



# Development Assessment & Alternative Equivalent Compliance Application

DevelopmentATX.com | Phone: 311 (or 512-974-2000 outside Austin)  
For submittal and fee information, see [austintexas.gov/digitaldevelopment](http://austintexas.gov/digitaldevelopment)

**PURPOSE:** This application is for gathering sufficient information for City of Austin staff to provide preliminary feedback to applicants before submitting a formal application for zoning, subdivision, site plan, building plan approval, or Managed Growth Agreements. It may be used for either a formal Development Assessment or for evaluating Alternative Equivalent Compliance under the *Design Standards and Mixed Use* section of the City of Austin Land Development Code (LDC). For more information and instructions on completing this application, please see Development Assessment & Alternative Equivalent Compliance Overview and Application Instructions at <http://www.austintexas.gov/page/land-use-applications#site>.

This application is a fillable PDF that can be completed electronically. To ensure your information is saved, [click here to Save](#) the form to your computer, then open your copy and continue.

The Tab key may be used to navigate to each field; Shift + Tab moves to the previous field. The Enter key activates links, emails, and buttons. Use the Up & Down Arrow keys to scroll through drop-down lists and check boxes, and hit Enter to make a selection.

The application must be complete and accurate prior to submittal. ***If more space is required, please complete the last section at the end of this application (Section 17) as needed***, and check the Additional Space box at the top of that section.

All information is required (if applicable).

### Sections to Complete:

- All applicants: Sections 1–10
- Development Assessment: Sections 1–14
- Alternative Equivalent Compliance: Sections 1–10 and 15–16

### For Office Use Only

Application Accepted By: \_\_\_\_\_

Case Manager: \_\_\_\_\_

**NOTE:** If this box is checked, then additional space was required to complete this application, and the applicant has completed the Additional Space section at the end.

## Section 1: Requested Process

- Project Assessment       PUD Pre-Application       Subdivision Pre-Application  
 Process Assessment       Site Plan Pre-Application       Alternative Compliance

## Section 2: Project Information

Project Name: \_\_\_\_\_

Project Street Address: \_\_\_\_\_  
\_\_\_\_\_

Zip: \_\_\_\_\_

—OR—

If project address cannot be defined, such as utility lines, provide the following information:

Approximate distance: \_\_\_\_\_ direction:  from the intersection  
of: \_\_\_\_\_ and: \_\_\_\_\_  
on the:  side

Subdivision Name: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Block(s): \_\_\_\_\_ Lot(s): \_\_\_\_\_ Outlot: \_\_\_\_\_

Plat Book: \_\_\_\_\_ Page Number: \_\_\_\_\_

Document Number: \_\_\_\_\_ Case Number: \_\_\_\_\_

Tax Parcel Number(s): \_\_\_\_\_

## Section 3: Applicant/Agent Information

Applicant Name: \_\_\_\_\_

Firm: \_\_\_\_\_

Applicant Mailing Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Email: \_\_\_\_\_ Phone 1: \_\_\_\_\_ Type 1:

Phone 2: \_\_\_\_\_ Type 2:  Phone 3: \_\_\_\_\_ Type 3:

## Section 4: Owner Information

Same as Applicant      Owner Name: \_\_\_\_\_

Owner Signature: \_\_\_\_\_

Firm: \_\_\_\_\_

Owner Mailing Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Email: \_\_\_\_\_ Phone 1: \_\_\_\_\_ Type 1:

Phone 2: \_\_\_\_\_ Type 2:  Phone 3: \_\_\_\_\_ Type 3:

## Section 5: Engineer Information

Not Applicable       Same as Applicant      Name: \_\_\_\_\_

Firm: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Email: \_\_\_\_\_ Phone 1: \_\_\_\_\_ Type 1:

Phone 2: \_\_\_\_\_ Type 2:  Phone 3: \_\_\_\_\_ Type 3:

## Section 6: Other Professional/Trade Information

Not Applicable       Same as Applicant      Type:

Name: \_\_\_\_\_

Firm: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Email: \_\_\_\_\_ Phone 1: \_\_\_\_\_ Type 1:

Phone 2: \_\_\_\_\_ Type 2:  Phone 3: \_\_\_\_\_ Type 3:

## Section 7: Property Attributes

Watershed:       Watershed Class:

In City of Austin Edwards Aquifer Recharge Zone?  Yes  No

Land Development Jurisdiction:  Full-Purpose     Limited-Purpose     2-Mile ETJ     5-Mile ETJ

County:  Travis     Williamson     Blanco     Hays     Burnet

If within a Municipal Utility District, give name: \_\_\_\_\_

Has there been a Development Assessment?  Yes  No      File Number: \_\_\_\_\_



## Section 9: Related Cases

### FILE NUMBERS

Zoning Case?  Yes  No

Restrictive Covenant?  Yes  No

Subdivision?  Yes  No

Land Status Report?  Yes  No

Existing Site Plan?  Yes  No

Neighborhood Plan Amendment?  Yes  No

Other (specify): \_\_\_\_\_

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## Section 10: Inspection Authorization

As owner or authorized agent, my signature authorizes staff to visit and inspect the property for which this application is being submitted.

Please type or print Name below Signature, and indicate Firm represented, if applicable:

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Month

\_\_\_\_\_  
Day

\_\_\_\_\_  
Year

\_\_\_\_\_  
Name (Typed or Printed)

\_\_\_\_\_  
Firm



## Section 11: Traffic Impact Analysis (TIA) Determination Worksheet

Applicant must complete this worksheet.

Project Name: \_\_\_\_\_

Location: \_\_\_\_\_

Applicant: \_\_\_\_\_ Telephone No: \_\_\_\_\_

Application Status:  Development Assessment  Zoning  Site Plan

**EXISTING:**

**FOR OFFICE USE ONLY**

Tract Number	Tract Acres	Bldg. Sq. Ft.	Zoning	Land Use	I.T.E. Code	Trip Rate	Trips Per Day

**PROPOSED:**

**FOR OFFICE USE ONLY**

Tract Number	Tract Acres	Bldg. Sq. Ft.	Zoning	Land Use	I.T.E. Code	Trip Rate	Trips Per Day

**ABUTTING ROADWAYS:**

**FOR OFFICE USE ONLY**

Street Name	Proposed Access?	Pavement Width	Classification

**FOR OFFICE USE ONLY**

A traffic impact analysis is required. The consultant preparing the study must meet with a Transportation planner to discuss the scope and requirements of the study before beginning the study.

A traffic impact analysis is NOT required. The traffic generated by the proposal does not exceed the thresholds established in the City of Austin Land Development Code.

The traffic impact analysis has been waived for the following reason:  
 \_\_\_\_\_  
 \_\_\_\_\_

A neighborhood traffic analysis will be performed by the City for this project. The applicant may have to collect existing traffic counts. See a Transportation planner for information.

Reviewed By: \_\_\_\_\_ Date: \_\_\_\_\_

Distribution:  File  Cap. Metro  TxDOT  DSD  Travis Co.  ATD Total Copies: \_\_\_\_\_

*NOTE: A TIA Determination must be made prior to submittal of any Zoning or Site Plan application, therefore, this completed and reviewed worksheet MUST ACCOMPANY any subsequent application for the IDENTICAL project. CHANGES to the proposed project will REQUIRE a new TIA Determination.*

## Section 12: City of Austin / Austin Water – Service Area & Service Extension Determination Worksheet

Case Number: \_\_\_\_\_

Project Name: \_\_\_\_\_

Property Location Description (Attach map):

\_\_\_\_\_  
\_\_\_\_\_

—OR—

If project address cannot be defined, such as utility lines, provide the following information:

Approximate distance: \_\_\_\_\_ direction:  from the intersection  
of: \_\_\_\_\_ and: \_\_\_\_\_  
on the:  side

LUEs: \_\_\_\_\_ Acres: \_\_\_\_\_

Intended Use: \_\_\_\_\_

Applicant: \_\_\_\_\_ Phone: \_\_\_\_\_

Contact Person / Engineer: \_\_\_\_\_ Phone: \_\_\_\_\_

### For Office Use Only

Response Due Date: \_\_\_\_\_

Service Area Amendment Required

Service Extension Request Required

Administrative Service Extension Required:

Water – FEE: \_\_\_\_\_

Wastewater – FEE: \_\_\_\_\_

City Council Service Extension Required:

Water – FEE: \_\_\_\_\_

Wastewater – FEE: \_\_\_\_\_

Comments: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
Utility Certification

\_\_\_\_\_  
Date



## Section 13: Development Assessment Questionnaire

Please provide the following information, where applicable, regarding your proposed development.

1. Limit of construction is \_\_\_\_\_ square feet or \_\_\_\_\_ acres (limit of construction is an area within which any type of construction will occur, i.e., area for erosion controls, driveway, truck routing, etc.).
2. Proposed building height is \_\_\_\_\_ feet.
3. List uses on all properties located within 540 feet of boundaries of the subject tract (a sketch or other diagram may be provided to expedite your assessment):

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List any Compatibility Standards to be waived:

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4. Access onto the following streets is proposed:

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In each of the following questions 5-23, please mark either the "Yes" or "No" box to indicate whether the statement applies or does not apply to your proposal; and if applicable, mark additional boxes and provide requested information regarding your project.

5.  Yes  No Proposal involves a restaurant which will be open after midnight.  
 Yes  No 50% or more of restaurant sales will be from the sale of alcoholic beverages.

6.  Yes  No A Municipal Utility District (MUD) is to be created.

Proposed:  In-district service —OR—

Out-of-district service —OR—

Annexation to the MUD

Name of MUD: \_\_\_\_\_

- Yes  No Revision to a MUD land plan is proposed.
- Yes  No Bonds are to be issued for a MUD.
7.  Yes  No City water/wastewater service will be requested.

8.  Yes  No The site has severe topographical or environmental constraints (steep slopes, faults, large groves of trees, etc.). Describe the situation:
- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_
9.  Yes  No Trees are located on site.
- 8-inch and larger in diameter
- 19-inch and larger in diameter
- Yes  No One or more 19-inch diameter trees are to be removed.
10.  Yes  No Property is exempted from current watershed protection regulations. Indicate type of exemptions (provide details, dates, etc.):
- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_
11.  Yes  No Property to be subdivided into \_\_\_\_\_ lots (indicate the number of lots).
- Yes  No Portion of lot has been split off and sold by deed.
- Specify date when this occurred: \_\_\_\_\_
- Yes  No Existing duplex lot to be divided.
- Yes  No Duplex in existence prior to March 1, 1987.
- Yes  No Duplex lot previously divided to be recombined.
12.  Yes  No Site will be cleared.
- Yes  No Fill will be placed on site.
- Yes  No Rough cut permit will be needed (i.e. street grading).
- Yes  No Planned Unit Development (PUD) proposed.
- Yes  No Private streets proposed.
13.  Yes  No Planned Development Area (PDA) proposed.
14.  Yes  No Current improvements on the site:
- Paved parking = \_\_\_\_\_ square feet
- House = \_\_\_\_\_ square feet
- Other structure = \_\_\_\_\_ square feet
- Driveway = \_\_\_\_\_ square feet
- Other = \_\_\_\_\_ square feet

15.  Yes  No Will be altering, restoring or adding on to an existing structure or adding to existing parking:
- Only moving location of wall
  - Only disaster restoration
  - Historic restoration
  - Addition of \_\_\_\_\_ square feet of building at an estimated cost of \$ \_\_\_\_\_
  - Addition of \_\_\_\_\_ square feet to existing parking
16.  Yes  No Will be demolishing an existing structure on the site. If Yes, the year the structure was built: \_\_\_\_\_
- Yes  No Will be demolishing a structure in addition to other site work.
- Yes  No Will be removing original parking.
17.  Yes  No Changes or revisions to previous approvals are proposed.
- Owner initiated?  Yes  No
- Change to approved subdivision:
    - Removal of subdivision restrictions
    - Increase in number of lots
    - Increase in impervious cover by \_\_\_\_\_ square feet
    - Other (specify): \_\_\_\_\_
  - Change to approved or released site plan:
    - Structure moved less than 25 feet
    - Building increased by \_\_\_\_\_ square feet
    - Parking increased
    - Impervious cover increased by \_\_\_\_\_ square feet
    - Building height increase
    - Site plan ordinance amendment
    - Other (specify): \_\_\_\_\_
  - Other Changes:
    - Amendment to or Termination of Restrictive Covenant
    - Use change requiring additional parking
    - Building permit change due to landscape requirement
    - Traffic Impact Analysis (TIA) revision
    - Other (specify): \_\_\_\_\_



## Section 14: Subchapter E Applicability Form

This form is provided to help identify the appropriate forms and regulations for your proposed project. For each of the following questions please mark either the “Yes” or “No” box to indicate whether the statement applies or does not apply to your proposal; and if applicable, mark additional boxes and provide requested information regarding your project. This will help guide you in the application process with regard to the applicability of the City of Austin Land Development Code Chapter 25-2, Subchapter E (*Design Standards and Mixed Use*).

1.  Yes  No Is the property within the City of Austin Zoning Jurisdiction?  
***If No, your project is exempt from the requirements of Subchapter E. If Yes, please continue...***
2.  Yes  No Does the project involve new construction, redevelopment or major rehabilitation?  
***If No, your project would not be required to meet the standards of Subchapter E. If Yes, please continue...***

### Exemptions

If your proposal meets any of the following criteria, you are exempt from the requirements of Subchapter E. If none of these items apply to your proposal, then it is very likely your project must comply with the standards of Subchapter E – please continue with the additional questions to determine exactly how they will apply.

3.  Yes  No Is the property within one of the following zoning districts: Agriculture (AG), Aviation (AV), or Traditional Neighborhood (TN) Districts?
4.  Yes  No Is the development affected by the University Neighborhood Overlay (UNO) district provisions?
5.  Yes  No Is the development affected by the adopted Transit Station Area Plan?
6.  Yes  No Is the development affected by the Robert Mueller Municipal Airport Redevelopment Plan?
7.  Yes  No Is the development affected by an adopted downtown plan?
8.  Yes  No Does the project include the development of an industrial use or data center as the sole use for the project?

### Partial Exemptions

If your proposal meets any of the following criteria, you are required to meet some of the requirements of Subchapter E, but are exempt from specific standards.

9.  Yes  No Is the project a redevelopment of a pad site building with a principal use of a restaurant or service station which will remain under the same ownership?  
***If Yes, the application will not be required to meet the building placement standards.***
10.  Yes  No Is the site located in the downtown area?  
***If Yes, the site will not be required to meet the sidewalk and supplemental zone standards of Section 2.2. of Subchapter E, but will be encouraged to comply with the sidewalk standards of the Great Streets Development Program.***

11.  Yes  No Is the site an interior lot with 65 feet or less of frontage on the principal street with vehicular access only from the principal street?  
***If Yes, the site is exempt from the building location requirements of Sections 2.2.2 and 2.2.3.***

If you answered No to items 3-11 your project must comply with the regulations of Subchapter E. If your plan/building design does not meet the standards as identified in the Subchapter you may apply for a **Minor Modification** or an **Alternative Equivalent Compliance** prior to submitting your application for site plan review and building permits.

**If you are requesting an Alternative Equivalent Compliance to the requirements of Subchapter E, the forms are provided on the following pages.**

## Alternative Equivalent Compliance

To encourage creative and original design, and to accommodate projects where the particular site conditions or the proposed use prevent strict compliance with City of Austin Land Development Code Chapter 25-2, Subchapter E (*Design Standards and Mixed Use*), Alternative Equivalent Compliance allows development to occur in a manner that meets the intent of the Subchapter, through an alternative design that does not strictly adhere to the Subchapter's standards. The procedure is not a general waiver of regulations. Alternative Equivalent Compliance shall not be used when the desired departure from the standards of Subchapter E could be achieved using the Minor Modification process in Subchapter E, Section 1.4.

### Applicability

The Alternative Equivalent Compliance procedure is available only for the following sections of Subchapter E:

- a) Section 2.2, *Relationship of Buildings to Streets and Walkways*;
- b) Section 2.3, *Connectivity*
- c) Section 2.7, *Private Common Open Space and Pedestrian Amenities*; and
- d) Article 3, *Building Design Standards*.

### Overview of Procedures

The applicant may select at his or her discretion whether to seek an informal recommendation or a formal approval on a proposal for alternative compliance. The application procedure varies depending on the type of approval desired. Forms are attached for both procedures.

#### Informal Recommendation

The applicant may request a non-binding informal recommendation on proposed alternative compliance by requesting and attending a pre-application conference. No pre-submittal is required for an informal recommendation.

The final decision on any alternative compliance proposed shall be made by the decision-making body that hears the application, which is;

- for site plans, either the Director or the appropriate Land Use Commission as specified in Chapter 25-5
- for building permits, the building official

The checklist provided on the following page can be used to prepare documents for the informal recommendation process.

#### Formal Recommendation

If an applicant desires formal approval of a proposal for alternative compliance, he or she shall request and attend a pre-application conference prior to submitting the site plan or building permit application for the development. At least ten days prior to the pre-application conference, the applicant shall submit an Alternative Compliance Concept Plan Application to Intake. The application forms are included below starting on page 18.

Written approval of an Alternative Compliance Concept Plan does not authorize any development activity, but rather authorizes the applicant to prepare a site plan and/or building permit application that incorporates the approved alternative compliance, and authorizes the decision-making body to review the site plan or building permit application for compliance with the approved alternative compliance.

## **Formal Decision: Alternative Equivalent Compliance Checklist**

The following checklist items must be completed for any project for which a Formal Decision on Alternative Equivalent Compliance is requested. Applications and Concept Plans for Formal Decisions on Alternative Equivalent Compliance must be submitted at least ten days prior to the scheduled pre-application conference. Approved Alternative Compliance Concept Plans expire three years after the date of approval unless a building permit is issued, or an extension is approved.

***NOTE: A pre-application conference will not be scheduled until all of the following materials are submitted. All materials are mandatory:***

- Application must be signed and dated by owner or agent
- Application must indicate type of approval requested
- Application must identify the standards from which alternative compliance is being requested
- Application must provide a written description of and justification for the proposed alternative method of compliance, specifically addressing the criteria in Subchapter E, Section 1.5.4.
- Application must include an Alternative Compliance Concept Plan that includes the following, in written and graphic format:
  - Description of site's topography and environmental characteristics
  - Description and illustration of the intended locations and quantities of:
    - proposed buildings on the site
    - layout of proposed vehicle and pedestrian access and circulations systems
    - areas designated as open space
    - parking areas
    - areas designated as on-site amenities
    - utilities
    - landscaping
- If requesting alternative compliance from the standards of Article 3, Building Design, the concept plan must also include descriptions and illustrations of the proposed building design elements that would not comply with the standards of Subchapter E to demonstrate equivalency.



## Section 15: Formal Decision – Alternative Equivalent Compliance Application and Concept Plan

The following application must be completed for any project for which a Formal Decision on Alternative Equivalent Compliance is requested. Applications and Concept Plans for Formal Decisions on Alternative Equivalent Compliance must be submitted at least ten days prior to the scheduled pre-application conference.

**NOTE: All information must be completed.**

Project Street Address: \_\_\_\_\_

Legal Description – Subdivision:

\_\_\_\_\_  
\_\_\_\_\_

Block(s): \_\_\_\_\_ Lot(s): \_\_\_\_\_ Outlot: \_\_\_\_\_

Plat Book: \_\_\_\_\_ Page Number: \_\_\_\_\_

Document Number: \_\_\_\_\_ Case Number: \_\_\_\_\_

I/we on behalf of myself/ourselves as authorized agent for \_\_\_\_\_

do hereby apply for consideration to (select appropriate option):

Erect       Attach       Complete       Remodel       Maintain       Amend

in a \_\_\_\_\_ zoning district.

### Justification for Request

I/we \_\_\_\_\_

hereby request an alternative equivalency compliance because the proposed project cannot meet the criteria of Subchapter E as listed below because (please select all that apply):

- Physical characteristics unique to the subject site (such as, but not limited to, slope, size, shape, and vegetation) make strict compliance with the subject standards impracticable or unreasonable.
- Physical design characteristics unique to the proposed use or type of use make strict compliance with the subject standards impracticable or unreasonable.
- The strict adherence to Subchapter E would create an undue financial hardship for a development less than 10,000 square feet without any exterior trademark design feature.

I/we, the applicant further affirm that the alternative equivalency requested shall achieve the intent of Subchapter E Section 1.1.

### Alternative Equivalency Description

Please use the following space to identify the standards to which you are seeking alternative compliance and the means by which you propose to create the equivalency. These descriptions shall conform to the accompanying concept plan:

A. The standards of Section \_\_\_\_\_ cannot be met on this site. I/we request approval of the following alternative equivalency to this standard:

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B. The standards of Section \_\_\_\_\_ cannot be met on this site. I/we request approval of the following alternative equivalency to this standard:

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C. The standards of Section \_\_\_\_\_ cannot be met on this site. I/we request approval of the following alternative equivalency to this standard:

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If additional equivalencies are being requested, please use the Additional Space section at the end of this application, or attach additional sheets.

### Compliance with Sections 2.2.2.D and 2.2.3.D: Building Placement

**NOTE:** If equivalency is requested above for the standards in Sections 2.2.2.D: Building Placement (on Core Transit Corridors), or 2.2.3.D: Building Placement (on Urban Roadways), because there is not enough building frontage to meet the percent net frontage length requirement in Subchapter E, the Director may approve an alternative design provided one of the standards from Section 2.2.2.D.5 as listed below is met in addition to the criteria in Section 1.5.4.

The Director must determine the application meets the standards of Section 2.2.2.D.5 of Subchapter E as itemized below (please select the appropriate response):

1.  Yes  No Does the site have a single principal building? ***If Yes, please continue with item (a) and (b) below; if No, please skip to Item 2.***
- a. Will the proposed building have the longer side built up to the clear zone (or supplemental zone if provided)?  Yes  No
  - b. Will at least one side of the building be built up to the clear zone (or supplemental zone if provided), with the majority of the tenant space having principal entrances facing the principal street?  Yes  No
2.  Yes  No Does the site have more than one principal building? ***If Yes, please answer items (a) and (b) below:***
- a. Will the longer side of any building, any portion of which is within 100 feet of the principal street, be built up to the clear zone (or supplemental zone if provided)?  Yes  No
  - b. Will at least one side of any building, any portion of which is within 100 feet of the principal street, be built up to the clear zone (or supplemental zone if provided) and the majority of tenant spaces in the building will have principal entrances facing the principal street?  Yes  No

## Section 16: Submittal Verification

My signature attests to the fact that the attached application package is complete and accurate to the best of my knowledge. I understand that proper City staff review of this application is dependent upon the accuracy of the information provided and that any inaccurate or inadequate information provided by me/my firm/etc., may delay the proper review of this application.

Please type or print Name below Signature, and indicate Firm represented, if applicable:

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Signature

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Month

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Day

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Year

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Name (Typed or Printed)

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Firm

## Requirements for Planned Unit Developments

The following must be completed for any project for which a Planned Unit Development is requested.

### § 2.3. TIER ONE REQUIREMENTS.

#### 2.3.1. Minimum Requirements. All PUDs must:

- A. meet the objectives of the City Code;
- B. provide for development standards that achieve equal or greater consistency with the goals in Section 1.1 (*General Intent*) than development under the regulations in the Land Development Code;
- C. provide a total amount of open space that equals or exceeds 10 percent of the residential tracts, 15 percent of the industrial tracts, and 20 percent of the nonresidential tracts within the PUD, except that:
  1. a detention or filtration area is excluded from the calculation unless it is designed and maintained as an amenity; and
  2. the required percentage of open space may be reduced for urban property with characteristics that make open space infeasible if other community benefits are provided;
- D. comply with the City's Planned Unit Development Green Building Program;
- E. be consistent with applicable neighborhood plans, neighborhood conservation combining district regulations, historic area and landmark regulations, and compatible with adjacent property and land uses;
- F. provide for environmental preservation and protection relating to air quality, water quality, trees, buffer zones and greenbelt areas, critical environmental features, soils, waterways, topography, and the natural and traditional character of the land;
- G. provide for public facilities and services that are adequate to support the proposed development including school, fire protection, emergency service, and police facilities;
- H. exceed the minimum landscaping requirements of the City Code;
- I. provide for appropriate transportation and mass transit connections to areas adjacent to the PUD district and mitigation of adverse cumulative transportation impacts with sidewalks, trails, and roadways;
- J. prohibit gated roadways;
- K. protect, enhance and preserve areas that include structures or sites that are of architectural, historical, archaeological, or cultural significance; and
- L. include at least 10 acres of land, unless the property is characterized by special circumstances, including unique topographic constraints.

#### 2.3.2. Additional Requirements. In addition to the requirements contained in Section 2.3.1 (*Minimum Requirements*), a PUD containing a retail, commercial, or mixed use development must:

- A. comply with Chapter 25-2, Subchapter E (*Design Standards And Mixed Use*).
- B. inside the urban roadway boundary depicted in Figure 2, Subchapter E of Chapter 25-2 (*Design Standards and Mixed Use*), comply with the sidewalk standards in Section 2.2.2., Subchapter E, Chapter 25-2 (*Core Transit Corridors: Sidewalks And Building Placement*); and
- C. contain pedestrian-oriented uses as defined in Section 25-2-691(C) (*Waterfront Overlay District Uses*) on the first floor of a multi-story commercial or mixed use building.

**§ 2.4. TIER TWO REQUIREMENTS.**

This section contains criteria for determining the extent to which development proposed for a PUD district would be superior to that which would occur under conventional zoning and subdivision regulations as required under Section 1.1 (*General Intent*). A proposed PUD need not address all criteria in this section to achieve superiority, and the council may consider any other criteria the council deems appropriate.

Open Space	Provides open space at least 10% above the requirements of Section 2.3.1.A. ( <i>Minimum Requirements</i> ). Alternatively, within the urban roadway boundary established in Figure 2 of Subchapter E of Chapter 25-2 ( <i>Design Standards and Mixed Use</i> ), provide for proportional enhancements to existing or planned trails, parks, or other recreational common open space in consultation with the Director of the Parks and Recreation Department.
Environment / Drainage	Complies with current code instead of asserting entitlement to follow older code provisions by application of law or agreement.
	Provides water quality controls superior to those otherwise required by code.
	Uses green water quality controls as described in the Environmental Criteria Manual to treat at least 50 percent of the water quality volume required by code.
	Provides water quality treatment for currently untreated, developed off-site areas of at least 10 acres in size.
	Reduces impervious cover by five percent below the maximum otherwise allowed by code or includes off-site measures that lower overall impervious cover within the same watershed by five percent below that allowed by code.
	Provides minimum 50-foot setback for at least 50 percent of all unclassified waterways with a drainage area of 32 acres.
	Provides volumetric flood detention as described in the Drainage Criteria Manual.
	Provides drainage upgrades to off-site drainage infrastructure that does not meet current criteria in the Drainage or Environmental Criteria Manuals, such as storm drains and culverts that provide a public benefit.
	Proposes no modifications to the existing 100-year floodplain.
	Uses natural channel design techniques as described in the Drainage Criteria Manual.
	Restores riparian vegetation in existing, degraded Critical Water Quality Zone areas.
	Removes existing impervious cover from the Critical Water Quality Zone.
	Preserves all heritage trees; preserves 75% of the caliper inches associated with native protected size trees; and preserves 75% of all of the native caliper inches.

	Tree plantings use Central Texas seed stock native and with adequate soil volume.
	Provides at least a 50 percent increase in the minimum waterway and/or critical environmental feature setbacks required by code.
	Clusters impervious cover and disturbed areas in a manner that preserves the most environmentally sensitive areas of the site that are not otherwise protected.
	Provides porous pavement for at least 20 percent or more of all paved areas for non-pedestrian in non-aquifer recharge areas.
	Provides porous pavement for at least 50 percent or more of all paved areas limited to pedestrian use.
	Provides rainwater harvesting for landscape irrigation to serve not less than 50% of the landscaped areas.
	Directs stormwater runoff from impervious surfaces to a landscaped area at least equal to the total required landscape area.
	Employs other creative or innovative measures to provide environmental protection.
Austin Green Builder Program	Provides a rating under the Austin Green Builder Program of three stars or above.
Art	Provides art approved by the Art in Public Places Program in open spaces, either by providing the art directly or by making a contribution to the City's Art in Public Places Program or a successor program.
Great Streets	Complies with City's Great Streets Program, or a successor program. Applicable only to commercial, retail, or mixed-use development that is not subject to the requirements of Chapter 25-2, Subchapter E ( <i>Design Standards and Mixed Use</i> ).
Community Amenities	Provides community or public amenities, which may include spaces for community meetings, community gardens or urban farms, day care facilities, non-profit organizations, or other uses that fulfill an identified community need.
	Provides publicly accessible multi-use trail and greenway along creek or waterway.
Transportation	Provides bicycle facilities that connect to existing or planned bicycle routes or provides other multi-modal transportation features not required by code.
Building Design	Exceeds the minimum points required by the Building Design Options of Section 3.3.2. of Chapter 25-2, Subchapter E ( <i>Design Standards and Mixed Use</i> ).
Parking Structure Frontage	In a commercial or mixed-use development, at least 75 percent of the building frontage of all parking structures is designed for pedestrian-oriented uses as defined in Section 25-2-691(C) ( <i>Waterfront Overlay District Uses</i> ) in ground floor spaces.

Affordable Housing	Provides for affordable housing or participation in programs to achieve affordable housing.
Historic Preservation	Preserves historic structures, landmarks, or other features to a degree exceeding applicable legal requirements.
Accessibility	Provides for accessibility for persons with disabilities to a degree exceeding applicable legal requirements.
Local Small Business	Provides space at affordable rates to one or more independent retail or restaurant small businesses whose principal place of business is within the Austin metropolitan statistical area.

## § 2.5. DEVELOPMENT BONUSES.

**2.5.1. Limitation on Development.** Except as provided in Section 2.5.2 (*Requirements for Exceeding Baseline*), site development regulations for maximum height, maximum floor area ratio, and maximum building coverage in a PUD may not exceed the baseline established under Section 1.3.3 (*Baseline for Determining Development Bonuses*).

**2.5.2. Requirements for Exceeding Baseline.** Development in a PUD may exceed the baseline established under Section 1.3.3 (*Baseline for Determining Development Bonuses*) for maximum height, maximum floor area ratio, and maximum building coverage if:

- A. the application for PUD zoning includes a report approved by the Director of the Neighborhood Housing and Community Development Department establishing the prevailing level of affordability of housing in the vicinity of the PUD, expressed as a percentage of median family income in the Austin metropolitan statistical area; and
- B. the developer either:
  - 1. for developments with residential units, provides contract commitments and performance guarantees that provide affordable housing meeting or exceeding the requirements of Section 2.5.3 (*Requirements for Rental Housing*) and Section 2.5.4 (*Requirements for Ownership Housing*); or
  - 2. for developments with no residential units, provides the amount established under Section 2.5.6 (*In Lieu Donation*) for each square foot of bonus square footage above the baseline to the Affordable Housing Trust Fund to be used for producing or financing affordable housing, as determined by the Director of the Neighborhood Housing and Community Development Department.

**2.5.3. Requirements for Rental Housing.** If rental housing units are included in a PUD, dwelling units equal to at least 10 percent of the bonus area square footage within the PUD must:

- A. be affordable to a household whose income is 60 percent or below the median family income in the Austin metropolitan statistical area;
- B. remain affordable for 40 years from the date a certificate of occupancy is issued; and
- C. be eligible for federal housing choice vouchers.

**2.5.4. Requirements for Ownership Housing.** If owner occupied housing is included in a PUD, dwelling units equal to at least five percent of the bonus area square footage within the PUD must be:

- A. affordable to a household whose income is 80 percent or below the median family income in the Austin metropolitan statistical area; and
- B. affordable in perpetuity from the date a certificate of occupancy is issued; and

- C. transferred to the owner subject to a shared equity agreement, land trust, or restrictive covenant approved by the Director of the Neighborhood Housing and Community Development Department.

**2.5.5. Alternative Affordable Housing Options.** A developer of a residential project may request an exception to the contract commitments and performance guarantees in Section 2.5.3 (*Requirements for Rental Housing*) and Section 2.5.4 (*Requirements for Ownership Housing*) as follows:

- A. Subject to approval by the Director of the Neighborhood Housing and Community Development Department, the developer may provide to the Austin Housing Finance Corporation land within the PUD that is appropriate and sufficient to develop 20 percent of the residential habitable square footage planned for the PUD; or
- B. Subject to approval by the city council, the developer may provide all or a portion of the amount established under Section 2.5.6 (*In Lieu Donation*) for each square foot of bonus square footage above baseline to the Affordable Housing Trust Fund to be used for producing or financing affordable housing, as determined by the Director of the Neighborhood Housing and Community Development Department.
- C. A request to pay a fee in lieu to meet all or a portion of the residential affordability requirement in Section 2.5.2.B must be submitted in writing to the Director of Neighborhood Housing and Community Development Department, must include supporting documentation sufficient to demonstrate the infeasibility of compliance with Section 2.5.2.B., and must be approved by city council as provided in Section 2.5.5.B above.
- D. Regardless of whether a developer requests an exception under this section, the Director of Neighborhood Housing and Community Development may recommend that a developer be allowed to pay a fee in lieu in order to comply with the contract commitments and performance guarantees in Section 2.5.3 (*Requirements for Rental Housing*) and Section 2.5.4 (*Requirements for Ownership Housing*). The recommendation must be in writing, supported by the Director's reasons as to why the fee in lieu option is appropriate, and approved by city council to be effective.
- E. Council approval of any alternative affordable housing project shall expire 36 months after the date of approval if the project has not been initiated.

**2.5.6. In Lieu Donation.** The amount payable under Section 2.5.5.B (*Alternative Affordable Housing Options*) shall be \$6 for each square foot of bonus square footage above baseline. Such fee will be adjusted annually in accordance with the Consumer Price Index all Urban Consumers, US City Average, All Items (1982-84100), as published by the Bureau of Labor Statistics of the United States Department of Labor or other applicable standard as defined by the director of the Neighborhood Housing and Community Development Office. The city manager shall annually determine the new fee amounts for each fiscal year, beginning October 1, 2014 and report the new fee amounts to the city council.



