

ORDINANCE NO. 20060831-068

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

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

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

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

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

(8) vertical mixed use

VMU

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 Section 25-2-172 (*Mixed Use Combining District Purpose*) of the City Code is repealed and replaced with a new Section 25-2-172 to read:

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

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

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

§ 25-2-812 DRIVE-THROUGH FACILITY.

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.

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

§ 25-2-813 SERVICE STATION USE.

A service station use:

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

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

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

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

- (1) Highway 183 from Burnet Road to Highway 71;
- (2) Highway 71 from Highway 183 to Loop 1;

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

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

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

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

PART 10. This ordinance takes effect on January 13, 2007.

PASSED AND APPROVED

_____ August 31 _____, 2006 §
 §
 §

 Will Wynn
 Mayor

APPROVED: _____
 David Allan Smith
 City Attorney

ATTEST: _____
 Shirley A. Gentry
 City Clerk

ATTACHMENT A

SUBCHAPTER E: DESIGN STANDARDS AND MIXED USE

Austin, Texas



**ADOPTED: AUGUST 31, 2006
EFFECTIVE: JANUARY 13, 2007**

**BASED ON THE MAY 2005 TASK FORCE REPORT:
*Raising the Design Standards in Austin, Texas***

SUBCHAPTER E: DESIGN STANDARDS AND MIXED USE

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BACKGROUND

On February 26, 2004, the Austin City Council directed the City Manager by resolution "...to prepare recommendations for citywide design standards for commercial and retail development. These recommended citywide design standards shall constitute the best practices of the standards adopted by communities around the nation and shall require design standards that reflect Austin's unique historic, landscape and architectural character...."

In order to implement the Council's direction, a specially appointed Task Force met over several months to consider research and input from the public, various stakeholder groups, and individuals. The Task Force sought to understand the preferences of Austin citizens and the design regulations of other cities prior to developing a recommendation.

The Task Force produced, and in May 2005 the City Council adopted, a policy report entitled "*Raising the Design Standards in Austin, Texas.*" The Task Force report identified a number of areas where regulatory improvements are necessary in order to raise the bar of development quality in Austin. The general intent was to develop regulations that will foster a built environment of aesthetic and sustainable value, enhance economic development efforts, promote Austin's unique character and natural environment, and ensure an efficient development review process.

The proposals for new standards were intended to raise the level of quality for all non-residential and mixed-use development, but within a regulatory structure offering options and flexibility, not strict requirements. New development would be subject to a set of minimum site and building design standards, recognizing that all new development, regardless of size, should be subject to minimum standards. The following topics were addressed in the Task Force report:

- Development orientation;
- Parking;
- Land use;
- Signs;
- Stormwater management;
- Connectivity;
- Exterior lighting;
- Screening and compatibility; and
- Building design.

In each of these topic areas, the Task Force report discussed the key issue generally and proposed regulatory language to address the issue. In a few areas, specific ordinance language was proposed, but in most areas the proposed language recommended general approaches rather than actual ordinance language. In some areas, the proposed new standards would be new for Austin, while in other areas the proposed standards would require amendments to the Austin Code.

This Subchapter is intended to implement the Task Force report by establishing a clear, user-friendly, and legally enforceable ordinance that will result in improved development quality in Austin. This Subchapter is officially known as Subchapter E of Chapter 25-2 of the City Code. This Subchapter was adopted on August 31, 2006, and will become effective on January 13, 2007. The Task Force recommends reviewing this Subchapter once it has been in place for one year.

HOW TO USE THIS SUBCHAPTER

Applicability is Based on Adjacent Roadway and Type of Development

This Subchapter recognizes that development should reflect and respond to its location within the city. For example, a commercial development in a suburban location can (and often should) look and function differently than a commercial development in downtown Austin. Because roadways provide both access to a site and define the urban design framework of the city, roadway types have been used as an organizing tool to establish many of the new development standards in this Subchapter. This approach is intended to help ensure a cohesive development pattern along Austin's streets and remove some of the inconsistency that arises from having a variety of zoning districts fronting a single roadway.

Because many of the standards in this Subchapter are defined based on roadway type(s) near the property, an important first step in the development process is to determine the roadway types that are adjacent to a site. The size of the site and the type of development (residential, commercial, mixed use, etc.) also need to be considered, since different standards may apply. The applicability chart in Article 1 summarizes the applicability of all the standards in this Subchapter, based on type of adjacent roadways and development activity.

The following different types of roadways are identified in this Subchapter:

Core Transit Corridors include roadways that have or will have a sufficient population density, mix of uses, and transit facilities to encourage and support transit use. Existing Core Transit Corridors have been designated and are defined in Article 5 and shown on Figure 1. Examples include South Congress Avenue (north of Stassney Lane) and Anderson Lane (between Burnet Road and Mopac). Additional Core Transit Corridors may be designated in the future through neighborhood planning processes.

Hill Country Roadways are those roadways identified in Section 25-2-1103, such as RM 2222 and Southwest Parkway. Standards in this Subchapter that reference the Hill Country Roadway designation apply to all properties within 1000 feet of these roadways.

Highways include all freeways, parkways, expressways, and frontage roads identified in the Austin Area Metropolitan Transportation Plan, except for Core Transit Corridors.

Internal Circulation Routes are public streets or private drives edged by a curb within a development.

Suburban Roadways are roads outside the Urban Roadway Boundary, defined below and shown on Figure 2, that are not Core Transit, Hill Country, or Highway Roadways.

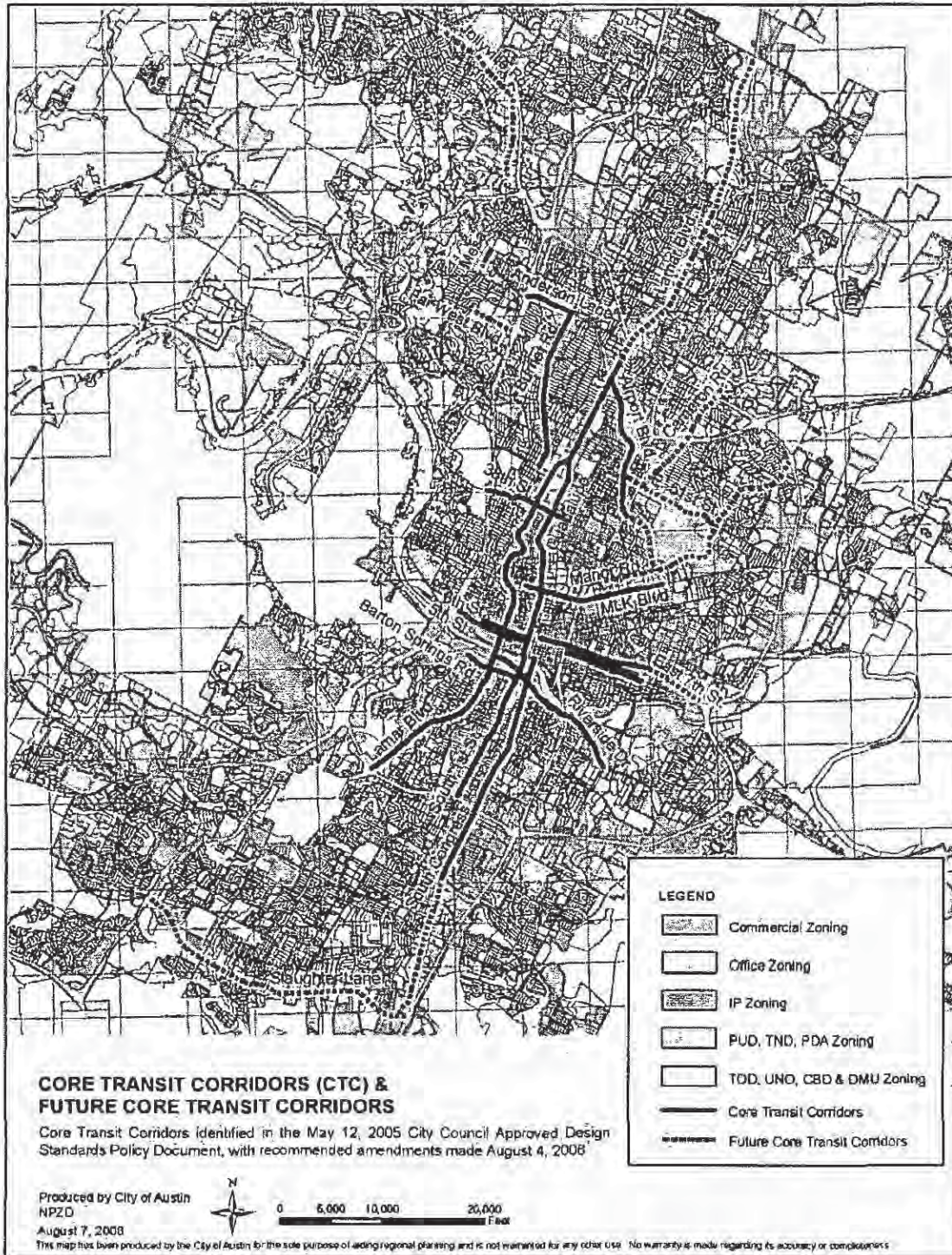


Figure 1: Core Transit Corridors Map

Urban Roadways are roads other than those designated as Core Transit Corridors and Highways located within the following boundaries, as shown on Figure 2:

- 183 from Burnet to Hwy 71
- Hwy 71 from 183 to Loop 1
- Loop 1 from Hwy 71 to Lake Austin
- Lake Austin from Loop 1 to Exposition
- Exposition from Lake Austin to 35th
- 35th from Exposition to Loop 1
- Loop 1 from 38th to RM 2222
- RM2222 from Loop 1 to Mesa
- Mesa from RM 2222 to Spicewood Springs Road
- Spicewood Springs Road from Mesa to 360
- 360 from Spicewood Springs Road to Great Hills Trail
- Great Hills Trail from 360 to 183
- 183 from Great Hills Trail to Braker
- Braker from 183 to Burnet
- Burnet from Braker to 183

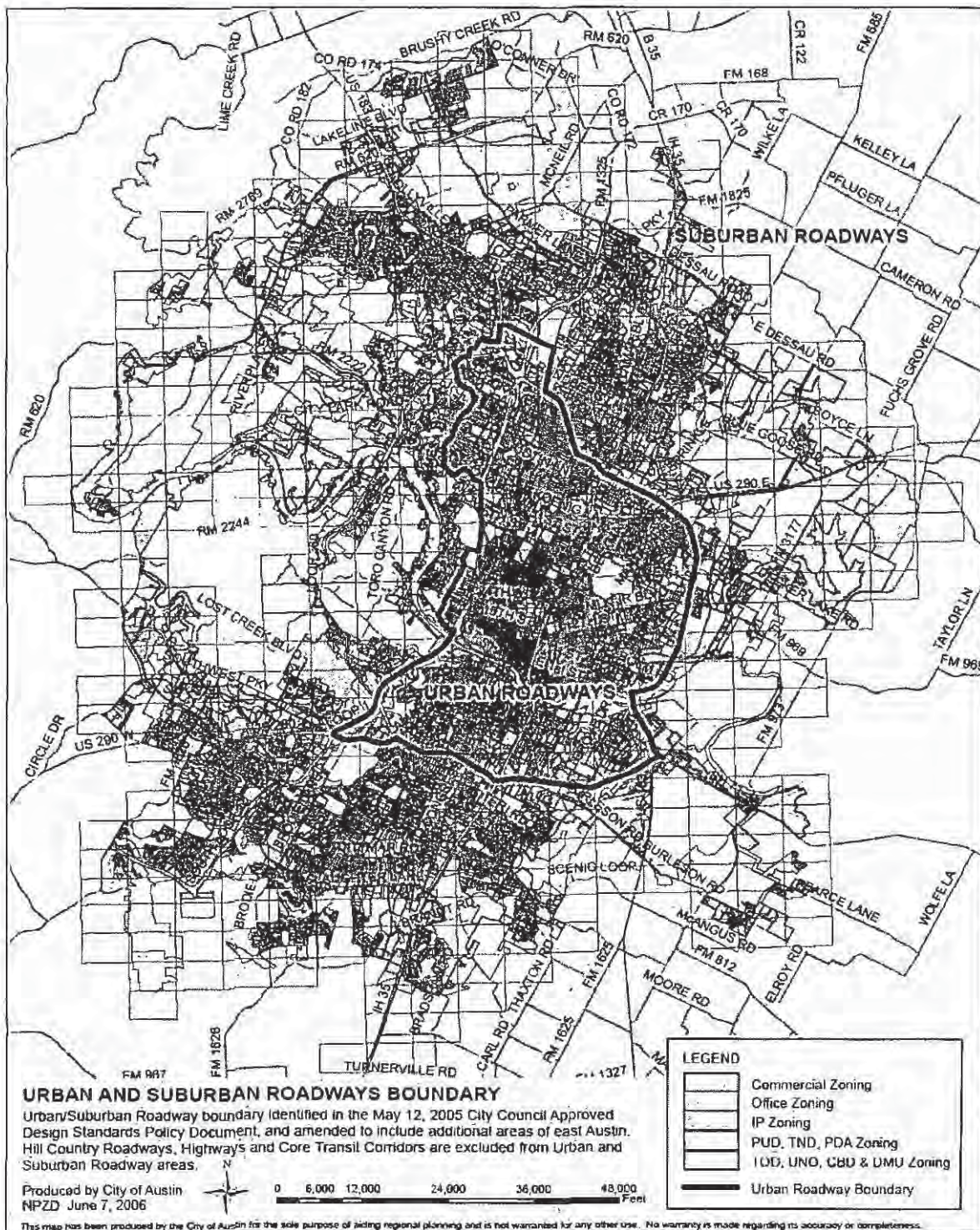


Figure 2: Urban/Suburban Roadways Map

How This Subchapter is Organized

This Subchapter is divided into five Articles.

Article 1 includes **General Provisions** that should be reviewed for all development and redevelopment projects. Most importantly, a chart summarizes the applicability of the various standards based on roadway types and development types.

To allow flexibility in administering this Subchapter, this Article includes a “minor modification” provision that allows for City staff to approve small deviations from otherwise applicable standards in order to protect natural or historic features or to address unique site conditions.

The Article also encourages creativity and innovative design by allowing an applicant to propose an alternative approach to meeting the standards of the Subchapter through the “alternative equivalent compliance” provision.

Article 2 includes **Site Development Standards** intended to ensure that buildings relate appropriately to surrounding developments and streets, promote efficient pedestrian and vehicle circulation, and provide adequate parking in safe and appropriate locations, while creating a unique and identifiable image for development in Austin. In particular, standards in this Article address the following:

- Relationship of buildings to streets and walkways (based on roadway type);
- Connectivity (based on roadway type);
- Parking reductions;
- Exterior lighting;
- Screening of equipment and utilities; and
- Private common open space and pedestrian amenities.

Article 3 includes **Building Design Standards** intended to address the physical appearance of buildings subject to this Subchapter. Included are:

- General requirements for glazing and shading to ensure that buildings facades are pedestrian-friendly; and
- Additional options to improve building design. An applicant may choose which of these options to meet from a flexible, point-based menu. All buildings subject to this section must reach a minimum number of points, with additional points required for certain building types (e.g., buildings with trademarked design features, large buildings or long facades, and buildings using a large percentage of certain building materials.)

Article 4 includes standards and incentives for **Mixed Use** development. This Article includes descriptions and standards for the Mixed Use Combining District and the Vertical Mixed Use Overlay district. This Article also includes standards and incentives for the development of Vertical Mixed Use (VMU) buildings.

Article 5 includes **Definitions** for terms used in this Subchapter.

ARTICLE 1: GENERAL PROVISIONS

1.1. GENERAL INTENT

This Subchapter generally addresses the physical relationship between commercial and other non-residential development and adjacent properties, public streets, neighborhoods, and the natural environment, in order to implement the City Council's vision for a more attractive, efficient, and livable community. The general purposes of this Subchapter include:

- 1.1.1. To provide appropriate standards to ensure a high quality appearance for Austin and promote pedestrian-friendly design while also allowing flexibility, individuality, creativity, and artistic expression;
- 1.1.2. To strengthen and protect the image, identity, and unique character of Austin and thereby to enhance its business economy;
- 1.1.3. To protect and enhance residential neighborhoods, commercial districts, and other areas by encouraging physical development that is of high quality and is compatible with the character, scale, and function of its surrounding area;
- 1.1.4. To encourage developments that relate well to adjoining public streets, open spaces, and neighborhoods; and
- 1.1.5. To provide for and encourage development and redevelopment that contains a compatible mix of residential and nonresidential uses within close proximity to each other, rather than separating uses.

1.2. APPLICABILITY

1.2.1. General Applicability

The applicability of this Subchapter varies by section and is dependent on the type of principal street that the subject lot or site faces and on the type of development activity proposed. The following table summarizes the applicability of each section of this Subchapter. Only those sites and projects that meet both the principal street and development type thresholds in the table are subject to the particular standard. General exemptions from the requirements of this Subchapter are listed in Subsection 1.2.3., and additional exemptions from specific standards are listed in subsequent sections of this Subchapter.

Section	Standard	Applies if the Principal Street Is:	Applies to the Following:
ARTICLE 2: SITE DEVELOPMENT STANDARDS			
2.2: Relationship of Buildings to Streets and Walkways	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 - Highway - Hill Country Roadway - Urban Roadway		All non-residential zoning districts	
2.3: Connectivity	2.3.1: Internal Circulation Systems for Large Sites	- Core Transit Corridor - Urban Roadway	- All zoning districts (development of any site five acres or larger) - See additional exemptions in 2.3.1.B.
		- Suburban Roadway - Highway - Hill Country Roadway	- All non-residential zoning districts (development of any site five acres or larger) - See additional exemptions in 2.3.1.B.
	2.3.2. Improvements to Encourage Pedestrian, Bicycle, and Vehicular Connectivity	All roadway types	- Projects with a net site area of three acres or more in all non-residential zoning districts - Projects with a net site area of less than three acres that have parking between the building and the principal street in all zoning districts
2.4: Parking Reductions	All standards	All roadway types	All non-residential zoning districts
2.5: Exterior Lighting	All standards	All roadway types	All zoning districts
2.6: Screening of Equipment and Utilities	All standards	All roadway types	- All non-residential zoning districts - The following uses are exempt, in addition to the general exemptions of Section 1.2.3.: local utilities services use, electric service transformers within the right-of-way, telecommunication tower
2.7: Private Common Open Space and Pedestrian Amenities	All standards	All roadway types	All site plans five acres in size or larger

Section	Standard	Applies if the Principal Street Is:	Applies to the Following:
ARTICLE 3: BUILDING DESIGN STANDARDS			
3.2: Pedestrian Frontages	All standards	All roadway types	<ul style="list-style-type: none"> - Development of any commercial or civic land use - 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.
3.3: Options to Improve Building Design	All standards	All roadway types	<ul style="list-style-type: none"> - Development of any commercial use of 10,000 square feet or more that requires a building permit - Development of any commercial use of less than 10,000 square feet that contains any exterior trademarked design features - Any building zoned for industrial use or warehouse use at the point its use is converted to commercial - VMU buildings with external trademarked design features (not including signs) - Office development is exempt from this section
ARTICLE 4: MIXED USE			
4.3.: Vertical Mixed Use Building	All standards	Core Transit Corridor, Future Core Transit Corridor	<ul style="list-style-type: none"> - Mixed Use Combining District - Vertical Mixed Use Overlay District - Properties that opt in to VMU pursuant to 4.3.5.C.3.
		Highway, Hill Country Roadway, Suburban Roadway, or Urban Roadway	<ul style="list-style-type: none"> - Mixed Use Combining District - Sites of three acres or more, subject to 4.3.2.B. - Properties that opt in to VMU pursuant to 4.3.5.C.3.

1.2.2. New Construction, Redevelopment, and Major Rehabilitation

Unless exempted in Section 1.2.3., if a particular standard of this Subchapter is applicable to development on a particular site based upon the table above, then that standard shall be applicable to the following activity:

- A. New construction; and
- B. Redevelopment or major rehabilitation (for redevelopment or major rehabilitation, the Director shall determine the portion of the site to which the standard applies, based on the extent of change proposed), which for purposes of this Subchapter shall include any project that will, combined with all other redevelopment or rehabilitation of the site that has occurred since the effective date of this Subchapter:
 - 1. For sites of less than one acre, generate 1,000 vehicle trips or more per day above the estimated trip level on the effective date of this Subchapter, and for sites of one acre or more, generate 2,000 vehicle trips or more per day above the estimated trip level on the effective date of this Subchapter; or
 - 2. Increase the site's impervious cover by 25 percent or more beyond the amount of impervious cover existing on the effective date of this Subchapter.

1.2.3. Exemptions**A. General Exemptions**

The following types of development are exempt from the requirements of this Subchapter:

- 1. Development that does not require a site plan under Chapter 25-5;
- 2. Development in the following zoning districts:
 - a. Agricultural (AG) district;
 - b. Aviation (AV) district; and
 - c. Traditional neighborhood (TN) district;
- 3. Development built pursuant to the overlay district provisions of the university neighborhood overlay (UNO) district;
- 4. Development built pursuant to an adopted transit station area plan;
- 5. Development built pursuant to the Robert Mueller Municipal Airport Redevelopment Plan;
- 6. Development built pursuant to an adopted downtown plan;
- 7. Development of an industrial use or data center; and
- 8. Interior remodeling of a building.

B. Exemption for Restaurant or Service Station Redevelopment

In the case of the redevelopment of a pad site building in which the existing principal use is a restaurant or service station and the proposed new principal use will continue to be a restaurant or service station operated by the same owner/family, corporation,

or buyer, the owner/family, corporation, or buyer may rebuild the building to match its existing site configuration, even though that configuration may not fully comply with the building location standards of this Subchapter. In such cases, new sidewalks must be provided that comply with the sidewalk (but not the building location) requirements of Section 2.2 of this Subchapter unless compliance is impracticable due to site constraints, in the determination of the Director. In addition, the rebuilt building must comply with the standards in Article 3, *Building Design Standards*, of this Subchapter, and also Subchapter G, *Landscape Regulations*, and Chapter 25-10, *Signs*.

C. Exemption for Downtown Sidewalks

Development on all streets in the downtown area is exempt from the sidewalk and supplemental zone standards of Section 2.2. of this Subchapter, and instead is encouraged to comply with the sidewalk standards of the Great Streets Development Program. Development on all streets in the downtown area is subject to all other applicable provisions of this Subchapter except the sidewalk standards.

D. Exemption for Small Interior Lots

Development on interior lots with 65 feet or less of frontage on the principal street and with vehicular access only from the principal street is exempt from the building location requirements of Sections 2.2.2 and 2.2.3. of this Subchapter.

1.2.4. Conflicting Provisions

- A. If the provisions of this Subchapter are inconsistent with provisions found in other adopted codes, ordinances, or regulations of the City of Austin not listed in Subsection B. below, this Subchapter shall control unless otherwise expressly provided.
- B. The following provisions supersede the requirements of this Subchapter to the extent of conflict:
 - 1. The following provisions of Chapter 25-2:
 - a. Subchapter C, Article 3 (*Additional Requirements for Certain Districts*);
 - b. Subchapter C, Article 4 (*Additional Requirements for Certain Uses*);
 - c. Subchapter C, Article 10 (*Compatibility Standards*);
 - d. Provisions applicable to the Hill Country Roadways; and
 - 2. Regulations applicable to a:
 - a. Barton Springs Zone overlay district;
 - b. Conditional overlay (CO) combining district;
 - c. Central urban redevelopment (CURE) combining district;
 - d. Neighborhood conservation (NC) combining district;
 - e. Neighborhood plan (NP) combining district;
 - f. Planned development area (PDA) combining district;
 - g. Planned unit development (PUD) district; or

- h. Waterfront overlay (WO) district (except that the redevelopment provisions of this Subchapter in Sections 2.3.1, *Internal Circulation Systems for Large Sites*, and 4.3., *Vertical Mixed Use Buildings*, shall apply to the WO district).

1.2.5. Accessibility

Accessibility, integration and inclusion of people with disabilities are fundamental components of our vision for the future of the City of Austin. This subchapter is not intended to supersede any applicable state or federal accessibility statutes and regulations. Administration and enforcement of this subchapter shall comply with all such statutes and regulations.

1.2.6. State and Federal Facilities

Compliance with the standards of this Subchapter at all state and federal facilities is encouraged.

1.3. REVIEW PROCESS

1.3.1. Standards Applicable During Site Plan Review

The standards contained in the following sections of this Subchapter shall be applied in the normal review process for site plans as set forth in Chapter 25-5 of the Austin Code:

- A. Section 2.2, *Relationship of Buildings to Streets and Walkways*,
- B. Section 2.3, *Connectivity*,
- C. Section 2.4, *Parking*,
- D. Section 2.5, *Exterior Lighting (for fixtures not affixed to buildings)*,
- E. Section 2.6, *Screening of Equipment and Utilities (for fixtures not affixed to buildings)*,
- F. Section 2.7, *Private Common Open Space and Pedestrian Amenities*, and
- G. Article 4, *Mixed Use*.

In addition to meeting the review criteria specified in Chapter 25-5, each site plan application shall evidence compliance with the standards listed above.

1.3.2. Standards Applicable During Building Permit Review

The standards contained in the following sections of this Subchapter shall be applied in the normal review process for building permits as set forth in Chapter 25-11 of the Austin Code:

- A. Section 2.5, *Exterior Lighting (for fixtures affixed to buildings)*,

- B. Section 2.6, *Screening of Equipment and Utilities (for fixtures affixed to buildings)*, and,
- C. Article 3, *Building Design Standards*.

In addition to meeting the review criteria specified in Chapter 25-11, each building permit application shall evidence compliance with the standards listed above.

1.4. MINOR MODIFICATIONS

1.4.1. Purpose and Scope

“Minor modifications” are small deviations from otherwise applicable standards of this Subchapter that may be approved by the Director in order to protect natural or historic features or to address unusual site conditions. Minor modifications are to be used when the limited nature of the modification requested, and the unlikelihood of any adverse effects on nearby properties or the neighborhood, make it unnecessary to complete a formal variance process.

1.4.2. Applicability

The Director may approve minor modifications of 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 Approval Criteria below are met. 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 the approval of any subdivision plan, site plan, or special use.

1.4.3. Procedure

The Director may initiate or approve a minor modification allowed under this section at any time prior to submittal of the staff report on the application to another decision-making body or prior to final decision if the Director is the final decision-maker. The Director shall specify any approved minor modifications and the justifications for such

modifications on the pending development application for which the modifications were sought.

1.4.4. Approval Criteria

The Director may approve a minor modification from the terms of this Subchapter only upon finding that the modification meets all of the criteria below:

- A. The requested modification is in general conformity with the stated purposes of this Subchapter;
- B. The requested modification meets all other applicable zoning, building, drainage, water quality, and safety code requirements;
- C. The requested modification will have no significant adverse impact on the health, safety, or general welfare of surrounding property owners or the general public, or such impacts will be substantially mitigated; and
- D. The requested modification is necessary to compensate for some practical difficulty or some unusual aspect of the site of the proposed development not shared by landowners in general.

1.5. ALTERNATIVE EQUIVALENT COMPLIANCE

1.5.1. Purpose and Scope

To encourage creative and original design, and to accommodate projects where the particular site conditions or the proposed use prevent strict compliance with this Subchapter, alternative equivalent compliance allows development to occur in a manner that meets the intent of this Subchapter, yet 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 this Subchapter could be achieved using the minor modification process in Section 1.4.

1.5.2. Applicability

The alternative equivalent compliance procedure shall be available only for the following sections of this Subchapter:

- 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*.

1.5.3. Procedure

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.

A. Option One: Informal Recommendation

1. Pre-Application Conference Required

If an applicant desires only an informal response and recommendation as to a proposal for alternative compliance, he or she shall request and attend a pre-application conference prior to submitting the site plan and/or building permit application for the development. At the conference, the applicant shall provide a written summary of the project and the proposed alternative compliance, and the Director shall offer an informal, non-binding response and recommendation regarding the appropriateness of the proposed alternative. Based on that response, the applicant may prepare a site plan and/or building permit application that proposes alternative compliance, and such application shall include sufficient explanation and justification, in both written and graphic form, for the alternative compliance requested.

2. Decision-Making Responsibility

Final approval of any alternative compliance proposed under this section shall be the responsibility of the decision-making body responsible for deciding upon the application. The final decision-making body for site plans is either the Director or the appropriate Land Use Commission, as specified in Chapter 25-5, and the building official for building permits.

B. Option Two: Formal Decision

1. Pre-Application Conference

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 and/or building permit application for the development.

2. Alternative Compliance Concept Plan Required

At least ten days prior to the pre-application conference, the applicant shall submit an alternative compliance concept plan application to the Director, which shall include:

- a. A written description of and justification for the proposed alternative method of compliance, specifically addressing the criteria in Section 1.5.4.; and
- b. A concept plan that describes and illustrates, in written and graphic format, the intended locations and quantities of proposed buildings on the site, the layout of proposed vehicle and pedestrian access and circulation systems, and areas designated to meet requirements for open space, parking, on-site amenities, utilities, and landscape. The concept plan shall describe the site's topography and shall provide a general description of environmental characteristics to assist in determining compliance with this Subchapter. If alternative compliance

is requested from the standards of Article 3, *Building Design*, the concept plan also shall include descriptions and illustrations of the proposed building design elements that would not comply with the standards of this Subchapter.

3. Decision by Director

The Director shall review the concept plan for compliance with the criteria in Section 1.5.4. and shall approve, approve with conditions, or deny the concept plan in writing.

4. Expiration of Alternative Compliance Concept Plans

- a. An approved alternative compliance concept plan shall expire if three years pass following its approval and no building permit that implements the concept plan has been issued.
- b. One, one-year extension may be issued by the Director provided that a written request has been received prior to the expiration of the concept plan, and the Director has determined that no major changes in the city's development standards, or changes in the development pattern of the surrounding properties, have occurred.

5. Effect of Approval

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 (either the Land Use Commission or the Director for site plans, and the building official for building permits) to review the site plan and/or building permit application for compliance with the alternative compliance concept plan, in addition to all other applicable requirements. The site plan and/or building permit application shall include a copy of the approved alternative compliance concept plan.

6. Amendments to Alternative Compliance Concept Plans

- a. Minor amendments to any approved alternative compliance concept plan may be approved, approved with conditions, or denied administratively by the Director. For purposes of this provision, minor amendments are those that do not result in:
 - (i) An increase of 10 percent or more in the amount of square footage of a land use or structure;
 - (ii) A change in the types of uses in the project;
 - (iii) An increase or decrease of 20 percent or more in the number of dwelling units in the project; or
 - (iv) A change that would bring the project out of compliance with any requirement or regulation set forth in the City Code outside this Subchapter unless a variance to or waiver from such requirement or regulation is obtained.

- b. Amendments that are not determined by the Director to be minor amendments under subsection a. above shall be deemed major amendments. The applicant may seek approval of a major amendment by re-submitting the original approved plan along with the proposed amendment to the Director for review in the same manner prescribed in subsection B.2. above.
- c. If any site plan and/or building permit application includes a major amendment from the terms of the approved concept plan that has not been approved by the Director, the concept plan shall be void and the application shall be reviewed for compliance with the standards of this Subchapter and all other applicable requirements.

1.5.4. Criteria

Alternative equivalent compliance may be approved only if the applicant demonstrates that the following criteria have been met:

- A. The proposed alternative achieves the intent of the subject Article of this Subchapter from which the alternative is sought; or
- B. The proposed alternative achieves the intent of the subject Article of this Subchapter from which the alternative is sought to the maximum extent practicable and is necessary because:
 - 1. Physical characteristics unique to the subject site (such as, but not limited to, slopes, size, shape, and vegetation) make strict compliance with the subject standard impracticable or unreasonable; or
 - 2. Physical design characteristics unique to the proposed use or type of use make strict compliance with the subject standard impracticable or unreasonable.
 - 3. An undue financial hardship would be created for a development less than 10,000 square feet without any exterior trademark design feature.

1.5.5. Effect of Approval

Alternative compliance shall apply only to the specific site for which it is requested and shall not establish a precedent for approval of other requests.

1.6. ADOPTION DATE AND EFFECTIVE DATE

The adoption date of this Subchapter is August 31, 2006. The effective date of this Subchapter is January 13, 2007.

ARTICLE 2: SITE DEVELOPMENT STANDARDS

2.1. INTENT

The standards of Article 2 are intended to use site planning and building orientation in order to:

- 2.1.1.** Ensure that buildings relate appropriately to surrounding developments and streets and create a cohesive visual identity and attractive street scene;
- 2.1.2.** Ensure that site design promotes efficient pedestrian and vehicle circulation patterns;
- 2.1.3.** Ensure the creation of a high-quality street and sidewalk environment that is supportive of pedestrian and transit mobility and that is appropriate to the roadway context;
- 2.1.4.** Ensure that trees, sidewalks, and buildings – three of the major elements that make up a streetscape – are arranged in a manner that supports the creation of a safe, human-scaled, and well-defined roadway environment;
- 2.1.5.** Ensure that trees or man-made shading devices are used to create a pedestrian-friendly environment both alongside roadways and connecting roadside sidewalks to businesses;
- 2.1.6.** Ensure that buildings relate appropriately to their roadway context, allowing for easy pedestrian access to buildings and providing well-defined edges to the roadway environment;
- 2.1.7.** Ensure that building entranceways are convenient to and easily accessible from the roadside pedestrian system;
- 2.1.8.** Provide opportunities for roadside uses that enliven and enrich the roadway and pedestrian environment, such as outdoor dining, porches, patios, and landscape features;
- 2.1.9.** Ensure that vehicular parking is accommodated in a manner that enriches and supports, rather than diminishes, the roadside pedestrian environment, and that does not create a barrier between the roadside environment and the roadside buildings; and
- 2.1.10.** Ensure that large sites are developed in a manner that supports and encourages connectivity and creates a cohesive visual identity and attractive street scene.

2.2. RELATIONSHIP OF BUILDINGS TO STREETS AND WALKWAYS

2.2.1. Overview of Roadway Types

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:

- A. Core Transit Corridor;
- B. Internal Circulation Route;
- C. Urban Roadway;
- D. Suburban Roadway; and
- E. Highway or Hill Country Roadway.

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.



Figure 3: Example of a Core Transit Corridor (South Congress)



Figure 4: Example of an Internal Circulation Route (Jefferson Center)



Figure 5: Example of a Highway (I-35)

2.2.2. Core Transit Corridors: Sidewalks and Building Placement

A. Applicability

The following table summarizes the applicability of this section:

Standard	Applies if the Principal Street Is:	Applies to the Following:
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.

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. 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 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:



Figure 6: Street tree/furniture zone example



Figure 7: Clear zone example

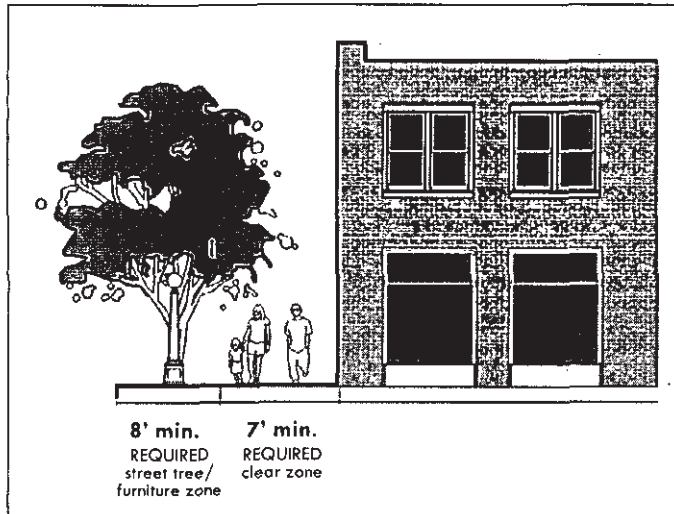


Figure 8: Core transit corridor sidewalk requirements. Street trees are required along core transit corridors with an average spacing not greater than 30 feet on center.

1. Street Tree/Furniture Zone

- a. The 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 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 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 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.

Article 2: Site Development Standards
 Section 2.2. Relationship of Buildings to Streets and Walkways
 Subsection 2.2.2. Core Transit Corridors: Sidewalks and Building Placement

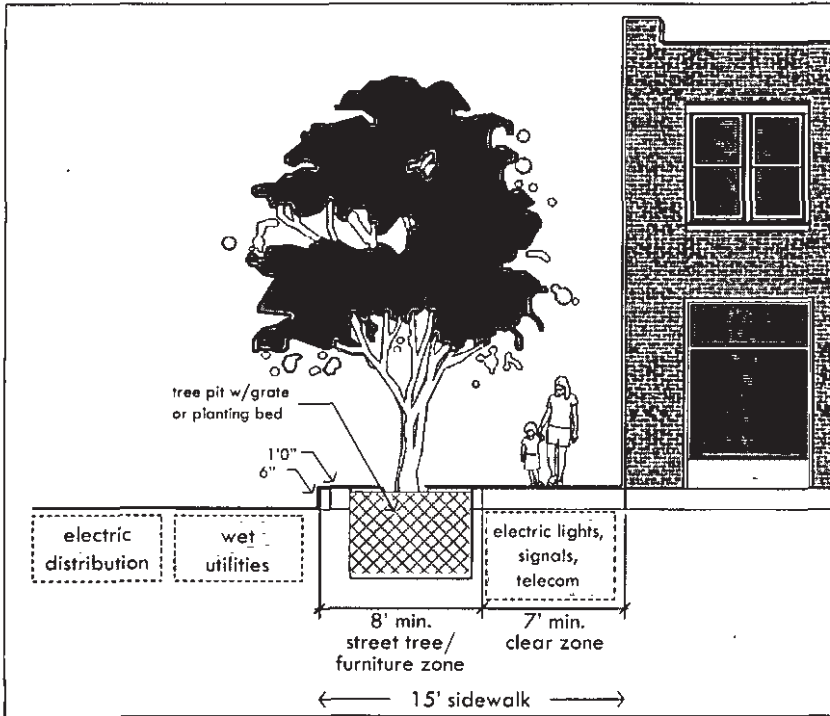


Figure 9: Core transit corridor with underground utilities.

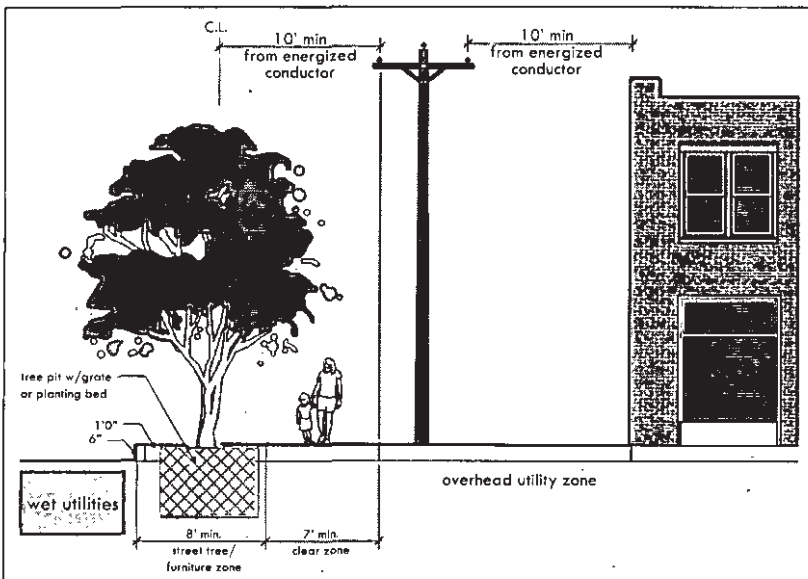


Figure 10: Core transit corridor with overhead utility zone.

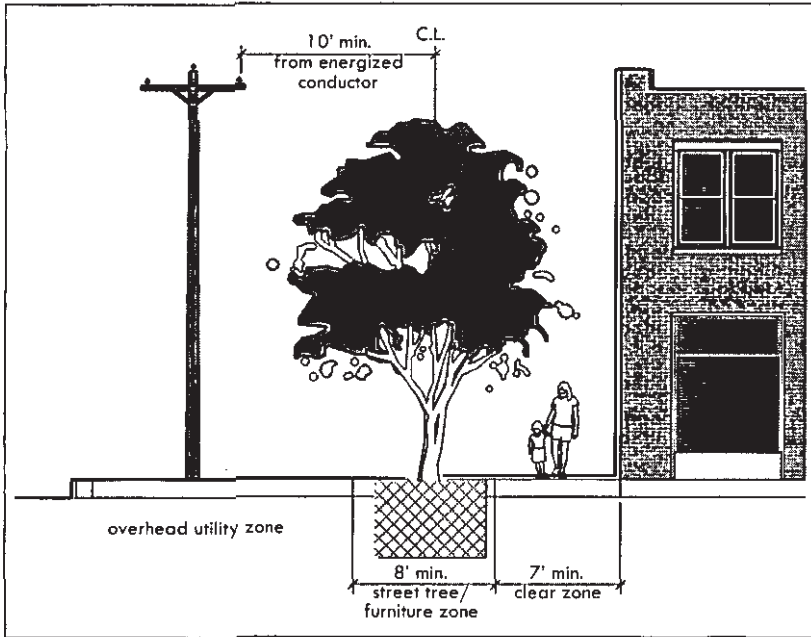


Figure 11: Core transit corridor with overhead utility zone at curb.

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 street tree/furniture zone and a five-foot clear zone.

5. Alternative Requirements for On-Street Parallel and Head-in Parking

- a. A VMU development is entitled as a matter of right to parallel or head-in parking so long as such parking is provided in a cut-in inside of the existing curb line immediately abutting the development. (See Figure 12.) Council policy is to permit parallel or head-in parking along Core Transit Corridors as part of Council policy to promote pedestrian-oriented VMU development and greater density on these corridors.

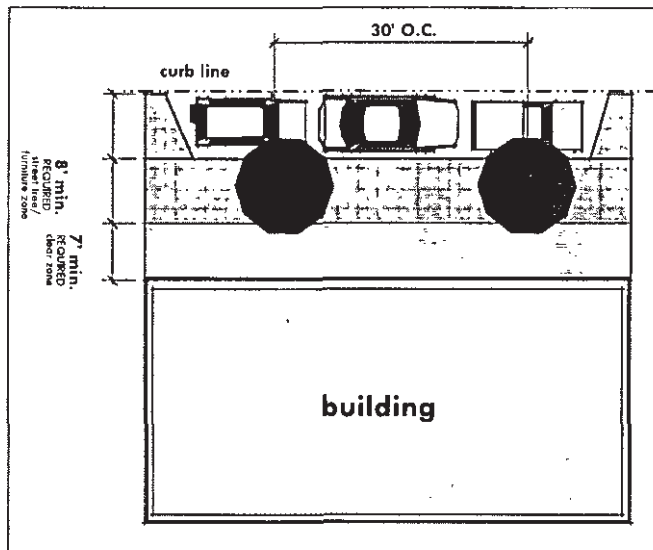


Figure 12: Optional parallel parking located inside of the existing curb line.

- (i) A site plan proposal to include parallel or head-in parking under this provision may only be denied or modified through the following procedure:
- (1) The Director of Public Works seeks a waiver of this Council policy for the VMU development in question; and
 - (2) The Urban Design Officer makes an affirmative determination that the requested denial or modification of parallel or head-in parking will not

- undermine Council policy for Core Transit Corridors; and
- (3) The Director of Public Works presents this request for waiver of Council policy at a regularly called meeting of the Austin City Council within 45 days of the site plan being filed; and
 - (4) Council approves the Director's request for waiver.
- (ii) If the effected property owner objects to the request for waiver of Council policy and submits a written objection, an affirmative vote by a super majority of the Council shall be required to approve the waiver.
- (iii) If the Council does not act on the waiver request within 45 days of the site plan being filed, the site plan provisions relating to head-in or parallel parking shall be approved administratively.
- b. For developments other than VMU developments, at the option of the applicant and subject to the approval of the Director of Public Works (based on administrative criteria that the Director shall present to the City Council at a regularly called Council meeting for Council approval no later than January 31, 2007), parallel or head-in parking may be provided in a cut-in inside of the existing curb line immediately abutting the development. The administrative criteria presented by the Director of Public Works for Council approval must demonstrate how this criteria meets Council policies for Core Transit Corridors, including promoting greater vertical mixed use development and emphasizing the more pedestrian-oriented planning function of Core Transit Corridors.
 - c. If parking is provided to paragraphs a. or b. above, the sidewalk provisions of this section shall continue to apply, with both a clear zone and street/furniture zone placed adjacent to the curb at the inside of the parking spaces, and both zones meeting the requirements of subsections 1. and 2. above.

C. Supplemental Zone (Optional)

A supplemental zone may be provided at the option of the applicant between the street-facing façade line and the required clear zone. (See Figure 13.) The following standards apply to supplemental zones:

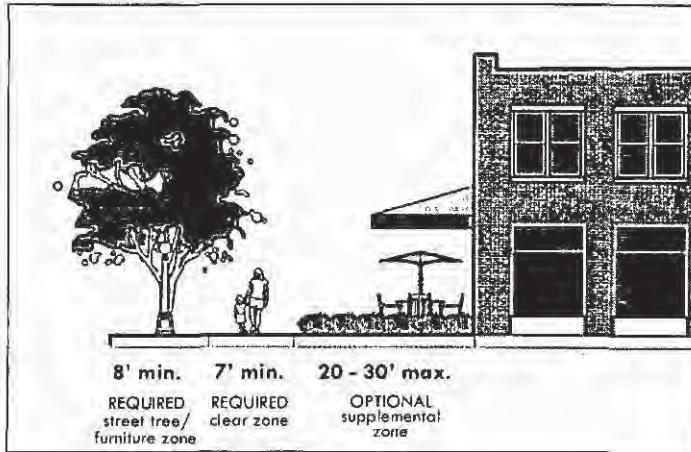


Figure 13: Core transit corridor with optional supplemental zone.

1. If a supplemental zone is provided, up to 30 percent of the linear frontage of the supplemental zone may be a maximum of 30 feet wide, and the remainder of the supplemental zone shall be a maximum of 20 feet wide. (See Figure 14.)

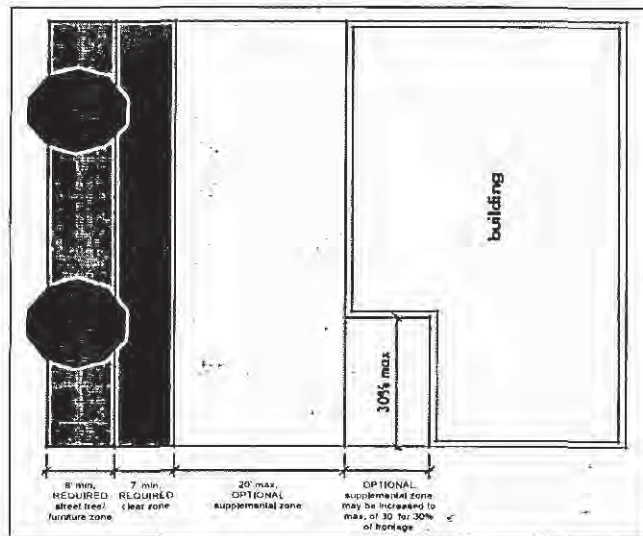


Figure 14: Optional supplemental zone may be expanded to 30 feet for a maximum of 30 percent of the frontage.

2. The following elements may be located within the supplemental zone:
 - 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.
3. Any features in the supplemental zone must not obstruct the open pedestrian connection between the building's primary entrance and the clear zone.

D. Building Placement

1. General Building Placement Standard

Notwithstanding the minimum setback requirements of the base zoning districts, at least 75 percent of the net frontage length of the property along the Core Transit Corridor must consist of continuous building façade built up to the clear zone, or the supplemental zone if one is provided. (See Figure 16.) For purposes of this Subchapter, "net frontage length" is defined in Article 5. This minimum net frontage length requirement shall not apply if the site qualifies for one of the exceptions in subsections 2., 3., 4., or 5. below.



Figure 15: Example of supplemental zone outdoor dining

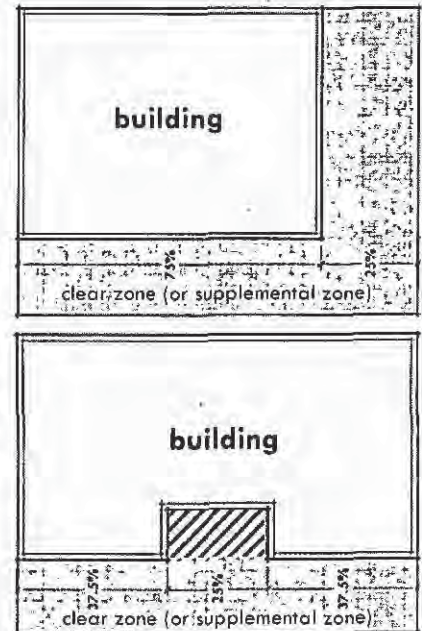


Figure 16: Examples of permitted building placement along core transit corridors. Parking is not permitted in the hatched area between the street-facing facade and the sidewalk.

2. Exception: Sites of Five Acres or More

If the lot or site is at least five acres in size and thus subject to the connectivity requirements in Section 2.3.1. of this Subchapter, no minimum net frontage length is required along the Core Transit Corridor. Instead, buildings shall meet the building placement requirements along the Internal Circulation Route in Section 2.2.5. (See Figure 17.)

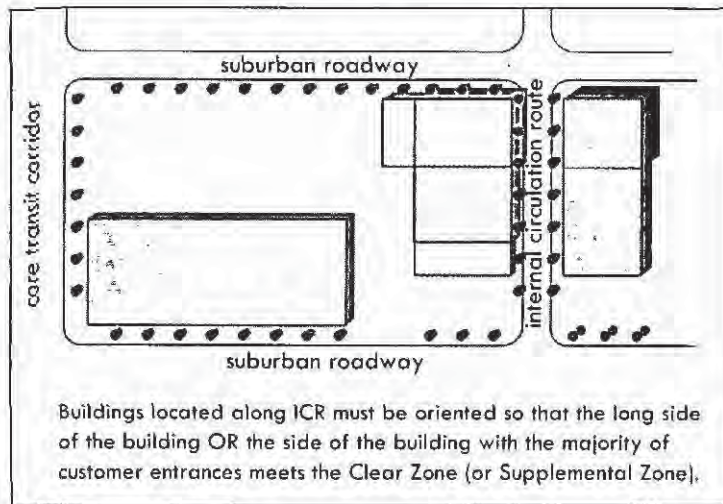


Figure 17: For sites of five acres or more, buildings may be located along the internal circulation route, instead of the core transit corridor.

3. Exception: Civic Buildings

In order to provide greater flexibility to create a distinctive architectural statement, civic buildings do not have to be built up to the clear zone (or supplemental zone if one is provided), so long as parking is not located between the building frontage facing the principal street and the street. (See Figure 18.)

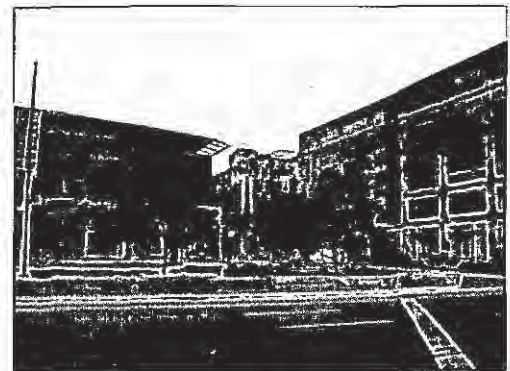


Figure 18: The Austin City Hall is set back from the street in some areas, while other non-civic buildings meet the street. This is a traditional urban design technique intended to emphasize the importance of civic uses.

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

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 circulation lane may not have parking and cannot be wider than 20 feet. An accessible and clearly marked walkway that crosses the circulation aisle shall be provided to connect the clear zone and the building's principal entrance. (See Figure 19.)

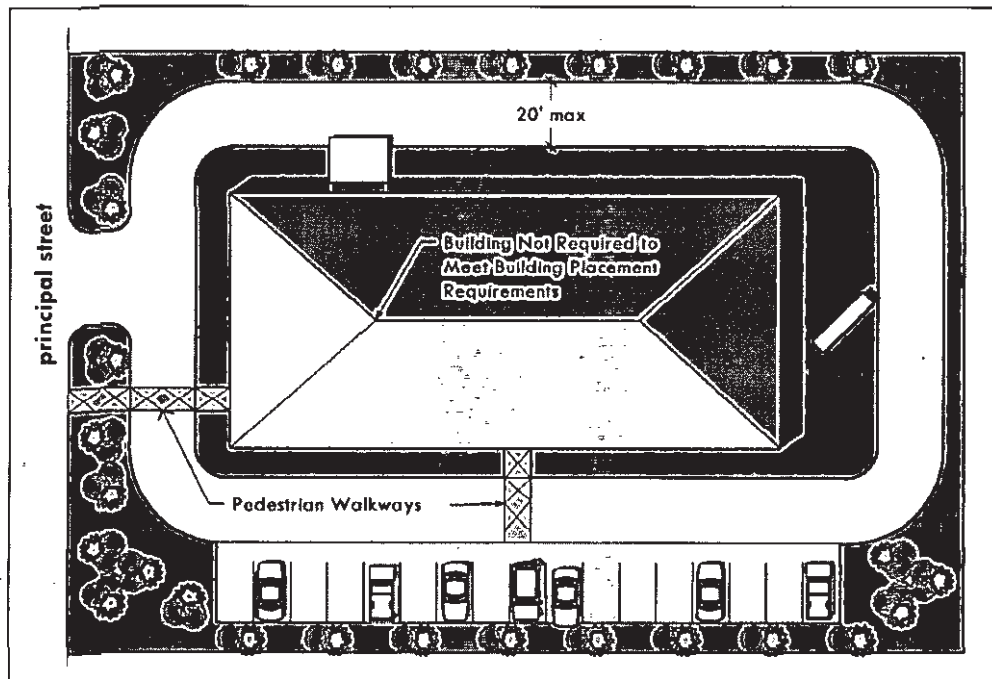


Figure 19: Drive-through uses serviced by a single curb cut do not have to meet the building placement standards in order to allow for a circulation lane.

5. Exception: Alternative Equivalent Compliance

If the applicant applies for a modification of this building placement standard through the alternative equivalent compliance procedure in Section 1.5 because there will not be enough building frontage to meet the 75 percent net frontage length requirement, the Director may approve an alternative design provided one of the following is met, in addition to the criteria in Section 1.5.4.:

- a. On a site with a single principal building:
 - (i) The longer side of the building must be built up to the clear zone (or supplemental zone if provided) (See Figure 20.), or
 - (ii) At least one side of the building must be built up to the clear zone (or supplemental zone if provided) and the majority of the tenant spaces must have principal entrances facing the principal street (See Figure 21.).

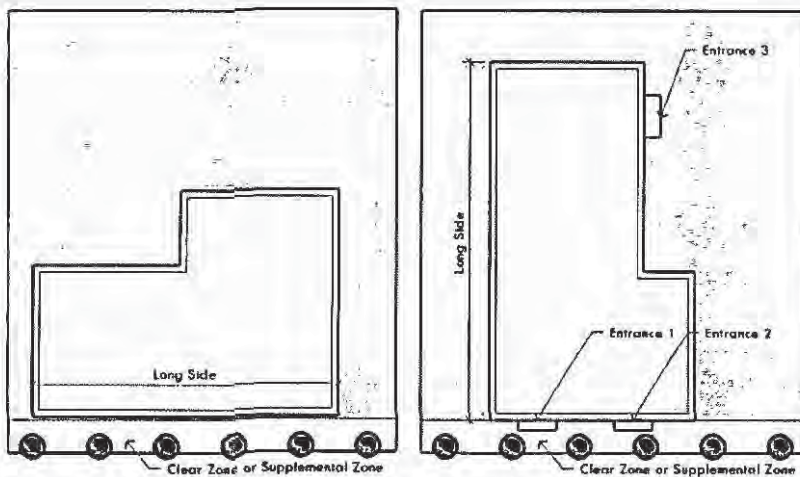


Figure 20 (left) & 21 (right): Alternative building placement options.

- b. On a site with more than one principal building, at least one building must be built to the clear zone (or supplemental zone), and:
 - (i) The longer side of any building, any portion of which is within 100 feet of the principal street, must be built up to the clear zone (or supplemental zone if provided), or

- (ii) At least one side of any building, any portion of which is within 100 feet of the principal street, must be built up to the clear zone (or supplemental zone if provided) and the majority of tenant spaces in any such building must have principal entrances facing the principal street.

E. Off-Street Parking

1. Off-street parking is prohibited between the Core Transit Corridor and the corresponding street-facing façade line. (See Figure 22.)
2. Any off-street surface parking along a Core Transit Corridor shall have landscape buffering in accord with Section 25-2-1006 of the LDC between the clear zone (or the supplemental zone if provided) and the parking area. The buffering method chosen must include shade trees.

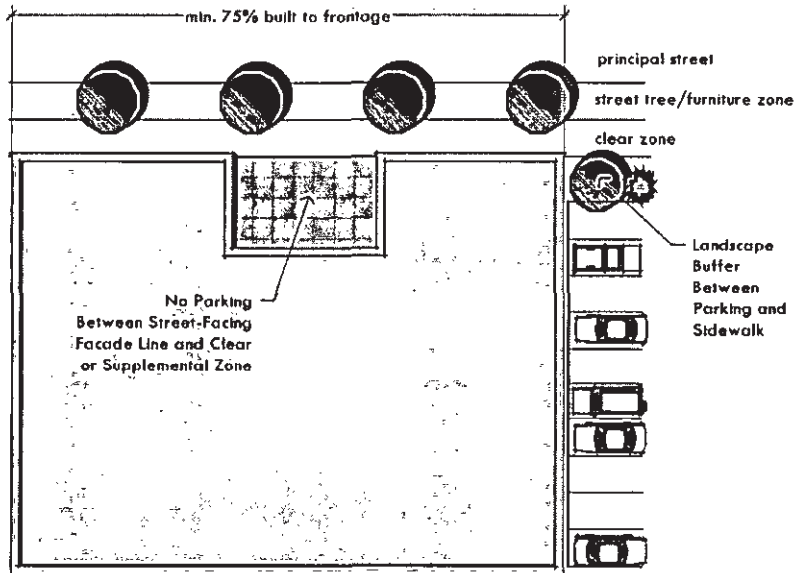


Figure 22: Parking to the side of a building is permitted but screening is required between the parking and the sidewalk. No parking is permitted between the building and the sidewalk on a Core Transit Corridor.

1. Street Tree/Furniture Zone

The street tree/furniture zone shall have a minimum width of seven feet and shall be continuous and located adjacent to the curb.

2. Clear Zone

The clear zone shall be a minimum width of five feet, shall be hardscaped, shall be located adjacent to the street tree/furniture zone, and shall comply with ADA and Texas Accessibility Standards. The clear zone shall be unobstructed for a minimum width of five feet and a minimum height of eight feet.

3. Utilities

The standards for utility placement along core transit corridors shall also apply to utility placement along urban roadways. See Section 2.2.2.B.3. (See Figures 24 - 26.)

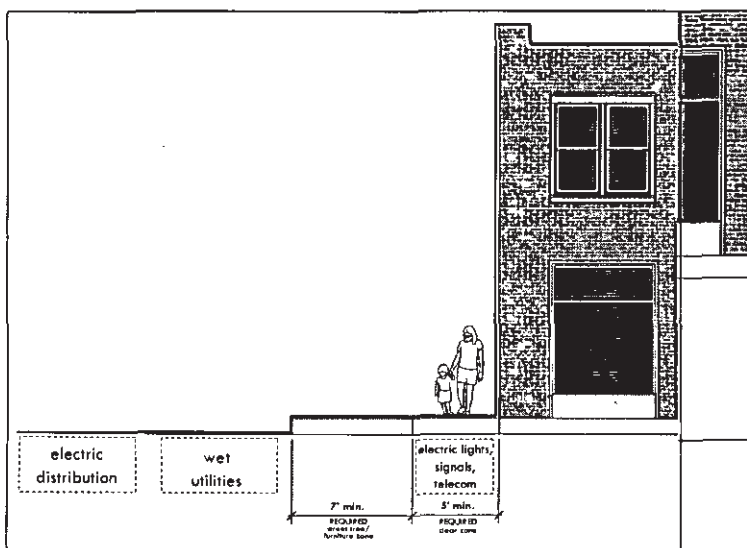


Figure 24: Underground Utilities on Urban Roadway

2.2.3. Urban Roadways: Sidewalks and Building Placement

A. Applicability

The following table summarizes the applicability of this section:

Standard	Applies if the Principal Street Is:	Applies to the Following:
2.2.3. Urban Roadways: Sidewalks and Building Placement	Urban Roadway	All non-residential zoning districts

B. Sidewalks

Public sidewalks shall be located along both sides of all Urban Roadways. 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:

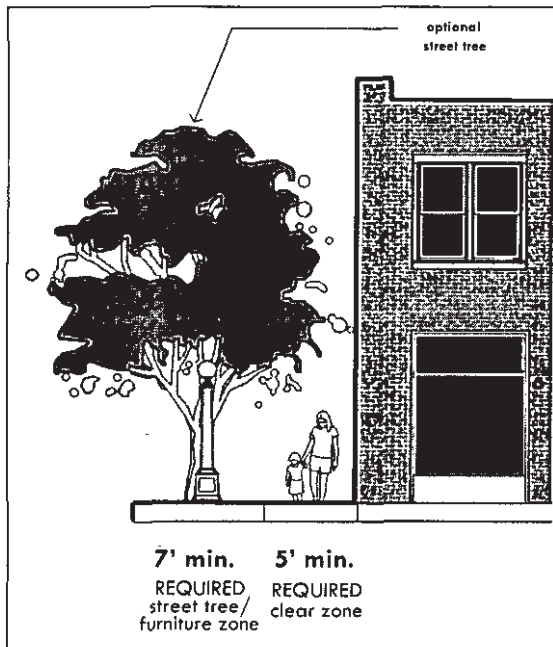


Figure 23: Urban roadway sidewalk width requirements. Note that street trees are optional on urban roadways.

Article 2: Site Development Standards
Section 2.2. Relationship of Buildings to Streets and Walkways
Subsection 2.2.3. Urban Roadways: Sidewalks and Building Placement

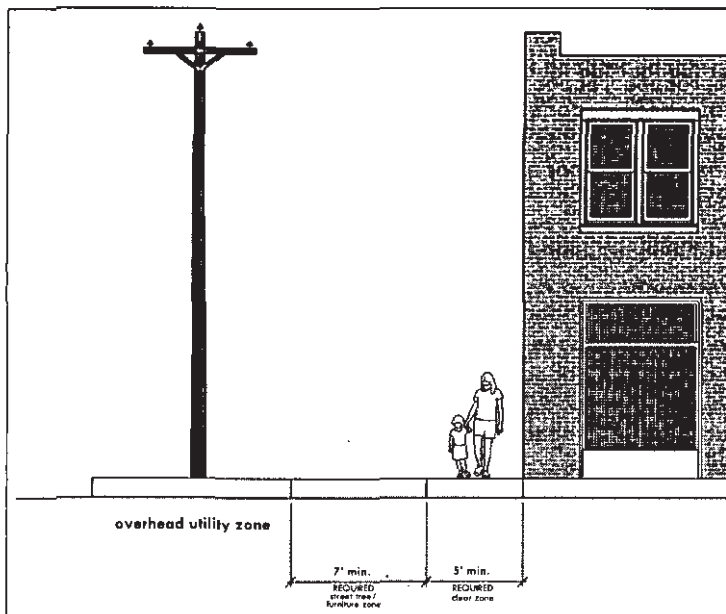


Figure 25: Above-Ground Utilities at Curb on Urban Roadway

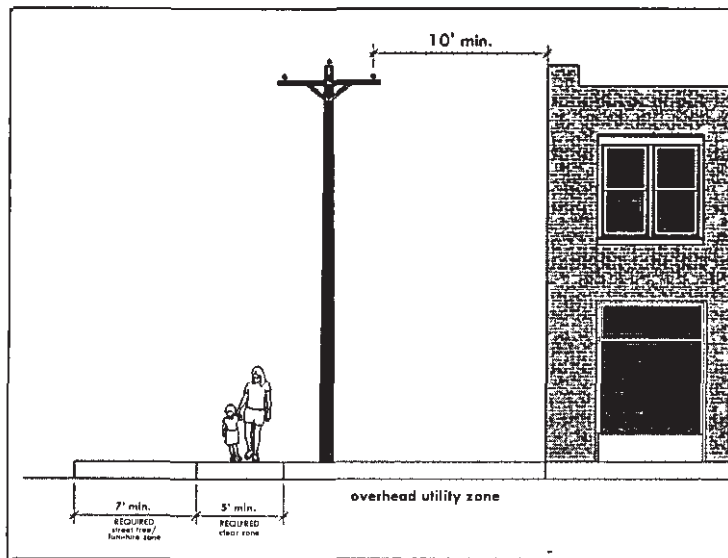


Figure 26: Above-Ground Utilities on Urban Roadway

C. Supplemental Zone (Optional)

A supplemental zone may be provided, at the applicant's option, between the street-facing façade line and the required clear zone. If provided, the supplemental zone shall be a maximum of 20 feet wide and shall comply with the standards above in Section 2.2.2.C. (See Figure 27.)

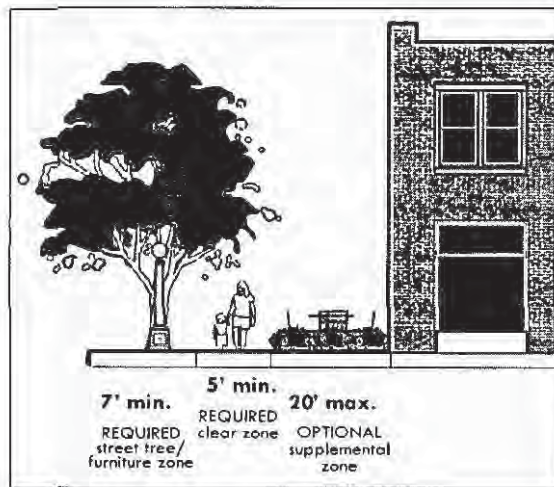


Figure 27: Urban Roadway with optional supplemental zone.

D. Building Placement

1. Notwithstanding the minimum setback requirements of the base zoning districts, at least 40 percent of the net frontage length along the Urban Roadway must consist of continuous building façade built up to the clear zone (or supplemental zone if provided). (See Figure 28.) Net frontage length is defined in Article 5. However, if the lot is subject to the connectivity requirements in Section 2.3.1., buildings may be built up to the sidewalk on an internal block along an Internal Circulation Route. (See Figure 29.)

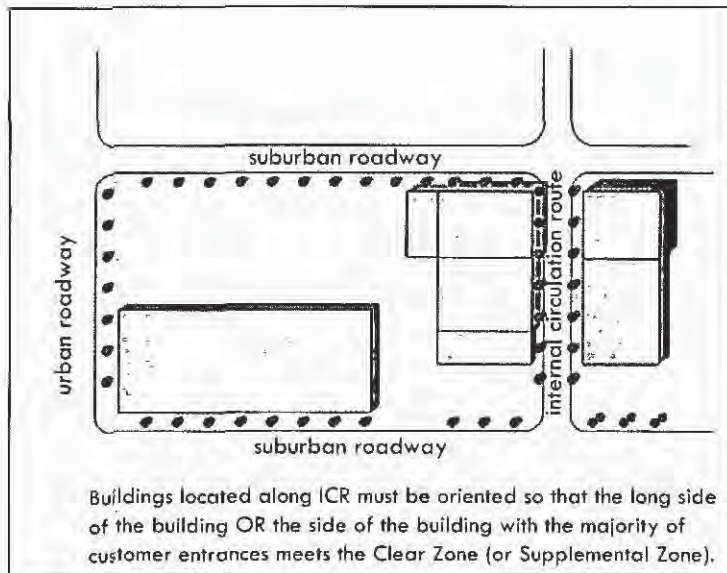


Figure 29: For sites of five acres or more, buildings may be located along the ICR instead of the urban roadway.

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

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.

3. Exception: Alternative Equivalent Compliance

If the applicant applies for a modification of this building placement standard through the alternative

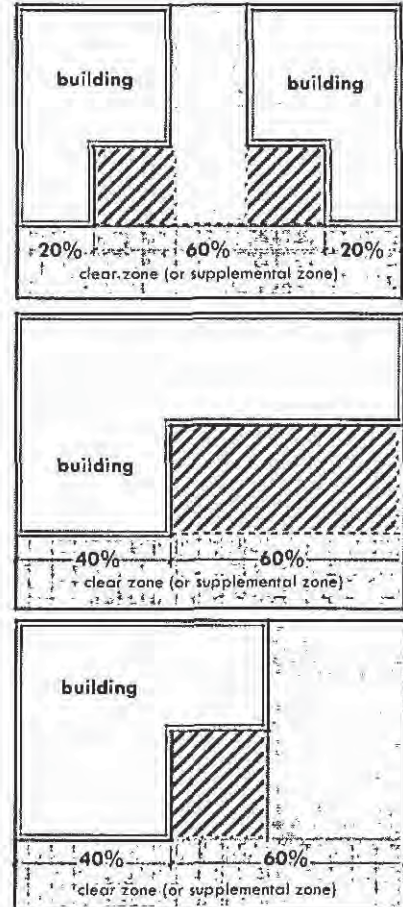


Figure 28: Examples of building placement on urban roadways. Parking is generally not permitted in the hatched area between the building facade and the sidewalk, except for shallow lots, as described in paragraph D.

equivalent compliance procedure in Section 1.5 because there will not be enough building frontage to meet the 40 percent net frontage length requirement, the Director may approve an alternative design provided one of the standards in Section 2.2.2.D.5. is met, in addition to the criteria in Section 1.5.4.

E. Parking

Parking is prohibited between the building(s) and the property line adjacent to the Urban Roadway. However, on sites 400 feet deep or less, parking may be located between the street-facing facade line and the Urban Roadway if:

1. At least 60 percent of the property's net frontage length along the Urban Roadway consists of continuous building façade (divided into no more than two buildings) (see Figure 31), or 40 percent of the net frontage length consists of continuous vertical mixed use building façade (divided into no more than two buildings), built up to the clear zone (or supplemental zone if provided); and
2. Any surface parking along an Urban Roadway shall have landscape buffering in accord with Section 25-2-1006 of the LDC between the clear zone (or the supplemental zone if provided) and the parking area; and
3. A shaded sidewalk leads to the main customer entrance from the clear zone (or supplemental zone if provided). No more than one drive aisle can cross the sidewalk. For multi-tenant developments, there must be a shaded sidewalk to the street-facing building façade at least every 330 feet of Urban Roadway frontage. (See Figure 30.)

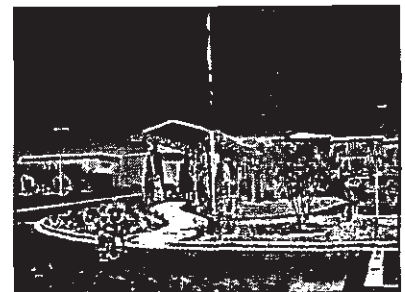
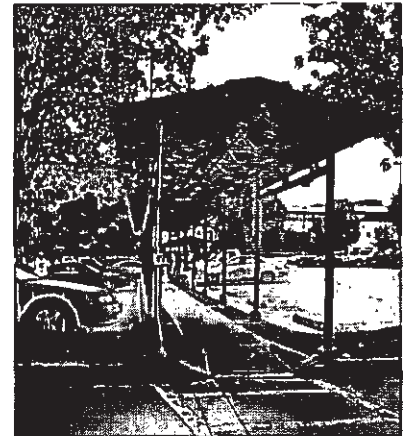


Figure 30: Examples of shaded sidewalks.

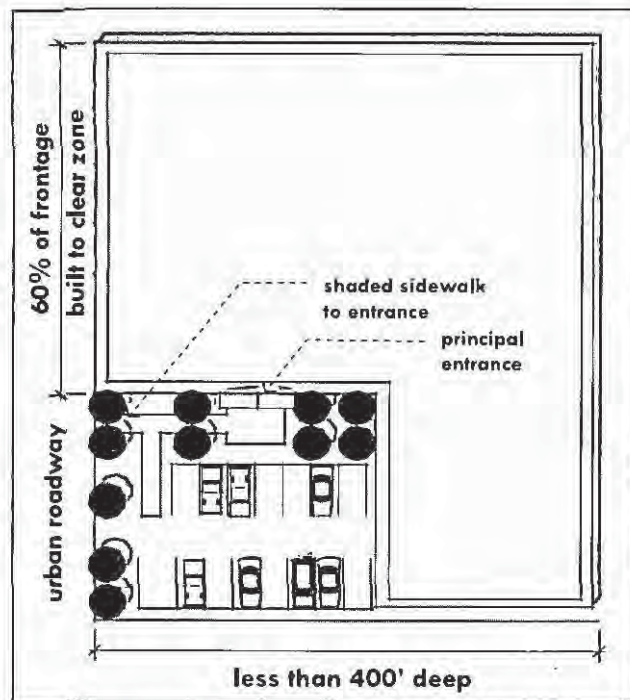


Figure 31: Parking is permitted between the building and the roadway on shallow lots less than 400 feet deep, when certain conditions are met.

F. Corner Sites

All sites located on a corner and adjacent to at least one Urban Roadway shall comply with the corner-site standards in Section 2.2.4.E.

2.2.4. Suburban Roadways: Sidewalks and Building Placement

A. Applicability

The following table summarizes the applicability of this section:

Standard	Applies if the Principal Street Is:	Applies to the Following:
2.2.4. Suburban Roadways: Sidewalks and Building Placement	Suburban Roadway	All non-residential zoning districts (development of any site subject to the internal circulation system requirements in Section 2.3.1.)

B. Sidewalks

Public sidewalks shall be located along both sides of all Suburban Roadways. Sidewalks and supplemental zones shall comply with the standards for sidewalks along Urban Roadways in Section 2.2.3. above.

C. Building Placement

1. On Suburban Roadways, parking is discouraged between the building and the street. (See Figure 32.) If the property meets the building placement requirements for Urban Roadways as set forth in Section 2.2.3.D. above and no parking is located between the principal street and any street-facing building elevation, the project is exempt from the connectivity requirements in Section 2.3.1.

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

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.

D. Parking

Parking along the street frontage must have:



Figure 32: Parking is discouraged between the building and the street on Suburban Roadways.

1. Landscape buffering in accord with Section 25-2-1006 of the LDC; and
2. A shaded sidewalk leading to the main customer entrance from the property line. No more than two drive aisles may cross the sidewalk. For multi-tenant developments, there must be a shaded sidewalk for at least every 330 feet of frontage along the suburban roadway frontage.

E. Corner Sites

For sites located on a corner on Suburban Roadways:

1. Surface parking is prohibited within 100 feet of the corner, unless (See Figure 33.):
 - a. Landscape buffering between the parking area and the sidewalk is provided in accord with Section 25-2-1006 of the LDC (See Figure 34.); and
 - b. One hundred percent of the building frontage that faces the principal street shall be built to the clear zone (or supplemental zone if provided).

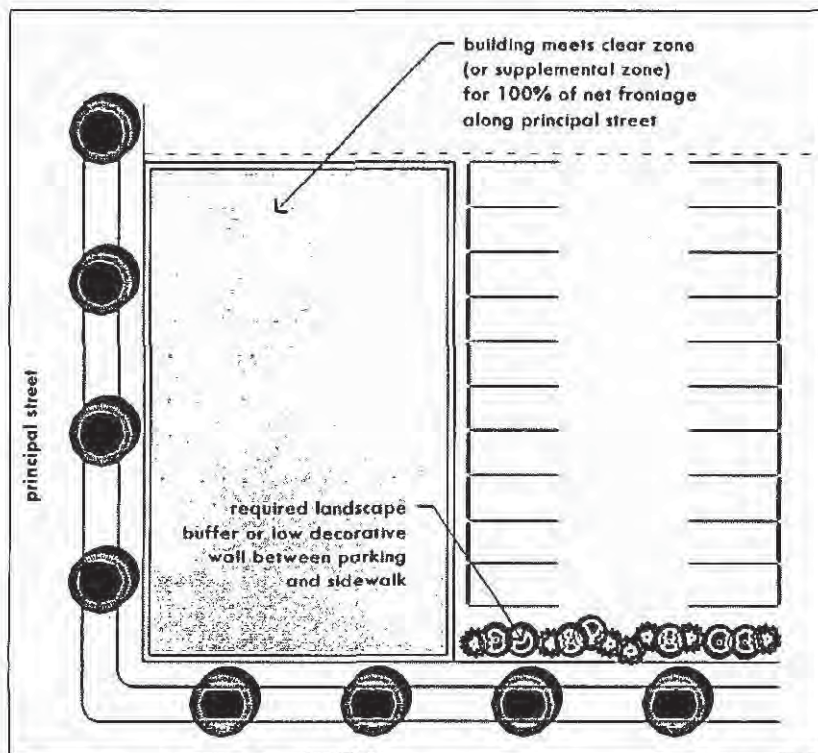


Figure 33: Corner Site on a Suburban Roadway (shown as "principal street")

2. The development may not contain an auto-oriented use unless it meets option a. or b. in 2.2.4.E.1. above. For purposes of this provision, auto-oriented uses shall consist of the following: any use with a drive-through service facility; automotive rentals; automotive repair services; automotive sales; automotive washing; commercial off-street parking; equipment sales; off-site accessory parking; service station; and vehicle storage.

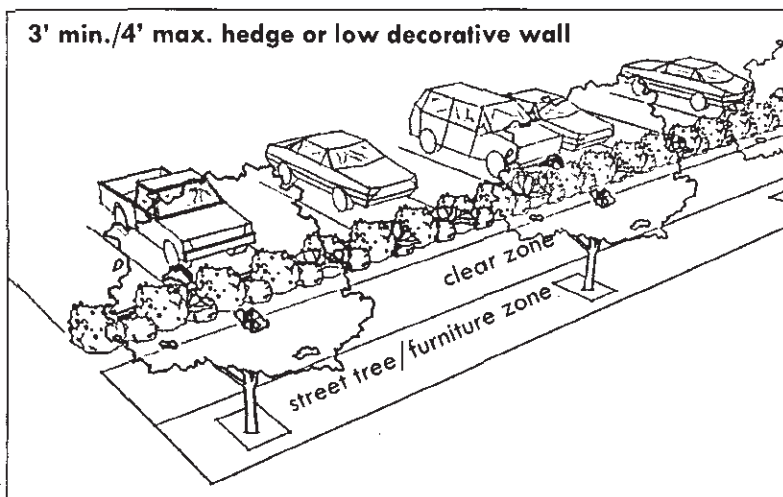


Figure 34: Required screening when parking is located near suburban roadway corners

2.2.5. Internal Circulation Routes: Sidewalks and Building Placement

A. Applicability

The following table summarizes the applicability of this section:

Standard	Applies if the Principal Street Is:	Applies to the Following:
2.2.5. Internal Circulation Routes: Sidewalks and Building Placement	Internal Circulation Route	All non-residential zoning districts

B. Sidewalks

Publicly accessible sidewalks shall be provided along both sides of all Internal Circulation Routes (whether built as public streets or as private drives).

1. On portions of the street with building frontage meeting the requirements of subsection C. below, the sidewalks and supplemental zones shall comply with the applicable standards for Urban Roadways, as provided in Section 2.2.3. 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 with approval of the Director if parallel or head-in parking is provided pursuant to Section 2.2.2.B.5. See Figure 35.

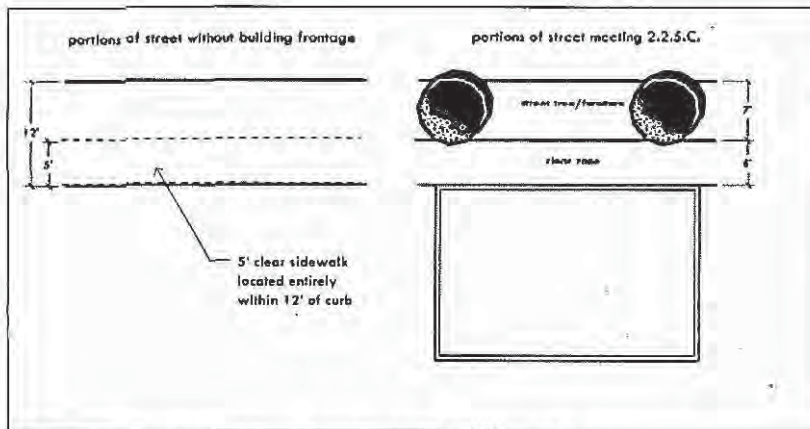


Figure 35: Required sidewalks on Internal Circulation Routes

2. On portions of the street that do not contain building frontage meeting the requirements of subsection C, below, a five-foot unobstructed sidewalk shall be provided, all of which shall be located within 12 feet of the curb.

C. Building Placement

1. On a site with a single principal building:
 - a. The longer side of the building must be built up to the clear zone (or supplemental zone if provided), or
 - b. At least one side of the building must be built up to the clear zone (or supplemental zone if provided) and the majority of the tenant spaces must have principal entrances facing the Internal Circulation Route.
2. On a site with more than one principal building:
 - a. The longer side of any building, any portion of which is within 100 feet of the Internal Circulation Route, must be built up to the clear zone (or supplemental zone if provided), or
 - b. At least one side of any building, any portion of which is within 100 feet of the Internal Circulation Route, must be built up to the clear zone (or supplemental zone if provided) and the majority of tenant spaces in any such building must have principal entrances facing the Internal Circulation Route.

D. Parking

1. Off-street parking is prohibited between the Internal Circulation Route and the corresponding street-facing façade line.
2. On-street parallel parking, head-in parking, and angle parking are allowed on an Internal Circulation Route, subject to compliance with fire access standards, and, if the Internal Circulation Route is a public street, subject to approval of the Director of Public Works based on administrative criteria to be adopted.

2.2.6. Building Entryways

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 - Highway - Hill Country Roadway - Urban Roadway	All non-residential zoning districts

B. Standards

1. At least one customer entrance should face the principal street 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 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);
 - 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

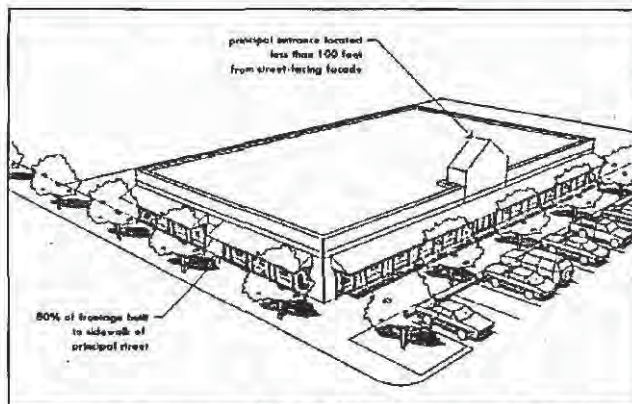


Figure 36: Requirements for a principal entrance that does not face the principal street

- d. A row of shade trees between the building and the parking area shall be provided at an average spacing not greater than 30 feet on center (See Figure 36.).
2. Building entrances should be located at intervals of no more than 75 feet along the elevation facing the principal street. If building entrances are located more than 75 feet apart (or there is a single entrance point on a facade greater than 150 feet in length), the areas between the entrances (or from building edge to the entrance) shall utilize shaded sidewalks that connect the entrances to improve the pedestrian-friendliness of the building along the principal street. (See Figure 37.)
3. In no case shall this section require orienting a building entryway toward a street with zoning of SF6 or lesser density.



Figure 37: When multiple entrances are not provided, long walls should be broken up with glazing and other pedestrian amenities

2.3. CONNECTIVITY

2.3.1. Internal Circulation Systems for Large Sites

A. Applicability

The following table summarizes the applicability of this section:

Standard	Applies if the Principal Street Is:	Applies to the Following:
2.3.1. Internal Circulation Systems for Large Sites	- Core Transit Corridor - Urban Roadway	- All zoning districts (development of any site five acres or larger) - See additional exemptions in subsection B.
	- Suburban Roadway - Highway - Hill Country Roadway	- All non-residential zoning districts (development of any site five acres or larger) - See additional exemptions in subsection B.

B. Standards

Any site for that is subject to this Section 2.3.1. must comply with the following:

1. Maximum Block Size

Unless exempted below, the site shall be divided into internal blocks no longer than 660 feet by 330 feet from curb to curb. (See Figure 38.) The maximum block length applies both to blocks containing buildings and blocks containing surface parking. This standard shall not require the block front adjacent to a Hill Country Roadway to be divided in a manner inconsistent with Chapter 25-6, Article 6, Division 2 (*Access to Hill Country Roadways*) or state highway access spacing requirements.

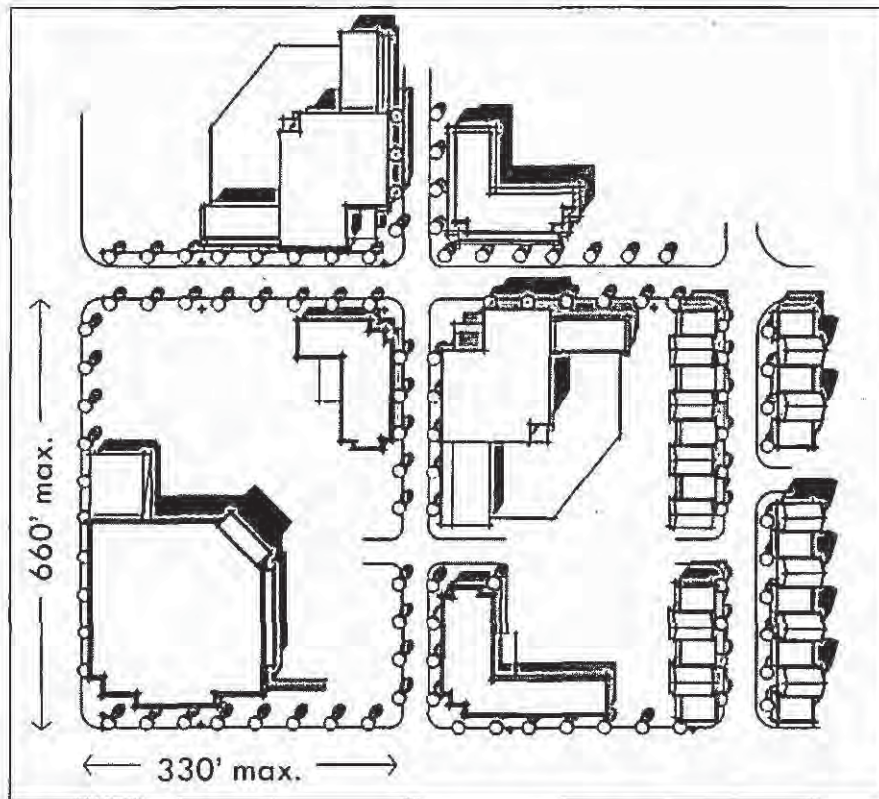


Figure 38: Example of an interconnected grid-like system for internal circulation. Blocks must not exceed 660' by 330' in most cases.

a. Exemption: Corporate Campuses

The maximum block length standard does not apply to a corporate campus. For purposes of this exemption, a "corporate campus" is defined as a site for a single company larger than ten acres with at least three office buildings larger than 50,000 square feet each, and a maximum of ten percent of the total building square footage of the site devoted to retail uses.

b. Exemption: Sites Over 15 Acres

On sites 15 acres or larger, the site may contain one block with a maximum dimension of 660 feet by 660 feet for each 30 acres (i.e., one 660 by 660 block on a site of between 15 to 30 acres, two 660 by 660 blocks on a 30-60-acre site, etc.).

- c. Exemption: Office Sites in Drinking Water Protection Zone or Water Supply Watershed**
The maximum block length standard does not apply to any site in the Drinking Water Protection Zone or a Water Supply Watershed designated as a neighborhood office (NO), limited office (LO), or general office (GO) district.

2. Internal Circulation System Required

- a.** Internal Circulation Routes connecting the blocks must form an interconnected, grid-like transportation system on the site. (See Figure 34.)
- b.** Contiguous green spaces are not subject to the block-length requirements, but if the green space is longer than 150 feet, it must include a pedestrian and bicycle shared use path as a mid-block connection every 150 feet.

3. Parking Allowed

On-street parallel parking, head-in parking, and angle parking are allowed on each new public street or Internal Circulation Route subject to compliance with fire access standards and, if the Internal Circulation Route is a public street, subject to approval of the Director of Public Works based on administrative criteria to be adopted.

4. Height Increase for Offices in the General Office District

For a greenfield development of ten acres or larger that includes at least two complete internal blocks of no larger than 660 feet by 330 feet and that is designated as a general office (GO) district, the maximum office height is increased to 80 feet. This height increase remains subject to compatibility standards.

5. Sidewalk Credit

Sidewalks and curbs alongside Internal Circulation Routes and adjacent public roadways may result in an exceedance of up to five percent above the watershed impervious cover limits. These sidewalk and curb areas:

- a. May not exceed 15 feet in width; and
- b. Shall be constructed of porous concrete or other surfaces as approved by the Director.

This provision applies only to sites outside the Barton Springs Zone and that are five acres or larger. Impervious cover resulting from this exceedance must be treated to meet current water quality and drainage standards.

6. Subdivision of Internal Blocks

Internal blocks abutting Internal Circulation Routes may be subdivided to allow for the sale and development of individual blocks without frontage on a public street if the Director determines that the Internal Circulation Routes are equivalent to a public street in terms of utilities, pavement design, and vehicle access requirements. For the purpose of compliance with setback and minimum lot frontage requirements, an Internal Circulation Route is considered equivalent to a public street.

2.3.2. Improvements to Encourage Pedestrian, Bicycle, and Vehicular Connectivity

A. Applicability

The following table summarizes the applicability of this section:

Standard	Applies if the Principal Street Is:	Applies to the Following:
2.3.2. Improvements to Encourage Pedestrian, Bicycle, and Vehicular Connectivity	All roadway types	<ul style="list-style-type: none"> - Projects with a net site area of three acres or more in all non-residential zoning districts - Projects with a net site area of less than three acres that have parking between the building and the principal street in all zoning districts

B. Standards

1. Vehicular and Pedestrian Connections Between Sites

All sites or developments subject to this section shall:

- a. Provide private drive or public street connections to existing private drives or public streets on

adjacent sites, or stub-outs if connections are not feasible; and

- b. Where a public street is adjacent to the property line, provide direct pedestrian and bicycle access from that street to a customer entrance. The pedestrian and bicycle access points must be fully accessible during operating hours. (See Figure 39.)

2. Additional Measures to Improve Connectivity

All sites or developments subject to this section shall select and comply with at least two of the options in the table below. However, if a site or development provides surface parking that amounts to more than 125 percent of the parking required in Appendix A (*Tables of Off-Street Parking and Loading Requirements*), the site or development must select and comply with at least three of the options in the table below.



Figure 39: Example of a pedestrian/bicycle connection from sidewalk to building entrance

Article 2: Site Development Standards
Section 2.3. Connectivity

Subsection 2.3.2. Improvements to Encourage Pedestrian, Bicycle, and Vehicular
Connectivity

Option	Description / Comments
Provide pedestrian and bicycle connections from adjacent parkland.	Where public parkland is adjacent to the property line, provide pedestrian and bicycle access from the trail or walkway system on that parkland to the building entrance. The pedestrian and bicycle access points must be fully accessible during operating hours and shall meet city standards for pedestrian and bike ways.
Provide solar power shading devices in parking lots. (See Figure 40)	Devices shall comply with requirements of administrative rules on this subject.
Provide pedestrian connection to adjacent residential development.	If there is a residential development adjacent to the site, provide a pedestrian connection to those buildings, up to the property line, and to an existing pathway if one is present on the adjacent site. Compliance with this option also may include providing a sidewalk that connects the project site to an adjacent residential development and that runs along a public roadway where no sidewalk currently exists or where the existing sidewalk does not meet the width standards in this subchapter.
Internal utility lines should be located in drive aisles or Internal Circulation Routes, rather than under parking areas.	Do not locate utility lines beneath surface parking areas. This is designed to facilitate future redevelopment.
Limit curb cuts.	Connections between site and adjacent arterials and highways occur no more frequently than every 330 feet. An Internal Circulation Route does not count as a curb cut.
At least 50 percent of the provided parking is constructed of concrete or pervious pavement (for example, pavers, open grid pavement system, pervious concrete). (See Figure 41.)	If located in the Edwards Aquifer Recharge zone, only concrete may be used to satisfy this option. Open grid pavement systems may be used in areas providing fire access only if shown to meet Fire Department load-bearing requirements. The use of concrete or pervious pavement shall not affect the impervious cover calculation for purposes of Section 2.3.1.B.5., "Impervious Cover Credit."

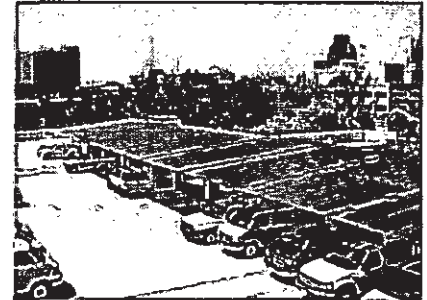


Figure 40: Example of solar power shading device in parking lot

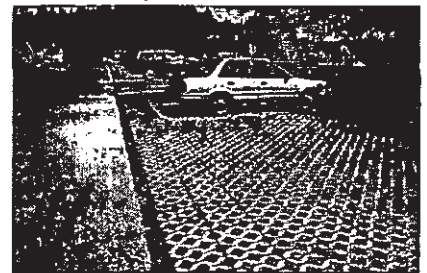


Figure 41: Example of pervious paving surface

Option	Description / Comments
Enhance physical fitness opportunities and multi-modal connectivity by providing shower facilities.	<p>To comply with this option, the site must meet one of the following minimum size thresholds and provide the listed facilities:</p> <ul style="list-style-type: none"> • Office uses: 1 shower facility and 3 lockers for buildings more than 10,000 square feet (ADA requirements may not permit a single unisex shower if the expected occupant load exceeds 10. The number of required showers may be increased to 2 ADA showers) • Commercial uses: 1 shower facility and 3 lockers for each building • Industrial uses: 1 shower facility and 3 lockers for each building exceeding 100,000 square feet of gross floor area
Provide shaded sidewalks along 100% of all publicly visible building facades	

2.4. PARKING REDUCTIONS

2.4.1. Applicability

The following table summarizes the applicability of this section:

Standard	Applies if the Principal Street Is:	Applies to the Following:
2.4. Parking Reductions	All roadway types	All non-residential zoning districts

2.4.2. Reduction of Minimum Off-Street Parking Requirements

This section provides for reductions in the minimum off-street parking requirements in Chapter 25-6, Article 7, *Off-Street Parking and Loading*. The minimum off-street parking requirement shall be reduced as follows:

- A. By one space for each on-street parking space located adjacent to the site on a public street, including spaces on Internal Circulation Routes that meet public street standards.
- B. By up to 10 percent to 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. If the applicant provides more parking spaces than the

minimum required, the additional parking spaces may not result in the removal of significant stands of trees or protected trees.

- C. By 20 spaces for every car-sharing vehicle provided in a program that complies with the requirements prescribed by the Director by administrative rule.
- D. By one space for each shower facility with three or more lockers provided for employees in a nonresidential building.

Unless otherwise specified, the above reductions may be applied cumulatively, and may be applied in addition to the urban core parking reduction authorized in Section 25-6-478, but in no case may the minimum off-street parking requirements for a project set forth in Chapter 25-6, Appendix A, be reduced by more than 40 percent.

2.5. EXTERIOR LIGHTING

2.5.1. Applicability

The following table summarizes the applicability of this section:

Standard	Applies if the Principal Street Is:	Applies to the Following:
2.5: Exterior Lighting	All roadway types	All zoning districts

2.5.2. 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 right-of-ways 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 Subchapter. 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: (See Figure 42.)

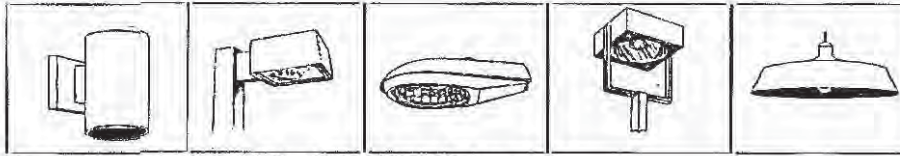


Figure 42: Examples of fully-shielded light fixtures

1. Public street and pedestrian lighting;
2. Parking lots;
3. Pathways;
4. Recreational areas;
5. Billboards;
6. Product display area lighting; and
7. Building overhangs and open canopies.

C. Lighting of Building Façades

1. Buildings and structures shall be illuminated by fixtures that are both fully-shielded and full cut-off. Building façade lighting may only be used to highlight specific architectural features such as principal entrances and towers. This provision 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.
2. Uniform floodlighting of building facades shall be permitted only through the alternative equivalent compliance review process.

D. 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, roadways, or distribute excessive light skyward.

E. Lamp or Fixture Substitution

Should any outdoor light fixture or the type of light source therein be changed after site plan or building plan approval has been granted, a change request must

be submitted to the Director for approval, together with adequate information to assure compliance with this Subchapter, which must be received prior to substitution.

F. Non-Conforming Lighting

All outdoor lighting fixtures lawfully installed prior to and operable on the effective date of this Subchapter are exempt from all requirements of this Subchapter until January 1, 2015, at which time they shall become subject to this Subchapter, and shall be considered non-conforming if they do not comply with the requirements of this Subchapter.

2.6. SCREENING OF EQUIPMENT AND UTILITIES

2.6.1. Applicability

The following table summarizes the applicability of this section:

Standard	Applies if the Principal Street Is:	Applies to the Following:
2.6: Screening of Equipment and Utilities	All roadway types	<ul style="list-style-type: none"> - All non-residential zoning districts - The following uses are exempt, in addition to the general exemptions of Section 1.2.3.: local utilities services use, electric service transformers within the right-of-way, telecommunication towers

2.6.2. Standards

All development subject to this section shall comply with the following requirements:

- A. Solid waste collection areas and mechanical equipment, including equipment located on a rooftop but not including solar panels, shall be screened from the view of a person standing on the property line on the far side of an adjacent public street. (See Figure 43.)

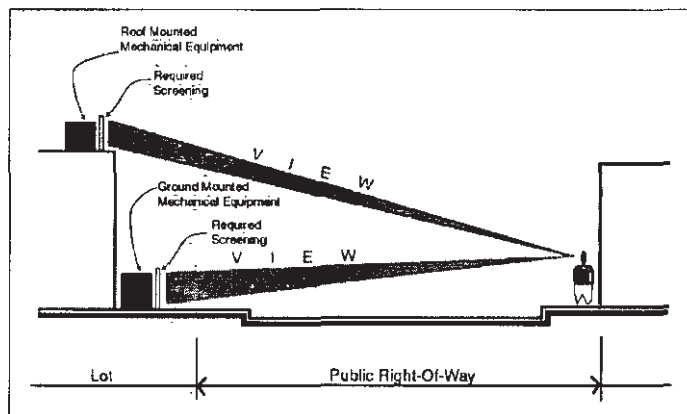


Figure 43: Screening of mechanical equipment

- B. Loading docks, truck parking, outdoor storage, trash collection, trash compaction, and other service functions shall be incorporated into the overall design of the building and landscape so that the visual and acoustic impacts of these functions are fully contained and out of view from adjacent properties and public streets. Screening materials for solid waste collection and loading areas shall be the same as, or of equal quality to, the materials used for the principal building. In the downtown, loading docks, truck parking, outdoor storage, trash collection, trash compaction, and other service functions may be placed alongside public alleys without the necessity screening.

2.7. PRIVATE COMMON OPEN SPACE AND PEDESTRIAN AMENITIES

2.7.1. Purpose

Open air and semi-enclosed public gathering spaces can act as central organizing elements in a large development. They can also help to shape the relationship between different land uses and provide focal points and anchors for pedestrian activity. Goals and requirements for common open space and pedestrian amenities complement the Austin Code's requirements for dedicated public open space and parks, and serve similar purposes.

2.7.2. Applicability

The following table summarizes the applicability of this section:

Standard	Applies if the Principal Street Is:	Applies to the Following:
2.7: Private Common Open Space and Pedestrian Amenities	All roadway types	All site plans five acres in size or larger

2.7.3. Standards

A. Amenity Required

All development subject to this section shall devote a minimum of two percent of the net site area to one of the following types of private common open space or pedestrian amenities:

1. A natural and undisturbed private common open space, for use of the residents, employees, and visitors to the development.
2. A landscape area other than one required by Subchapter C, Article 9 (*Landscaping*), provided such landscaped area has a minimum depth and width of 10 feet and a minimum total area of 650 square feet. The area shall include pedestrian amenities to support these places as gathering areas.
3. A playground, patio, or plaza with outdoor seating areas, provided the playground, patio, or plaza has a minimum depth and width of ten feet and a minimum total area of 300 square feet. The area

shall include pedestrian amenities to support these places as gathering areas.

4. A combination of the above-listed amenities. (See Figure 44.)

Developments with primarily residential uses are encouraged to comply with this requirement by setting aside private common open space, while developments with a mix of uses or primarily non-residential uses are encouraged to comply by providing one or more of the other listed amenities.

B. Location Criteria

To the maximum extent feasible, where significant natural and scenic resource assets exist on a property, the developer shall give priority to their preservation as private common open space. In reviewing the proposed location of private common open space areas, the Director shall use all applicable plans, maps, and reports to determine whether significant resources exist on a proposed site that should be protected, with priority being given to the following areas (which are not listed in a particular order):

1. Wetlands;
2. Flood hazard areas;
3. Lakes, rivers, and stream/riparian corridors;
4. Tree preservation areas (See Figure 45.); and
5. Karst areas.

C. Areas Not Credited

Lands within the following areas shall not be counted towards private common open space or pedestrian amenities required by this section:

1. Private yards;
2. Public or private streets or rights of way;
3. Parking areas and driveways for dwellings; and
4. Water quality and stormwater detention ponds, unless approved by the Director.

D. Design Criteria

Land set aside for private common open space or pedestrian amenities pursuant to this section shall meet the following design criteria, as relevant:



Figure 44: Examples of open space amenities



Figure 45: Example of tree preservation during construction

1. Common open space areas shall be located so as to be readily accessible and useable by residents or visitors in various locations of the development, unless the lands are sensitive natural resources and access should be restricted.
2. The lands shall be compact and contiguous unless the land shall be used as a continuation of an existing trail, or specific topographic features require a different configuration. An example of such topographic features would be the provision of a trail or private open area along a riparian corridor.
3. Where private common open space areas, trails, parks, or other public spaces exist adjacent to the tract to be subdivided or developed, the private common open space or pedestrian amenity shall, to the maximum extent feasible, be located to adjoin, extend, and enlarge the presently existing trail, park, or other open area land.

E. Maintenance

All private common open space or pedestrian amenity areas shall be maintained by the owners of the development.

F. Fee In Lieu

Instead of providing private common open space or pedestrian amenities as required in this section, the developer of a property located within the urban roadways boundary (as defined in Article 5 of this Subchapter) may request approval to deposit with the city a nonrefundable cash payment, based on a formula established by the council. The Director shall review the request and accept or deny the request no later than 15 days following its receipt.

ARTICLE 3: BUILDING DESIGN STANDARDS

3.1. INTENT

These building design standards are intended to:

- 3.1.1. Strengthen Austin's unique character and help buildings to better function in Austin's environment;
- 3.1.2. Create buildings with appropriate human scale;
- 3.1.3. Ensure that buildings contribute to the creation of a pedestrian-friendly environment through the provision of glazing, shading, and shelter at the pedestrian level;
- 3.1.4. Lessen the impact of branded architecture that does not speak to the city's unique character and conditions; and
- 3.1.5. Increase the quality, adaptability, and sustainability in Austin's building stock.

3.2. PEDESTRIAN FRONTAGES

3.2.1. 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	- Development of any non-residential land use - 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 sidewalk) are exempt.

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 glazing shall not be limited to the areas discussed:

- A. On the façade facing the principal street:

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 second floor 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.)

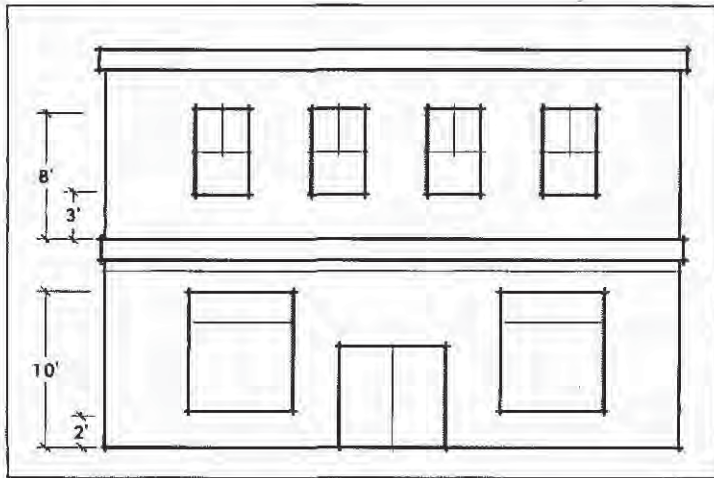


Figure 46: Glazing Requirements

- 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. This 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 1.
- 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.

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 be provided alongside at least 50 percent of all building frontages adjacent to or facing the principal street or adjacent parking. 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.)
- B. Building entrances shall be located under a shade device such as an awning or portico.



Figure 47: Example of ADA ramp with shade structure

3.3. OPTIONS TO IMPROVE BUILDING DESIGN

3.3.1. Applicability

The following table summarizes the applicability of this section:

Standard	Applies if the Principal Street Is:	Applies to the Following:
3.3: Options to Improve Building Design	All roadway types	<ul style="list-style-type: none"> - Development of any commercial use of 10,000 square feet or more that requires a building permit - Development of any commercial use of less than 10,000 square feet that contains any exterior trademarked design feature - Any building zoned for industrial use or warehouse use at the point its use is converted to commercial - VMU buildings with external trademarked design features (not including signs) - Office development is exempt from this section

3.3.2. Building Design Options

A. General Requirement

1. Each building subject to this section must earn one base point from the table in paragraph 3.3.2.C. below, and may be required to earn additional points if certain design features are present.
2. Developments with multiple buildings are required to earn the applicable number of points for each building. Points may be aggregated among buildings only if the development contains at least 100 lineal feet of VMU building frontage along the principal street.

B. Additional Requirements for Certain Types of Development

The following shall earn points as specified below, in addition to the base point required in subsection A. All points in this section shall be earned cumulatively.

1. A building with exterior trademarked design features shall earn additional points as follows:
 - a. Three additional points from the table in paragraph 3.3.2.C. if such features are located

- 12 feet or less above finished grade and there is no prototypical roof or parapet design;
- b. Five additional points from the table in paragraph 3.3.2.C., two of which must come from Group B, if such features are located more than 12 feet above finished grade
2. If the building plan depicts any of the design features listed below, one additional point must be earned for each design feature (except as noted):
- a. Building is one story and greater than 20 feet tall, floor to bottom of roof structure.
 - b. Building façade exceeds 200 feet in width without entrances every 75 feet.
 - c. Individual use is greater than 100,000 square feet.
 - d. Building is a pad-site building located in the CBD or DMU districts with either of the following features (2 additional points):
 - (i) Drive-in or drive-through;
 - (ii) Building is separated from other buildings by surface parking on at least two sides;
 - e. False fronts or shaped parapets are created to increase the apparent size of the building or house corporate signage or logos. If used, 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 48.)
 - f. Concrete block (not including split-faced concrete block) is used on more than 25 percent of a façade visible to the public
 - g. Concrete block (not including split-faced concrete block) is used on more than 75 percent of a façade visible to the public (must earn two additional points).
 - h. EIFS is used as a material on the ground floor (below 10 feet).
 - i. Pad building with drive-in or drive-through (on a site with a Core Transit Corridor as the principal street).

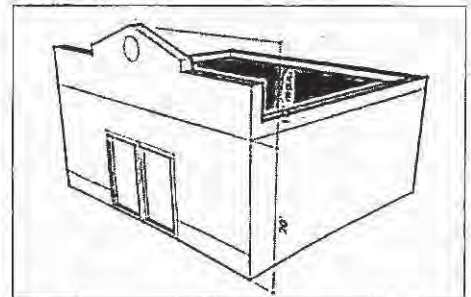


Figure 48: Standards for height of false fronts or parapets.

C. Table of Design Options

Option	Description / Comments
Group A: Each option worth 1 point	
Achieve star rating under the City of Austin Green Building program.	Each star of the rating qualifies for one point. No double credit for Green Building points from Group B.
Provide for liner stores in building façade. (1 point for each liner store)	See Article 5, <i>Definitions</i>
Provide façade articulation.	See definition D.1. below.
Provide primary entrance design.	See definition D.2. below.
Provide roof design.	See definition D.3. below.
Provide building materials meeting the standards of this section.	See definition D.5. below.
Improve storefronts to new regulatory standard of Section 3.2.2 for glazing type/size & shading.	Applies only for buildings existing at the effective date of this Subchapter.
100% of glazing on ground-floor facades that face any street or parking lot have a Visible Transmittance (VT) of 0.6 or higher.	
Complies with neighborhood design guidelines	
Group B: Each option worth 2 points	
Design building so that at least 75% of the façade facing the principal street consists of storefronts with at least two separate entrances facing the principal street	
Provide sustainable roof.	See definition D.4. below.
Integrate solar power generation into building design.	The specific features and design shall be approved by the Director. Examples may include, but are not limited to, rooftop solar panels or Building Integrated Photovoltaics.
Achieve Green Building rating of 2 stars.	

Option	Description / Comments
Group C: Option worth 3 points	
Develop VMU building	While VMU buildings are exempted from the requirements of this section, points are assigned for the purpose of aggregating point values for the mixed use development bonuses described in Article 4. In addition to the three base points associated with the VMU development, one additional point is added if the gross square footage of the VMU building contains a combination of at least 25% residential and 25% office or retail uses. However, no points may be earned for a building that contains external trademarked design features (not including signs).

D. Definitions of Options

1. Façade Articulation

For purposes of satisfying the requirements in subsections A. and B. above, “façade articulation” shall consist of one of the following design features, none of which can be trademarked design features (See Figure 49.):

- a. Changes in plane with a depth of at least 24 inches, either horizontally or vertically, at intervals of not less than 20 feet and not more than 100 feet; or
- b. Changes of color, texture, or material, either horizontally or vertically, at intervals of not less than 20 feet and not more than 100 feet; or
- c. A repeating pattern of wall recesses and projections, such as bays, offsets, reveals or projecting ribs, that has a relief of at least eight inches.

2. Primary Entrance Design

For purposes of the satisfying the requirements in subsections A. and B. above, “primary entrance design” shall 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:



Figure 49: Examples of facade articulation

- a. Architectural details such as arches, friezes, tile work, murals, or moldings.
- b. Integral planters or wing walls that incorporate landscape or seating.
- c. Enhanced exterior light fixtures such as wall sconces, light coves with concealed light sources, ground-mounted accent lights, or decorative pedestal lights.
- d. Prominent three-dimensional features, such as belfries, chimneys, clock towers, domes, spires, steeples, towers, or turrets.
- e. A repeating pattern of pilasters projecting from the façade wall by a minimum of eight inches or architectural or decorative columns.

3. Roof Design

For purposes of satisfying the requirements in subsections A. and B. above, "roof design" shall consist of at least one of the following design elements, none of which can be trademarked design features:

- a. Parapets with horizontal tops having height changes of at least one foot occurring horizontally no less than every 100 feet. (See Figure 50.)
 - (i) Parapets that do not have horizontal tops must have pitched or rounded tops with a pattern that repeats or varies no less than every 100 feet.
 - (ii) All parapets must have detailing such as cornices, moldings, trim, or variations in brick coursing.
- b. Sloping roofs with at least two of the following design elements:
 - (i) Slope of at least 5:12.
 - (ii) Two or more slope planes.
 - (iii) Overhanging eaves extending at least three feet beyond the supporting wall.

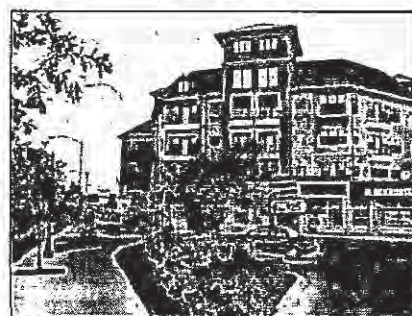


Figure 50: Examples of roof design

4. Sustainable Roof

For purposes of the satisfying the requirements in subsections A. and B. above, a “sustainable roof” is roofing that has one of the following:

- a. For a minimum of 75 percent of the total roof surface, a Solar Reflectance Index (SRI) of 78 or higher for a roof with a slope of 2:12 or less, or 29 or higher for a roof with a slope greater than 2:12; or
- b. For a minimum of 50 percent of the total roof surface, a vegetated roof (See Figure 49.);
- c. For a minimum of 50 percent of the total roof surface, rainwater collection system; or
- d. For a minimum of 75 percent of the total roof surface, a combination of a vegetated roof with rainwater collection system and SRI-compliant roof meeting the SRI standards in Subsection 4.a. above. (See Figure 51.)



Figure 51: Example of a sustainable roof

5. Building Materials

For purposes of the satisfying the requirements in Subsection 1. above, “building materials” are defined as limestone or brick. However, the brick color shall not be a trademarked design feature.

3.3.3. Alternatives to Section 3.3.2.

A. Large Single-Story Buildings

Instead of complying with Section 3.3.2. above, 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:

1. The building façade shall consist of 75 percent masonry (not including concrete blocks), excluding the window area and rear service area on sides visible to the public;
2. The use of trademarked design features above 12 feet and the use of trademarked roof and parapet design features is prohibited;
3. The building meets the “facade articulation” requirements as defined in Subsection 3.3.2.D.1. above;
4. The building has 40 percent glazing on the front façade and 25 percent glazing and cutouts on each

side visible to the public with a Visible Transmittance (VT) of 0.6 or higher; and

5. The building has a Green Building rating of at least 2 stars.

B. Pad-site Buildings with Drive-In and/or Drive-Through Services

Instead of complying with Section 3.3.2. above, a pad-site building with a drive-in and/or drive-through services, or a single-use drive-in use not located on a Core Transit Corridor, may comply with the following standards:

1. The use of trademarked design features (not including signs or paint colors) above 12 feet is prohibited; and
2. The portion of the building below 12 feet consists of one of the following:
 - a. Limestone; or
 - b. Brick that has a different color than the trademarked brick color; or
 - c. For a building that occupies a pad or portion of a building within a planned project 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.
3. Pad sites shall not have any parking located between the building and the street on Core Transit Corridors, Urban Roadways and Suburban Roadways.

ARTICLE 4: MIXED USE

4.1. INTENT

This Article 4 is intended to provide for and encourage development and redevelopment that contains a compatible mix of residential, commercial, and institutional uses within close proximity to each other, rather than separating uses. The mixed use provisions define the uses of land and the siting and character of the improvements and structures allowed on the land in a manner that encourages a balanced and sustainable mix of uses. They promote an efficient pedestrian-access network that connects the nonresidential and residential uses and transit facilities. Redevelopment of underutilized parcels and infill development of vacant parcels should foster pedestrian-oriented residential and mixed use development. (See Figure 52.)

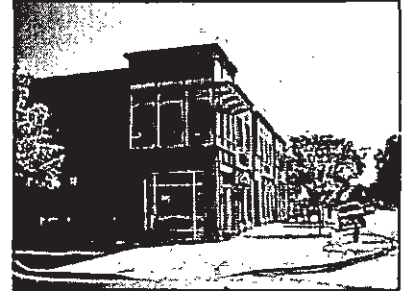


Figure 52: Examples of vertical mixed use

COMMENTARY: MIXED USE DEVELOPMENT IN AUSTIN GENERALLY

The City of Austin allows and encourages the development of mixed use projects. Mixed use development integrates two or more land uses, such as residential and commercial, with a strong pedestrian orientation. Requirements and standards for mixed use development appear in various places throughout the Austin City Code.

Zoning Districts in which Mixed Use is Allowed and Encouraged

The following districts are intended primarily for mixed use development and are described more fully in Section 4.2 below:

- Mixed Use Combining District (Section 4.2.1.);
- Vertical Mixed Use Overlay District (Section 4.2.2.).

Mixed use development also is allowed in other Austin zoning districts. Some of these districts are listed below and are described more fully in the referenced sections of the Austin Code. This list is not exhaustive, but rather is intended to illustrate the range of districts in which mixed use development is allowed.

- Central Business (CBD) (Section 25-2-100);
- Central Urban Redevelopment (CURE) (Section 25-2-163);
- Downtown Mixed Use (DMU) (Section 25-2-101);
- Planned Development Area (PDA) (Section 25-2-174);
- Planned Unit Development (Section 25-2-144);
- Traditional Neighborhood Development (25-2-Section 146)
- Transit Oriented Development (Section 25-2-147)
- Waterfront Overlay (WO) (Section 25-2-175); and
- University Neighborhood Overlay (UNO) (Section 25-2-178).

Types of Mixed Use Development

Within the districts that allow mixed use development, uses may be combined either vertically in the same building, or horizontally in multiple buildings, or through a combination of the two, depending on the standards of the district.

Vertical mixed use is allowed in two building types: the Vertical Mixed Use (VMU) Building and the Neighborhood Mixed Use (NMU) Building. Standards for VMU buildings are in Section 4.3. below, and standards for NMU buildings are in Subchapter D, Article 6.

Horizontal mixed use is the mixing of uses in a development project, though not necessarily in the same building. Horizontal mixed use is allowed and encouraged in Austin so long as each of the proposed uses is allowed within the applicable zoning district and the development meets all applicable requirements of the Austin Code.

4.2. MIXED USE ZONING DISTRICTS

4.2.1. Mixed Use Combining District

A. Purpose

The purpose of a mixed use (MU) combining district is to allow office, retail, commercial, and residential uses to be combined in a single development.

B. Base Districts

A mixed use (MU) combining district may be combined with the following base districts:

1. Neighborhood office, if the use of an MU combining district will further the purpose of the neighborhood office base district;
2. Limited office;
3. General office;
4. Neighborhood commercial;
5. Community commercial;
6. General commercial services; and
7. Commercial liquor sales.

C. Uses Allowed

In the MU combining district, the following uses are permitted:

1. Vertical mixed use buildings, subject to compliance with Section 4.3. of this Subchapter;
2. Commercial uses that are permitted in the base district;
3. Civic uses that are permitted in the base district;
4. Townhouse residential;
5. Multifamily residential;
6. Single-family residential;
7. Single-family attached residential;
8. Small lot single-family residential;
9. Two-family residential;
10. Condominium residential;
11. Duplex residential;
12. Group residential;
13. Group home, class I (limited);
14. Group home, class I (general); and
15. Group home, class II.

D. District Standards

1. A single-family residential use must comply with the site development regulations prescribed by Section 25-2-492 (*Site Development Regulations*) for a family residence (SF-3) district, except for the front yard setback. The use must comply with the front yard setback prescribed for the base district.
2. A single-family attached residential use must comply with Section 25-2-772 (*Single-Family Attached Residential Use*).
3. A small lot single-family residential use must comply with Section 25-2-779 (*Small Lot Single-Family Residential Use*).
4. A two-family residential use must comply with Section 25-2-774 (*Two-Family Residential Use*).
5. A duplex residential use must comply with Section 25-2-773 (*Duplex Residential Use*).
6. This subsection applies to a multifamily residential use, a townhouse residential use, a condominium residential use, a group residential use, or a group home use.
 - a. In a mixed use (MU) combining district that is combined with a neighborhood office (NO) base district, the minimum site area for each dwelling unit is:
 - (i) 3,600 square feet, for an efficiency dwelling unit;
 - (ii) 4,000 square feet, for a one bedroom dwelling unit; and
 - (iii) 4,400 square feet, for a dwelling unit with two or more bedrooms.
 - b. In an MU combining district that is combined with an limited office (LO) or neighborhood commercial (LR) base district, the minimum site area for each dwelling unit is:
 - (i) 1,600 square feet, for an efficiency dwelling unit;
 - (ii) 2,000 square feet, for a one bedroom dwelling unit; and
 - (iii) 2,400 square feet, for a dwelling unit with two or more bedrooms.

- c. In an MU combining district that is combined with a general office (GO), community commercial (GR), general commercial services (CS), or commercial services - liquor sales (CS-1) base district, the minimum site area for each dwelling unit is:
 - (i) 800 square feet, for an efficiency dwelling unit;
 - (ii) 1,000 square feet, for a one bedroom dwelling unit; and
 - (iii) 1,200 square feet, for a dwelling unit with two or more bedrooms.

4.2.2. Vertical Mixed Use Overlay District

A. Purpose

The purpose of a vertical mixed use (VMU) overlay district is to allow the development of vertical mixed use (VMU) buildings, subject to compliance with the standards in Section 4.3.

B. Applicability

The VMU overlay district is established within each zoning district for all sites with a Core Transit Corridor or Future Core Transit Corridor as the principal street, subject to the following limitations:

1. In areas subject to a Neighborhood Plan combining district, VMU buildings may not contain uses prohibited for that lot under the neighborhood plan and are limited to commercially zoned properties.
2. In areas that have not undergone the neighborhood planning process, the VMU overlay is limited to commercially zoned properties.
3. The VMU overlay district does not apply to properties zoned H (Historic) and properties that are "contributing" structures to a local or National Register historic district.

C. Uses Allowed

In a VMU Overlay district, the following uses are permitted:

1. Uses that are permitted in the base district; and
2. Vertical mixed use buildings, subject to compliance with Section 4.3. of this Subchapter.

4.3. VERTICAL MIXED USE BUILDINGS

4.3.1. Applicability

The following table summarizes the applicability of this section:

Standard	Applies if the Principal Street Is:	Applies to the Following:
Section 4.3.: Vertical Mixed Use Buildings	Core Transit Corridor, Future Core Transit Corridor	- Mixed Use Combining District - Vertical Mixed Use Overlay District - Properties that opt in to VMU pursuant to 4.3.5.C.3.
	Highway, Hill Country Roadway, Suburban Roadway, or Urban Roadway	- Mixed Use Combining District - Sites of three acres or more, subject to 4.3.2.B. - Properties that opt in to VMU pursuant to 4.3.5.C.3.

City interpretation of existing technical criteria and development review policies shall be to achieve the policies of this section to promote vertical mixed use. Any technical criteria shall include consideration of pedestrian level of service and not solely automobile level of service and shall include traffic impact analyses methodologies for traffic capture rather than methodologies for disaggregated single-use developments.

4.3.2. Where Allowed

- A.** A VMU building is allowed in the following zoning districts:
1. Mixed use (MU) combining district; and
 2. Vertical mixed use (VMU) overlay district.
- B.** In addition, for sites not in the MU combining district or the VMU overlay district, a VMU building may be allowed through the conditional use permit process on any development site of three acres or more that has a Highway, Hill Country Roadway, Suburban Roadway, or Urban Roadway as the principal street, subject to the following limitations:

1. In areas subject to a Neighborhood Plan combining district, a VMU building may not contain uses prohibited for that lot under the Neighborhood Plan combining district.
2. In areas that have not undergone the neighborhood planning process, a VMU building is allowed only on commercially zoned properties.
3. A VMU building allowed under this section may only contain uses permitted in the base zoning district, as modified by Section 4.3.3.C.2.

4.3.3. Standards

A VMU building shall meet the following requirements:

A. Pre-Application Conference

Prior to filing any application for a development that will contain a VMU building, the developer shall request in writing a pre-application conference with the Director. The purpose of a pre-application conference is to provide an opportunity for an informal evaluation of the applicant's proposal and to familiarize the applicant and the city staff with the applicable provisions of this Subchapter such as the VMU affordability requirements, and other issues that may affect the applicant's proposal (e.g., accessibility requirements). The informal evaluation of the Director and staff provided at the conference are not binding upon the applicant or the city, but are intended to serve as a guide to the applicant in making the application.

B. Mix of Uses

A use on the ground floor must be different from a use on an upper floor. The second floor may be designed to have the same use as the ground floor so long as there is at least one more floor above the second floor that has a different use from the first two floors. At least one of the floors shall contain residential dwelling units. (See Figure 53).

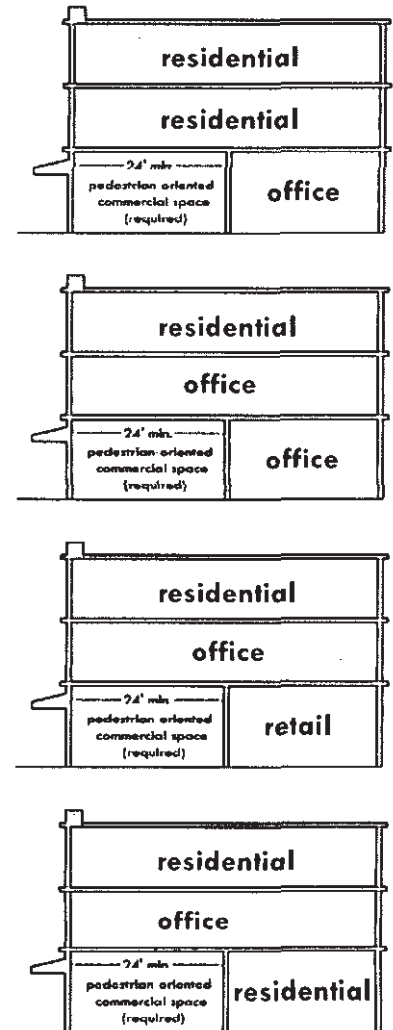


Figure 53: Examples (not a comprehensive list) of use mixes that would meet these requirements

C. Pedestrian-Oriented Commercial Spaces

Along at least 75 percent of the building frontage along the principal street, the building must be designed for commercial uses in ground-floor spaces that meet the following standards. A lobby serving another use in the VMU building shall not count as a pedestrian-oriented commercial space for purposes of this section.

1. Dimensional Requirements

Each ground-floor commercial space must have: (See Figure 54.)

- a. A customer entrance that opens directly onto the sidewalk;
- b. A depth of not less than 24 feet;
- c. A height of not less than 12 feet, measured from the finished floor to the bottom of the structural members of the ceiling; and
- d. A front façade that meets the glazing requirements of Section 3.2.2 (See Figure 46.).

2. Ground-Floor Commercial Uses Allowed

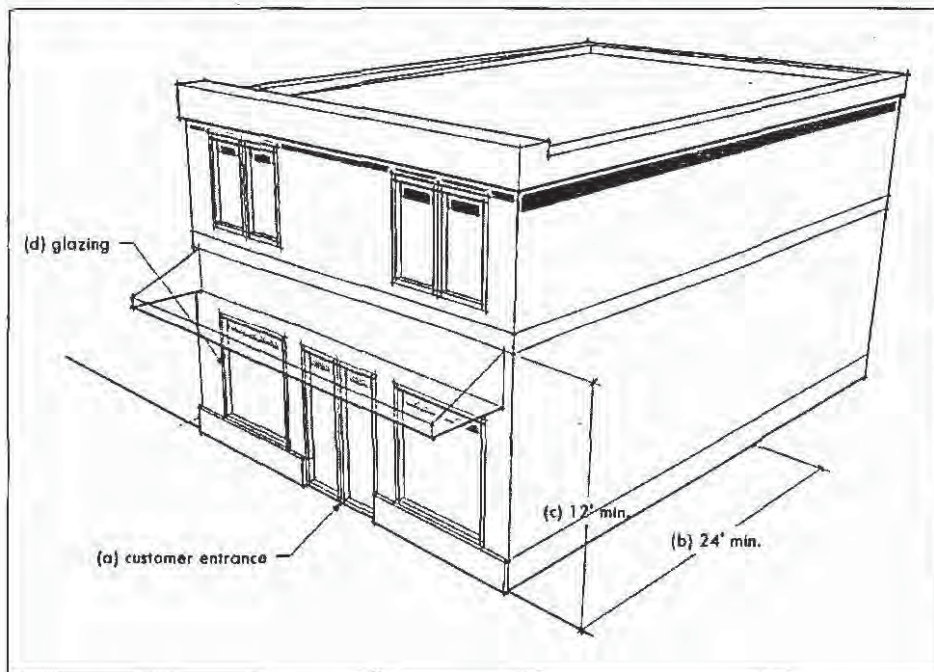


Figure 54: Pedestrian-Oriented Commercial Spaces

Any commercial uses allowed in the base zoning district may be allowed at the ground-floor level in VMU buildings. In addition, in office districts the following additional uses may be allowed, except as provided in Section 4.3.5.:

- a. Consumer convenience services;
- b. Food sales;
- c. General retail sales (convenience or general);
- d. Restaurant (limited or general) without drive-in service.

D. Compatibility Standards

All VMU buildings are subject to the compatibility standards of Chapter 25-2, Article 10. In case of conflict between the compatibility standards and this Subchapter, the compatibility standards shall control.

E. Dimensional and Parking Requirements

1. VMU buildings are subject to the height restrictions as provided in other sections of this Code.
2. Except as provided in Section 4.3.5., a VMU building that meets the affordability requirements in subsection F. below is not subject to certain dimensional standards applicable in the base zoning district. These standards include the following:
 - a. Minimum site area requirements (if applicable);
 - b. Maximum floor area ratio;
 - c. Maximum building coverage;
 - d. Minimum street side yard setback and interior yard setback; and
 - e. Minimum front yard setback; provided, however, that if the right-of-way is less than 60 feet in width, the minimum front yard setback for buildings three or more stories in height shall be 30 feet from the centerline of the street to ensure adequate Fire Department access).
3. For all uses in a VMU building, the minimum off-street parking requirement shall be 60 percent of that prescribed by Appendix A (*Tables of Off-Street Parking and Loading Requirements*). This reduction may not be used in combination with any other parking reduction. Only the parking requirements

for commercial uses are subject to modification through the opt-in/opt-out process in Section 4.3.5.

F. Affordability Requirements

To be eligible for the dimensional and 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.

1. Affordability Requirements for Owner-Occupied Units

- a. Five percent of the residential units in the VMU building shall be reserved as affordable, for not less than 99 years from the date a certificate of occupancy is issued, for ownership and occupancy by households earning no more than 80 percent of the current Annual Median Family Income for the City of Austin Metropolitan Statistical Area as determined by the Director of Neighborhood Housing and Community Development Department.
- b. In addition, five percent of the residential units in the VMU building shall be reserved, for not less than 99 years from the date a certificate of occupancy is issued, for ownership and occupancy by households earning no more than 100 percent of the Annual Median Family Income.
- c. The homeowner association fees for the owner-occupied affordable units may not be set or increased to cause total housing costs to exceed the targeted affordability levels, pursuant to procedures and criteria established by the Director of Neighborhood Housing and Community Development.

2. Affordability Requirements for Rental Units

- a. Ten percent of the residential units in the VMU building shall be reserved as affordable, for a minimum of 40 years following the issuance of the certificate of occupancy, for rental by households earning no more than 80 percent of the Annual Median Family Income.
- b. As part of the one-time opt-in/opt-out process described in Section 4.3.5., an applicable

neighborhood association or neighborhood planning team may request that the affordable rental units be available for renters earning a lower percentage of the annual median family income, to as low as 60 percent of the median family income. VMU projects that file zoning or site plan applications after the effective date of the first interim VMU ordinance and prior to September 1, 2006, will not be subject to this neighborhood affordability customization; and instead shall set aside affordable rental units as required by subsection 2.a. above or provide for affordable units as otherwise agreed to by an applicable neighborhood prior to September 1, 2006, provided that VMU projects are allowed on the applicable site following the completion of the opt-in/opt-out process.

- c. The city may elect to subsidize an additional ten percent of the residential units in the building for rental purposes for residents at any level of affordability pursuant to criteria and procedures established by the Director.

3. Affordability Definition

For purposes of subsections 1. and 2. above, a unit is affordable for purchase or rental if the household is required to spend no more than 30 percent of its gross monthly income on utilities and mortgage or rental payments for the unit.

4. Fee for Upper-Level Nonresidential Space

The developers of VMU buildings that contain non-residential uses above the ground-floor shall pay a fee as set by the City Council for all climate-controlled nonresidential space above the ground floor. At the same time that it sets the amount of the fee, the City Council shall also identify a means by which fees paid pursuant to this section shall be reserved only for expenditure within the area of the City from which they were collected.

5. Parkland Dedication Fee

A VMU building that meets the affordability standards of this Section 4.3.3.F. and that is not located on a greenfield development site is exempt

from the parkland dedication requirements in Chapter 25-4, Article 3, Division 5.

6. Monitoring and Enforcement

The City shall develop procedures to monitor and enforce this Section 4.3.3.F.

G. Mixed Use Buildings Other than VMU

If a building that otherwise meets the standards for VMU buildings may be developed using the site development standards of the underlying zoning category, and without the use of the dimensional standard waivers or parking reductions of Section 4.3.3.E., then that building need not comply with the standards (including affordability) that otherwise apply to VMU buildings.

4.3.4. Development Bonuses

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

- 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.
- 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.
- 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.
- D. Except for in the Barton Springs Zone, 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 of the Watershed Protection and Development Review Department:

1. Rainwater collection and reuse;
2. Pervious pavement;
3. Integrated pest management; and
4. Native and adapted landscaping.

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.

4.3.5. Individual Neighborhood Consideration of VMU Requirements ("Opt-in/Opt-out Process")

A. Purpose

The purpose of this subsection is to establish a one-time process, which will begin following the adoption of this Subchapter, whereby individual neighborhoods may consider certain development characteristics of VMU buildings within their boundaries and communicate their preferences to the City Council. No property is eligible for an exemption from the dimensional standards (of Section 4.3.3.E.2.) or for the parking reduction (of Section 4.3.3.E.3.) or for the additional ground-floor uses otherwise authorized by Section 4.3.3.C.2. until the conclusion of the opt-in and opt-out processes described in this section.

B. Procedure

1. Initiation

Upon the adoption date of this Subchapter, the Director shall identify neighborhood areas and notify each neighborhood planning team that the VMU neighborhood consideration process shall be initiated. If there is no neighborhood planning team, the applicable neighborhood associations in a neighborhood shall work together to develop an opt-in/opt-out application for the purposes of this section.

2. Application

Each neighborhood planning team or neighborhood association shall review the VMU standards in Section 4.3.3. The planning team or applicable neighborhood association may, no later than 90 days after receiving written notice from the Director of this Subchapter's adoption, submit an opt-in/opt-out application to the City Manager concerning any of the items listed in subsection C. below.

3. Planning Commission Recommendation

The City Manager shall forward any opt-in/opt-out applications received to the Planning Commission,

which shall review and make recommendations on all such applications to the City Council.

4. City Council Decision

After considering the Planning Commission's recommendations, the Council may, by ordinance within 45 days of the 90-day deadline, approve, approve with conditions, or deny each opt-in/opt-out request.

5. Effect of Approval

Following completion of this one-time opt-in/opt-out process:

- a. The Director shall amend the neighborhood plan combining districts and the zoning map to establish a conditional overlay district that shows the final decisions of the City Council on all opt-in/opt-out requests.
- 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.

C. Types of Opt-in/Opt-Out Applications

Only the following types of opt-in/opt-out applications may be submitted:

1. VMU Overlay District: Opt-out

- a. A neighborhood with properties in the VMU overlay district may request that the neighborhood "opt out" of the dimensional and/or parking standards exemptions in Section 4.3.3.E.2 and 3., and/or the ground-floor commercial uses allowed in Section 4.3.3.C.2. for

some or all of the properties within the VMU overlay district. If such an opt-out application is submitted and approved, the applicable standards shall not apply to affected VMU buildings within that neighborhood; instead, such buildings shall be required to comply with all dimensional and/or parking and/or use standards applicable to the base zoning district. Such buildings also shall comply with the applicable minimum site area requirements in the MU combining district; see Section 4.2.1.D.6.

- b. If no opt-out application is submitted on a property, or an opt-out application is submitted and denied, the dimensional and parking standard exemptions in Section 4.3.3.E.2. and 3. and the ground-floor commercial use provisions in Section 4.3.3.C.2. shall apply to all VMU buildings on that property.

2. MU-Designated Properties: Opt-in

- a. A neighborhood with properties with the MU zoning designation may request to "opt-in" to the dimensional and/or parking standards exemptions in Section 4.3.3.E.2. and 3., and/or the ground floor commercial uses allowed in Section 4.3.3.C.2. for some or all of the properties with the MU zoning designation. If such an opt-in application is submitted and approved, the dimensional and/or parking and/or use standards shall apply to VMU buildings on sites with the MU zoning designation within the applicable neighborhood boundaries.
- b. If no opt-in application is submitted for a property, or an opt-in application is submitted and denied, VMU buildings on a property designated MU shall comply with all dimensional and parking and use standards applicable to the base zoning district and the MU combining district.

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 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.

**4. All Properties that Allow VMU Buildings:
Affordability Standards**

Also as part of the opt-in/opt-out process, for each neighborhood in which VMU buildings are allowed, the neighborhood association or neighborhood planning team may request that the affordable rental units be available for renters earning a lower percentage of the area median family income, to as low as 60 percent of the median family income, pursuant to Section 4.3.3.F.2.b.

ARTICLE 5: DEFINITIONS

Building Façade Line

A line that is parallel to a lot line or internal circulation route curb line, as applicable, and the same distance from the lot line or curb line as the closest portion of a building.

Civic Buildings

For purposes of this Subchapter, civic buildings shall consist of the following:

- College or University facilities
- Community Recreation (Public)
- Convention Center
- Cultural Services
- Detention Facilities
- Local Utility Services
- Major Utility Services
- Parks and Recreation Services (General)
- Parks and Recreation Services (Special)
- Postal Services
- Public Primary Education Facilities
- Public Secondary Education Facilities
- Safety Services
- Transportation Terminal

Clear Zone

The area dedicated for an unobstructed sidewalk.

Commercial Use

A use that appears in Section 25-2-4, *Commercial Uses Described*, of the Austin Code.

Core Transit Corridors

Core Transit Corridors are the following roadways:

1. South First Street, north of Ben White Boulevard;
2. East Seventh Street, west of Pleasant Valley Road;
3. East Fifth Street, from I-35 to Pleasant Valley Road;
4. West Fifth Street, from Guadalupe Street and Mopac Expressway ;
5. East Sixth Street, from I-35 to Pleasant Valley Road;
6. West Sixth Street, from Guadalupe Street and Pressler Street;
7. West Thirty-fifth Street, from Mopac Expressway eastward until becoming West Thirty-Fifth Street Cutoff, and continuing eastward until becoming West Thirty-Eighth Street, and continuing eastward to Speedway;.
8. Airport Boulevard from Lamar Boulevard to I-35;
9. Anderson Lane, from Burnet Road and Mopac Expressway;

10. Barton Springs Road, east of Robert E. Lee Drive;
11. Burnet Road, from 45th Street and Anderson Lane;
12. South Congress Avenue, north of Stassney Lane;
13. Guadalupe Street;
14. Lamar Boulevard, from Banyon Boulevard and Ben White Boulevard;
15. Martin Luther King, Jr., Boulevard, from Pearl Street and Airport Boulevard;
16. Riverside Drive, west of Pleasant Valley Road.

Core Transit Corridors, Future

For purposes of Section 4.2.2. of this Subchapter, the following roadways are considered "future core transit corridors" (including all lots with frontage on the listed intersections):

1. South Congress Avenue from Stassney Lane to Slaughter Lane;
2. Slaughter Lane from I-35 to Mopac;
3. Seventh Street from Pleasant Valley Road to 183;
4. Lamar Boulevard from Banyon Lane to Howard Lane;
5. Manor Road from Dean Keaton Street to 183;
6. Airport Boulevard from Manor Road to I-35;
7. Fifty-first Street from Manor Road to Airport Boulevard;
8. Far West Boulevard from Mopac to western side of Chimney Corner;
9. Cameron Road from Fifty-first Street to Highway 183;
10. Mesa Drive from Spicewood Springs to Steck; and
11. Jollyville Road from Great Hills Trail to Highway 183.

Director

Unless otherwise specified, the Director of the Watershed Protection and Development Review Department, or his or her designee.

Fully-Shielded Light Fixture

A lighting fixture constructed in such a manner that the light source is not visible when viewed from the side and all light emitted by the fixture, either directly from the lamp or a diffusing element,

or indirectly by reflection or refraction from any part of the luminaire, is projected below the horizontal as determined by photometric test or certified by the manufacturer. Any structural part of the light fixture providing this shielding must be permanently affixed.

Full Cut-off

A luminaire light distribution where zero candela intensity occurs at or above an angle of 90 above nadir. Additionally, the candela per 1000 lamp lumens does not numerically exceed 100 (10%) at or above a vertical angle of 80 above nadir. This applies to all lateral angles around the luminaire.

Glazing

The panes or sheets of glass or other non-glass material made to be set in frames, as in windows or doors.

Greenfield Development

Development on an undeveloped parcel located outside the Urban Roadway boundary.

Hardscape

Nonliving components of a streetscape or landscape design, such as paved walkways, walls, sculpture, patios, stone and gravel areas, benches, fountains, and similar hard-surface areas and objects.

Highways

All freeways, parkways, expressways, and frontage roads identified in the Austin Area Metropolitan Transportation Plan, except for Core Transit Corridors described in this Subchapter.

Hill Country Roadways

This roadway type applies on all properties within 1000 feet of those roadway identified in Section 25-2-1103.

Internal Block

One or more lots, tracts, or parcels of land bounded by Internal Circulation Routes, railroads, or subdivision boundary lines.

Internal Circulation Route

Either a public street or a private drive edged by a curb within a development.

LDC

The City of Austin Land Development Code.

Light Fixture

The complete lighting assembly (including the lamp, housing, reflectors, lenses and shields), less the support assembly (pole or mounting bracket); a light fixture.

Liner Store

A commercial use on the ground floor of a building located not more than 30 feet from the street right-of-way with an entrance facing the street.

Maximum Extent Feasible

No feasible and prudent alternative exists, and all possible efforts to comply with the regulation or minimize potential harm or adverse impacts have been undertaken. Economic considerations may be taken into account but shall not be the overriding factor in determining "maximum extent feasible."

Maximum Extent Practicable

Under the circumstances, reasonable efforts have been undertaken to comply with the regulation or requirement, that the costs of compliance clearly outweigh the potential benefits to the public or would unreasonably burden the proposed project, and reasonable steps have been undertaken to minimize any potential harm or adverse impacts resulting from the noncompliance.

Net Frontage Length

Determined by subtracting required Internal Circulation Routes, side or compatibility setbacks, easements, drive aisles, sidewalks, and stairs that occur at the building perimeter from the total property length, as measured along the front lot line from property line to property line. See Figure 55. In the case of a curved corner, the Director may determine the end point for purposes of measuring net frontage.

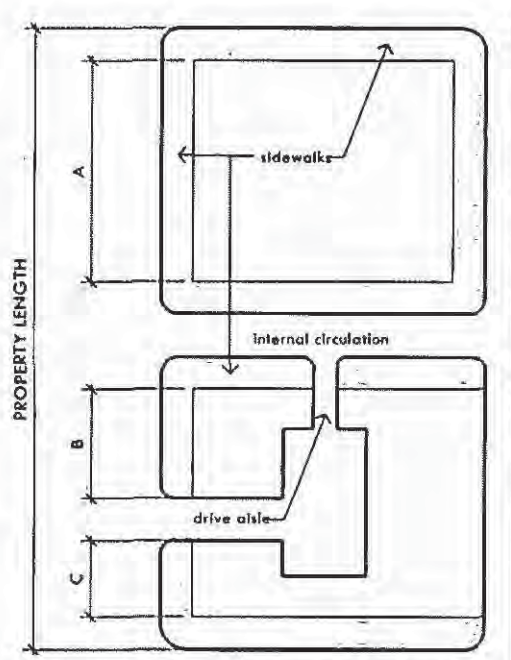


Figure 55: The net frontage length for this property is the total of lengths A, B and C. Required internal circulation routes, drive aisles, and perimeter sidewalks are not included.

Nonresidential Zoning Districts

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

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

Pad-Site Building

A building that is intended for a single commercial use and that is physically separate from the other buildings on the site. Typically used in the context of retail shopping center development, a building or building site that is physically separate from and smaller than the principal building and reserved for free-standing commercial uses. Typical pad site uses include, by way of illustration only, free-standing restaurants, banks, and service stations.

Principal Building

A building in which is conducted the principal use of the lot on which it is located.

Principal Entrance

The place of ingress and egress most frequently used by the public.

Principal Street

In this Subchapter, the principal street of a lot or site is the street with the highest priority that is adjacent to the lot or site. Street priorities are as follows, from highest to lowest:

- Core Transit Corridor;
- Internal Circulation Route;
- Urban Roadway;
- Suburban Roadway; and
- Highway or Hill Country Roadway (Unless the higher road runs parallel to the highway and is within 660 feet of the Highway or within 1,000 feet of the Hill Country Roadway (i.e., a highway development would not have to orient to the urban/Suburban Roadway next to a highway).

If a lot is adjacent to more than one street of equally high priority, the principal street is: the street with the highest level of transit service, as determined by the Director; or, if the streets do

not have transit service or the level of transit service is equal, the street designated by the lot owner.

Publicly 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, from a vantage point of three feet to six feet off the ground.

Shaded Sidewalk

For purposes of this Subchapter, a shaded sidewalk shall be any one of the following:

- A sidewalk at least ten feet wide made of pervious concrete with shade trees at 30-foot intervals, or of standard concrete with the trees planted in tree wells. At least 50 percent of the shade trees must come from the approved list of the Environmental Criteria Manual.
- A five-foot sidewalk adjacent to a landscape strip at least ten feet wide planted with shade trees at 30-foot intervals. At least 50 percent of the shade trees must come from the approved list of the Environmental Criteria Manual.
- A sidewalk at least six feet wide covered with weather-protection materials (such as awnings).

Significant Stand of Trees

Three or more Class 1 or Class 2 tree specimens with a minimum measurement of two-inch Diameter at Breast Height, meeting the standards outlined within Section 3.5.2 of the Environmental Criteria Manual, and a minimum of 150 sq feet of critical root zone preserved.

Street-Facing Facade

A wall of a building that is within 60 degrees of parallel to a street lot line; and is not behind another wall, as determined by measuring perpendicular to the street lot line. The length of a street-facing facade is measured parallel to the street lot line.

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.

Suburban Roadways

All roadways that are not Transit, Hill Country, Highway, or Urban Roadways.

Supplemental Zone

An area between the clear zone and the building edge for active public uses such as a plaza, outdoor café or patio.

Trademarked Design Feature

An external design feature, including colors, shapes, and materials, of a building that is trademarked by a building occupant.

Urban Roadways

Urban Roadways are roads located within the following boundaries other than those designated as Core Transit Corridors and Highways:

- 183 from Burnet to Hwy 71
- Hwy 71 from 183 to Loop 1
- Loop 1 from Hwy 71 to Lake Austin
- Lake Austin from Loop 1 to Exposition
- Exposition from Lake Austin to 35th
- 35th from Exposition to Loop 1
- Loop 1 from 38th to RM 2222
- RM2222 from Loop 1 to Mesa
- Mesa from RM 2222 to Spicewood Springs Road
- Spicewood Springs Road from Mesa to 360
- 360 from Spicewood Springs Road to Great Hills Trail
- Great Hills Trail from 360 to 183
- 183 from Great Hills Trail to Braker
- Braker from 183 to Burnet
- Burnet from Braker to 183

Vertical Mixed Use (VMU) Building

A building that meets the requirements set forth in Section 4.3.of this Subchapter.