

**ORDINANCE NO. 20100408-049**

**AN ORDINANCE AMENDING SUBCHAPTER E OF CITY CODE CHAPTER 25-2 RELATED TO DESIGN STANDARDS AND MIXED USE.**

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

**PART 1.** The table in Section 1.2.1 (*General Applicability*) of City Code Chapter 25-2, Subchapter E (*Design Standards and Mixed Use*) is amended to amend the portion of “Article 2: Site Development Standards” corresponding to Section 2.2 (*Relationship of Buildings to Streets and Walkways*) to read as follows:

<b>ARTICLE 2: SITE DEVELOPMENT STANDARDS</b>			
<b>2.2: Relationship of Buildings to Streets and Walkways</b>	2.2.2. Core Transit Corridors: Sidewalks and Building Placement	Core Transit Corridor	- All zoning districts - Single-family residential uses are exempt, in addition to the general exemptions in Section 1.2.3.
	2.2.3. Urban Roadways: Sidewalks and Building Placement	Urban Roadway	All non-residential zoning districts
	2.2.4. Suburban Roadways: Sidewalks and Building Placement	Suburban Roadway	All non-residential zoning districts
	2.2.5. Internal Circulation Routes: Sidewalks and Building Placement	Internal Circulation Route	All non-residential zoning districts (development of any site subject to the internal circulation system requirements in Section 2.3.1.)
	2.2.6. Building Entryways	Core Transit Corridor	All zoning districts
		- Suburban Roadway - <u>Internal Circulation Route</u> - Highway - Hill Country Roadway - Urban Roadway	All non-residential zoning districts

**PART 2.** The table in Section 1.2.1 (*General Applicability*) of City Code Chapter 25-2, Subchapter E (*Design Standards and Mixed Use*) is amended to amend the portion of “Article 3: Building Design Standards” corresponding to Section 3.2 (*Pedestrian Frontages*) to read as follows:

## ARTICLE 3: BUILDING DESIGN STANDARDS

3.2: Pedestrian Frontages	All standards	All roadway types	<p>– Development of any <u>non-residential [commercial or civic] land use, except for congregate care facilities zoned MF for which the principal street is not a Core Transit Corridor</u></p> <p>– Section applies to any publicly visible building frontage. Building facades facing loading areas, rear service areas, or facades adjoining other buildings (attached to more than 50 percent of the side-wall) are exempt.</p>
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**PART 3.** Section 1.4.2 (*Applicability*) of City Code Chapter 25-2, Subchapter E (*Design Standards and Mixed Use*) is amended to read:

**1.4.2. Applicability.** The Director may approve minor modifications of any numeric development standard in this Subchapter up to a maximum of ten percent (or up to a maximum of 20 percent to protect an existing natural site feature) [from any numeric development standard in this Subchapter], provided that the applicable criteria in Section 1.4.4 (Approval Criteria) [Approval Criteria below] are met. A modified development standard is calculated by applying the percentage of modification allowed by the Director to the numeric requirement that would otherwise apply if the development standard was not modified. For example, if a building façade is required to have 40% glazing, which would equal 400 square feet glazing on a 1000-square foot façade, then a 10% minor modification would decrease the amount of required glazing by 40 square feet for a total of 360 square feet of required glazing. The minor modification process may be used only to authorize a less restrictive standard and may not be used to impose a standard on the subject property than is higher than otherwise provided in this Subchapter. In no circumstance shall the Director approve a minor modification that results in:

- A. An increase in overall project intensity, density, or impervious cover;
- B. A change in permitted uses or mix of uses;
- C. A change in the requirements of any of the following provisions:
  - 1. Subchapter C, Article 3 (*Additional Requirements for Certain Districts*);
  - 2. Subchapter C, Article 4 (*Additional Requirements for Certain Uses*);
  - 3. Subchapter C, Article 10 (*Compatibility Standards*); or

- D. A change in conditions attached to a ~~the approval of any~~ subdivision plan, site plan, ~~or~~ special use permit, or restrictive covenant approved by the City.

**PART 4.** Section 2.2.1 (*Overview of Roadway Types*) of City Code Chapter 25-2, Subchapter E (*Design Standards and Mixed Use*) is amended to read:

**2.2.1. Overview of Roadway Types.**

**A. Purpose**

In this Subchapter, roadway types are used as an organizing tool for certain development standards. In this Section 2.2., sidewalk, building placement, and streetscape standards and building entryway location are determined by the roadway type that is adjacent to the site. The following five roadway types are listed from highest to lowest priority for purposes of this Subchapter:

1. ~~[A.]~~ Core Transit Corridor;
2. ~~[B.]~~ Internal Circulation Route;
3. ~~[C.]~~ Urban Roadway;
4. ~~[D.]~~ Suburban Roadway; and
5. ~~[E.]~~ Highway or Hill Country Roadway.

**B. Applicability**

The roadway with the highest level of priority adjacent to the lot or site is considered the “principal street” for purposes of this Subchapter. For a lot or site that is adjacent to more than one roadway of equal priority, the development shall be subject to the standards associated with the roadway with the highest level of transit service, as determined by the Director, or if the roadways do not have transit service or the level of transit service is equal, the roadway designated by the lot owner. For large sites subject to Section 2.3.1 or for sites abutting more than one roadway type, the Sidewalk and Supplemental Zone requirements (but not the Building Placement and Parking requirements) shall apply along all abutting streets or Internal Circulation Route frontages, with the applicable requirements determined by the roadway type.

**PART 5.** Section 2.2.2 (*Core Transit Corridors: Sidewalk and Building Placement*) of City Code Chapter 25-2, Subchapter E (*Design Standards and Mixed Use*) is amended to amend Subsections (B), (B)(1), (B)(2), (B)(3), and (B)(4) to read:

## **B. Sidewalks.**

In order to create an environment that is supportive of pedestrian and transit mobility, public sidewalks shall be located along both sides of all Core Transit Corridors in accordance with the requirements of this section. Compliance with this section is required for all sites with frontage along a Core Transit Corridor regardless of principal street designation or building placement requirements, but a development located on one side of a street or right-of-way is not required to provide sidewalks on the opposite side of the street or right-of-way. A development that complies with the Great Streets standards adopted by Resolution No. 040205-14, as now or hereafter amended, is exempt from the requirements of this section and may seek any reimbursements available under the Great Streets Development program.

For development that is subject to the requirements of this section, no ~~[No]~~ sidewalk shall be less than 15 feet in width, unless otherwise approved as part of the site plan review process. The 15-foot minimum requirement shall apply regardless of the available right-of-way. Where required, the sidewalk shall extend onto private property to fulfill the 15-foot minimum requirement, with a sidewalk easement provided.

Sidewalks shall consist of two zones: a planting ~~[street tree/furniture]~~ zone located adjacent to the curb, and a clear zone. (See Figures 6 – 8.) The following standards shall apply to these zones:

### **1. Planting ~~[Street Tree/Furniture]~~ Zone.**

- a. The planting ~~[street tree/furniture]~~ zone shall have a minimum width of eight feet (from face of curb) and shall be continuous and located adjacent to the curb.
- b. The zone shall be planted with street trees at an average spacing not greater than 30 feet on center, or up to 60 feet on center if parallel or head-in parking is provided pursuant to Section 2.2.2.B.5. The director ~~[Director of Watershed Protection and Development Review]~~ shall adopt a list of acceptable street trees for purposes of this section. The list shall emphasize shade trees; however, alternative trees may only be approved (pursuant to Section 2.2.2.B.3. below) where conflicts may arise because of overhead utility lines.
- c. In addition, the zone is intended for the placement of street furniture including seating, street lights, waste receptacles, fire hydrants, traffic signs, newspaper vending boxes, bus shelters, bicycle racks, public utility equipment such as electric

transformers and water meters, and similar elements in a manner that does not obstruct pedestrian access or motorist visibility.

**2. Clear Zone.**

The clear zone shall be a minimum width of seven feet, shall be hardscaped, shall be located adjacent to the planting [~~street tree/furniture~~] zone, and shall comply with ADA and Texas Accessibility Standards. The clear zone shall be unobstructed by any permanent or nonpermanent element for a minimum width of seven feet and a minimum height of eight feet. (See Figures 6 – 11.)

**3. Utilities.**

- a. All utility lines shall be underground from the building to the property line. Utility lines within the right-of-way shall be placed underground or relocated to the rear of the site to the maximum extent practicable. See Figure 9.
- b. Where electric utilities remain overhead and are located behind the curb, an overhead utility zone shall be provided so that no portion of the building is located within a 10-foot radius of the energized conductor. This overhead utility zone shall be in addition to the minimum planting [~~street tree/furniture~~] zone, clear zone, and supplemental zone (if provided). Options for street tree planting and sidewalk placement in combination with overhead utilities are illustrated in Figures 10 and 11.
- c. On lots with a depth of 120 feet or less and where electric utilities remain overhead and are located behind the curb, alternative trees from the list identified in Section 2.2.2.B.1.b. above may be used so that the trees can be located beneath, rather than offset from, the overhead electric utilities.

**4. Alternative Requirements For Shallow Lots.**

On lots with a depth of 150 feet or less, the total sidewalk may be reduced to 12 feet, consisting of a seven-foot minimum planting [~~street tree/furniture~~] zone and a five-foot clear zone.

**PART 6.** Section 2.2.2 (*Core Transit Corridors: Sidewalk and Building Placement*) of City Code Chapter 25-2, Subchapter E (*Design Standards and Mixed Use*) is amended to amend Subsection (C)(2) to read:

2. The following elements may be located within the supplemental zone if they support active public uses:

- a. Accessory outdoor dining, provided that the dining area may be separated from the sidewalk only with planters, shrubs, or fencing with a maximum height of 42 inches (See Figure 15.);
- b. Balconies, pedestrian walkways, porches, handicap ramps, and stoops; provided, however, that no such feature shall extend beyond the supplemental zone without a license agreement;
- c. Terraces, provided that they have a maximum finished floor height of 24 inches above the sidewalk elevation and shall be surrounded by a guardrail that meets city specifications;
- d. Landscape and water features;
- e. Plazas; and
- f. Incidental display and sales.

**PART 7.** Section 2.2.2 (*Core Transit Corridors: Sidewalk and Building Placement*) of City Code Chapter 25-2, Subchapter E (*Design Standards and Mixed Use*) is amended to amend Subsection (D)(4) to read:

**4. Exception: Pad-site Building with Drive-In or Drive-Through.**

A lot or site containing a drive-in or drive-through building may include a circulation lane of up to 20 feet in width between the building and the curb if the site has only one point of access to a public roadway. ~~[When a pad-site building with a drive-in or drive-through is only permitted a single curb cut, the building site may contain a circulation lane between the building and the curb, and the building behind the circulation aisle does not have to be brought to the clear zone (or supplemental zone).]~~ The drive-in or drive-through building located behind the circulation lane need not be built up to the clear zone, but the [The] circulation lane may not have parking and must contain an ~~[cannot be wider than 20 feet. An]~~ accessible and clearly marked walkway that crosses the circulation aisle and connects ~~[shall be provided to connect]~~ the clear zone to ~~[and]~~ the building's principal entrance. (See Figure 19.)

**PART 8.** Section 2.2.3 (*Urban Roadways: Sidewalks and Building Placement*) of City Code Chapter 25-2, Subchapter E (*Design Standards and Mixed Use*) is amended to amend Subsections (B) and (B)(1) to read:

**B. Sidewalks.**

Public sidewalks shall be located along both sides of all Urban Roadways[.] in accordance with the requirements of this section. Compliance with this section is required for all sites with frontage along an Urban Roadway regardless of principal street designation or building placement requirements, but a development located on one side of a street or right-of-way is not required to provide sidewalks on the opposite side of the street or right-of-way. A development that complies with the Great Streets standards adopted by Resolution No. 040205-14, as now or hereafter amended, is exempt from the requirements of this section and may seek any reimbursements available under the Great Streets Development program.

For development that is subject to the requirements of this section, sidewalks [Sidewalks] shall be no less than 12 feet in width, unless otherwise approved as part of the site plan review process. (See Figure 23.) The 12-foot minimum requirement shall apply regardless of the available right-of-way. Where required, the sidewalk shall extend onto private property to fulfill the 12-foot minimum requirement, with a sidewalk easement provided.

Sidewalks shall consist of two zones: a street tree/furniture zone located adjacent to the curb, and a clear zone. The following standards apply:

1. **Planting [Street Tree/Furniture] Zone.**

The planting [street tree/furniture] zone shall have a minimum width of seven feet and shall be continuous and located adjacent to the curb. In addition, the planting zone is intended for the placement of street furniture including seating, street lights, waste receptacles, fire hydrants, traffic signs, newspaper vending boxes, bus shelters, bicycle racks, public utility equipment such as electric transformers and water meters, and similar elements in a manner that does not obstruct pedestrian access or motorist visibility.

**PART 9.** Section 2.2.3 (*Urban Roadways: Sidewalks and Building Placement*) of City Code Chapter 25-2, Subchapter E (*Design Standards and Mixed Use*) is amended to amend Subsection (D)(2) to read:

2. **Exception: Pad-site Building with Drive-In or Drive-Through.**

A lot or site containing a drive-in or drive-through building may include a circulation lane of up to 20 feet in width between the building and the curb if the site has only one point of access to a public roadway. [When a pad site building with a drive-in or drive-through is only permitted a single curb cut, the pad building site may contain a circulation lane between the building and the curb, and that building behind the circulation aisle does not have to be brought to the

~~clear zone (or supplemental zone), pursuant to Section 2.2.2.D.4. and Figure 19.] The drive-in or drive-through building located behind the circulation lane need not be built up to the clear zone, but the circulation lane may not have parking and must contain an accessible and clearly marked walkway that crosses the circulation aisle and connects to the clear zone to the building's principal entrance. (See Figure 19).~~

**PART 10.** Section 2.2.4 (*Suburban Roadways: Sidewalks and Building Placement*) of City Code Chapter 25-2, Subchapter E (*Design Standards and Mixed Use*) is amended to amend Subsection (B) to read:

**B. Sidewalks.**

Public sidewalks shall be located along both sides of all Suburban Roadways in accordance with the requirements of this section. Compliance with this section is required for all sites with frontage along an Suburban Roadway regardless of principal street designation or building placement requirements, but a development located on one side of a street or right-of-way is not required to provide sidewalks on the opposite side of the street or right-of-way. Sidewalks and supplemental zones shall comply with the standards for sidewalks along Urban Roadways in Section 2.2.3. above.

**PART 11.** Section 2.2.4 (*Suburban Roadways: Sidewalks and Building Placement*) of City Code Chapter 25-2, Subchapter E (*Design Standards and Mixed Use*) is amended to amend Subsection (C)(2) to read:

**2. Exception: Pad-site Building with Drive-In or Drive-Through**

A lot or site containing a drive-in or drive-through building may include a circulation lane of up to 20 feet in width between the building and the curb if the site has only one point of access to a public roadway. [When a pad site building with a drive in or drive-through is only permitted a single curb cut, the pad building site may contain a circulation lane between the building and the curb, and that building behind the circulation aisle does not have to be brought to the clear zone (or supplemental zone), pursuant to Section 2.2.2.D.4. and Figure 19.] The drive-in or drive-through building located behind the circulation lane need not be built up to the clear zone, but the circulation lane may not have parking and must contain an accessible and clearly marked walkway that crosses the circulation aisle and connects to the clear zone to the building's principal entrance. (See Figure 19).



**PART 12.** Section 2.2.6 (*Building Entryways*) of City Code Chapter 25-2, Subchapter E (*Design Standards and Mixed Use*) is amended to amend Subsections (A) and (B)(1) to read:

**A. Applicability**

The following table summarizes the applicability of this section:

Standard	Applies if the Principal Street Is:	Applies to the Following:
2.2.6. Building Entryways	Core Transit Corridor	All zoning districts
	- Suburban Roadway - Internal Circulation Route - Highway - Hill Country Roadway - Urban Roadway	All non-residential zoning districts

**B. Standards**

1. At least one customer entrance must ~~[should]~~ face and connect directly to the ~~[principal street]~~ roadway or Internal Circulation Route where building frontage is provided consistent with the requirements of this Subchapter. A building entrance is not required under this subsection if ~~[and connect directly to the sidewalk along the principal street, unless]~~ the following requirements are met:
  - a. ~~[Regardless of the applicable building frontage requirements of Sections 2.2.2 through 2.2.5., at]~~ At least 80 percent of the net frontage length along the principal street must consist of continuous building façade that is built up to the clear zone (or supplemental zone if provided), regardless of the applicable building frontage requirements of Sections 2.2.2. through 2.2.5;
  - b. The building must have a continuous shaded sidewalk linking the principal street and the building's principal entrance;
  - c. The entrance must be less than 100 feet from the street-facing façade line of the building; and
  - d. A row of shade trees between the building and the parking area must ~~[shall]~~ be provided at an average spacing not greater than 30 feet on center (See Figure 36.).

**PART 13.** Section 3.2.1 (*Applicability*) of City Code Chapter 25-2, Subchapter E (*Design Standards and Mixed Use*) is amended to read:

### 1.1.1. Applicability

The following table summarizes the applicability of this section:

Standard	Applies if the Principal Street Is:	Applies to the Following:
3.2: Pedestrian Frontages	All roadway types	<ul style="list-style-type: none"><li>- Development of any non-residential land use, <u>except for congregate care facilities zoned MF for which the principal street is not a Core Transit Corridor</u></li><li>- This section applies to any publicly visible building frontage. Building facades facing loading areas, rear service areas, or facades adjoining other buildings (attached to more than 50 percent of the sidewall) are exempt.</li></ul>

**PART 14.** Section 3.2.2 (*Glazing on Building Facades*) of City Code Chapter 25-2, Subchapter E (*Design Standards and Mixed Use*) is amended to read:

### 3.2.2. Glazing on Building Facades

Glazing provides interest for [the] pedestrian, 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 section shall meet the following minimum glazing requirements, but may provide additional glazing beyond what is required under this section [~~not be limited to the areas discussed~~]:

- A. On the façade facing the [~~principal street~~] roadway or Internal Circulation Route where building frontage is provided under the requirements of this Subchapter:
  1. [~~At least~~] 40 percent of the wall area that is between two and ten feet above grade shall consist of glazing (See Figure 46.); and
  2. [~~The~~] 25 percent of the second floor wall area that is [~~must provide a minimum of 25 percent glazing~~] between three and eight feet, as measured from that story's finished floor level. (See Figure 44.)
- B. On all other publicly visible facades, at least 25 percent of the wall area between two and ten feet above grade must consist of glazing unless vegetative screening, which must be evergreen, or other methods of screening are used to screen these facades from the view of the public. This glazing requirement shall not apply if the building code prohibits windows on such facades.

- C. If a single-story building has a façade taller than 20 feet, the façade area above 15 feet is subject to the same window requirement as the second floor requirement in [~~Subsection 4~~] Section 3.2.2.A.2.
- D. Any façade that is built up to an interior mid-block property line is not required to have glazing on that façade if no prohibitions and no contractual or legal impediments exist that would prevent a building being constructed on the adjacent property up to the wall of the façade.
- E. At least one-half of the total area of all glazing on ground-floor facades that face the principal street shall have a Visible Transmittance (VT) of 0.6 or higher.
- F. The requirements in this section may be reduced to the extent that the required level or location of glazing conflicts with the standards of the Energy Code or the Green Building Program.

**PART 15.** Section 3.2.3 (*Shade and Shelter*) of City Code Chapter 25-2, Subchapter E (*Design Standards and Mixed Use*) is amended to read:

### **3.2.3. Shade and Shelter**

Austin's climate requires shade and shelter amenities in order to accommodate and promote pedestrian activity. These amenities will provide greater connectivity between sites and allow for a more continuous and walkable network of buildings. (See Figure 38.) Projects subject to this section shall meet the following shade and shelter requirements:

- A. A shaded sidewalk [~~shall~~] must be provided alongside at least 50 percent of:
  - 1. [~~all~~] the roadway or Internal Circulation Route where building frontage [frontages] is provided under the requirements of this Subchapter; and
  - 2. any parking adjacent to the building [~~adjacent to or facing the principal street or adjacent parking~~].
- B. When adjacent to parking, the shaded sidewalk shall be raised above the level of the parking by way of a defined edge. ADA ramps alongside the building must also be shaded. (See Figure 47.)
- C. [~~B.~~] Building entrances shall be located under a shade device such as an awning or portico.

**PART 16.** Section 4.3.2 (*Where Allowed*) of City Code Chapter 25-2, Subchapter E (*Design Standards and Mixed Use*) is amended to read:

#### 4.3.2. Where Allowed

- A. A VMU building is allowed on properties ~~[in the following zoning districts]:~~
1. Within the Mixed use (MU) combining district; [and]
  2. Within the Vertical mixed use (VMU) overlay district, subject to the limitations of Section 4.3.5.C; and
  3. That are not located within the MU combining district or VMU overlay, but which have:
    - a. Opted-in under the process provided for under Section 4.3.5.C.3; or
    - b. Obtained a conditional use permit for VMU, subject to the limitations in Section 4.3.2.B.

**PART 17.** Section 4.3.3 (*Standards*) of City Code Chapter 25-2, Subchapter E (*Design Standards and Mixed Use*) is amended to amend Subsection (F) to read:

#### **F. Affordability Requirements**

To be eligible for the dimensional ~~[and]~~ or parking standards exemptions in subsection E. above, the residential units in a VMU building shall meet the following affordability requirements, which shall run with the land. This ordinance does not amend or repeal graphics or pictures that are used to illustrate various code requirements in the published version of Chapter 25-2, Subchapter E (*Design Standards and Mixed Use*).

**PART 18.** Section 4.3.4 (*Development Bonuses*) of City Code Chapter 25-2, Subchapter E (*Design Standards and Mixed Use*) is amended to read:

#### **4.3.4. Development Bonuses and Expedited Review of Residential Parking Permit Districts**

##### **A. Bonuses for VMU Buildings**

A building ~~[development]~~ that contains at least 100 lineal feet of VMU building frontage along the principal street is ~~[shall be]~~ entitled to the following development bonuses:

1. ~~[A.]~~ The queuing requirements of Chapter 25-6, Appendix A, shall be reduced by 50 percent for each drive-through service in the development, so long as sufficient on-site queuing space exists to ensure queuing does not occur within the public right-of-way.

2. ~~[B.]~~ The number of connectivity options needed to comply with Section 2.3.2. of this Subchapter shall be reduced by two for each 100 lineal feet of VMU buildings.

3. ~~[C.]~~ All buildings in the development may aggregate points for building design in Section 3.3 of this Subchapter, rather than each building needing the minimum number of points.

4. ~~[D.]~~ Except for in the Barton Springs Zone or the Waterfront Overlay combining district, impervious cover existing as of the effective date of this Subchapter may be retained for redevelopment purposes for VMU buildings no taller than 60 feet and their accompanying structured parking, so long as the redevelopment meets current water quality standards and, for projects in the Drinking Water Protection Zone, the redevelopment incorporates the following measures to provide additional water quality benefits, pursuant to administrative rules to be developed by the director ~~[Director of the Watershed Protection and Development Review Department]~~:

- a. ~~[1.]~~ Rainwater collection and reuse;
- b. ~~[2.]~~ Pervious pavement;
- c. ~~[3.]~~ Integrated pest management; and
- d. ~~[4.]~~ Native and adapted landscaping.

**B.~~[E.]~~ Expedited Review for Residential Permit Parking Districts.**

Neighborhoods that do not opt out of the VMU overlay district pursuant to the process established in Section 4.3.5. shall receive expedited review of applications to establish Residential Permit Parking (RPP) districts, for blocks starting within 600 feet of the portion of the Core Transit Corridor or Future Core Transit Corridor within the VMU overlay. The application process shall proceed in the following manner:

1. A petition shall be circulated among all (100%) households within the proposed permit parking area. A minimum of 66.7% (two-thirds) of the signatures must be in a favor of the program. Only one signature for each household will be considered. A household is defined as a residence with a separate mailing address, phone number and/or utility bill. Multi-family properties of more than six units may be considered one household; in such cases, only the owner or manager of the property shall be allowed to sign the petition. The applicable Neighborhood Association must endorse the resident's request for the Residential Permit Parking program.

2. The City's requirement, which would otherwise apply, that a minimum of seventy-five percent (75%) of the available on-street parking spaces must be occupied during peak parking hours (as determined by the neighborhood) of any two days during a two week period shall be waived.
3. Following the collection of the required signatures and delivery of all necessary RPP request documentation to City staff, staff shall review and act on the application within two weeks. Notice shall be sent to affected residents and the applicable neighborhood association, and signs shall be installed, within six weeks of approval.

**PART 19.** Section 4.3.5 (*Individual Neighborhood Consideration of VMU Requirements ("Opt-in/Opt-out Process")*) of City Code Chapter 25-2, Subchapter E (*Design Standards and Mixed Use*) is amended to amend to Subsection B.5 to read:

5. **Effect of Approval.** Following completion of this one-time opt-in/opt-out process:
  - a. The director shall indicate on the zoning map with map code "V" each property receiving [~~for which council has approved~~] an exemption from the dimensional standards under Section 4.3.3.E.2, a parking reduction under Section 4.3.3.E.3, additional ground floor commercial uses under Section 4.3.3.C.2, or a reduction in the median family income for affordable rental housing under Section 4.3.3.F.2.b.
  - b. Any subsequent amendments to the VMU standards in a neighborhood shall require amendment of the applicable neighborhood plan and neighborhood plan combining district.
  - c. Any property owner or neighborhood association may submit an application to change the VMU rules on a specific property or properties by amending the applicable neighborhood plan and neighborhood plan combining district to opt-in to the exemption from the dimensional standards of Section 4.3.3.E.2 and/or for the parking reduction of Section 4.3.3.E.3 and/or the additional ground-floor uses identified by Section 4.3.3.C.2.

**PART 20.** Section 4.3.5 (*Individual Neighborhood Consideration of VMU Requirements ("Opt-in/Opt-out Process")*) of City Code Chapter 25-2, Subchapter E (*Design Standards and Mixed Use*) is amended to amend to Subsection C.3 to read:

3. **Properties Not in VMU Overlay District and without MU Designation: Opt-in to VMU.**

Any neighborhood that desires to allow VMU buildings within its boundaries on commercially zoned properties that are not otherwise eligible for VMU buildings under this Subchapter may submit an “opt-in” application to allow such development. The application shall specify the properties on which the neighborhood wishes to allow VMU buildings, whether the ground-floor commercial listed in Section 4.3.3.C.2. should be allowed, and whether the dimensional standard exemptions of Section 4.3.3.E.2. and 3. should apply.

**PART 21.** The definition of “Nonresidential Zoning Districts” in Article 5 (*Definitions*) of Chapter 25-2, Subchapter E (*Design Standards and Mixed Use*) is amended to read:

### **Nonresidential Zoning Districts**

The following are the City of Austin nonresidential zoning districts for purposes of this Subchapter:

- NO
- P
- LO
- CS
- GO
- CR
- LR
- GR
- CH
- W/LO
- CS
- CS-1
- CH
- IP
- MI
- LI
- R&D

**PART 22.** The definition of “Publicly Visible” in Article 5 (*Definitions*) of Chapter 25-2, Subchapter E (*Design Standards and Mixed Use*) is amended to read:

### **Publicly Visible**

Visible [~~A site, building, structure, object, or any part thereof, that is visible~~] from a public street or other area to which the public has legal access, at a distance [~~from a vantage point~~] of three feet to six feet off the ground. A site, building, object, or any part thereof is not considered publicly visible if it is visible solely from a service drive.

**PART 23.** The definition of “Street Tree/Furniture Zone” in Article 5 (*Definitions*) of Chapter 25-2, Subchapter E (*Design Standards and Mixed Use*) is amended to read:

**Planting [~~Street Tree/Furniture~~] Zone**

An area adjacent to the curb in which street trees are planted and street furniture such as benches, bicycle racks, and newspaper boxes are placed.

**PART 24.** This ordinance takes effect on April 19, 2010.

**PASSED AND APPROVED**

\_\_\_\_\_, April 8, 2010

§  
§  
§ \_\_\_\_\_  
Lee Leffingwell  
Mayor

**APPROVED:** \_\_\_\_\_  
David Allan Smith  
City Attorney

**ATTEST:** \_\_\_\_\_  
Shirley A. Gentry  
City Clerk