverse-vending machine.~~
- ~~(2) A facility must be at least 100 feet from an adjoining property that is a Low to Medium Intensity Residential Zone.~~

~~A sign that is visible to the public identifying the facility operator, its telephone number, its hours of operation, and the City of Austin Recycling Hotline telephone number is required.~~

School

(A) E-6310

~~(A) Storage and unloading areas must be paved.~~

~~(B) Operational Standards~~

~~(1) A facility operator shall exchange a trailer that contains a facility for another trailer when the facility reaches its capacity. The operator shall place a replacement trailer in the exact location of the trailer it replaced, unless the trailer is in the fenced boundaries of a drop-off recycling collection facility site.~~

~~(2) Storage containers that are marked to identify the materials to be deposited are required. Coverable containers for paper and plastic products are required for an unenclosed facility. A sign near the containers stating materials must only be deposited between the hours of 7:00 a.m. and 10:00 p.m. is required.~~

~~(3) A facility operator shall remove all deposited materials from the facility at least once a week or when the containers for a material are full.~~

- ~~(4) A facility operator shall not remove deposited materials between the hours of 8:00 p.m. and 8:00 a.m.~~
- ~~(5) A facility operator shall keep the facility free of refuse and putrescible materials.~~
- ~~(6) A facility operator shall not use power driven processing equipment at an unenclosed facility. This limitation does not apply to a bulk or single-feed reverse vending machine.~~
- ~~(7) A facility that shares a site with another use shall not be designed or operated to interfere with the off-street parking, shared parking, traffic circulation, or access required by the other use.~~
- ~~(C) Waiver. The operator may seek a waiver of a standard of Subsections (A) (B) from the Council. The waiver request must demonstrate that:~~
 - ~~(1) Compliance with the standard is an undue hardship on the applicant;~~
 - ~~(2) Waiver of the standard will not adversely affect surrounding properties; and~~
 - ~~(3) The facility substantially complies with standards of this Section.~~

23-4

E-6290 School

(A) Colleges, Universities or Private Schools

- (1) A site must be located on a thoroughfare that has a paved width of at least 40 feet from the site to where it connects with another thoroughfare that has a paved width of at least 40 feet.
- (2) If more than one dwelling unit is located on the site, the dwelling units must comply with the standards of this Title that are applicable to residential uses.

(B) Public Schools

- (1) **Applicability.** This Section applies to the development of a public primary or secondary school, including an open enrollment public charter school as defined under the Texas Education Code, except as provided in Subsection (C).
- (2) **Exempt from Standards.** Development described in Subsection (B)(1) is not required to comply with ~~the:~~
 - ~~(a) The standards of Chapter 23-4 (Zoning) limiting related to floor to area ratio, building placement, building entrance, frontages, parking placement, common open space, visual screening, connectivity, building design, and outdoor lighting.~~
 - ~~(b) The standards of Chapter 23-9 (Transportation) related to block length and internal circulation routes.~~
- (3) **Development Standards.** ~~Except as provided below, the~~The standards of the base zone apply. except as provided below or where governed by a current interlocal School District Land Development Standards Agreement, the standards of the base zone apply.
 - (a) ~~Setbacks.~~ Outside the boundaries of the Austin Independent School District, a public primary or secondary school ~~may~~**must** not be constructed closer than 25 feet from an adjoining residential use.
 - (b) Height within the boundaries of the Austin Independent School District ~~may~~**must** not exceed the lesser of:

Specific to

23-4E-
4310

- (i) 60 feet;
- (ii) 30 feet, if the facility is located within 50 feet of a ~~Low to Medium-Intensity Residential~~ House-Scale Zone or single-family use; or
- (iii) 40 feet, if the facility is located within 100 feet of a ~~Low to Medium-Intensity Residential~~ House-Scale Zone or a single-family use.

- (c) Height outside the boundaries of the Austin Independent School District ~~may~~must not exceed the lesser of:
 - (i) Two stories or 30 feet, if the facility is located within 50 feet of a ~~Low-to Medium Intensity Residential~~ House-Scale Zone of a single-family use; -or
 - (ii) Three stories or 40 feet, if the facility is located within 100 feet of a ~~Low-to Medium Intensity Residential~~ House-Scale Zone of a single-family - use.

(d) Recreational Use

- (i) An intensive recreational use associated with a public primary or secondary school outside the boundaries of the Austin Independent School District, including a swimming pool, tennis court, ball court, or playground, must not be constructed 50 feet or less from adjoining Residential House-Scale Zone.
- (ii) A multi-use trail is excluded from this Subsection.
- (e) Lighting. Exterior lighting must be hooded or shielded so that the light source is not directly visible from an adjoining Residential House-Scale Zone, except shielding is not required for security lighting.
- (f) Impervious Cover. Impervious cover limits are established by Section 23-3D-3110 (Impervious Cover Limits for Schools).
- (4) Additional Standards in the General Industrial (G+IG) Zone-** Within the General Industrial (G+IG) Zone, public elementary schools are prohibited and public secondary schools are limited to the senior high school level.
- (5) Fee Waivers-** Fees associated with the review of a Site Plan or Building Permit application required for public primary or secondary schools are waived.

(6) Neighborhood Traffic Analysis. The Planning Director shall conduct a neighborhood traffic analysis on a Site Plan or Building Permit for a public primary or secondary school.

(C) School District Development Agreements. Development of an independent school district school site may be governed by an agreement authorized by Section 212.902 of the Local Government Code. If the City and an independent school district have executed an agreement, the terms of that agreement supersede the requirements of this Title and the criteria manuals to the extent of conflict.

23-4 E-63006320 Senior/Retirement Housing

- (A) Building Standards-** Senior retirement housing facilities shall comply with the applicable standards established in Division 23-11B-1 (Building Code).
- (B) Registry with AHA-** The owner of a senior/retirement housing use shall register the use with the Austin Housing Authority and other local agencies that provide housing assistance to elderly or physically handicapped persons-
- (C) Additional Standards for Senior Housing/Retirement in an LDRR1B, R1C, R3B, or LMDR Zone-R3B Zones.** The standards of the base zone apply, unless provided in Table 23-4E-6290.6320(A) (Additional Standards for Senior/Retirement Housing) apply.

Table 23-4E-6290.A Additional Standards for Senior/Retirement Housing		
Requirement	LDR and LMDR Zone	MDR Zone
Site Area (Min.)	18,675-sf	10,500-sf
Unit Area (Min.)	6,225-sf	3,500-sf
Number of Units (Max.)	122	-
Parking	Not in front setback unless in the driveway	Not in front setback unless in the driveway

Table 23-4E-6320(A) Additional Standards for Senior/Retirement Housing		
Requireme	R1B, R1C, R3B, or R3B	RM1A
Site Area (Min.)	18,675 sf	10,500 sf
Unit Area (Min.)	6,225 sf	3,500 sf
Number of Units (Max.)	122	-
Parking	Not in front setback unless in the driveway	Not in front setback unless in the driveway

23-4 E-43106330 Short-termTerm Rental**(A) Type 1 Short-termTerm Rental Regulations**

- (1) A Type 1 Short-Term use is rented for periods of less than 30 consecutive days and is owner-occupied or is associated with an owner-occupied principal residential unit-.
- (2) A Type 1 Short-termTerm Rental use must not:
 - (a) Include the rental of less than an entire dwelling unit, unless all of the following conditions are met:
 - (i) A partial unit must at a minimum include the exclusive use of a sleeping room and shared use of a full bathroom;

- (ii) The owner resides at the licensed short-term rental property for the duration of any short-term rental of a partial unit;
- (iii) Maximum one partial unit at the property is simultaneously rented for any period less than 30 consecutive days; and
- (iv) Rental of the partial unit is limited to a single party of individuals;
- (b) Operate without a license as required by Subsection (D); ~~or~~
- (c) Operate without providing notification to renters as required by Subsection (E); or
- (d) Include a secondary dwelling unit or secondary apartment except as provided by Section 23-4E-6160 (Duplex), Section 23-4E-6030 (Accessory Dwelling Unit - Residential) and Section 23-4E-6040 (Accessory Dwelling Unit - Commercial).

(B) Type 2 Short-~~term~~Term Rental Regulations

- (1) A Type 2 Short-Term Rental use is rented for periods of less than 30 consecutive days, is not part of a multi-family residential use, and is not owner-occupied and is not associated with an owner-occupied principal residential unit.
- (2) A Type 2 Short-Term Rental use must not:
 - (a) Include the rental of less than an entire dwelling unit;
 - (b) Operate without a license as required by Subsection (D); ~~or~~
 - (c) Operate without providing notification to renters as required by Subsection (E); or
 - (d) Include a secondary dwelling unit or secondary apartment except as provided by Section 23-4E-6030 (Accessory Dwelling Unit - Residential) and Section 23-4E-6040 (Accessory Dwelling Unit - Commercial).
- (3) If a license for a Type 2 Short-Term Rental use meets the requirements for annual renewal under Subsection (D) and the property received a notice of violation related to the life, health, or public safety of the structure, the property is subject to an inspection every three years by the building official to determine if the structure poses a hazard to public health, safety and welfare.
- (4) A Type 2 Short-Term Rental use must not be located on a lot that is within 1,000 feet of a lot on which another Type 2 Short-Term Rental use is located, unless the license:
 - (a) Was issued on or before November 23, 2015;
 - (b) Has not been suspended after November 23, 2015; and
 - (c) Is renewed timely.

(C) Type 3 Short-~~term~~Term Rental Regulations

- (1) A Type 3 Short-Term Rental use is rented for periods of less than 30 consecutive days and is part of a multi-family residential use-.
- (2) A Type 3 Short-Term Rental use must not:
 - (a) Include the rental of less than an entire dwelling unit;
 - (b) Operate without a license as required by Subsection (D); or
 - (c) Operate without providing notification to renters as required by Subsection (E).

(D) License ~~requirements~~Requirements and ~~procedures~~Procedures

- (1) This Subsection applies to a license as required in compliance with Subsections (A)-(C), above.
- (2) To obtain a license, the owner of a short-term rental use shall submit an application on a form ~~provided for that purpose~~approved by the Housing Director-. The application must include the following:
 - ~~(a) A fee established by separate ordinance;~~
 - (a) A certification by the property owner and, if applicable, property manager that the property is not subject to outstanding City Code or state law violations;
 - (b) The name, street address, mailing address, and telephone number of the owner of the property;
 - (c) The name, street address, mailing address, and telephone number of athe local ~~responsible~~ contact for the property; required by Subsection (I);
 - (d) The street address of the short-term rental use;
 - (e) Proof of property insurance;
 - (f) Proof of payment of hotel occupancy taxes due as of the date of submission of the application; and
 - (g) Any other information requested by the Housing Director.

- (3) The Housing Director will issue a license in compliance with this Section if:
- (a) The application includes all information required in compliance with Subsection (D)(2);
 - (b) The proposed short-term rental use complies with the standards of Subsections (A)-(C) above;
 - (c) For a Type 2 Short-Term Rental use, no more than three percent of the single-family, detached residential units within the census tract of the property are ~~A~~ Type 2 Short-Term Rental use as determined by the Housing Director in compliance with Subsection (F); and
 - ~~(i) The structure has a valid Certificate of Occupancy or compliance, as required by Division 23-2H-4 (Certificates of Compliance and Occupancy); or~~
 - ~~(ii) The structure has been determined by the Building Official not to pose a hazard to public health, safety, and welfare, based on a minimum life-safety inspection;~~
 - (d) For a Type 3 Short-Term Rental located in a non-commercial zone, no more than three percent of the total number of dwelling units at the property and no more than three percent of the total number of dwelling units located within any building or detached structure at the property are a Type 3 or Type 2 Short-Term Rental use as determined by the Housing Director in compliance with Subsection (F); and
 - (i) The structure has a valid Certificate of Occupancy or Compliance, as required by Division 23-2I-4 (Certificates of Compliance and Occupancy) issued no more than ten years before the date the application is submitted to the Housing Director; or
 - (ii) The Building Official determined the structure does not pose a hazard to public health, safety, and welfare, based on a minimum life-safety inspection.

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- (d) For a Type 3 Short-Term Rental located in a non-Mixed-Use or Main Street Zone, no more than three percent of the total number of dwelling units at the property and no more than three percent of the total number of dwelling units located within any building or detached structure at the property are a Type 3 Short-Term Rental use as determined by the Housing Director in compliance with Subsection (F); and
- (i) The structure and the dwelling unit at issue have a valid Certificate of Occupancy or Compliance, as required by Division 23-2H-4 (Certificates of Compliance and Occupancy) issued no more than 10 years before the date the application is submitted to the Housing Director; or
 - (ii) ~~The~~ The Building Official determined the structure and the dwelling unit at issue ~~have been determined by the Building Official~~ does not to pose a hazard to public health, safety, and welfare, based on a minimum life-safety inspection.
- (e) For a Type 3 Short-Term Rental use located in a ~~commercial zone~~ Mixed-Use or Main Street Zone, no more than 25 percent of the total number of dwelling units at the property and no more than 25 percent of the total number of dwelling units located within any building or detached structure at the property are a Type 3 Short-Term Rental use as determined by the Housing Director in compliance with Subsection (F); and
- (i) The structure and the dwelling unit at issue have a valid Certificate of Occupancy or Compliance, as required by Division 23-2H-4 (Certificates of Compliance and Occupancy) issued no more than 10 years before the date the application is submitted to the Housing Director; or
 - (ii) ~~The~~ The Building Official determined the structure and the dwelling unit at issue ~~have been determined by the building official~~ does not to pose a hazard to public health, safety, and welfare, based on a minimum life-safety inspection.
- (f) If applicable, the Austin Water Utility determines the septic system complies with Chapter 15-5 (Private Sewage Facilities);
- (g) The property is not subject to outstanding City Code or state law violations;
- (h) The owner pays the required fees;
- (i) The owner does not meet the standards described in Subsection (
J); and (j) If applicable, the owner pays the fee required by
Subsection (K).
- (4) A license issued under this Subsection:
- (a) Is valid for a maximum of one year from the date of issuance, subject to a one- time extension of 30 days at the discretion of the Housing Director;
 - (b) ~~May~~ Must not be transferred by the property owner listed on the application and does not convey with a sale or transfer of the property; and
 - (c) Satisfies the requirement for a change of use permit from residential to short- term rental use.
- (5) ~~A~~ Except as otherwise provided in this Subsection, a license may be renewed annually if ~~the owner~~:

- (a) ~~Pays~~The licensee pays a renewal fee established by separate ordinance;
- (b) ~~Provides~~The licensee provides documentation showing that hotel occupancy taxes have been paid for the licensed unit as required by Section 11-2-4 (Quarterly Reports; Payments) for the previous year; ~~and~~

Provides

- (c) The licensee provides updates of any changes to the information required under Subsection (D)(2)-);
- ~~(d) An advertisement promoting the availability of a short-term rental property in violation of the City Code is prima facie evidence of a violation and may be grounds for denial, suspension, or revocation of a license.~~
- ~~(f) A person may advertise the availability of an unlicensed short-term rental, the advertisement of which is not grounds for license denial if the Housing Director determines all of the following:~~
- ~~(a) The person owns the property advertised or has obtained the owner's authorization to advertise the property for a short-term rental solely to gauge public interest in the property for a short-term rental use;~~
- ~~(b) The advertisement does not depict or describe availability of the property for uses or occupancy that would violate the City Code, except for the lack of a short-term rental license; and~~
- ~~(c) The property advertised is not in operation as a short-term rental.~~
- (d) The property is not subject to outstanding City Code or state law violations;
- (e) The licensee or operator does not meet the standards described in Subsection (J);
- (f) If applicable, the Building Official determined the structure does not to pose a hazard to life, health, or public safety; and
- (g) If applicable, the owner pays the fee required by Subsection (K).
- (6) The Housing Director may deny an application to renew a license if, on to the date the renewal application was submitted, the license for a short-term rental was suspended as authorized under Division 23-11B-5 (Maintenance Code).
- (7) After November 23, 2015, the Housing Director may not issue a license to operate a short-term rental use described in Subsection (B), except for an application received prior to September 17, 2015. In any event, the Housing Director may not issue a license pursuant to an application received after November 12, 2015.
- (8) The limitation in Subsection (D)(7) does not apply to an annual renewal authorized in Subsection (D)(5).
- (9) A violation of any provision in the City Code or other applicable law is grounds to deny, suspend, or revoke license.

(E) Notification Requirements

- (1) The Housing Director shall provide a packet of information with each license summarizing the restrictions applicable to the short-term rental use, including:
- (a) The name and contact information of the local ~~responsible~~ contact designated in the application;
- (b) Occupancy limits applicable under Subsection (FH);
- (c) Restrictions on noise applicable under ~~Chapter 9-2 (Noise and Amplified Sound)~~ Subsection (G)(1)-(G)(3), including limitations on the use of amplified sound;
- (d) Parking restrictions;
- (e) Trash collection schedule;
- (f) Information on relevant burn bans;

- (g) Information on relevant water restrictions;
 - (h) Information on applicable requirements of the Americans with Disabilities Act; and
 - (i) Other guidelines and requirements applicable to short-term rental uses.
- (2) The ~~applicant~~licensee or operator of a short-term rental use must provide renters with a ~~copy~~ of the information packet provided in Subsection (D)(2) above and post the ~~packet~~ conspicuously in the common area of each dwelling rental unit included in the registration.
- (3) The Housing Director shall mail notice of the contact information for the local ~~responsible~~ contact to all properties within 100 feet of the short-term rental use, at the ~~applicant~~licensee or operator's expense.

(F) Determination of Short-Term Rental Density

- (1) The Housing Director shall determine on an annual basis the total number of single-family, detached residential structures within each census tract and use that number to calculate the maximum number of licenses for Type 2 Short-Term Rentals that may be issued in compliance with Subsection (D).
- (2) The determination required in compliance with Subsection (F)(1) ~~must be~~ based on the most current utility records for each census tract within the zoning jurisdiction and ~~may~~ must not be revised until the next annual determination is made.
- (3) For a Type 3 Short-Term Rental use, the Housing Director shall determine based on active license records following receipt of an application that complies with the standards of Subsection (D)(2). whether issuance of the license would result in the short-term rental use of more than three percent of the total number of dwelling ~~short-term rental use of more than 3 percent of the total number of dwelling~~ units at the property or more than ~~3~~ three percent of the total number of dwelling units within any building or detached structure at the property.
- (4) For a Type 2 Short-Term Rental use one Type 2 Short-Term Rental license per census tract is allowed if no other property within the census tract is currently licensed as a Type 1 or Type 2 Short-Term Rental use and the use complies with all other license requirements, even if approval of a single Type 2 license in the census tract would otherwise exceed the density cap in compliance with Subsection (F)(1) or (F)(2) or fail to meet the standard of Subsection (D)(3)(c).
- (5) For a Type 3 Short-Term Rental use one Type Short-Term Rental license per property is allowed if no other dwelling unit or structure in the building or at the property is currently licensed as a Type 3 Short-Term Rental use and the use complies with all other license requirements, even if approval of a single Type 3 for the building or property would otherwise exceed the density cap in compliance with Subsection (F)(3) or fail to meet the standard of Subsection (D)(3)(d).

(G) General Requirements for Short-term Rentals

A licensee or guest of a short-term rental must not use or allow the use of sound equipment that produces sound in excess of 75 decibels at the property line between 10:00 a.m. and 10:00 p.m.

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- (1) ~~E-6320~~
 - (2) A licensee or guest of a short-term rental must not use or allow use of sound equipment that produces sound audible beyond the property line between 10:00 p.m. and 10:00 a.m.
 - (3) A licensee or guest of a short-term rental must not make or allow another to make noise or play a musical instrument audible to an adjacent business or residence between 10:30 p.m. and 7:00 a.m.
 - (4) If a Building Permit prohibiting occupancy of the structure is active, no person can occupy, for sleeping or living purposes, the structure until final inspections have been passed and the Building Permit is closed.

- (5) A licensee or operator must not advertise or promote or allow another to advertise or promote a short-term rental without including:
 - (a) The license number assigned by the City to the short-term rental; and
 - (b) The applicable occupancy limit for the short-term rental.
- (6) An owner, or a person in control of a dwelling, must not advertise or promote, or allow another to advertise or promote, the dwelling as a short-term rental if the dwelling is not licensed by the Housing Director as a short-term rental.

(H) Occupancy Limits for Short-Term Rentals

- (1) Unless a stricter limit applies, not more than two adults per bedroom plus two additional adults can be present in a short-term rental between 10:00 p.m. and 7:00 a.m.
- (2) A short-term rental is presumed to have two bedrooms, except as otherwise determined through an inspection approved by the Housing Director.
- (3) A licensee or guest must not use or allow another to use a short-term rental for an assembly between 10:00 p.m. and 7:00 a.m.
- (4) A licensee or guest must not use or allow another to use a short-term rental for an outside assembly of more than six adults between 7:00 a.m. and 10:00 p.m.
- (5) For purposes of this Section, an assembly includes a wedding, bachelor or bachelorette party, concert, sponsored event, or any similar group activity other than sleeping.
- (6) A short-term rental use must not be used by more than:
 - (a) Ten adults at one time, unless a stricter limit applies; or
 - (b) Six unrelated adults.

(I) Local Contacts

- (1) A licensee of a short-term rental use who does not reside within the Austin Metro Area must identify an individual or individuals to serve as local contacts and respond to emergency conditions.
- (2) A local contact designated under Subsection (A) must be present within the Austin Metro Area and be available to respond within two hours after being notified of an emergency by a guest of the short-term rental, by a city employee, or by an individual entitled to notice of the contact information under Subsection (E), during any 24-hour period.
- (3) If there is a change related to a local contact, the licensee must provide updated or new information to the Housing Director in writing within three business days.

(J) Repeat Offenses

- (1) If the Housing Director finds that the licensee or operator failed to comply with Subsection (G) or Subsection (H) at least twice in a 360 day period, the Housing Director may deny an application to renew a short-term rental license for a period of 360 days.
- (2) If the Housing Director finds that an owner or person in control of a property violated Subsection (G) at least twice in a 360 day period, the Housing Director may deny an application to renew a short-term rental license for a period of 360 days.

(3) If a property is the subject of repeated substantiated violations of City Code or state law during a 360 day period prior to applying for a license or renewing a license to operate a short-term rental, the Housing Director may deny the short-term rental license based on:

(a) The frequency of any repeated violations;

(b) Whether a violation was committed intentionally or knowingly; and

(c) Any other information that demonstrates the degree to which the owner or occupant has endangered public health, safety, or welfare.

(4) A licensee may appeal the Housing Director's decision to deny an application in compliance with the process in Division 23-11B-5 (Maintenance Code).

(K) Non-compliance Fees

(1) An applicant for a short-term rental license shall pay an additional fee if the application is submitted after the Housing Director sends a notice of violation or cites the person for operating a short-term rental without a license.

(2) An applicant that submits a request to renew a short-term rental license shall pay an additional fee if the request is submitted after the Housing Director sends a notice of violation or cites the person for operating with an expired short-term rental license.

(3) The fee described in this Subsection is set by a separate ordinance and be based on the City's cost to enforce the licensing requirements.

(L) Prima Facie Evidence of a Violation

(1) An advertisement promoting the availability of a short-term rental in violation of any City Code or state law requirement is prima facie evidence of a violation and is cause to issue an administrative citation for a violation of Subsections (G)(6) – (G)(8).

(2) A visual inspection of more than 10 adults by a city employee at a short-term rental is prima facie evidence of and is cause to issue an administrative citation for a violation of the occupancy limits of Subsection (H), except for a Type 1 Short-Term Rental use described in Subsection (A).

23-4

E-6340 Special Uses

(A) **Applicability.** This Section applies to a site if all of the following conditions are met:

- (1) The structure and land are zoned as a Historic Landmark (H) or Historic ~~Area~~District (HD) Overlay Zone;
- (2) The property is owned and operated by a non-profit entity;
- (3) The property is directly accessible from a thoroughfare with at least 40 feet of paving;
- (4) The site has at least one acre of contiguous land area;
- (5) At least 80 percent of the required parking is on site;
- (6) A single commercial use does not occupy more than 25 percent of the gross floor area;
- (7) Civic and public assembly uses occupy more than 25 percent of the gross floor area;

- (8) Civic and public assembly uses occupy at least 50 percent of the gross floor area; and
- (9) The property owner does not discriminate on the basis of race, color, religion, sex, national origin, sexual orientation, age, or physical disability in leasing the ~~property~~.

- (B) **Allowed with Conditional Use Permit.** If not otherwise permitted in the base zone, the following are allowed with a Conditional Use Permit on a site described in Subsection (A-):
- (1) Entertainment indoor;
 - (2) General retail;
 - (3) Library, museum, or public art gallery;
 - (4) Office, -general (non-medical); or
 - (5) Restaurant w/o alcohol-

23-4 **~~E-6330~~E-6350** **Sports or Events Arena**

- (A) **Location Restrictions.** A Sports or Events Arena is allowed only on:
- (1) City-owned land located within the area bounded on the north by the southern right-of-way of Riverside Drive, on the east by the western right-of-way of South First Street, on the south by the northern right-of-way of Barton Springs Road, and on the west by a line 1,500 feet west of and parallel to the western right-of-way of South First Street; or
 - (2) City-owned land located with the area bounded on the north by a line 650 feet north of and parallel to the northern right-of-way of Toomey Road, on the east by the western right-of-way of South Lamar Boulevard, on the south by northern right-of-way of Toomey Road, and on the west by a line 700 feet west of and parallel to the western right-of-way of South Lamar Boulevard-.
- (B) **Council Approval.** Council approval is required for a Site Plan for a Sports or Events Arena-. Approval of a Site Plan establishes the site development standards and waives standards that are inconsistent with the Site Plan, if any-
- (C) **Public Hearing.** A public hearing is required for each Site Plan considered in compliance with this Section-. The Planning Director shall give notice of the public hearing in compliance with Section 23-2C-4040 (Type 2 Public Hearing Notice).

~~E-6340~~

23-4 **E-6360** **Studio: art, dance, martial arts, music**

- (A) Applicability. This Section applies only to individual artist workshops.
- (B) Sales. Products may be produced for sale, but on-site sales are prohibited.
- (C) Noise
- (1) Noises generated from studio activity must not be audible to an adjacent residence between 7:30 p.m. and 9:00 a.m.
 - (2) The noise level of studio activity must not exceed 70 decibels, measured at the property line.
- (D) Employee Limit. No employees, other than owner/operation, are allowed for the workshop use.

23-4 **~~E-6370~~ Telecommunications**

(A) **Exempt.** A telecommunications tower used by a public agency exclusively for police, fire, emergency medical services, 911, or other public emergency communications is exempt from the standards of this Section.

(B) General Site Development Standards

- (1) A telecommunication tower may exceed the height restrictions of the base zone.
- (2) A telecommunication tower must be constructed in compliance with the most recent American National Standard Institute structural standards for steel antenna towers.

(C) Telecommunications Towers Allowed by Right in All Zones. A

telecommunication-

⌘ tower that complies with the standards of this Subsection is allowed in any zone, except as provided in Subsections (D)-(F).

- (1) The tower must be a replacement for a functioning:
 - (a) Utility pole or light standard within a utility easement or public right-of-way;

- (b) Recreation facility light pole; or
 - (c) Telecommunication tower.
- (2) The tower must be similar in appearance and function to the pole, standard, or tower that it replaces, except for the antennae.
- (3) The tower, including antenna array, must not exceed the height of either the original utility pole, light standard, or recreation facility pole by more than 10 feet or the original telecommunication tower and antenna array.
- (4) The tower must not obstruct a public sidewalk, public alley, or other public right-of-way.
- (D) **Telecommunications Allowed by Right in Some Zones.** A telecommunication tower in compliance with the standards of this Subsection is an allowed use in all zones except ~~Low to Medium Intensity Residential House-Scale Zones~~ or ~~ana~~ MHP Zone.
- (1) The tower must be located at least 200 feet from ~~ana~~ MHP Zone or a ~~Low to Medium Intensity Residential House-Scale Zone~~.
- (2) The tower, excluding antenna array, must not exceed the following height:
- (a) 75 feet, for a tower less than 250 feet from ~~ana~~ MHP Zone or a ~~Low to Medium Intensity Residential House-Scale Zone~~;
 - (b) 100 feet, for a tower at least 250, but less than 540, feet from ~~ana~~ MHP Zone or a ~~Low to Medium Intensity Residential House-Scale Zone~~; or
 - (c) 120 feet, for a tower 540 feet or more from ~~ana~~ MHP Zone or a ~~Low to Medium Intensity Residential House-Scale Zone~~.
- (E) **Telecommunications Allowed with a Conditional Use Permit in Some Zones.** A telecommunications tower that is not an allowed use in compliance with Subsection (D) is allowed with a Conditional Use Permit in all zones except ~~Low to Medium Intensity Residential House-Scale Zones~~, or an MHP Zone, if the tower complies with the standards of this Subsection.
- (1) The tower must be located at least 75 feet from ~~ana~~ MHP Zone or a ~~Low to Medium Intensity Residential House-Scale Zone~~.

(1)

- (2) The tower, excluding antenna array, must not exceed the following height:
- (a) 75 feet for a tower less than 100 feet from ana MHP Zone or a Low to Medium Intensity Residential House- Scale Zone;
 - (b) 100 feet, for a tower at least 100, but less than 200, feet from ana MHP Zone or a Low to Medium Intensity Residential House-Scale Zone;
 - (c) 120 feet, for a tower at least 200, but less than 300, feet from ana MHP Zone or a Low to Medium Intensity Residential House-Scale Zone; or
 - (d) A height set by the Land Use Commission, for a tower 300 feet or more from ana MHP Zone or a Low to Medium Intensity Residential House-Scale Zone.

(F) **Site Development Standards for Certain Telecommunication Towers-**

A telecommunication tower described in Subsections (D) or (E) must comply with the standards of this Subsection-

- (1) The tower must not be located:
 - (a) On or within 300 feet of property that is zoned as Historic Landmark (H) or Historic ~~Area~~District (HD) Overlay Zone or included in a National Register ~~-District;~~ ;
 - (b) Within 50 feet of a ~~day-care~~Day Care (commercial) use; or
 - (c) Within 50 feet of a residential dwelling unit-
- (2) The tower must be of monopole construction and designed to accommodate at least two antenna array-
- (3) The antenna array must not exceed tower height by more than 10 feet-
- (4) Guys and guy anchors must be at least 20 feet from adjoining property-
- (5) The tower must be enclosed by security fencing and screened from thoroughfare view by landscaping at least six feet high-
- (6) The tower must be identified by a sign visible from outside the screened area. The sign must state in letters at least two inches high, the name and telephone number of the ~~tower manager~~Tower Manager and the Federal Communications Commission license number-
- (7) The distance from a tower to a zone is measured along a straight line from the center of the tower base to the nearest property line of the zone.

(G) **Excluded Properties by Zone.** In this Section, a reference to ~~an~~ MHP Zone or a ~~Low to Medium Intensity Residential~~ House-Scale Zone does not include property that- is:

- (1) Vacant and/or unplatted;
- (2) Used for a public or private primary or secondary school;
- (3) Used for a college or university;
- (4) Owned by The United States, the State of Texas, a county, or the ~~-City;~~
- (5) Used primarily for religious assembly;
- (6) Used for a cemetery; or
- (7) Used for a non-residential, nonconforming use-

(7)

(H) Special Standards

- (1) An application to construct a telecommunication tower described in Subsections (D) or (E) must be accompanied by an affidavit that includes:
 - (a) A description of the search area for the tower location;
 - (b) The elevation required for the antenna array; and
 - (c) The reasons that the antenna array cannot be located on an existing tower or other structure-
- (2) An applicant who prepares an affidavit required by Subsection (H)(1) shall record the name and address of each person the applicant contacts in attempting to locate the antenna array on an existing tower or other structure. If requested by the City Manager, the applicant shall disclose to the City Manager the recorded information-

- (3) This Subsection applies if a telecommunication tower described in this Section ceases to be used for telecommunications-.
 - (a) The tower owner and the property owner shall notify the Planning Director that the tower is not being used for telecommunications within 30 days of the cessation of use-.
 - (b) If the tower is not used for telecommunications for a continuous one year period, the tower owner and the property owner shall remove the tower-. The tower owner and the property owner shall finish the tower removal within ~~18 months~~540 days of the date that wireless communications cease-.
- (4) The Planning Director shall maintain a map of all telecommunication towers located within the planning jurisdiction-.

23-4 E-6380 Work/Live

- (A) **Purpose.** This Section provides standards for the development of work/live units and for the reuse of existing residential, commercial, and industrial buildings to accommodate work/live opportunities.
- (B) **Work/Live in Mixed-Use, Main Street, Regional Center, and Commercial and Industrial Zones.** A work/live unit in commercial and industrial zones must function predominantly as work space with limited living facilities. The standards of this Section do not apply to Mixed-Use developments.
- (C) **Maximum Floor Area.** In all zones a work/live use must not exceed 5,000 square feet of gross floor area.
- (D) **Limitations on Use.** The non-residential component of a work/live development must only be a use allowed within the applicable zone. A work/live unit shall not be established or used in conjunction with any of the following activities:
 - (1) Adult-oriented businesses;
 - (2) Vehicle maintenance or repair (e.g., body or mechanical work, including, but not limited to, boats and recreational vehicles), vehicle detailing and painting, upholstery, etc.);

(4)

- (3) Storage of flammable liquids or hazardous materials beyond that normally associated with a commercial use;
- (4) Medical marijuana dispensary;
- (5) Outdoor storage of materials; and
- (6) Any other activity or use as determined by the Planning Director not to be compatible with adjacent Mixed-Use or Main Street, Regional Center, or Commercial and Industrial activities and/or to have the possibility of affecting the health or safety of work/live unit residents because of the potential for the use to create dust, glare, heat, noise, vibration, smoke, odor, noxious gases, traffic, or other impacts, or would be hazardous because of materials, processes, products, or wastes.

(E) Residential Density

- (1) The density of the base zone apply to the live portion of the work/live units.
- (2) When there is no base zone density, allowed density shall be the average density of the nearest adjacent residential uses.

(F) Occupancy Requirement. The residential space within a work/live unit shall be occupied by at least one individual employed in the business conducted within the work/live unit.

(G) Design Standards

Floor Area Requirements. The floor area of the working space shall be at least 50 percent of the total floor area. All floor area other than that reserved for living space shall be reserved and regularly used for work

23-5 E-6350 Two-Family Residential

~~(A) **Development Standards.** The development standards of the base zone apply, except as provided in Table 23-4E-6350(A) (Development Standards for a Two-Family Residential Use).~~

Table 23-4E-6350(A) Development Standards for a Two-Family Residential Use	
Requireme	Standar
Site Area	Min . 7,000-sf
Lot Area	Min . 3,000-sf
Lot Width	Min . 25-ft
Impervious Cover	Max . 45%
Building Coverage	Max . 40%
Building Height	The lesser of 30 ft or 2 stories
Floor Area	Max. 850-sf total or 550-sf on a second floor
Tandem Parking space	Max. 1 space behind a required parking space

~~(B) The two-family units are subject to the following standards:~~

- ~~(1)(3) The two units must have a common floor and ceiling or a common wall, which may be a common garage wall, that:

 - ~~(a) Extends for at least 50 percent of the maximum depth of the building, as measured from the front to the rear of the lot; and~~
 - ~~(b) Maintains a straight line for a minimum of four foot intervals or segments.~~~~
- ~~(2) The two units must have a common roof.~~
- ~~(3) At least one of the two units must have a front porch that faces the front~~

~~thoroughfare and an entry to the dwelling unit, except that units located on a corner lot must each have a front porch that faces a separate thoroughfare and an entry to the dwelling unit.~~

~~(4) The two units must not be separated by a breezeway, carport, or other open building element.~~

~~(C) Additional requirements in the LMDR Zone~~

- ~~(1)(4) On a lot with a lot area of less than 10,000 square feet, the use must not exceed 4,000 square feet of gross floor area or contain more than six bedrooms.~~
- ~~(2) On a lot with a lot area of 10,000 square feet or more, the use must not exceed a floor area ratio of 0.57.~~
- (1) space.
- (2) **Separation and Access.** Access to each work/live unit shall be provided from a public thoroughfare or common access areas, corridors, or halls. The access to each unit shall be clearly separate from other live/work units or other uses within the building.
- (3) **Location of Facilities for Commercial or Industrial Activities.** A work/live unit must be designed to accommodate commercial or light industrial uses as evidenced by the provision of flooring, interior storage, ventilation, and other physical improvements of the type commonly found in exclusively commercial or light industrial facilities used for the same work activity.
- (a) In compliance with Subsection (G)(1), non-residential space shall be incorporated into the ground floor of a work/live unit; the upper floors shall only be used for residential space.
- (4) **Integration of Living and Working Space.** Areas within a work/live unit that are designated as living space must be an integral part of the work/live unit. The living space of a work/live unit should be accessed by means of an interior connection from the work space, but may have exterior access if designed in compliance with the Division 23-11B-1 (Building Code).
- (5) **Mixed Occupancy Building.** If a building contains mixed occupancies of work/live units and other nonresidential uses, occupancies other than work/live shall meet all applicable requirements for those uses, and proper occupancy separations shall be provided between the work/live units and other occupancies, as determined by the Building Official.

- (6) **Signage.** All signage for work/live units shall be in compliance with Chapter 23-8 (Signage).
- (7) **Parking.** Parking shall be in compliance with Division 23-4E-3 (Parking and Loading). The Development Services Director may modify parking requirements for the use of existing structures with limited parking.
- (8) **Landscaping.** All landscaping for work/live units shall be in compliance with Division 23-4E-4 (Landscape).

(H) Operating Requirements

- (1) **Sale or Rental of Portions of Unit.** No portion of a work/live unit may be separately rented or sold as a commercial or industrial space for any person not living in the premises or as a residential space for any person not working in the same unit.
 - (2) **On-premises Sales.** On-premises sales of goods are limited to those produced within the work/live unit; provided, the retail sales activity shall be incidental to the primary production work within the unit. These provisions shall allow occasional open studio programs and gallery shows.
 - (3) **Nonresident Employees.** Up to two persons who do not reside in the work/live unit may work in the unit, unless this employment is prohibited, expanded, or limited by a Conditional Use Permit. The employment of three or more persons who do not reside in the work/live unit may be allowed, subject to Conditional Use Permit approval, based on an additional finding that the employment will not adversely affect parking and traffic conditions in the immediate vicinity of the unit.
 - (4) **Client and Customer Visits.** Client and customer visits to work/live shall be compatible with adjacent commercial or industrial uses, or adjacent to residentially zoned areas.
- (I) **Changes in Use.** No work/live unit shall be changed to exclusively a residential or commercial use in any building unless the residential or commercial use is allowed in the zone in which the building is located.
- (J) **Required Findings.** Where a Conditional Use Permit is required for a work/live unit, approval shall require that the Development Services Director first make all of the following findings, in addition to meeting the requirements for Conditional Use Permit approval in Section 23-4B-1020 (Conditional Use Permit):
- (1) The establishment of work/live units will not conflict with nor inhibit commercial, or industrial uses in the area where the development is proposed;
 - (2) The building containing work/live units and each work/live unit within the building has been designed to ensure that the units will function predominantly as commercial with incidental residential spaces; and
 - (3) Any changes proposed to the exterior appearance of the building will be compatible with adjacent commercial or industrial uses.

Division 23-4E-7: Additional General Standards

Contents

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23-4E-7010 Intent

This Division expands upon the zoning standards of [Article 23-4D \(Specific to Zones\)](#) by addressing additional details of site planning, development design, and the operation of land uses. The intent of these standards is to ensure that proposed development is compatible with existing and future development on neighboring properties, and produces an environment of desirable character, consistent with the Comprehensive Plan.

23-4E-7020 Applicability

The standards of this Division apply to all proposed development and new land uses, except as specified in ~~Article 23-2H (Nonconforming Uses and Structures)~~ [2G \(Nonconformity\)](#), and will be considered in combination with the standards for the applicable zone and standards in [Article 23-4D \(Specific to Zones\)](#).

23-4 E-7030 Development near a Hazardous Pipeline

(A) **Restrictions on Uses near a Hazardous Pipeline.** A use requiring evacuation assistance is prohibited in a structure intended for human occupancy that is located within 500 feet of a hazardous pipeline. ~~This~~After receiving a recommendation from the Fire Chief, if the Council determines the following, this prohibition does not apply to a structure that is located at least 200 feet from a hazardous pipeline:
~~at least 200 feet from a hazardous pipeline if the Council determines, after receiving a recommendation from the Fire Chief, that:~~

- (1) The structure has a performance-based design that provides an adequate time period for occupant evacuation to a safe place in the event of a pipeline leak or fire associated with the pipeline, after considering:
 - (a) The standards of [Division 23-11B-7 \(Fire Code\)](#) and the 2000 edition of the National Fire Protection Association 101 Life Safety Code;
 - (b) The site and structure design;
 - (c) The structure’s building materials;
 - (d) The structure’s distance from the pipeline;
 - (e) The use of radiant energy barriers;
 - (f) Access to the site and the structure by emergency responders;
 - (g) Available on-site resources for emergency responders;
 - (h) The topography and other natural features;
 - (i) The use of the structure; and
 - (j) The evacuation capability of the ~~occupants;~~ and
- (2) The structure incorporates a system for the early detection and notification of a pipeline leak, if the Fire Chief determines that an appropriate system is commercially available; and
- (3) The performance-based design for occupant evacuation and the early detection and notification system are certified and sealed by an engineer registered in Texas.

(B) Restrictions on Development near a Hazardous Pipeline

- (1) New construction, as defined in [Article 23-2M \(Definitions and Measurements\)](#), within 200 feet of a hazardous pipeline is prohibited, unless the Fire Chief determines that:
 - (a) The new construction has a performance-based design that provides a minimum one-hour time period for occupant evacuation to a safe place in the event of a pipeline leak or a fire associated with the pipeline, in compliance with [Division 23- 11B-7 \(Fire Code\)](#) or the 2000 edition of the National Fire Protection Association -101 Life Safety Code; and
 - (b) The new construction incorporates a system for the early detection and notification of a pipeline leak, if the Fire Chief determines that an appropriate system is commercially available; and
 - (c) The performance-based design for occupant evacuation and the early detection and notification system are certified and sealed by an engineer registered in Texas; or
 - (d) The new construction complies with the standards for construction near a pipeline prescribed by the Fire Criteria Manual.

- (2) Structures or excavation are prohibited within a restricted pipeline area with exception of the following:
 - (a) The pipeline or an appurtenance;
 - (b) A facility that produces, consumes, processes, or stores the product transported by the pipeline, including a power generation facility;
 - (c) A utility line that crosses the restricted pipeline area, including an appurtenance to the line;
 - (d) A utility service connection;
 - (e) A throughfare;
 - (f) A surface parking lot; or
 - (g) A structure or excavation that the Development Services Director determines does not disturb the pipeline or impede its operation.
- (3) Before a person may place a throughfare, surface parking lot, or utility line in a restricted pipeline area, the person shall deliver to the Development Services Director a certification by an engineer registered in Texas stating that the proposed construction activity and structure are designed to prevent disturbing the pipeline or impeding its operation.

23-4 E-7040 Dwelling Unit Occupancy Limit

- (A) ~~Maximum Occupancy— in a Single-Family Residential Use.~~ Maximum six unrelated adults may reside in a dwelling unit, unless otherwise provided in this Section, ~~and with the exceptions as follows:~~
- (1) Maximum 10 unrelated adults may reside in a dwelling unit if:
 - (a) At least 51 percent of the adults are 60 years of age or older;
 - (b) The adults are self-caring and self-sufficient and participate in the daily operation of the dwelling unit; or
 - (c) The adults live together as a single, non-profit housekeeping unit.
- (B) ~~Maximum Occupancy in a Two-Family Residential Use.~~ ~~Maximum Duplex. A maximum of~~ three unrelated adults, ~~unless otherwise provided in this Section,~~ may reside in each unit of a two-family residential useduplex, except this Subsection does not apply to:
- (1) Uses that were established or received a Building Permit before June 5, 2003 and have not been remodeled after June 5, 2003 to increase gross floor area more than 69 square feet unless to complete construction authorized before that date or to comply with the American Disabilities Act.

(C) Occupancy Limits in Certain Zones

(1) Except as provided in Subsection (C)(2) for a single family residential or duplex use, a maximum of four unrelated adults may reside in a structure, in the following zones:

(a) Lake Austin Residence (LA) Zone;

(b) Rural Residential (RR) Zone;

(c) Residential 1C (R1C) Zone;

(d) Residential 2A (R2A) Zone;

(e) Residential 2C (R2C)

Zone; (f) Residential 2E

(R2E) Zone;

(g) Residential 3A (R3A) Zone;

(h) Residential 3C (R3C) Zone; and

(i) Residential 4C (R4C) Zone.

(2) The requirements of this Subsection do not apply if:

(a) Before March 31, 2014 a Building Permit was issued for the unit or the use was established; and

(b) After March 31, 2014:

(i) The gross floor area does not increase more than 69 square feet, except to complete construction authorized before March 31, 2014 or to comply with the American with Disabilities Act, or

(ii) Any interior remodel that requires a Building Permit does not result in additional sleeping rooms.

(3) A structure located on a site exempt from these standards under Subsection (C)(2) that is partially or totally destroyed by a natural disaster, act of god, or fire does not become subject to this Subsection, if a Building Permit to repair or reconstruct the structure is applied for within one year of the date of the partial or total destruction.

~~(C) Maximum Occupancy for a Site with an Accessory Dwelling Unit or Secondary Apartment Special Use.~~ Maximum ~~four unrelated adults may reside in the principal structure and maximum~~ two unrelated adults may reside in the accessory dwelling ~~unit or secondary apartment, except this Subsection~~ unit. This maximum does not apply to uses that were

~~(D)~~ established or received a Building Permit before November 18, 2004_ and have not been remodeled after November 18, 2004 to increase gross floor area more than 69 square feet unless to complete construction authorized before that date or to comply with the American ~~Disabilities~~_ Act.

~~(D) Maximum Occupancy Senior/Retirement Housing or Group Residential.~~

~~(1) Conditional Use Permit. Maximum 10 unrelated adults may reside in a dwelling unit if:~~

~~(a) At least 51 percent of the adults are 60 years of age or older;~~

~~(b) The adults are self-caring and self-sufficient and participate in the daily operation of the dwelling unit; or~~

~~(c) The adults live together as a single, non-profit housekeeping unit.~~

~~(2)(E)~~ The Land Use Commission may approve a Conditional Use Permit to allow

the occupancy of unrelated adults in excess of this ~~Subsection~~Section.

23-4 E-7050 Encroachments

- (A) **Encroachment Prohibited.** A required setback must be open and unobstructed from finished grade to the sky, except as otherwise provided in this Section.
- (B) **Encroachments into Required Setback.** The following encroachments are allowed:

(B) -

- (1) A window sill, belt course, cornice, flue, chimney, eave, box window, or cantilevered bay window may project maximum two feet into a required setback. The two-foot limitation does not apply to a feature required for a passive energy design.
- (2) Uncovered steps or a porch or stoop that are a maximum of three feet above ground level may project a maximum of three feet into a required_ setback.
- (3) A parking area may be located in a required setback, which is otherwise prohibited by the base zone.
- (4) In a residential zone, a pool, including a swimming pool, reflecting pool, or fountain, may be located in a required internal side or rear setback.
- (5) Landscaping may be located in a required setback.
- (6) In a ~~Medium to High Density Residential~~ Multi-Unit Zone or ~~Low to Medium Intensity Residential~~ House-Scale Zone, a covered porch that is open on three sides may project up to a maximum of five feet into a required front setback.
- (7) A ramp for a new or an existing single-family or ~~two-family residential duplex~~ use may be constructed in a required setback if:
 - (a) A person with a disability requires access to a dwelling entrance that meets ~~the standards of~~ Section Division 23-11B-11 (Residential Code), Section R320.6 (Visible Dwelling Entrance);
 - (b) The ramp is maximum 48 inches wide, the landing is maximum 60 inches, does not have a roof or walls, and the Building Official determines the ramp will not pose a threat to public health and safety; or
 - (c) The encroachment into the required setback is the minimum amount necessary to provide access, does not extend more than three feet into a side setback, and is not located in a rear setback unless the unit is on a corner lot or accessible from a ~~rear~~ alley.

(C) Encroachments Above Maximum Height

- (1) **Applicability.** This Subsection applies to parapet walls, chimneys, vents, and mechanical or safety features including fire towers, guard rails, stairways, elevator penthouses, heating or cooling equipment, solar installations, and protective covers; and ornamental towers, cupolas, domes, and spires that are not designed for occupancy.
- (2) **Encroachment Allowed.** A structure described in this Subsection may exceed a base zone height limit by the greater of:
 - (a) 15 percent;
 - (b) The amount necessary to comply with ~~a federal~~ Federal or ~~state~~ regulation State standards;
 - (c) For a stack or vent, the amount necessary to comply with generally accepted engineering ~~standards~~; ~~or~~
 - (d) For a spire, 30 percent; ~~;~~ or

~~Pedestrian-Oriented Uses~~
~~Fences and Walls~~

- (e) The height of a home radio or television receiving antenna or a flagpole may not exceed the lesser of:
 - (i) 50 feet; ~~or~~
 - (ii) ~~if~~ attached to a building, 25 feet above the building; or
 - (iii) ~~if~~ located on the ground, 125 percent of the ~~zoning-district~~base zone height ~~_~~limit.
- (3) A radio tower operated by a licensed amateur radio operator may not exceed a height of 60 feet plus 15 feet for antennae. The Land Use Commission may approve a greater height subject to a Conditional Use Permit.
- (4) An antenna located on a building in a non-residential ~~zoning-district~~zone may exceed the ~~zoning-district~~base zone height limit by not more than 20 feet.
- (5) A fly tower that is constructed within a performing arts theater that seats 300 or more people may be up to 80 feet in height, regardless of the base zone height limit. The fly tower must be:
 - (a) Located on land owned by the City ~~of Austin~~; and
 - (b) Designed and used for moving set pieces, lights, microphones, and other equipment on and off stage.

~~23-4~~ ~~E-7060~~ ~~Pedestrian-Oriented Uses~~

~~(A) 23-4~~ ~~A pedestrian-oriented use serves the public by providing goods or services,~~Fences and Walls ~~and includes the following uses:~~Walls

~~(A) Library, Museum, or public art gallery;~~Fences and Walls Allowed. ~~Fences and walls are allowed in any zone, subject to the requirements of this Section.~~

~~(1)~~ Maximum Height. A fence or wall must comply

~~(2) General retail w/ onsite production;~~

~~(3) Bar/nightclub;~~

~~(4) Business and financial/professional services;~~

~~(5) Day care (small, large, or commercial);~~

~~(6)~~ Food sales;

~~(7) General retail;~~

~~(8) Hotel/Motel;~~

~~(9) Park/playgrounds;~~

~~(10) Residential uses;~~

~~(B) Restaurants with the following maximum height standards:~~

~~(1) Four feet, if within a front setback;~~

~~(2) Six feet, if within a street side or interior side setback; or~~

~~(3) Eight feet, outside of a required setback.~~

~~(C) Exceptions without alcohol sales and without drive-through service~~

~~(1) Along an interior or rear property line, the maximum height for a fence or wall~~

is eight feet if:

~~(11)(a) Each owner of adjacent properties files a written consent for the construction of the fence with the Building Official; and~~

~~(12) Other uses as determined by the Land Use Commission.~~

(b) There is a change in grade of at least two feet within 50 feet of the boundary between the adjoining properties or a structure exists that is reasonably likely to enable a child to climb over a six foot fence and gain access to a hazardous situation, such as a swimming pool.

(2) Within a required setback, the maximum height for a fence or wall is eight feet if it is located between a residential use and property located in a Mixed-use, Main Street or, Commercial and Industrial Zone or a residential use and an alley that separates the residential use from a property located in a Mixed-use, Main Street, or Commercial and Industrial Zone .

(D) **Regulated Materials.** The following materials are prohibited on fences and walls:

- ~~(1) Razor or concertina wire unless approved by a Conditional Use Permit;~~
- ~~(2) Chain link fencing within a front or side street setback.~~
- ~~(3) In residential zones, no barbed wire shall be used or maintained as part of or on any fence, wall, or hedge located along the front, side or rear lines of any lot, or within three feet of said lines, and no sharp wire or points shall project at the top of any fence or wall less than six feet in height.~~
- ~~(4) No electrified fences shall be permitted, regardless of location.~~

23-4 E-7070 Setback Exceptions

- (A) **Front Setback Standards for Certain Residential Uses.** Front setbacks for a single-family, ~~two-family duplex~~, or accessory dwelling unit is the ~~lesser~~ of:

(1) The front setback standard of the base zone;

(2) For an interior lot:

- (a) If the lots on both sides of an interior lot are legally developed, the minimum front setback of the interior lot is equal to the average of the setbacks of the principal residential structures on the adjacent lots.
- (b) If only one lot on a side of an interior lot is legally developed, the minimum front setback of the interior lot is equal to the setback of the principal residential structure on the adjacent lot; or

(3) For a corner lot:

- (a) If the lot on the side of the corner lot is legally developed, the minimum front setback of the corner lot is equal to the setback of the principal residential structure on the adjacent lot.
- (b) If the lot on the side of the corner lot is vacant, the minimum front setback of the corner lot is equal to the ~~average setbacks~~setback of the principal residential structures on the ~~other lots on the block~~next legally developed lot on the same ~~side of the thoroughfare~~blockface.

(B) Front and ~~Thoroughfare~~ Side Setback Exemption in Certain

~~Commercial~~Mixed-Use or Main Street Zones. The Council may, by ordinance, designate a location in a ~~Restricted Commercial or Service and Highway~~Commercial Mixed-Use or Main Street Zone that are exempt from the minimum front or ~~thoroughfare~~ side street setback standards of the base zone. To make a determination ~~in compliance with~~under this Subsection, the Council shall determine that:

- (1) The location contains at least two non-residential uses that were developed as a neighborhood shopping center or business center in compliance with previous standards;
- (2) The construction of a new building in compliance with the current front or thoroughfare side setback standards would be incompatible with existing buildings;
- (3) At least half of the total lot area that is developed in the area is used for non- residential uses; and
- (4) At least half of the structures in the area do not comply with current front or side thoroughfare setback standards.

(C) Rear Setback Standard of a Through Lot. A rear setback of a through lot must follow the minimum front setback standards of the ~~applicable~~base zone.

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Division 23-4E-8: Building Standards

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23-4E-8010 Purpose

This Division sets forth the standards applicable to building design. These standards supplement the standards for each zone. These standards are intended to ensure development that reinforces the highly-valued existing character and scale of Austin’s neighborhoods, corridors, and downtown.

23-4E-8020 Applicability

These standards apply to buildings within all zones and shall be considered in combination with Article 23-4D (Specific to Zones) and this Article.

23-4 E-8030 Building Types Overview

- (A) This Section provides an overview of the allowed building types. The names of the building types are representative of a desired form and are not intended to limit uses within a building type. For example, a detached house may have non-residential uses within it, such as a restaurant or office, as allowed by the zone.
- (B) The lot size standards for each building type are set in each zone. They designate the range of lot sizes on which the given building type is allowed to be built. If the lot is smaller or larger than the allowed lot size, a different building type shall be selected.
- (C) Accessory Building Form Building Types**
- (1) Accessory Building Form building types allowed in a zone are allowed in addition to the primary building type, except:
- (a) The Accessory Dwelling Unit building type is not allowed with Large House Form or Multiple House Form building types.
- (2) Accessory Dwelling Unit is the only Accessory Building Form building type in which accessory dwelling units are allowed.
- (D) The building types are classified in the following categories: House Form, Multiple House Form, Block Form, and Accessory Building Form. Table 23-4D-2060.A, below, provides an overview of the allowed building types by category.

Table 23-4E-8030(A) Austin Building Types Overview

House Form



Cottage House: A compact, detached structure, consisting of one unit facing the fronting street, usually sited on a compact lot.



House: A medium, detached structure, consisting of one unit facing the fronting street.



Duplex: A small to medium structure that houses two stacked or adjacent units in the same building with individual or shared entries. On interior lots both units face the fronting street, while on corner lots one unit may face the side street.



Multiplex: Medium: A medium structure that consists of multiple stacked or adjacent units with one shared entry or with individual entries along the front.

(13)

General Note: Images on this page are illustrative, not regulatory.

Table 23-4E-8030(A) Austin Building Types Overview (continued)

House Form (continued)



Courtyard Building: A medium structure that consists of multiple stacked and/or adjacent units accessed primarily from a courtyard defined on three sides by the building and open on one side to the fronting street. Each unit may have its own individual entry or some units may share a common entry.



Rowhouse: A medium structure composed of small structures attached side-by-side in a series with individual entries along the front.



Multiplex: Large: A medium to large structure that consists of multiple units with one shared entry facing the fronting street (unless additional entries are allowed by Planning Director).

Multiple House Form



Cottage Court: A series of small detached structures (cottages), each containing a single unit. The cottages are arranged to define a shared courtyard, typically perpendicular to the street. The shared courtyard takes the place of a private yard. See Section 23-4D- 2220 (Supplementary Cottage Court Building Type Standards) for additional standards.



Cottage Corner: A series of small detached structures (cottages), each containing a single unit, on a corner lot of a block. The cottages are arranged in a row, typically perpendicular to the front lot line, with individual entries along the side street.

(14)

General Note: Images on this page are illustrative, not regulatory.

Table 23-4E-8030(A) Austin Building Types Overview (continued)

Block Form



Low-rise: A medium to large structure that consists of multiples. Each unit may have its own individual entry, or units may share a common entry. This building type may include a courtyard and shall not include multi-level structured parking.



Block-form: A medium to large structure, typically attached, that provides a vertical mix of uses with ground-floor retail or service uses, and upper-floor service or residential uses.



High-rise/Tower: A large structure with portions or all of the building more than eight stories tall, built on a large lot that may incorporate structured parking. It provides a vertical mix of uses with ground-floor retail or service uses and upper-floor service or residential uses.

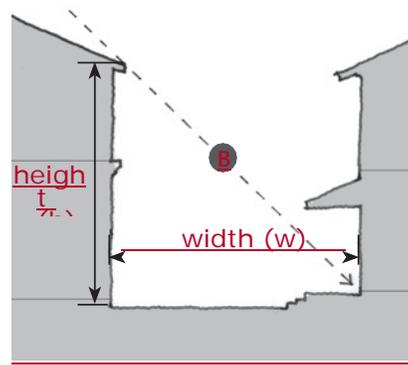
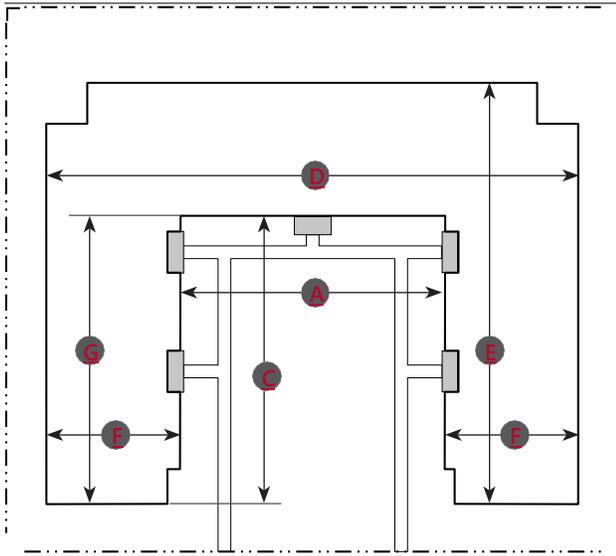
Accessory Building Form



Accessory Dwelling Unit: An additional structure located at the rear of a lot—sometimes positioned above a garage—that provides space for a single small residential unit, a home office, or other small commercial or service use. Also known as a Granny-flat.

General Note: Images on this page are illustrative, not regulatory.

23-4E-8040 Supplementary Courtyard Building Type Standards



Front Street

Key for Diagrams

 ROW / Lot Line

 Encroachment

 Open Space

A. Courtyard Building	
Courtyard(s)	
Width	20' min.; 50' max.
A	
Width-to-Height Ratio ¹	1:2 min.; 2:1 max.
B Depth (from front of building) 20' min.; 50' max.	
C Depth-to-Height Ratio ¹ 1:1 to 3:1	
B Area (total)	
400 sf min.;	
50 sf/unit min.	

Notes

A minimum of three courtyard edges shall be defined by the building.

Min. 75% of units shall front onto the courtyard.

Courtyard area shall be common open space.

¹ Height must also comply with height standards defined by zone.

A. Courtyard Building (continued)	
Overall Building Footprint	
Width	100' max.
Depth	max.
Wing Footprints	
Width	28' max.
Depth	max.
Pedestrian Access	

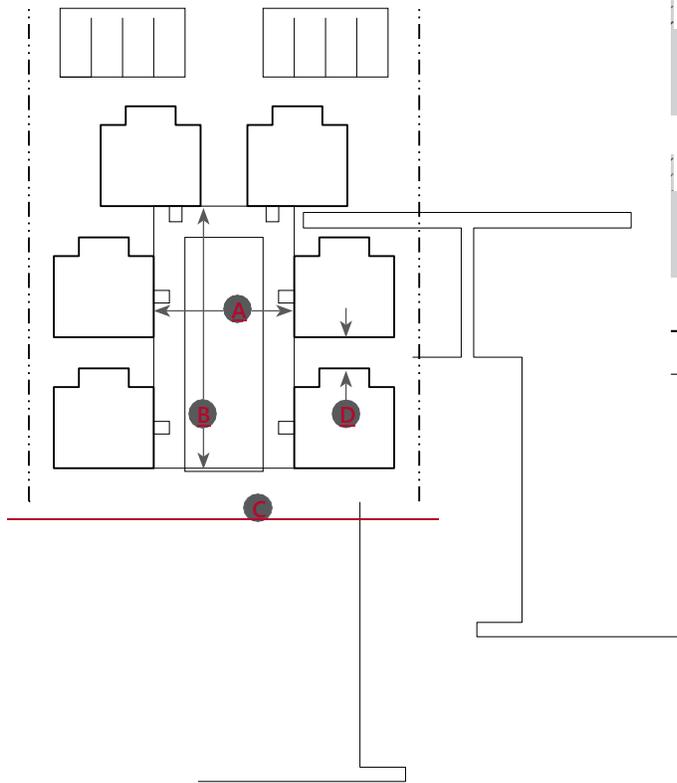
Pedestrian connections shall link all buildings to the public right-of-way, courtyards, and parking areas. The primary entry of ground floor units shall be directly off of a courtyard or a street.

No more than 3 units may enter from one stoop. On corner lots, units in side street facing wing may enter from the side street.

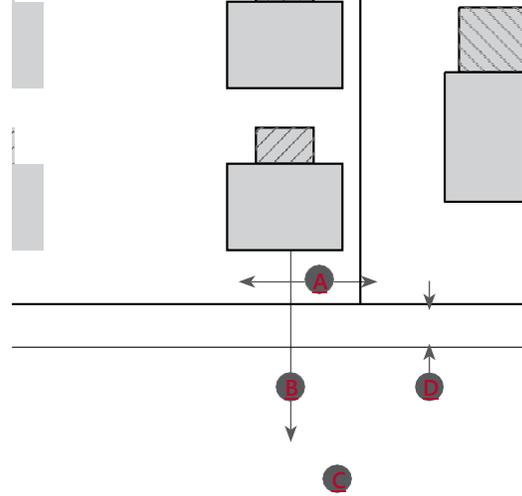
Courtyards shall be accessible from the front street. Each unit may have an individual entry.

23-4E-8050 Supplementary Cottage Court Building Type Standards

Parking Access from Alley



Parking Access in Front



Front Street

Front Street

Key for Diagrams

— ROW / Lot Line

Open Space

A. Cottage Court

Open Space

Width 20' clear, min. **A**

Depth 75' clear, min. **B**

Area 1000 sf min., total;
200 sf/unit min.

A minimum of two sides of the open space shall be defined by building facades.

Open space requirements shall not be met by open space provided in required front or side-street setbacks.

The common court shall not be used for vehicular access or parking.

Private rear yards shall be discouraged.

A. Cottage Court (continued)

Pedestrian Access

The main entrance to the court shall be from the front street. **C**

Units shall front on to the common court or the street. On corner lots, units adjacent to side street shall front both the court and the street.

Pedestrian connections should link all buildings to the public right-of-way, court(s), and parking areas.

Miscellaneous

Buildings on the lot shall be separated from one another by a minimum clear distance of 8'. **D**

Driveway and parking areas shall be screened from the common court by buildings.

Parking shall be clustered and shall not be provided adjacent to or attached to individual units.

23-4 E-8060 Building Design Standards

(A) **Purpose.** These building design standards are intended to:

- (1) Strengthen the City’s unique character and help buildings to better function in the City’s environment;
- (2) Create buildings with appropriate human scale;
- (3) Ensure that buildings contribute to the creation of a pedestrian-friendly environment through the provision of glazing, shading, and shelter at the pedestrian level;
- (4) Lessen the impact of branded architecture that does not speak to the city’s unique character and conditions; and
- (5) Increase the quality, adaptability, and sustainability in the City’s building stock.

(B) **Applicability.** Table 23-4E-8060(A) (Applicability of Building Design Standards) identifies the applicability of this Section:

Table 23-4E-8060(A): Applicability of Building Design Standards	
Standard	Applicability
<u>Glazing and Building Facade Relief Requirements</u>	<u>Development of any non-residential land use, except:</u> <u>Industrial Uses, Religious Assembly and Schools are exempt from glazing requirements.</u>
	<u>Development of any commercial use ≥ 10,000 sf that requires a Building Permit.</u>
<u>Options to Improve Building Design</u>	<u>Development of any commercial use < 10,000 sf that contains any exterior trademarked design feature.</u> <u>Any building zoned for industrial use or warehouse use at the point its use is converted to commercial.</u> <u>Office development is exempt.</u>

(C) **Glazing and Building Facade Relief.** Glazing provides interest for pedestrians, connects the building exterior and interior, puts eyes on the street, promotes reusability, and provides a human-scale element on building facades. Projects subject to this Subsection, in compliance with Table 23-4E-8060(A) (Applicability of Building Design Standards), must meet the following minimum requirements, but may provide additional glazing and building facade relief beyond what is required under this Subsection:

- (1) On the building facade facing the primary roadway where building frontage is provided under the requirements of Article 23-4D (Specific to Zones):
 - (a) Minimum 40 percent of the wall area below 10 feet in height, as measured from the finished floor level of the building facade’s entry, must consist of glazing, except:
 - (i) If topography, distance, or other physical characteristics remove the building facade from a close physical connection to the primary roadway, no glazing is required.

(b) Minimum 25 percent of the wall area between 10 feet and 30 feet in height, as measured from the finish floor level of the building facade's entry, must consist of glazing (See Figure 23-4E-8060(1) (Glazing and Building Facade Relief Requirements)).



(2) On all other building facades, minimum 25 percent of the wall area between two and ten feet in height, as measured from the finish floor level of this building facade's entry, must consist of glazing or building facade relief unless evergreen vegetative screening is allowed and approved by the Development Services Director.

(3) Exemptions

(a) One building facade is exempt from glazing and building facade relief requirements. The exempt building facade cannot face a primary roadway or internal circulation route.

(b) Any building facade that is built up to an interior property line is not required to have glazing on the building facade if no prohibitions and no contractual or legal impediments exist preventing a building from being constructed on the adjacent property up to the wall of the building facade.

(4) At least one-half of the total area of all glazing on building facades that face the primary roadway shall have a Visible Transmittance (VT) of 0.6 or higher.

(5) The requirements in this Subsection may be reduced to the extent that the required level or location of glazing conflicts with the standards of the Adopted Energy Code, Building Code, LEED, or the Green Building Program.

(D) Options to Improve Building Design

(1) General Requirements

- (a) Each building subject to this Subsection must earn one base point from Table 23-4E-8060(B) (Design Option Points), and may be required to earn additional points, as provided in Subsection (D)(2).
- (b) Developments with multiple buildings are required to earn the applicable number of points for each building, including any additional requirements under Subsection (D)(2). Points earned may not be aggregated to count toward minimum requirements for other buildings.

(2) Additional Requirements for Certain Types of Development. The following development requires additional points as specified below. Points required in this Subsection are cumulative.

- (a) A building with exterior trademarked design features requires additional points as follows:
 - (i) Three additional points from Table 23-4E-8060(B) (Design Option Points) if features are located 12 feet or less above finished grade and there is no prototypical roof or parapet design.
 - (ii) Five additional points from Table 23-4E-8060(B) (Design Option Points), two of which must come from Group B, if such features are located more than 12 feet above finished grade.
- (b) If the building plan depicts any of the following design features, one additional point is required for each design feature, unless otherwise noted.
 - (i) Building is one story and greater than 20 feet tall, floor to bottom of roof structure.
 - (ii) Building facade exceeds 200 feet in width without entrances every 75 feet.
 - (iii) Individual use is greater than 100,000 square feet.
 - (iv) False fronts or shaped parapets are created to increase the apparent size of the building or house corporate signage or logos. Building parapets must not be greater than 50 percent higher than the distance of the building from grade to roof. (For example, a building that is 20 feet tall from the grade to the roof cannot have a parapet greater than 10 feet tall from roof to top of parapet.) See Figure 23-4E-8060(2) (Standards for Height of False Fronts or Parapets).
 - (v) Concrete block is used on more than 25 percent of a building facade visible to the public, not including split-faced concrete block.
 - (vi) Concrete block requires two additional points if it is used on more than 75 percent of a building facade visible to the public, not including split-faced concrete block.
 - (vii) Exterior Insulation and Finishing System (EIFS) is used as a material on the ground floor below 10 feet.
 - (viii) Pad building with drive-in or drive-through.

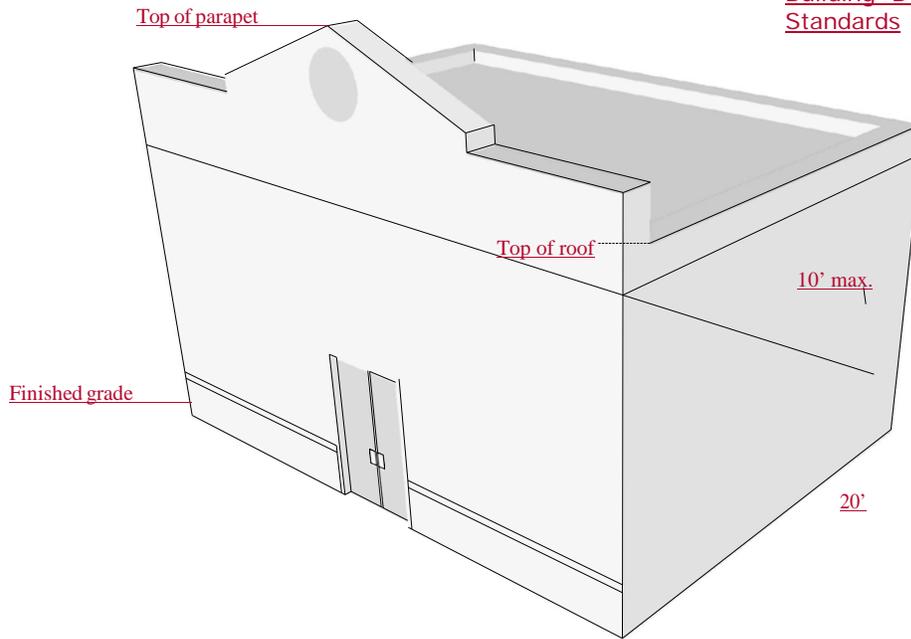


Figure 23-4E-8060(2) Standards for Height of False Fronts or Parapets

Table 23-4E-8060(B) Design Option Points

Option	Description/Comments
Group A: Each option worth 1 point	
<u>Achieve star rating under the Austin Energy Green Building Program</u>	<u>Each star of the rating qualifies for one point. No double credit for Austin Energy Green Building Program points from Group B.</u>
<u>Provide for liner stores in building facade (1 point for each liner store)</u>	<u>See Division 23-4M-1 (Terms)</u>
<u>Provide building facade articulation</u>	<u>See Subsection (D)(3)(a)</u>
<u>Provide primary entrance design</u>	<u>See Subsection (D)(3)(b)</u>
<u>Provide building entrances/exits under a shade device</u>	<u>Not applicable to emergency or delivery access. Examples include an awning or portico.</u>
<u>Provide roof design</u>	<u>See Subsection (D)(3)(c)</u>
<u>Use building materials meeting the standards of this Section</u>	<u>Limestone or brick. Brick color must not be a trademarked design feature.</u>
<u>Improve storefronts to regulatory standard of Subsection (C) for glazing type/size and shading</u>	<u>Applies only for buildings existing before January 13, 2007.</u>
<u>100% of glazing on ground-floor building facades that face any street or parking lot have a Visible Transmittance (VT) of 0.6 or higher</u>	

Table 23-4E-8060(B) Design Option Points (cont.)	
Option	Description/Comments
Group B: Each option worth 2 points	
<u>Complies with neighborhood design guidelines</u>	
<u>Design building so that at least 75% of the building facade facing the principal street consists of storefronts with at least two separate entrances facing the principal street</u>	
<u>Separate entrances facing the primary roadway</u>	<u>See Subsection (D)(3)(d)</u>
<u>Provide sustainable roof</u>	
<u>Integrate solar power generation into building design</u>	<u>The specific features and design shall be approved by the Energy Director. Examples include rooftop solar panels or building integrated photovoltaics</u>
Group C: Each option worth 3 points	
<u>Achieve Green Building rating of 2 stars</u>	

(3) Standards for Design Options. To satisfy the requirements in Subsections (D)(1) and (D)(2), the design options must comply with the standards of this Subsection.

(a) Building Facade Articulation. Building facade articulation must consist of one of the design features in Table 23-4E-8060(C) (Building Facade Articulation), none of which can be trademarked design features. See Figure 23-4E-8060(3) (Building Facade Articulation) for reference.

Table 23-4E-8060(C) Building Facade Articulation	
Design	Descriptio
<u>Changes in plane</u>	<u>Minimum depth of 2', horizontally or vertically</u> <u>Changes at intervals between 20' to 100'</u>
<u>Changes in color, texture, or material</u>	<u>Horizontally or vertically</u> <u>Changes at intervals between 20' to 100'</u>
<u>Repeating pattern of wall recesses and projections</u>	<u>Minimum relief of 8"</u> <u>Examples include bays, offsets, reveals or projecting ribs</u>

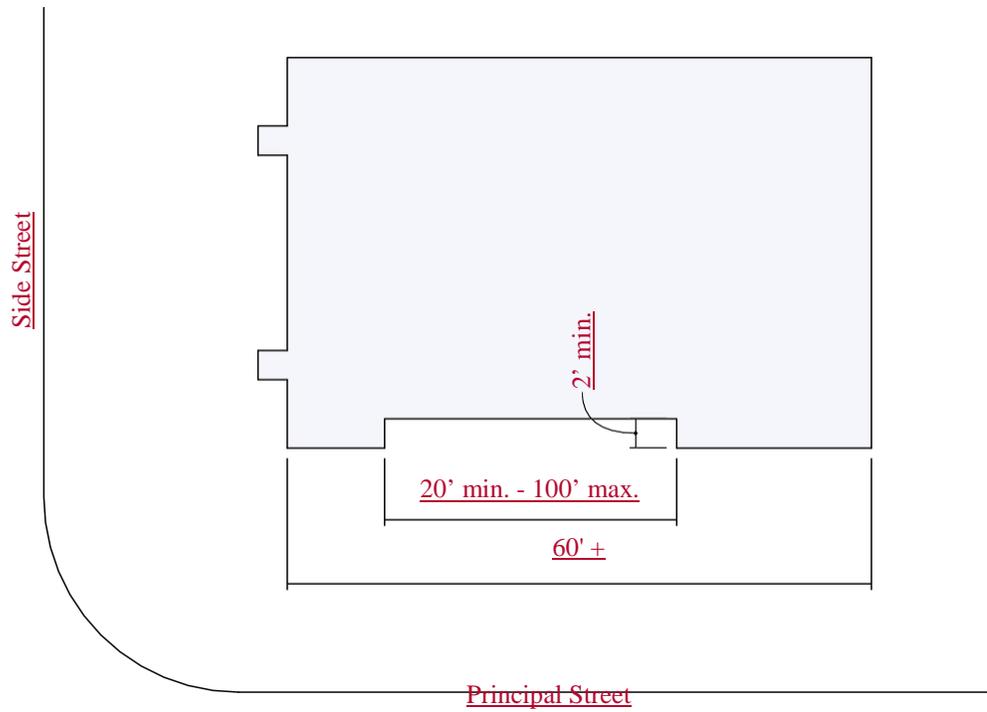


Figure 23-4E-8060(3) Building Facade Articulation

- (b) **Primary Entrance Design.** Primary entrance design must consist of at least three of the following design elements at the primary entrance (none of which can be trademarked design features), so that the primary entrance is architecturally prominent and clearly visible from the abutting street:
- (i) Architectural details such as arches, friezes, tilework, murals, or moldings.
 - (ii) Integral planters or wing walls that incorporate landscape or seating.
 - (iii) Enhanced exterior light fixtures such as wall sconces, light covers with concealed light sources, ground-mounted accent lights, or decorative pedestal lights.
 - (iv) Prominent three-dimensional features, such as belfries, chimneys, clock towers, domes, spires, steeples, towers, or turrets.
 - (v) A repeating pattern of pilasters projecting from the building facade wall by a minimum of eight inches or architectural or decorative columns.
- (c) **Roof Design.** Roof design must consist of at least one of the design elements in Table 23-4E-8060 (D) (Roof Design), none of which can be trademarked design features. See Figure 23-4E-8060(4) (Roof Design) for reference.

Table 23-4E-8060(D) Roof Design	
Design Element	Description
Parapets, horizontal top ¹	Must have 1' (min.) height change occurring horizontally a minimum of every 100'
Parapets, no horizontal top ¹	Must have pitched or rounded tops with a pattern that repeats or varies every 100' (min.)
	With at least 2 of the following:
	With a slope of at least 5:1
Sloping Roofs	2 or more slope planes
	Overhanging eaves extending at least 3' beyond supporting wall
¹ All parapets must have detailing coursing.	such as cornices, moldings, trip, or variations in brick

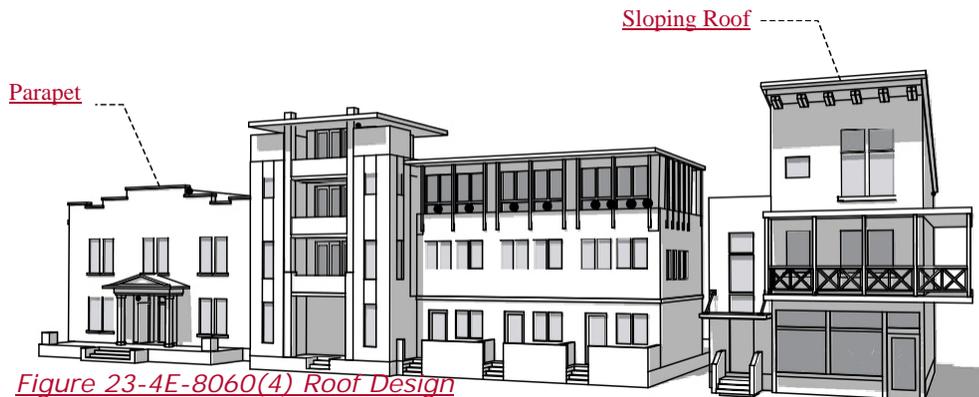


Figure 23-4E-8060(4) Roof Design

(d) Sustainable Roof. A sustainable roof must include one of the roofing options in Table 23-4E-8060(E) (Sustainable Roofing). See Figure 23-4E-8060(5) (Sustainable Roofing) for reference.

Table 23-4E-8060(E) Sustainable Roofing		
<u>Sustainable Roofing</u>	<u>Percent of Total Roof Surface</u>	<u>Description</u>
<u>Solar Reflectance Index (SRI)</u>	<u>75% (min.)</u>	<u>SRI of 78 or higher for roof with slope ≤ 2:12</u> <u>SRI of 29 or higher for roof with slope > 2:12</u>
<u>Vegetated Roof</u>	<u>50% (min.)</u>	<u>--</u>
<u>Rainwater Collection System</u>	<u>50% (min.)</u>	<u>--</u>
<u>Combination</u>	<u>75% (min.)</u>	<u>A combination of vegetated roof with rainwater collection system and SRI 1</u>
<u>¹ In compliance with SRI stand</u>	<u>ards above.</u>	

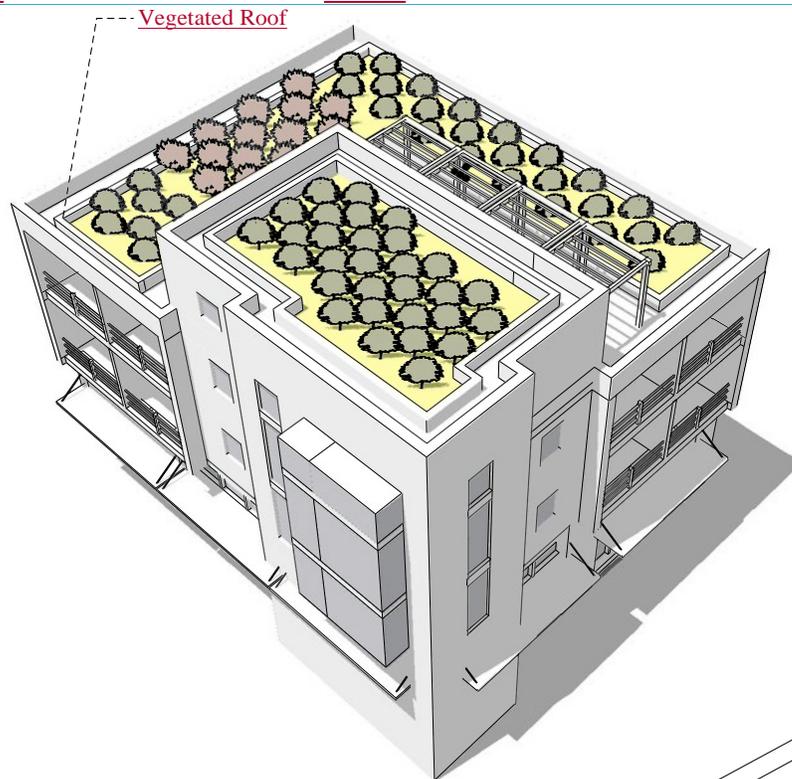


Figure 23-4E-8060(E) Sustainable Roofing

(E) Alternatives to Design Options

(1) Large Single-Story Buildings. A single-story commercial building that is 100,000 square feet or more in size may elect as a matter of right to comply with the following standards:

- (a) The building facade must consist of 75 percent masonry (not including concrete blocks), excluding the window area and rear service area on sides visible to the public;
- (b) The use of trademarked design features above 12 feet and the use of trademarked roof and parapet design features is prohibited;
- (c) The building meets the "building facade articulation" requirements as defined in this Section;
- (d) The building has 40 percent glazing on the front building facade and 25 percent glazing and cutouts on each side visible to the public with a Visible Transmittance (VT) of 0.6 or higher; and
- (e) The building has a Green Building rating of at least two stars.

(2) Pad-site Buildings with Drive-In and/or Drive-Through Services. A pad-site building with a drive-in and/or drive-through services, or a single-use drive-in use may comply with the following standards:

- (a) The use of trademarked design features (not including signs or paint colors) above 12 feet is prohibited; and
- (b) The portion of the building below 12 feet consists of one of the following:
 - (i) Limestone;
 - (ii) Brick that has a different color than the trademarked brick color; or
 - (iii) For a building that occupies a pad or portion of a building within a development or shopping center, the building has similar design characteristics as the rest of the shopping center. This includes use of similar materials, patterns, rhythms, and proportions to the rest of the center.
- (a)(c) Pad sites shall not have any parking located between the building and the street.