



City of Austin

Land Development Code



WORKING DRAFT CODENEXT SHAPING THE AUSTIN WE IMAGINE



This page intentionally left blank

Table of Contents

Chapter 23-1: Introduction

Article 23-1A: General Provisions

- Division 23-1A-1: Title, Purpose, and Scope
- Division 23-1A-2: Authority
- Division 23-1A-3: Classification of Applications and Decisions
- Division 23-1A-4: Consistency with Comprehensive Plan
- Division 23-1A-5: Rules of Interpretation

Article 23-1B: Responsibility for Administration

- Division 23-1B-1: City Council
- Division 23-1B-2: Boards and Commissions
- Division 23-1B-3: Administration
- Division 23-1B-4: Neighborhood Planning

Chapter 23-2: Administration and Procedures

Article 23-2A: Purpose and Applicability

- Division 23-2A-1: Purpose and Applicability
- Division 23-2A-2: Development Process

Article 23-2B: Application Review and Fees

- Division 23-2B-1: Application Requirements
- Division 23-2B-2: Review Procedures
- Division 23-2B-3: Fees and Fiscal Surety

Article 23-2C: Notice

- Division 23-2C-1: General Provisions
- Division 23-2C-2: Notice Requirements
- Division 23-2C-3: General Notice Procedures
- Division 23-2C-4: Notice of Public Hearings
- Division 23-2C-5: Notice of Applications and Administrative Decisions

Article 23-2D: Public Hearings

- Division 23-2D-1: Conduct of Public Hearings
- Division 23-2D-2: Timing and Location of Public Hearings

Article 23-2E: Legislative Amendments

Division 23-2E-1: Text Amendments

Division 23-2E-2: Plan and Map Amendments

Article 23-2F: Quasi-Judicial and Administrative Relief

Division 23-2F-1: Variances and Special Exceptions

Division 23-2F-2: Administrative Relief Procedures

Division 23-2F-3: Limited Adjustments

Article 23-2G: Nonconformity

Division 23-2G-1: General Provisions

Division 23-2G-2: Specific Types of Nonconformity

Article 23-2H: Construction Management and Certificates

Division 23-2H-1: General Provisions

Division 23-2H-2: Subdivision Construction

Division 23-2H-3: Site Construction and Inspection

Division 23-2H-4: Certificates of Compliance and Occupancy

Article 23-2I: Appeals

Division 23-2I-1: General Provisions

Division 23-2I-2: Initiation and Processing of Appeals

Division 23-2I-3: Notification and Conduct of Public Hearing

Division 23-2I-4: Action on Appeal

Article 23-2J: Enforcement

Division 23-2J-1: General Provisions

Division 23-2J-2: Suspension and Revocation

Division 23-2J-3: Enforcement Orders

Division 23-2J-4: Appeal Procedures

Article 23-2K: Vested Rights

Division 23-2K-1: Petition and Review Procedures

Division 23-2K-2: Vested Rights Determinations

Division 23-2K-3: Expiration

Article 23-2L: Miscellaneous Provisions

Division 23-2L-1: Interlocal Development Agreements

Division 23-2L-2: General Development Agreements

Division 23-2L-3: Closed Municipal Landfills

Article 23-2M: Definitions and Measurements

Division 23-2M-1: Terms

Division 23-2M-2: Land Uses

Division 23-2M-3: Measurements

Chapter 23-3: General Planning Standards for All

Article 23-3A: Purpose and Applicability

Division 23-3A-1: Purpose and Applicability

Article 23-3B: Parkland Dedication

Division 23-3B-1: Parkland Dedication

Division 23-3B-2: Dedication

Division 23-3B-3: Fees

Article 23-3C: Urban Forest Protection and Replenishment

Division 23-3C-1: General Provisions

Division 23-3C-2: General Administration for Regulated Trees

Division 23-3C-3: Heritage Trees

Article 23-3D: Water Quality

Division 23-3D-1: General Provisions

Division 23-3D-2: Exceptions and Variances

Division 23-3D-3: Impervious Cover

Division 23-3D-4: Waterway and Floodplain Protection

Division 23-3D-5: Protection for Special Features

Division 23-3D-6: Water Quality Controls

Division 23-3D-7: Erosion and Sedimentation Control

Division 23-3D-8: Additional Standards in All Watersheds

Division 23-3D-9: Save Our Springs Initiative

ARTICLE 23-3E: Affordable Housing Incentive Program

Division 23-3E-1: Affordable Housing Incentive Program

Chapter 23-4: Zoning Code

Article 23-4A: Introduction

- Division 23-4A-1: Purpose
- Division 23-4A-2: Establishment of Zones
- Division 23-4A-3: Zoning Map
- Division 23-4A-4: How to Use the Zoning Code

Article 23-4B: Zoning Administration and Procedures

- Division 23-4B-1: Land Use Approvals
- Division 23-4B-2: Code Interpretations and Use Determinations
- Division 23-4B-3: Zoning Map Designations and Amendments
- Division 23-4B-4: Criteria for Variances and Special Exceptions

Article 23-4C: General to All Development

- Division 23-4C-1: Community Design
- Division 23-4C-2: Civic and Open Spaces

Article 23-4D: Specific to Zones

- Division 23-4D-1: Purpose
- Division 23-4D-2: Transect Zones
- Division 23-4D-3: Residential Non-Transect Zones
- Division 23-4D-4: Commercial Non-Transect Zones
- Division 23-4D-5: Industrial Non-Transect Zones
- Division 23-4D-6: Other Zones
- Division 23-4D-7: Overlay Zones

Article 23-4E: Supplemental to Zones

- Division 23-4E-1: Private Frontages
- Division 23-4E-2: Outdoor Lighting
- Division 23-4E-3: Parking and Loading
- Division 23-4E-4: Landscape
- Division 23-4E-5: Docks, Bulkheads, and Shoreline
- Division 23-4E-6: Specific to Use
- Division 23-4E-7: Additional General Standards

Chapter 23-5: Subdivision

Article 23-5A: Introduction

Division 23-5A-1: Subdivision Compliance and Intent

Article 23-5B: Subdivision Procedures

Division 23-5B-1: Procedure Generally

Division 23-5B-2: Preliminary Plans

Division 23-5B-3: Final Plats and Plat Vacations

Division 23-5B-4: Subdivision Construction Plan

Article 23-5C: Platting Requirements

Division 23-5C-1: Property Markers, Easements, and Alleys

Division 23-5C-2: Lots

Division 23-5C-3: Utilities

Chapter 23-6: Site Plan

Article 23-6A: Purpose and Applicability

Division 23-6A-1: Purpose and Applicability

Division 23-6A-2: Exemptions

Article 23-6B: Site Plan Review and Filing Requirements

Division 23-6B-1: Application Review and Approval

Division 23-6B-2: Submittal Waivers

Division 23-6B-3: Release

Article 23-6C: Expiration

Division 23-6C-1: Expiration

Chapter 23-7: Building, Demolition, and Relocation Permits; Special Requirement Permits For Historic Structures

Article 23-7A: General Provisions

Division 23-7A-1: General Provisions

Article 23-7B: Building And Demolition Permits

Division 23-7B-1: Building and Demolition Permits Generally

Division 23-7B-2: Building Permit Applications

Division 23-7B-3: Building Permit Issuance, Appeal, Expiration, and Extension

Division 23-7B-4: Inspection and Maintenance

Article 23-7C: Relocation Permits

Division 23-7C-1: Relocation Permits Generally

Division 23-7C-2: Relocation Requirements

Article 23-7D: Special Requirement Permits For Historic Structures

Division 23-7D-1: Historic Structures Generally

Division 23-7D-2: Applications for Certifications

Chapter 23-8: Signage (work in-progress)

Article 23-9A Purpose and Applicability

Article 23-9B Sign Permits and Procedures

Article 23-9C Regulations Applicable to All Zones

Article 23-9D Regulations Applicable to Certain Sign Zones

Article 23-9E Other Sign Types

Chapter 23-9: Transportation

Article 23-9A: General Provisions

Division 23-9A-1: General Provisions

Article 23-9B: Right-Of-Way and Transportation Improvements

Division 23-9B-1: General Provisions

Article 23-9C: Transportation Impact Analysis and Mitigation

Division 23-9C-1: Offsite Transportation Improvements

Division 23-9C-2: Traffic Impact Analysis and Neighborhood Impact Analysis

Division 23-9C-3: Approval Process

Article 23-9D: Street Design

Division 23-9D-1: Roadways Generally

Division 23-9D-2: Roadways In Water Supply Rural Watersheds Or Water Supply Suburban Watershed

Article 23-9E: Driveway, Sidewalk, Urban Trail, And Right-Of-Way Construction

Division 23-9E-1: Construction License

Division 23-9E-2: Right-Of-Way Permit

Division 23-9E-3: General Design and Maintenance Requirements

Division 23-9E-4: Conditions for Approval of Development Applications

Division 23-9E-5: Sidewalks & Urban Trails

Article 23-9F: Access to Major Roadways

Division 23-9F-1: Access to Major Roadways

Article 23-9G: Transportation Demand Management

Division 23-9G-1: Transportation Demand Management

Article 23-9H: Connectivity

Division 23-9H-1: Connectivity

Article 23-9I: Road Utility Districts

Division 23-9I-1: Approval of Petition

Division 23-9I-2: Construction of Facilities

Chapter 23-10: Infrastructure

Article 23-10A: Utility Service

Division 23-10A-1: General Provisions

Division 23-10A-2: Extension of Service, General Provisions

Division 23-10A-3: Extension of Service, Cost Participation

Division 23-10A-4: Tap Permits

Article 23-10B: Water Districts

Division 23-10B-1: General Provisions

Division 23-10B-2: Procedure for Creation

Division 23-10B-3: Conditions and Restrictions on Consent to Creation of District

Division 23-10B-4: Out-of-district Service

Division 23-10B-5: Amendment to a Consent Document or an Agreement with a Water District

Division 23-10B-6: Water District Bond Issuance

Article 23-10C: Water and Wastewater Capital Recovery Fees

Division 23-10C-1: General Provisions

Division 23-10C-2: Fee Established

Division 23-10C-3: Determination of Service Units

Division 23-10C-4: Exemptions

Division 23-10C-5: Discounts and Adjustments

Article 23-10D: Reclaimed Water

Division 23-10D-1: Reclaimed Water

Article 23-10E: Drainage

Division 23-10E-1: General Provisions

Division 23-10E-2: Drainage Studies; Floodplain and Floodway Delineation

Division 23-10E-3: Standards for Approval

Division 23-10E-4: Special Standards in Zoning Jurisdiction

Division 23-10E-5: Responsibilities of Applicant or Owner

Chapter 23-11: Technical Codes (work in-progress)

Article 23-11A Introduction

Article 23-11B Technical Codes

Division 23-11B-1: Building Code

Division 23-11B-2: Food Establishments

Division 23-11B-3: Reserved

Division 23-11B-4: Electrical Code

Division 23-11B-5: Mechanical Code

Division 23-11B-6: Plumbing Code

Division 23-11B-7: Fire Code

Division 23-11B-8: Solar Energy Code

Division 23-11B-9: Property Maintenance Code

Division 23-11B-10: Reserved

Division 23-11B-11: Residential Code

Division 23-11B-12: Energy Code

Article 23-11C Administration of Technical Codes

Introduction



This page intentionally left blank

Contents**Article 23-1A: General Provisions**

Division 23-1A-1: Title, Purpose, and Scope

- 23-1A-1010 Title and Citation
 - 23-1A-1020 Purpose
 - 23-1A-1030 Scope and Effect
-

Division 23-1A-2: Authority

- 23-1A-2010 Scope of Municipal Authority
 - 23-1A-2020 Implied Authority
 - 23-1A-2030 Limitations on Authority
-

Division 23-1A-3: Classification of Applications and Decisions

- 23-1A-3010 Purpose
 - 23-1A-3020 Classification of Applications and Decisions
 - 23-1A-3030 Rules Governing Decisions
-

Division 23-1A-4: Consistency with Comprehensive Plan

- 23-1A-4010 Consistency with the Comprehensive Plan
-

Division 23-1A-5: Rules of Interpretation

- 23-1A-5010 Purpose and Applicability
- 23-1A-5020 Rules of Interpretation

Article 23-1B: Responsibility for Administration

Division 23-1B-1: City Council

- 23-1B-1010 City Council
-

Division 23-1B-2: Boards and Commissions

- 23-1B-2010 Purpose and Applicability
- 23-1B-2020 Board of Adjustment
- 23-1B-2030 Land Use Commission
- 23-1B-2040 Planning Commission
- 23-1B-2050 Zoning and Platting Commission

Division 23-1B-3: Administration

- 23-1B-3010 Purpose and Applicability
- 23-1B-3020 City Departments and Directors
- 23-1B-3030 Authority of Responsible Director

Division 23-1B-4: Neighborhood Planning

- 23-1B-4010 Neighborhood Plan Contact Team

Article 23-1A: General Provisions

Contents

Division 23-1A-1: Title, Purpose, and Scope

- 23-1A-1010 Title and Citation
 - 23-1A-1020 Purpose
 - 23-1A-1030 Scope and Effect
-

Division 23-1A-2: Authority

- 23-1A-2010 Scope of Municipal Authority
 - 23-1A-2020 Implied Authority
 - 23-1A-2030 Limitations on Authority
-

Division 23-1A-3: Classification of Applications and Decisions

- 23-1A-3010 Purpose
 - 23-1A-3020 Classification of Applications and Decisions
 - 23-1A-3030 Rules Governing Decisions
-

Division 23-1A-4: Consistency with Comprehensive Plan

- 23-1A-4010 Consistency with the Comprehensive Plan
-

Division 23-1A-5: Rules of Interpretation

- 23-1A-5010 Purpose and Applicability
- 23-1A-5020 Rules of Interpretation

This page intentionally left blank

Division 23-1A-1: Title, Purpose, and Scope

Contents

23-1A-1010	Title and Citation	1
23-1A-1020	Purpose	1
23-1A-1030	Scope and Effect	2

23-1A-1010 Title and Citation

- (A) Title 23 of the Austin City Code shall be known and may be cited as the “Land Development Code.”
- (B) The following short-form citations may also be used:
 - (1) Within the Land Development Code:
 - (a) The code as a whole may be referred to as “this Title;” and
 - (b) Chapters, articles, divisions, or sections may be cited by number and title; for example, Chapter 23-1A (Purpose and Applicability) or Section 23-1A-1010 (Title and Citation).
 - (2) When referring to chapters, articles, divisions, or sections of this Title in other documents, the citation “LDC” may be used where appropriate; for example, “LDC Chapter 23-1A” or “LDC Section 23-1A-1010.”

23-1A-1020 Purpose

- (A) The purpose of the Land Development Code is to protect and promote public health, safety and general welfare through regulations and procedures for the use and development of land which are consistent with and implement the City's Comprehensive Plan.
- (B) To further the purpose declared in Subsection (A), this Title establishes procedures and requirements to:
 - (1) Ensure notification of land use activities, consistent with state law, and foster opportunities for public participation in the decision-making process;
 - (2) Coordinate the review of development applications and ensure an efficient process for obtaining required approvals;
 - (3) Classify land within the City's zoning jurisdiction into base districts and overlay zones in order to regulate the use and development of land in a manner that:
 - (a) Provides adequate light, air, access, and open space;
 - (b) Facilitates a mix of uses and promotes compact, pedestrian-oriented development;

- (c) Conserves historic resources and neighborhood character;
 - (d) Maintains a compatible scale of development;
 - (e) Minimizes traffic congestion and enhances the streetscape and pedestrian environment;
 - (f) Encourages development in areas with adequate public services and amenities; and
 - (g) Provides opportunities for diverse housing types across all income levels;
- (4) Provide for the safe, orderly, and healthful subdivision of land, in a manner consistent with the goals and policies of the Comprehensive Plan; and
- (5) Protect lives, property, and the natural environment by reducing the impact of floods, erosion, and water pollution.

23-1A-1030 Scope and Effect

(A) Scope of Land Development Code

- (1) **Generally.** The Land Development Code applies to all use, development, and division of land and shall be construed broadly to effectuate this scope. Specific requirements apply within the zoning and planning jurisdiction as provided under Section 23-2A-1030 (Applicability of Land Development Code) and elsewhere throughout this Title.
- (2) **City of Austin.** The City shall comply with the requirements of this Title, except where a chapter, article, division, or section specifically exempts the City.
- (3) **Other Governmental Entities**
 - (a) The Land Development Code applies to other governmental entities to the extent authorized by law, including Section 211.013 of the Texas Local Government Code, and as provided under this Title.
 - (b) To encourage inter-governmental cooperation and facilitate sound regional planning, exempt governmental entities are encouraged to submit development applications for their projects under this Title and to project review with appropriate City departments.

(B) Effect of Land Development Code

- (1) **Violations Prohibited.** It shall be unlawful, and a violation of this Title, for any person to establish, construct, reconstruct, alter, replace, maintain, use or occupy any structure or land, except in compliance with the requirements of this Title. Enforcement of this Title, and of conditions imposed by this Title, is authorized under Article 23-2J (Enforcement), Chapter 1-3 (Citation Program), and Section 1-1-99 (Offenses; Generally).
- (2) **Administrative and Quasi-Judicial Actions**
 - (a) No development approval, including a Planning Permit, Building Permit, Site Development Permit, or Variance may be issued by the City unless the proposed development complies with all applicable provisions of this Title.

- (b) No reduction in the requirements of this Title may be approved unless specifically authorized by this Title. Procedures for requesting Variances and other reductions or modifications to a regulation or standard are established in Article 23-2F (Quasi-Judicial and Administrative Relief), Article 23-4B (Zoning Administration and Procedures), and other provisions of this Title.
- (3) **Legislative Actions.** An amendment to the text or map adopted in this Title may only be adopted by the Council, in accordance with the procedures established in this Title.
- (4) **Requirements Cumulative and Non-Exclusive.** The requirements of this Title are cumulative of requirements imposed by other laws. Approvals required by this Title are in addition to other permits that may be required by the City or by any other governmental agency or special district.

This page intentionally left blank

Division 23-1A-2: Authority

Contents

23-1A-2010	Scope of Municipal Authority	1
23-1A-2020	Implied Authority.	1
23-1A-2030	Limitations on Authority	2

23-1A-2010 Scope of Municipal Authority

- (A) **Adoption.** This Title is adopted pursuant to and in furtherance of:
- (1) The Austin City Charter; and
 - (2) The following statutes and laws of the State of Texas:
 - (a) Local Government Code, including chapters 41, 42, 43, 54, 211, 212, 213, 214, 215, 216, 217, 241, 242, 243, and 431;
 - (b) Property Code Sec. 12.002 et seq.;
 - (c) Water Code;
 - (d) Flood Control and Insurance Act, Sections 16.311 through 16.317; and
 - (e) Vernon's Annotated Civil Statutes, Chapter 13 (Home Rule) and Article 1175; and
 - (f) Such other statutes and laws enabling the exercise of the municipal police power.
- (B) **Implementation and Execution**
- (1) Authority under the Land Development Code shall be vested in and delegated to the officials and decision-makers designated in Article 23-1B (Responsibility for Administration), consistent with the City Charter, the Austin City Code, and the constitution and laws of the State of Texas.
 - (2) This authority is supplemental to any other authority lawfully conferred upon City officials and decision-makers. The omission of a citation in this Title to any authority conferred upon officials and decision-makers by the City Charter, City Code, or the constitution or laws of the State of Texas, shall not be construed as limiting the actions of such officials and decision-makers taken in accordance with such authority.

23-1A-2020 Implied Authority

City officials and decision-makers shall have all implied authority necessary to carry out the duties and responsibilities expressly delegated by this Title, to the extent the implied authority is not in conflict with the expressly delegated authority.

23-1A-2030 Limitations on Authority

- (A) **City Policy.** The standards and procedures applicable to development of property within the City limits and within the City's extraterritorial jurisdiction are as stated in the Land Development Code, which shall control in the event of a conflict with a representation made by a City official summarizing, paraphrasing, or otherwise interpreting the standards and procedures applicable to development.
- (B) **Representations Concerning Future Administrative, Quasi-Judicial, or Legislative Actions**
- (1) **Administrative Actions.** No City official, whether an employee of the City or a member of the Council or an appointed board or commission, shall have the authority to make binding representations to a property owner concerning the likelihood of an outcome of that official's decision or the decision of the Council or an appointed board or commission on any development application or petition that has yet to be filed or is pending before the City for decision.
- (2) **Legislative Actions.** No City official, whether an employee of the City or a member of the Council or an appointed board or commission, shall have the authority to make binding representations to any person concerning the likelihood:
- (a) That a change in any legislative classification or a change in the text of this Land Development Code as applied to a specific tract of land will be granted;
 - (b) That an existing legislative classification or text provision will remain in effect; or
 - (c) That any petition for relief will be granted or denied.
- (3) **Unauthorized Representations.** No person is entitled to rely upon a representation made by a City official in contravention of this subsection. Any such representation shall be deemed in violation of City policy and non-binding on the City in any respect. No subsequent decision of the City shall be deemed a ratification of any representation made in contravention of this subsection.
- (C) **No Effect of City Decisions on Liability**
- (1) The City's approval of a development application under the Land Development Code does not guarantee or assure that development of the property in accordance with this Title will prevent or mitigate harm to adjoining property.
- (2) A person who undertakes development activities may not rely on the City's approval of a development application as assurance that the development activities will not result in harm to adjoining property.
- (3) The regulations contained in the Land Development Code constitute an exercise of the City's governmental authority, and approval of a development application shall not give rise to any liability on the part of the City or its officers, agents, and employees.

(D) Unauthorized Waivers

- (1) No City official, board, or commission of the City, or the Council, shall have authority to waive any requirement or standard for a development application except as expressly authorized by this Title.
- (2) Any attempt to waive a requirement or standard of this Title in violation of this subsection shall be deemed null and void. A development application or legislative decision that is approved on the basis of an unauthorized waiver of this Title may be suspended or revoked consistent with the requirements of Article 23-2J (Enforcement).

This page intentionally left blank

Division 23-1A-3: Classification of Applications and Decisions

Contents

23-1A-3010	Purpose.....	1
23-1A-3020	Classification of Applications and Decisions.....	1
23-1A-3030	Rules Governing Decisions.....	3

23-1A-3010 Purpose

To aid in better understanding the City of Austin’s process for land use planning and development, this division provides an overview of the different categories of decisions and applications established by the Land Development Code. Detailed requirements for different categories of decisions are established in Section 23-2A-1030 (Overview of Legislative and Administrative Approvals) and other provisions of this Title.

23-1A-3020 Classification of Applications and Decisions

(A) Legislative Decisions

(1) General Characteristics

- (a) Legislative decisions are decisions that establish or change the City's policies and rules governing the use and development of land. They involve the exercise of broad discretion and are typically based on general considerations of public policy, such as furthering the goals of the Comprehensive Plan or preserving public health, safety, and welfare.
- (b) Only the Council may approve legislative decisions, which cannot be appealed or varied and may only be amended or repealed by the Council. The Council may not delegate its authority to make a legislative decision and, in general, cannot be required to take legislative action. The Council must, at a minimum, hold a public hearing and receive a report from the Land Use Commission before making a legislative decision.

(2) Types of Legislative Decisions. Examples of legislative decisions include:

- (a) Adopting or amending the text of this Title;
- (b) Adopting the City’s official zoning map and approving applications to change the zoning classification of individual properties, commonly referred to as a “rezone” or “zoning amendment”;
- (c) Approving a Development Agreement or a land use plan in the City's extraterritorial jurisdiction; and
- (d) Amending the Comprehensive Plan, including a Neighborhood Plan or other Small Area Plan.

(B) Quasi-Judicial Decisions

(1) General Characteristics

- (a) A quasi-judicial decision is a City decision that:
 - (i) Applies discretionary approval criteria to a development application;
 - (ii) Adjudicates the rights of individual parties under this Title; or
 - (iii) Decides an appeal of an administrative decision.
- (b) A quasi-judicial decision involves the exercise of discretion on the part of the decision-maker and in most cases may be subject to conditions. Quasi-judicial decisions require a public hearing and may require findings in support of the decision. They involve the exercise of considerable discretion on the part of the decision-maker and in most cases may be subject to conditions.
- (c) A quasi-judicial decision is usually made by an appointed board or commission, but in some cases may be subject to final approval by the Council or may be delegated to the City Manager. Members of a decision-making body may be required to refrain from discussing matters subject to a quasi-judicial decision outside of a public meeting regarding the matter.

(2) Types of Quasi-Judicial Decisions. Examples of quasi-judicial decisions include:

- (a) A decision by the Board of Adjustment on an application for a zoning Variance or Special Exception;
- (b) A decision by the Land Use Commission on an application for an Environmental Variance, a Minor Use Permit, or a Conditional Use Permit;
- (c) A decision by a board or commission, or by the City Council, on an administrative Appeal; and
- (d) A decision by the City Council under Division 23-2F-3 (Limited Adjustments) or Section 23-2K-2040 (Project Consent Agreements).

(C) Administrative Decisions

(1) General Characteristics

- (a) An administrative decision is a City decision that applies specific standards or requirements to review of a development application. Most administrative decisions require the exercise of limited discretion.
- (b) The authority to make administrative decisions is delegated to City departments and to boards and commission, as provided in Article 23-1B (Responsibility for Administration). A public hearing is required for an administrative decision by a board or commission.

(2) Types of Administrative Decisions. Examples of administrative decisions include:

- (a) A decision by the Director on an application for:
 - (i) A Site Plan or Minor Use Permit;
 - (ii) A Minor Adjustment or Alternative Equivalent Compliance; or
 - (iii) A Vested Rights Petition;

- (b) A decision by the Building Official or Director on an application for:
 - (i) A Building Permit or a Trade Permit; or
 - (ii) A Certificate of Occupancy or Compliance; and
- (c) A decision by the Land Use Commission on an application for a preliminary plan, final plat, or subdivision construction plan; and
- (d) A revision or correction to a pending application.

23-1A-3030 Rules Governing Decisions

- (A) **Order of Process.** If proposed development requires more than one application under this Title, an applicant must obtain the approvals in the order specified by Section 23-2A-2010 (Order of Process).
- (B) **Burden to Show Compliance.** An applicant requesting approval of a development application must demonstrate that the application meets all applicable requirements.
- (C) **Revised Development Application.** An amended or revised development application is classified the same as the initial application and is reviewed according to the same level of discretion as the initial application.
- (D) **Advisory Decisions.** If a board or commission makes a recommendation on a decision to be made by the Council, the board or commission acts in the same capacity as the Council and may recommend any action within the Council's authority.

This page intentionally left blank

Division 23-1A-4: Consistency with Comprehensive Plan

Contents

23-1A-4010 Consistency with the Comprehensive Plan..... 1

23-1A-4010 Consistency with the Comprehensive Plan

- (A) **Consistency Requirement.** Legislative, quasi-judicial, and administrative decisions under this Title must be consistent with the Comprehensive Plan, as required by the City Charter, Art. X, Section 6.
- (B) **Consistency Standards for City Decisions**
 - (1) **Legislative Decisions**
 - (a) A legislative decision is consistent with the Comprehensive Plan if:
 - (i) For a map amendment, the nature and location of allowed land uses is consistent with the future land use map and, if applicable, a land use map included in an adopted Small Area Plan; and
 - (ii) The text of this Title, and any amendment to this Title, is consistent with the goals and policies of the Comprehensive Plan and, if applicable, an adopted Small Area Plan.
 - (b) The City Council has sole authority to determine consistency with the Comprehensive Plan and to balance competing goals and policies. A decision by the Council to approve a legislative decision shall constitute a finding that the decision is consistent with the Comprehensive Plan.
 - (2) **Administrative and Quasi-Judicial Decisions.** An administrative or quasi-judicial decision is consistent with the Comprehensive Plan if the decision conforms to the applicable regulations of this Title, which implements the Comprehensive Plan.

This page intentionally left blank

Division 23-1A-5: Rules of Interpretation

Contents

23-1A-5010	Purpose and Applicability	1
23-1A-5020	Rules of Interpretation	1

23-1A-5010 Purpose and Applicability

This Division establishes rules for interpretation to be used in construing the requirements of this Title. The rules of interpretation established in Chapter 1-1 (General Provisions) of the City Code also apply, but a rule established in this Division prevails in the event of a conflict.

23-1A-5020 Rules of Interpretation

- (A) **Cumulative Requirements.** The requirements of Title are cumulative of requirements imposed by other ordinances, rules, and regulations. In the event of a conflict, the requirements of this Title shall control over requirements imposed by other ordinances, rules, or regulations, or requirements imposed under private covenants, restrictions, or easements.
- (B) **Internal Consistency**
 - (1) Wherever possible, the Director shall interpret this Title in a manner that gives effect to all provisions and shall avoid interpretations that render a provision of this Title in conflict with one or more other provisions.
 - (2) If two or more provisions of this Title appear to conflict, such that they cannot all be applied, the Director shall resolve the conflict according to the following rules:
 - (a) If the provisions relate to the same requirement, such as setbacks, height, or impervious cover, the more restrictive requirement applies and controls over a less restrictive requirement; or
 - (b) If a general provision conflicts with a provision that is more specific to a particular development application or category of development, then the specific provision applies and controls over the general provision unless the general provision was adopted more recently and the manifest intent of Council was for the general provision to apply.
- (C) **Incomplete Provisions.** If a standard or procedure of this Title is incomplete when applied to a particular development application or activity, the Director shall supplement the standard or procedure with whatever additional standards or procedures of this Title are necessary to give effect to the incomplete provision.
- (D) **Purpose Statements.** Purpose and intent statements used in this Title are not substantive requirements, but provide context to aid in understanding the legislative intent behind substantive requirements.

(E) **Headings, Text, and Illustrations**

- (1) In the event of a conflict or inconsistency between the text of this Title and any heading, caption, figure, illustration, table, or map, the text shall control.
- (2) Unless otherwise indicated, illustrations in this Title are provided for purposes of describing, clarifying, or providing examples. Such illustrations are not to scale and do not replace, limit, or expand the meaning of the text.

(F) **Lists and Examples.** Unless otherwise indicated, a list of items or examples that is prefaced by the terms “for example,” “including,” or “such as”:

- (1) Is intended to provide examples and is not an exhaustive list of all possibilities; and
- (2) Does not imply an order of priority or chronology.

(G) **Computation of Time**

- (1) The time in which an act is to be done is computed by excluding the first day and including the last day.
- (2) If a deadline or required date of action falls on a Saturday, Sunday, or City holiday, the deadline or required date of action shall be the next day that is not a Saturday, Sunday, or City holiday.
- (3) Reference to days is to calendar days unless otherwise indicated.

Article 23-1B: Responsibility for Administration

Contents

Division 23-1B-1: City Council

23-1B-1010 City Council

Division 23-1B-2: Boards and Commissions

23-1B-2010 Purpose and Applicability

23-1B-2020 Board of Adjustment

23-1B-2030 Land Use Commission

23-1B-2040 Planning Commission

23-1B-2050 Zoning and Platting Commission

Division 23-1B-3: Administration

23-1B-3010 Purpose and Applicability

23-1B-3020 City Departments and Directors

23-1B-3030 Authority of Responsible Director

Division 23-1B-4: Neighborhood Planning

23-1B-4010 Neighborhood Plan Contact Team

This page intentionally left blank

Division 23-1B-1: City Council

Contents

23-1B-1010 City Council 1

23-1B-1010 City Council

- (A) **Legislative Decisions.** The Council has final authority over all legislative decisions authorized by this Title, including:
 - (1) Amendments to this Title, as provided in Division 23-2E-1 (Text Amendments);
 - (2) Amendments to the Comprehensive Plan and adopted Small Area Plans, as provided in Division 23-2E-2 (Plan and Map Amendments);
 - (3) Amendments to the Zoning Map, as provided in Division 23-4B-3 (Zoning Map Designations and Amendments);
 - (4) Approval of a Development Agreement under Division 23-2L-1 (Interlocal Development Agreement) or Division 23-2L-2 (General Development Agreements);
 - (5) Approval of an ordinance annexing land into the City of Austin, for full or limited purposes; and
 - (6) Approval of an annual fee schedule fixing the amount of all fees required under this Title.

- (B) **Quasi-Judicial Decisions.** The City Council has authority to make certain quasi-judicial decisions, including:
 - (1) Deciding an Appeal of the Land Use Commission’s decision on a Conditional Use Permit, as authorized under Article 23-4B (Zoning Administration and Procedures);
 - (2) Approval of a Project Consent Agreement under Section 23-2K-2040 (Project Consent Agreement); and
 - (3) Approval of a limited adjustment under Division 23-2F (Quasi-Judicial and Administrative Relief).

- (C) **Other Council Actions.** The Council may take other actions relating to the regulation of land use and development, except where prohibited by this Title, the City Charter, or state law.

This page intentionally left blank

Division 23-1B-2: Boards and Commissions

Contents

23-1B-2010	Purpose and Applicability	1
23-1B-2020	Board of Adjustment.....	1
23-1B-2030	Land Use Commission	2
23-1B-2040	Planning Commission	4
23-1B-2050	Zoning and Platting Commission.....	4

23-1B-2010 Purpose and Applicability

- (A) This Division establishes the sovereign boards and commissions that are required by this Title to take final action on behalf of the City and make recommendations to the Council.
- (B) Specific requirements and grants of authority for boards and commissions established under this Division are provided in Section 23-2A-1030 (Overview of Legislative and Administrative Decisions) and other provisions of this Title.
- (C) The boards and commissions established in this division are subject to Chapter 2-1, Article 1 (General Provisions) of the City Code, which establishes general requirements for membership, structure, and operation of City boards and commissions. In the event of a conflict between Chapter 2-1 of the City Code and this Title, the requirements of this Title shall control.

23-1B-2020 Board of Adjustment

- (A) **Enabling Authority.** The Board of Adjustment is a quasi-judicial body that derives its authority from Chapter 211 of the Texas Local Government Code and this Title. The Council established the Board, by ordinance, on July 17, 1941.
- (B) **Composition and Structure**
 - (1) The Board shall be composed of 11 members, with each member appointed to serve a two-year term. A board member may be removed for cause by the Council, upon written charges and after a public hearing.
 - (2) The Council may appoint alternate board members to serve when a regular member is absent. An alternate board member is appointed to a two-year term.
 - (3) The Board shall consist of:
 - (a) The full eleven-member Board; and
 - (b) A seven-member Appeals Panel, which shall hear and administrative appeals for the Board under Division 23-2I (Appeals) and such other matters as may be assigned to it under this Title.

- (C) **Duties and Functions.** The Board shall hear and decide:
- (1) A request for a Variance from a zoning regulation or for approval of a Special Exception, as authorized under Chapter 23-4 (Zoning Code);
 - (2) An Appeal of an administrative action as authorized under Article 23-2I (Appeals);
 - (3) A request for a Variance From the requirements of airport zoning regulations under Section 241.034, Local Government Code; and
 - (4) A request for a Variance from a sign regulation, as authorized under Chapter 23-8 (Signage).
- (D) **Voting Requirements**
- (1) Each case before the Board must be heard by at least 75 percent of the board members. The concurring vote of 75 percent of the board members is necessary to:
 - (a) Reverse an administrative decision on appeal under Article 23-2I (Appeals);
 - (b) Decide in favor of an applicant on a matter on which the Board is required to pass under Chapter 23-4 (Zoning Code); or
 - (c) Authorize a variation from the terms of Chapter 23-4 (Zoning Code).
 - (2) The super majority required under Subsection (D)(1) shall be calculated based on:
 - (a) Eleven members, minus any vacant positions or legally disqualified board members, for matters heard and decided by the full Board; or
 - (b) Seven members, minus any vacant positions or legally disqualified board members, for matters heard and decided by the Appeals Panel.
- (E) **Meetings**
- (1) The Board shall hold meetings at the call of the chairperson and at other times as requested by the Board or required under its bylaws. The Appeals Panel shall meet separately from meetings of the full Board.
 - (2) The board shall prepare minutes of its proceedings. The minutes shall include the vote of each member on each item before the board and shall state if a member is absent or fails to vote on an item.
 - (3) The chairperson, or the acting chairperson in the absence of the chairperson, may administer oaths and compel the attendance of witnesses.
- (F) **Rules of Procedure.** The Board may adopt Rules of Procedure, which must be consistent with this Title and state law.
- (G) **Appeal to District Court.** A decision by the Board constitutes a final City Decision and is appealable to District Court as provided in Chapter 211 of the Texas Local Government Code.

23-1B-2030 Land Use Commission

- (A) **Enabling Authority.** The Land Use Commission is comprised of the Planning Commission and the Zoning Platting Commission, which are established under this Division and derive their authority from Chapters 211 and 212 of the Texas Local Government Code, the City Charter, and this Title.

- (B) **Responsible Commission.** Where this Title requires the Land Use Commission to take action on an application, the Director shall assign the application to the Planning Commission or the Zoning and Platting Commission in accordance with this Subsection.
- (1) The Planning Commission shall act as the Land Use Commission on applications related to property within:
 - (a) The boundaries of a neighborhood plan that the council has adopted as a component of the comprehensive plan;
 - (b) The former Robert Mueller Municipal Airport site;
 - (c) A Transit Oriented Development (TOD) district;
 - (d) The old Enfield neighborhood planning area; or
 - (e) The boundaries of a proposed neighborhood plan that the Council:
 - (i) Has directed the Planning Commission to consider; and
 - (ii) Has not rejected or withdrawn.
 - (2) The Zoning and Platting Commission shall act as the Land Use Commission on applications related to property not with an area identified under Subsection (B)(1).
- (C) **Duties and Functions.** The Land Use Commission performs administrative, quasi-judicial, and legislative functions as provided in Section 23-2A-1030 (Overview of Legislative and Administrative Approvals) and other provisions in this Title. The Commission's primary functions include the following final decisions, appealable decisions, and recommendations:
- (1) **Final Decisions.** A decision by the Land Use Commission on the following applications is final and not subject to appeal:
 - (a) A preliminary plan, final plat, or subdivision variance in compliance with Chapter 23-5 (Subdivision);
 - (b) An environmental variance in compliance with Article 23-3D (Water Quality);
 - (c) An appeal of an enforcement decision in compliance with Article 23-2J (Enforcement); and
 - (d) Hearing an appeal of a Minor Use Permit in compliance with Section 23-4B-1030 (Minor Use Permit).
 - (2) **Appealable Decisions.** A decision by the Land Use Commission on an application for a Conditional Use Permit under Section 23-4B-1020 (Conditional Use Permit) is appealable to the Council.
 - (3) **Recommendations.** The Land Use Commission makes recommendations to the Council on:
 - (a) An amendment to the text of this Title initiated under Division 23-2E-1 (Text Amendments);
 - (b) An amendment to the Zoning Map under Division 23-4B-3 (Zoning Map Designations and Amendments); and
 - (c) An amendment to the Comprehensive Plan or a Small Area Plan under Division 23-2E-2 (Map and Plan Amendments).

- (D) **Joint Committees.** The Planning Commission and the Zoning and Platting Commission may coordinate and exchange information related to the Land Use Commission through participation in the joint committees established under Section 2-1-205 (Small Area Planning Joint Committee) and Section 2-1-207 (Codes and Ordinances Joint Committee).

23-1B-2040 Planning Commission

- (A) **Enabling Authority.** The Planning Commission derives its authority from Chapters 211 and 212 of the Texas Local Government Code, Art. X of the City Charter, and this Title. The City Council established the Planning Commission on January 25, 1945, by passage of Ordinance No. 450125.
- (B) **Structure and Composition**
 - (1) The Planning Commission is composed of 13 members appointed to the Commission by the City Council.
 - (2) The City Manager, the chairperson of the zoning Board of Adjustment, the Director of Public Works, and the president of the board of trustees of the Austin Independent School District (AISD) shall serve as ex officio members.
 - (3) The president of the AISD board of trustees may designate, in writing, a member of the board of trustees or an employee of AISD to represent the district at meetings of the Planning Commission. The AISD representative may participate in discussion of agenda items subject to approval by the chair of the commission and under such rules as the commission deems appropriate.
- (C) **Duties and Functions.** The Planning Commission shall:
 - (1) Act as the Land Use Commission on development applications, in accordance with Section 23-1B-2030 (Land Use Commission);
 - (2) Make recommendations on proposed amendments to this Title, in accordance with Division 23-2E-1 (Text Amendments); and
 - (3) Perform other functions as required or authorized by this Title or the City Charter.

23-1B-2050 Zoning and Platting Commission

- (A) **Enabling Authority.** The Zoning and Platting Commission derives its authority from Chapters 211 and 212 of the Texas Local Government Code and this Title.
- (B) **Structure and Composition.** The Commission shall consist of 11 members, as provided under Section 2-1-4 (Size and Appointment) of the City Code, and shall comply with all applicable requirements of Chapter 2-1, Article 1 (General Provisions) of the City Code.
- (C) **Duties and Functions.** The Commission shall act as the Land Use Commission in accordance with Section 23-1B-2030 (Land Use Commission) and perform such other duties as may be assigned to it by the Council.

Division 23-1B-3: Administration

Contents

23-1B-3010	Purpose and Applicability	1
23-1B-3020	City Departments and Directors.	1
23-1B-3030	Authority of Responsible Director	3

23-1B-3010 Purpose and Applicability

This Division designates City department directors with authority and responsibility to carry out functions established under this Title and generally defines the scope of a responsible director’s authority with respect to the administration and enforcement of this Title.

23-1B-3020 City Departments and Directors

- (A) **Responsible Director.** The term “Director” or “responsible director,” as used in this Title, refers to the department director designated by the City Manager to carry out particular functions established under this Title.
- (B) **Designated Department and Areas of Expertise.** Table 23-1B-3020.A (Designated Department and Areas of Expertise) identifies City departments that may be specifically designated, by director title, with responsibility to administer and enforce particular provisions of the Land Development Code. The table also describes, in general terms, each department’s primary areas of expertise or responsibility in relation to the administration and enforcement of this Title.

Table 23-1B-3020.A Designated Department and Areas of Expertise		
City Department	Director Title	Principal Areas and Responsibilities
Planning & Zoning Department.	Planning Director	Reviews, processes, and recommends: (1) Applications for rezones or original zoning for consideration by Council; and (2) Amendments to this Title or the Comprehensive Plan initiated by the Council or Planning Commission.
Development Services Department	Development Services Director	Reviews, processes, and takes final action on Site Plans, Minor Use Permits, and other development applications. Coordinates interdepartmental review of development applications with Watershed Protection, Transportation, Parks, and other City departments with specific areas of expertise. Presents development actions to the Land Use Commission, including subdivision plats.
	Building Official	Reviews, processes, and takes final action on applications for Building Permits and other construction approvals. Administers and enforces international technical codes and related health & standards.
Watershed Protection Department	Watershed Director	Reviews development applications for compliance with Environmental, Drainage, and Detention standards. Administers and enforces Water Quality and Pollution Control standards.
Parks & Recreation Department.	Parks Director	Reviews development applications for compliance with Parkland Dedication and Open Space Requirements.
Austin Transportation Department.	Transportation Director	Reviews development applications for compliance with Transportation regulations, including Traffic Impact Analysis.
Neighborhood Housing & Community Development	Housing Director	Administers and enforces the Affordable Housing Incentives Program and other City initiatives related to affordable housing.
Code Department	Code Director	Enforces City land use and development regulations for projects not subject to an active building permit or other development approval.

23-1B-3030 Authority of Responsible Director

- (A) **General Authority & Delegation**
- (1) A responsible director designated by the City Manager under Section 23-1B-3020 (City Departments and Directors) or by a provision of this Title shall have the authority to take any action that is reasonably necessary to administer and enforce the applicable provisions of this Title, except where an action is otherwise prohibited by this Title or state law.
 - (2) As provided in Section 1-1-14 (Designation of City Official or Department Director), a responsible director may designate authority under this Title to department staff or, with approval of the City Manager, to staff in another department. City staff acting under delegated authority shall have the same authority as the responsible director.
- (B) **Specific Authority & Responsibility.** In addition to the general authority delegated under Subsection (A), a responsible director shall have authority to take the following actions consistent with the requirements of this Title:
- (1) Accept and process development applications;
 - (2) Review and make recommendations concerning an application;
 - (3) Seek advice from other City departments and coordinate recommendations from such departments concerning the application;
 - (4) Approve or disapprove an application, where so authorized, including any administrative exemptions or waivers;
 - (5) Coordinate review by City boards and commissions or by Council, if required;
 - (6) Prepare staff reports and recommendations advising City boards and commissions, or Council, regarding any application presented for review or final action;
 - (7) Adopting policies, procedures, or interpretations to aid in the administration and enforcement of this Title; and
 - (8) Initiating enforcement actions seeking to obtain compliance with the requirements and standards of this Title, including any conditions imposed on a permit or other development approval.

This page intentionally left blank

Division 23-1B-4: Neighborhood Planning

Contents

23-1B-4010 Neighborhood Plan Contact Team 1

23-1B-4010 Neighborhood Plan Contact Team

- (A) The Director shall initiate the formation of a Neighborhood Plan Contact Team.
- (B) The Neighborhood Plan Contact Team shall to the greatest extent practicable include at least one representative from each of the following groups within a neighborhood plan area:
 - (1) Property owners;
 - (2) Residential renters;
 - (3) Business owners; and
 - (4) Neighborhood organization members owning or renting property within the neighborhood plan area.
- (C) Representatives shall to the greatest extent possible be drawn from the group of persons involved in the development of the neighborhood plan.
- (D) The Neighborhood Plan Contact Team shall annually submit a list of its officers and members, including individual contact information and applicable membership category under Subsection (B), to the Director.
- (E) The Neighborhood Plan Contact Team shall submit new bylaws or changes in existing bylaws to the Director. The bylaws shall address roles and responsibilities, boundaries, membership, decision-making, meetings and meeting notification, officers and duties, amendments to the bylaws, finances, and conflicts of interest. The bylaws shall be consistent with the standardized bylaws template and instructions provided by the Director.
- (F) Before the date on which the Planning Commission is scheduled to consider a proposed neighborhood plan amendment, the Neighborhood Plan Contact Team may submit a letter to the Director stating its recommendation on the proposed amendment. The Neighborhood Plan Contact Team shall also identify any conflict of interest as defined in the bylaws of the Neighborhood Plan Contact Team.

(G) Neighborhood Plan Contact Teams shall have dispute resolution as follows:

- (1) **Filing Complaints.** A person who meets the membership requirements described under Subsection (B). and believes that the Neighborhood Plan Contact Team has violated the provisions of this Section may file with the Director a request to have the Director investigate and mediate the complaint. Such complaints shall be in writing and shall identify the Neighborhood Plan Contact Team alleged to be violating the provisions of this section. All complaints must be filed within 45 days following the occurrence of an alleged violation.
- (2) **Investigation.** The Director shall review with the charging party the allegations contained within the complaint and, if warranted based on the requirements of this chapter, shall conduct a prompt and full investigation of the matter stated in the complaint through interviews with the charging party, contact team officers, and through review of all available documentation. The Director shall determine, in writing, whether dispute resolution is warranted within 14 days of receiving a complaint and shall render a written report identifying issues to be addressed through dispute resolution within 28 days of receiving the complaint.
- (3) **Informal Dispute Resolution.** If after investigation it is determined that there is reasonable cause to believe that dispute resolution is warranted, the Director shall endeavor to eliminate any such alleged violations by informal methods of conference, conciliation, and persuasion. All informal dispute resolution and determinations of the Director must be completed within 30 days after the Director provides the written report.
- (4) **Formal Dispute Resolution.** If, after determining that there is reasonable cause to believe that dispute resolution is warranted, and the Director is unable to secure from the respondent an acceptable conciliation agreement, the Director shall present a report to the Planning Commission within 30 days of completing the informal dispute resolution. If after review of the report the Planning Commission agrees with the report of the Director, the Planning Commission may recommend a more formal mediation or dispute resolution process. The Planning Commission shall set a deadline for the completion of formal mediation based on the complexity and circumstances of a specific case and shall identify a neutral third party to conduct the dispute resolution process.
- (5) **Remedy**
 - (a) In cases where the informal and formal dispute resolution processes initiated by the City are unable to secure from the respondent an acceptable conciliation agreement, the Planning Commission may recommend that the Director and the City discontinue recognition of the Neighborhood Plan Contact Team in compliance with the provisions of this chapter until a conciliation agreement acceptable to the Planning Commission is reached.
 - (b) In the event the City discontinues recognition of a Neighborhood Plan Contact Team, special designation of the organization as a Neighborhood Plan Contact Team will be removed from the City of Austin Community Registry, the Neighborhood Plan Contact Team will no longer be granted the authority to initiate Neighborhood Plan amendments, and the Neighborhood Plan Contact Team will no longer have access to any special resources or authority through the City based on its status as a Neighborhood Plan Contact Team.

- (c) If recognition of a Neighborhood Plan Contact Team is discontinued for more than six months, the Director may take action to initiate a new Neighborhood Plan Contact Team for the planning area under the provisions of City Code Section 25-1-805(A) through (C). In the event that the Director takes action to initiate a new Neighborhood Plan Contact Team, the initial officers of the new Neighborhood Plan Contact Team may not have served as officers of the previous Neighborhood Plan Contact Team at the time when recognition was discontinued.
- (6) **Appeal.** Charging parties and respondents may appeal the determination of the Director and of the Planning Commission under this subsection to the City Council. Actions that are appealable include the Director's determination that dispute resolution is warranted; findings/determinations that come out of the informal dispute resolution process; and discontinuation of recognition of a Neighborhood Plan Contact Team.

This page intentionally left blank

Administration and Procedures



This page intentionally left blank

Contents

Article 23-2A: Purpose and Applicability

Division 23-2A-1: Purpose and Applicability

- 23-2A-1010 Purpose
 - 23-2A-1020 Applicability of Land Development Code
 - 23-2A-1030 Overview of Legislative and Administrative Approvals
-

Division 23-2A-2: Development Process

- 23-2A-2010 Order of Process
 - 23-2A-2020 Concurrent Applications
 - 23-2A-2030 Transfer of Approval
-

Article 23-2B: Application Review and Fees

Division 23-2B-1: Application Requirements

- 23-2B-1010 Application Requirements and Deadlines
 - 23-2B-1020 Authority to File Application
 - 23-2B-1030 Application Completeness
 - 23-2B-1040 Update and Expiration
 - 23-2B-1050 Tolling of Expiration Period
 - 23-2B-1060 Effect of Expiration on Related Applications
-

Division 23-2B-2: Review Procedures

- 23-2B-2010 Review and Processing
 - 23-2B-2020 Sequence of Review
 - 23-2B-2030 Application Approval
 - 23-2B-2040 Disapproval and Denial
 - 23-2B-2050 Development Assessment
-

Division 23-2B-3: Fees and Fiscal Surety

- 23-2B-3010 Fees
 - 23-2B-3020 Fiscal Security
-

Article 23-2C: Notice

Division 23-2C-1: General Provisions

- 23-2C-1010 Purpose and Applicability
- 23-2C-1020 Summary of Notice Requirements

Division 23-2C-2: Notice Requirements

23-2C-2010	Notice Required
23-2C-2020	Interested Parties
23-2C-2030	Courtesy Notice
23-2C-2040	Staff Briefings

Division 23-2C-3: General Notice Procedures

23-2C-3010	Published Notice
23-2C-3020	Mailed Notice
23-2C-3030	Notification by Email
23-2C-3040	Notification Signs

Division 23-2C-4: Notice of Public Hearings

23-2C-4010	Contents of Public Hearing Notice
23-2C-4020	Type 1 Public Hearing Notice
23-2C-4030	Consolidated Notification
23-2C-4040	Type 2 Public Hearing Notice

Division 23-2C-5: Notice of Applications and Administrative Decisions

23-2C-5010	Notice of Application
23-2C-5020	Notice of Administrative Decision

Article 23-2D: Public Hearings

Division 23-2D-1: Conduct of Public Hearings

23-2D-1010	Order of Presentations
23-2D-1020	Speaker Requirements
23-2D-1030	Order and Decorum
23-2D-1040	Record of Public Hearings

Division 23-2D-2: Timing and Location of Public Hearings

23-2D-2010	Scheduling Public Hearings
23-2D-2020	Postponement and Continuation of Public Hearings
23-2D-2030	Change of Location of Public Hearings

Article 23-2E: Legislative Amendments

Division 23-2E-1: Text Amendments

- 23-2E-2010 Purpose, Applicability, and Policy Statement
- 23-2E-2020 Initiation of Text Amendments
- 23-2E-2030 Review and Recommendation
- 23-2E-2030 Adoption by Council

Division 23-2E-2: Plan and Map Amendments

- 23-2E-2010 Amendment to the Zoning Map
- 23-2E-2020 Comprehensive Plan Amendment
- 23-2E-2030 Neighborhood Plan Amendment

Article 23-2F: Quasi-Judicial and Administrative Relief

Division 23-2F-1: Variances and Special Exceptions

- 23-2F-1010 Purpose and Overview
- 23-2F-1020 Limitations and Legal Effect
- 23-2F-1030 Application Requirements
- 23-2F-1040 Public Hearing and Notification
- 23-2F-1050 Decision on Variance or Special Exception
- 23-2F-1060 Conditions and Modifications
- 23-2F-1070 Expiration

Division 23-2F-2: Administrative Relief Procedures

- 23-2F-2010 Purpose and Applicability
- 23-2F-2020 Exempt Residential Uses and Structures
- 23-2F-2030 Minor Adjustments
- 23-2F-2040 Alternative Equivalent Compliance

Division 23-2F-3: Limited Adjustments

- 23-2F-3010 Purpose and Applicability
- 23-2F-3020 Application for Limited Adjustment
- 23-2F-3030 Initial Determination on Limited Adjustment
- 23-2F-3040 Notice and Public Hearing
- 23-2F-3050 Final Action on Limited Adjustment

Article 23-2G: Nonconformity

Division 23-2G-1: General Provisions

23-2G-1010	Purpose and Applicability
23-2G-1020	Nonconforming Status
23-2G-1030	Determination of Nonconforming Status
23-2G-1040	Appeal of Decision on Nonconforming Status
23-2G-1050	Continuation of Nonconformity
23-2G-1060	Termination of Nonconforming Use
23-2G-1070	Alteration of Nonconforming Structures
23-2G-1080	Effect of Conditional Use Permit

Division 23-2G-2: Specific Types of Nonconformity

23-2G-2010	Nonconforming Uses Near Hazardous Pipelines
23-2G-2020	Order of Process
23-2G-2030	Nonconforming Parking
23-2G-2040	Termination of Nonconforming Use

Article 23-2H: Construction Management and Certificates

Division 23-2H-1: General Provisions

23-2H-1010	Purpose and Applicability
23-2H-1020	Preconstruction Conference
23-2H-1030	Inspection Requests
23-2H-1040	Inspection Record Card
23-2H-1050	Erosion, Sedimentation, and Tree Protection Measures
23-2H-1060	Reinspection Fee

Division 23-2H-2: Subdivision Construction

23-2H-2010	Distribution of Approved Plans
23-2H-2020	Substantial Completion Notice
23-2H-2030	Final Inspection
23-2H-2040	Acceptance by the City

Division 23-2H-3: Site Construction and Inspection

23-2H-3010	Onsite Retention of Approved Plans
23-2H-3020	Grading, Drainage, and Water Quality Facilities
23-2H-3030	Connection of Utilities

Division 23-2H-4: Certificates of Compliance and Occupancy

- 23-2H-4010 Certificate Required
- 23-2H-4020 Certificate of Occupancy
- 23-2H-4030 Certificate of Compliance
- 23-2H-4040 Temporary Certificate of Occupancy

Article 23-2I: Appeals

Division 23-2I-1: General Provisions

- 23-2I-1010 Purpose and Applicability
- 23-2I-1020 Appeal of Administrative Decisions
- 23-2I-1030 Deadline for Appeal
- 23-2I-1040 Development Not Permitted During Appeal
- 23-2I-1050 Appeals Process and Forms

Division 23-2I-2: Initiation and Processing of Appeals

- 23-2I-2010 Notice of Appeal
- 23-2I-2020 Assignment of Appeals Board
- 23-2I-2030 Meeting to Resolve Issues
- 23-2I-2040 Tolling and Correction of Application
- 23-2I-2050 Ex Parte Contacts Prohibited

Division 23-2I-3: Notification and Conduct of Public Hearing

- 23-2I-3010 Notification of Applicant and Presiding Officer
- 23-2I-3020 Scheduling and Notice of Public Hearing
- 23-2I-3030 Prehearing Submittals
- 23-2I-3040 Staff Report and Case File
- 23-2I-3050 Conduct of Appeal Hearing

Division 23-2I-4: Action on Appeal

- 23-2I-4010 Action on Appeal
- 23-2I-4020 Appellate Burden

Article 23-2J: Enforcement

Division 23-2J-1: General Provisions

- 23-2J-1010 Authority to Enforce
- 23-2J-1020 General Offenses and Violations
- 23-2J-1030 Criminal Offenses
- 23-2J-1040 Inspection and Entry
- 23-2J-1050 Copy of Approved Plans

Division 23-2J-2: Suspension and Revocation

23-2J-2010	Purpose and Applicability
23-2J-2020	Suspension of Development Approval
23-2J-2030	Revocation After Suspension
23-2J-2040	Notice of Intent to Suspend or Revoke

Division 23-2J-3: Enforcement Orders

23-2J-3010	Stop Work Order
23-2J-3020	Order to Remove or Restore
23-2J-3030	Order to Clear Public Right-of-Way

Division 23-2J-4: Appeal Procedures

23-2J-4010	Purpose and Applicability
23-2J-4020	Appeal of Enforcement Orders
23-2J-4030	Notice and Hearing on Enforcement Appeal
23-2J-4040	Action by Board on Enforcement Appeal
23-2J-4050	Compliance Pending Appeal

Article 23-2K: Vested Rights

Division 23-2K-1: Petition and Review Procedures

23-2K-1010	Definitions
23-2K-1020	Purpose and Applicability
23-2K-1030	Vested Rights Petition Required
23-2K-1040	Contents of Vested Rights Petition
23-2K-1050	Fair Notice Application
23-2K-1060	Completeness Review for Vested Rights Petition

Division 23-2K-2: Vested Rights Determinations

23-2K-2010	Vested Rights Determination
23-2K-2020	Criteria for Approval
23-2K-2030	Effect of Vested Rights Determination
23-2K-2040	Project Consent Agreements
23-2K-2050	Administrative Guidelines

Division 23-2K-3: Expiration

23-2K-3010	General Expiration Requirements
23-2K-3020	Expiration of Projects Begun on or After June 23, 2014
23-2K-3030	Managed Growth Agreements
23-2K-3040	Dormant Projects

Article 23-2L: Miscellaneous Provisions

Division 23-2L-1: Interlocal Development Agreements

23-2L-1010	Purpose and Authorization
23-2L-1020	Initiation of Interlocal Development Agreement
23-2L-1030	Land Use Commission Hearing and Recommendation
23-2L-1040	City Council Hearing and Action
23-2L-1050	Notification Requirements

Division 23-2L-2: General Development Agreements

23-2L-2010	Purpose and Applicability
23-2L-2020	Agreement Initiation and Framework
23-2L-2030	Boards and Commission Review
23-2L-2040	City Council Hearing and Action
23-2L-2050	Execution and Terms of Agreement

Division 23-2L-3: Closed Municipal Landfills

23-2L-3010	Applications Relating to a Closed Municipal Solid Waste Landfill
------------	--

Article 23-2M: Definitions and Measurements

Division 23-2M-1: Terms

23-2M-1010	Purpose
23-2M-1020	Applicability
23-2M-1030	General Terms and Phrases

Division 23-2M-2: Land Uses

23-2M-2010	Purpose
23-2M-2020	Applicability
23-2M-2030	Land Uses

Division 23-2M-3: Measurements

23-2M-3010	Purpose
23-2M-3020	Applicability
23-2M-3030	Measurements

This page intentionally left blank

Article 23-2A: Purpose and Applicability

Contents

Division 23-2A-1: Purpose and Applicability

- 23-2A-1010 Purpose
 - 23-2A-1020 Applicability of Land Development Code
 - 23-2A-1030 Overview of Legislative and Administrative Approvals
-

Division 23-2A-2: Development Process

- 23-2A-2010 Order of Process
- 23-2A-2020 Concurrent Applications
- 23-2A-2030 Transfer of Approval

This page intentionally left blank

Division 23-2A-1: Purpose and Applicability

Contents

23-2A-1010	Purpose	2A-1-1
23-2A-1020	Applicability of Land Development Code	2A-1-1
23-2A-1030	Overview of Legislative and Administrative Approvals.	2A-1-2

23-2A-1010 Purpose

- (A) The purpose of this Chapter is to:
- (1) Establish common requirements for the review and submittal of applications for development permits and other determinations authorized by the Land Development Code; and
 - (2) Provide an overview of the different categories of development permits and other administrative decisions established under this Title.
- (B) More detailed requirements for particular categories of permits and approvals may be found throughout this Title, as well as in administrative rules and policy memos adopted by the responsible director(s) listed in Table 23-1-B010.A (Designated Department and Areas of Expertise).

23-2A-1020 Applicability of Land Development Code

- (A) Except as otherwise provided in this Title, the regulations of the Land Development Code apply as follows:
- (1) Within the zoning jurisdiction, land use and development must comply with all applicable regulations of this Title;
 - (2) Within the planning jurisdiction, development must comply with all applicable regulations of:
 - (a) Chapter 23-2 (Administration and Procedures);
 - (b) Article 23-3D (Water Quality);
 - (c) Chapter 23-6 (Site Plan);
 - (d) Chapter 23-8 (Signage); and
 - (e) Chapters 23-5 (Subdivision) and 23-10 (Infrastructure), except that Title 30 (Austin/Travis County Subdivision Regulations) applies to the portion of the City's extraterritorial jurisdiction located within Travis County;

- (3) Division 23-11B-4 (Electrical Code) applies to a structure served by the City’s electric utility; and
- (4) Division 23-11B-6 (Plumbing Code) applies to a structure served by the City’s water utility; and
- (5) Land use development standards otherwise applicable only within the zoning jurisdiction, when applied through a Development Agreement approved under Division 23-2L-2 (Development Agreements), in compliance with Texas Local Government Code, Chapters 43 and 212, Subchapter G.

23-2A-1030 Overview of Legislative and Administrative Approvals

- (A) This Section provides an overview of the most significant categories of legislative, quasi-judicial, and administrative approvals established by the Land Development Code. Other approvals may also be required in compliance with this Title, depending on the nature and extent of a proposed development.
- (B) The following table is intended as an aid for using the Land Development Code, but is superseded by other provisions of this Title in the event of a conflict:

Table 23-2A-1030.A Overview of Legislative, Quasi-Judicial and Administrative Approvals

Approval Type	Section, Article or Division	Recommended ¹	Decision	Appeal
Legislative Decision				
Establishing Citywide Policies & Requirements for Land Use and Development				
Original Zoning	Section 23-4B-1010	Land Use Commission	City Council	—
Map Amendments (Rezones)	Division 23-4B-3	Land Use Commission	City Council	—
Text Amendments	Division 23-2E-1	Planning Commission	City Council	—
Comprehensive Plan Amendments	Section 23-2E-2020	Planning Commission	City Council	—
Neighborhood Plan Amendments	Section 23-2E-2030	Planning Commission	City Council	—
Original Zoning	Section 23-4B-1010	Land Use Commission	City Council	—
Quasi-Judicial Decisions				
Determining Rights or Entitlements Based on Evidentiary Hearing and Discretionary Application or Interpretation of Code Requirements				
Zoning Variance	Section 23-4B-4010	—	Board of Adjustment	District Court
Environmental Variance	Division 23-2F-1	Environmental Commission	Land Use Commission	—
Subdivision Variance	Section 23-5B-1050	Development Services Director	Land Use Commission	—
Special Exception	Section 23-4B-4020	Planning Director	Board of Adjustment	District Court
Administrative Appeals:				
Zoning Regulations	Article 23-2I	Planning Director	Board of Adjustment	District Court
Technical Codes	Article 23-2I	Building Official	Building & Fire Code Board of Appeals	—
Conditional Use Permit	Section 23-4B-1020	Planning Director	Land Use Commission	City Council
Limited Adjustment	Division 23-2F-3	Development Services Director	City Council	—
Project Consent Agreement	Section 23-2K-2040	Development Services Director	City Council	—
Original Zoning	Section 23-4B-1010	Land Use Commission	City Council	—

Table 23-2A-1030.A Overview of Legislative, Quasi-Judicial and Administrative Approvals

Approval Type	Section, Article or Division	Recommended ¹	Decision	Appeal
Administrative Decisions				
Decisions Applying & Interpreting the Land Development Code to Development Applications				
(1) Level of Discretion: High – see Subsection 23-2A-1030(C)(2)(a) for Level of Discretion details				
Use Determination	Section 23-4B-2020	—	Planning Director	Board of Adjustment
Code Interpretation	Section 23-4B-2010	—	Planning Director	Board of Adjustment
Alternative Equivalent Compliance	Section 23-2F-2040	—	Development Services Director	—
(2) Level of Discretion: Medium – see Subsection 23-2A-1030(C)(2)(b) for Level of Discretion details				
Site Plan & Land Use Approvals				
Minor Use Permit	Section 23-4B-1030	—	Development Services Director	Land Use Commission
Temporary Use Permit	Section 23-4B-1050	—	Development Services Director	—
Site Plan Review	Chapter 23-6	—	Development Services Director	—
Decisions Applicability of Regulations				
Residential Exemption (Amnesty)	Section 23-2F-2020	—	Development Services Director	—
Land Status Determination	Chapter 23-5	—	Development Services Director	—
Vested Rights Approvals	Division 23-2K-2	—	Development Services Director	—
(3) Level of Discretion: Ministerial – see Subsection 23-2A-1030(C)(2)(c) for Level of Discretion details				
Subdivision Approvals				
Preliminary Plan	Division 23-5B-2	Development Services Director	Land Use Commission	—
Final Plat	Division 23-5B-3	Development Services Director	Land Use Commission	—
Subdivision Construction Plans	Division 23-5B-4	—	Development Services Director	—
Construction Approvals				
Building Permit	Article 23-7B	—	Development Services Director	—
Certificate of Occupancy or -Compliance	Division 23-2H-4	—	Development Services Director	—
Trade Permits		—	Development Services Director	Building & Fire Code Board of Appeals

- (C) **Reference Notes.** The following explanations correspond to the reference notes shown in Table 23-2A-1030.A (Overview of Legislative, Quasi-Judicial and Administrative Approvals).
- (1) **Recommendation.** In each case where a board or commission makes a recommendation to Council or takes final action on an application, a recommendation from the appropriate Director is also required.
 - (2) **Levels of Discretion.** Administrative decisions are categorized according to “level of discretion” for informational purposes only, in order to generally indicate the potential complexity of the review process and the range of actions available to the responsible director tasked with making the decision. Within each category, there may be particular applications that more closely resemble decisions that fall within a higher or lower level of discretion.
 - (a) Level of Discretion: High. Decisions within this category generally involve issues of code interpretation that may affect overall administration of this Title or the imposition of site-specific conditions consistent with general review criteria or planning policies.
 - (b) Level of Discretion: Medium. Decisions within this category may involve application review for moderate to large-scale projects, as well as projects of any scale that require board or commission approval. Code interpretation or legal review may also be required, but the effect of a decision is generally limited to a particular application and there is little, if any, authority for site-specific conditions to be imposed administratively.
 - (c) Level of Discretion: Ministerial. Decisions within this category are generally limited to construction-level permits that do not require board or commission approval. A ministerial decision may require professional judgement, including technical review, but is generally limited to approval or disapproval.
 - (3) **Code Interpretations and Use Determinations.** As provided in Chapter 23-4B (Zoning Administration and Procedures), decisions regarding the interpretation or application of site development and land use regulations may be appealed in connection with a building permit or site plan or, if applicable, as general interpretations unrelated to a particular project. An Appeal may only be filed where authorized by this Title and must meet the requirements of Article 23-2I (Appeals).

This page intentionally left blank

Division 23-2A-2: Development Process

Contents

23-2A-2010	Order of Process	1
23-2A-2020	Concurrent Applications.	1
23-2A-2030	Transfer of Approval	2

23-2A-2010 Order of Process

- (A) If a development requires two or more approvals in compliance with this Title, an applicant must obtain approvals in the following order:
- (1) For legislative approvals:
 - (a) Comprehensive Plan amendments; and
 - (b) Zoning or rezoning.
 - (2) For quasi-judicial approvals:
 - (a) Zoning Variances and Special Exceptions;
 - (b) Environmental Variances; and
 - (c) Conditional Use Permits.
 - (3) For administrative approvals:
 - (a) Subdivision;
 - (b) Site plan;
 - (c) Building Permits; and
 - (d) Certificates of Occupancy.
- (B) The responsible director shall assign priority to different types of applications within the same category and require an applicant to obtain higher level approvals before subordinate approvals. If an application is not listed in Subsection (A), the director shall prioritize it one level below the application type to which it is most similar.

23-2A-2020 Concurrent Applications

- (A) If a proposed development requires two or more approvals under this Title, the responsible director may allow the applications to be submitted concurrently except as provided in Subsection (B). If concurrent applications are accepted, the responsible director shall approve the applications in the order established under Section 23-2A-2010 (Order of Process).
- (B) A zoning or rezoning application may not be submitted concurrently with an application for a quasi-judicial approval or an administrative approval below a planning-level Site Plan under Section 23-2A-2010(A)(3)(b).

23-2A-2030 Transfer of Approval

A permit or other land use approval issued in compliance with this Title applies to the property or structure for which the approval was issued. If a permit or other approval issued in compliance with this Title grants a right to use or develop property, that right transfers with ownership of the land or structure for which the approval was issued.

Article 23-2B: Application Review and Fees

Contents

Division 23-2B-1: Application Requirements

- 23-2B-1010 Application Requirements and Deadlines
 - 23-2B-1020 Authority to File Application
 - 23-2B-1030 Application Completeness
 - 23-2B-1040 Update and Expiration
 - 23-2B-1050 Tolling of Expiration Period
 - 23-2B-1060 Effect of Expiration on Related Applications
-

Division 23-2B-2: Review Procedures

- 23-2B-2010 Review and Processing
 - 23-2B-2020 Sequence of Review
 - 23-2B-2030 Application Approval
 - 23-2B-2040 Disapproval and Denial
 - 23-2B-2050 Development Assessment
-

Division 23-2B-3: Fees and Fiscal Surety

- 23-2B-3010 Fees
- 23-2B-3020 Fiscal Security

This page intentionally left blank

Division 23-2B-1: Application Requirements

Contents

23-2B-1010	Application Requirements and Deadlines	1
23-2B-1020	Authority to File Application	1
23-2B-1030	Application Completeness	1
23-2B-1040	Update and Expiration	2
23-2B-1050	Tolling of Expiration Period	2
23-2B-1060	Effect of Expiration on Related Applications.	3

23-2B-1010 Application Requirements and Deadlines

- (A) The responsible director shall establish requirements for applications required by the Land Development Code, including timelines for completing staff review provided in Section 23-2B-2010 (Review and Processing) and requirements for updating applications provided in Section 23-2B-1040 (Update and Expiration) to comply with the requirements of this Title.
- (B) The responsible director may adopt application requirements under this Section by administrative rule, or by policy memo, and shall post required application forms on the City's website.

23-2B-1020 Authority to File Application

A record owner or the record owner's agent may file an application for a permit or other approval, as required or authorized by this Title. The responsible director may require an applicant to provide evidence of the applicant's authority to file an application.

23-2B-1030 Application Completeness

- (A) The responsible director may not accept an application for review unless the application is determined to be complete in compliance with this Subsection.
 - (1) The responsible director shall accept an application as complete if the applicant has paid the required fee and provided the information required to be included in the application no later than the 45th day after the application is submitted.
 - (2) If an application is rejected as incomplete, the responsible director shall provide the applicant a written explanation identifying the deficiencies and the information required to complete the application within 14 days after receipt of the application.
 - (3) An application expires if it is not complete on or before the 45th day after the application is submitted. An applicant may submit an update with additional information required to complete an application at any time before the application expires.

- (B) The responsible director may allow an applicant to omit required information from an application if the director determines that the information is not material to a decision on the application.

23-2B-1040 Update and Expiration

- (A) Following acceptance of an application as complete in compliance with Section 23-2B-1030 (Application Completeness), the responsible director shall provide written comments to the applicant identifying any changes or corrections required for development proposed in the application to comply with the Land Development Code. The responsible director shall, to the greatest extent possible, provide comments on or before the deadlines for staff review established in compliance with Section 23-2B-2010 (Review and Processing).
- (B) An applicant may submit an update to an application in response to the responsible director's comments at any time before the application expires under Subsection (C), except that an update may not be submitted after an application is approved in compliance with Section 23-2B-2030 (Application Approval). An update must be submitted in a manner required by the responsible director.
- (C) An application expires if the responsible director does not approve the application under Section 23-2A-2020 (Application Approval) within one year from the date the application is submitted, unless:
 - (1) The responsible director determines that an application was sufficient to comply with the requirements of this Title on or before the one-year expiration date, in which case the application shall be deemed approved; or
 - (2) The update deadline is extended under Section 23-2B-1050 (Tolling of Expiration Period), in which case the application expires unless the applicant submits an update sufficient to comply with the requirements of this Title on or before the date of the extended deadline.

23-2B-1050 Tolling of Expiration Period

- (A) If the time required for staff review of an application exceeds the review time established by the responsible director under Section 23-2B-1010 (Application Requirements and Deadlines), the responsible director shall extend the one-year expiration period in compliance with Section 23-2B-1040 (Update and Expiration) by the number of days that staff exceeded the review time and shall notify the applicant, in writing, of the new deadline for submitting an update.

- (B) This Subsection establishes a “stop the clock” requirement for applications requiring one or more public hearings under this Title.
- (1) The one-year expiration period established by Section 23-2B-1040 (Update and Expiration) is tolled, and stops running, if the responsible director determines that:
 - (a) The application requires a public hearing before a board or commission or the Council; and
 - (b) Before the one-year expiration date established by Section 23-2B-1040 (Update and Expiration), the application is deemed to comply with all applicable regulations other than:
 - (i) The approval or recommendation for which a public hearing is required;
 - (ii) Payment of fees or fiscal surety; and
 - (iii) Other requirements of this Title, as determined by the responsible director in compliance with Section 23-2B-1010 (Application Requirements and Deadlines).
 - (2) If an application has received all discretionary approvals for which a public hearing is required, the applicant must submit all updates necessary for approval of the application no later than 120 days after the expiration period established by Section 23-2B-1040 (Update and Expiration).
 - (3) If a decision by a board or commission is appealed, the expiration period established by Section 23-2B-1040 (Update and Expiration) remains tolled pending a final decision on the Appeal.

23-2B-1060 Effect of Expiration on Related Applications

If an application expires, all other unapproved applications for that project, which are listed below the expired application under Section 23-2A-2010 (A) (Order of Process), also expire.

This page intentionally left blank

Division 23-2B-2: Review Procedures

Contents

23-2B-2010	Review and Processing	1
23-2B-2020	Sequence of Review	1
23-2B-2030	Application Approval	1
23-2B-2040	Disapproval and Denial	2
23-2B-2050	Development Assessment	2

23-2B-2010 Review and Processing

- (A) The responsible director shall establish requirements for staff review and comment on pending applications, including deadlines for issuing comments on pending applications for purposes of determining when an application expires in compliance with Division 23-2B-1 (Application Requirements).
- (B) The responsible director may adopt review deadlines under this Section by administrative rule, or by policy memo, and shall post the deadlines on the City's website.

23-2B-2020 Sequence of Review

- (A) The responsible director shall require an applicant to obtain approvals in the order prescribed by Section 23-2A-2010 (Order of Process). If proposed development requires two or more approvals in the same category, such as quasi-judicial or administrative, the director may specify the order in which the approvals must be obtained.
- (B) If approval of an application requires a public hearing before the Council or a board or commission, the responsible director may not place the application on the agenda for hearing unless staff review is complete and a recommendation, if required, will be available for consideration prior to the hearing.

23-2B-2030 Application Approval

The responsible director shall approve an application if development proposed in the application meets the requirements of the Land Development Code and has received all discretionary approvals, if any, required from the Council or a City board or commission. An application may not be updated or modified following approval, except as otherwise provided by the Title.

23-2B-2040 Disapproval and Denial

- (A) An application is disapproved if the responsible director issues comments requiring an applicant to make changes or corrections for development proposed in the application to comply with the Land Development Code. If an application is disapproved, the applicant may submit an update in response to the director's comments prior to the deadline established in compliance with Section 23-2B-1040 (Update and Expiration).
- (B) An application that does not comply with the requirements of the Land Development Code on the date of the deadline required by Section 23-2B-1040 (Update and Expiration) is denied and cannot be updated.

23-2B-2050 Development Assessment

- (A) **Purpose and Limitations**
 - (1) A development assessment is a preliminary review by City staff to assist an applicant in complying with the requirements of the Land Development Code. The purpose of a development assessment is to identify problems and concerns prior to submittal of a permit application and to obtain an estimate of required fees.
 - (2) A development assessment is not a permit and is not required to initiate, continue, or complete development. However, the City encourages applicants to seek a development assessment for residential projects of more than 200 acres and for commercial or mixed use projects of more than 50 acres.
- (B) **Scope of Assessment.** Any person may request a development assessment for property located within the planning jurisdiction. Depending on the nature and extent of proposed development, a development assessment may be requested to:
 - (1) Explain the requirements and procedures of this Title regarding approvals required that may be required, including:
 - (a) Discretionary approvals, such as zoning, rezoning, or Variances;
 - (b) Subdivision or resubdivision; and
 - (c) Site Plan and Building Permits.
 - (2) Estimate fees required for necessary approvals; and
 - (3) Identify significant issues with a proposed development, including whether:
 - (a) Proposed land uses are consistent with the Comprehensive Plan and applicable zoning regulations;
 - (b) Proposed densities and site design is consistent with applicable site development standards;
 - (c) Existing transportation infrastructure is sufficient to accommodate project traffic generated by a proposed development consistent with the Transportation Plan and applicable regulations;
 - (d) Proposed development is required to provide water quality controls or is affected by critical environmental features; and
 - (e) Adequate utilities are available to serve the development consistent with long-term capacity of utility providers.

- (C) **Timing of Assessment.** The responsible director shall provide a development assessment within 15 days of receiving a completed application. Following receipt of a development assessment, an applicant is entitled to at least one meeting with staff to review the assessment.
- (D) **Vested Rights Determinations.** An applicant may submit a development assessment as part of a Fair Notice Application or a Vested Rights Petition in compliance with Article 23-2K (Vested Rights).

This page intentionally left blank

Division 23-2B-3: Fees and Fiscal Surety

Contents

23-2B-3010	Fees	1
23-2B-3020	Fiscal Security.....	1

23-2B-3010 Fees

Fees required under this Title shall be established by separate ordinance. All required fees must be paid before the responsible director may act on an application.

23-2B-3020 Fiscal Security

- (A) An applicant must post fiscal surety required by this Title with the responsible director. The amount of the fiscal security posted must be:
 - (1) Equal the estimated cost to the City to conduct the work for which the fiscal surety is secured;
 - (2) Provided by a qualified professional, and
 - (3) Approved by the responsible director.
- (B) An applicant shall post as fiscal security a cash deposit, a performance bond, or a letter of credit.
- (C) The responsible director shall return fiscal security to the applicant if it is determined that:
 - (1) The applicant obtained a Certificate of Occupancy, Certificate of Compliance, or final acceptance letter for the work for which the fiscal security was posted; or
 - (2) The obligation to do the work for which the fiscal security was posted has terminated.
- (D) The responsible director may draw on the fiscal security and pay the cost of fulfilling the applicant's obligations if the director determines that an applicant has breached the obligations secured by the fiscal security. The director shall pay the balance of the fiscal security, if any, to the applicant. The applicant is liable for the cost that exceeds the amount of fiscal surety, if any, to the City.

This page intentionally left blank

Article 23-2C: Notice

Contents

Division 23-2C-1: General Provisions

- 23-2C-1010 Purpose and Applicability
 - 23-2C-1020 Summary of Notice Requirements
-

Division 23-2C-2: Notice Requirements

- 23-2C-2010 Notice Required
 - 23-2C-2020 Interested Parties
 - 23-2C-2030 Courtesy Notice
 - 23-2C-2040 Staff Briefings
-

Division 23-2C-3: General Notice Procedures

- 23-2C-3010 Published Notice
 - 23-2C-3020 Mailed Notice
 - 23-2C-3030 Notification by Email
 - 23-2C-3040 Notification Signs
-

Division 23-2C-4: Notice of Public Hearings

- 23-2C-4010 Contents of Public Hearing Notice
 - 23-2C-4020 Type 1 Public Hearing Notice
 - 23-2C-4030 Consolidated Notification
 - 23-2C-4040 Type 2 Public Hearing Notice
-

23-2C-5: Notice of Applications and Administrative Decisions

- 23-2C-5010 Notice of Application
- 23-2C-5020 Notice of Administrative Decision

This page intentionally left blank

Division 23-2C-1: General Provisions

Contents

23-2C-1010	Purpose and Applicability	1
23-2C-1020	Summary of Notice Requirements	1

23-2C-1010 Purpose and Applicability

- (A) The purpose of this Article is to establish notice procedures for the most common types of actions for which notice is required in compliance with the Land Development Code. Additional notice procedures may be required by other provisions of this Title or by state law.
- (B) The requirements of this Article apply all notice procedures established under this Title, unless a specific provision of this Title establishes a separate notice requirement.

23-2C-1020 Summary of Notice Requirements

- (A) The following table summarizes the requirements for each type of notice as required under this Title:

Table 23-2C-1010.A Summary of Notice Requirements			
Type of Notice	LDC Section	Published Notice Deadline	Mailed Notice Deadline
Related to Specific Site or Project			
Public Hearing Before a Board or Commission	Section 23-2C-4020 (Type 1)	12 Days before Hearing	7 Days before Hearing
Public Hearing before the Council	Section 23-2C-4020 (Type 1)	12 Days before Hearing	12 Days before Hearing
Filing of Development Application	Section 23-2C-5020	—	10 Days after Application
Issuance of Administrative Decision	Section 23-2C-5030		1 Day after Decision
Unrelated to Specific Site or Project			
Public Hearing Before a Board or Commission	Section 23-2C-4040 (Type 2)	12 Days before Hearing	7 Days before Hearing
Public Hearing Before the Council	Section 23-2C-4040 (Type 2)	12 Days before Hearing	12 Days before Hearing
Application for Non-Project Code Interpretation	Section 23-2C-5020		10 Days after Formal Application
Non-Project Code Interpretation	Section 23-2C-5030		1 Day after Decision

This page intentionally left blank

Division 23-2C-2: Notice Requirements

Contents

23-2C-2010	Notice Required	1
23-2C-2020	Interested Parties	1
23-2C-2030	Courtesy Notice	2
23-2C-2040	Staff Briefings	2

23-2C-2010 Notice Required

- (A) A person or organization is entitled to notice of a public hearing, application, or administrative decision under this Title if a provision of this Title requires the responsible director to provide the person or organization with notice of the public hearing, application, or administrative decision.
- (B) The responsible director shall, to the greatest extent possible, ensure compliance with the notice requirements of this Title. Failure to receive notice does not invalidate a legislative, quasi-judicial, or administrative approval, except as otherwise provided by state law.

23-2C-2020 Interested Parties

- (A) A person or organization must qualify as an interested party in compliance with this Section in order to be entitled to notice required by this Title, except as otherwise provided by this Title or state law.
- (B) An interested party is:
 - (1) An applicant for a development approval that is the subject of a public hearing or administrative decision under this Title;
 - (2) A record owner of property included in an application for a development approval that is the subject of a public hearing or administrative decision under this Title; or
 - (3) A person who:
 - (a) Occupies a primary residence that is within 500 feet of the site of the proposed development;
 - (b) Is the record owner of property within 500 feet of the site of the proposed development;
 - (c) Is an officer of an environmental or neighborhood organization that has an interest in the site of a proposed development or whose declared boundaries are within 500 feet of the site of the proposed development; or
 - (d) Has a utility account address located within 500 feet of the site of the proposed development, as shown in the City utility records on the date of the filing of the application.

23-2C-2030 **Courtesy Notice**

- (A) Any person or group may request that the responsible director provide notice of public meetings, hearings, or administrative decisions regarding an application for development approval, regardless of whether the person or group qualifies as an interested party in compliance with Section 23-2C-2020 (Interested Parties) or is otherwise entitled to notice under this Title.
- (B) In order to receive notice under this Section, a person must provide contact information as required by the responsible director. The director may provide notice under this Section in whatever manner is deemed appropriate, including by email.

23-2C-2040 **Staff Briefings**

The responsible director may schedule staff briefings before a board or commission, or before the Council, on items unrelated to a pending development application. Notice for a staff briefing must comply with the Government Code, Chapter 551 (Open Meetings Act).

Division 23-2C-3: General Notice Procedures

Contents

23-2C-3010	Published Notice	1
23-2C-3020	Mailed Notice	1
23-2C-3030	Notification by Email	2
23-2C-3040	Notification Signs	2

23-2C-3010 Published Notice

If this Title requires the responsible director to provide notice by publication, the notice is effective on the date a notice is published in a newspaper of general circulation in the City.

23-2C-3020 Mailed Notice

- (A) Mailed notice required to be provided by this Title is effective on the date a letter is deposited in a depository of the U.S. Post Office, postage paid, and addressed:
- (1) To an applicant, by mailing notice to the property owner or agent at the address shown on the application or on a written change of address form filed with responsible director;
 - (2) To a notice owner of real property, by mailing notice to the owner shown on the records of the county tax appraisal district;
 - (3) To a record owner of real property, by mailing notice to the owner at the street address of the property or, if the property does not have a street address, to the return address shown on the deed;
 - (4) To a neighborhood association or environmental organization, by mailing notice to the agent or officer of the organization at the mailing address specified in the City registration information;
 - (5) To a utility account addresses, by mailing addresses as shown in the City utility records on the date of the filing of the application; and
 - (6) To an interested party, by mailing to the address on file.
- (B) Notice by certified mail, return receipt requested, is not required unless specifically prescribed in this Title.
- (C) Notice by hand delivery may be substituted for notice by mail if the addressee provides a receipt of delivery.

23-2C-3030 Notification by Email

- (A) The responsible director may allow a person entitled to mailed notice under this Title to submit a written request to receive notification by email instead of mailed notice in compliance with Section 23-2C-3020 (Mailed Notice), except as otherwise provided by state law. The requirements of this Section apply only if the director accepts a request for notification by email.
- (B) The responsible director shall provide notice to a person who submits a request for email notification under this Section by sending one or more emails containing the information required to be provided by this Title no later than the applicable deadline required for mailed notice. A person may revoke a request for email notice submitted under this Section, or provide an updated mail address, in writing at any time.

23-2C-3040 Notification Signs

- (A) If this Title requires notice to be provided by posting a sign, the responsible director shall post the sign in compliance with this Section.
- (B) A sign must be in a form approved by the responsible director and must:
 - (1) Specify the type of action pending, the file number, the name and telephone number of the person to contact for additional information;
 - (2) Be reasonably readable from the street; and
 - (3) Be spaced not more than 200 feet apart from another sign for the same application.
- (C) If the street frontage of the subject property is less than 200 feet in length, only one sign is required. Not more than three signs are required regardless of the length of the street frontage.
- (D) Signs must be posted at least 15 days prior to the action for which notice is required.
- (E) A person may not remove a sign before the earliest date on which action may be taken on the application.
- (F) If requested by an applicant, the responsible director may allow the applicant to post a sign required by this Title. An applicant permitted to post a sign must:
 - (1) Place and maintain the sign on the property in compliance with this Section;
 - (2) Verify placement of the sign in a manner prescribed by the responsible director;
 - (3) Respond within 24-hours of receiving a complaint that a sign has been removed or altered in violation of this Section; and
 - (4) Remove the sign within seven days after the public hearing is closed and final action is taken on the matter for which notification is required, or pay costs incurred by the City in removing the sign.

Division 23-2C-4: Notice of Public Hearings

Contents

23-2C-4010	Contents of Public Hearing Notice	1
23-2C-4020	Type 1 Public Hearing Notice.	1
23-2C-4030	Consolidated Notification	2
23-2C-4040	Type 2 Public Hearing Notice.	2

23-2C-4010 Contents of Public Hearing Notice

- (A) Notice of a public hearing required by the Land Development Code must be in a form approved by the responsible director and must meet the requirements of this Section.
- (B) Notice of a public hearing must:
 - (1) Generally describe the subject matter of the public hearing;
 - (2) For notice required in compliance with Section 23-2C-4020 (Type 1 Public Hearing Notice), identify the applicant and the location of the subject property;
 - (3) Identify the body holding the public hearing and the date, time, and place of the public hearing;
 - (4) If the decision of the body holding the public hearing may be appealed, describe the procedure and standards for an Appeal; and
 - (5) Include the address and telephone number of the office from which additional information may be obtained.

23-2C-4020 Type 1 Public Hearing Notice

- (A) **Purpose and Applicability.** Throughout this Title, Type 1 Public Hearing Notice is the primary type of notice required for public hearings that pertain to specific properties or parties. A public hearing requires a Type 1 Public Hearing Notice in compliance with this Section only where specifically required by this Title.
- (B) **Notice Recipients.** When a Type 1 Public Hearing Notice is required by this Title, the responsible director shall mail notice in compliance with this Section to persons who qualify as interested parties in compliance with Section 23-2C-2020 (Interested Parties).

(C) **Deadlines for Mailing & Publication**

- (1) For a public hearing before a board or commission, the responsible director shall mail Type 1 Public Hearing Notice no later than seven days before the date of the public hearing.
- (2) For a public hearing before the Council, the responsible director shall mail and publish Type 1 Public Hearing Notice no later than 12 days before the date of the public hearing.

- (D) **Posting Signs.** The responsible director is not required to post signs for a Type 1 Public Hearing Notice under this Section except where this Title specifically requires signs to be posted. Examples of a Type 1 Public Hearing Notice that requires posting signs include Variance applications and public hearings under Division 23-2F-1 (Variances and Special Exceptions).

23-2C-4030 Consolidated Notification

- (A) For public hearings on two or more matters related to the same property or development, only one notice in compliance with Section 23-2C-4020 (Type 1 Public Hearing Notice) is required if the hearings are scheduled on the same date before the same body or before two or more bodies not later than 35 days after the date of a notice.
- (B) The responsible director shall provide notice in compliance with this Section no later than the date that the earliest notice is required to be provided.

23-2C-4040 Type 2 Public Hearing Notice

- (A) **Purpose and Applicability.** Throughout this Title, Type 2 Public Hearing Notice is the primary type of notice required for public hearings that pertain to broader areawide planning or legislative issues that are not directly related to a specific property or development proposal. A public hearing requires Type 2 Public Hearing Notice in compliance with this Section only where specifically required by this Title.
- (B) **Notice Recipients.** The responsible director shall provide notice of a public hearing for issues without a subject property address by mailing notice to registered neighborhood and environmental organizations and by publication.
- (C) **Deadlines for Mailing & Publication**
 - (1) For a public hearing before a board or commission, the responsible director shall mail Type 2 Public Hearing Notice no later than seven days before the date of the public hearing.
 - (2) For a public hearing before the Council, the responsible director shall mail and publish Type 2 Public Hearing Notice no later than 12 days before the date of the public hearing.
- (D) **Posting Signs Not Required.** This Title does not require posting signs for Type 2 Public Hearing Notice under this Section.

Division 23-2C-5: Notice of Applications and Administrative Decisions

Contents

23-2C-5010	Notice of Application	1
23-2C-5020	Notice of Administrative Decision	1

23-2C-5010 Notice of Application

- (A) **Applicability.** If a provision of this Title requires the responsible director to provide notice of the filing of an application, the director shall provide mailed notice in compliance with this Section to persons who qualify as interested parties in compliance with Section 23-2C-2020 (Interested Parties).
- (B) **Contents of Notice.** Notice of an application provided under this Section must:
 - (1) Describe the nature of the application;
 - (2) Identify the applicant and the location of the site;
 - (3) Generally describe the proposed development;
 - (4) Identify the entity that may approve the application and whether or not approval of the application requires a public hearing;
 - (5) Provide a means for submitting comments on the application;
 - (6) State the earliest date that approval on the application may occur; and
 - (7) Include the address and telephone number of the responsible director from whom additional information may be obtained.
- (C) **Deadline for Mailing Notice.** The responsible director shall mail notice of an application under this Section no later than 10 days after the application is filed.
- (D) **Action on Application.** Unless otherwise provided by this Title, the responsible director may not approve an application for which notice is required under this Section sooner than 10 days after the date that notice is provided.

23-2C-5020 Notice of Administrative Decision

- (A) **Applicability.** If a provision of this Title requires the responsible director to provide notice of an administrative decision, the director shall mail notice in compliance with this Section to:
 - (1) The applicant;
 - (2) The record owner of the subject property; and
 - (3) Interested parties in compliance with Section 23-2C-2020 (Interested Parties).

- (B) **Contents of Notice.** Notice of an administrative decision in compliance with this Section must:
 - (1) Describe the nature of the administrative decision;
 - (2) Identify the applicant and the location of the site, unless the decision is a general code interpretation unrelated to a particular site; and
 - (3) If applicable, provide information regarding the appeals process in compliance with Article 23-2I (Appeals).
- (C) **Deadline for Mailing Notice.** Notice of an administrative decision under this Section must be provided no later than one day after the decision is issued.

Article 23-2D: Public Hearings

Contents

23-2D-1: Conduct of Public Hearings

- 23-2D-1010 Order of Presentations
 - 23-2D-1020 Speaker Requirements
 - 23-2D-1030 Order and Decorum
 - 23-2D-1040 Record of Public Hearings
-

23-2D-2: Timing and Location of Public Hearings

- 23-2D-2010 Scheduling Public Hearings
- 23-2D-2010 Postponement and Continuation of Public Hearings
- 23-2D-2010 Change of Location of Public Hearings

This page intentionally left blank

Division 23-2D-1: Conduct of Public Hearings

Contents

23-2D-1010	Order of Presentations	1
23-2D-1020	Speaker Requirements	1
23-2D-1030	Order and Decorum	2
23-2D-1040	Record of Public Hearings	2

23-2D-1010 Order of Presentations

- (A) Except for an Appeal hearing under Article 23-2I (Appeals), a public hearing required by this Title shall proceed as follows:
 - (1) Presentation of a report by City staff;
 - (2) Presentation by the applicant, for a hearing on an application related to a specific property;
 - (3) Presentation by persons supporting the application or proposal;
 - (4) Presentation by persons opposing the application or proposal; and
 - (5) Rebuttal by the applicant, for a hearing on an application.
- (B) A member of the body conducting the public hearing may ask questions of a person at any time during a presentation. With the approval of the chair, a presenter may ask questions of another person at the hearing.

23-2D-1020 Speaker Requirements

- (A) To speak at a public hearing required by this Title, a person must follow the process established in this Section unless the body holding the public hearing authorizes a departure from these requirements.
- (B) A person must register to speak at a public hearing with the presiding officer of the body conducting the hearing in the manner provided by the presiding officer.
- (C) A person who registers before a public hearing may speak during the appropriate portion of the hearing, as established under Section 23-2D-1010 (Order of Presentations). A person who registers after the beginning of a hearing may speak before the close of the hearing with the permission of the presiding officer.
- (D) A speaker shall state his or her name at the beginning of a presentation and include it on the speaker registration form, which must also include the mailing address of the speaker and the matter to be addressed.
- (E) The body conducting a public hearing may limit a speaker's time to address the body. The presiding officer may request that a speaker eliminate repetitious or irrelevant testimony.

23-2D-1030 Order and Decorum

Speakers and members of a body conducting a public hearing should follow the standards of decorum established under Section 2-1-48 (Rules of Order).

23-2D-1040 Record of Public Hearings

- (A) A body conducting a public hearing shall create a video or audio recording of each public hearing.
- (B) The official record of a public hearing includes:
 - (1) The audio or video recording of the public hearing;
 - (2) Written staff reports; and
 - (3) Documentary evidence submitted during a public hearing.
- (C) A person may review the official record of a public hearing.
- (D) The custodian of the records of the body conducting the hearing may establish rules regarding the time and location for review of the record.

Division 23-2D-2: Timing and Location of Public Hearings

Contents

23-2D-2010	Scheduling Public Hearings	1
23-2D-2020	Postponement and Continuation of Public Hearings	1
23-2D-2030	Change of Location of Public Hearings	2

23-2D-2010 Scheduling Public Hearings

- (A) If an application or legislative proposal requires a public hearing under this Title, the public hearing shall be scheduled in compliance with this Section once the responsible director determines that the application or legislative proposal is complete and ready to be considered.
 - (B) For a public hearing before a board or commission, the responsible director shall select a place and a time certain for the hearing, after consulting with the chair of the body conducting the hearing; and provide notice of the hearing as required by this Article.
 - (C) For a hearing before the Council, the City Manager shall select a place and a time certain for the hearing unless the Council sets the public hearing.
-

23-2D-2020 Postponement and Continuation of Public Hearings

- (A) The body conducting a public hearing may postpone a public hearing by announcing the postponement on the date and at the time and location stated in the notice for the scheduled hearing and continue a public hearing to a later date by announcing the continuance after the hearing begins.
- (B) If the body conducting a public hearing postpones or continues a hearing to a specific date and time not later than 60 days after the date on which the postponement or continuance is announced, the announcement is adequate notice of the next hearing and additional notice is not required.
- (C) When a body conducting a public hearing postpones or continues a hearing, the next hearing shall be held at the same location as the original hearing unless a change in location is announced at the time of the postponement or continuance.
- (D) If a body does not specify a hearing date and time at the time that a postponement or continuance is announced, notice of the next hearing shall be provided in the manner required for the original hearing.

23-2D-2030 Change of Location of Public Hearings

- (A) The presiding officer of the body conducting a public hearing may, for good cause, change the location of a hearing after notification for the hearing has been provided.
- (B) To change the location of a public hearing, the presiding officer shall post a sign notifying the public of the change of location. The sign must:
 - (1) Be prominently displayed at the original location of the hearing on the date and at the time of the original hearing;
 - (2) Identify the hearing being relocated;
 - (3) State the time, date, and new location of the hearing; and
 - (4) Provide an explanation for relocation.
- (C) If the location of a hearing is changed, the body conducting a public hearing shall delay opening the hearing a sufficient period of time to provide a reasonable opportunity for persons planning to participate or observe the hearing to travel from the original location to the new location of the hearing.

Article 23-2E: Legislative Amendments

Contents

Division 23-2E-1: Text Amendments

- 23-2E-2010 Purpose, Applicability, and Policy Statement
 - 23-2E-2020 Initiation of Text Amendments
 - 23-2E-2030 Review and Recommendation
 - 23-2E-2030 Adoption by Council
-

Division 23-2E-2: Plan and Map Amendments

- 23-2E-2010 Amendment to the Zoning Map
- 23-2E-2020 Comprehensive Plan Amendment
- 23-2E-2030 Neighborhood Plan Amendment

This page intentionally left blank

Division 23-2E-1: Text Amendments

Contents

23-2E-2010	Purpose, Applicability, and Policy Statement	1
23-2E-2020	Initiation of Text Amendments	1
23-2E-2030	Review and Recommendation.	2
23-2E-2030	Adoption by Council	3

23-2E-2010 Purpose, Applicability, and Policy Statement

- (A) The requirements of this Division establish uniform procedures for amending the text of this Title. Procedures for amending the Zoning Map are specified in Division 23-4B-3 (Zoning Map Designations and Amendments).
- (B) While the Council has legislative authority to amend the Land Development Code at any time, consistent with the requirements of state law, the City Charter, and this Division, the preferred policy of the City is to avoid:
 - (1) The frequent initiation of amendments to this Title;
 - (2) The use of code amendments to address unique or unusual circumstances that are unlikely to recur on a regular basis or are specific to a narrow category of properties or developments; and
 - (3) Initiating amendments to individual code sections or requirements, apart from a broader and more holistic review of related regulations bearing on the same overall topic.

23-2E-2020 Initiation of Text Amendments

- (A) Before a public hearing may be held on a proposed text amendment to this Title, the amendment must be initiated by Council, the Planning Commission, or for an amendment to Chapter 23-11 (Technical Codes), the Building Official. This Section establishes the process required for initiating a text amendment.
- (B) To initiate a text amendment:
 - (1) The Council may approve a resolution that describes the purpose of the proposed amendment and specifies particular provisions, if any, that the Council considers essential to that purpose;
 - (2) The Planning Commission may approve a motion that incorporates a staff report or describes, on the record, the purpose of the proposed amendment and particular provisions, if any, that the Commission considers essential to that purpose; and
 - (3) The Building Official may initiate an amendment to Chapter 23-11 (Technical Codes) by memorandum sent to the appropriate technical code board describing the proposed amendment.

- (C) After a text amendment has been initiated, the responsible director shall:
 - (1) Prepare a draft amendment, in consultation with affected City departments, if any, that is generally consistent with the terms of the initiation;
 - (2) Prepare a report describing the amendment and making a staff recommendation, which must include:
 - (a) Analysis of whether the amendment is consistent with applicable goals and policies of the Comprehensive Plan and any prior Council resolutions or City policies relevant to the proposed amendment; and
 - (b) Any concerns the responsible director has regarding implementation of the proposed amendment, including suggested alternatives, if any, for achieving the objective of the initiation; and
 - (3) Schedule the proposed amendment for public hearing before the appropriate board in compliance with Section 23-2D-2010 (Scheduling Public Hearing).

23-2E-2030 Review and Recommendation

- (A) The responsible director shall schedule a public hearing on a proposed amendment to this Title before the Planning Commission or, for a proposed amendment to Chapter 23-11 (Technical Codes), the appropriate technical code board, except as provided in Subsection (C). Notice for a public hearing shall be provided in compliance with Section 23-2C-4040 (Type 2 Public Hearing Notice).
- (B) Before presenting a proposed code amendment to the Planning Commission, the responsible director shall provide the following boards and commissions an opportunity to review a summary of the amendment and make a recommendation to the Planning Commission:
 - (1) The Codes & Ordinances Joint Committee or, for an amendment affecting only historic zoning regulations, the Historic Landmark Commission; and
 - (2) The Environmental Commission, for an amendment to Article 23-3C (Urban Forest Protection and Replenishment) and Article 23-3D (Water Quality) or other environmental regulation.
- (C) In addition to the review required by this Section, a proposed code amendment may be presented to one or more additional boards or commissions at the direction of the Council, the Planning Commission, or the responsible director.
- (D) The Council may, in the resolution initiating a code amendment, waive review required by this Section, except for an amendment to Chapter 23-4 (Zoning), Chapter 23-5 (Subdivision), or other regulation for which review is required by state law.

23-2E-2030 Adoption by Council

- (A) The responsible director shall present a proposed amendment to this Title to the Council for consideration at a public hearing after completing board and commission review under Section 23-2D-2030 (Review and Recommendation). If the Planning Commission or appropriate technical code board does not make a recommendation within a reasonable time after conducting a public hearing, the director may forward the amendment to Council without recommendation.
- (B) The responsible director shall provide notice of a public hearing before Council under Section 23-2C-4040 (Type 2 Public Hearing Notice). In advance of the public hearing, the director shall provide Council with a staff report, addressing the review criteria listed in Section 23-2D-2020(C)(2) (Initiation of Amendment) and summarizing the recommendation or deliberations of the boards and commissions review.
- (C) After conducting a public hearing, the Council shall consider whether the proposed amendment is consistent with applicable goals and policies of the Comprehensive Plan based on the recommendations of the responsible director, City boards and commissions, and testimony at the public hearing. The Council may adopt, deny, or modify the proposed amendment, consistent with applicable requirements of the City Charter and state law.

This page intentionally left blank

Division 23-2E-2: Plan and Map Amendments

Contents

23-2E-2010	Amendment to the Zoning Map	1
23-2E-2020	Comprehensive Plan Amendment	1
23-2E-2030	Neighborhood Plan Amendment	1

23-2E-2010 Amendment to the Zoning Map

An amendment to the Zoning Map may be initiated in compliance with the procedures in Chapter 23-4 (Zoning Code).

23-2E-2020 Comprehensive Plan Amendment

An amendment to the Comprehensive Plan is subject to the review and adoption procedures specified in the City Charter, Article X, Sec. 5.

23-2E-2030 Neighborhood Plan Amendment

- (A) **Purpose.** This Section establishes procedures for amending a Neighborhood Plan. For purposes of this Section, there are two types of Neighborhood Plan Amendments:
- (1) A Neighborhood Plan Amendment regarding an individual property; and
 - (2) A Neighborhood Plan Amendment regarding an area-wide or subzone-wide recommendation.
- (B) **Applicability**
- (1) **Individual Property.** A Neighborhood Plan Amendment regarding an individual property may be initiated by:
 - (a) The owner of the subject property;
 - (b) The Council;
 - (c) The Planning Commission;
 - (d) The responsible director; or
 - (e) The neighborhood plan contact team for the planning area in which the property is located.
 - (2) **Area-Wide or Subzone-Wide Recommendation.** A Neighborhood Plan Amendment regarding an area-wide or subzone-wide recommendation may be initiated by:
 - (a) The Council;
 - (b) The Planning Commission;
 - (c) The responsible director; or
 - (d) The neighborhood plan contact team for the affected neighborhood plan area.

- (C) **Review Authority.** The Council may approve a Neighborhood Plan Amendment Application after considering the recommendations of the responsible director and Land Use Commission, as well as the goals and policies of the Comprehensive Plan.
- (D) **Meetings, Hearings, and Notice**
 - (1) **Application.** The responsible director shall give notice of the filing of a Neighborhood Plan Amendment in compliance with Section 23-2C-5010 (Notice of Application).
 - (2) **Community Meeting.** The responsible director shall conduct a community meeting on a proposed Neighborhood Plan Amendment prior to the date on which the Land Use Commission is scheduled to consider the amendment.
 - (3) **Land Use Commission**
 - (a) The Land Use Commission shall hold a public hearing on a Neighborhood Plan Amendment application not later than the 90th day after the date the application is filed.
 - (b) The responsible director shall provide notice of the public hearing in compliance with Division 23-2C-4 (Notice of Public Hearings).
 - (4) **Council**
 - (a) The Council shall hold a public hearing on a Neighborhood Plan amendment application not later than the 40th day after the date of the Land Use Commission recommendation.
 - (b) The responsible director shall provide notice of the public hearing before Council in compliance with Division 23-2C-4 (Notice of Public Hearings).
 - (5) **Responsibility for Cost of Notice**
 - (a) **Individual Property**
 - (i) For a Neighborhood Plan Amendment regarding an individual property, the applicant is responsible for the cost of notice, unless the applicant is a neighborhood plan contact team.
 - (ii) If the applicant is a neighborhood plan contact team, the City is responsible for the cost of notice.
 - (b) **Area-Wide or Subzone-Wide Recommendation.** For a Neighborhood Plan amendment regarding an area-wide or subzone-wide recommendation, the City is responsible for the cost of notice.
- (E) **Pre-Application Meeting.** A pre-application meeting between the responsible director's staff and an applicant is required before the applicant may submit an application to amend a neighborhood plan to the director. At the meeting:
 - (1) The staff shall describe the application process to the applicant;
 - (2) The applicant shall describe the proposed neighborhood plan amendment to the staff;

- (3) If the applicant is proposing a change to the future land use map, the applicant shall provide the staff with information regarding the proposed change, including the address, boundaries, acreage, current and proposed future land use map categories, and current and proposed uses; and
- (4) If the applicant is proposing a text change, the applicant shall provide the proposed language and an explanation of the change.

(F) Application Review

- (1) **Individual Property Timing.** For an application regarding an individual property, except as provided in Subsection (F)(2):
 - (a) The responsible director may accept an application to amend a neighborhood plan not earlier than one year after the adoption of the plan;
 - (b) After the one-year anniversary of a neighborhood plan's adoption, the responsible director may accept an application to amend a plan recommendation relating to an individual property not more frequently than once every 12 months; and
 - (c) An application may be filed only during the month established by the responsible director in compliance with Subsection (K) (Map and Filing Dates) if:
 - (i) The application is submitted by a neighborhood plan contact team for the planning area in which the property is located; or
 - (ii) A neighborhood plan contact team for the planning area in which the property is located has given written approval of the application.
 - (d) An applicant may not file an application for an amendment that is substantially the same as an application denied by council until one year after the council action denying the prior application.
- (2) **Individual Property Timing Exception.** The responsible director may accept an application regarding an individual property at a time other than as provided in Subsection (F)(1) if it is determined that:
 - (a) Prohibiting the filing would result in a hardship to the applicant, and the development proposed by the applicant will not adversely affect public health, safety, and welfare;
 - (b) A clerical error regarding the designated use of the subject property exists on the future land use map of the neighborhood plan or in the text of the plan;
 - (c) The person submitting the application has received a letter from the responsible director of the appropriate City department stating that the development:
 - (i) Is not subject to current City environmental standards, but is proposed to be developed in compliance with current City environmental standards;
 - (ii) Promotes the recruitment or retention of an employment center with 100 or more employees; or
 - (iii) Qualifies as an affordable housing project under Chapter 23-3E (Affordable Housing Incentive Program); or
 - (iv) Council has initiated the application.
 - (d) An applicant may appeal a decision of the responsible director made under Subsection (F)(2)(a) to the Planning Commission.

- (3) **Area-Wide or Subzone-Wide Application.** For an area-wide or subzone-wide application:
 - (a) The responsible director may accept an application to amend a neighborhood plan not earlier than two years after the adoption of the plan;
 - (b) The responsible director may accept an application not earlier than two years after the most recent Council action on the plan; and
 - (c) An application initiated by Council may be filed at any time.
- (G) **Expiration of Application and Extension**
 - (1) A Neighborhood Plan Amendment application expires if the responsible director does not schedule the application for a public hearing:
 - (a) By the Planning Commission before the 181st day after the date of filing; or
 - (b) By the Planning Commission or Council before the 181st day after the date on which the Planning Commission or Council grants an indefinite postponement of a scheduled public hearing.
 - (2) A Neighborhood Plan Amendment application expires if the Council does not adopt an ordinance before the 361st day after Council closes the public hearing on the application.
 - (3) A Neighborhood Plan Amendment application initially submitted before the effective date of this Section expires 180 days after the effective date of this Title, except as provided in Subsection (G)(4).
 - (4) An applicant may file one request with the responsible director and one request with Council to extend an application that will expire in compliance with Subsection (G)(1) or (G)(2). The request must be in writing, be filed before the application expires, state good cause for the extension, and be for not more than 180 days.
- (H) **Director's Recommendation.** The responsible director may recommend approval of the Neighborhood Plan Amendment if the criteria in Subsections (H)(1)-(2) are met:
 - (1) The applicant demonstrates that:
 - (a) The proposed amendment is appropriate because of a mapping or textual error or omission made when the original plan was adopted or during subsequent amendments;
 - (b) The denial of the proposed amendment would jeopardize public health, safety, or welfare;
 - (c) The proposed amendment is appropriate because of a material change in circumstances since the adoption of the plan and denial would result in a hardship to the applicant;
 - (d) The proposed development:
 - (i) Provides environmental protection that is superior to the protection that would otherwise be achieved in compliance with existing zoning and development standards; or
 - (ii) Promotes the recruitment or retention of an employment center with 100 or more employees;

- (e) The proposed amendment is consistent with the goals and objectives of the neighborhood plan; or
 - (f) The proposed amendment promotes additional affordable housing opportunities.
 - (g) The applicant demonstrates that proposed amendment complies with applicable standards and standards established by this Title, the objectives of Chapter 23-4 (Zoning Code), and the purposes of the zone for the subject property and the proposed amendment is consistent with sound planning principles.
- (I) **Land Use Commission's Recommendation**
- (1) The Land Use Commission shall make a recommendation to the Council on a Neighborhood Plan Amendment application not later than the 14th day after the Land Use Commission closes the public hearing on the application.
 - (2) The Land Use Commission shall consider the responsible director's recommendation before acting on the Neighborhood Plan Amendment application.
 - (3) If the Land Use Commission does not adopt a recommendation on an application, the responsible director shall forward the application to Council without a Land Use Commission recommendation.
 - (4) If the Land Use Commission does not hold a public hearing in compliance with Subsection (I)(1), the applicant may file a written request for a hearing.
 - (5) The responsible director shall report the Land Use Commission's recommendation on each Neighborhood Plan Amendment application to the Council.
- (J) **Council's Decision.** The Council must consider the responsible director's recommendation and the Land Use Commission's recommendation before acting on the Neighborhood Plan Amendment application.
- (K) **Map and Filing Date.** The responsible director shall establish a map designating the area of the City for which a Neighborhood Plan Amendment must be submitted in February and the area for which an application must be submitted in July.

This page intentionally left blank

Article 23-2F: Quasi-Judicial and Administrative Relief

Contents

Division 23-2F-1: Variances and Special Exceptions

- 23-2F-1010 Purpose and Overview
 - 23-2F-1020 Limitations and Legal Effect
 - 23-2F-1030 Application Requirements
 - 23-2F-1040 Public Hearing and Notification
 - 23-2F-1050 Decision on Variance or Special Exception
 - 23-2F-1060 Conditions and Modifications
 - 23-2F-1070 Expiration
-

Division 23-2F-2: Administrative Relief Procedures

- 23-2F-2010 Purpose and Applicability
 - 23-2F-2020 Exempt Residential Uses and Structures
 - 23-2F-2030 Minor Adjustments
 - 23-2F-2040 Alternative Equivalent Compliance
-

Division 23-2F-3: Limited Adjustments

- 23-2F-3010 Purpose and Applicability
- 23-2F-3020 Application for Limited Adjustment
- 23-2F-3030 Initial Determination on Limited Adjustment
- 23-2F-3040 Notice and Public Hearing
- 23-2F-3050 Final Action on Limited Adjustment

This page intentionally left blank

Division 23-2F-1: Variances and Special Exceptions

Contents

23-2F-1010	Purpose and Overview	1
23-2F-1020	Limitations and Legal Effect.	2
23-2F-1030	Application Requirements	2
23-2F-1040	Public Hearing and Notification	2
23-2F-1050	Decision on Variance or Special Exception	3
23-2F-1060	Conditions and Modifications	3
23-2F-1070	Expiration	4

23-2F-1010 Purpose and Overview

- (A) **Purpose.** The purpose of this Division is to establish common procedures for the submittal and review of applications for Variances or Special Exceptions for consideration by the Board of Adjustment or Land Use Commission. Specific criteria for obtaining a Variance or Special Exception depend on the regulations from which the Variance or Special Exception is requested. A Variance or Special Exception may only be approved where specifically authorized by this Title.
- (B) **Overview of Variances and Special Exceptions**
- (1) **Variances**
- (a) A Variance is a quasi-judicial decision relaxing regulations or standards applicable to development under this Title. The requirements for obtaining a Variance depend on the regulations from which the Variance is requested, but in general a Variance may only be approved if site conditions unique to a particular property create a hardship that makes strict compliance with a regulation impossible or unreasonable.
- (b) Under this Title:
- (i) The Board of Adjustment may consider a request for a Variance from a zoning district regulation, consistent with the requirements of Section 23-4B-4010 (Variances); and
- (ii) The Land Use Commission may consider a request for a Variance from subdivision regulations under Section 23-5B-1050 (Variance Filing and Consideration) and watershed regulations under Division 23-3D-2 (Exceptions and Variances).
- (2) **Special Exceptions.** A Special Exception is a quasi-judicial decision relaxing development standards applicable to development under this Title. The requirements for obtaining a Special Exception depend on the regulations from which the Special Exception is requested, but unlike a Variance, the criteria for a Special Exception generally include factors unrelated to a site-specific hardship.

23-2F-1020 Limitations and Legal Effect

- (A) A Variance or Special Exception may not be used as a means to amend the text of the Land Development Code or to change a zoning district or other legislative classification of property or contest the responsible director’s decision regarding the applicability or interpretation of a development regulation.
- (B) Approval of a Variance or Special Exception authorizes an applicant to submit a development application for review under the modified development standards established by the Variance or exception. The responsible director shall review an application against the standards established in a Variance or Special Exception unless the Variance or exception expires under Section 23-2F-1070 (Expiration).
- (C) A Variance or Special Exception applies only to the use for which the Variance or exception is approved. Once development requiring approval of a Variance or Special Exception is complete, any further development or redevelopment requires a new application.

23-2F-1030 Application Requirements

- (A) A request for a Variance must be submitted on a form approved by the responsible director in compliance with Division 23-2B-1 (Application Requirements). Depending on the nature and extent of proposed development, the director may require that a complete development application be submitted prior to requesting a Variance or may allow an applicant to defer submitting detailed construction and site-level information pending a decision on the Variance request.
- (B) An application for a Variance or Special Exception may include one or more Variances or Special Exceptions from regulations applicable to the same site or similar Variances or Special Exceptions on two or more adjacent parcels with similar characteristics.
- (C) The responsible director shall provide notice of an application for a Variance request in compliance with Section 23-2C-5010 (Notice of Application).

23-2F-1040 Public Hearing and Notification

- (A) The responsible director shall schedule a public hearing on a Variance application before the appropriate board or commission if the director determines that the application complies with all applicable requirements other than those for which the Variance is requested.
- (B) The responsible director shall provide notice of a public hearing on a Variance application in compliance with Section 23-2C-4020 (Type 1 Public Hearing Notice) and post signs in compliance with Section 23-2C-3040 (Notification Signs).

23-2F-1050 Decision on Variance or Special Exception

- (A) **Timeliness of Decision.** The Board of Adjustment or the Land Use Commission shall act on an application for a Variance or Special Exception not later than the next meeting after the public hearing is closed, except as otherwise provided in this Chapter.
- (B) **Findings Required for Approval.** In approving a Variance or Special Exception, the Board of Adjustment or Land Use Commission shall read into the record or incorporate by reference any findings required by the regulations of this Title authorizing the Variance or Special Exception.
- (C) **Possible Actions on Application**
 - (1) In acting on an application for a Variance, the Board of Adjustment or Land Use Commission may:
 - (a) Approve the application;
 - (b) Approve the application, subject to conditions or modifications required in compliance with Section 23-2F-1060 (Conditions and Modifications); or
 - (c) Deny the application.
 - (2) The Board of Adjustment shall act on a request for a Special Exception in the manner provided for Variances under Subsection (C)(1).
- (D) **Documentation of Decision.** The executive liaison assigned by the responsible director to support the Board of Adjustment and Land Use Commission under Section 2-1-7 (Staff Support) shall document decisions on Variances and Special Exceptions in a clear and uniform manner, including any conditions to approval of an application under Section 23-2F-1060 (Conditions and Modifications).

23-2F-1060 Conditions and Modifications

- (A) **Modifications.** In acting on an application for a Variance or Special Exception, the Board of Adjustment or Land Use Commission may reduce a numeric standard imposed under this Title by a lesser amount than requested by an applicant, but may not approve a greater increase than is stated in the public hearing notice provided in compliance with Section 23-2F-1040 (Public Hearing and Notification). For example, if public notice for a zoning Variance describes an increase in maximum height from 40 feet to 60 feet, the Board of Adjustment could approve a Variance increasing the height to 50 feet, but could not approve height above 60 feet without additional notification.

- (B) **Conditions.** The Board of Adjustment or Land Use Commission may require that a Variance or Special Exception be:
- (1) Made revocable;
 - (2) Effective for a specified time period, other than the one-year expiration period established in Section 23-2F-1070 (Expiration); or
 - (3) Subject to one or more conditions that are:
 - (a) Reasonably related to the impacts of proposed development on adjoining property; and
 - (b) Consistent with the purpose of the regulation from which the Variance or Special Exception is approved.

23-2F-1070 Expiration

- (A) A Variance or Special Exception expires if:
- (1) A complete development application is not submitted within one year after the Variance or Special Exception is approved;
 - (2) A development application associated with the Variance or Special Exception expires; or
 - (3) An approved Site Plan, Building Permit, or Preliminary Plan associated with the Variance or Special Exception expires.

Division 23-2F-2: Administrative Relief Procedures

Contents

23-2F-2010	Purpose and Applicability	1
23-2F-2020	Exempt Residential Uses and Structures.	1
23-2F-2030	Minor Adjustments	2
23-2F-2040	Alternative Equivalent Compliance.	3

23-2F-2010 Purpose and Applicability

This Division establishes procedures by which the responsible director may, under limited circumstances, relax development standards imposed under this Title administratively. The responsible director's authority under this Division may only be used for the purposes described herein.

23-2F-2020 Exempt Residential Uses and Structures

- (A) **Purpose.** This Section authorizes the Building Official to issue a Certificate of Occupancy for certain noncompliant residential structures established before the effective date of this Title. The purpose of this Section is to avoid the unnecessary loss of residential housing opportunities available to Austin residents and reduce the costs to homeowners associated with remedying longstanding code violations which do not threaten public health and safety. This Section further seeks to minimize the costs to the City associated with enforcing residential code violations that predate the advent and implementation of electronic property records and tracking methods.
- (B) **Applicability.** This Section applies to a single-family, single-family Attached, two-family residential, multi-family, manufactured home, townhouse, NP special use, and accessory dwelling unit use or occupancy that is located:
- (1) Within a structure that existed on before January 1, 2008; and
 - (2) On a site that contains no more than nine dwelling units.
- (C) **Standard for Approval.** The Building Official shall issue a Certificate of Occupancy in compliance with this Section if the Building Official determines that the use or occupancy meets the requirements in Subsection (B) and the structure containing the use or occupancy does not pose a hazard to public health, safety, or welfare. Compliance with applicable technical codes or zoning regulations is not required to obtain a Certificate of Occupancy under this Section.

- (D) **Status of Affected Properties.** If the Building Official approves a Certificate of Occupancy under this Section:
 - (1) A structure that does not comply with applicable site development regulations on the date it receives a Certificate of Occupancy becomes a nonconforming structure in compliance with Article 23-2G (Nonconformance); and
 - (2) A use or occupancy becomes a nonconforming use under Article 23-2G (Nonconformance) if it is unpermitted in the applicable base zoning district at the time the structure in which the use or occupancy is located receives a Certificate of Occupancy under this Section.
- (E) **Supporting Documentation.** An applicant requesting a Certificate of Occupancy under this Section must, in addition to submitting a standard application form, provide additional information required by the Building Official to substantiate that the use or occupancy meets the criteria in Subsections (B)-(C).

23-2F-2030 Minor Adjustments

- (A) **Purpose and Applicability.** In order to avoid unduly penalizing permittees for minor, inadvertent, and unforeseen errors in construction, this Section authorizes the Director to grant de minimis adjustments to specified development regulations prior to issuance of a Certificate of Occupancy or compliance under Division 23-2H-4 (Certificates of Compliance and Occupancy).
- (B) **Authority and Limitations.** If a structure exceeds the maximum height or building coverage allowed by this Title, or encroaches into a required yard setback, the Director may grant an adjustment relaxing the applicable regulation consistent with the requirements of this Subsection.
 - (1) **Ten Percent Maximum.** The Director may not approve an adjustment reducing a height, building coverage, or setback limitation required by this Title by more than 10 percent.
 - (2) **Limited to Field Inspections.** The Director may not grant an adjustment under this Section in connection with approval of a Building Permit or Site Plan. An adjustment may only be approved to address errors in construction:
 - (a) Performed under an approved Building Permit or Site Plan; and
 - (b) Discovered during an inspection required under this Title for issuance of a Certificate of Occupancy or compliance.
 - (3) **Criteria for Approval.** The Director may only approve an adjustment under this Section if the adjustment is the minimum amount necessary to address errors made inadvertently, and in good faith, due to unforeseen site conditions or other circumstances beyond the permittee's control.
- (C) **Prerequisite to Variance or Special Exception.** If a deviation from the requirements of this Title falls within the scope of relief authorized by this Section, a permittee must request a minor adjustment before seeking approval of a Variance or Special Exception from the Board of Adjustment.

23-2F-2040 Alternative Equivalent Compliance

(A) Purpose and Applicability

- (1) Alternative Equivalent Compliance encourages creative and original design and accommodates developments where particular site conditions or the nature of a proposed use prevent strict compliance with this Title. This Section authorizes the Development Services Director to approve minor changes to certain design standards relating to building placement and site configuration in order to facilitate development that meets the intent of this Title through alternative design that does not strictly adhere to particular standards or requirements.
- (2) Alternative Equivalent Compliance may only be used for development located in General to Commercial Non-Transect zones as authorized in this Section, and may not be used to vary or modify zoning district regulations, such as height, setbacks, impervious cover, building coverage, or floor-to-area ratio.

(B) **Application Process.** An applicant may request Alternative Equivalent Compliance under this Section during review of a development application that is subject to one or more of the design standards listed in Subsection (C). A request must be submitted in a manner approved by the Development Services Director and include any information required by the Director to determine whether the request meets the requirements for approval under this Section.

(C) Modification Thresholds

- (1) If the Development Services Director finds that a request for Alternative Equivalent Compliance request meets the criteria in Subsection (D), the numeric standard for the design feature listed in Table 23-2F-2040.A (Types of Alternative Equivalent Compliance Allowed) may be modified by:
 - (a) Up to 10 percent, for any design purpose;
 - (b) Up to 20 percent, if necessary to protect an existing natural site feature; or
 - (c) Any amount, if necessary to preserve a Heritage Tree.
- (2) Table 23-2F-2040.A lists the design standards that may be modified under this Section:

Table 23-2F-2040.A Types of Alternative Equivalent Compliance

Sidewalks

Decrease in minimum sidewalk width consistent with standards established in the Transportation Criteria Manual

Planting Zone

Reduction in the minimum width of required landscape buffers

Increase in the maximum plant spacing requirements

Decrease in the minimum depth, width, or total area of landscaped area

Minor changes to approved landscape plans

Alternative configurations for landscaping required in off-street parking lots

A reduction in landscape requirements for expansions or intensification of a use for existing developments

Table 23-2F-2040.A Types of Alternative Equivalent Compliance
Utilities
Decrease in the minimum distance between a building and installed utilities
Drive Through Circulation Lane
Decrease in minimum drive-through circulation lane width
Building Frontage
Decrease in minimum portion of a frontage consisting of continuous building facade
Sidewalks and Sidewalk Tree Spacing
Increase in maximum sidewalk tree spacing
Increase in maximum shaded sidewalk tree spacing
Decrease in minimum shaded sidewalk width
Decrease in minimum shaded sidewalk tree spacing
Building Entryways
Increase in the maximum entryway spacing
Private Common Open Space and Pedestrian Amenities
Decrease in minimum depth, width, or total area of play area
Increase of the portion of open space above ground level that may be counted towards compliance
Decrease in maximum Covered Open Space
Decrease in minimum open space adjacent to BRT stations
Additional Options for Sites ≥ 5 Acre
Increase in maximum block area
Increase in maximum block length.
Decrease in minimum width of sidewalks with building frontage
Decrease in maximum tree spacing on sidewalks with building frontage

- (D) **Criteria for Approval.** The Development Services Director may approve a request for Alternative Equivalent Compliance under Subsection (C) only upon finding that the requested modification:
- (1) Is necessary due to unusual site features, such as slopes, size, shape, and vegetation, or design difficulties that are not typical of similar projects;
 - (2) Is necessary because of physical design characteristics unique to the proposed use, or type of use, that make strict compliance with a design standard impracticable or unreasonable;
 - (3) Complies with all other applicable regulations of this Title, including zoning, drainage, water quality, and technical codes; and
 - (4) Does not adversely impact on health, safety, or general welfare of surrounding residents or the general public.

- (E) **Conditions of Approval.** The Development Services Director may impose reasonable conditions on approval of a request for Alternative Equivalent Compliance, as needed to mitigate direct impacts of the modification consistent with the purpose of the applicable regulation. Conditions imposed under this Subsection must be limited to onsite design features or modifications and may not include requirements for offsite improvements or dedications.
- (F) **Decision on Alternative Equivalent Compliance Request.** The Director shall document a decision to approve a request for Alternative Equivalent Compliance on the Site Plan or Building Permit to which the modification applies and ensure that the decision is easily accessible in the event that a subsequent application is submitted for the same property.
- (G) **Effect of Alternative Equivalent Compliance Approval.** A decision to approve Alternative Equivalent Compliance applies only to the specific application for which it is approve and does not establish a precedent for approval of other requests.

This page intentionally left blank

Division 23-2F-3: Limited Adjustments

Contents

23-2F-3010	Purpose and Applicability	1
23-2F-3020	Application for Limited Adjustment	1
23-2F-3030	Initial Determination on Limited Adjustment	2
23-2F-3040	Notice and Public Hearing	2
23-2F-3050	Final Action on Limited Adjustment	3

23-2F-3010 Purpose and Applicability

- (A) This Division establishes procedures by which the Council may adjust the requirements of Article 23-3D (Water Quality) if the Council concludes, or a court of competent jurisdiction renders a final judgment concluding, that the application of Chapter 23-3D (Water Quality) to a specific development project or proposal violates or conflicts with:
- (1) The United States Constitution or the Texas Constitution; or
 - (2) A state or federal statute that preempts the City Code or City Charter.
- (B) This Division does not apply to the responsible director's decision on a vested rights petition in compliance with Division 23-2L-1 (Vested Rights).

23-2F-3020 Application for Limited Adjustment

- (A) An application for a limited adjustment in compliance with this Division must be filed on a form approved by the responsible director and may be considered only in connection with the review of:
- (1) A Site Plan;
 - (2) A Subdivision; or
 - (3) Other specific development proposal.
- (B) In addition to standard information required by the responsible director in compliance with Division 23-2B-1 (Application Requirements), an application for limited adjustment must:
- (1) Identify the Section of Article 23-3D (Water Quality) which the applicant claims would violate the laws referenced in 23-2F-3010(A) (Purpose and Applicability), as applied to the applicant's property;
 - (2) State the factual basis for the applicant's claims;
 - (3) Include a legal brief supporting the applicant's claims;
 - (4) Describe the adjustment requested; and
 - (5) Demonstrate that the requested adjustment is the minimum required to comply with the constitutional or statutory requirements on which the request is based and provides maximum protection of water quality.

23-2F-3030 Initial Determination on Limited Adjustment

- (A) This Subsection establishes the process by which the Council shall assess the validity of an applicant's claim that Article 23-3D (Water Quality), as applied to the applicant's property, violates one or more of the laws referenced in Section 23-2F-3010(A) (Purpose and Applicability).
- (B) If the responsible director determines that an application for limited adjustment is complete:
 - (1) The Law Department shall review the application and advise the responsible director on the legal validity of the applicant's claims; and
 - (2) The responsible director shall present the application and the director's recommendation to the Council.
- (C) After receiving the responsible director's recommendation, the Council shall determine whether Article 23-3D (Water Quality), as applied to the applicant's property, violates one or more of the laws referenced in Section 23-2F-3010(A) (Purpose and Applicability). If a request for limited adjustment pertains to development that is subject to Division 23-3C-13 (Save Our Springs Initiative), an affirmative determination requires the concurring vote of three-quarters of the Council.
- (D) If the Council does not make an affirmative determination under Subsection (C), the application for limited adjustment is denied and shall not be scheduled for public hearing under Section 23-2F-3040 (Public Hearing on Limited Adjustment).

23-2F-3040 Notice and Public Hearing

- (A) The responsible director shall schedule a public hearing on an application for limited adjustment before the Council if:
 - (1) The Council makes an affirmative determination on the validity of a request for limited adjustment under Section 23-2F-3030 (Initial Determination on Limited Adjustment); and
 - (2) The responsible director determines that the application complies with all requirements of this Title, other than those for which the limited adjustment is requested.
- (B) The responsible director shall provide notice of a public hearing on a limited adjustment request in compliance with Section 23-2C-4020 (Type 1 Public Hearing Notice) and shall post signs in compliance with Section 23-2C-3040 (Notification Signs).
- (C) At the public hearing on a request for limited adjustment, the responsible director shall present a recommendation to the Council regarding the minimum adjustment required to comply with the conflicting laws on which the adjustment is based and provide maximum water quality protection.

23-2F-3050 Final Action on Limited Adjustment

After making an affirmative determination under Section 23-2F-3030 (Initial Determination) and conducting a public hearing in compliance with Section 23-2F-3040 (Notice and Public Hearing), the Council shall determine the minimum adjustment required to comply with the conflicting laws on which the adjustment is based and provide maximum water quality protection and grant the limited adjustment.

This page intentionally left blank

Article 23-2G: Nonconformity

Contents

Division 23-2G-1: General Provisions

- 23-2F-3010 Purpose and Applicability
 - 23-2G-1020 Nonconforming Status
 - 23-2G-1030 Determination of Nonconforming Status
 - 23-2G-1040 Appeal of Decision on Nonconforming Status
 - 23-2G-1050 Continuation of Nonconformity
 - 23-2G-1060 Termination of Nonconforming Use
 - 23-2G-1070 Alteration of Nonconforming Structures
 - 23-2G-1080 Effect of Conditional Use Permit
-

Division 23-2G-2: Specific Types of Nonconformity

- 23-2G-2010 Nonconforming Uses Near Hazardous Pipelines
- 23-2A-2010 Order of Process
- 23-2G-2030 Nonconforming Parking
- 23-2G-2030 Termination of Nonconforming Use

This page intentionally left blank

Division 23-2G-1: General Provisions

Contents

23-2G-1010	Purpose and Applicability	1
23-2G-1020	Nonconforming Status	2
23-2G-1030	Determination of Nonconforming Status	2
23-2G-1040	Appeal of Decision on Nonconforming Status	3
23-2G-1050	Continuation of Nonconformity	3
23-2G-1060	Termination of Nonconforming Use.	5
23-2G-1070	Alteration of Nonconforming Structures.	5
23-2G-1080	Effect of Conditional Use Permit.	6

23-2G-1010 Purpose and Applicability

- (A) **Purpose.** This Article provides standards for nonconforming land uses, structures, and lots established under Section 23-2G-1020 (Nonconforming Status). The purpose of this Article is to:
- (1) Generally allow nonconformities to continue until they cease by abandonment or through conformance with applicable regulations; but
 - (2) Discourage the long-term continuation of nonconformities by limiting investments in them and restricting expansions or alterations that increase their degree of noncompliance or otherwise impact adjoining properties or neighborhoods; and
 - (3) Seek to phase-out or amortize, where appropriate, those nonconformities that are deemed to be especially incompatible with the Comprehensive Plan or applicable regulations of this Title or which pose a threat to public health, safety, and welfare.
- (B) **Applicability.** This Article applies to:
- (1) A use, structure, or lot within the zoning jurisdiction that is nonconforming to land use or site development regulations under Chapter 23-4 (Zoning) or a separately adopted zoning ordinance; and
 - (2) A structure or lot within the planning jurisdiction that is nonconforming to other applicable regulations of this Title.

23-2G-1020 Nonconforming Status

(A) Nonconforming Uses

- (1) A use of land or buildings that does not conform with the applicable use regulations of Chapter 23-4 (Zoning), or a separately adopted zoning ordinance, is a nonconforming use if:
 - (a) The use existed lawfully, in conformance or legal nonconformance with applicable use regulations, on the date that a zoning restriction prohibiting or restricting the use became effective; and
 - (b) The use has continued to exist since the zoning restriction prohibiting or restricting the use became effective, without cessation or abandonment in violation of applicable regulations.
- (2) A use that is not a nonconforming use is in violation of this Title if it does not conform to the use regulations of Chapter 23-4 (Zoning Code) or a separately adopted zoning ordinance.
- (3) Nonconforming uses are declared to be incompatible with permitted uses in the zoning district in which they are located.

(B) Nonconforming Structures

- (1) A building, structure, or developed area, including a parking or loading area, that does not comply with site development regulations applicable under this Title, or a separately adopted zoning ordinance, is a nonconforming structure if it existed lawfully, in conformance or legal nonconformance with applicable site development regulations, at the time it was constructed.
- (2) A building, structure, or developed area that is not a nonconforming structure is in violation of this Title if it does not comply with applicable site development regulations.

(C) Nonconforming Lots

- (1) A platted lot that does not comply with the applicable regulations of this Title is a nonconforming lot if the lot existed lawfully, in compliance or legal noncompliance with applicable regulations, on the date the lot was platted.
- (2) A platted lot that is not a nonconforming lot is in violation of this Title if it does not comply with applicable regulations of this Title.

23-2G-1030 Determination of Nonconforming Status

- (A) **Purpose and Applicability.** This Section establishes a process for obtaining a formal determination on whether an existing use or structure is nonconforming under Section 23-2G-1020 (Nonconforming Status). The responsible director may also recognize a use, structure, or lot as nonconforming during review of a development application, without issuing an administrative determination under this Section.

(B) Application Requirement

- (1) An applicant may request a determination from the responsible director under this Section at any time on whether an existing use or structure is nonconforming in compliance with Section 23-2G-1020 (Nonconforming Status).
- (2) A request must be submitted on a form approved by the responsible director and include whatever information the director requires to substantiate the history of the use or structure for which the determination is requested.
- (3) The responsible director shall provide notice of an application for a determination of nonconforming status in compliance with Section 23-2C-5010 (Notice of Application).

(C) Determination Requirements

- (1) No later than 14 days after receiving a request under this Section, the responsible director shall issue a written determination stating whether the use or structure is nonconforming in compliance with Section 23-2G-1020 (Nonconforming Status).
- (2) The responsible director shall provide notice of the determination in compliance with Section 23-2C-5020 (Notice of Administrative Decision).

23-2G-1040 Appeal of Decision on Nonconforming Status

- (A) Any person who meets the requirements of Section 23-2I-1010 (Right to Appeal) may appeal the responsible director's determination of nonconforming status in compliance with Section 23-2G-1030 (Determination of Nonconforming Status) to the Board of Adjustment in compliance with Article 23-2I (Appeals).
- (B) If the responsible director issues a determination in compliance with Section 23-2G-1030 (Determination of Nonconforming Status), that determination may not subsequently be challenged by appealing the director's approval or disapproval of a development application for the use or structure.

23-2G-1050 Continuation of Nonconformity

- (A) **Purpose and Applicability.** This Section specifies general requirements and limitations applicable to nonconforming uses and structures. Additional requirements for particular types of nonconformity may also apply, as specified by this Article.
- (B) **Continuation of Nonconforming Use and Structures.** A nonconforming use or structure may continue to be used, operated, or occupied in compliance with the regulations under which it was established, but may not be expanded or converted except in compliance with the requirements of this Subsection.
 - (1) **Expansion of Use Prohibited.** A nonconforming use may not be expanded or extended beyond the floor area or lot area that it occupied on the date it became a nonconforming use, except as otherwise provided by this Article.
 - (2) **Conversion to Conforming Use Terminates Nonconformity.** If a nonconforming use is converted to a conforming use, a nonconforming use of the property or structure may not be resumed.

- (3) **Conversion to Other Nonconforming Use Prohibited.** A nonconforming use may not be established or replaced by another nonconforming use, except as provided in Subsection (B)(4).
- (4) **Conversion of Nonconforming Uses in Residential Buildings.** A nonconforming use operating within a single- or multi-family building may be replaced by another nonconforming use if the responsible director determines that the requested use is of comparable or lesser intensity to the original nonconforming use; and the original use was not abandoned in compliance with Section 23-2G-1060 (Termination of Nonconforming Use).
- (5) **Conversion to Allowed or Conditional Use.** A nonconforming use may be converted to an allowed use or a conditional use for the zone in which the property is located.

(C) Modification to Nonconforming Structures

- (1) **General Standard.** A nonconforming structure may be maintained and repaired as necessary to allow its continued use and occupancy. However, a nonconforming structure may not be altered or expanded in a manner that increases its nonconformity with the requirements of this Title, except as otherwise provided in this Subsection.
- (2) **Height Requirements.** The height of a nonconforming structure may only be increased if:
 - (a) The height increase is limited to a portion of the structure that complies with the maximum height required by this Title and will not cause the modified portion of the structure to exceed the maximum height requirement;
 - (b) The height increase is limited to a portion of the structure that is located outside of a setback required by this Title;
 - (c) The height increase does not exceed 15 percent of the building's existing height, as measured at the tallest point; and
 - (d) The height increase will not cause the modified portion of the structure to exceed the existing height of the building, as measured at its tallest point.
- (3) **Setback Requirements.** A structure that is nonconforming with a setback required by this Title may only be altered if:
 - (a) The alteration is a vertical change in finished floor elevation allowed in compliance with Section 23-2G-1070(C)(2) (Alteration of Nonconforming Structures); or
 - (b) The modified portion of the structure does not exceed:
 - (i) The maximum height allowed by this Title;
 - (ii) The existing height of the tallest portion of the structure that extends or encroaches into a required setback, other than a street setback; or
 - (iii) If a structure is expanded horizontally, the lesser of 50 percent of the length of the nonconforming portion of the structure or 25 feet measured from the existing structure, parallel to the lot line.

23-2G-1060 Termination of Nonconforming Use

- (A) **Purpose and Applicability.** This Section specifies circumstances under which a nonconforming use is terminated due to a change or abandonment of the use or the destruction of, or damage to, the structure in which the use occurs.
- (B) **Termination by Change of Use.** A nonconforming use may not continue or resume if the use changes to a conforming use.
- (C) **Termination by Abandonment or Discontinuance of Use**
 - (1) If a nonconforming use is discontinued for 90 or more consecutive days, then that use shall be deemed abandoned and may not be renewed or reestablished. Any subsequent use of the parcel of land or structure must conform to the standards of the zone in which it is located.
 - (2) A seasonal discontinuance of a use, or a temporary discontinuance of a use for maintenance or repair, is excluded from a calculation of the 90-day period established under Subsection (C)(1).
- (D) **Termination by Destruction**
 - (1) A damaged structure used for a nonconforming use may be repaired and the nonconforming use continued only if the Building Official determines that the cost of repair does not exceed 50 percent of the value of the structure immediately before the damage, as determined by a licensed appraiser in a manner approved by the Building Official.
 - (2) Approval of a Site Plan is not required to repair a structure under Subsection (D)(1) unless the Building Official determines that a substantial change to the structure or lot is proposed and that a Site Plan would be required by this Title for initial construction of a similar structure.
 - (3) If the cost of repairing a damaged structure containing a nonconforming use exceeds the limitation established in Subsection (D)(1), the nonconforming use may not continue or resume.
 - (4) If a nonconforming use is located within a structure that is also nonconforming with the requirements of this Title, any repair or alteration of the structure is also subject to Section 23-2G-1070 (Alteration of Nonconforming Structures).

23-2G-1070 Alteration of Nonconforming Structures

- (A) **Purpose and Applicability.** The alteration, repair, or replacement of a nonconforming structure must comply with the applicable requirements of this Section, in addition to the requirements of Section 23-2G-1050 (Continuation of Nonconformity).
- (B) **Involuntary Damage or Destruction.** A nonconforming structure that is damaged or destroyed involuntarily by such acts as fire, explosion, flood, tornado, riot, act of the public enemy, or accident may be rebuilt or replaced with a new structure, provided that the new structure:
 - (1) Is located in the same footprint and does not exceed the height or number of units as the original nonconforming structure;

- (2) Complies with current requirements of Division 23-11B-1 (Building Code) and Division 23-11B-7 (Fire Code); and
 - (3) Does not exceed the degree of nonconformity with the requirements of this Title as the original structure.
- (C) **Alteration, Demolition, and Replacement of Residential Structures.** Except for repair or replacement allowed under Subsection (B), any alteration to a nonconforming residential structure must comply with the requirements of this Subsection.
- (1) Demolition or removal of walls must comply with the following requirements:
 - (a) No more than 50 percent of exterior walls and supporting structural elements of the existing structure may be demolished or removed, including load bearing masonry walls, and in wood construction, studs, sole plate, and top plate. For purposes of this requirement, exterior walls and supporting structural elements are measured in linear feet and do not include the roof of the structure or interior or exterior finishes.
 - (b) Replacement or repair of structural elements, including framing, is allowed if required by the Building Official to meet minimum health and safety standards.
 - (2) Replacement or alteration of an original foundation may not change the finished floor elevation by more than one foot vertically, in either direction.
 - (3) For any residential use other than a single-family use in Low to Medium Intensity Residential Zones established in Section 23-4D-3030(A), the following standards must be met in order to add square footage or convert accessory space into conditioned or habitable space:
 - (a) If the lot is nonconforming with current lot size or lot width standards, the cost of improvements may not exceed 20 percent of the value of the structure before the improvements; and
 - (b) Compliance with current parking and occupancy standards is required.
 - (4) If a nonconforming portion of a residential structure is demolished, it loses its nonconforming status and may only be rebuilt in compliance with the applicable requirements of this Title.

23-2G-1080 Effect of Conditional Use Permit

- (A) **Purpose and Applicability.** This Section establishes requirements for uses that are nonconforming with this Title based on a requirement to obtain a Conditional Use Permit or on the prior issuance of a Conditional Use Permit for the use. If a use that is nonconforming under this Section is located within a nonconforming structure, additional restrictions may apply as specified in this Article.
- (B) **Absence of Conditional Use Permit.** If an existing use was established as a permitted or allowed use, the use becomes nonconforming if it would require approval of a Conditional Use Permit under this Title and may not be expanded beyond its existing site area boundaries or changed to another conditional use without obtaining a Conditional Use Permit as required by this Title.

- (C) **Previous Conditional Use Permit.** A use that was authorized by a Conditional Use Permit, but is not allowed by this Title in its current location may be:
- (1) Continued within its existing site area boundaries, subject to any conditions imposed by the Conditional Use Permit; or
 - (2) Replaced by a similar nonconforming conditional use approved by the Land Use Commission, which may grant such approval only if it finds that the replacement use will not more adversely affect surrounding uses than the original use based on traffic generation, noise, hours of operation, number of employees, and other relevant factors as determined by the Land Use Commission.

This page intentionally left blank

Division 23-2G-2: Specific Types of Nonconformity

Contents

23-2G-2010	Nonconforming Uses Near Hazardous Pipelines	1
23-2G-2020	Order of Process	1
23-2G-2030	Nonconforming Parking	2
23-2G-2040	Termination of Nonconforming Use.	2

23-2G-2010 Nonconforming Uses Near Hazardous Pipelines

If a use or structure is nonconforming with this Title solely because it does not meet the proximity requirements in Section 23-4E-6030 (Development Near a Hazardous Pipeline), the use or structure must comply with the requirements of Section 23-2G-1050 (Continuation of Nonconformity) and Section 23-2G-1080 (Effect of Conditional Use Permit), but is otherwise exempt from the requirements of this Article.

23-2G-2020 Order of Process

- (A) **Purpose and Applicability.** The requirements of this Section apply to development or use of a legally platted lot that does not meet the minimum lot area requirements of this Title. If a nonconforming lot contains a use or structure that is also nonconforming with requirements of this Title, additional restrictions may apply under Division 23-2G-1 (General Provisions).
- (B) **Nonresidential Uses.** A nonconforming lot may be used for a nonresidential use that is allowed in the zone in which the lot is located if, except for minimum lot area, the use and development complies with the requirements of this Title.
- (C) **Residential Uses.** A nonconforming lot may be used for a single-family residential use if the use is allowed in the zone in which the lot is located and the lot complies with the requirements of this Subsection.
- (1) A nonconforming lot recorded in the county real property records before March 15, 1946 must:
- Have an area of not less than 4,000 square feet; and
 - Be not less than 33 feet wide at the street or at the building line, or have access to a street by an easement that is:
 - Not less than ten feet wide if it serves one lot, or not less than 18 feet wide if it serves more than one lot;
 - Not more than 150 feet in length; and
 - Maintained for access by the property owner.
- (2) A nonconforming lot recorded in the county real property records after March 14, 1946 must have an area of not less than 5,750 square feet and be not less than 50 feet wide at the street or at the building line.

- (D) If a nonconforming lot is used with one or more contiguous lots for a single use or unified development, the standards of this Title apply to the aggregation of lots as if the aggregation were a single lot.
- (E) A nonconforming lot that is aggregated with other property to form a site may not be disaggregated after August 6, 2007 to form a site that is smaller than the minimum lot area required by this Title.

23-2G-2030 Nonconforming Parking

If a use or structure ceases to be nonconforming due to abandonment or discontinuance under Section 23-2G-1060 (Termination of Nonconforming Use), a subsequent conforming use or structure located on the same property must comply with Division 23-4E-3 (Parking and Loading) to the maximum extent the responsible director determines to be feasible. The responsible director may reduce the requirements of Division 23-4E-3 (Parking and Loading) if strict compliance is determined to be infeasible.

23-2G-2040 Termination of Nonconforming Use

- (A) **Purpose and Applicability.** This Section applies to a dock, bulkhead, or shoreline access that is nonconforming with the requirements of this Title. If a nonconforming dock, bulkhead, or shoreline access is associated with a nonconforming use or located on a nonconforming lot, additional restrictions may apply as specified in this Article.
- (B) **Nonconformity Limited to Accessory Uses.** A nonconforming dock, bulkhead, or shoreline access may be repaired, reinforced, modified, or maintained under Subsection (C) only if it is an accessory use under Section 23-4E-6040 (Accessory Use). Compliance with this Title is required in order to repair, reinforce, modify, or maintain a dock, bulkhead, or shoreline access that is a principal use of the property.
- (C) **Limitations on Repair Reinforcement, Modification, and Maintenance.** A nonconforming dock, bulkhead, or shoreline access that is accessory to a principal use, as required in compliance with Subsection (B), may be repaired, reinforced, modified, or maintained without coming into compliance with this Title if the requirements of this Subsection are met.
 - (1) The location and footprint may not be altered and the degree of nonconformance may not be increased, except as allowed under Section 23-3D-8120 (Restrictions on Development Impacting Lake Austin, Lady Bird Lake, and Lake Walter E. Long).
 - (2) Dock structural components, including load bearing beams, walls, piers, and roofs, may be altered or replaced without reducing the nonconforming length, height, or horizontal footprint of the dock, provided that the dock complies with Division 23-4E-5 (Docks, Bulkheads, and Shoreline) and Section 23-4E-6040 (Accessory Uses).
 - (3) A dock may not be altered or modified to increase:
 - (a) The number of walls;
 - (b) The height, width or depth; or
 - (c) The number of slips or mooring capacity.

(D) Application Requirements

- (1) In order to repair, reinforce, modify, or maintain a dock, bulkhead, or shoreline access under this Section, an applicant must provide a survey of existing conditions with the Site Plan or Building Permit application that depicts current elevations, contours, trees, and any other information required by the responsible director.
- (2) For a dock, bulkhead, or shoreline access constructed after January 1, 1984, the applicant must provide evidence of a prior permit authorizing the construction in order to substantiate that the dock, bulkhead, or shoreline access meets the requirements of Section 23-2C-1020 (Nonconforming Status).
- (3) For a dock, bulkhead, or shoreline access constructed prior to January 1, 1984, no unpermitted additions or alterations that occurred after January 1, 1984 are allowed.

This page intentionally left blank

Article 23-2H: Construction Management and Certificates

Contents

Division 23-2H-1: General Provisions

23-2H-1010	Purpose and Applicability
23-2H-1020	Preconstruction Conference
23-2H-1030	Inspection Requests
23-2H-1040	Inspection Record Card
23-2H-1050	Erosion, Sedimentation, and Tree Protection Measures
23-2H-1060	Reinspection Fee

Division 23-2H-2: Subdivision Construction

23-2H-2010	Distribution of Approved Plans
23-2H-2020	Substantial Completion Notice
23-2H-2030	Final Inspection
23-2H-2040	Acceptance by the City

Division 23-2H-3: Site Construction and Inspection

23-2H-3010	Onsite Retention of Approved Plans
23-2H-3020	Grading, Drainage, and Water Quality Facilities
23-2H-3020	Connection of Utilities

Division 23-2H-4: Certificates of Compliance and Occupancy

23-2H-4010	Certificate Required
23-2H-4020	Certificate of Occupancy
23-2H-4030	Certificate of Compliance
23-2H-4040	Temporary Certificate of Occupancy

This page intentionally left blank

Division 23-2H-1: General Provisions

Contents

23-2H-1010	Purpose and Applicability	1
23-2H-1020	Preconstruction Conference	1
23-2H-1030	Inspection Requests	2
23-2H-1040	Inspection Record Card	2
23-2H-1050	Erosion, Sedimentation, and Tree Protection Measures	2
23-2H-1060	Reinspection Fee	3

23-2H-1010 Purpose and Applicability

- (A) This Article applies to development occurring under an approved Subdivision Construction Plan or Site Plan. It establishes uniform requirements to facilitate the efficient inspection and approval of development that may require review by multiple City departments or work groups.
- (B) The responsible director may adopt additional requirements as needed to implement this Article.

23-2H-1020 Preconstruction Conference

- (A) **Preconference Required.** Unless the Development Services Director determines that a preconference is unnecessary, an applicant or applicant's representative must:
 - (1) Participate in a preconstruction conference with the Development Services Director before starting construction under an approved Subdivision Construction Plan or approved Site Plan; and
 - (2) Schedule the preconference at the time inspection fees are paid.
- (B) **Notification.** No later than seven days before a preconstruction conference, the Development Services Director shall provide notice of the conference to appropriate parties, including the applicant and the applicant's representatives, consulting engineer, and contractors, as well as the County engineer and any affected utility providers or City departments. The notice must state the date, time, and place of the conference and describe the development.
- (C) **Conference Procedures**
 - (1) The participants shall exchange contact information and discuss the start dates and schedule of events, erosion and sedimentation controls, traffic control barricades, site supervision, emergency response, special conditions or provisions of plans or specifications, final acceptance guidelines, and publishing and distribution of minutes of the conference.
 - (2) Before construction begins, the applicant's consulting engineer must prepare and distribute minutes of the preconstruction conference. Conference participants may file exceptions to the minutes, which the engineer shall distribute to conference participants and include in the inspection file.

23-2H-1030 Inspection Requests

- (A) A central dispatcher for the City shall coordinate contact between a permittee and an inspector. A permittee must contact the central dispatcher in order to request an inspection.
- (B) The Development Services Director may specify the manner in which an inspection must requested and may require that a request be made 48 hours before the date the inspection is requested.

23-2H-1040 Inspection Record Card

A permittee may not begin work under a Site Plan or Subdivision Construction Plan until an inspection card is posted on the site, in a readily accessible location, on a form approved by the Development Services Director. City inspectors shall note each inspection on the card, which must remain posted onsite until the Development Services Director determines that the development meets all applicable requirements.

23-2H-1050 Erosion, Sedimentation, and Tree Protection Measures

- (A) **Purpose and Applicability.** This Section establishes requirements for inspection of erosion and sedimentation controls and tree protection measures required by this Title, as well as changes to approved plans required to address deficiencies identified as a result of field inspections or plan review.
- (B) **Inspection Requirement**
 - (1) The Development Services Director shall schedule an inspection of erosion and sedimentation controls and tree protection measures, which must be attended by the permittee or the permittee's representative.
 - (2) To pass inspection, the permit holder must:
 - (a) Demonstrate that erosion and sedimentation controls and tree protection measures comply with the City's Environmental Criteria Manual; and
 - (b) Present a plan to the inspector that includes future erosion and sedimentation controls, drainage, utility and street layout.
 - (3) Construction under a Site Plan or Subdivision Construction Plan may not begin unless the Development Services Director:
 - (a) Determines that the erosion and sedimentation controls and tree protection measures comply with City standards, as required under Subsection (B)(2); or
 - (b) Does not conduct an inspection on or before the fifth day after receiving the request.
- (C) **Changes to Erosion Control Sequencing.** After two days' notice to the permittee, the inspector may modify the approved erosion control and construction sequencing if the Development Services Director determines the plans are inadequate.

23-2H-1060 Reinspection Fee

- (A) The Development Services Director may charge a reinspection fee if, at the time the Director attempts to conduct an inspection, the permittee:
 - (1) Has not finished the work to be inspected;
 - (2) Has not finished corrections previously required by an inspector;
 - (3) Has not posted the Record Inspection Card;
 - (4) Does not make approved plans readily available to the inspector; or
 - (5) Does not provide access to the work on the scheduled inspection date.
- (B) Work that was rejected at the first inspection for failure to comply with a technical code may be reinspected without payment of a reinspection fee.
- (C) If a reinspection fee is due, additional inspections may not be performed until the reinspection fee is paid.

This page intentionally left blank

Division 23-2H-2: Subdivision Construction

Contents

23-2H-2010	Distribution of Approved Plans	1
23-2H-2020	Substantial Completion Notice	1
23-2H-2030	Final Inspection	1
23-2H-2040	Acceptance by the City	2

23-2H-2010 Distribution of Approved Plans

The responsible director shall distribute two copies of the released Subdivision Construction Plans and approved plan revisions to City departments responsible for inspections.

23-2H-2020 Substantial Completion Notice

- (A) Within nine days before work under a Subdivision Construction Plan is finished, the permittee shall notify the Development Services Director in writing that the work is substantially complete and request a list of work to be completed.
- (B) On the day that the permittee provides notice under Subsection (A), the consulting engineer will submit a construction summary report to the Development Services Director.

23-2H-2030 Final Inspection

- (A) Not later than seven days after the applicant gives written notice that work performed under a Subdivision Construction Plan is substantially complete, the Development Services Director must review the work and prepare a report identifying:
 - (1) Work that does not comply with the construction plans; and
 - (2) Work that must be performed before the final acceptance letter is issued.
- (B) When the permittee finishes the work listed in the report issued under Subsection (A), the Development Services Director shall modify the report to reflect that the required work is finished.

23-2H-2040 Acceptance by the City

- (A) **Purpose and Applicability.** This Section establishes requirements for the City's final acceptance of infrastructure and other improvements completed under a Subdivision Construction Plan.
- (B) **Onsite Meeting.** Prior to acceptance of work performed under a Subdivision Construction Plan, the Development Services Director shall schedule a final acceptance meeting at the site and shall invite appropriate parties, including the permittee, consulting engineer, and contractors, as well as staff from affected utility providers and City departments.
- (C) **Final Acceptance Letter.** The Development Services Director shall issue the final acceptance letter only after:
 - (1) Work identified in the Development Services Director's report is complete;
 - (2) The following items have been submitted:
 - (a) Construction summary report;
 - (b) Consulting engineer's concurrence letter;
 - (c) Reproducible plans, certified "as built" by the consulting engineer;
 - (d) Required one-year warranty bonds;
 - (e) Appropriate forms of payment for balances due, if any; and
 - (3) If the applicant executed a developer contract, the conditions of the contract have been satisfied.
- (D) If the applicant has not satisfied all requirements, the Development Services Director shall issue a list of requirements that the applicant must satisfy.

Division 23-2H-3: Site Construction and Inspection

Contents

23-2H-3010	Onsite Retention of Approved Plans	1
23-2H-3020	Grading, Drainage, and Water Quality Facilities.	1
23-2H-3030	Connection of Utilities	2

23-2H-3010 Onsite Retention of Approved Plans

The permittee shall retain copies of the approved plans at the site until all required inspections have been completed and the Development Services Director determines that the development complies with this Title.

23-2H-3020 Grading, Drainage, and Water Quality Facilities

- (A) During construction, the Development Services Director shall inspect land grading, drainage, detention and water quality control facilities to determine whether the facilities comply with the released Site Plan.
- (B) After completion of land grading, drainage, detention, and water quality control facilities, the design engineer must submit a letter to the Development Services Director stating that the project substantially complies with the approved construction plans before requesting final inspection.
- (C) The Development Services Director shall perform final inspection of the facilities after the design engineer submits the certification letter required under Subsection (B).
- (D) The Development Services Director may issue a Certificate of Occupancy or Certificate of Compliance only if:
 - (1) The land grading, drainage, detention, and water quality control facilities have been completed according to the approved plans and comply with the requirements of this Title and all applicable administrative criteria manuals; or
 - (2) Except in the Barton Springs Zone, before construction is complete if:
 - (a) The Development Services Director determines that the unfinished work is minor and that all site facilities can, as constructed, perform the functions for which they are required; and
 - (b) The permittee executes an agreement, on a form prescribed by the Development Services Director, requiring completion of all unfinished construction and posts fiscal surety in an amount and duration required by the Director.

23-2H-3030 Connection of Utilities

- (A) Except as provided in Subsection (B), City utilities may be provided to a property if:
 - (1) For property located in the zoning jurisdiction, the Development Services Director issues a Certificate of Occupancy for the building; or
 - (2) For a property located in the extraterritorial jurisdiction, the Development Services Director issues a Certificate of Compliance for the development and signs a final acceptance letter for the subdivision infrastructure.
- (B) If required erosion and sedimentation controls are complete, the Development Services Director may authorize a temporary electrical connection:
 - (1) To test building service equipment before a Certificate of Occupancy or Certificate of Compliance has been issued; or
 - (2) To provide electrical service to a building for which a temporary Certificate of Occupancy has been issued.

Division 23-2H-4: Certificates of Compliance and Occupancy

Contents

23-2H-4010	Certificate Required	1
23-2H-4020	Certificate of Occupancy	1
23-2H-4030	Certificate of Compliance.....	2
23-2H-4040	Temporary Certificate of Occupancy.....	2

23-2H-4010 Certificate Required

- (A) In the zoning jurisdiction and in a municipal utility district that has a consent agreement with the City requiring the issuance of a Building Permit, a person may not use, occupy, or change the existing use or occupancy of a structure unless the Building Official has issued a Certificate of Occupancy for the structure.
- (B) In the Planning Jurisdiction
 - (1) For development that requires a Site Plan, a person may not use or occupy the development included in the Site Plan unless the responsible director has issued Certificates of Compliance for the Site Plan and subdivision infrastructure; and
 - (2) For development that does not require a Site Plan, a person may not use or occupy a structure unless the responsible director has issued a Certificate of Compliance for the subdivision infrastructure.

23-2H-4020 Certificate of Occupancy

- (A) Except as provided in Section 23-2H-4040 (Temporary Certificate of Occupancy), the Building Official shall issue a Certificate of Occupancy if:
 - (1) The development has passed required inspections;
 - (2) The permittee provides required fiscal surety;
 - (3) The development has been completed in compliance with:
 - (a) The released Site Plan and other approved construction plans, as applicable; and
 - (b) All applicable provisions of this Title, except as provided under Section 23-2F-2030 (Exempt Residential Uses and Structures), and with any separately adopted ordinance requirements; and
 - (4) The Building Official has signed a final acceptance letter for any required subdivision infrastructure or, if applicable, the permittee has executed a developer agreement approved by the Development Services Director.

23-2H-4030 Certificate of Compliance

- (A) For development completed under a released Site Plan, the Development Services Director shall issue a Certificate of Compliance if the development complies with the Site Plan and with all applicable requirements of this Title.
- (B) For subdivision infrastructure, the Development Services Director shall issue a Certificate of Compliance if:
 - (1) In the extraterritorial jurisdiction, the responsible director has signed a final acceptance letter; or
 - (2) In the zoning jurisdiction, the Development Services Director has signed a final acceptance letter or, if applicable, the permittee has executed a developer agreement approved by the Director.

23-2H-4040 Temporary Certificate of Occupancy

- (A) A person may file an application with the Building Official for:
 - (1) A Temporary Certificate of Occupancy, for a building or structure that does not meet the requirements of Section 23-2H-4020 (Certificate of Occupancy); or
 - (2) A Temporary Certificate of Retail Occupancy, for a retail occupancy associated with a Temporary Use Permit for a retail use approved under Section 23-4B-1050 (Temporary Use Permit).
- (B) The Building Official may issue a Temporary Certificate of Occupancy if the Building Official determines that the proposed use or occupancy is not a hazard to life, health, or public safety.
- (C) The Development Services Director may adopt rules or guidelines for the issuance of temporary certificates under this Section, including limitations on the duration and number of temporary certificates that may be issued for a project.

Article 23-2I: Appeals

Contents

Division 23-2I-1: General Provisions

- 23-2I-1010 Purpose and Applicability
 - 23-2I-1020 Appeal of Administrative Decisions
 - 23-2I-1030 Deadline for Appeal
 - 23-2I-1040 Development Not Permitted During Appeal
 - 23-2I-1050 Appeals Process and Forms
-

Division 23-2I-2: Initiation and Processing of Appeals

- 23-2I-2010 Notice of Appeal
 - 23-2I-2020 Assignment of Appeals Board
 - 23-2I-2030 Meeting to Resolve Issues
 - 23-2I-2040 Tolling and Correction of Application
 - 23-2I-2050 Ex Parte Contacts Prohibited
-

Division 23-2I-3: Notification and Conduct of Public Hearing

- 23-2I-3010 Notification of Applicant and Presiding Officer
 - 23-2I-3020 Scheduling and Notice of Public Hearing
 - 23-2I-3030 Prehearing Submittals
 - 23-2I-3040 Staff Report and Case File
 - 23-2I-3050 Conduct of Appeal Hearing
-

Division 23-2I-4: Action on Appeal

- 23-2I-4010 Action on Appeal
- 23-2I-4020 Appellate Burden

This page intentionally left blank

Division 23-2I-1: General Provisions

Contents

23-2I-1010	Purpose and Applicability	1
23-2I-1020	Appeal of Administrative Decisions	1
23-2I-1030	Deadline for Appeal	2
23-2I-1040	Development Not Permitted During Appeal.....	2
23-2I-1050	Appeals Process and Forms.....	3

23-2I-1010 Purpose and Applicability

This Article establishes uniform procedures for the initiation, conduct, and disposition of administrative Appeals authorized under this Title. The purpose of these requirements is to fairly accommodate Appeal rights of persons aggrieved by City decisions, while also ensuring that Appeals are conducted fairly and expeditiously in a manner that protects the rights of all parties and ensures finality in development permitting and other land use decisions.

23-2I-1020 Appeal of Administrative Decisions

- (A) A person may appeal an administrative decision only if the person is an interested party under Section 23-2C-2020 (Interested Parties) and:
- (1) This Title specifically provides a Right of Appeal for the decision;
 - (2) The person provides comments as required under Subsection (B); and
 - (3) A notice of Appeal under Section 23-2I-2010 (Notice of Appeal) is submitted not later than the deadline specified under Section 23-2I-1030 (Deadline for Appeal).
- (B) In order to appeal an administrative decision for which public notice is provided, a person must have provided comments regarding the decision as required by this Subsection.
- (1) For a matter that is subject to a public hearing before a board or commission, a person must communicate an interest in the matter that is the subject of a public hearing by:
 - (a) Delivering a written statement that generally identifies the issues of concern to the body conducting the hearing, either before or during the public hearing; or
 - (b) Appearing and speaking on the record at the public hearing.
 - (2) For a matter that is subject to an administrative decision that requires notice under Section 23-2C-5010 (Notice of Application), a person must communicate an interest in the matter by delivering a written statement to the responsible director that:
 - (a) Generally identifies the issues of concern;
 - (b) Includes the person's name, telephone phone number, and mailing address; and
 - (c) Is delivered before the earliest date on which action on the application may occur.

- (3) Written comments provided under this Subsection are deemed to be delivered to the responsible director on the date that the comments are:
 - (a) Received by the responsible director or designated case manager, or
 - (b) Submitted by email if authorized by the responsible director.
- (C) If the responsible director determines that an applicant has failed to meet the requirements of this Section, the Appeal may not be considered.

23-2I-1030 Deadline for Appeal

- (A) In order to appeal an administrative decision, a notice of Appeal that meets the requirements of this Division and Section 23-2I-2010 (Notice of Appeal) must be filed with the responsible director no later than:
 - (1) The 14th day after the date of:
 - (a) An appealable decision by a board or commission;
 - (b) An appealable administrative decision for which notice is required to be provided under Section 23-2C-5020 (Notice of Administrative Decision); or
 - (2) The 7th day after an appealable administrative decision for which notice is not required.
- (B) The responsible director may not accept an Appeal submitted past the deadline required by this Section.

23-2I-1040 Development Not Permitted During Appeal

- (A) Development under an approved Site Plan may not occur during the time period in which an Appeal of the Site Plan may be initiated under Section 23-2I-1030 (Deadline for Appeal), except for site clearing.
- (B) Development under a Site Plan or Building Permit that is subject to an administrative Appeal may not occur pending final disposition of the Appeal, except for development activity that:
 - (1) Is necessary to protect public health and safety, as a determined by the Building Official; or
 - (2) Is limited to site clearing and minor construction that is unaffected by the issues under appeal.
- (C) A Site Plan or Building Permit is automatically suspended on the timely filing of an Appeal of the Site Plan or Building Permit under this Article. The responsible director may post a stop work order on the property, if necessary, to enforce this requirement.

23-21-1050 Appeals Process and Forms

The responsible director shall designate one or more department staff to receive administrative Appeals and shall make relevant information regarding the Appeals process, including forms required by Section 23-21-2010 (Notice of Appeal), available on the City of Austin website.

This page intentionally left blank

Division 23-2I-2: Initiation and Processing of Appeals

Contents

23-2I-2010	Notice of Appeal	1
23-2I-2020	Assignment of Appeals Board	1
23-2I-2030	Meeting to Resolve Issues	2
23-2I-2040	Tolling and Correction of Application	2
23-2I-2050	Ex Parte Contacts Prohibited	2

23-2I-2010 Notice of Appeal

- (A) To initiate an Appeal under this Article, a notice of Appeal must be filed on a form prescribed by the responsible director and must include:
 - (1) The name, address, and telephone number of the appellant;
 - (2) The name of the applicant, if the decision sought to be appealed is a Site Plan or Building Permit and the appellant is not the applicant;
 - (3) The decision being appealed;
 - (4) The date of the decision;
 - (5) A description of the appellant's status as an interested party under Section 23-2C-2020 (Interested Parties);
 - (6) A statement of the reasons the appellant believes the decision does not comply with the applicable code requirements or approval criteria, including citations to relevant sections of this Title; and
 - (7) An Appeal fee established by separate ordinance.
- (B) A notice of Appeal may not be accepted as timely unless it meets the requirements in Subsection (A) on or before the deadline specified under Section 23-2I-1030 (Deadline for Appeal). The responsible director may allow an appellant to supplement a notice of Appeal after the applicable deadline has passed only if the additional information is not required to satisfy the requirements of this Section.

23-2I-2020 Assignment of Appeals Board

- (A) If a notice of Appeal meets the requirements of Sections 23-2I-1020 (Appeal of Administrative Decisions), 23-2I-1030 (Deadline for Appeal) and 23-2I-2010 (Notice of Appeal), the responsible director shall assign the Appeal to the appropriate board in compliance with this Section.
- (B) An Appeal that challenges the responsible director's interpretation or application of Chapter 23-4 (Zoning Code), or a separately adopted zoning ordinance, shall be heard by the Board of Adjustment.

- (C) An Appeal that challenges the responsible director's interpretation or application of the Building Code, Residential Code, Mechanical Code, Plumbing Code, or Solar Energy Code, as adopted under Chapter 23-11 (Technical Codes), shall be heard by the Building and Fire Code Board of Appeals or other appropriate technical code board, as determined by the responsible director.
- (D) An Appeal that challenges the responsible director's interpretation of requirements other than zoning regulations or technical codes shall be heard by the Land Use Commission.
- (E) If an Appeal challenges the responsible director's interpretation or application of multiple codes falling within the jurisdiction of more than one body, the responsible director may divide the Appeal into separate cases and assign each case to the appropriate board.
- (F) An Appeal authorized to be heard by the Council shall be assigned to the Council in compliance with the applicable requirements.

23-2I-2030 Meeting to Resolve Issues

The responsible director may meet with interested parties to an Appeal of an administrative decision, individually or jointly, to discuss and attempt to resolve issues raised by the Appeal.

23-2I-2040 Tolling and Correction of Application

- (A) A timely filed Appeal tolls the expiration period for the administrative decision under Article 23-2I (Appeals).
- (B) An applicant for a Site Plan or Building Permit that is subject to Appeal may process changes to the application as an administrative correction, without further notification, in order to address issues raised in an administrative Appeal or by comments submitted from interested parties under Section 23-2I-1020 (Appeal of Administrative Decisions).

23-2I-2050 Ex Parte Contacts Prohibited

- (A) A member of a board assigned to hear an Appeal under Section 23-2I-2020 (Assignment of Appeals Board) shall follow the requirements of this Section prior to final disposition of the Appeal and the expiration of any applicable period for seeking reconsideration or judicial review.
- (B) A board member may not communicate regarding issues relevant to an Appeal with interested parties or members of the public outside of a public meeting. Communications with a staff or executive liaison designated under Section 2-1-7 (Staff Support) or with legal counsel are permitted.
- (C) A board member that receives material information regarding an Appeal that is not made available to other board members and to interested parties is disqualified from participating in the case unless the board member publicly discloses the information and its source as soon as reasonably possible.

- (D) A board member may disqualify him or herself if an interested party or other individual has sought to influence the member's vote other than at a public meeting on the Appeal.
- (E) A board member may not investigate an Appeal other than routine site visits.

This page intentionally left blank

Division 23-2I-3: Notification and Conduct of Public Hearing

Contents

23-2I-3010	Notification of Applicant and Presiding Officer	1
23-2I-3020	Scheduling and Notice of Public Hearing	1
23-2I-3030	Prehearing Submittals	2
23-2I-3040	Staff Report and Case File	2
23-2I-3050	Conduct of Appeal Hearing	2

23-2I-3010 Notification of Applicant and Presiding Officer

- (A) The responsible director shall notify an applicant in writing if an interested party has provided comments under Section 23-2I-1020 (Appeal of Administrative Decisions) on a pending application for which a Right of Appeal is provided under this Title. If practicable, the notification shall be provided before the responsible director approves or denies the application.
- (B) On receipt of a timely filed notice of Appeal under Section 23-2I-1030 (Deadline for Appeal), the responsible director shall promptly notify the applicant, if the applicant is not the appellant, and the presiding officer or staff liaison of the body to which the Appeal is assigned.

23-2I-3020 Scheduling and Notice of Public Hearing

- (A) A public hearing on an Appeal shall be scheduled for the first available meeting for which notice of the hearing can be timely provided, except that a permit holder may agree to a later date if a permit or other development approval is appealed by an interested party or is subject to suspension or revocation under Division 23-2J-2 (Suspension and Revocation).
- (B) If an Appeal challenges a development approval or other administrative decision associated with a particular address, the responsible director shall provide notice of the public hearing under Section 23-2C-4020 (Type 1 Public Hearing Notice).
- (C) If an Appeal challenges a code interpretation or other administrative decision that is not associated with a particular address, the responsible director shall provide notice of the public hearing under Section 23-2C-4040 (Type 2 Public Hearing Notice).
- (D) If an Appeal concerns issues with potential to impact particular individuals or groups who are not parties to the Appeal or otherwise entitled to notification, the responsible director may provide additional notice as deemed appropriate.

23-2I-3030 Prehearing Submittals

- (A) The executive liaison designated under Section 2-1-7 (Staff Support) for a board with authority to hear an administrative Appeal shall establish an orderly process for the submittal of materials to be considered at a public hearing on an Appeal. The process must be posted on the city website along with Appeal forms and other materials as required by Section 23-2I-1050 (Appeals Process and Forms).
- (B) The process adopted under this Section must, to the greatest extent possible, require that materials be submitted in a timely manner so that parties to the Appeal and members of the board have an opportunity review the materials in advance of the public hearing.

23-2I-3040 Staff Report and Case File

- (A) After an Appeal is assigned to the appropriate board under Section 23-2I-2020 (Assignment of Appeals Board), the responsible director shall make the case file available for inspection and copying by the board chair.
- (B) The responsible director shall submit a staff report to the board liaison prior to the hearing in compliance with guidelines adopted under Section 23-2I-3030 (Prehearing Submittals). The report must explain the basis of the responsible director's decision and reference relevant documents in support of the decision.
- (C) A use determination issued by the Planning Director under Section 23-4B-2010 (Use Determinations) or a code interpretation issued under Section 23-4B-2010 (Code Interpretations) satisfies the requirement for a staff report under Subsection (B). A supplemental report may be provided, but is not required.

23-2I-3050 Conduct of Appeal Hearing

- (A) Before opening a public hearing, a body hearing an Appeal shall decide preliminary issues raised by the parties, including requests:
 - (1) To postpone or continue the hearing; or
 - (2) To allow the submittal of evidence not timely provided to the board liaison as required by Section 23-2I-3030 (Prehearing Submittals).
- (B) A public hearing on an Appeal must be conducted to ensure a full airing of the relevant issues and to minimize irrelevant or redundant testimony. To the extent practicable, an Appeal must follow the order prescribed in this Subsection.
- (C) Presentations must occur in the following order if an Appeal is brought by an applicant for a development approval, other administrative decision, or a party challenging the issuance of an enforcement order:
 - (1) A report from City staff explaining the basis of the responsible director's decision;
 - (2) Comments by individuals in support of the responsible director's decision;
 - (3) A main presentation by the appellant or the appellant's representative in opposition to the responsible director's decision; and
 - (4) Comments by other individuals opposed to the responsible director's decision.

- (D) Presentations must occur in the following order if an Appeal is brought by an interested party, other than the applicant, challenging the approval of a permit or Site Plan:
- (1) A report from city staff explaining the basis for the responsible director's decision;
 - (2) A main presentation by the appellant or the appellant's representative in opposition to the responsible director's decision;
 - (3) Comments by other individuals opposed to the responsible director's decision;
 - (4) A main presentation by the permit applicant or the applicant's representative in support of the responsible director's decision; and
 - (5) Comments by other individuals in support of the responsible director's decision.
- (E) In conducting a public hearing under the Section, the chair of a body considering an Appeal may:
- (1) Impose appropriate time limits on testimony, provided that both parties to an Appeal, or their representatives, are given approximately equal time;
 - (2) If an Appeal is filed by multiple interested parties who share a common position, require a consolidated presentation or limit the amount of time available to each appellant;
 - (3) Limit comments by non-parties to minimize irrelevant or testimony; and
 - (4) Allow rebuttal by an appellant.

This page intentionally left blank

Division 23-2I-4: Action on Appeal

Contents

23-2I-4010	Action on Appeal	1
23-2I-4020	Appellate Burden.	1

23-2I-4010 Action on Appeal

- (A) The After closing a public hearing on an Appeal, the body considering an Appeal may uphold, modify, or reverse the decision under Appeal. Unless otherwise provided by this Title, the body considering an Appeal may exercise the authority of the decision-maker whose decision is under appeal.
- (B) In acting on an Appeal, a board shall:
 - (1) State whether the decision is upheld, reversed, or modified; and
 - (2) Include other findings as may be required under this Title, the body’s rules of procedure, or state law.

23-2I-4020 Appellate Burden

- (A) Except as provided in Subsection (B), a body considering an Appeal may not reverse or modify a decision under Appeal unless the appellant establishes by clear and convincing evidence that the decision is contrary to applicable regulations within the jurisdiction of the board considering the Appeal.
- (B) In considering an Appeal of an enforcement order under Section 23-2J-4020 (Appeal of Enforcement Orders), the responsible director who issued the order bears the burden of proving the violations cited in the order by clear and convincing evidence. A board considering an Appeal of an enforcement order may reverse or modify the order, as appropriate, if the responsible director fails to demonstrate the violations.

This page intentionally left blank

Article 23-2J: Enforcement

Contents

Division 23-2J-1: General Provisions

23-2J-1010	Authority to Enforce
23-2J-1020	General Offenses and Violations
23-2J-1030	Criminal Offenses
23-2J-1040	Inspection and Entry
23-2J-1050	Copy of Approved Plans

Division 23-2J-2: Suspension and Revocation

23-2J-2010	Purpose and Applicability
23-2J-2020	Suspension of Development Approval
23-2J-2030	Revocation After Suspension
23-2J-2040	Notice of Intent to Suspend or Revoke

Division 23-2J-3: Enforcement Orders

23-2J-3010	Stop Work Order
23-2J-3020	Order to Remove or Restore
23-2J-2030	Order to Clear Public Right-of-Way

Division 23-2J-4: Appeal Procedures

23-2J-4010	Purpose and Applicability
23-2J-4020	Appeal of Enforcement Orders
23-2J-4030	Notice and Hearing on Enforcement Appeal
23-2J-4040	Action by Board on Enforcement Appeal
23-2J-4050	Compliance Pending Appeal

This page intentionally left blank

Division 23-2J-1: General Provisions

Contents

23-2J-1010	Authority to Enforce	1
23-2J-1020	General Offenses and Violations	1
23-2J-1030	Criminal Offenses	2
23-2J-1040	Inspection and Entry	2
23-2J-1050	Copy of Approved Plans	3

23-2J-1010 Authority to Enforce

- (A) This Article authorizes the responsible director or Building Official to suspend and revoke permits and other development approvals issued under this Title, and to order that construction activity cease, if the responsible director or Building Official determines that a violation of this Title exists.
- (B) In addition to the administrative remedies authorized under this Article, the responsible director, Building Official, and other City staff charged with enforcement of this Title may take any lawful and appropriate action to prevent or abate the violation of this Title, including:
 - (1) The issuance of issue municipal court citations;
 - (2) The institution of legal action in a court of competent jurisdiction; and
 - (3) Termination of utility service.

23-2J-1020 General Offenses and Violations

- (A) **Unpermitted Development Prohibited.** In addition to offenses and violations which are generally declared and established under Section 1-1-99 (Offenses; General Penalty) of the City Code, it is an offense and a violation of this Title:
 - (1) To use, occupy, construct, alter, convert, or maintain any building or structure:
 - (a) For which a permit or other development approval required by this Title has not been properly issued; or
 - (b) In violation of a permit or other development approval issued under this Title.
 - (2) To use or develop land:
 - (a) For which a permit or other development approval required by this Title has not been issued; or
 - (b) In violation of a permit or other development approval issued under this Title.

- (B) **Conditions of Development Approval.** For purposes of Subsection (A), a “violation of a permit or other development approval issued under this Title” includes any use, occupancy, construction, alteration, or conversion that is inconsistent with:
 - (1) Development approved by a permit or other development approval; or
 - (2) Any condition imposed on a permit or other development approval, whether or not the condition is codified or uncoded.

23-2J-1030 Criminal Offenses

- (A) A person who violates a provision of this Title commits a separate offense for each day the violation continues.
- (B) A person who violates this Title commits a misdemeanor punishable by a fine not to exceed \$2,000.
- (C) A culpable mental state is not required, and need not be proved, for fines of \$500 or less.
- (D) A person who violates Chapter 23-11 (Technical Codes) commits a misdemeanor punishable by a fine not to exceed \$2,000 and not less than:
 - (1) \$150 for a first conviction;
 - (2) \$250 for a second conviction; and
 - (3) \$500 for a third or subsequent conviction.

23-2J-1040 Inspection and Entry

- (A) **Authority to Inspect and Enter.** A person must, as a condition to the issuance of any permit or development approval under this Title, agree to allow City inspectors to enter and inspect any land, facilities, and structures included in the permit application. Submittal of an application for a permit or other development approval that authorizes construction of structures or improvements shall be construed as a grant of authority to the responsible director or Building Official to enter on land subject to the application for purposes of enforcement and inspection in connection with an approved permit.
- (B) **Termination of Authorization.** The City’s authorization to enter and inspect land, facilities, and structures under Subsection (A) ceases when all inspections required for compliance with this Title have been approved and the responsible director or Building Official issues a final Certificate of Occupancy or Certificate of Compliance.
- (C) **Manner of Inspection and Entry.** In conducting inspections authorized by this Section, a City inspector shall present the inspector’s credentials and limit inspections to reasonable times at or near normal working hours, except in cases of emergency. If the premises are unoccupied, the inspector shall attempt to contact a responsible person before entering the property.

23-2J-1050 Copy of Approved Plans

- (A) **Released Site Plan.** A copy of a released Site Plan must be kept on the premises included in the Site Plan application until all required Certificates of Occupancy or Certificates of Compliance have been approved. A permittee or contractor shall keep a copy of the released Site Plan onsite and allow a City inspector to examine it on request.
- (B) **Right-of-Way Use Permit.** If work authorized by this Title requires a right-of-way use permit, the permittee or contractor shall keep a copy of the Right-of-Way Use Permit in an accessible place on the construction site or business premises during the period in which the permit authorizes use of the right-of-way. The permit must state the name of the site manager, supervisor, project superintendent, or prime contractor to be contacted by the inspector or police officer if problems exist.
- (C) **Evidence of Violation.** A permittee or contractor's failure to produce a copy of a released Site Plan or right-of-way use permit on request by a City inspector, as required by this Section, is prima facie evidence that a Site Plan or Right-of-Way Use Permit does not exist.

This page intentionally left blank

Division 23-2J-2: Suspension and Revocation

Contents

23-2J-2010	Purpose and Applicability	1
23-2J-2020	Suspension of Development Approval	1
23-2J-2030	Revocation After Suspension.....	2
23-2J-2040	Notice of Intent to Suspend or Revoke	3

23-2J-2010 Purpose and Applicability

- (A) This Division establishes procedures by which the responsible director or Building Official may suspend or revoke a permit or other development approval to stop construction from occurring or continuing in violation of this Title and to terminate occupancy of a structure which violates this Title.
- (B) The purpose of these procedures is to prevent violations of this Title from occurring and, where violations exist, require permittees and landowners to take actions necessary to achieve compliance.
- (C) The procedures established in this Division apply to all development approvals and permits issued under this Title, whether or not the permit or approval is specifically listed.

23-2J-2020 Suspension of Development Approval

- (A) **Authority to Suspend.** The responsible director or Building Official may suspend a development approval issued under this Title, including an approved or released Site Plan, a Building Permit, a license, Subdivision Construction Plans, Variance or Special Exception, Right-of-Way Use Permit, or a Certificate of Occupancy, if the responsible director or Building Official determines that:
 - (1) The site has been developed in a manner not authorized by the approval or otherwise in violation of this Title;
 - (2) The permit holder has not complied with a condition of the approval;
 - (3) The approval was secured with false or misleading information; or
 - (4) The approval was issued in error.

(B) Contents and Notice of Suspension

- (1) A suspension order issued under this Section:
 - (a) Must generally describe the applicable grounds for the suspension under Subsection (A) of this Section, including the nature of any violations found to exist on the site or errors in development approvals previously issued;
 - (b) May include a notice of intent to revoke under Section 23-2J-2040 (Notice of Intent to Suspend or Revoke) if compliance is not achieved by a specified date; and
 - (c) May be tied to a Stop Work Order posted on the site consistent with Section 23-2J-3010 (Stop Work Order).
- (2) The responsible director or Building Official shall give notice by certified mail, return receipt requested, in compliance with Division 23-2C-2 (Notice Requirements), of a suspension under this Division and may post the order at the affected property if the suspension is associated with a Stop Work Order issued under Section 23-2J-3010 (Stop Work Order).

(C) Effect of Suspension Order

- (1) Development may not occur on a site that is subject to a suspension order unless approved by the responsible director or Building Official to protect public health and safety or to complete previously approved work that is unaffected by the violations cited in the order.
- (2) A suspension order is effective immediately upon mailing or posting under Subsection (B)(2) and remains in effect unless lifted by the responsible director or Building Official.

- (D) Corrections or Revisions Authorized.** The responsible director or Building Official may allow an applicant to make corrections or revisions to a Site Plan or other development approval that is subject to a suspension order under this Section, as needed to achieve compliance with the requirements of this Title.

23-2J-2030 Revocation After Suspension

- (A) Authority to Revoke.** The responsible director or Building Official may immediately revoke a permit or other development approval that has been suspended under Section 23-2J-2020 (Suspension of Development Approval) if the responsible director or Building Official determines that the permittee or landowner:
- (1) Did not comply with the applicable requirements of this Title by the date required under Section 23-2J-2040 (Notice of Intent to Suspend or Revoke) or, if a compliance date was not specified, within a reasonable time as determined by the responsible director or Building Official; or
 - (2) During the suspension, did not comply with other requirements of this Title besides those cited in the original suspension.
- (B) Contents and Notice of Revocation.** A revocation order must include the same information and be mailed or posted in the same manner as a suspension order under Section 23-2J-2020(B) (Contents and Notice of Suspension).

- (C) **Effect of Revocation.** A permit or other development approval that is revoked under this Section is void and may not be reactivated or corrected, except as provided under Section 23-2J-4020 (Appeal of Enforcement Order). Following issuance of a revocation order, no corrections can be made to the permit or other development approval to which the revocation applies and a new application is required to further develop the property.

23-2J-2040 Notice of Intent to Suspend or Revoke

- (A) The responsible director or Building Official may give written notice to the person affected by the official's intent to suspend or revoke a permit or other development approval issued under this Title.
- (B) A notice of intent issued under this Section:
- (1) Must explain the basis for suspension or revocation and specify the corrective actions required to achieve compliance with this Title; and
 - (2) May specify a reasonable time in which corrective actions must be taken to avoid suspension or revocation.
- (C) If a notice of intent issued in compliance with this Section specifies a time for compliance, the responsible director or Building Official may not issue a suspension or revocation order before the time for compliance has expired. The responsible director or Building Official may extend the time for compliance specified in notice of intent for good cause, including demonstrated efforts by a landowner or permittee to achieve compliance with this Title.

This page intentionally left blank

Division 23-2J-3: Enforcement Orders

Contents

23-2J-3010	Stop Work Order	1
23-2J-3020	Order to Remove or Restore	2
23-2J-2030	Order to Clear Public Right-of-Way.....	2

23-2J-3010 Stop Work Order

- (A) **Authority to Stop Work.** If the responsible director or Building Official determines that a person required to obtain a Site Plan, Building Permit, Subdivision Construction Plan, or other development approval has not complied with a requirement of this Title, the responsible director may issue a Stop Work Order requiring the person to stop the development of, or transportation of construction material to, the site until the person complies with the requirements of this Title.
- (B) **Contents and Notice of Stop Work Order.** A Stop Work Order must generally describe the violations of this Title found to exist and the actions required to achieve compliance. The responsible director or Building Official shall post the Stop Work Order at the affected property and mail a copy of the order to the permittee or landowner.
- (C) **Effect of Stop Work Order.** Except for remedial actions authorized by the responsible director or Building Official under Subsection (D), the limitations established in this Subsection apply immediately upon posting a Stop Work Order and remain effective until the order is lifted by the responsible director or Building Official.
 - (1) While a Stop Work Order remains in effect a City inspection may not be performed, work requiring an inspection may not be approved, and a person may not connect a utility at the site.
 - (2) If a Stop Work Order is based on a failed inspection, a person may not further develop the site unless the development passes a re-inspection and the Stop Work Order is lifted.
 - (3) If a Stop Work Order is based on a pending appeal in compliance with Article 23-2I (Appeals), a person may not further develop the site unless the appeal is finally resolved and the Stop Work Order is lifted.
 - (4) If a Stop Work Order is based on a health or safety hazard, a person may not further develop the site unless the responsible director or Building Official determines that the development complies with the requirements of this Title and the Stop Work Order is lifted.

- (5) If a Stop Work Order is based on a violation of the requirements of this Title for a right-of-way use permit, the order must:
 - (a) State that no work may be performed at the site if traffic is obstructed, unless the person obtains a right-of-way use permit;
 - (b) State that noncompliance may result in the immediate removal of an obstruction from the right-of-way and the arrest of an equipment operator; and
 - (c) Require the immediate removal of an obstruction or traffic control device in the public right-of-way.
- (D) **Remedial Actions Authorized.** While a Stop Work Order remains in effect, the responsible director or Building Official may allow a permittee or landowner to take actions required to secure the site and to achieve compliance with requirements of this Title necessary to protect public health and safety.

23-2J-3020 Order to Remove or Restore

- (A) **Authority to Require Removal or Restoration.** If the Building Official determines that building service equipment regulated by Chapter 23-11 (Technical Codes) is hazardous to life, health, or property, the Building Official may order that the equipment be removed or restored to a safe condition.
- (B) **Contents and Notice of Order to Remove or Restore.** A restoration or removal order issued under this Section must generally describe the violations found to exist, the actions required to comply, and the date by which compliance must be achieved. The Building Official shall post a restoration or removal order at the affected property and mail a copy of the order to the permittee or landowner.
- (C) **Effect of Order to Remove or Restore.** If a removal or restoration order is posted under this Section, a person may not use or maintain building service equipment unless the Building Official lifts the order.

23-2J-3030 Order to Clear Public Right-of-Way

- (A) If a person fails to comply with Chapter 23-9B (Right-Of-Way and Transportation Improvements), or with the terms of a right-of-way use permit issued under that Chapter, a police officer may order the person to immediately stop obstructing traffic and remove the obstruction from the public right-of-way. The police officer may:
 - (1) Impound a vehicle, machinery, or equipment;
 - (2) Order the driver to proceed to the Police Department;
 - (3) Remove a barricade or traffic diverting device;
 - (4) Issue a citation to a person who authorized or caused the violation; and
 - (5) Arrest a person who does not comply with the order.
- (B) A warning under this Section is effective immediately and may be made orally or in writing.

Division 23-2J-4: Appeal Procedures

Contents

23-2J-4010	Purpose and Applicability	1
23-2J-4020	Appeal of Enforcement Orders	1
23-2J-4030	Notice and Hearing on Enforcement Appeal	2
23-2J-4040	Action by Board on Enforcement Appeal	3
23-2J-4050	Compliance Pending Appeal	3

23-2J-4010 Purpose and Applicability

- (A) This Division establishes procedures for administrative appeals of suspensions, revocations, Stop Work Orders, and other enforcement actions authorized under this Article. These procedures afford due process to property owners and other persons affected by the issuance of enforcement orders, while ensuring that decisions which affect development permits are resolved in a timely and efficient manner.
- (B) An appeal of an enforcement action under this Article must meet the requirements of Division 23-2I (Appeals), except as provided in this Division.

23-2J-4020 Appeal of Enforcement Orders

- (A) **Right to Appeal.** A person who is subject a suspension, revocation, stop work, or other order under this Article may appeal the order consistent with the requirements of this Section. A warning letter or a notice of intent issued under Section 23-2J-2040 (Notice of Intent to Suspend or Revoke) may not be appealed.
- (B) **Requirements for Appeal**
 - (1) An appeal of an enforcement order under this Article must be initiated and processed in the manner provided in compliance with Article 23-2I (Appeals). The responsible director or Building Official shall assign an appeal to the appropriate board or commission, as determined in compliance with Section 23-2I-2020 (Assignment of Appeals Board).
 - (2) The 14-day appeal deadline required in compliance with Section 23-2I-1030 (Deadline for Appeal) begins to run on:
 - (a) The date the responsible director or Building Official decides a request for reconsideration under Subsection (C); or
 - (b) If reconsideration is waived or is not requested, the later of the following dates:
 - (i) The date the order is received by the permittee or landowner; or
 - (ii) The date the order is posted at the property.

- (C) **Reconsideration Prior to Appeal.** A person must request that the responsible director or Building Official reconsider an enforcement order before the order may be appealed to a board or commission, except as provided in Subsection (C)(4).
- (1) A request for reconsideration must be delivered to the responsible director or Building Official not later than the third day after the order is posted at the property or received by the permittee or landowner. The notice must identify the name of the permittee or landowner, the order for which reconsideration is sought, and the reasons the permittee believes the order is incorrect or was issued erroneously.
 - (2) The responsible director or Building Official shall schedule a hearing with the permittee or landowner for not later than the third working day after reconsideration is requested, unless the applicant waives the right to a hearing or agrees to a later date. At the hearing, the landowner or permittee and City staff may offer testimony regarding the order for which reconsideration is requested.
 - (3) The responsible director or Building Official shall affirm or reverse the order under review not later than the second working day after the hearing. The responsible director or Building Official shall give written notice of the decision and a statement or reasons to the permittee or landowner.
 - (4) The responsible director or Building Official may waive the requirement to request reconsideration under this Subsection or may extend the 3-day deadline based on good cause shown.
- (D) **Consolidation of Related Appeals**
- (1) If a Stop Work Order is associated with a suspension or revocation order, an appeal of the Stop Work Order or the suspension or revocation order constitutes an appeal of both orders and the cases shall be heard as a consolidated appeal.
 - (2) A Stop Work Order may not be separately appealed if it is posted under Section 23-21-1040 (Development Not Permitted During Appeal) in order to prohibit development pending final disposition of an appeal of the Site Plan or Building Permit associated with the property.

23-2J-4030 Notice and Hearing on Enforcement Appeal

- (A) Unless the appellant agrees to a later time, the responsible director or Building Official shall schedule a public hearing on an enforcement appeal before the appropriate board or commission no later than the next regular meeting for which notice may be timely provided under Subsection (B).
- (B) Notice of a hearing on an appeal shall be given by mailing notice before the tenth day of the date of the hearing to:
 - (1) The appellant;
 - (2) The notice owner of the subject property, if any; and
 - (3) Individuals or organizations who made complaints leading to issuance of the enforcement order or who have registered an interest in the matter.
- (C) A board hearing an appeal under this Section is subject to Section 23-21-2050 (Ex Parte Contacts Prohibited) and shall conduct the hearing in compliance with Section 23-21-3050(C) (Conduct of Appeal Hearing).

23-2J-4040 Action by Board on Enforcement Appeal

- (A) **Action on Appeal.** After conducting a hearing under Section 23-2J-4030 (Hearing on Enforcement Appeal), the board shall:
 - (1) Uphold the order, if the board finds that each violation alleged in the order is supported by substantial evidence;
 - (2) Modify the order, if the board finds that some of the violations alleged in the order are supported by substantial evidence and others are not;
 - (3) Reverse the order, if the board finds that none of the violations alleged in the order are supported by substantial evidence; or
 - (4) Postpone action on the appeal in order to allow the appellant additional time to comply or for other reasons as the board deems just.
- (B) **Limitations on Board Authority.** A body considering an appeal under this Section may only exercise the authority of the official whose decision is appealed, except as provided in Subsection (C).
- (C) **Board of Adjustment Variance or Special Exception.** In addition to the actions authorized in compliance with Subsection (A), the Board of Adjustment may grant a Variance or Special Exception in compliance with Division 23-4B-4 (Variances and Special Exceptions) for any zoning regulation alleged to be violated by the order under appeal.
- (D) **Effect of Action Upholding Suspension.** If a board acts to uphold a suspension or revocation order in compliance with Subsection (A), the permit or other approval subject to the order is automatically revoked without further action by the responsible director or Building Official.

23-2J-4050 Compliance Pending Appeal

- (A) Prior to final action by a board assigned to hear an appeal in compliance with Section 23-2I-2020 (Assignment of Appeals Board), the responsible director or Building Official may attempt to resolve the alleged violations by meeting with the appellant or other parties with an interest in the matter, conducting site inspections, or taking other actions deemed appropriate to achieve compliance.
- (B) If the responsible director or Building Official determines that compliance has been achieved, the responsible director may rescind the order and withdraw the matter from consideration by the board previously assigned to hear the appeal.
- (C) If the responsible director or Building Official determines that partial compliance has been achieved or that additional violations exist on the property, the responsible director may amend the original order to:
 - (1) Eliminate violations alleged in the original order; or
 - (2) No later than three days prior to a hearing scheduled on the appeal, add additional violations not cited in the original order.

This page intentionally left blank

Article 23-2K: Vested Rights

Contents

Division 23-2K-1: Petition and Review Procedures

- 23-2K-1010 Definitions
 - 23-2K-1020 Purpose and Applicability
 - 23-2K-1030 Vested Rights Petition Required
 - 23-2K-1040 Contents of Vested Rights Petition
 - 23-2K-1050 Fair Notice Application
 - 23-2K-1060 Completeness Review for Vested Rights Petition
-

Division 23-2K-2: Vested Rights Determinations

- 23-2K-2010 Vested Rights Determination
 - 23-2K-2020 Criteria for Approval
 - 23-2K-2030 Effect of Vested Rights Determination
 - 23-2K-2040 Project Consent Agreements
 - 23-2K-2050 Administrative Guidelines
-

Division 23-2K-3: Expiration

- 23-2K-3010 General Expiration Requirements
- 23-2K-3020 Expiration of Projects Begun on or After June 23, 2014
- 23-2K-3030 Managed Growth Agreements
- 23-2K-3040 Dormant Projects

This page intentionally left blank

Division 23-2K-1: Petition and Review Procedures

Contents

23-2K-1010	Definitions	1
23-2K-1020	Purpose and Applicability	2
23-2K-1030	Vested Rights Petition Required	2
23-2K-1040	Contents of Vested Rights Petition	2
23-2K-1050	Fair Notice Application	3
23-2K-1060	Completeness Review for Vested Rights Petition	3

23-2K-1010 Definitions

- (A) In this Article, "permit," "project," and "regulatory agency" have the meanings assigned to them by Chapter 245 of the Local Government Code.
- (B) **TYPE 1 (CHAPTER 245) PETITION** means a vested rights petition that alleges rights under Chapter 245 of the Local Government Code to develop property under ordinances, regulations, or rules other than those in effect on the date the permit application is submitted.
- (C) **TYPE 2 (CONTINUING USE) PETITION** means a vested rights petition that alleges rights under Section 43.002 of the Local Government Code to continue or begin a land use that was begun or planned prior to annexation of the land by the City of Austin.
- (D) **VESTING DATE** means the date on which a project accrued development rights under Chapter 245 or use rights under Section 43.002 of the Local Government Code.
- (E) **VESTED RIGHTS** means a right conferred by state law to develop property under ordinances, regulations, or rules other than those in effect on the date a permit application is submitted. The term includes statutory development rights under Chapter 245 and use rights under Section 43.002 of the Local Government Code, but does not include a right existing under common law.
- (F) **VESTED RIGHTS PETITION** or **PETITION** means a petition requesting a determination of development rights under Chapter 245 or use rights under Section 43.002 of the Local Government Code.

23-2K-1020 Purpose and Applicability

- (A) This Article establishes requirements for determining whether a project is entitled to vested rights under Chapter 245 or Section 43.002 of the Local Government Code. To the extent a project is entitled to vested rights, a permit necessary to initiate, continue, or complete the project may be exempt from current regulations.
- (B) The purpose of this Article is to:
 - (1) Establish a clear and consistent process for evaluating vested rights claims;
 - (2) Ensure that vested rights determinations are based on accurate and complete information, including the nature and scope of the original project for which vested rights are asserted and actual development, if any, that has occurred over time; and

- (3) Recognize legitimate claims of vested rights under state law, while ensuring that new development complies to the greatest extent possible with current regulations.
- (C) The requirements of this Article apply within the planning jurisdiction.

23-2K-1030 Vested Rights Petition Required

A petition for vested rights that meets the requirements of Section 23-2K-1040 (Contents of Vested Rights Petition) must be submitted by a landowner or a landowner's agent in order to request that an application for a permit be reviewed under ordinances, regulations, or rules other than those in effect on the date the application is filed.

23-2K-1040 Contents of Vested Rights Petition

- (A) Except as provided in Subsection (B), a petition for vested rights required by Section 23-2K-1030 (Vested Rights Petition Required) must be submitted on a form approved by the responsible director and must include, at a minimum, the following information:
 - (1) Reference to one of the following applications, which must be submitted concurrent with the vested rights petition:
 - (a) A permit application for development of the property; or
 - (b) A development plan, on a form provided by the responsible director, that establishes the nature of the permit sought, including the scope and intensity of proposed development and the type of land use, but need not include construction-level detail;
 - (2) A summary of the basis on which the applicant claims vested rights;
 - (3) The date on which the applicant claims that vested rights accrued and any permit or Fair Notice application that was submitted on that date; and
 - (4) A complete chronological history of the project for which vested rights are claimed, including:
 - (a) A list of permits for development of the property, along with supporting documents, that were issued or applied for after the date the applicant claims that vested rights accrued;
 - (b) A description of any permitted or unpermitted development that occurred on the property after the date the applicant claims that vested rights accrued;
 - (c) A description of existing development on the property, regardless of whether the development is permitted or unpermitted;
 - (d) A list of all annexations and zoning changes affecting the property, if any;
 - (e) Any covenants, conditions, or restrictions recorded in the deed records for the property; and
 - (f) If deemed relevant by the director, evidence regarding progress towards completion of the project under Section 23-2K-3040 (Dormant Projects).

- (B) The responsible director may allow an applicant to omit information required under this Section if, in the sole judgment of the director, an application is associated with a project for which vested rights have been conclusively established by a prior vested rights determination or by a court order, settlement agreement, or Project Consent Agreement approved by the Council.

23-2K-1050 Fair Notice Application

- (A) A Fair Notice Application may be used in lieu of a permit application to establish vested rights for a new project.
- (B) The responsible director shall adopt a Fair Notice Application, which may be used to establish a vesting date for a new project that is filed for review under current regulations and for which no prior permits have been sought. The application must include a proposed plan for development of the property, including the scope and intensity of development and the nature of the land use, but need not include construction-level detail.
- (C) Acceptance of a Fair Notice Application does not authorize construction or have any effect other than that prescribed by this Article.

23-2K-1060 Completeness Review for Vested Rights Petition

A vested rights petition and associated development permit or Fair Notice application are treated as a single application for purposes of completeness review and expiration in compliance with Division 23-2B-1 (Application Requirements).

This page intentionally left blank

Division 23-2K-2: Vested Rights Determinations

Contents

23-2K-2010	Vested Rights Determination.	1
23-2K-2020	Criteria for Approval	2
23-2K-2030	Effect of Vested Rights Determination.	3
23-2K-2040	Project Consent Agreements.	4
23-2K-2050	Administrative Guidelines	5

23-2K-2010 Vested Rights Determination

- (A) **Deadline for Determination.** Not later than 14 days after acceptance of a complete vested rights petition, the responsible director shall review the petition under Section 23-2K-2020 (Criteria for Approval) and make a determination consistent with the requirements of this Section.
- (B) **Action on Petition**
- (1) In making a determination on a vested rights petition, the responsible director may:
 - (a) Approve the petition and require the development applications necessary to initiate, continue, or complete the project to be reviewed in compliance with regulations in effect on the vesting date, except for those regulations exempt from vesting under state law;
 - (b) Deny the petition and require the development application associated with the project to be reviewed under current regulations of this Title; or
 - (c) Approve the petition in part, as authorized by Subsection (B)(2).
 - (2) The responsible director may approve a petition in part if a project is legally entitled to some, but not all, of the rights asserted in the petition, or if a change in the scale or intensity of development is necessary to maintain conformity with the original project. A vested rights determination may not waive or modify applicable regulations or provide relief not required by Chapter 245 or Section 43.002 of the Local Government Code.
- (C) **Contents of Determination.** The responsible director shall provide a written determination to the applicant, which must state:
- (1) Whether the petition is approved or denied, in whole or in part, and the basis for the decision;
 - (2) Findings of fact in support of the determination and information sufficient to identify the permit or Fair Notice application on which the petition is based; and
 - (3) If the petition is approved:
 - (a) A description of the project for which vested rights are recognized; and
 - (b) A vesting date.

- (D) **Reconsideration.** An applicant may request that the responsible director reconsider a vested rights determination at any time before the application expires under Section 23-2B-1040 (Update and Expiration). A request for reconsideration tolls the expiration date, as provided in Section 23-2B-1050 (Tolling of Expiration Period).
- (E) **Administrative Remedies Not Affected.** A vested rights determination under this Section does not affect the availability of a Variance or other administrative remedy authorized by this Title.
- (F) **Posting of Vested Rights Determinations.** The responsible director shall post vested rights petitions and vested rights determinations under this Article on the City's website.

23-2K-2020 Criteria for Approval

- (A) **Type 1 Petition.** The responsible director shall review a Type 1 (Chapter 245) petition for vested rights under the criteria described in this Subsection.
 - (1) **General Standard.** A permit application is entitled to development rights under Chapter 245 of the Local Government Code if the permit is required to initiate, continue, or complete a project for which a prior application was submitted to the City of Austin. An application is not entitled to development rights if it is unrelated to or inconsistent with the original project or if the original project has been completed, changed, or expired.
 - (2) **Review Criteria.** In determining whether a petition meets the standard for approval under this Subsection, the responsible director shall consider the following factors:
 - (a) The nature and extent of proposed development shown on the prior permit or other application that initiated the original project on which the vested rights claim is based;
 - (b) Whether the permit application for which vested rights are claimed is related to and consistent with the original project;
 - (c) The nature and extent of prior development of the property, including any permitting or construction activity that occurred subsequent to the vesting date requested by the applicant;
 - (d) Any prior vested rights determinations made for development of the property; and
 - (e) Whether the project has expired in compliance with Division 23-2K-3 (Expiration) of this Article or other applicable regulations.

- (B) **Type 2 Petition.** The responsible director shall review a Type 2 (Continuing Use) petition for vested rights under the criteria described in this Subsection.
- (1) **General Standard.** A permit application is entitled to use rights under Section 43.002 of the Local Government Code to the extent that current regulations would prohibit:
- (a) Continuing to use the land in the manner in which it was being used on the date the annexation proceedings were instituted, if the land use was legal at that time; or
 - (b) Beginning to use land in the manner that was planned before the 90th day before the effective date of the annexation if:
 - (i) One or more licenses, certificates, permits, approvals, or other forms of authorization by a governmental entity were required by law for the planned land use; and
 - (ii) A completed application for the initial authorization was filed with the governmental entity before the date the annexation proceedings were instituted.
- (2) **Review Criteria.** In determining whether a petition meets the standard for approval under this Subsection, the responsible director shall consider the nature and extent of development that:
- (a) Occurred on the property prior to initiation of annexation proceedings, including photographs or other evidence substantiating the use; or
 - (b) Was proposed in one or more required applications submitted to a governmental entity.
- (3) **Date of Annexation.** For purposes of this Subsection, annexation proceedings are deemed to have been instituted on the date of the first public hearing before the Council on the annexation ordinance for the property.
- (C) **Other Considerations.** The criteria in this Section are intended to assist the responsible director in reviewing Type 1 (Chapter 245) and Type 2 (Continuing Use) petitions for vested rights, but do not limit the director from considering other factors relevant to the determination of rights for a particular project. The responsible director may consider whether a project is entitled to common law vested rights if the project is not entitled to rights under Chapter 245 or Section 43.002 of the Local Government Code.

23-2K-2030 Effect of Vested Rights Determination

If the responsible director approves a vested rights petition, any permit required to initiate, continue, or complete the project shall be entitled to the development or continuing use rights recognized by the vested rights determination, unless the project expires under Division 23-2L-3 (Expiration) or other applicable regulations.

23-2K-2040 Project Consent Agreements

- (A) **Purpose and Applicability.** This Section provides a voluntary mechanism for determining applicable regulations where the extent of a project's vested rights are unclear and for incentivizing projects with clearly established vested rights to achieve greater compliance with current regulations.
- (B) **Application Requirements.** An applicant may submit a request for a Project Consent Agreement to the responsible director, in writing, after the director issues a vested rights determination under Section 23-2K-2010 (Vested Rights Determination). The request must identify:
- (1) Current regulations for which compliance would be required, other than regulations exempt from vested rights protections under state law;
 - (2) Additional restrictions on the nature and intensity of the proposed development; and
 - (3) Any modifications or waivers requested as a condition to the agreement, including but not limited to provisions for the transfer or averaging of impervious cover to include additional property or changes to the original project that increase compatibility with adjacent land uses.
- (C) **Criteria for Recommendation**
- (1) The responsible director may recommend a Project Consent Agreement for approval to the Council if the director finds that the agreement achieves a greater degree of environmental protection and compatibility with adjacent land uses than would occur if a project developed to the full extent of vested rights that have been verified or are reasonably likely to exist for the project.
 - (2) In making a determination under this Subsection, the responsible director shall consider:
 - (a) The degree to which vested rights for the project have been established;
 - (b) The importance of particular regulations to achieving adopted planning goals or policies for the area in which the project is located; and
 - (c) A recommendation from the environmental officer regarding the environmental benefits of the proposed agreement, if vested rights from the regulations of Chapter 23-8 (Environment) are asserted for the project.
- (D) **Recommendation Required.** The Council may consider approval of a Project Consent Agreement under this Section only if the agreement is recommended by the responsible director or initiated by the Council. Before the Council acts on a consent agreement, the responsible director shall seek a recommendation from the Environmental Board and the Land Use Commission, and the Council shall hold a public hearing. The responsible director shall provide notice of the hearing under Section 23-2C-4020 (Type 1 Public Hearing Notice).
- (E) **Action on Project Consent Agreement.** In acting on a Project Consent Agreement, the Council may approve, deny, or modify the agreement based on the standard applicable to the responsible director's review under Subsections (C) and (D). A Project Consent Agreement may waive or modify site development regulations applicable to a project as deemed appropriate by the Council.

- (F) **Inclusion of Development Agreement for ETJ Projects.** A Project Consent Agreement for a project located in the extraterritorial jurisdiction may include a Development Agreement as authorized under Section 212.172 of the Local Government Code. The responsible director shall review a proposed Development Agreement concurrent with an application for a Project Consent Agreement, but Council may consider the agreements separately or as a single agreement.
- (G) **Expiration.** A Project Consent Agreement is subject to the expiration requirements specified in this Subsection.
- (1) A Project Consent Agreement expires on the 90th day after approval by the Council, unless:
- (a) The applicant has submitted a complete Site Plan application for review by the responsible director under the terms of the agreement; or
 - (b) In approving the agreement, the Council authorizes a later expiration date.
- (2) Following submittal of a Site Plan application, a Project Consent Agreement expires if:
- (a) The Site Plan application expires under Section 23-2B-1040 (Update and Expiration); or
 - (b) The Site Plan expires under Division 23-6C-1 (Expiration).

23-2K-2050 Administrative Guidelines

- (A) The responsible director may adopt guidelines to assist in reviewing applications under Section 23-2K-2010 (Vested Rights Determination), Section 23-2K-2040 (Project Consent Agreements), and Section 23-2K-3030 (Managed Growth Agreements).
- (B) Guidelines adopted under this Section may be used to help address common questions that arise in determining vested rights, including but not limited to:
- (a) Whether a permit application is required to continue, complete, or initiate the project for which vested rights are claimed;
 - (b) Whether the project for which vested rights are claimed has been completed, changed, or expired; and
 - (c) Whether progress towards completion of a project has been made under Section 23-2K-3040 (Dormant Projects).
- (C) Guidelines adopted under this Section shall be posted on the department's website and made available to the public, but need not be adopted by administrative rule under Section 1-2 (Adoption of Rules) of the City Code.

This page intentionally left blank

Division 23-2K-3: Expiration

Contents

23-2K-3010	General Expiration Requirements	1
23-2K-3020	Expiration of Projects Begun on or After June 23, 2014	1
23-2K-3030	Managed Growth Agreements	2
23-2K-3040	Dormant Projects	3

23-2K-3010 General Expiration Requirements

- (A) A vested rights determination for a project approved under Section 23-2K-2010 (Vested Rights Determination) applies to any permit application required to initiate, continue, or complete the project.
- (B) If the vesting date approved for a project under Section 23-2K-2010 (Vested Rights Determination) is based on a permit application that is submitted on or after June 23, 2014, the project is subject to the expiration periods specified in Section 23-2K-3020 (Expiration of Projects Begun On or After June 23, 2014).
- (C) If all permits for a project expire, the project expires.
- (D) A permit application submitted after a project expires constitutes a new project and is subject to the current regulations of this Title, except that:
 - (1) If a Site Plan associated with a project remains active at the time the project expires, the vested rights determination for the project applies to any application for a Building Permit necessary to complete construction of the Site Plan for as long as the Site Plan remains active; and
 - (2) An application to extend a Site Plan associated with a project may be approved in compliance with Section 23-6B-3030 (Extension of a Released Site Plan).
- (E) The expiration of a project associated with a preliminary plan or a final plat does not affect the validity of a platted lot under this Title.

23-2K-3020 Expiration of Projects Begun on or After June 23, 2014

- (A) The project expiration period established by this Section applies if the vesting date approved for a project under Section 23-2K-2010 (Vested Rights Determination) is based on a permit application that is submitted on or after June 23, 2014.
- (B) Except as provided in Subsection (C) of this Section or Section 23-2K-3010 (General Expiration Requirements), a project expires nine years after the vesting date approved for the project under Section 23-2K-2010 (Vested Rights Determination).

- (C) If the vesting date approved for a project under Section 23-2K-2010 (Vested Rights Determination) is based on a Fair Notice application (new project) submitted under Section 23-2K-1050 (Fair Notice Application):
 - (1) The project expires one year after the date the application was submitted; or
 - (2) If a permit application is submitted before the Fair Notice application expires, the project expires on the date applicable to the permit under this Section.

23-2K-3030 Managed Growth Agreements

- (A) **Purpose and Applicability.** This Section provides a voluntary mechanism to request longer project expiration periods than those established under Section 23-2K-3020 (Expiration of Projects Begun On or After June 23, 2014) for large-scale projects or projects located within a planned development center.
- (B) **Application Requirements.** To be accepted for review, an application for a proposed Managed Growth Agreement must include all information required by the responsible director, including a proposed expiration date, and must meet the requirements of this Subsection.
 - (1) An application for a Managed Growth Agreement may be submitted concurrent with the first permit application, or before the review period expires, if the project associated with the proposed agreement:
 - (a) Is filed for review under current regulations;
 - (b) Does not require a Variance approved by the Land Use Commission or Board of Adjustment, unless the project is limited to residential uses that do not require a Site Plan;
 - (c) Includes only property located within the zoning jurisdiction, outside of the Barton Springs Zone; and
 - (d) Includes at least 10 acres of land.
 - (2) An application for a Managed Growth Agreement may be submitted after approval of the first permit application, but no later than one year before the project expires, if the project associated with the proposed agreement:
 - (a) Complies with the regulations in effect on the date the application for a Managed Growth Agreement was submitted or, in extraordinary circumstances, includes community benefits or superior development features that mitigate noncompliance with current regulations;
 - (b) Does not require a Variance approved by the Land Use Commission or Board of Adjustment, unless the project is limited to residential uses that do not require a Site Plan under Section 23-6A-2010 (Exemptions from Site Plan Review);
 - (c) Includes only property located within the zoning jurisdiction, outside of the Barton Springs Zone; and
 - (d) Does not impede or delay official City economic development or sustainability initiatives.

- (C) **Public Hearing Required.** If an application meets the requirements in Subsection (B), the responsible director shall:
- (1) Schedule a public hearing on the proposed agreement and provide notice of the hearing under Section 23-2C-4020 (Type 1 Public Hearing Notice); and
 - (2) Make a recommendation to approve or deny the agreement based on whether the project:
 - (a) Requires a longer period of time to construct than the timeframes established under Section 23-2K-3020 (Expiration of Projects Begun On or After June 23, 2014);
 - (b) Furthers the goals and policies of the Austin Comprehensive Plan; and
 - (c) Is environmentally superior to the minimum standards applicable to the project under Article 23-3C (Urban Forest Protection and Replenishment) and Article 23-3D (Water Quality), as determined based on a recommendation from the environmental officer.
- (D) **Council Action.** The Council may approve or deny a proposed Managed Growth Agreement based on the criteria in Subsection (C) of this Section and may establish whatever expiration period the Council deems appropriate, but may not waive or modify current regulations applicable to the project.
- (E) **Effect of Managed Growth Agreement.** If a managed growth agreement is approved under this Section, the responsible director shall treat the project as vested to the regulations in effect on the date of the first application until the date the agreement expires.

23-2K-3040 Dormant Projects

- (A) **Purpose and Applicability.** This Section is adopted under Section 245.005 of the Local Government Code to provide expiration dates for permits that lack an expiration date under applicable regulations. This Section does not apply to a permit that is subject to an expiration date under the regulations applicable to the permit. For purposes of this Section, a permit that is not subject to an expiration date is an "unexpired permit."
- (B) **Dormancy Timeframes**
- (1) If an unexpired permit was approved prior to May 11, 2000, then the permit expired on May 11, 2004, unless the applicant submits evidence sufficient to show that progress towards completion of the project was made under Subsection (C) prior to May 11, 2000.
 - (2) If an application for an unexpired permit was submitted after September 5, 2005, then the permit expires five years after the permit was approved unless the applicant submits evidence sufficient to show that progress towards completion of the project was made prior to that date under Subsection (C).

- (C) **Progress Towards Completion.** For purposes of this Section, progress towards completion of a project includes any one of the following:
- (1) An application for a final plat or plan is submitted to a regulatory agency;
 - (2) A good-faith attempt is made to file with a regulatory agency an application for a permit necessary to begin or continue towards completion of the project;
 - (3) Costs have been incurred for developing the project including, without limitation, costs associated with roadway, utility, and other infrastructure facilities designed to serve, in whole or in part, the project (but exclusive of land acquisition) in the aggregate amount of five percent of the most recent appraised market value of the real property on which the project is located;
 - (4) Fiscal security is posted with a regulatory agency to ensure performance of an obligation required by the regulatory agency; or
 - (5) Utility connection fees or impact fees for the project have been paid to a regulatory agency.
- (D) **Effect of Dormancy on Permit Series.** If the first permit in a series of permits for a project expires based on dormancy of the project, then it cannot form the basis of a vested rights petition.

Article 23-2L: Miscellaneous Provisions

Contents

Division 23-2L-1: Interlocal Development Agreements

- 23-2L-1010 Purpose and Authorization
 - 23-2L-1020 Initiation of Interlocal Development Agreement
 - 23-2L-1030 Land Use Commission Hearing and Recommendation
 - 23-2L-1040 City Council Hearing and Action
 - 23-2L-1050 Notification Requirements
-

Division 23-2L-2: General Development Agreements

- 23-2L-2010 Purpose and Applicability
 - 23-2L-2020 Agreement Initiation and Framework
 - 23-2L-2030 Boards and Commission Review
 - 23-2L-2040 City Council Hearing and Action
 - 23-2L-2050 Execution and Terms of Agreement
-

Division 23-2L-3: Closed Municipal Landfills

- 23-2L-3010 Applications Relating to a Closed Municipal Solid Waste Landfill

This page intentionally left blank

Division 23-2L-1: Interlocal Development Agreements

Contents

23-2L-1010	Purpose and Authorization	1
23-2L-1020	Initiation of Interlocal Development Agreement	1
23-2L-1030	Land Use Commission Hearing and Recommendation	2
23-2L-1040	City Council Hearing and Action	2
23-2L-1050	Notification Requirements.	2

23-2L-1010 Purpose and Authorization

- (A) **Purpose.** This Division establishes procedures by which the Council may approve Interlocal Development Agreements with other governmental entities. The purpose of an Interlocal Development Agreement is to adopt reasonable development regulations that balance the needs of other governmental entities with the requirements of this Title and the goals and policies of the Comprehensive Plan.
- (B) **Authorization**
 - (1) The City may enter into an Interlocal Development Agreement under this Division with any governmental entity, municipal corporation, or political subdivision.
 - (2) An Interlocal Development Agreement, including an amendment to an existing agreement, may establish or modify regulations for the use, maintenance, development, or construction of property containing one or more existing or proposed structures to be used for a governmental purpose.

23-2L-1020 Initiation of Interlocal Development Agreement

The Council or the responsible director may initiate the negotiation of an Interlocal Development Agreement, subject to the review and approval procedures established in this Division.

23-2L-1030 Land Use Commission Hearing and Recommendation

- (A) **Public Hearing Required.** Before the Council considers a proposed Interlocal Development Agreement, the responsible director shall schedule a public hearing on the proposed agreement before the Land Use Commission and provide notice of the public hearing under Section 23-2L-1050 (Notification Requirements).
- (B) **Commission Recommendation & Deadline.** Not later than the 14th day after the public hearing on a proposed agreement is closed, the Land Use Commission shall recommend that the Council:
 - (1) Approve the Interlocal Development Agreement as proposed;
 - (2) Approve the Interlocal Development Agreement with modifications; or
 - (3) Reject the proposed Interlocal Development Agreement.

23-2L-1040 City Council Hearing and Action

- (A) **Council Public Hearing & Notice.** After the Land Use Commission makes its recommendation, the Council shall hold a public hearing on the proposed Interlocal Development Agreement. The responsible director shall provide notice of the public hearing under Section 23-2L-1050 (Notification Requirements).
- (B) **Council Action.** After a public hearing on a proposed Interlocal Development Agreements, the Council may authorize the City Manager to:
 - (1) Execute the agreement as proposed;
 - (2) Execute a modified agreement, which may include different use, development, or construction regulations, or other conditions, than those included in the proposed agreement recommended by the Land Use Commission or the responsible director;
 - (3) Initiate the negotiation of a new agreement, which shall be subject to review by the Land Use Commission under Section 23-2L-1030 (Land Use Commission Hearing and Recommendation); or
 - (4) Reject the proposed agreement and discontinue negotiations.

23-2L-1050 Notification Requirements

- (A) **Type of Notice Required**
 - (1) **Site-Specific Interlocal Development Agreements.** If a proposed Interlocal Development Agreement establishes or modifies use, development, or construction regulations applicable to a particular site or structure, the responsible director shall provide:
 - (a) Notice by publication under Section 23-2C-3010 (Published Notice); and
 - (b) Mailed notice to the governmental entity that is party to the proposed agreement and to persons who qualify as interested parties under Section 23-2C-2020 (Interested Parties).

- (2) **Areawide Interlocal Development Agreements.** If a proposed Interlocal Development Agreement establishes or modifies general use, construction, or development regulations contained in a master plan or agreement applicable to a governmental entity, municipal corporation, or political subdivision, the responsible director shall provide notice by publication under Section 23-2C-3010 (Published Notice).
- (B) **Deadlines for Notification.** The deadline for providing mailed and published notice of a public hearing on a proposed Interlocal Development Agreement is:
 - (1) The 11th day before the date of the Land Use Commission hearing; and
 - (2) The 16th day before the date of the Council hearing.
- (C) **Contents of Notice.** Mailed and published notice of a public hearing required by this Division must:
 - (1) Describe the general nature of the proposed Interlocal Development Agreement;
 - (2) Identify the governmental entity, municipal corporation, or political subdivision that is to be a party to the agreement;
 - (3) Generally describe the proposed agreement;
 - (4) Identify the entities that may approve the proposed agreement;
 - (5) State the earliest date that action on the proposed agreement may occur; and
 - (6) Include the address and telephone number of the responsible director or staff from whom additional information may be obtained.

This page intentionally left blank

Division 23-2L-2: General Development Agreements

Contents

23-2L-2010	Purpose and Applicability	1
23-2L-2020	Agreement Initiation and Framework	1
23-2L-2030	Boards and Commission Review.	2
23-2L-2040	City Council Hearing and Action	2
23-2L-2050	Execution and Terms of Agreement.	3

23-2L-2010 Purpose and Applicability

- (A) This Division establishes procedures by which the Council may consider a Development Agreement, as authorized under Section 212.172 of the Texas Local Government Code, in order to achieve a higher standard of development for land located in the City's extraterritorial jurisdiction.
- (B) A Development Agreement may only be considered for land located in the City's extraterritorial jurisdiction. A Development Agreement may include a transfer of development intensity if the sending or receiving site, or both, are located outside the City limits at the time the agreement is executed.

23-2L-2020 Agreement Initiation and Framework

- (A) **Council Initiation Required.** A Development Agreement may only be considered if the Council initiates the agreement by adopting a resolution directing the City Manager to begin negotiating the terms of a proposed agreement with an owner of property in the City's extraterritorial jurisdiction. A public hearing on a proposed Development Agreement may not be held unless the Council has initiated negotiations under this Section.
- (B) **Framework for Agreement.** In initiating negotiation of a Development Agreement, the Council may specify goals or objectives to be considered in negotiations regarding any of the following elements:
 - (1) **Annexation Status.** Continuation of the extraterritorial status of the land and immunity from annexation.
 - (2) **Land Use Plan.** Extension of the City's planning authority over the land through a development plan authorizing general lands uses and development standards, which may be tied to annexation under Subsection (B)(5).
 - (3) **Enforcement Authority.** Authorization to enforce:
 - (a) Specified land use and development regulations in the same manner the regulations are enforced within the zoning jurisdiction; and
 - (b) Environmental regulations.
 - (4) **Infrastructure.** Provisions for infrastructure, including streets and roads; street and road drainage; land drainage; and water, wastewater, and other utility systems.

- (5) **Annexation.** The terms of annexation, in whole in part, if annexation agreed to by the parties.
- (6) **General Conditions.** Other lawful terms and considerations deemed appropriate.

23-2L-2030 **Boards and Commission Review**

(A) **Planning Commission Review and Recommendation**

- (1) Before presenting the terms of a proposed Development Agreement to the Council for consideration under Section 23-2L-2040 (Council Hearing and Action), the responsible director shall schedule a public hearing on the terms of a proposed agreement before the Planning Commission and provide notice of the hearing under Section 23-2C-4020 (Type 1 Public Hearing Notice).
- (2) No later than the 14th day after closing the public hearing, the Planning Commission shall make a recommendation to approve, conditionally approve, or reject the terms of a proposed Development Agreement based on the following criteria:
 - (a) The extent to which the proposed terms further the goals and policies of the Comprehensive Plan, including those related to Conservation and Environment, Affordability, and Land Use and Transportation.
 - (b) Whether the proposed terms further public health, safety, and welfare.
- (3) If the Planning Commission does not make a recommendation as required under Subsection (A)(2), the responsible director shall forward the terms of the proposed agreement to the Council for consideration in compliance with Section 23-2L-2040 (Council Hearing and Action).

- ### (B) **Additional Review & Criteria.** The Council may require that the terms of a proposed Development Agreement be presented for review to additional City boards or commissions, other than as required by Subsection (A), and may specify additional review criteria to be considered in determining whether to recommend the terms of a proposed agreement.

23-2L-2040 **City Council Hearing and Action**

- (A) **Council Hearing.** Not later than the 60th day after the Land Use Commission makes its recommendation, the Council shall hold a public hearing on the terms of a proposed Development Agreement, which must include a complete Land Use Plan and any other elements agreed to by the City Manager and the landowner under Section 23-2L-2020 (Agreement Initiation and Framework). The responsible director shall provide notice of the public hearing under Section 23-2C-4020 (Type 1 Public Hearing Notice).
- (B) **Council Action.** After a public hearing on a proposed Development Agreement, the Council may authorize the City Manager to:
 - (1) Execute the agreement as proposed, with the concurrence of the landowner;
 - (2) Execute a modified agreement, with the concurrence of the landowner;

- (3) Initiate the negotiation of a new agreement, which shall be subject to review by the Land Use Commission under Section 23-2L-2030 (Boards and Commission Review); or
- (4) Reject the proposed agreement and discontinue negotiations.

23-2L-2050 Execution and Terms of Agreement

- (A) **Authority to Execute.** If the Council approved the terms of a proposed Development Agreement under Section 23-2L-2040 (Council Hearing and Action), the City Manager shall execute the agreement on behalf of the City subject to approval and execution by the landowner.
- (B) **Agreement Terms.** In addition to terms approved by the Council and the landowner for the elements listed in Section 23-2L-2020 (Agreement Initiation and Framework), a Development Agreement must include provisions for each of the following:
 - (1) **Effect of Agreement.** A Development Agreement must include binding terms:
 - (a) Putting into effect the regulations specified in the Development Agreement and Land Use Plan;
 - (b) Authorizing the provision of City services in compliance with the agreement;
 - (c) Authorizing the property owner to make application for subordinate development permits under the agreement; and
 - (d) Requiring the Development Agreement and Land Use Plan to be recorded in the real property records of each county in which the land subject to the agreement is located.
 - (2) **Term of Agreement.** A Development Agreement must specify the duration of the contract and any successive amendments or renewals, which may not exceed 45 years.
 - (3) **Other Provisions.** A Development Agreement may include other general contract provisions that are determined to be necessary to the lawful execution and administration the agreement.

This page intentionally left blank

Division 23-2L-3: Closed Municipal Landfills

Contents

23-2L-3010 Applications Relating to a Closed Municipal Solid Waste Landfill 1

23-2L-3010 Applications Relating to a Closed Municipal Solid Waste Landfill

(A) **Applicability**

- (1) This Section applies to development of a residential, commercial, or public enclosed structure that is designed for use by humans and that is located on closed municipal solid waste landfill (CMSWL) site over 1 acre in size or a CMSWL site located within a landfill area.
- (2) This Section does not apply to the remodel of or addition to a single-family or two-family residential use allowed in Low to Medium Intensity Residential Zones established in Section 23-4D-3030(A).

(B) **Application Requirements.** The responsible director may not approve a Subdivision, Site Plan, or Building Permit application including land within a CMSWL unless the applicant has submitted:

- (1) Certification from a licensed professional engineer that the site does not overlie a CMSWL; or
- (2) If the site is located on a CMSWL, the following documents are required:
 - (a) A development permit from the Texas Commission on Environmental Quality or written notification from the Texas Commission on Environmental Quality that a development permit is not required; or
 - (b) Certification from a licensed professional engineer that the applicant will conduct soil testing in compliance with the standards of the Texas Commission on Environmental Quality during construction of the foundations to determine whether the site overlies a CMSWL.

This page intentionally left blank

Article 23-2M: Definitions and Measurements

Contents

Division 23-2M-1: Terms

- 23-2M-1010 Purpose
 - 23-2M-1020 Applicability
 - 23-2M-1030 General Terms and Phrases
-

Division 23-2M-2: Land Uses

- 23-2M-2010 Purpose
 - 23-2M-2020 Applicability
 - 23-2M-2030 Land Uses
-

Division 23-2M-3: Measurements

- 23-2M-3010 Purpose
- 23-2M-3020 Applicability
- 23-2M-3030 Measurements

This page intentionally left blank

Division 23-2M-1: Terms

Contents

23-2M-1010	Purpose	1
23-2M-1020	Applicability	1
23-2M-1030	General Terms and Phrases.....	1

23-2M-1010 Purpose

This Division provides definitions of terms and phrases used in Title 23 that are technical or specialized, or that may not reflect common usage.

23-2M-1020 Applicability

The definitions in Section 23-2M-1030 (General Terms and Phrases) apply to all chapters of the Land Development Code, unless otherwise specified. If any of the definitions in this Division conflict with definitions in other provisions of the Austin Municipal Code, these definitions shall control for the purposes of this Title. If a word is not defined in this part, or in other provisions of the Austin Municipal Code, the responsible director shall determine the correct definition.

23-2M-1030 General Terms and Phrases

A. A- Definitions

ACCOUNTABLE OFFICIAL. The City officer or employee designated by this Title or the City Manager with a particular administrative or enforcement responsibility.

ACTIVITY NODE. A concentration of ground floor retail, restaurants, and services, with additional offices and housing located above, within a larger area called a pedestrian shed.

ADDITION. The enlargement or creation of any new portion of a structure which results in a vertical or horizontal extension of the structure, or results in any new gross floor area that was not present in the structure prior to construction of the addition.

ADDITIONAL PEDESTRIAN ACCESS. A pedestrian path that meets City standards for a new sidewalk or trail, is established to connect a new street in a subdivision to an existing street on adjoining property, and is at least 300 feet from an access street.

ADJACENT. Sharing a common lot line.

ADJACENT BUILDINGS. Two or more buildings located upon adjacent lots.

ADULT. A person 18 years of age or older.

ADULT ORIENTED BUSINESS. An adult arcade, adult bookstore, adult cabaret, adult lounge, adult novelty shop, adult service business, or adult theater.

ADULT SPECIFIED ANATOMICAL AREAS. Less than completely and opaquely covered including but not limited to:

1. Human genitals or pubic region;
2. Buttock;
3. Female breast below a point immediately above the top of the areola; or
4. Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

ADULT SPECIFIED SEXUAL ACTIVITIES:

1. Human genitals in a state of sexual stimulation or arousal;
2. Acts of human masturbation, sexual intercourse, or sodomy; or
3. Erotic touching of human genitals, the pubic region, the buttock, or the female breast.

ADVERSE FLOODING IMPACT. An increase in flood risk or hazards, as defined in the Drainage Criteria Manual.

ADVISORY BODY. A City board, commission, or other appointed body that does not make a final decision and whose review is not required by state law.

AGGREGATE. Creating a site on which a structure has been built across two or more lots, at least one of which is substandard.

AGGREGATE CALIPER INCHES (ACI). A measure of the total combined number of inches of existing and proposed trees used to meet landscape requirements.

ALLEY. A public or private way to be used primarily for vehicular access to the back or side of a parcel of real property that abuts a thoroughfare.

ALLOWED USE. Uses that are allowed by right and are not subject to the conditions of approval, mandatory review periods, or expiration periods as required for Conditional Use Permits or Minor Use Permits.

ALTERATION. Any exterior change, demolition, or modification to a historic landmark or to a property, including, but not limited to:

1. Exterior changes to or modifications of structures, architectural details, or visual characteristics;
2. Construction of new structures;
3. Disturbance of archaeological sites or areas; or
4. Placement or removal of exterior objects that affect the exterior qualities of the property.

AMENDING PLAT. A plat that is controlling over the preceding plat without vacation of that plat, does not create any new lots, and complies with Sec. 212.016 of the Local Government Code, as amended.

AMPHITHEATER. An outdoor or open-air structure or man made area specifically designed and used for assembly of 50 or more people and the viewing of an area capable of being used for entertainment and performances.

ANNUAL OCCUPANCY RATE. The hotel-motel occupancy rate for the City of Austin, as reported annually by the Texas Economic Development & Tourism Office.

APPROVAL. A final decision granting or approving an application; or an approval granted subject to modifications or conditions.

APPROVAL AUTHORITY. The City officer, employee, or body charged with reviewing and determining whether to approve an application.

APPROVED USE AREA. A site designated in a reclaimed water agreement to receive reclaimed water for an approved use.

ARCADE. See Table 23-4D-3070(A) (Austin Private Frontage Types Overview).

ARCHITECTURAL FEATURE. An architectural element, which alone or as part of a pattern, embodies the style, design, or general arrangement of the exterior of a building or structure, including but not limited to the kind, color, and texture of building materials, and style and type of windows, doors, lights, porches, and signs.

ATTACHED. When used with reference to two or more buildings, means having one or more common walls or being joined by a covered porch, loggia, or passageway.

AUTOMATIC RAIN SHUT-OFF DEVICE. A component which automatically suspends an irrigation event when it rains.

AWNING. A roof or cover which projects from a wall of a building over a window or door, made of canvas, aluminum or similar material, which may be fixed in place or be retractable.

B. B-Definitions

BALCONY. An exterior floor system projecting from a structure and supported by that structure, with no additional independent supports.

BARTON SPRINGS. The springs that comprise the Barton Springs complex associated with Barton Springs Pool, and includes Upper Barton, Old Mill, Eliza, and Parthenia Springs.

BARTON SPRINGS ZONE. The Barton Creek watershed and all watersheds that contribute recharge to Barton Springs, including those portions of the Williamson, Slaughter, Onion, Bear and Little Bear Creek watersheds located in the Edwards Aquifer recharge or contributing zones.

BASE ZONE. A zone established by this Title to prescribe basic regulations governing land use and site development.

BASEMENT. That portion of a building between floor and ceiling, which is below or partly below and partly above grade (see Grade), but so located that the vertical distance from grade to the floor below is less than the vertical distance from grade to ceiling. If the finished floor level directly above a basement is more than six feet above natural grade for more than 50 percent of the total perimeter, it is a story, not a basement.

BASEWALL. The vertical surface of a building beginning at the finished grade up to a level defined by a setback or an architectural treatment, including a cornice or similar projection or demarcation, that visually separates the base of the building from the upper portion of the building.

BLOCK. One or more lots, tracts, or parcels of land bounded by streets, railroads, or subdivision boundary lines.

BLOCK LENGTH. The horizontal distance measured from one end of the block to the other end along the same right-of-way.

BLOCK SCALE, BUILDING. A building that is individually as large as a block or collectively arranged along a thoroughfare to form a continuous facade as long as most or all of a block.

BLUFF. A vertical change in elevation of more than 40 feet and an average gradient greater than 400 percent.

BUFFER ZONE. A strip of land used to separate one land use from another land use.

BUILDING AREA. The area in which development subject to this Title may occur, and which is defined by the side and rear setback planes required by this Title, together with the area defined by the front, side, and rear yard setbacks and the maximum height limit.

BUILDING. A habitable structure requiring a Certificate of Occupancy, which consists of one or more of the following foundations that surround an interior space: floors, walls, and roofs. May include exterior appurtenant structures such as porches and decks.

BUILDING, EXISTING. See Structure, Existing.

BUILDING COVERAGE. The area of a lot covered by buildings or roofed areas, but excludes ground level paving, landscaping, open recreational facilities, incidental projecting eaves, balconies, and similar features.

BUILDING ELEVATION. The exterior wall of a building not adjacent to a public right-of-way, the front or side along a private street, or civic space.

BUILDING ENTRANCE. A point of pedestrian ingress and egress to a building.

BUILDING FACADE. The exterior wall of a building adjacent to a public right-of-way, the front or side along a private street, or civic space.

BUILDING FORM. The overall shape and dimensions of a building.

BUILDING FRONTAGE. The length of the property line of any one premises parallel to and along each public right-of-way which it borders and is identified by an address. See Table 23-4D-3070(A) (Austin Private Frontage Types Overview)

BUILDING, PRIMARY. A building in which is conducted the principal use of the lot on which it is situated.

BUILDING SERVICE EQUIPMENT. The plumbing, mechanical, electrical, and elevator equipment necessary for the occupancy or use of a building.

BUILDING TYPE. A structure defined by its combination of configuration, disposition and function.

BUILD-TO LINE (BTL). A line parallel to a lot line or right-of-way where it is required for a building facade to be placed.

BULKHEAD. A revetment or wall constructed for the purpose of stabilizing or modifying the shoreline.

BY RIGHT, APPROVAL. Approval by administrative staff of certain uses, improvements and projects not requiring further review and in compliance with all applicable requirements.

C. C-Definitions

CAMP COTTAGE. A building in a recreational vehicle park used by a single-family as living or sleeping quarters.

CANYON RIMROCK. A rock substrate that:

1. Has a gradient that exceeds 60 percent for a vertical distance of at least four feet; and
2. Is exposed for at least 50 feet horizontally along the rim of the canyon.

CAPITOL DOME. The part of the State Capitol located more than 653 feet above sea level at Texas Plane Coordinate X-2818555.07, Y-230595.65, being the center of the dome. (23-2 Appendix A Boundaries of the Capitol View Corridor)

CARPORT. A roofed space used as shelter for a parked vehicle.

CARRIAGE HOUSE. See Table 23-4D-3060 (Building Types Overview).

CERTIFICATE OF APPROPRIATENESS. A certificate of appropriateness issued by the City approving work on, relocation of, or demolition of a historic structure, historic or archaeological site, or a contributing structure within a Historic Area (HD) Overlay Zone.

CENTRAL BUSINESS AREA. The area bounded by Interstate Highway 35, Riverside Drive, Barton Springs Road, Lamar Boulevard, and 15th Street.

CHANGE OF USE. When used in reference to a land use, means the replacement of an existing use with a new use, or a change in the nature of an existing use. A change of ownership, tenancy, name, or management, or a change in product or service within the same use classification where the previous nature of the use, line of business, or other function is substantially unchanged is not a change of use.

CITY. The City of Austin, Texas.

CIVIC. A term defining not-for-profit organizations that are dedicated to arts, culture, education, religious activities, recreation, government, transit, and public parking facilities.

CIVIC BUILDING. A structure operated by governmental or not-for-profit organizations and limited to civic and related uses including, but not limited to:

1. College or University Facilities;
2. Community Recreation (Public);
3. Cultural Services;
4. Local Utility Services;
5. Parks and Recreation Services (General);
6. Postal Services;
7. Public Primary Education Facilities;
8. Public Secondary Education Facilities;
9. Safety Services; and
10. Transportation Terminal.

CIVIC SPACE. An outdoor area intended for public gathering and civic activities. **CLEAR ZONE.** The area dedicated for an unobstructed sidewalk. See Section 23-4C-4040.

CLOSED MUNICIPAL SOLID WASTE LANDFILL (CMSWL). An area defined as a closed municipal solid waste landfill in Texas Administrative Code, Title 30, Section 330.951.

CLUSTER DOCK. A dock not used for commercial purposes that is associated with:

1. Dwelling units in a multi-family development with lake frontage; or
2. Principal residential buildings in a subdivision with perpetual use rights to a common area that fronts a lake.

CLUSTER HOUSING. A residential housing development that maximizes common open space by grouping housing units to minimize individual yards and has a maximum lot area of 15,000 square feet for detached residential development.

COMMERCIAL. A term defining service and retail uses collectively.

COMMERCIAL BASIN. A required detention basin or appurtenance that receives storm water runoff from commercial development.

COMMERCIAL DEVELOPMENT. All development other than open space and residential development.

COMMERCIAL POND. A required water quality control or appurtenance that receives stormwater runoff from commercial development.

COMMERCIAL ZONES. Neighborhood shopping and service, linear commercial, pedestrian shopping and service, waterfront shopping and service, freeway shopping and service, and general commercial.

COMMON AREAS. A portion of a residential development held in common and/or single ownership and not reserved for the exclusive use or benefit of an individual tenant or owner and is available for use by all persons who reside in a dwelling unit within the building or on the lot.

COMMON YARD. Section 23-4E-1040 (Common Yard).

COMMON SIDE LOT LINE. A side lot line between two or more lots.

COMPREHENSIVE PLAN. The plan adopted by the Council in compliance with Article X, Section 5, of the City Charter.

CONDITIONAL USE. A use that is allowed on a discretionary and conditional basis in compliance with the conditional use process established in Chapter 23-6 (Site Plans).

CONDEMNATION. A purchase or donation of property under the threat of condemnation, but excludes a dedication of property as a condition of zoning, Subdivision, Site Plan, or Building Permit approval.

CONSTRUCT. Placing or replacing a structure and structurally altering an existing structure.

CONTRACTOR. A person employed by an owner to develop property.

CONTRIBUTING STRUCTURE. A building, structure, site, feature, or object within a designated Historic Area (HD) Overlay Zone which has been designated as a contributing structure by the ordinance creating the Zone, or within a National Register District.

CORE TRANSIT CORRIDORS. 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 to Mocap Expressway;

5. East Sixth Street, from I-35 to Pleasant Valley Road;
6. West Sixth Street, from Guadalupe Street to Presser 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 Guadalupe Street;
8. Airport Boulevard from Lamar Boulevard to I-35;
9. Anderson Lane, from Burnet Road to Mopac Expressway;
10. Barton Springs Road, east of Robert E. Lee Drive;
11. Burnet Road, from 45th Street to Anderson Lane;
12. South Congress Avenue, north of Stassney Lane;
13. Guadalupe Street;
14. Lamar Boulevard, from Banyon Street to Ben White Boulevard;
15. Martin Luther King, Jr. Boulevard, from Pearl Street to Airport Boulevard;
16. Riverside Drive from Lamar Boulevard to E. Ben White Boulevard/Highway 71;
17. Cameron Road, from 51st Street to U.S. Highway 290;
18. Fifty-first Street, from Cameron Road to Manor Road;
19. Gaston Place, from Westminster Drive to Wellington Drive; and
20. Briarcliff Boulevard, from Berkman Drive to Westminster Drive.

CORE TRANSIT CORRIDORS, FUTURE. 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 U.S. Highway 183;
4. North Lamar Boulevard from Banyon Street 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 Cameron Road to Airport Boulevard;
8. Far West Boulevard from Mopac to western side of Chimney Corner;
9. Cameron Road from U.S. Highway 290 to U.S. Highway 183;
10. Mesa Drive from Spicewood Springs to Steck; and
11. Jollyville Road from Great Hills Trail to U.S. Highway 183.

CORNER LOT. See Lot.

COST PARTICIPATION. A calculated percentage, as set forth in Section 23-9-62 (Amount of Cost Participation), of hard costs, plus up to 15 percent of the calculated percentage of hard costs to reimburse soft costs. The City would pay the sum of these amounts to the entity executing the agreement identified in Section 23-9-67 (Agreement).

COTTAGE COURT. See Table 23-4D-3060 (Building Types Overview).

COUNCIL. The Austin City Council.

COURTYARD. An unroofed area that is completely or partially enclosed by walls or buildings and often shared by multiple residential units or commercial spaces.

COURTYARD BUILDING. See Table 23-4D-3060 (Building Types Overview).

CRAWL SPACE. A shallow unfinished uninhabitable space beneath the floor or under the roof of a building, that provides access to utility, structural and other building components not readily accessible from the habitable portions of the building.

CRITERIA MANUAL. A manual containing administrative rules adopted in compliance with Chapter 1-2 (Adoption Of Rules) of the City Code.

CRITICAL ENVIRONMENTAL FEATURES (CEF). Features that are of critical importance to the protection of environmental resources, and includes bluffs, canyon rimrocks, caves, faults and fractures, seeps, sinkholes, springs, and wetlands.

CURB. A vertical sloping structure located along the edge of a roadway, normally constructed integrally with the gutter, that strengthens and protects the pavement edge and clearly defines the pavement edge.

D. D-Definitions

DCM STANDARDS. The provisions in the Drainage Criteria Manual regarding maintenance of a required detention basin or appurtenance.

DECENTRALIZED WASTEWATER SYSTEM. A wastewater system other than one that is connected to a City wastewater treatment plant, and includes an on-site wastewater disposal system, a cluster wastewater system, or a small wastewater treatment plant.

DEFENSIBLE SPACE. An area either natural or man made, where material capable of allowing a fire to spread unchecked has been treated, cleared or modified to slow the rate and intensity of an advancing wildfire and to create an area for fire suppression operations to occur.

DEFICIENT PARK AREA MAP. A map depicting areas that the Parks Director has determined lack sufficient parkland based on locational criteria established by the Parkland Dedication Operating Procedures Chapter 23-3B (Parkland Dedication) and the parkland policies of the Comprehensive Plan.

DEMOLITION BY NEGLECT. Lack of maintenance of any building or structure designated as a Historic Landmark (H) or any building or structure designated by ordinance as contributing to a Historic Area (HD) overlay zone that results in deterioration and threatens the preservation of the structure.

DENIAL. A final decision denying an application, or as provided under Section 23-2B-2040 (Disapproval and Denial), lack of approval at the time an application expires

DESIRED DEVELOPMENT ZONE (DDZ). The area not within the drinking water protection zone.

DETACHED. Separate or unconnected.

DEVELOPMENT. The construction or reconstruction of a building or thoroughfare; the placement of a structure on land; the excavation, mining, dredging, grading, or filling of land; the removal of vegetation from land; or the deposit of refuse or waste on land. Development does not include lawn and yard care, including mowing, gardening, tree

care, and maintenance of landscaped areas; removal of trees or vegetation damaged by natural forces; agricultural activity that is not prohibited by Section 23-3D-8040 (Clearing Of Vegetation); or the repair, maintenance, or installation of a utility, drainage or street system that does not disturb land or increase impervious cover.

DEVELOPMENT AGREEMENT. An agreement authorized under Section 212.172 of the Texas Local Government Code and Division 23-2L-2 (General Development Agreements of this Title).

DEVELOPMENT APPLICATION. An application required under this Title for development, such as an application for Subdivision, Site Plan, or Building Permit.

DISPOSITION, FORMAL. Composed in a formal arrangement, in a regular, classical, and typically symmetrical manner.

DISPOSITION, INFORMAL. Composed in an informal character with a mix of formal and natural characteristics.

DISPOSITION, NATURAL. A preservation of the existing natural condition or a composition of elements arranged as they would appear in nature, with irregular shapes and asymmetry.

DISTANCE BETWEEN ENTRIES. The horizontal distance measured parallel to the facade between entrances to a building or buildings.

DISTANCE FROM A STRUCTURE. A distance from a structure to a line or location is measured from the exterior face of the nearest wall or vertical support of the structure to the line or location. For a structure that does not have a wall or support, the Building Official shall determine the point of measurement.

DISTRICT. A district or authority, including a municipal utility district and a water control and improvement district, created in compliance with:

1. Section 52, Article III, or Section 59, Article XVI, Texas Constitution;
2. Title 4, Texas Water Code;
3. Chapters 49, 50 and 54, Texas Water Code; or
4. Special legislation authorized under the Special District Local Laws Code.

DOCK. A wharf, pier, float, floating dock, island, boat dock, boat slip, boat lift, stationary platform, or other similar structure.

DOMESTIC PARTNERSHIP. Adults living in the same household and sharing common resources of life in a close, personal, and intimate relationship.

DOORYARD. See Section 23-4E-1080 (Dooryard).

DRAINAGE EASEMENT. An easement or right-of-way for a drainage facility required by Section 23-9B-1050 (Dedication and Reservation of Right-Of-Way).

DRAWINGS. Plans, working drawings, detail drawings, profiles, typical cross sections, or reproductions that show locations, character, dimensions, or details of work related to a reclaimed water system and its components.

DRINKING WATER PROTECTION ZONE (DWPZ). The areas within the Barton Springs Zone, the Barton Creek watershed, all water supply rural watersheds, and all water supply suburban watersheds, as described in Section 25-8-2 (Descriptions of Regulated Areas), that are in the planning jurisdiction.

DRIPLINE. When used in reference to a tree, means a line on the ground encircling the tree that is directly beneath the outermost portion of the tree canopy.

DRIVE-IN SERVICE. The sale of products or the provision of services to occupants in vehicles.

DRIVEWAY APPROACH. An area between the right-of-way and private property designed for and intended to provide vehicular access from the roadway to private property.

DRIVEWAY. A surfaced area providing vehicular access within a lot, or shared between two lots, usually leading to a garage, other parking or loading area.

DUPLEX. A structure containing two dwelling units attached by a common wall, where both dwelling units are located on the same lot. There are three types:

1. **FRONT-AND-BACK.** See Table 23-4D-3060 (Building Types Overview);
2. **SIDE-BY-SIDE.** See Table 23-4D-3060 (Building Types Overview); and
3. **STACKED.** See Table 23-4D-3060 (Building Types Overview).

DWELLING UNIT. A single unit providing complete facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation.

E. E-Definitions

ECM STANDARDS. The provisions in the Environmental Criteria Manual regarding maintenance of a required water quality control or appurtenance.

EDWARDS AQUIFER. The water-bearing substrata that includes the stratigraphic rock units known as the Edwards Group and Georgetown Formation.

1. **EDWARDS AQUIFER CONTRIBUTING ZONE.** All land generally to the west and upstream of the Edwards Aquifer recharge zone that provides drainage into the Edwards Aquifer recharge zone.
2. **EDWARDS AQUIFER RECHARGE ZONE.** All land over the Edwards Aquifer that recharges the aquifer, as determined by the surface exposure of the geologic units comprising the Edwards Aquifer, including the areas overlain with quaternary terrace deposits.

EFFICIENCY. When used in reference to a dwelling unit, means a dwelling unit containing not more than 400 square feet of floor area, and not having a bedroom or sleeping area separate from the principal living area.

EFFICIENCY UNIT. A dwelling unit containing not having a bedroom or sleeping area separate from the principal living area.

ELEVATED GROUND FLOOR. A ground floor situated above the grade plane of the adjacent sidewalk.

ENCLOSED. A roofed or covered space fully surrounded by walls, including windows, doors, and similar openings or architectural features, or an open space of less than 100 square feet fully surrounded by a building or walls exceeding eight feet in height.

ENCROACHMENT. Any architectural feature, structure or structural element, such as a gallery, fence, garden wall, porch, stoop, balcony, oriel window, bay window, terrace or deck, that breaks the plane of a vertical or horizontal regulatory limit extending into a setback, or beyond the build-to-line into the public frontage, or above a height limit.

ENGINEER. A person licensed to engage in the practice of engineering in the State of Texas.

ENTRY. An opening, such as a door, passage, or gate, that allows access to a building.

EROSION HAZARD ZONE. An area where future stream channel erosion is predicted to result in damage to or loss of property, buildings, infrastructure, utilities, or other valued resources.

EXTERNAL EMPLOYEES. An employee who does not reside at his or her place of employment.

F. F-Definitions

FACADE. See Building Facade.

FACADE RELIEF. Other non-glass materials that differ in texture from the adjacent facade material and made to be set in frames, as in windows and doors. Examples include, but are not limited to, metal panels, shutters, glass block, and wood panels.

FACADE ZONE. The area between the minimum and maximum setback lines along the front of a parcel and along the side street of a corner parcel.

FACILITY. An apparatus or improvement that is used in conjunction with a water or wastewater main that provides water or wastewater service to a property, regardless of where the facility is located. The term includes a lift station, force main, wastewater treatment plant, pump station, reservoir, pressure reducing valve station, a decentralized wastewater system component, alternative wastewater system, or an addition to an existing facility that increases the capability of the existing facility to provide water or wastewater service.

FAMILY. Any of the following:

1. One or more persons living together as a single housekeeping unit in a dwelling unit; or
2. The occupants of a residential facility serving six or fewer persons and licensed by the Director of the State Department of Social Services. For the purposes of this definition, "six or fewer persons" does not include the licensee, nor members of the licensee's family nor persons employed as facility staff.

FAMILY-FRIENDLY PLAY AREA. See Section 23-4C-4160 (Family-Friendly Play Area).

FAULTS AND FRACTURES. Significant fissures or cracks in rock that may permit infiltration of surface water to underground cavities or channels.

FEMA. The Federal Emergency Management Agency.

FENCE. A structure made of wire, wood, metal, masonry or other material, and typically used as a screen or enclosure for a yard or open space or as a divider along a lot line.

FESTOON. A strip or string of balloons which includes clusters or strings of balloons connected to a fixed object or vehicle on at least one end of the festoon.

FINISH LEVEL, GROUND FLOOR. The height difference between the finished floor on the ground floor and the adjacent public walk. In the case of a loading dock frontage that serves as the public right-of-way, the floor finish level is the height of the walk above the adjacent street. Regulations for ground floor finish level for ground floor residential uses do not apply to ground floor lobbies and common areas in multi-unit buildings.

FIRE PROTECTION PLAN. A document prepared for a specific project or development proposed for the wildland-urban interface area. It describes ways to minimize and mitigate the fire problems created by the project or development, with the purpose of reducing impact on the community's fire protection delivery system.

FLAG LOT. See Lot.

FLEX SPACE. A room or group of internally connected rooms designed to accommodate an evolution of use over time in response to an evolving market demand. Typically designed to accommodate future commercial uses, while accommodating less intense short-term uses, such as residential or live/work, until the commercial demand has been established.

FLOOD INSURANCE RATE MAP. An official map of a community on which FEMA has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

FLOODPLAIN

1. **100-YEAR.** The 100-year floodplain calculated under fully developed conditions as prescribed by the Drainage Criteria Manual.
2. **25-YEAR.** The 25-year floodplain calculated under fully developed conditions as prescribed by the Drainage Criteria Manual.
3. **FEMA.** A special flood hazard area that the Federal Emergency Management Agency has delineated on a flood insurance rate map.

FLOORPLATE. An area measurement in square feet of either the gross or the rentable floor area of a typical floor in a building.

1. **COMMERCIAL.** The area measurement of a floorplate dedicated to commercial uses.
2. **RESIDENTIAL.** The area measurement of a floorplate dedicated to residential uses.

FOOTPRINT. The outline of the area of ground covered by the foundations of a building or structure.

FOOTPRINT AREA. The total area contained within a footprint measured in square feet.

FORECOURT. See Section 23-4E-1090 (Forecourt).

FREESTANDING WALL. A wall that is separate from a building and supported by independent means.

FRONT. See Lot Line, Front.

FRONT LOADED (Front Access). Lots that provide vehicular access from the front of the lot.

FRONTAGE. A strip or extent of land abutting a thoroughfare, civic space or other public right-of-way.

1. **PRIVATE.** The area between the building facade and the shared lot line between the public right-of-way and the lot.
2. **PUBLIC.** The area between the curb of the vehicular lanes and the edge of the right-of-way.

FRONTAGE BUILDOUT. The length of a front building facade compared to the length of the front lot line, expressed as a percentage.

FRONTAGE LINE. The lot line(s) of a lot fronting a thoroughfare or other public way, or a civic space.

FRONTAGE TYPE. See Table 23-4D-3070(A) (Private Frontage Types Overview).

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

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.

FURNITURE AREA. An area of space that allows for the placement of furniture without restricting the movement of pedestrians.

G. G-Definitions

GABLE. A vertical wall in the shape of a triangle formed between the cornice or eave and the ridge of the roof.

GALLERY. See Section 23-4E-1130 (Gallery).

GARAGE. A structure, or part thereof, used or intended to be used for the parking and storage of motor vehicles.

GARDEN

1. **CITY-SUPPORTED COMMUNITY.** See Section 23-2M (Definitions).

2. **COMMUNITY.** See 23-4C-4170 (Community Garden).

GLAZING. The panes or sheets of glass set in frames, as in windows or doors. Glass includes tinted, fritted, vision, spandrel, and other forms of sheet formed glass.

GRADE

1. **FINISHED.** The finished ground level at any point along the exterior walls of a structure. In case walls are parallel to and within five feet of a sidewalk, alley or other public way, the level above ground shall be measured at the elevation of the sidewalk, alley or public way.
2. **EXISTING.** The grade of a site before it is modified by moving earth, adding or removing fill, or installing a berm, retaining wall, or architectural or landscape feature or for a site with a grade that was legally modified before October 1, 2006, the grade that existed on October 1, 2006. The Development Services Director may require an applicant to provide a third-party report that shows the natural grade of a site.

GREAT STREETS STREETSCAPE STANDARDS. Design standards for streets within the boundaries of the Great Streets Master Plan.

GREEN. See 23-4C-4100 (Green).

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

GREENWAY. See 23-4C-4090 (Greenway).

GROSS FLOOR AREA. The total enclosed area of all floors in a building with a clear height of more than six feet, measured to the outside surface of the exterior walls. The term includes loading docks and excludes atria airspace, parking facilities, driveways, and enclosed loading berths and off-street maneuvering areas.

GROSS LEASABLE AREA. The total floor area designed for tenant occupancy in a shopping center or regional shopping mall, including areas used for storage and areas within mall walkways that are used for sales. The area of tenant occupancy is measured from the center lines of joint partitions to the outside of the tenant walls.

GROSS SITE AREA. The total site area.

GROUND FLOOR. The floor of a building located nearest to the level of the ground around the building.

GUTTER. A shallow water drainage area adjacent to a curb.

H. H-Definitions

HABITABLE SPACE. The portion of a building that is suitable for human occupancy.

HARD COSTS. The actual cost of construction and materials determined after completion and final acceptance of a project.

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.

HAZARDOUS PIPELINE. A pipeline designed for the transmission of a “hazardous liquid”, as defined by Title 49, Code of Federal Regulations, Section 195.2, that has an inside diameter of eight inches or more.

HEIGHT. When used in reference to a building, means the vertical distance from the average of the highest and lowest finished grades adjacent to the building to: for a flat roof, the highest point of the coping; for a mansard roof, the deck line; for a pitched or hip roof, the average height of the highest gable; or for other roof styles, the highest point of the building.

1. **TRANSECT ZONES, PRIMARY STRUCTURE.** Height is determined in two ways:
 - a. **OVERALL.** The vertical distance between grade and the highest part of the structure directly above.
 - b. **TO EAVE/PARAPET.** The vertical distance between grade and the highest eave of the building or top of parapet wall.
2. **NON-TRANSECT ZONES, PRIMARY STRUCTURE.** Height is the vertical distance measured from the midpoint of the lowest and highest points of the structure along the finished grade to the highest point on the roof.
3. **ACCESSORY STRUCTURE.** Height, for the purpose of establishing required setbacks, shall be defined for every point within the footprint area of an accessory structure, including a tree house, as the vertical distance between grade and the highest part of the structure directly above. Height in all cases shall include any slab, platform, pad, mound or similar elevated base above pre-existing grade.

4. **FLOOR-TO-CEILING, GROUND FLOOR.** Height from finished floor to finished ceiling of primary rooms on the ground floor, not including secondary rooms such as bathrooms, closets, utility rooms and storage spaces.
5. **FLOOR-TO-CEILING, UPPER FLOOR(S).** Height from finished floor to finished ceiling of primary rooms on the floor(s) above the ground floor, not including secondary rooms such as bathrooms, closets, utility rooms and storage spaces.

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

HIGH-RISE/TOWER. See Table 23-4D-3060 (Building Types Overview).

HILL COUNTRY ROADWAY AREA. An area described in Division 23-4D-7060 (Hill Country Roadway Overlay Zone).

HILL COUNTRY ROADWAY. A roadway described in Division 23-4D-7060 (Hill Country Roadway Overlay Zone).

HISTORIC DISTRICT. An area included in a Historic Area (HD) Overlay Zone.

HISTORIC PROPERTY. Property zoned historic or listed in the City's historic building survey on October 6, 2008.

HISTORIC LANDMARK. A structure or site designated as a Historic Landmark (H) Overlay Zone.

HOUSE

1. **COMPACT.** See Table 23-4D-3060 (Building Types Overview).
2. **MEDIUM.** See Table 23-4D-3060 (Building Types Overview).
3. **SMALL.** See Table 23-4D-3060 (Building Types Overview).

HOUSING COSTS

1. For an owner-occupied dwelling unit, the average monthly cost for mortgage, utilities, and, if applicable, condominium dues; or
2. For a dwelling unit for lease, the average monthly cost for rent and utilities.

I. I-Definitions

IGNITION-RESISTANT BUILDING MATERIAL. A type of building material that resists ignition or sustained flaming combustion sufficiently so as to reduce losses from wildland-urban interface conflagrations under worst-case weather and fuel conditions with wildfire exposure of burning embers and small flames.

IMPERVIOUS COVER. The total area of any surface that prevents the infiltration of water into the ground, such as roads, parking areas, concrete, and buildings. Impervious cover shall be calculated in compliance with the Environmental Criteria Manual and Section 23-3D-3040 (Impervious Cover Calculations).

INDUSTRIAL USE. An approved use of reclaimed water for industrial or commercial processes as defined by 30 Texas Administrative Code, Chapter 210.

INFILL. The development of vacant land that was bypassed by earlier waves of development and is now largely surrounded by developed land.

IN-HEAD CHECK VALVE. A sprinkler head that contains a valve to hold water in the system to prevent drainage from sprinkler heads when the sprinkler is off.

INTENDED TO BE OCCUPIED AS A RESIDENCE. A dwelling unit that can or will be used all or part of the time as the occupant’s place of abode.

INTERESTED PARTY. A person who meets the criteria established by Section 23-2C-2020 (Interested Parties).

INTERLOCAL DEVELOPMENT AGREEMENT. An agreement between the City and any governmental entity, municipal corporation or political Subdivision that establishes or modifies standards for the use, maintenance, development, or construction of property containing one or more existing or proposed structures. The term includes new agreements and amendments to existing agreements.

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

INTERNAL CIRCULATION ROUTE. A public street or a publicly-accessible private drive that is constructed to satisfy the requirements in Section 2.2.5 (Internal Circulation Routes Connectivity, Parking, and Sidewalk Requirements for Large Sites).

IRRIGATION USE. An approved use of reclaimed water for landscape, horticultural, or agricultural irrigation as defined by 30 Texas Administrative Code, Chapter 210.

J. J-Definitions

JOINT-USE DRIVEWAY. A driveway located entirely or partially on a tract of land that is available for use by an adjoining tract of land as ingress and egress to a public street.

K. K-Definitions

No specialized terms beginning with the letter K are defined at this time.

L. L-Definitions

LAND USE COMMISSION. The Planning Commission or the Zoning and Platting Commission, as determined under Section 23-1B-2030 (Land Use Commission).

LAND USE PLAN. A map showing proposed and existing land uses in a water district.

LANDFILL AREA. An area marked on a map created by the City and maintained in the Watershed Protection and Development Review Department showing all known CMSWL and including property within the known boundary of a CMSWL, 200 feet around the estimated boundary of a CMSWL if the boundary is not known, or 1,500 feet from the estimated center of the CMSWL if neither a known boundary nor an estimated boundary is known.

LANDING. A level area at the top or bottom of a staircase or between one flight of stairs and another.

LANDSCAPED AREA. An area devoted to plant material, planters, brick, stone, water, aggregate, and other landscape features, excepting smooth concrete or asphalt, where the use of inorganic materials does not predominate over the use of plants.

LANDSCAPING. Flowers, shrubs, trees or other decorative material of natural origin.

LIGHT FIXTURE. The complete lighting assembly (including the lamp, housing, reflectors, lenses and shields), less the support assembly (pole or mounting bracket).

LIGHTWELL. See Section 23-4E-1110 (Lightwell).

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.

LIVE/WORK (BUILDING TYPE). See Table 23-4D-3060 (Building Types Overview).

LOADING DOCK(S). See Terrace/Loading Dock.

LOADING SPACE. An area used for loading or unloading goods from a vehicle in connection with the use of the site on which the loading space is located.

LOT. A parcel of real property with a unique designation shown on a plat, record of survey, parcel map, or Subdivision map recorded in the office of the County Clerk; or a parcel of real property established in compliance with zoning or subdivision regulations.

1. **CORNER.** A lot located at the intersection of two streets, or of two segments of a curved street, forming an angle of not more than 135 degrees.
2. **FLAG.** A lot that abuts a street by means of a strip of land that does not comply with the requirements of this Title for minimum lot width.
3. **INTERIOR.** A lot other than a corner lot.
4. **THROUGH.** A lot, other than a corner lot, abutting more than one street.
5. **LARGE.** A lot of at least 10,000 square feet.
6. **NONCONFORMING.** A legally created lot which does not conform with current standards for area, width, frontage or other such standards for the zone in which the lot is located because of annexation or amendments to this Title.
7. **SMALL.** A lot with an area at least 3,600 square feet and less than 5,750 square feet.
8. **STANDARD.** A lot of at least 5,750 square feet and less than 10,000 square feet.
9. **SUBSTANDARD.** A lot or tract recorded by deed or plat that does not comply with current area, width, or depth requirements, but that complied with the requirements in effect when it was placed on record.

LOT AREA. The net horizontal area within the lot lines, excluding the portion of the lot that provides street access, if the lot is a flag lot; or that is located below 492.8 feet of elevation above sea level, if the lot is adjacent to Lake Austin.

LOT DEPTH. The horizontal distance between the mid-point of the front lot line and the midpoint of the rear lot line.

LOT LINE. A line or series of connected line segments bounding a lot.

1. **FRONT**
 - a. For an interior lot, the lot line abutting the street;
 - b. For a corner lot, the lot line designated as the front lot line by a Subdivision or parcel map, or, if none, the shorter lot line abutting a street;
 - c. For a through lot, the lot line abutting the street that provides the primary access to the lot; and
 - d. For a flag lot, the lot line designated as the front lot line by a Subdivision or parcel map, or if none, the line determined by the Building Official to be the front lot line.
2. **REAR.** The lot line that does not intersect the front lot line, or that is determined in compliance with Division 23-2M-3 (Measurements).
3. **SIDE.** A lot line intersecting the front lot line.

4. **COMMON SIDE.** A side lot line between two or more lots.

5. **INTERIOR.** A lot line not abutting a street.

LOT WIDTH. The distance between side lot lines.

LOW-RISE. See Table 23-4D-3060 (Building Types Overview).

LOW WATER CROSSING. A roadway that provides a bridge when water flow is low. Under high flow conditions, water runs over the roadway and precludes vehicular traffic.

M. M-Definitions

MAIN BODY. The primary massing of a building.

MAIN FACADE. The front facade of a main building.

MAIN STREET (BUILDING TYPE). See Table 23-4D-3060 (Building Types Overview).

MAINTENANCE EASEMENT. When used in reference to a small lot, means an easement granted by the owner of one lot to the owner of an adjoining lot for maintenance of a dwelling within five feet of a common side lot line.

MAJOR. A greater size, scope, effect, characteristic or quality relative to the other corresponding sizes, scopes, effects, characteristics or qualities; or being the greater of two or more.

MAJOR PRIVATE OPEN SPACE IMPROVEMENTS. Swimming pools, tennis courts, basketball courts, sports fields, recreation centers, and community meeting halls.

MASSING. The overall shape or arrangement of the bulk or volume of a building.

MASTER VALVE. A remote valve control valve located after the backflow prevention device that controls the flow of water to the irrigation system mainline.

MEDIAN FAMILY INCOME. The median family income for the Austin statistical metropolitan area as determined by the Housing Director.

MID-RISE. See Table 23-4D-3060 (Building Types Overview).

MINOR. Having a lesser size, scope, effect, characteristic or quality relative to the average size, scope, effect, characteristic or qualities; or being the lesser of two or more.

MINOR MODIFICATION. A process to ensure that minor modifications are only approved in compliance with certain circumstances.

MIRRORED GLASS. Glass with a reflectivity index greater than 20 percent.

MOBILE HOME. A movable dwelling constructed on a chassis, designed for use without a permanent foundation, and designed to be connected to utilities. The term excludes manufactured modular housing designed to be set on a permanent foundation and recreational vehicles.

MOBILE HOME SPACE. An area in a mobile home park that is designed for and designated as the location for a single mobile home and the exclusive use of its occupants.

MOBILE HOME STAND. That portion of a mobile home space on which the mobile home is placed.

MOBILE HOME PARK. A unified development of mobile home spaces for rent or lease, including common areas and facilities for management, recreation, laundry and utility services, storage, and similar services for the convenience of residents.

MOTORBOAT. A watercraft propelled by an internal combustion engine or electric motor.

MULTIPLEX

1. **LARGE.** See Table 23-4D-3060 (Building Types Overview).
2. **MEDIUM.** See Table 23-4D-3060 (Building Types Overview).

MULTI-USE TRAIL. A facility designated for the use of pedestrians, bicycles, and/or other non-motorized users and associated bridges.

MUNICIPAL UTILITY DISTRICT. A district created in compliance with Chapters 50 and 54 of the Texas Water Code.

MUNICIPAL WASTEWATER. Wastewater collected from dwelling units, commercial buildings, and institutions including process wastes of industry, groundwater infiltration, miscellaneous waste liquids, spent water from building water supply, and waste materials from bathrooms, kitchens and laundries.

N. N-Definitions

NATIONAL REGISTER HISTORIC DISTRICT. An area designated in the Federal Register in compliance with the National Historic Preservation Act of 1966, as amended, for which maps depicting the area are available for inspection by the public at the Planning and Zoning Department.

NATURAL CONTEXT TYPE. Undeveloped areas whose primary characteristic is nature (e.g. Sulphur Mountain, marshes, and wetlands).

NATURAL AREA. That portion of Town Lake Park that is preserved as a natural environment with limited human activity.

NEIGHBORHOOD CENTER. A walkable urban environment that provides a concentrated mix of civic, institutional and/or commercial uses.

NEIGHBORHOOD ORGANIZATION. An association that has registered as a neighborhood organization in compliance with this Title.

NEIGHBORHOOD PLAN CONTACT TEAM. The individuals designated to implement an adopted neighborhood plan. The neighborhood plan contact team is a neighborhood organization that qualifies as an interested party for purposes of notice, appeal, and other processes if all other qualifications for interested party status are satisfied. The neighborhood plan contact team is a separate body apart from any other existing or future neighborhood organization.

NONCONFORMING LOT. A lot of record that does not meet the lot area or lot width requirements of these regulations for the zoning in which it is located.

NONCONFORMING STRUCTURE. A structure legally constructed which does not conform with current height, setback, coverage or other measurable standards for the zone in which the structure is located because of annexation or amendments to this Title; or a building, structure, or area, including off-street parking or loading areas, that does not comply with currently applicable site development regulations for the zone in which it is located, but did comply with applicable regulations at the time it was constructed.

NONCONFORMING USE. A land use or activity that does not conform to current use regulations, but did conform to the use regulations in effect at the time the use was

established. The land use or activity meets the requirements of Section 23-2G-1020 (Nonconforming Status).

NORMAL POOL ELEVATION. For the following lakes:

1. Lake Austin, 492.8 feet above mean sea level;
2. Lady Bird Lake, 429 feet above mean sea level; and
3. Lake Walter E. Long, 554.5 feet above mean sea level.

NOTICE OWNER. The owner of real property as shown on the records of the tax appraisal district in the county in which the property is located.

O. O-Definitions

OCCUPANCY. A building or portion of a building is used or intended to be used. The term also includes the building or room housing such use. Change of occupancy is not intended to include change of tenants or owners.

OCCUPANT SPACE. Space in a building used for a use other than a parking facility or a mechanical facility.

OFFSITE FACILITIES. Reclaimed water distribution, storage, or delivery facilities upstream of the Reclaimed Water Point of Connection to a Reclaimed Water Approved Use Area.

ONSITE FACILITIES. Reclaimed water distribution facilities downstream of the Reclaimed Water Point of Connection to a Reclaimed Water Approved Use Area.

OPEN SPACE

1. **COMMUNITY.** Open space that is available for use by the public, and includes (but is not limited to) a plaza, square, park, playground, greenbelt or similar area.
2. **PRIVATE COMMON.** A privately-owned outdoor or unenclosed area intended for use by the residents, employees, and/or visitors to a development.
3. **PRIVATE PERSONAL.** A privately-owned outdoor or unenclosed area intended for use solely by the individual residents of a multifamily dwelling unit.

OPEN ZONE. A sub-zone within a transect zone that allows for a greater range of uses within the transect zone's same building form standards.

OPERATOR. A person who operates a mobile retail establishment.

ORDINARY REPAIR OR MAINTENANCE. Any work that does not constitute an exterior change in design, material, or outward appearance, and includes in-kind replacement or repair with the same original material.

OVERHEAD DOORS. Doors constructed in horizontally hinged sections that are equipped with hardware that rolls the sections into an overhead position, clear of the opening.

OVERLAY ZONE. A zone established by this Title to prescribe regulations to be applied to a site in combination with regulations applicable to a base zone.

OVERSIZE. With reference to a water or wastewater main or facility, means an increase in the size or capacity of the main or facility above the minimum size or capacity required by the Utilities Criteria Manual, including fire flow requirements, that is necessary to provide utility service to meet the projected demands of the property to be served.

OWNER OR PROPERTY OWNER. The record owner of a property or an agent of the property owner.

P. P-Definitions

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.

PARAPET. A wall along the edge of a roof or the portion of a wall that extends above the roof line.

PARCEL. A piece of land that might have been split many years ago, but is not part of a subdivision.

PARK

1. **COMMUNITY.** A park intended for citywide use and designed to accommodate large numbers of people involved in a variety of activities. See 23-4C-4040 (Civic Space Overview).
2. **CULTURAL.** A park that is intended for cultural facilities, including museums, botanical gardens, and performance areas.
3. **DISTRICT.** A park of 31 to 100 acres with a two-mile service area. See Section 23-4C-4070 (District Park).
4. **PARK, METRO.** A park of 200 or more acres that serves the entire City. See Section 23-4C-4060 (Metropolitan Park).
5. **PARK, NEIGHBORHOOD.** A park of two to 30 acres with a one-mile service area; or a portion of Town Lake Park that is small, informal, is less intensely used than the developed areas of Town Lake Park, and serves adjacent neighborhoods.
6. **PARK, POCKET.** A park of no more than two acres with a one-quarter mile service area. See Section 23-4C-4150 (Pocket Park).
7. **PARK, RIPARIAN.** See 23-4C-4040 (Civic Space Overview).

PARK CLASSIFICATION MAP. The map that is on file with the Parks Director and that is Exhibit "B" to Ordinance No. 890126-P.

PARKING AND TRANSPORTATION MANAGEMENT DISTRICT. An area defined by separate ordinance, consisting of a geographic area that may include a mix of retail, entertainment, commercial, medical, educational, civic, and residential uses, in which Council finds that traffic flow on the public streets requires a higher level of management than commonly provided, and where Council finds parking meters will aide traffic flow goals. Council also finds a percentage of funds from paid on-street parking and off-street paid public parking within the District may be used to undertake improvement projects that assist in managing the flow or demand for travel to confer public benefits within the District.

PARKING

1. **SHARED.** Any parking spaces assigned to more than one user, where different persons utilizing the spaces are unlikely to need the spaces at the same time of day.
2. **SPACE.** An area designated for parking a motor vehicle, excluding an area in a public right-of-way.
3. **STRUCTURE.** A structure that includes five or more off-street parking spaces together with driveways, maneuvering areas, and similar features.
4. **TANDEM.** A parking space deep enough to allow two cars to park, one behind the other.

PARKLAND DEDICATION URBAN CORE. An area bound by Highway 71/Ben White Boulevard to the south; Highway 183 to the east and north; Loop 1 (MOPAC) on the west to FM 2222; FM 2222 on the north to Loop 360; Loop 360 on the west to Lake Austin; Lake Austin on the west to Loop 1 (MOPAC); and Loop 1 (MOPAC) on the west to Highway 71 (Ben White); [A copy of map can be found in City offices.]

PASSIVE RECREATION. See "Recreation, Passive."

PATH OF TRAVEL. A continuous, unobstructed way of pedestrian passage.

PEDESTRIAN SHED. An area centered on a destination such as a civic space, civic building, or main street. Its size is limited by an average distance that may be traversed at an easy walking pace in a given amount of time from its center to its edge. Pedestrian sheds are used for planning Walkable Urban areas.

PEDESTRIAN WAY. The portion of a street right-of-way not used for a roadway.

PERMIT HOLDER. The person to whom the Health Authority issues a permit for a mobile food establishment permit required by Chapter 10-3 (Food and Food Handlers) of the City Code.

PERMITTED USE. A use of property authorized by this Title.

PERSONAL WATERCRAFT. Jet skis and means a type of motorboat specifically designed to be operated by a person or persons sitting, standing or kneeling on the vessel rather than in the conventional manner of sitting or standing inside the vessel and that is less than 13 feet in length.

PETITION. The written request to the City for consent to the creation of or annexation to a water district required by the Texas Water Code and any document required by City rules.

1. **TYPE 1 (CHAPTER 245).** A vested rights petition that alleges rights under Chapter 245 of the Local Government Code to develop property under ordinances, regulations, or rules other than those in effect on the date the permit application is submitted.
2. **TYPE 2 (CONTINUING USE).** A vested rights petition that alleges rights under Section 43.002 of the Local Government Code to continue or begin a land use that was begun or planned prior to annexation of the land by the City.
3. **VESTED RIGHTS PETITION.** A petition requesting a determination of development rights under Chapter 245 or use rights under Section 43.002 of the Local Government Code.

PLANNED DEVELOPMENT AREA. An overlay zone authorized by this Title or an area subject to a planned development area agreement approved by the City.

PLANNED UNIT DEVELOPMENT. Land developed as a single unit under unified control.

PLANNING JURISDICTION. The City and its extraterritorial jurisdiction.

PLANTING STRIPS. A landscaped or grassy area located between a street and a sidewalk.

PLANTING 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.

PLAT. A map of specific land showing the location and boundaries of individual parcels of land subdivided into lots, with streets, alleys and easements drawn to scale. "Plat" is synonymous with "Final Plat".

PLAZA. See Section 23-4C-4130 (Plaza).

POCKET PLAZA. See Section 23-4C-4140 (Pocket Plaza).

PODIUM. A continuous projecting base or pedestal under a building often occupied by parking.

PODIUM TOP. A flat, elevated, and open area above a podium that can be used as common area.

POINT RECHARGE FEATURE. A cave, sinkhole, fault, joint, or other natural feature that lies over the Edwards Aquifer recharge zone and that may transmit a significant amount of surface water into the subsurface strata.

PORCH. A covered shelter projecting.

1. **ENGAGED.** See Section 23-4E-1060 (Porch: Engaged).
2. **PROJECTING.** See Section 23-4E-1050 (Porch: Projecting).

PORTICO. See Awning.

PRELIMINARY PLAN. A map or drawing of a proposed plat, intended for consideration by the Land Use Commission or the Council in compliance with the requirements of this Title.

PREMISES. An area of land with its appurtenances and buildings which because of its unity of use may be regarded as the smallest conveyable unit.

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

PRINCIPAL BUILDING ENTRANCE. The primary building entrance where the majority of the public enters the building and which is open during all business hours, excluding secondary access through an attached parking garage. For mixed use development in a multi-tenant building, the entrance to each use at the tenant's outside entrance is considered a principal building entrance.

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

PRINCIPAL USE. The primary function of a site, building, or facility.

PROPERTY. Real property.

PUBLIC RIGHT-OF-WAY. A street, including adjacent sidewalks, providing the principal means of access to abutting property and dedicated to, or maintained by, the City; or

a street providing the principal means of access to abutting property and with right-of-way or easement and paved and otherwise improved to meet City standards.

Q. Q-Definitions

QUADPLEX. See Tri/Quadplex.

QUEUE LINE. An area for temporary parking of motor vehicles while awaiting service or other activity.

QUEUE SPACE. A space for a motor vehicle in a queue line.

R. R-Definitions

REAR. Opposite of front.

REAR LOADED (REAR ACCESS). Lots that provide vehicular access from the rear of the lot.

RECESSED ENTRY. An entrance to a building that is set back from the facade of the building.

RECLAIMED WATER. Reclaimed municipal wastewater that is under the direct control of the City treatment plants, satellite facilities, or a treatment plant with which the City contracts, and that has been treated to a quality that meets or exceeds 30 Texas Administrative Code, Chapter 210 requirements.

RECLAIMED WATER APPROVED USE. An application of reclaimed water authorized by a reclaimed water agreement.

RECLAIMED WATER APPROVED USE AREA. A site designated in a reclaimed water agreement to receive reclaimed water for an approved use.

RECLAIMED WATER POINT OF CONNECTION. A location where offsite facilities connect to onsite facilities, at the downstream end of Austin Water's reclaimed water service meter.

RECLAIMED WATER SERVICE. Furnishing reclaimed water to a user through a metered connection to onsite facilities.

RECLAIMED WATER SERVICE AREA. The territory within the City and within its extraterritorial jurisdiction.

RECLAIMED WATER UTILITY STANDARD. A design criterion of the City, American Water Works Association, or the TCEQ.

RECORD OWNER. The owner of real property as shown by the deed records of the county in which the property is located.

RECREATION, ACTIVE. Recreational pursuits usually performed with others and often requiring equipment which required physical alteration to the area in which they are performed. Such areas are intensively used, and include but are not limited to playgrounds, sport courts, baseball/softball and other field sports, and swimming pools.

RECREATION, PASSIVE. Recreational pursuits involving existing natural resources which can be carried out with little alteration or disruption to the area in which they are performed. This includes, but is not limited to, such activities as walking, hiking, bicycling, bird and animal watching, and picnicking.

RECREATIONAL VEHICLE. A vehicle or trailer designed for temporary dwelling or recreational purposes, and includes travel trailers, pick-up campers, camping trailers, motor coach homes, converted trucks and buses, boats, and boat trailers.

REGULATING PLAN. A map for a development that identifies transect zones to be applied to replace the existing zones and that identifies the civic and open space types, thoroughfare types, building types, and frontage types for the development. Upon approval of the development, the regulating plan's content is incorporated into the Zone Map and the relevant chapters of Title 23.

RELEASE. The written certification of the Director that a Site Plan has been approved, that the Site Plan complies with this Title, and that the conditions of approval for the Site Plan have been satisfied; or the written certification of the Director and the presiding officer of the Land Use Commission, that a plat has been approved, that the plat complies with this Title, and that the conditions of approval for the plat have been satisfied.

REMOVAL. An act that causes or may be reasonably expected to cause a tree to die, including:

1. Uprooting;
2. Severing the main trunk;
3. Damaging the root system; and
4. Excessive pruning. (Tree and Natural Area Protection)

REPLAT. A plat that includes only unplatted land from a vacated plat.

RESIDENTIAL. Premises used primarily for human habitation.

RESIDENTIAL BASIN. A required detention basin or appurtenance that receives stormwater runoff from a residential development.

RESIDENTIAL POND. A required water quality control or appurtenance that receives stormwater runoff from a residential development.

RESIDENTIAL ZONES. The non-transect zones rural residential, low density, medium density, and high density residential zones.

RESPONSIBLE DIRECTOR. The director or director's designee of the applicable department as designated by the City Manager, with responsibility for oversight of the specified action, requirement, or standard.

RESTRICTED PIPELINE AREA. An area within 25 feet of a hazardous pipeline and an area within a hazardous pipeline easement.

RESUBDIVISION PLAT. A plat that is controlling over the preceding plat without vacation of that plat, and complies with Sec. 212.014 of the Local Government Code, as amended.

REVIEW AUTHORITY. The City officer, employee, or body charged with reviewing and determining whether to approve an application.

REVISION. A change in an approved or released plan that is initiated by an applicant.

RIGHT-OF-WAY. Land dedicated or reserved for streets, utilities, or other public facilities.

ROADWAY. The portion of a street right-of-way used for vehicular travel.

1. **MAJOR.** A roadway that is designated as a major arterial, minor arterial expressway, parkway, or freeway in the transportation plan or in a roadway plan approved by the appropriate county.
2. **SUBURBAN.** All roadways that are not Transit, Hill Country, Highway, or Urban Roadways.
3. **URBAN.** Roads located within the following boundaries other than those designated as Core Transit Corridors and Highways.
 - e. 183 from Burnet to Hwy 71
 - f. Hwy 71 from 183 to Loop 1
 - g. Loop 1 from Hwy 71 to Lake Austin
 - h. Lake Austin from Loop 1 to Exposition
 - i. Exposition from Lake Austin to 35th
 - j. 35th from Exposition to Loop 1
 - k. Loop 1 from 38th to RM 2222
 - l. RM 2222 from Loop 1 to Mesa
 - m. Mesa from RM 2222 to Spicewood Springs Road
 - n. Spicewood Springs Road from Mesa to 360
 - o. 360 from Spicewood Springs Road to Great Hills Trail
 - p. Great Hills Trail from 360 to 183
 - q. 183 from Great Hills Trail to Braker
 - r. Braker from 183 to Burnet
 - s. Burnet from Braker to 183

ROWHOUSE. A single-family dwelling unit constructed in a group of three or more attached units in which each unit extends from the foundation to roof and with open space on at least two sides. There are two types:

1. **LARGE.** See Table 23-4D-3060 (Building Types Overview); and
2. **MEDIUM.** See Table 23-4D-3060 (Building Types Overview).

S. S-Definitions

SATELLITE FACILITY. A package wastewater treatment plant.

SCENIC VISTA. A generally recognizable, noteworthy view of:

1. Barton Creek;
2. Bull Creek;
3. West Bull Creek;
4. Lake Austin;
5. Lake Travis;
6. A valley of the Colorado River; or
7. The downtown area of Austin.

SCREENED. Hidden from the view of a person standing at ground level on an abutting site by an architectural or landscape feature that is, or will grow to, at least six feet in height.

SECONDARY WINGS. A structure physically attached to, and secondary and incidental to, the main body of a main building.

SECURE. Either in a dedicated locked room, an area enclosed by a fence with a locked gate, and/or within 100 feet of a permanent security guard station. For residential use enclosed private garage space is considered to be secure.

SEDIMENTATION/FILTRATION POND. Water quality controls that comply with Division 23-3D-6 (Water Quality Control) or are approved under Section 23-3D-6110 (Innovative Management Practices).

SERVICE EXTENSION. A water or wastewater main or facility that provides new or additional water or wastewater service to a property.

SERVICE ENTRIES. Building access for service providers.

SETBACK. The area between the Buildable Area on a lot and a lot line.

1. **BUILDING.** The mandatory clear distance between a lot line and a building.
2. **DEPTH.** The dimension of a setback measured at a right angle and horizontally from an abutting property line.
3. **DOMINANT SIDE.** When used in reference to a small lot, means the side setback having the larger width.
4. **FRONT.** An area extending the full width of a lot between the front lot line and the front setback line.
5. **INTERIOR.** An area, not adjacent to a street, that is determined on the basis of an interior lot line.
6. **LINE.** A line within a lot parallel to and measured from a corresponding lot line, forming the boundary of a setback and governing the placement of structures and uses on the lot.
7. **LINE, PRIMARY.** A line that is a prescribed distance from and parallel to the centerline of an identified creek, the shoreline of Town Lake, the shoreline of the Colorado River, or the boundary of an identified street, as applicable.
8. **LINE, SECONDARY.** A line that is a prescribed distance from and parallel to a primary setback line.
9. **PARKING.** The mandatory clear distance between a lot line and parking.
10. **PRIMARY.** The area between a primary setback line and the centerline of an identified creek, the shoreline of Town Lake, the shoreline of the Colorado River, or the boundary of an identified street, as applicable.
11. **REAR.** An area extending the full width of a lot between the rear lot line and the rear setback line, excluding any area located within the street side setback of a corner lot.
12. **SECONDARY.** The area between a primary setback line and a secondary setback line.

13. **SIDE.** The area extending the depth of a lot from the front setback to the rear lot line between the side lot line and the side setback line. For a corner lot, a street side setback is the area that extends from the front setback to the rear lot line.
14. **STREET.** A setback adjacent to a street and determined on the basis of a street lot line.
15. **SUBORDINATE SIDE.** When used in reference to a small lot, means the side setback having the smaller width.

SHOPPING CENTER. In non-transect zones, a group of retail stores and/or service establishments on a site of at least three acres where restaurant uses do not occupy more than 25 percent of the building floor area. The establishments must provide a diversity of services that are designed to serve the neighborhood or the community.

SHOPFRONT. See Section 23-4E-1120 (Shopfront).

SHORELINE

1. The line where the edge of the water meets the land at normal pool elevation, or
2. The 492.8 topographic contour line along the shores of Lake Austin or the 681 topographic contour line along the shores of Lake Travis.

SHORELINE ACCESS. Improvements constructed to provide a means of approaching the shoreline that include, but are not limited to stairs, lifts, trams, incline elevators or escalators.

SHORELINE SETBACK. The distance from the shoreline as prescribed in Section 23-4D-7080 (Lake Austin Overlay Zone).

SIDEWALK. A paved right-of-way intended exclusively for pedestrian use and often installed between a street and lot frontages.

SINGLE-FAMILY

1. **ATTACHED.** A structure containing two dwelling units attached by a common wall or walls, where each dwelling unit is located on a separate lot.
2. **DETACHED.** A detached structure that accommodates one dwelling.

SITE. A contiguous area intended for development, or the area on which a building has been proposed to be built or has been built. A site does not cross a public street or right-of-way.

SITE PLAN. A plan for a development, other than a Subdivision construction plan, submitted by an applicant to demonstrate that the development complies with the requirements of this Title.

SMALL LOT SUBDIVISION. A preliminary plan or final plat that contains at least 51 percent small lots.

SMART GROWTH CORRIDOR. An area identified as a “smart growth corridor” in a neighborhood plan adopted by Council.

SMART GROWTH NODE. An area identified as a “smart growth node” in a neighborhood plan adopted by Council.

SOFT COSTS. The cost of preliminary engineering reports, surveying, geotechnical studies, design, and project management of the construction and installation of a main or facility. This term does not include costs such as financing, interest, fiscal security,

permitting, accounting, insurance, governmental fees (including inspection fees), legal services, easements, and all other soft costs associated with the construction of a main or facility.

SOS POND. Water quality controls that comply with all requirements of Division 23-3D-6 (Water Quality Control) and the pollutant removal requirements of Section 23-3D-9040 (Pollution Prevention Required).

SOUND EQUIPMENT. A loud speaker, public address system, amplification system, or other sound producing device.

SOUTH EDWARDS AQUIFER RECHARGE ZONE. The portion of the Edwards Aquifer recharge zone that is located south of the Colorado River and north of the Blanco River.

SPECIAL EXCEPTION. An exception from specified standards or requirements of this Title.

SQUARE. See Section 23-4C-4120 (Square).

STAFF. A City employee.

STOOP. See Section 23-4E-1070 (Stoop).

STORAGE FACILITY. An impoundment or structural tank that receives reclaimed water from a producer.

STOREFRONT. The portion of a shopfront frontage composed of the display window and/ or entrance and its components, including windows, doors, transoms and sill pane.

STORY. That portion of a building between the upper surface of a floor and the upper surface of the floor or roof next above.

STORY, HALF. A conditioned space that rests primarily underneath the slope of the roof. A half-story shall be considered a story when its top wall plates, on at least two opposite exterior walls, are four feet or more above the floor of such story.

STREET. A public or permanent private thoroughfare which affords a primary means of access to property.

1. **ACCESS.** A street that provides access to a subdivision by connecting to an external street.
2. **COLLECTOR.** A street collecting traffic from other streets and serving as the most direct route to a thoroughfare.
3. **EXTERNAL.** A street that is outside the boundaries of a subdivision, and that is:
 - t. A publicly maintained street;
 - u. A street that is offered for dedication and for which a construction performance bond is posted pending acceptance of the dedication; or
 - v. A private street that complies with the lot requirements of this Code and each applicable criteria manual.
4. **FRONT.** Street located along the front lot line of a parcel.
5. **INTERNAL.** A private street in a mobile home park, planned unit development, planned development area, or other similar development.

6. **LOCAL.** A street that serves traffic within a neighborhood or limited residential district, and which is not necessarily continuous through several residential districts.
7. **PRINCIPAL.** The street with the highest priority that is adjacent to the lot or site. Street priorities are as follows, from highest to lowest:
 - a. Core Transit Corridor;
 - b. Internal Circulation Route;
 - c. Urban Roadway;
 - d. Suburban Roadway; and
 - e. 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. (Subchapter E)
8. **MAJOR.** A public street which is identified as a major street by the Comprehensive Plan. It is a street which carries the major flow of traffic passing through or adjacent to a subdivision and for which the traffic entering or crossing from intersecting roads and streets may be controlled.
9. **SIDE.** Street located along a lot line of a parcel that is not along the front lot line.

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 FRONTAGE. The length of the property line of any one premises parallel to and along the public right-of-way which it borders and which is identified by an officially assigned street address.

STREET LINE. A lot line abutting a street.

STREET TREE. A tree of any species or size planted in parkways, sidewalk areas, easements, and rights-of-way granted to the City.

STREET WALL AREA. The portion of an exterior wall of a building adjacent to a public street other than an alley and accessible from a pedestrian path that extends from the base of street level to a maximum height of 65 feet; or for an accessory parking structure, to a maximum height of two stories.

STRUCTURAL ALTERATION. A change in the supporting members of a building including load bearing walls, columns, girders, and beams over eight feet long.

STRUCTURE. An improvement attached to real property.

1. **ACCESSORY.** A subordinate structure physically detached from, secondary and incidental to, and commonly associated with a primary structure or use on the same site. Accessory structures normally associated with a residential use property include, but are not limited to garages (unenclosed or enclosed) for the storage of automobiles (including incidental restoration and repair), personal recreational

vehicles and other personal property; studios; workshops; greenhouses (noncommercial); enclosed cabanas and pool houses; and storage sheds. Accessory structures normally associated with a non-residential use property include, but are not limited to garages (unenclosed or enclosed) for the storage of automobiles and work related vehicles and equipment (including incidental restoration and repair); storage structures; workshops; and studios. "Accessory structure" shall not mean second family residential unit.

2. **EXISTING.** A structure legally erected prior to the effective date of this Title, or one for which a valid legal Building Permit has been issued prior to this effective date of this Title.

SUBDIVIDE. To divide land into two or more lots for the purpose of sale or development, to resubdivide an existing lot; or to combine two or more lots into the same number or fewer lots with different boundaries.

SUITABLE AND SUFFICIENT SERVICE. The ability of the existing water and wastewater system at the property to appropriately serve the property and meet the size and capacity criteria as defined in the Utilities Criteria Manual.

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

T. T-Definitions

TAP PERMIT. A permit for a connection to the City's water or wastewater system under Division 23-10A-4 (Tap Permits).

TCEQ. The Texas Commission on Environmental Quality or its successor agency.

TECHNICAL CODE. The International Building Code, the National Electrical Code, the Uniform Mechanical Code, the Uniform Plumbing Code, the International Fire Code, the Uniform Solar Energy Code, the Uniform Housing Code, or the International Property Maintenance Code, as adopted by the Council.

TERRACE. See Section 23-4E-1100 (Terrace).

TEXAS PLANE COORDINATE. Means the Central Zone of the Texas State Coordinate Systems as defined by the U.S. Coast and Geodetic Survey, dated 1945 and revised in March 1978.

THOROUGHFARE. A way for use by vehicular, pedestrian, and bicycle traffic that provides access to lots and open spaces, and that incorporates vehicular lanes and public frontages. See Section 7.20.040 (Thoroughfare Types for Transect Zones).

TOWER. See High-Rise/Tower.

TOWN LAKE CORRIDOR STUDY. The planning document published by the City in 1985 and formally approved by City Council Resolution No. 851031-19.

TOWN LAKE PARK. All the dedicated park land in the Waterfront Overlay Zone.

TOWN LAKE PARK PLAN. The Town Lake Park Plan adopted by Ordinance No. 890126-P.

TOWNHOUSE. A dwelling unit having a common wall with or abutting one or more adjoining dwelling units in a townhouse group.

TOWNHOUSE GROUP. Two or more contiguous townhouses.

TOWNHOUSE LOT. The portion of a townhouse development that is intended for separate ownership as the location of a single townhouse and associated private yard area.

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

TRAILER PARK. See Mobile Home Park.

TRANSPORTATION DEMAND MANAGEMENT, OR TDM. Design features, incentives, and tools implemented by Development Projects to reduce VMT, by helping residents, tenants, employees, and visitors choose sustainable travel options such as transit, walking, ride-sharing, and biking.

TRANSPORTATION DEMAND MANAGEMENT PLAN OR TDM PLAN. A development's plan describing compliance with the TDM Program.

TRANSPORTATION DEMAND MANAGEMENT PROGRAM, OR TDM PROGRAM. The City of Austin's policy requiring developments to incorporate TDM measures in their proposed projects, as set forth in Article 23-9B (Right-Of-Way And Transportation Improvements).

TRANSPORTATION DEMAND MANAGEMENT PROGRAM STANDARDS, OR TDM PROGRAM STANDARDS. The details on how a development will meet the requirements of the TDM Program, which is documented in the Transportation Criteria Manual.

TRANSPORTATION PLAN. Any transportation related plan that amends the Austin Comprehensive Plan by ordinance or resolution.

TRANSPORTATION SYSTEM. An individual component of the overall transportation network designed for the movement of people and goods, including streets, sidewalks, trails, transit, parking, curb space, and other multi-modal transportation facilities identified in the Transportation Plan.

TRANSECT. A cross-section of the environment showing a range of different habitats. The Rural-to-Urban Transect of the human environment is divided into multiple transect zones that describe the physical form and character of a place according to the intensity of its land use and urbanism. See P-1030 (The Natural-to-Urban Transect The Framework for the Form-Based Code).

TRANSECT ZONE. One of several zones mapped on the Zone Map. See Section 23-4D-3050 (Transect Overview).

TRANSITIONAL CONTEXT TYPE. Areas that have many of the characteristics of the Walkable Urban pattern but lack key characteristics such as retail or services within a short walking distance or have significant physical obstacles that reduce the likelihood of walking or bicycling for other than recreation.

TRANSIT STATION. An area or structure used for the purpose of parking, loading and unloading freight and passengers from train or bus transportation. May include parking facilities and other commercial amenities to service transit passengers.

TRANSIT STOP. A location where buses stop to load and unload passengers. A transit stop sometimes includes a shelter or a dedicated platform along the sidewalk.

TRI/QUADPLEX. See Table 23-4D-3060 (Building Types Overview).

U. U-Definitions

UNDERSTORY. The smaller trees and shrubs below the canopy of large trees.

UNRELATED. Not connected by consanguinity, marriage, domestic partnership or adoption.

UPDATE. Additional information, a plan, or a plat submitted by an applicant in response to comments by a Review Authority.

UPPER FLOOR. The floor in a building containing habitable space that is located above the ground floor.

URBAN WATERFRONT. That portion of Town Lake Park that is adjacent to high density urban development.

USE. The conduct of an activity, or the performance of a function, on a parcel or in a structure.

USE, ACCESSORY. See Section 23-4E-6040 (Accessory Uses).

USE EASEMENT. When used in reference to a small lot, means an easement granted by the owner of a small lot with the subordinate side setback to the owner of a small lot with a dominant side setback along the common lot line, and which allows the occupant of the dwelling unit on the lot having the dominant side setback the use, enjoyment, and privacy of the dominant side setback.

USE REQUIRING EVACUATION ASSISTANCE. The following uses require evacuation assistance:

1. Day Care, (commercial);
2. Detention Facility;
3. Hospital;
4. Medical Services;
5. Residential Care Facility;
6. School, (public or private); and
7. Senior/Retirement Housing.

UTILITIES. Installations or facilities or means for furnishing to the public, electricity, gas, steam, communications, water, wastewater, reclaimed water, drainage, or flood control, irrespective of whether such facilities or means are underground or above ground. Utilities may be owned and operated by any person, firm, corporation, municipal department or board, duly appointed by state or municipal regulations. Utility or utilities as used herein may also refer to such persons, firms, corporations, departments, or boards.

UTILITY LINE. Facility used for the transmission of one or more utility services.

V. V-Definitions

VACATING PLAT. A plat that conforms to the requirements of Local Government Code 212.013, as amended.

VALUE OR VALUATION. When used in reference to a structure, means the estimated cost to replace the structure in kind, based on current replacement costs.

VARIANCE. Grant of relief from the requirements of this Title by the applicable Commission or Board.

VEGETATION MANAGEMENT PLAN. A document describing all actions that will be taken to prevent a fire from being carried toward or away from a building.

VESTED RIGHTS. A right conferred by state law to develop property under ordinances, regulations, or rules other than those in effect on the date a permit application is submitted. The term includes development rights under Chapter 245 and use rights under Section 43.002 of the Local Government Code, but does not include a right existing under common law.

VESTED RIGHTS PETITION or PETITION. A petition requesting a determination of development rights under Chapter 245 or use rights under Section 43.002 of the Local Government Code.

VESTING DATE. The date on which a project accrued development rights under Chapter 245 or use rights under Section 43.002 of the Local Government Code.

W. W-Definitions

WAIVER. A relief from development standards granted by the Director, as allowed by this Title.

WALKABLE URBAN CONTEXT TYPE. Areas that are pedestrian-oriented in nature, where bicycling and walking are viable, daily options because services, retail, or restaurants are within a short walking distance of most residences within a pedestrian shed.

WALKABILITY. The condition when an area is highly interconnected to other areas and appeals to pedestrians for recreational walking or for walking to work, transit, errands, shopping, or restaurants.

WALKWAY. A paved way located on one or more parcels, used for pedestrian traffic, and used exclusively by the parcel owner or owners, their guests and invitees.

WALL PLANE. A vertical surface defined by the facades of buildings.

WASTEWATER. A liquid or water borne waste, including, without limitation, sewage, industrial waste or other wastes, whether separate or commingled.

WASTEWATER IMPACT FEE. An impact fee for wastewater service.

WASTEWATER INTERCEPTOR. A wastewater main generally considered to be 18-inches in diameter or larger and to which direct connections for retail service to a property are not allowed, unless an exception is approved by the Water Utility Director.

WATER. Potable water or reclaimed water as defined by Section 210.3(24) of Title 30 of the Texas Administrative Code, as amended.

WATER AND WASTEWATER IMPACT FEE SERVICE AREA. The water and wastewater impact fee service area designated by separate ordinance.

WATER CONTROL AND IMPROVEMENT DISTRICT. A district created under Chapters 50 and 51 of the Water Code.

WATER DISTRICT. A district or authority, created under Title 4 of the Water Code, including a municipal utility district and a water control and improvement district, that is created under (a) Section 52, Article III, Texas Constitution, or Section 59, Article XVI, Texas Constitution; and (b) Title 4, Texas Water Code.

WATER IMPACT FEE. An impact fee for water supply service.

WATER OR WASTEWATER MAIN. An appurtenance to a water distribution or wastewater collection system. The term includes all components and equipment necessary to make the water distribution or wastewater collection system operable in compliance with the design criteria and standards in the Utilities Criteria Manual, or the equivalent design criteria and standards as determined by the Water Utility Director.

WATER OR WASTEWATER SERVICE LINE. The branch of pipe extending from the water or wastewater main to the approximate location of the property or easement boundary intended to provide direct retail service to a property.

WATER QUALITY CONTROL. A structure, system, or feature that provides water quality benefits by treating stormwater run-off.

WATER RIGHT. A real property right to divert, use, or consume water flowing to, over, or under land.

WATER SUPPLY

1. **RURAL WATERSHEDS.** The Lake Travis watershed; the Lake Austin watershed, excluding the Bull Creek watershed and the area to the south of Bull Creek and the east of Lake Austin; and the Bear West, Bee, Bohl's Hollow, Cedar Hollow, Coldwater, Commons Ford, Connors, Cuernavaca, Harrison Hollow, Hog Pen, Honey, Little Bee, Panther Hollow, Running Deer, St. Stephens, Steiner, and Turkey Creek watersheds.
2. **SUBURBAN WATERSHEDS.** The Bull, Eanes, Dry Creek North, Huck's Slough, Taylor Slough North, Taylor Slough South, and West Bull creek watersheds; the Lady Bird Lake watershed on the south side of Lady Bird Lake from Barton Creek to Tom Miller Dam; the Lady Bird Lake watershed on the north side of Lady Bird Lake from Johnson Creek to Tom Miller Dam; and the Lake Austin watershed on the east side of Lake Austin from Tom Miller Dam to Bull Creek.

WATER TABLE, ARCHITECTURAL FEATURE. A horizontal projecting stringcourse of masonry, molding or a ledge placed so as to divert rainwater from a building.

WATER TRANSMISSION MAIN. A water main generally considered to be 24-inches in diameter or larger and to which direct connections for retail service to a property are not allowed, unless an exception is approved by the Water Utility Director.

WATERWAY. A watercourse, drainage way, branch, creek, or stream including, but not limited to, the limits of the 100-year and 25-year floodplains.

WATERSHED

1. **BARTON CREEK.** The land area that drains to Barton Creek, including Little Barton Creek watershed.
2. **SUBURBAN.** All watersheds not otherwise classified as urban, water supply suburban, or water supply rural watersheds, and includes the Brushy, Buttercup, Carson, Cedar, Cottonmouth, Country Club East, Country Club West, Decker, Dry Creek East, Elm Creek, Elm Creek South, Gilleland, Harris Branch, Lake, Lockwood, Maha, Marble, North Fork Dry, Plum, Rattan, Rinard, South Boggy, South Fork Dry, South Brushy, Walnut, and Wilbarger creek watersheds; the Colorado River watershed downstream of U.S. 183; and those portions of the Onion, Bear, Little Bear, Slaughter, and Williamson creek watersheds not located in the Edwards Aquifer recharge or contributing zones.
3. **URBAN.** The Blunn, Buttermilk, Boggy, East Bouldin, Fort, Harper Branch, Johnson, Little Walnut, Shoal, Tannehill, Waller, and West Bouldin creek watersheds; the north

side of the Colorado River watershed from Johnson Creek to U.S. 183; and the south side of the Colorado River watershed from Barton Creek to U.S. 183.

WETLAND. A transitional land between terrestrial and aquatic systems where the water table is usually at or near the surface or the land is covered by shallow water, and conforms to the Army Corps of Engineers' definitions.

WHOLESALE CUSTOMER. A customer of the City's water and wastewater utility who purchases service for resale to a retail customer.

WILDLAND-URBAN INTERFACE AREA. A geographical area where structures and other human development meets or intermingles with wildland or vegetative fuels

WORKING DAY. A Business Day and excludes a Saturday, Sunday, an official City holiday, or any other day on which City offices are closed for regular business at any time during normal business hours.

X. X-Definitions

No specialized terms beginning with the letter X are defined at this time.

Y. Y-Definitions

No specialized terms beginning with the letter X are defined at this time.

Z. Z-Definitions

ZERO LOT LINE. A lot line that allows a zero setback.

ZONING JURISDICTION. The areas of the City annexed for full or limited purposes.

ZONING MAP. The zoning map of the City as adopted by ordinance.

Division 23-2M-2: Land Uses

Contents

23-2M-2010	Purpose	1
23-2M-2020	Applicability	1
23-2M-2030	Land Uses	1

23-2M-2010 Purpose

This Division describes and classifies uses in the zoning jurisdiction

23-2M-2020 Applicability

The definitions in Section 23-2M-2030 (Land Uses) apply to all chapters of the Land Development Code, unless otherwise specified.

23-2M-2030 Land Uses

A. A-Definitions

ACCESSORY DWELLING UNIT. A subordinate dwelling unit added to, created within, or detached from a single-family dwelling that provides basic requirements for independent living, sleeping, eating, cooking, and sanitation for one or more persons and which is located on the same lot as a single-family unit. This definition includes ‘secondary apartment special use’.

ACCESSORY USE. Uses subordinate to the primary use on the same site, serving a purpose customarily incidental to the principle use of the main use structure, and which does not change the character of the principal use.

ADULT ENTERTAINMENT. Any commercial activity, whether conducted intermittently or full time, which primarily involves the sale, display, exhibition or viewing of books, magazines, films, videos, photographs, or other materials, distinguished or characterized by an emphasis on matter depicting, describing or relating to human sex acts, or by an emphasis on male or female genitals, buttocks or female breasts. Such activity includes adult book stores, adult arcades, adult movie theaters, sexual encounter establishments, adult cabarets, massage parlors and adult theaters, which exclude minors by virtue of age.

1. **ADULT ARCADE.** A movie arcade, game arcade or other business that primarily offers still or motion pictures or games that emphasize specified sexual activities or specified anatomical areas.
2. **ADULT BOOKSTORE.** A business that primarily offers books, magazines, films or videotapes, periodicals, or other printed or pictorial materials that emphasize specified sexual activities or specified anatomical areas; and in which at least 35 percent of the gross floor area is devoted to offering said merchandise.

3. **ADULT CABARET.** A business that primarily offers life entertainment that emphasizes specified sexual activities or specified anatomical areas.
4. **ADULT THEATER.** A business that primarily exhibits motion pictures that emphasize specified sexual activities or specified anatomical areas.
5. **ADULT LOUNGE.** An adult cabaret that serves alcoholic beverages.
6. **ADULT NOVELTY SHOP.** A business that primarily sells products that emphasize specified sexual activities or specified anatomical areas, and which at least 35 percent of the gross floor area is devoted to the sale of those products.
7. **ADULT SERVICE BUSINESS.** An adult encounter parlor, adult retreat, nude modeling studio, or a commercial enterprise that holds itself out to be primarily in the business of offering a service that is distinguished or characterized by an emphasis on depicting, describing, or relating to specified sexual activities or specified anatomical area.

AGRICULTURAL INDUSTRY. The use of a site for temporary keeping of livestock for slaughter, market, or shipping. This use includes stockyards, animal sales, and auction yards.

AGRICULTURAL SUPPORT. The use of a site for supporting agricultural purposes including:

1. Living accommodations by agricultural employees or their families;
2. On-site sale of feed, grain, fertilizers, pesticides and similar goods;
3. The provision of agricultural services with incidental storage of goods off-site; or
4. Hay, feed, and grain stores and tree service firms.

ALCOHOL SALES. The retail sale of alcoholic beverages for off-premises consumption.

1. **ALCOHOL SALES; BEER AND WINE ONLY.** The sale of beer and/or wine, does not include liquor sales.
2. **ALCOHOL SALES; LIQUOR.** The sale of liquor which may include the sale of beer and/or wine.

ALTERNATIVE FINANCIAL SERVICES. The use of a site for a check cashing business, payday advance or loan business, money transfer business, motor vehicle title loan business, or a credit access business as defined in this Section.

1. This use excludes:
 - a. A state or federally chartered bank, savings and loan association or credit union, or a pawnshop, and
 - b. A convenience store, supermarket, or other retail establishment where consumer retail sales constitute at least 75 percent of the total gross revenue generated on site.
2. A check cashing business is an establishment that provides one or more of the following:
 - a. An amount of money that is equal to the face of a check or the amount specified in a written authorization for an electronic transfer of money, less any fee charged for the transaction;

- b. An agreement not to cash a check or execute an electronic transfer of money for a specified period of time; or
 - c. The cashing of checks, warrants, drafts, money orders, or other commercial paper for compensation by any other person or entity for a fee.
3. A payday advance or loan business is an establishment that makes small consumer loans of \$2,500 or less, usually backed by postdated check or authorization to make an electronic debit against an existing financial account, where the check or debit is held for an agreed-upon term or until a customer's next payday and then cashed unless the customer repays the loan to reclaim the check or debit. Such establishments may charge a flat fee or other service charge and/or a fee or interest rate based on the size of the loan amount.
 4. A motor title loan business is an establishment that makes small consumer loans of \$2,500 or less that leverage the equity value of a car or other vehicle as collateral where the title to such vehicle is owned free and clear by the loan applicant and any existing liens on the vehicle cancel the application. Failure to repay the loan or make interest payments to extend the loan allows the lender to take possession of the vehicle.
 5. A credit access business has the same meaning as defined in Section 393.601 of the Texas Finance Code.

ANIMAL PRODUCTION. The use of a site for the raising of animals or production of animal products including eggs and dairy products, on an agricultural or commercial basis. This use includes grazing, ranching, dairy farming, and poultry farming (excluding domestic fowl not used for production in compliance with Title 3 (Animal Regulation)).

ANIMAL SERVICE/BOARDING

1. **LEVEL 1.** The use of a site for the retail sale of small animals customarily used as household pets, or the provision of veterinary, grooming, or indoor boarding services. This use includes pet stores, small animal clinics, and pet grooming shops, but excludes outside boarding or uses for livestock and large animals.
2. **LEVEL 2.** The use of a site for the provision of veterinary services, grooming, indoor boarding, and hospitals for animals. This use includes all Animal Service/Boarding, Level 1 uses, plus veterinary, grooming, boarding, and hospital services for livestock and large animals.
3. **LEVEL 3.** The use of a site for the boarding and care of large and small animals. This use includes all Animal Service/Boarding, Level 1 and Level 2 uses, plus outdoor boarding kennels, pet motels, and dog training centers.

AUTOMOBILE SALES, RENTAL AND STORAGE. The use of a site for the permanent sale, temporary rental, or short to long-term storage of automobiles, noncommercial trucks, motorcycles, including incidental maintenance and servicing. These include new and used automobile and motorcycle dealerships and car rental centers.

AUTOMOBILE REPAIR. The use of a site for the repair of automobiles, noncommercial trucks, motorcycles, motor-homes, recreational vehicles, or boats, including the sale, installation, and servicing of equipment and parts. This use includes muffler shops, auto repair garages, tire sales and installation, wheel and brake shops, body and fender shops, and similar repair and service activities, but excludes dismantling or salvage.

B. B-Definitions

BAR/NIGHTCLUB. An establishment where alcoholic beverages are offered for sale for onsite consumption as its principal function, such as a tavern, bar, cocktail lounge, and similar use, which may include food, but do not admit persons under the age of 21.

1. **LEVEL 1.** A bar/nightclub that is conducted entirely indoors, without a Late Hours Permit.
2. **LEVEL 2.** A bar/nightclub that may have outside seating and/or that operates with a Late Hours Permit.

BED AND BREAKFAST. The use of a residential structure to provide rooms for temporary lodging for overnight guests on a paying basis.

BUSINESS AND FINANCIAL/PROFESSIONAL SERVICES. An establishment that provides business and financial services including but not limited to banks, ATMs, computer-related services (rental, repair); office equipment sales and service, copying, land mailing and mail box services (not operated by the USPS). This use excludes Alternative Financial Services.

C. C-Definitions

CAMPING/RV PARK. The use of a site for provision of camping or parking areas and incidental services for travelers in recreational vehicles or tents. This use includes recreation vehicle parks.

CEMETERY. Land that is dedicated for cemetery purposes for the burial of the dead, including columbariums, crematoriums, mausoleums, and mortuaries.

COMMERCIAL BLOOD PLASMA CENTER. Facilities for the donation or sale by individual donors of blood plasma and other blood products, with the exception of whole blood.

COMMERCIAL FOOD PREPARATION. The use of a site for the production and storage of prepared food for wholesale distribution in a structure with not more than 5,000 square feet of gross floor area. The use includes wholesale bakeries, commercial kitchens, and specialty food processing or packaging shops, but excludes the on-site slaughter of animals and the commercial production of ice.

COMMERCIAL SERVICES. A business engaged in delivery of services and repairing and servicing equipment and materials, rather than the sale of products, but which do not involve the manufacturing, assembling, packaging, or process of merchandise and excludes outside storage of materials. Examples include but are not limited to contractor/subcontractor offices, carpenter's shops, electrical repair shops, janitorial service, landscape maintenance, window cleaning, exterminators, plumbers, bulk laundry and cleaning plants, and linen supply services. Excludes business and financial/professional services; personal services; repair commercial non-vehicular and vehicular, heavy equipment sales, storage, rental, or repair.

1. **W/INCIDENTAL OUTSIDE STORAGE.** Commercial services establishments that includes the storage of materials and/or equipment outside, such as service contractor's storage yard, equipment (non-automobile) storage yard, or utility storage yard.

COMMERCIAL VEHICLE STORAGE AND DISPATCH. The use of a site for long- or short-term staging, storage, and dispatch of non-motorized or motorized vehicles, including parking, servicing, and storage of vehicles towed from private parking areas and impound yards, but excludes dismantling or salvage of these vehicles. Includes pedicab and taxicab storage and dispatch.

COMMUNICATIONS. A site for the transmission, transfer, or distribution of telephone service and related activities.

COMMUNITY AGRICULTURE. A site for growing or harvesting food crops or ornamental crops on an agricultural basis, by an individual or group of individuals for personal or group use, consumption, donation, to be sold for profit, or may provide agricultural education activities. Agricultural education activities include volunteer programs, farm tours, youth programs and farming classes.

CONVENTION CENTER. A space or facility owned or managed by the City for conventions, meetings, exhibitions, shows, gatherings, presentations, or celebrations, including related incidental facilities for office and administrative use, food and beverage preparation and service, and on-site and off-site parking facilities.

COOPERATIVE HOUSING. A residential project of more than three units in which an undivided interest in land is coupled with the exclusive right of occupancy of any unit located on said land, whether such right is contained in the form of a written or oral agreement, when such right does not appear on the face of the deed.

D. D-Definitions

DETENTION FACILITY. A facility for the provision by a public agency of housing and care for legally confined individuals.

DAY CARE. The provision of non-medical care and supervision of minor children or adults for periods of less than 24 hours. This use includes the following types of facilities.

1. **SMALL ≤7.** The use of a site for the provision of daytime care for six persons or less. This use includes nursery schools, preschools, day care centers for children or adults, and similar uses, and excludes public and private primary or secondary educational facilities.
2. **LARGE > 7 AND <20.** The use of a site for the provision of daytime care for more than 6 but not more than 20 persons. This use includes nursery schools, preschools, day care centers for children or adults, and similar uses, and excludes public and private primary or secondary educational facilities.
3. **COMMERCIAL.** The use of a site for the provision of daytime care for more than 20 persons. This use includes nursery schools, preschools, day care centers for children or adults, and similar uses, and excludes public and private schools.

DRIVE THROUGH, RETAIL OR SERVICE FACILITY. The component of a retail or service business establishment that caters exclusively to customers while in their vehicles. Examples may include: fast food restaurants, banks, pharmacies, post offices, liquor stores. This excludes car washes.

E. E-Definitions

EMERGENCY SHELTER. Housing with minimal supportive services limited to occupancy of six months or less.

ENTERTAINMENT. An establishment providing amusement and entertainment for spectators for a fee or admission charge.

1. **INDOOR.** An indoor facility, including: dance halls, theaters, motion pictures, and performing arts centers.
2. **OUTDOOR.** An outdoor facility, including: racing facilities, amusement parks, and water parks.
3. **OUTDOOR, LIMITED.** The use of property for entertainment on a limited or temporary basis. Includes rental of outside or partially enclosed space(s) for weddings/private events.

F. F-Definitions

FOOD SALES (ON OR OFF SITE). The retail sales of food, beverages, and household goods, where a regular or substantial portion is for off-site preparation and consumption. Typical uses include grocery stores, delicatessens, health food stores, meat markets, candy shops, and produce markets. It may include incidental sales of prepared food for take-out consumption, such as an onsite bakery associated with a grocery store. Excludes incidental sale of alcohol for on or off-site consumption.

FUNERAL/MORTUARY HOMES (AND INCIDENTAL SALES). The use of a site for preparing the deceased for burial, or arranging or managing funerals. This use includes funeral homes and mortuaries and incidental sales of product associated with burial and/or cremation.

G. G-Definitions

GAS STATION. A facility offering full-service or self-service gas pumps for vehicles, in addition to water, oil, window washing, and/or washing and cleaning of passenger vehicles, recreational vehicles, or other light duty equipment. Includes incidental sale of petroleum or automobile related products. This excludes automobile, repair.

GENERAL RETAIL. The sale or rental of commonly used goods and merchandise for personal or household use. Examples include but are not limited to apparel, cosmetics, department stores, drugstores, furniture stores, home appliances, musical instruments, office supplies, toys and games, and variety stores. This excludes the sale of automotive parts, food sales, onsite production, or outside storage of goods of materials.

1. **W/ ONSITE PRODUCTION.** A site used for the production and sale of art or other handcrafted goods.
2. **W/ OUTSIDE STORAGE.** A site used for the outside storage and display of merchandise such as a plant nursery.

GOVERNMENT/CIVIC. A site for provision of offices or administrative, clerical, or public contact services, together with incidental storage and maintenance of necessary vehicles. This use includes federal, state, county, and city offices as well as post offices, bulk mail processing, and sorting centers operated by the United States Postal Service.

GROUP HOME. Any building, facility, premises, house, structure, dwelling unit, multiple dwelling, apartment house, or portion thereof, providing 24-hour care in a protected living arrangement but not including a hotel, motel, fraternity, sorority, rooming and/

or boarding house, or dormitory. This facility is generally characterized by the provision of a pre-arranged or organized household structure or program. Residents of a facility may also receive non-medical supportive services (including counseling) in a residential setting, as opposed to a hospital. Use includes non-medical group homes (e.g. foster care homes), residential treatment facilities for individuals not needing regular medical attention (e.g. drug/alcohol rehab), and community homes as defined by Texas Human Resource Code Chapter 123.

1. **<7.** A Group Home containing less than seven dwelling units.
2. **7 TO 15.** A Group Home containing 7 to 15 dwelling units.
3. **RESTRICTED.** A Group Home containing more than 15 units. This use includes homes for juvenile delinquents, facilities for youth transition out of foster care, and halfway houses providing residence instead of institutional sentencing.

H. H-Definitions

HEAVY EQUIPMENT SALES

1. **REPAIR.** Facilities for the repair of trucks of one ton or greater capacity, tractors, construction equipment, agricultural implements, or similar heavy equipment. This use includes truck repair garages, tractor and farm implement repair services, and machine shops, but excludes dismantling and salvage activity.
2. **SALES, RENTAL, AND STORAGE.** The use of a site for the sale or rental of trucks of one ton or greater capacity, tractors, construction equipment, agricultural implements, mobile homes, or similar heavy equipment, including incidental storage, maintenance, and servicing. This use includes truck dealerships, construction equipment dealerships, and mobile home sales establishments.

HELICOPTER AND OTHER NON-FIXED WING AIRCRAFT FACILITIES. A Heli-facility or heliport, as defined in Chapter 13-1, Article 4 (Heliports and Helicopter Operations); and a landing field for hot air balloons or non-fixed-wing aircraft.

HOME OCCUPATION. A commercial use that is accessory to a residential use.

HOSPITAL. A site for the provision of medical, psychiatric, or surgical services on an in-patient and out-patient basis, and includes ancillary facilities for out-patient and emergency treatment, diagnostic services, training, research, administration, and services to patients, employees, and visitors.

HOTEL/MOTEL. The use of a site for the provision of rooms for temporary lodging. This use includes hotels, motels, and transient boarding houses.

I. I-Definitions

INDOOR CROP PRODUCTION. A site for the raising and harvesting indoors of tree crops, row crops, or field crops on an agricultural or commercial basis, including packing and processing.

J. J-Definitions

No specialized land uses beginning with the letter J are defined at this time.

K. K-Definitions

No specialized land uses beginning with the letter K are defined at this time.

L. L-Definitions

LIBRARY, MUSEUM, OR PUBLIC ART GALLERY. Public or quasi-public facilities, examples of which include: aquariums, arboretums, art galleries and exhibitions, botanical gardens, historic sites and exhibits, libraries, and museums. May also include accessory retail uses such as gift/book shops, restaurant, etc.

LIVE/WORK. An integrated housing unit and working space occupied and utilized by a single household in a structure that has been designed or structurally modified to accommodate joint residential occupancy and work activity, and which includes complete kitchen space and sanitary facilities in compliance with the Building Code; and working space reserved for and regularly used by one or more occupants of the unit.

M. M-Definitions

MARINA. The wet or dry storage or docking of seaworthy watercraft, including ramps and hoists for boats, for profit; or the provision of docks, wharves, piers, floats, or similar structures for the anchoring, mooring, housing, or storing of more than three watercrafts.

MANUFACTURED HOME PARK. The use of a site for occupancy of manufactured homes.

MANUFACTURING AND STORAGE. The use of a site for manufacturing, production, processing, warehousing, and/or distribution of various products.

1. LIGHT PROCESSES. INCLUDING:

- d. On-site production of goods using hand tools, domestic mechanical equipment not exceeding five horsepower, or a single kiln not exceeding 12 kilowatts, and the incidental sale of those goods;
- e. Wholesaling or warehousing services within an enclosed structure; or
- f. Wholesale distributors, storage warehouses, and moving or storage firms.
- g. This use excludes general manufacturing and storage.

2. GENERAL

- a. Processing and manufacturing from previously prepared materials or finished products or parts; including processing, fabrication, assembly/disassembly, treatment, and packaging of the products, remanufacturing and repurposing of recycled products (excluding heavy metals or hazardous materials), and incidental storage, sales, and distribution of the products
- b. Includes associated on-site product development and testing of products and technology (non-hazardous).
- c. This use excludes restricted manufacturing and storage.

3. RESTRICTED

- d. Processing and manufacturing of materials or products predominately from extracted, raw, or recycled materials, or involving hazardous materials including processing, fabrication, assembly/disassembly, treatment, remanufacturing of recycled products (such as batteries, heavy metals, electronics);
- e. Storage or manufacturing processes that involve flammable or explosive materials;

- f. Storage or manufacturing processes that involve hazardous or commonly recognized offensive conditions, including poultry processing; or
- g. Open-air storage, distribution, or handling of materials or equipment, including monument or stone yards, grain elevators, and open storage yards.
- h. Brewery/distillery/winery which manufacture more than 15,000 barrels of beverage (all beverage types combined) annually. Breweries may also serve beverages on-site, and sell beverages for off-site consumption in keeping with the regulations of the Alcohol Beverage Control (ABC) and Bureau of Alcohol, Tobacco, and Firearms (ATF).

MEDICAL SERVICES. A facility other than a hospital where medical, dental, mental health, surgical, and/or other personal health care services are provided on an outpatient basis (examples include but is not limited to chiropractors, medical doctors, psychologists, psychiatrists, counseling or guidance services). These facilities may also include incidental medical laboratories and pharmacies that may prepare and sell prescription drugs and also sell non-prescription drugs, medical supplies, and other health products as an accessory use.

MEETING FACILITY (PUBLIC OR PRIVATE). An indoor facility for public (non-profit) or private meetings, including: community centers; clubhouses; civil and private auditoriums; and union halls, meeting halls for clubs and other membership organizations, etc. Also includes functionally related internal facilities such as kitchens, multi-purpose rooms, and storage. Excludes conference and meeting rooms accessory and incidental to another primary use, and which are typically used only by on-site employees and clients, and occupy less floor area on the site than other offices they support. Excludes recreation- community, indoor, or outdoor; entertainment, indoor or outdoor; or other commercial entertainment facilities. Related on-site facilities such as day care centers and schools are separately defined, and separately regulated.

MICRO-BREWERY/MICRO-DISTILLERY/WINERY. A small-scale facility that produces 15,000 barrels of beer, wine, or distilled spirits per year or less that may include a taproom in which guests/customers may sample or purchase the product. Its products are primarily intended for local and/or regional consumption. Sale of beverages for off-site consumption is also permitted in keeping with the regulations of the Alcohol Beverage Control (ABC) and Bureau of Alcohol, Tobacco, and Firearms (ATF). May include the distribution of beverages for consumption at other sites.

MILITARY FACILITY. A facility for the provision of military facilities by the federal or state government.

MINING AND RESOURCE EXTRACTION. The use of a site for on-site extraction of surface or sub-surface mineral products or natural resources. This use includes quarries, borrow pits, sand or gravel operations, oil or gas extraction, and mining operations.

MOBILE FOOD SALES. One of two types of mobile food operations:

1. A restricted unit that offers only prepackaged food in individual servings; beverages that are not potentially hazardous and are dispensed from covered urns or other protected vessels; and packaged frozen foods. Preparation, assembly or cooking of foods is not allowed. A foot peddler permit is a restricted unit is limited to one portable ice chest, cooler, case or unit per permit, capable of being carried by one person; or

2. An unrestricted unit that may serve food as allowed in (a), and may cook, prepare and assemble a full menu of food items;
 - a. An unrestricted unit must be secured and completely enclosed, except as provided in Subsection (2)(b) below; and
 - b. Foods such as hot dogs, coffee, or shaved ice, or food with prior approval from the health authority, may be served from vehicles with three sides and a cover.

MOBILE RETAIL SALES. A retail establishment that sells non-food items and services to an end user consumer from a movable vehicle or trailer that routinely changes locations.

MULTI-FAMILY. The use of a site for three or more dwelling units, within one or more buildings, and includes and not limited to, rowhouses, triplex, quadplex, townhouses, bungalow court apartments, and multi-unit apartment complexes.

N. N-Definitions

No specialized land uses beginning with the letter N are defined at this time.

O. O-Definitions

OFFICE, GENERAL (NON-MEDICAL). Executive, management, professional, or administrative offices including but not limited to accounting services, real estate offices, utility company offices, as well as professional or consulting service offices such as law, architecture, engineering, and accounting. This use excludes commercial services or business and financial/professional services.

P. P-Definitions

PARKING FACILITY. Facilities for the parking of motor vehicles on a temporary basis within a privately owned off-street parking facility. This use includes commercial parking lots and garages.

PARKS/PLAYGROUNDS. The use of a site for the provision of parks, playgrounds, or open spaces available to the general public and under the management or control of a public agency. This use excludes recreation- community, indoor, or outdoor.

PAWN SHOP. The use of a site for the lending of money on the security of property pledged in the keeping of the pawnbroker, and the incidental sale of the property

PERSONAL SERVICES. An establishment that provides non-medical services to individual as a primary use. Examples of these use include: barber shops and beauty salons; nail salons, clothing rental; dry cleaning pick up stores with limited equipment; locksmiths; massage; shoe repair shops; and tailors. These uses may also include accessory retail sales of products related to the services provided.

1. **RESTRICTED.** Personal services that may not be compatible with surrounding areas and which may need to be dispersed to minimize their adverse impacts. Examples of these uses include:
 - a. Bail bond services (regulated by Texas Occupations Code Chapter 1704);
 - b. Fortune tellers, psychics, and palm and card readers;
 - c. Spas and hot tubs for hourly rental;
 - d. Tattoo and body piercing services;
 - e. Cigarette/e-cigarettes/vapor shops; and
 - f. Hookah lounges.

PERSONAL STORAGE. A storage services site primarily for personal effects and household goods within enclosed storage areas having individual access. This use includes mini-warehouses, and excludes workshops, hobby shops, manufacturing, and commercial activity.

PLANT PRODUCTION. The use of a site for the raising and harvesting of tree crops, row crops, field crops, or flora cultural specialties, including flowers, shrubs, and other landscaping on an agricultural or commercial basis, intended to be sold for profit. This use includes wholesale plant nurseries and greenhouses and includes packing and processing.

PUBLIC SAFETY FACILITY. The use of a site for provision of public safety and emergency services, and includes police and fire protection services and emergency medical and ambulance services.

Q. Q-Definitions

No specialized land uses beginning with the letter Q are defined at this time.

R. R-Definitions

RECREATION. A sports and recreational use of a site for active participation.

1. **COMMUNITY, NON-PROFIT.** An Indoor or outdoor place for community recreation without profit. Includes basketball courts, swimming pools, soccer fields, etc. owned and maintained by public entity or non-profit. Also, includes private recreational facilities for use by residents or guests of a residential development, religious facility, educational facility, club, or lodge.
2. **INDOOR, FOR PROFIT.** A recreational use conducted by a for-profit entity within an enclosed building This use includes bowling alleys, pool/billiard parlors, indoor shooting range, ice and roller-skating rinks, penny arcades, and electronic video arcades. Also includes fitness centers, gymnasium, or athletic clubs which may include exercise machines, weight facilities, group exercise rooms, and/or indoor recreation facilities such as pools, sauna, spa, racquetball, or tennis courts.
3. **OUTDOOR, FOR PROFIT.** A recreational use conducted by a for-profit entity in open, partially enclosed, or screened facilities. This use includes driving ranges, batting cages, paintball courses, outdoor shooting range, miniature golf courses, golf courses, swimming pools, tennis courts, and outdoor racquetball courts. May include smaller accessory structures.

RECREATIONAL AND SPORTS VEHICLE SALES, RENTAL AND STORAGE. The use of a site for the permanent sale, temporary rental, or short to long-term storage of boats, motor-homes, recreational and sport vehicles, including incidental maintenance and servicing.

RECYCLING CENTER

1. **COLLECTION AND TRANSFER.** A site for that receives recyclable materials for the purpose of storing, handling, batching and baling, and/or sorting prior to transferring to a storage and processing facility. Recyclable materials include glass, paper, plastic, cans, or other source-separated, inorganic materials. This use excludes reverse vending machines.
2. **STORAGE AND PROCESSING.** A site for sorting, compacting, flattening, baling, shredding, grinding, or crushing of recyclable material. Processing can also include the processing of collected recyclable materials into aggregate, building materials

and other products. Processing may also involve composting and the decomposing of organic matter, including leaves, brush, wood waste and other organic waste in a controlled environment for reuse.

RELIGIOUS ASSEMBLY FACILITY. An institution which people regularly attend to participate in or hold religious services, meetings and other activities, including but not limited to churches, mosques, synagogues.

REPAIR, COMMERCIAL (NON-VEHICULAR). The provision of repair and maintenance of non-vehicular items. This use includes appliance repair shops, watch or jewelry repair shops, and musical instrument repair shops, and excludes automotive repair services and equipment repair services.

RESEARCH AND DEVELOPMENT. The use of a site for industrial or scientific research, including electronics research laboratories, space research or development firms, biological technology, and pharmaceutical research labs, and offices. Additionally, the use of a site can include developing, testing, prototype assembly. Does not include on-site manufacturing, storage, or distribution of products.

1. **RESTRICTED.** The use of a site for one or more of the following:
 - a. Scientific, industrial, or electronic technology development, and/or testing involving storage and/or use of hazardous materials;
 - b. The assembly of products related to research services and used by the owners of the research establishment or affiliated entities in the delivery of services performed by the owner or affiliated entities. This use excludes the mass production of products for general sale to customers; an
 - c. Enclosed or screened storage of materials or equipment related to research services, and excludes bulk warehousing or permanent storage of hazardous or toxic substances, except as authorized by a Planned Development Area District ordinance.

RESIDENTIAL CARE FACILITY

1. **SKILLED NURSING.** (Sometimes called Continuing Care Communities or Complexes or Life Care Facilities.) Facilities that provide a wide range of care and supervision, including in-patient services for persons requiring regular medical attention so that residents can receive medical care without leaving the facility. Residents can expect to remain in the facility even if they become physically incapacitated later in life. The use excludes group homes, group residential, or senior/retirement housing.
2. **ASSISTED LIVING.** A residential building or buildings that also provide 24-hour supervision, housing, personal and health care, as permitted by the Department of Social Services, designed to respond to the daily individual needs of the residents. Assisted Living Facilities may include kitchenettes (small refrigerator, sink and/or micro-wave oven) within individual rooms. This use includes personal care homes for persons with physical or developmental disabilities, and emergency shelters for victims of crime, abuse, or neglect. Assisted Living excludes skilled nursing services or group homes.

RESIDENTIAL DWELLING(S). The use of a site in a transect zone for one or more dwelling units in an allowed building type

RESTAURANT. A retail business selling food and/or beverages for on-premises consumption. These include eating establishments where customers are served from a walk-up ordering counter for either on- or off-premises consumption (such as juice bars,

sandwich shops, coffee shops) and establishments where customers are served food at their tables for on premise consumption that may also provide food for take-out.

1. **W/O ALCOHOL SALES.** A restaurant that excludes sale of alcohol for on or off-site consumption. This classification does not include drive-through restaurants.
2. **W/ALCOHOL SALES.** A restaurant that may include sale of alcohol for on-site consumption as incidental use where minors are allowed on the premises, including a restaurant with a microbrewery as an accessory use where the beer it produces is sold in draft form exclusively at its own premises. This classification does not include drive-through restaurants.
3. **DRIVE THROUGH.** The component of a restaurant establishment that caters to customers while in their vehicles.
4. **LATE NIGHT OPERATION.** A restaurant that operates with a Late Hours Permit from the Texas Alcoholic Beverage Commission.

REVERSE VENDING. A vending machine that dispenses cash in exchange for items such as cans to be recycled.

S. S-Definitions

SALVAGE/JUNK YARD. The use of a site for the storage, sale, dismantling or other processing of used or waste materials that are not intended for re-use in their original forms. This use includes automotive wrecking yards, junk yards, and salvage yards.

SCHOOL

1. **BUSINESS, OR TRADE SCHOOL.** The use of a site for education or training in business, commerce, language, or other similar activity or occupational pursuit that is not otherwise described as a home occupation, college, university, or public or private educational facility.
2. **COLLEGE OR UNIVERSITY.** The use of a site for a public or private degree-granting institution of higher education (college or university) with a course of study in accordance with the Texas Education Code.
3. **PRIVATE, PRIMARY.** The use of a site for either a private or parochial elementary school offering equivalent instruction to that required in the public schools of the state.
4. **PRIVATE, SECONDARY.** The use of a site for either a private or parochial junior high or senior high school offering equivalent instruction to that required in the public schools of the state.
5. **PUBLIC, PRIMARY.** The use of a site for a public school offering instruction at the elementary school level in the branches of learning and study required to be taught in the public schools of the state. The term includes an open enrollment charter school as defined under the Texas Education Code.
6. **PUBLIC, SECONDARY.** The use of a site for a public school offering instruction at the junior and senior high school levels in the branches of learning and study required to be taught in the public schools of the state. The term includes an open enrollment charter school as defined under the Texas Education Code.

SENIOR/RETIREMENT HOUSING. Independent living centers and multi-family residential projects reserved for senior citizens, persons with physical disabilities, or both, where common facilities may be provided (for example, recreation areas), but where each dwelling unit has individual living, sleeping, bathing, and kitchen facilities.

1. **≤ 12.** A facility (see above) with 13 or less dwelling units.
2. **> 12.** A facility (see above) with more than 13 dwelling units.

SHORT-TERM RENTAL. The rental of a residential dwelling unit or accessory building, other than a unit or building associated with a group residential use, on a temporary or transient basis. The use does not include an extension for less than 30 consecutive days of a previously existing rental agreement of 30 consecutive days or more. The use excludes a rental between parties to the sale of that residential dwelling unit

SINGLE-FAMILY. The use of a site for only one dwelling unit, other than a manufactured home.

SPECIAL USE. The use that requires particular cultural, historical, or character specific regulation.

SPORTS OR EVENTS ARENA. A use described in Local Government Code Chapter 334 as permitted for an “approved venue project”, except for a hotel, zoological park, museum, or aquarium. The use includes the sale of alcoholic beverages.

STABLES. Facilities for boarding, breeding or raising of horses not owned by the occupants of the premises, or storage of horses used to pull carriages, or the rental of horses for riding. This use includes boarding stables or public stables.

STUDIO: ART, DANCE, MARTIAL ARTS, MUSIC. Small-scale facilities focused on the instruction of students of any age group. Examples of these facilities include: individual and group instruction and training in the arts; production rehearsal; photography, and the processing of photographs produced only by users of the studio facilities; martial arts training studios; and gymnastics instruction, aerobics, and gymnastics studios with no other fitness facilities or equipment. Also includes production studios for individual musicians, painters, sculptors, photographers, and other artists. Excludes Recreation-Indoor.

T. T-Definitions

TELECOMMUNICATIONS. A structure built exclusively to support one or more antennae for receiving or transmitting electronic data or telephone communications.

TEMPORARY USES. Short-term activities that are not allowed on a permanent basis but because of their temporary non-permanent intermittent or seasonal nature are acceptable.

TRANSIT TERMINAL. A public or privately-owned facility that provides the general public the opportunity to board public or private transit ranging from taxi cabs, private car services, and shuttles to buses and trains.

TRANSITIONAL AND SUPPORTIVE HOUSING. The use of a site for the supervision or detention of residents who are making the transition from institutional to community living within six months. This use includes pre-parole detention facilities and halfway houses for juvenile and adult offenders, transitioning out of an institution, and homeless individuals or families transitioning to permanent housing. Includes Supportive Housing that has no limit on the length of stay, is linked to onsite or offsite services, and is occupied by persons with low incomes who have one or more disabilities, including mental illness, HIV or AIDS, substance abuse, or other chronic health condition, and may include, among other populations, adults, emancipated minors, families with children, elderly persons, young adults aging out of the foster care system, individuals exiting from institutional settings, veterans, and homeless people.

TRANSPORTATION FACILITY. A site for any public or private transportation purposes including aviation, railroad, bus, or public transit facilities. This use includes the provision of railroad yards, equipment servicing facilities, or terminal facilities, or landing fields, aircraft parking and service facilities, and related facilities for operation, service, fueling, repair, storage, charter, sales, or rental of aircraft, including activities directly associated with the operation and maintenance of airport facilities. Additionally, the use of a site can include a facility for the loading, unloading, or interchange of passengers, baggage, or incidental freight or package express between modes of transportation, and includes bus terminals, railroad stations, airport terminals, and public transit facilities.

TWO-FAMILY RESIDENTIAL. The use of a lot for two dwelling units either attached or detached.

U. U-Definitions

UTILITIES

1. **LOCAL.** A site for the provision of services that are necessary to support the development in the area and involve only minor structures including but not limited to lines and poles.
2. **MAJOR.** A site for the provision of generating plants, electrical switching facilities or primary substations, refuse collection or disposal facilities, water or wastewater treatment plants, water or reclaimed water transmission mains, wastewater interceptors, wastewater lift stations, water reservoirs and tanks, water pump stations, or similar facilities.

V. V-Definitions

No specialized land uses beginning with the letter V are defined at this time.

W. W-Definitions

No specialized land uses beginning with the letter W are defined at this time.

X. X-Definitions

No specialized land uses beginning with the letter X are defined at this time.

Y. Y-Definitions

No specialized land uses beginning with the letter Y are defined at this time.

Z. Z-Definitions

No specialized land uses beginning with the letter Z are defined at this time.

This page intentionally left blank

Division 23-2M-3: Measurements

Contents

23-2M-3010	Purpose	1
23-2M-3020	Applicability	1
23-2M-3030	Measurements.....	1

23-2M-3010 Purpose

This Division provides methods to determine measurements of standards as provided in Title 23 that are technical or specialized, or that may not reflect common usage.

23-2M-3020 Applicability

The measurements in Section 23-3M-3030 (Measurements) apply to all chapters of the Land Development Code, unless otherwise specified.

23-2M-3030 Measurements

A. A-Definitions

No measurements beginning with the letter A are defined at this time.

B. B-Definitions

BLOCK FACE. The aggregate of all the Building Facades on one side of a block. The block face provides the context for establishing architectural harmony.

BLOCK PERIMETER. The aggregate of all sides of a block measured along the adjacent right-of-way.

C. C-Definitions

CALIPER. The diameter of the trunk measured six inches above the ground for trees up to and including four-inch diameter, and measured 12 inches above the ground for larger trees. This measurement is used for proposed or nursery- grown trees.

D. D-Definitions

DEPTH, GROUND-FLOOR SPACE. The distance from the street-facing facade to the rear interior wall of the ground-floor space available to an allowed use.

DEPTH-TO-HEIGHT RATIO. The relationship of the depth of a space measured perpendicular to a building divided by the average height of the surrounding buildings.

DISTANCE FROM A STRUCTURE. A distance from a structure to a line or location is measured from the exterior face of the nearest wall or vertical support of the structure to the line or location. For a structure that does not have a wall or vertical support, the building official shall determine the point of measurement.

DIAMETER AT BREAST HEIGHT (DBH). The diameter (in inches) of the trunk of a tree (or, for multiple trunk trees, the aggregate diameters of the multiple trunks) measured 4 1/2 feet from the existing grade at the base of the tree.

DISTANCE BETWEEN ENTRIES. The horizontal distance measured parallel to the facade between entrances to a building or buildings.

DISTANCE MEASUREMENT. A distance from a structure to a line or location is measured from the exterior face of the nearest wall or vertical support of the structure to the line or location. For a structure that does not have a wall or vertical support, the building official shall determine the point of measurement.

E. E-Definitions

No measurements beginning with the letter E are defined at this time.

F. F-Definitions

FLOOR AREA. (For parking determination only.)

In the case of retail establishments, the space between exterior walls which is devoted to the display and selling of merchandise including space occupied by counters, fixture and storage cabinets and shelves.

In other cases, unless otherwise stated, the gross floor area.

FLOOR AREA RATIO (FAR). The ratio of gross floor area to gross site area.

G. G-Definitions

No measurements beginning with the letter G are defined at this time.

H. H-Definitions

HEIGHT, OVERALL BUILDING. Overall building height shall be measured vertically from the natural grade or finished grade adjacent to the building exterior to the highest point of coping of a flat roof, the top of a mansard roof, or the highest point of the highest pitched roof.

On lots with a slope greater than 5%, maximum building height shall be adjusted for every 40' increment of lot depth starting from the front facade line. The maximum building height within the first 40' increment of lot depth shall be determined from the highest point along a side lot line within a depth of 40' behind front facade line. The maximum building height within subsequent 40' increments of lot depth shall be determined from the highest point along a side lot line within a depth of 40' additional to the previously measured increment.

HEIGHT, EAVE/PARAPET. Building height to eave/parapet shall be measured from the eave or top of parapet to natural grade or finished grade at the lowest point adjacent to the building exterior, whichever yields the greatest height.

HEIGHT, FENCE AND WALL. Determined by measuring the vertical distance between the finished grade at the base of the fence or wall and the top edge of the fence or wall material.

I. I-Definitions

No measurements beginning with the letter I are defined at this time.

J. J-Definitions

No measurements beginning with the letter J are defined at this time.

K. K-Definitions

No measurements beginning with the letter K are defined at this time.

L. L-Definitions

LOT AREA. The net horizontal area within the lot lines, excluding the portion of the lot that is located below 492.8 feet of elevation above sea level, if the lot is adjacent to Lake Austin.

LOT DEPTH. The horizontal distance between the midpoint of the front lot line and the midpoint of the rear lot line.

LOT, IRREGULAR. The determination of required yards and setbacks for an irregularly shaped lot or a lot bounded by only three lot lines, the rear lot line is:

- a. a line ten feet long;
- b. parallel to the front lot line; and
- c. at the most distant location from the front lot line.

LOT WIDTH. Except as otherwise provided in this Title, measured at the front setback line and for a distance of 50 feet to the rear of the front setback line.

M. M-Definitions

No measurements beginning with the letter M are defined at this time.

N. N-Definitions

NATURAL GRADE. Determined by reference to an on-ground survey, City-approved topographic map, or other information approved by the Development Services Director.

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. In the case of a curved corner, the Development Services Director may determine the end point for purposes of measuring net frontage.

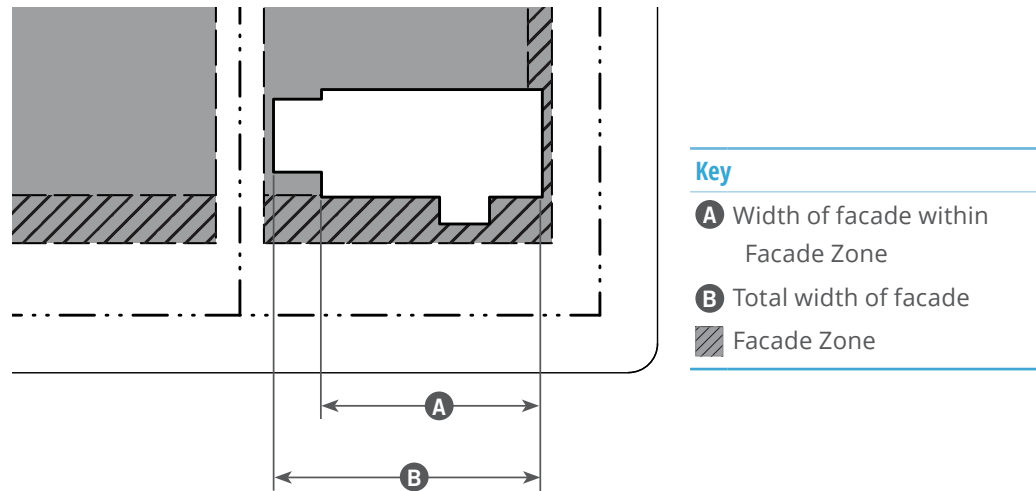
O. O-Definitions

No measurements beginning with the letter O are defined at this time.

P. P-Definitions

PARKING DRIVEWAY WIDTH. The horizontal measurement of an access driveway to a parking area, measured perpendicular to the direction of travel.

Percentage of the Facade within Facade Zone. The percentage of the facade within the Facade Zone shall be calculated by dividing the width of the facade within the Facade Zone, by the the total width of the facade.



Q. Q-Definitions

No measurements beginning with the letter Q are defined at this time.

R. R-Definitions

No measurements beginning with the letter R are defined at this time.

S. S-Definitions

No measurements beginning with the letter S are defined at this time.

T. T-Definitions

No measurements beginning with the letter T are defined at this time.

U. U-Definitions

No measurements beginning with the letter U are defined at this time.

V. V-Definitions

No measurements beginning with the letter V are defined at this time.

W. W-Definitions

WIDTH-TO-HEIGHT RATIO. The ratio of the horizontal size of a space measured perpendicularly to the vertical height of a building.

X. X-Definitions

No measurements beginning with the letter X are defined at this time.

Y. Y-Definitions

No measurements beginning with the letter Y are defined at this time.

Z. Z-Definitions

No measurements beginning with the letter Z are defined at this time.

General Planning Standards for All

web version low resolution images



This page intentionally left blank

Contents**Article 23-3A: Purpose and Applicability**

Division 23-2A-1: Purpose and Applicability

- 23-2A-1010 Purpose
- 23-2A-1020 Applicability

Article 23-3B: Parkland Dedication

Division 23-3B-1: Parkland Dedication

- 23-3B-1010 Purpose and Applicability
- 23-3B-1020 Dedication of Land or Payment In-Lieu at Building Permit
- 23-3B-1030 Administrative Authority

Division 23-3B-2: Dedication

- 23-3B-2010 Dedication of Parkland
- 23-3B-2020 Standards for Dedication of Parkland
- 23-3B-2030 Private Parkland

Division 23-3B-3: Fees

- 23-3B-3010 Fee In-Lieu of Parkland Dedication
- 23-3B-3020 Parkland Development Fee
- 23-3B-3030 Fee Payment and Expenditure

Article 23-3C: Urban Forest Protection and Replenishment

Division 23-3C-1: General Provisions

- 23-3C-1010 Intent
- 23-3C-1020 Applicability
- 23-3C-1030 Definitions
- 23-3C-1040 Administration
- 23-3C-1050 Waiver and Modification of City Requirements
- 23-3C-1060 Reports

Division 23-3C-2: General Administration for Regulated Trees

- 23-3C-2010 Development Application Requirements
- 23-3C-2020 Review Criteria For Permitting Removal Of Regulated Trees
- 23-3C-2030 Action On Application
- 23-3C-2040 Effective Date And Expiration Of Approval
- 23-3C-2050 Appeal

Division 23-3C-3: Heritage Trees

23-3C-3010	Removal Prohibited
23-3C-3020	Administrative Variance
23-3C-3030	Land Use Commission Variance
23-3C-3040	Appeal
23-3C-3050	Application for Variance
23-3C-3060	Variance Prerequisite
23-3C-3070	Action on Application
23-3C-3080	Variance Effective Date and Expiration

Article 23-3D: Water Quality

Division 23-3D-1: General Provisions

23-3D-1010	Intent
23-3D-1020	Applicability Of Article
23-3D-1030	Descriptions Of Regulated Areas
23-3D-1040	Engineer's Certification

Division 23-3D-2: Exceptions and Variances

23-3D-2010	Special Exceptions; Limited Adjustment
23-3D-2020	Condemnation And Accessibility Exceptions
23-3D-2030	Redevelopment Exception In Urban And Suburban Watersheds
23-3D-2040	Redevelopment Exception In The Barton Springs Zone
23-3D-2050	Redevelopment Exception In The Water Supply Rural And Water Supply Suburban Watersheds
23-3D-2060	Land Use Commission Variances
23-3D-2070	Administrative Variances
23-3D-2080	Summary Of Variances

Division 23-3D-3: Impervious Cover

23-3D-3010	Applicability Of Impervious Cover Standards
23-3D-3020	Uplands Zones Established
23-3D-3030	Net Site Area
23-3D-3040	Impervious Cover Calculations
23-3D-3050	Impervious Cover Assumptions
23-3D-3060	Impervious Cover Limits For Urban Watersheds
23-3D-3070	Impervious Cover Limits For Suburban Watersheds
23-3D-3080	Impervious Cover Limits For Water Supply Suburban Watersheds
23-3D-3090	Impervious Cover And Density Limits For Water Supply Rural Watersheds
23-3D-3100	Impervious Cover Limits For The Barton Springs Zone
23-3D-3110	Transfers Of Development Intensity

Division 23-3D-4: Waterway and Floodplain Protection

- 23-3D-4010 Waterway Classifications
- 23-3D-4020 Critical Water Quality Zones Established
- 23-3D-4030 Water Quality Transition Zones Established
- 23-3D-4040 Critical Water Quality Zone Development
- 23-3D-4050 Critical Water Quality Zone Street, Driveway, And Trail Crossings
- 23-3D-4060 Water Quality Transition Zone Development
- 23-3D-4070 Floodplain Modification

Division 23-3D-5: Protection for Special Features

- 23-3D-5010 Environmental Resource Inventory
- 23-3D-5020 Pollutant Attenuation Plan
- 23-3D-5030 Critical Environmental Features
- 23-3D-5040 Wetland Protection

Division 23-3D-6: Water Quality Controls

- 23-3D-6010 Applicability Of Water Quality Control Standards
- 23-3D-6020 Previous Waivers And Special Exceptions
- 23-3D-6030 Water Quality Control And Beneficial Use Standards
- 23-3D-6040 Optional Payment Instead Of Structural Controls In Urban Watersheds
- 23-3D-6050 Optional Payment Instead Of Structural Controls In Suburban Watersheds
- 23-3D-6060 Cost Recovery Program
- 23-3D-6070 Water Quality Control Maintenance And Inspection
- 23-3D-6080 Dedicated Fund
- 23-3D-6090 Barton Springs Zone Operating Permit
- 23-3D-6100 Fiscal Security In The Barton Springs Zone
- 23-3D-6110 Innovative Management Practices

Division 23-3D-7: Erosion and Sedimentation Control

- 23-3D-7010 Erosion And Sedimentation Control
- 23-3D-7020 Development Completion
- 23-3D-7030 Modification Of Erosion Control And Construction Sequencing Plans
- 23-3D-7040 Additional Erosion And Sedimentation Control Standards In The Barton Springs Zone
- 23-3D-7050 Temporary Storage Areas; Topsoil Protection
- 23-3D-7060 Fiscal Security

Division 23-3D-8: Additional Standards in All Watersheds

- 23-3D-8010 Overland Flow
- 23-3D-8020 Interbasin Diversion
- 23-3D-8030 Construction On Slopes
- 23-3D-8040 Clearing Of Vegetation

23-3D-8050	Clearing For A Roadway
23-3D-8060	Cut Standards
23-3D-8070	Fill Standards
23-3D-8080	Spoil Disposal
23-3D-8090	Blasting Prohibited
23-3D-8100	Wastewater Restrictions
23-3D-8110	Storm Sewer Discharge
23-3D-8120	Restrictions On Development Impacting Lake Austin, Lady Bird Lake, And Lake Walter E. Long
23-3D-8130	Endangered Species Notification

Division 23-3D-9: Save Our Springs Initiative

23-3D-9010	Title And Purpose
23-3D-9020	Amendment
23-3D-9030	Declaration Of Intent
23-3D-9040	Pollution Prevention Required
23-3D-9050	No Exemptions, Special Exceptions, Waivers Or Variances
23-3D-9060	Application To Existing Tracts, Platted Lots, And Public Schools
23-3D-9070	Expiration Of Prior Approvals
23-3D-9080	Limited Adjustment To Resolve Possible Conflicts With Other Laws
23-3D-9090	Construction Of Ordinance
23-3D-9100	Reduce Risk Of Accidental Contamination
23-3D-9110	Efficient And Cost-Effective Water Quality Protection Measures
23-3D-9120	Severability
23-3D-9130	Adoption Of Water Quality Measures

ARTICLE 23-3E: Affordable Housing Incentive Program

Division 23-3E-1: Affordable Housing Incentive Program

23-3E-1010	Purpose
23-3E-1020	Applicability
23-3E-1030	Review Authority
23-3E-1040	General Provisions for the Affordable Housing Incentive Program
23-3E-1050	Calculation of Density Bonuses
23-3E-1060	Additional Developer Incentives
23-3E-1070	Alternatives to On-site Production of Density Bonus Units
23-3E-1080	Affordability Periods
23-3E-1090	Application Procedures
23-3E-1100	Compliance and Enforcement

Article 23-3A: Purpose and Applicability

Contents

Division 23-2A-1: Purpose and Applicability

- 23-2A-1010 Purpose
- 23-2A-1020 Applicability

This page intentionally left blank

Division 23-2A-1: Purpose and Applicability

Contents

23-2A-1010	Purpose.....	1
23-2A-1020	Applicability	1

23-2A-1010 Purpose

This Chapter provides standards and regulations for the following purposes: to provide parkland; to provide for the protection and replenishment of urban forest resources; to provide for the protection of water quality and protection from flooding; and to encourage the creation and preservation of affordable housing. These aspects are all essential to the development of a healthy, sustainable and desirable city environment. The interests of the community and the goals of the Comprehensive Plan and Zoning Code are further ensured through the application of this Chapter.

23-2A-1020 Applicability

This Chapter applies to all development within the City of Austin and the ETJ.

This page intentionally left blank

Article 23-3B: Parkland Dedication

Contents

Division 23-3B-1: Parkland Dedication

- 23-3B-1010 Purpose and Applicability
 - 23-3B-1020 Dedication of Land or Payment In-Lieu at Building Permit
 - 23-3B-1030 Administrative Authority
-

Division 23-3B-2: Dedication

- 23-3B-2010 Dedication of Parkland
 - 23-3B-2020 Standards for Dedication of Parkland
 - 23-3B-2030 Private Parkland
-

Division 23-3B-3: Fees

- 23-3B-3010 Fee In-Lieu of Parkland Dedication
- 23-3B-3020 Parkland Development Fee
- 23-3B-3030 Fee Payment and Expenditure

This page intentionally left blank

Division 23-3B-1: Parkland Dedication

Contents

23-3B-1010	Purpose and Applicability	1
23-3B-1020	Dedication of Land or Payment In-Lieu at Building Permit	2
23-3B-1030	Administrative Authority	2

23-3B-1010 Purpose and Applicability

- (A) **Purpose.** The City of Austin has determined that recreational areas in the form of public parks are necessary for the well-being of residents. The City has further determined that the approval of new residential development is reasonably related to the need for additional parkland and park amenities to serve new development. This Article establishes a fair method for determining parkland dedication, or the payment of a fee in-lieu of dedication, to be required as a condition to the approval of new development in an amount proportionate to the impact of development on existing parks and established levels of service.
- (B) **Applicability**
- (1) The requirements of this Article apply to:
 - (a) A residential Subdivision in the planning jurisdiction;
 - (b) A Site Plan in the zoning jurisdiction that includes residential units or a hotel-motel use; and
 - (c) A Residential Building Permit, as provided under Section 23-3B-1020 (Dedication of Land or Payment In-Lieu at Building Permit).
 - (2) The following are exempt from the requirements of this Article:
 - (a) A Subdivision or Site Plan for which parkland was previously dedicated or payment made under this Title, except for the dwelling units or lots that exceed the number for which dedication or payment was made;
 - (b) Development within the City's extraterritorial jurisdiction that is within Travis County and governed by Title 30 (Austin/Travis County Subdivision Regulations); and
 - (c) Affordable dwelling units that are described in Article 23-3E (Affordable Housing).

23-3B-1020 Dedication of Land or Payment In-Lieu at Building Permit

- (A) Dedication of parkland or payment in lieu of dedication, as determined by the Park Director under this Article, is required as a condition to obtaining a Building Permit for residential development located within a Subdivision that:
- (1) At the time of approval, was deemed to be exempt from a requirement to dedicate parkland or pay a fee in-lieu of dedication based on the assumption that development within the Subdivision would be limited to non-residential uses; and

- (2) Has not subsequently developed with a use for which parkland was dedicated or a fee in-lieu of dedication was paid.
- (B) The amount of a fee in-lieu of parkland dedication under this Section shall be calculated in accordance with Section 23-3B-2010 (Dedication of Parkland) and Section 23-3B-3010 (Fee In-Lieu of Parkland Dedication).

23-3B-1030 Administrative Authority

- (A) The Park Director is authorized to adopt administrative rules and take other actions that are necessary to implement this Article.
- (B) The Park Director shall, at a minimum, adopt the following by administrative rule under Chapter 1-2 (Administrative Rules):
 - (1) A Deficient Park Area Map illustrating shortages in parkland; and
 - (2) Parkland Dedication Operating Procedures establishing:
 - (a) Boundaries for service areas required by Section 23-3B-3030 (Fee Payment and Expenditure) for use of a fee in-lieu of parkland dedication and parkland development fee;
 - (b) General standards for dedicated parkland under Section 23-3B-2020 (Standards for Dedicated Parkland);
 - (c) Methodology for determining:
 - (i) Parkland cost factor and park level-of-service under Section 23-3B-3010 (Fee In-Lieu of Parkland Dedication); and
 - (ii) Park development cost factor and facilities level-of-service under Section 23-3B-3020 (Parkland Development Fee); and
 - (d) Other provisions deemed necessary for implementing this Article.
- (C) Before initiating the administrative rules process, as required by Subsection (B) of this Section, the Park Director shall present a proposed Deficient Park Area Map and Parkland Dedication Operating Procedures to the Parks Board for a recommendation.

Division 23-3B-2: Dedication

Contents

23-3B-2010	Dedication of Parkland	1
23-3B-2020	Standards for Dedication of Parkland	3
23-3B-2030	Private Parkland.	4

23-3B-2010 Dedication of Parkland

- (A) An applicant seeking Subdivision or Site Plan approval must provide for the parkland needs of the residents by the dedication of suitable land for park and recreational purposes under this Article or by payment of a fee in-lieu of dedication under Section 23-3B-3010 (Fee In-Lieu of Parkland Dedication).
- (B) For a Subdivision, the area to be dedicated must be shown on the preliminary plan and final plat as “Parkland Dedicated to the City of Austin.” The subdivider shall dedicate to the City all parkland required by this Article when a plat is approved, except that the Park Director may defer dedication of parkland to Site Plan approval if development within the Subdivision will require a Site Plan under Chapter 23-6 (Site Plan).
- (C) For a Site Plan, the area to be dedicated must be shown on the Site Plan as “Parkland Dedicated to the City of Austin” and in a deed to the City. The applicant shall dedicate the parkland required by this Article to the City by deed before the Site Plan is released, except that dedication may be deferred until issuance of a certificate of occupancy if construction of amenities is authorized under Section 23-3B-3010 (Fee In-Lieu of Parkland Dedication) or Section 23-3B-3020 (Parkland Development Fee). In negotiating a deed under this Section, the Park Director may require that a reasonable portion of the total impervious cover permitted on the site be allocated to the dedicated parkland to allow for construction of parkland amenities without unduly impacting development of the proposed Site Plan.
- (D) For a Building Permit that is subject to Section 23-3B-2020 (Dedication of Land or Payment In-Lieu at Building Permit), the area to be dedicated must be shown in a deed to the City. The applicant shall dedicate to the City all parkland required by this Article before a Building Permit is issued.
- (E) Except as provided under Subsection (J), the amount of parkland required to be dedicated to the City is 9.4 acres for every 1,000 residents, as determined by the following formula:

$$(9.4 \times \text{Number of Units} \times \text{Residents per Unit}) / 1,000 = \text{Acres of Parkland}$$
- (F) In calculating the amount of parkland to be dedicated under this Section, the number of residents in each dwelling unit is based on density as follows:

Table 23-3B-2010.A: Calculation of Parkland	
Density Classification	Residents in Each Dwelling Unit
Low Density: Not more than 6 units per acre	2.8
Medium Density: More than 6 and not more than 12 units per acre	2.2
High Density: More than 12 units per acre	1.7
Hotel-Motel Density: Total number of rooms	1.7 × Annual Occupancy Rate

- (G) If the density of a development is not known:
 - (1) The density is assumed to be the highest permitted in the Zone, or if the property is not zoned, 24 dwelling units per acre; or
 - (2) For a residential Subdivision within the extraterritorial jurisdiction, the applicant may reduce the assumed density by agreeing, in a manner that is enforceable by the City and approved by the City Attorney, that any subsequent increases in density may require additional dedication of parkland under this Section or payment of a fee in-lieu of dedication under Section 23-3B-3010 (Fee In-Lieu of Parkland Dedication).
- (H) The applicant seeking a Subdivision or Site Plan must pay all costs of transferring the parkland to the City, including the costs of:
 - (1) An environmental site assessment without any further recommendations for clean-up, certified to the City not earlier than the 120th day before the closing date;
 - (2) A Category 1(a) land title survey, certified to the City and the title company not earlier than the 120th calendar day before the closing date;
 - (3) A title commitment with copies of all Schedule B and C documents, and an owner’s Title policy;
 - (4) A fee simple deed;
 - (5) Taxes prorated to the closing date;
 - (6) Recording fees; and
 - (7) Charges or fees collected by the title company.
- (I) Development within a Planned Unit Development (PUD) Zone may, if required by the ordinance adopting the PUD, be subject to additional parkland requirements and may be entitled to count dedicated parkland towards meeting open space requirements under Section 23-4D-6120 (Planned Unit Development).
- (J) The amount of parkland required to be dedicated within the Parkland Dedication Urban Core may not exceed 15 percent of gross site area for the development required to provide the dedication except upon consent of the applicant or as authorized under this Subsection.
 - (1) The Park Director may request that the Land Use Commission approve dedication in excess of the 15 percent cap, up to the amount required under Subsection (E), if doing so is necessary to address a critical shortage of parkland for an area identified in the

Deficient Parkland Area Map or provide connectivity with existing or planned parks or recreational amenities.

- (2) Before the Land Use Commission considers a request under this Subsection for approval, the Park Director shall present the request to the Parks Board for a recommendation.
- (3) In considering a request from the Park Director under this Subsection, the Land Use Commission may:
 - (a) Deny the Parks Director request and limit the required dedication to no more than 15 percent of gross site area; or
 - (b) Require additional parkland dedication beyond the 15 percent cap, up to the lesser of either the amount required under Subsection (E) or the minimum amount the Land Use Commission finds to be necessary based on the criteria in Subsection (J)(1) and the parkland dedication operating procedures.
- (4) If an applicant dedicates less than the amount of land required for dedication under Subsection (E) due to the cap imposed by this Subsection, the Park Director shall require payment of a fee in-lieu of dedication under Section 23-3B-3010 (Fee In-Lieu of Parkland Dedication) for the remaining undedicated land.
- (5) A request by the Park Director under this Subsection may be consolidated with an appeal by the applicant under Subsection 23-3B-3010 (F) (Payment of Fee In-Lieu Dedication).

23-3B-2020 Standards for Dedication of Parkland

- (A) In addition to the requirements of this Article, land to be dedicated as parkland must meet the requirements of this Subsection.
 - (1) Parkland must be easily accessible to the public and open to public view so as to benefit area residents, enhance the visual character of the City, protect public safety, and minimize conflicts with adjacent land uses.
 - (2) On-street and off-street connections between residential neighborhoods shall be provided, wherever possible, to provide reasonable access to parks and open space areas.
 - (3) In addition to the requirements of this Subsection, parkland must comply with the standards in the Comprehensive Plan, the Park and Recreation Long-Range Plan, the Environmental Criteria Manual, and the Parkland Dedication Operating Procedures.
- (B) The Park Director shall determine whether land offered for dedication complies with the standards for dedication under Subsection (A) and may require an applicant seeking a Subdivision or Site Plan applicant to provide information deemed necessary to determine compliance.
- (C) Unless otherwise required under the Parkland Dedication Operating Procedures, 50 percent of acreage in the 100 year floodplain that is dedicated as parkland may be credited toward fulfilling the requirements of this Article if any adjoining land within the 25 year floodplain is also dedicated as parkland. The land within the 25 year floodplain may not be credited toward fulfilling the requirements of this Article.

- (D) Land identified on the Deficient Parkland Area Map maintained by the Parks and Recreation Department that does not otherwise comply with the standards for parkland dedication may be accepted as dedicated parkland if the Park Director determines that the land will provide recreational or educational opportunities for the surrounding community. In this event, 50 percent of the acreage may be credited toward fulfilling the requirements of this Article.

23-3B-2030 Private Parkland

- (A) The Park Director may allow up to a 100 percent credit toward fulfilling the requirements of:
- (1) Section 23-3B-2010 (Dedication of Parkland) for privately owned and maintained parkland or recreational easements that are available for use by the public and meet the standards of the Parkland Dedication Operating Procedures; and
 - (2) Section 23-3B-3020 (Parkland Development Fee) for recreational facilities that are located on privately owned and maintained parkland and available for use by the public.
- (B) The Park Director may allow up to a 100 percent credit toward fulfilling the requirements of this Article for private parkland in a Subdivision or Site Plan located outside the City limits, if:
- (1) The Park Director determines that the private parkland meets City parkland standards; and
 - (2) The land owner agrees to dedicate the private parkland to the City when the City annexes the land for all purposes.
- (C) If private parkland will include construction of recreational amenities, the applicant must post fiscal surety in an amount equal to the fee in-lieu provided for under Section 23-3B-3010 (Fee In-Lieu of Parkland Dedication) and the development fee required under Section 23-3B-3020 (Parkland Development Fee). The fiscal surety must be posted before final plat approval or before Site Plan release, for any portion of the Subdivision that will require a Site Plan.
- (D) Yards, setback areas, and private personal open spaces required by this Title may not be counted as private parkland under this Section, except for a required setback or yard that includes a public trail.
- (E) If private parkland is allowed, a recreation easement must be recorded prior to Site Plan or Subdivision approval.

Division 23-3B-3: Fees

Contents

23-3B-3010	Fee In-Lieu of Parkland Dedication	1
23-3B-3020	Parkland Development Fee	3
23-3B-3030	Fee Payment and Expenditure	4

23-3B-3010 Fee In-Lieu of Parkland Dedication

- (A) The Park Director may require or allow an applicant seeking Subdivision or Site Plan approval to deposit with the City a fee in-lieu of parkland dedication under Section 23-3B-2010 (Dedication of Parkland) if:
- (1) The Park Director determines that payment of a fee in-lieu of dedication is justified under the criteria in Subsection (B); and
 - (2) The following additional requirements are met:
 - (a) Less than six acres is required to be dedicated under Section 23-3B-2010 (Dedication of Parkland); or
 - (b) The land available for dedication does not comply with the standards for dedication under Section 23-3B-2020 (Standards for Dedicated Parkland).
- (B) In determining whether to require dedication of land under Section 23-3B-2010 (Dedication of Parkland) or allow payment of a fee in-lieu of dedication under this Section, the Park Director shall consider whether the Subdivision or Site Plan:
- (1) Is located within the Deficient Park Area Map;
 - (2) Is adjacent to existing parkland;
 - (3) Has sufficient acreage to meet the standards for dedicated parkland under the Parkland Dedication Operating Procedures;
 - (4) Is needed to address a critical need for parkland or to remedy a deficiency identified by the Deficient Park Area Map; or
 - (5) Would provide increased connectivity with existing or planned parks or recreational amenities.
- (C) The Park Director shall, at the request of an applicant, determine whether payment of a fee in-lieu of parkland dedication will be allowed prior to formal submittal of a Site Plan or Subdivision application. The Park Director may establish requirements for obtaining the determination in the Parkland Dedication Operating Procedures and may require an applicant to provide information relevant to the criteria in Subsection (B). A determination issued under this Subsection is valid for a period of one-year from the date of issuance.
- (D) The amount of the fee in-lieu of parkland dedication is established in the annual fee schedule based on a recommendation by the Park Director in accordance with this Subsection.
- (1) Fee In-Lieu of Dedication

Table 23-3B-3010.A: In Lieu Fee Calculation	
Density Classification	Residents in Each Dwelling Unit
Low Density: Not more than 6 units per acre	2.8 x Land Cost per Person
Medium Density: More than 6 and not more than 12 units per acre	2.2 x Land Cost per Person
High Density: More than 12 units per acre	1.7 x Land Cost per Person
Hotel-Motel Density: Total number of rooms	1.7 x Annual Occupancy Rate x Land Cost per Person

- (2) For purposes of calculating “Land Cost per Person” to determine the fee in-lieu under Subsection (D)(1).
- (3) Land Cost per Person=(Parkland Cost Factor)/(Parkland Level of Service)
- (4) Where:
 - (a) “Parkland Cost Factor” is determined by the Park Director based on the average purchase price to the City for acquiring an acre of parkland, excluding a metro or district park or golf course; and
 - (b) “Parkland Level-of-Service” is:
 - Parkland Level of Service=(City Population)/(Net Park Acreage)
 - Where:
 - (i) “City Population” is determined by the City Demographer; and
 - (ii) “Net Park Acreage” is the total citywide acreage of neighborhood parks, pocket parks, and greenways, as determined by the Park Director prior to adoption of the annual fee ordinance by the Council.
- (E) If the Park Director determines that payment of a fee in-lieu of parkland dedication is authorized under this Section for only a portion of the land required to be dedicated under Section 23-3B-2010 (Dedication of Parkland), the Park Director may allow an applicant to pay a fee in-lieu for that portion and require that the remaining land be dedicated. If an applicant dedicates parkland under Section 23-3B-2010 (Dedication of Parkland), the Park Director may not include that acreage in calculating the fee in-lieu required by this Section for any remaining land not included in the dedication.
- (F) If the Park Director rejects a request to pay a fee in-lieu of dedication under Subsection (B), the applicant may appeal the Park Director’s decision to the Land Use Commission consistent with the procedures in Division 23-2X(Appeals) of this Chapter. Before the Land Use Commission considers the appeal, the Park Director shall present the case to the Parks Board for a recommendation, but failure by the Parks Board to act shall not prohibit the Land Use Commission from considering the appeal.

23-3B-3020 Parkland Development Fee

- (A) An applicant must pay a parkland development fee as a condition to Subdivision or Site Plan approval in order to ensure that land is developed with recreational amenities sufficient for park use, except as provided in Subsection (C).

(B) The amount of the development fee is established in the annual fee schedule based on a recommendation by the Park Director in accordance with this Subsection.

(1) Parkland Development Fee

Table 23-3B-3020.A: Parkland Development Fee	
Density Classification	Residents in Each Dwelling Unit
Low Density: Not more than 6 units per acre	2.8 x Park Development Cost per Person
Medium Density: More than 6 and not more than 12 units per acre	2.2 x Park Development Cost per Person
High Density: More than 12 units per acre	1.7 x Park Development Cost per Person
Hotel-Motel Density: Total number of rooms	1.7 x Annual Occupancy Rate x Park Development Cost per Person

(2) For purposes of determining the development fee under Subsection (B)(1):

$$\text{Park Development Cost} = (\text{Park Development Cost Factor}) / (\text{Park Facilities Level of Service})$$

Where:

(a) "Park Development Cost Factor" is determined by the Park Director based on the average cost of developing an acre of parkland up to the standards of a neighborhood park; and

(b) "Park Facilities Level-of-Service" is:

$$\text{Park Facilities Level of Service} = (\text{City Population}) / (\text{Number of Developed Parks})$$

Where:

(i) "City Population" is determined by the City Demographer; and

(ii) "Number of Developed Parks" is the total number of parks developed with a recreational amenity or trail, as determined by the Park Director prior to adoption of the annual fee ordinance by the Council.

(C) The Park Director may allow an applicant to construct recreational amenities on public parkland or private parkland, if applicable, in-lieu of paying the development fee required by this Section. In order to utilize this option, the applicant must:

- (1) Post fiscal surety in an amount equal to the development fee;
- (2) If a dedication of land is required, construct recreational amenities prior to the dedication in a manner consistent with the parkland dedication operating procedures; and
- (3) Document the required amenities concurrent with Subdivision or Site Plan approval, in a manner consistent with the parkland dedication operating procedures.

23-3B-3030 Fee Payment and Expenditure

- (A) Payment of a fee required under Section 23-3B-3010 (Fee In-Lieu of Parkland Dedication) or Section 23-3B-3020 (Parkland Development Fee) must be paid as required by this Subsection.
- (1) If a fee in-lieu of dedication or a parkland development fee is required as a condition to Subdivision approval, the applicant must deposit the fee with the City before final plat approval. The applicant may defer payment of a fee until Site Plan approval unless development proposed within the Subdivision is exempt from the requirement to submit a Site Plan under Division 23-6A-2 (Exemptions).
 - (2) If a fee in-lieu of dedication or a parkland development fee is required as a condition to Site Plan approval, the applicant must deposit the fee with the City before the Site Plan may be approved.
- (B) The Park Director shall place fees paid under Section 23-3B-3010 (Fee In-Lieu of Parkland Dedication) or Section 23-3B-3020 (Parkland Development Fee) into separate funds and use the fees consistently with the requirements of this Subsection.
- (1) The Park Director shall use fees paid under Section 23-3B-3010 (Fee In-Lieu of Parkland Dedication) solely to acquire parkland or recreational easements that will benefit residents of the development for which the fees are assessed, except as provided in Subsection (B)(3). These parkland or recreational easements must be located within a service area designated by the Park Director under the Parkland Dedication Operating Procedures.
 - (2) The Park Director shall use fees paid under Section 23-3B-3020 (Parkland Development Fee) solely to acquire and develop recreational amenities that will benefit residents of the development for which the fees are assessed. These parkland or recreational easements must be located within a service area designated by the Park Director under the Parkland Dedication Operating Procedures.
 - (3) The Park Director may use fees paid under 23-3B-3010 (Fee In-Lieu of Parkland Dedication) consistent with the purposes described in Subsection (B)(2) if, within one year from the date the fees are appropriated for expenditure, the Park Director determines that land which meets the requirements of Section 23-3B-2020 (Standards for Dedicated Parkland) is unavailable for purchase within the service area for which the fees were assessed.
- (C) The City shall expend a fee collected under this Article within five years from the date the fees are appropriated for expenditure by the Park Director. This period is extended by five years if, at the end of the initial five-year period, less than 50 percent of the residential units within a Subdivision or Site Plan have been constructed.
- (D) If the City does not expend a fee payment by the deadline required in Subsection (C) the Subdivision or Site Plan applicant who paid the fee may request a refund under the requirements of this Subsection.
- (1) A refund may only be requested for unbuilt units for which a fee in-lieu of dedication was paid. The refund request must be made in writing and filed with the Parks and Recreation Department not later than 180 calendar days after the expiration of the deadline under Subsection (C).
 - (2) If the refund request is timely filed, the Park Director shall:

- (a) Refund the amount of unspent fees that were collected under this Article in connection with approval of a Subdivision or Site plan; and
- (b) If a Site Plan for which fees were assessed was subsequently revised to reduce the number of units, recalculate the amount due based on the reduced number of units and refund any fees paid in excess of that amount.

This page intentionally left blank

Article 23-3C: Urban Forest Protection and Replenishment

Contents

Division 23-3C-1: General Provisions

- 23-3C-1010 Intent
 - 23-3C-1020 Applicability
 - 23-3C-1030 Definitions
 - 23-3C-1040 Administration
 - 23-3C-1050 Waiver and Modification of City Requirements
 - 23-3C-1060 Reports
-

Division 23-3C-2: General Administration for Regulated Trees

- 23-3C-2010 Development Application Requirements
 - 23-3C-2020 Review Criteria For Permitting Removal Of Regulated Trees
 - 23-3C-2030 Action On Application
 - 23-3C-2040 Effective Date And Expiration Of Approval
 - 23-3C-2050 Appeal
-

Division 23-3C-3: Heritage Trees

- 23-3C-3010 Removal Prohibited
- 23-3C-3020 Administrative Variance
- 23-3C-3030 Land Use Commission Variance
- 23-3C-3040 Appeal
- 23-3C-3050 Application for Variance
- 23-3C-3060 Variance Prerequisite
- 23-3C-3070 Action on Application
- 23-3C-3080 Variance Effective Date and Expiration

This page intentionally left blank

Division 23-3C-1: General Provisions

Contents

23-3C-1010	Intent	1
23-3C-1020	Applicability	1
23-3C-1030	Definitions.	2
23-3C-1040	Administration	3
23-3C-1050	Waiver and Modification of City Requirements	3
23-3C-1060	Reports	4

23-3C-1010 Intent

The urban forest has social, ecological, cultural, economic, historical, and aesthetic benefits for the citizens of Austin. A 2016 study by the U.S. Forest Service and the Texas A&M Forest Service estimated that there are nearly 34 million trees in the City of Austin, and trees in the city save citizens almost \$19 million annually in reduced residential energy costs, they sequester carbon at almost \$12 million a year, and have a standalone, compensatory value of \$16 billion. The study also found that: (1) trees less than five inches in diameter account for 61 percent of the canopy cover, (2) trees 8 to 19 inches in diameter have greater leaf area relative to abundance, and (3) the larger the tree the greater the environmental benefits. Consequently, the urban forest is an integral part of the City’s infrastructure and the City has an interest in planning and protecting this resource with the goal of increasing the urban forest within the City to maximize the aforementioned benefits.

23-3C-1020 Applicability

- (A) This Article applies in the zoning jurisdiction.
- (B) This Article applies to City projects or projects on City property in and outside the zoning jurisdiction.
- (C) Public tree regulations apply to:
 - (1) Two inch and greater trees apply in the street-side right of way and on City owned or operated parkland.
 - (2) Eight inch and greater apply to all other City lands.
- (D) Keystone tree regulations apply to all development.
- (E) Protected tree regulations apply to all development.
- (F) Heritage tree regulations apply to all development.

Table 23-3C-1020.A: Applicability	
Tree	Location
2" and Greater Public Trees	Right of Way and City Parkland
Keystone Trees	All Development
Protected Trees	All Development
Heritage Trees	All Development

23-3C-1030 Definitions

In this Article:

(A) Regulated trees are measured per the Environmental Criteria Manual and are defined as:

Table 23-3C-1030.A: Regulated Trees	
Regulatory Class	Size
Young Public Trees	2" - 7.9" diameter
Keystone Trees	8" - 18.9" diameter
Protected Trees	19" diameter or greater
Heritage Trees	24" diameter or greater (certain species)

- (1) Young Public Trees - 2 diameter inches to 7.9 diameter inches (at least 2/3 of trunk must occur on public property)
- (2) Keystone Trees - Public or private 8 to 18.9 diameter inches
- (3) Protected Trees - Public or private 19 diameter inches or greater
- (4) Heritage Trees - Public or private 24 diameter inches or greater of following species:
 - (a) Ash, Texas
 - (b) Cypress, Bald
 - (c) Elm, American
 - (d) Elm, Cedar
 - (e) Madrone, Texas
 - (f) Maple, Bigtooth
 - (g) All Oaks
 - (h) Pecan
 - (i) Walnut, Arizona
 - (j) Walnut, Eastern Black

This list of eligible heritage tree species may be supplemented, but not reduced, as prescribed by rule.

(B) Natural Character of the Landscape - Natural character varies across geographic and physiographic landscapes in the city and could be influenced by prior land use practices. In general, protecting natural character on developed land is principally through protecting individual trees, greenfield development shall protect intact wooded areas with

contiguous canopy coverage and individual trees within the development project. Historic agricultural and degraded land shall focus on protecting existing tree canopy, but where no canopy exists the emphasis shall be on aggressively replanting site appropriate trees. Protection of individual trees is considered priority for urban infill development.

- (C) Removal means an act that causes or may be reasonably expected to cause a tree to die, including:
 - (1) uprooting;
 - (2) severing or injuring the trunk;
 - (3) damaging the critical root zone; and/or
 - (4) excessive pruning.
- (D) Tree condition:
 - (1) Dead: biological death of vascular tissue to the extent that recovery of the tree is not possible.
 - (2) Fatally Diseased: abnormal growth or dysfunction of a tree that is not recoverable and/or is communicable that results in tree mortality.
 - (3) Imminent Hazard: failure has started or is most likely to occur in the near future, even if there is no significant wind or increased loading.

23-3C-1040 Administration

- (A) A City Arborist, appointed by the director of the Development Services Department, shall implement this Article.
- (B) The Development Services Department shall adopt administrative rules for the implementation of this Article.
- (C) The rules shall include:
 - (1) tree survey and assessment requirements;
 - (2) application depictions and preservation standards;
 - (3) actions that will constitute impacts or removal;
 - (4) mitigation measures;
 - (5) methods to protect regulated trees during development; and
 - (6) criteria and performance indicators, including a canopy cover goal, for assessing the state of the urban forest.

23-3C-1050 Waiver and Modification of City Requirements

- (A) If enforcement of a City department policy, rule, or design standard will result in removal of a regulated tree, the City Arborist may request that the responsible City department waive or modify the policy, rule, or design standard to the extent necessary to preserve the tree.

- (B) The responsible City department may waive or modify the policy, rule, or design standard after determining that a waiver or modification will not result in a serious or imminent adverse effect.
- (C) The City Manager shall resolve differences of opinion between the City Arborist and another City department under this Section.

23-3C-1060 Reports

The City Arborist shall report annually to the Environmental Commission. The report shall include, but is not limited to development impacts to regulated trees and the state of the urban forest.

Division 23-3C-2: General Administration for Regulated Trees

Contents

23-3C-2010	Development Application Requirements	1
23-3C-2020	Review Criteria For Permitting Removal Of Regulated Trees.	2
23-3C-2030	Action On Application.	3
23-3C-2040	Effective Date And Expiration Of Approval.	3
23-3C-2050	Appeal	3

23-3C-2010 Development Application Requirements

- (A) An application must:
 - (1) include necessary review and inspection information as prescribed by the Environmental Criteria Manual; and
 - (2) demonstrate that the design will preserve the existing natural character of the landscape by incorporating regulated trees unless they meet removal criteria. Removal criteria are addressed in the Environmental Criteria Manual.
- (B) For an application that proposes potential impacts or removal to a regulated tree, the City Arborist must review the application and make a compliance determination before the application may be administratively approved.
 - (1) Exception: If a tree has sustained substantial damage by natural causes and is an imminent hazard to life or property, a person may remove this tree prior to submitting an application obtaining a permit. The City Arborist shall establish rules for submitting applications under this exception.
- (C) If a regulated tree is permitted for removal, the City Arborist may require mitigation, including the planting of replacement trees, as a condition of approval. Mitigation approaches are listed in the Environmental Criteria Manual. Mitigation shall be wholly satisfied on the proposed development prior to release by the Director.
- (D) Eligibility for submitting application:
 - (1) For a regulated tree located on public property or a public street or easement, an application may be filed by:
 - (a) A City department, public utility, or political subdivision with the authority to install utility lines or other public facilities in or above the property, street, or easement.
 - (2) For a regulated tree located on private property, an application may be filed by:
 - (a) the owner of the property, on which the tree is located; or
 - (b) the City, if the tree is fatally diseased, dead, or an imminent hazard and is a high risk to the public.
- (E) An application fee is not required if the application is for removal under Section 23-3C-2020(D)(3), (4), or (5) (Review Criteria for Permitting Removal of Regulated Trees).

23-3C-2020 Review Criteria For Permitting Removal Of Regulated Trees

- (A) Regulated trees are to be preserved unless review criteria are met for removal.
- (B) Young public and public keystone trees are to be protected and may only be removed after staff determines:
 - (1) All unnecessary and avoidable grading, parking, utility assignments, landscape island configuration, access routes, etc. and internal circulation routes will be assessed to ensure unnecessary removals are not permitted.
 - (2) Meets Subsection (D)(3),(4), (5), or (6).
- (C) Private keystone trees are to be protected to the extent feasible.
 - (1) All unnecessary and avoidable grading, parking, utility assignments, landscape island configuration, access routes, etc. and internal circulation routes will be assessed to ensure unnecessary removals are not permitted.
 - (2) Preservation of private keystone trees on single-family developments shall be used to satisfy mitigation requirements should protected or heritage trees be permitted for removal.
 - (3) Meets Subsection (D)(3),(4), (5), or (6).
- (D) For protected trees, the Development Services Department may approve an application to remove a protected tree only after determining that the tree:
 - (1) prevents a reasonable access to the property;
 - (2) prevents a reasonable use of the property;
 - (3) is an imminent hazard to life or property, and the hazard cannot reasonably be mitigated without removing the tree;
 - (4) is dead;
 - (5) is fatally diseased; or
 - (6) for a tree located on public property or a public street or easement:
 - (a) prevents the opening of necessary vehicular traffic lanes in a street or alley; or
 - (b) prevents the construction of utility or drainage facilities that may not feasibly be rerouted and reasonable alternative construction methods have been exhausted.
- (E) If an application filed by a political subdivision of the state is approved under Subsection (D)(2), the Land Use Commission may, in its discretion, review the approval.
- (F) For an application to remove a protected tree, any reasonable variances, waivers, exemption, or modifications shall be pursued per the City Arborist.
 - (1) The application to remove the protected tree may not be approved unless the request per this Subsection is denied.
 - (2) This Subsection does not apply to an application that may be approved under Subsection (D)(3), (4), or (5).
- (G) Alternative development plans demonstrating due diligence to preserve regulated trees must be submitted to the City Arborist for review to assess meeting criteria in Subsection (D)(1),(2), (6)(a) and (b).

23-3C-2030 Action On Application

- (A) The City Arborist shall take action on an application to remove a regulated tree:
 - (1) not later than the 15th working day after the complete application is filed;
 - (2) if associated with development activities that have prescribed timelines then deference is given to those timelines; or
 - (3) if a variance, waiver, exemption, modification, or alternative compliance request is required by Section 23-3C-2020 (Review Criteria for Permitting Removal of Regulated Trees), not later than the 10th working day after the request is denied.

23-3C-2040 Effective Date And Expiration Of Approval

- (A) Approval of an application to remove a regulated tree is effective immediately unless associated with development plans. If associated with development plans, removal is effective after development plan approval and required preconstruction meetings have occurred.
- (B) An approval to remove a regulated tree expires:
 - (1) one year after its effective date if the permit is not associated with development; or
 - (2) if associated with a development when the development plan expires.

23-3C-2050 Appeal

An applicant may appeal the denial of an application to remove a regulated tree to the Land Use Commission.

This page intentionally left blank

Division 23-3C-3: Heritage Trees

Contents

23-3C-3010	Removal Prohibited	1
23-3C-3020	Administrative Variance	1
23-3C-3030	Land Use Commission Variance	2
23-3C-3040	Appeal	3
23-3C-3050	Application for Variance	3
23-3C-3060	Variance Prerequisite	3
23-3C-3070	Action on Application	4
23-3C-3080	Variance Effective Date and Expiration	4

23-3C-3010 Removal Prohibited

For an application that proposes the removal of a heritage tree, the applicant must file a request for a variance to remove the heritage tree under this Division before the application may be administratively approved or presented to the Land Use Commission.

- (A) Removal of a heritage tree is prohibited unless the City Arborist has issued a permit for the removal under this Division.
- (B) A permit to remove a heritage tree may be issued only if a variance is approved under Section 23-3C-3020 (Administrative Variance) or 23-3C-3030 (Land Use Commission Variance).
- (C) The requirements in this Division apply to trees on private and public property. To the extent of conflict with another Section of the City Code, this Division applies.
- (D) A person may, without a variance, remove a damaged heritage tree that is an imminent hazard to life or property if the tree is removed within seven days of being damaged. The Director may extend this deadline for widespread and extensive storm damage. See the Environmental Criteria Manual for submittal requirements.

23-3C-3020 Administrative Variance

- (A) The City Arborist may grant a variance from Section 23-3C-3010 (Removal Prohibited) to allow removal of a heritage tree only after determining that the heritage tree:
 - (1) is dead;
 - (2) is an imminent hazard to life or property, and the hazard cannot reasonably be mitigated without removing the tree; or
 - (3) is diseased and:
 - (a) restoration to sound condition is not practicable; or
 - (b) the disease may be transmitted to other trees and endanger their health.

- (B) No application fee and no mitigation are required for a variance request under Subsection (A).
- (C) The Director of the Development Services Department may grant a variance from Section 23-3C-3010 (Removal Prohibited) to allow removal of a heritage tree that does not have at least one stem that is 30 inches in diameter or larger (measured per the ECM) only after determining, based on the City Arborist's recommendation, that the heritage tree meets the criteria in Section 23-3C-2020 (Review Criteria for Permitting Removal of Regulated Trees) and that:
 - (1) the applicant has applied for and been denied a variance, waiver, exemption, modification, or alternative compliance from another City Code provision which would eliminate the need to remove the heritage tree, as required in Section 23-3C-3060 (Variance Prerequisite); and
 - (2) removal of the heritage tree is not based on a condition caused by the method chosen by the applicant to develop the property, unless removal of the heritage tree will result in a design that will allow for the maximum provision of ecological service, historic, and cultural value of the trees on the site.
- (D) A variance granted under this Section:
 - (1) shall be the minimum change necessary;
 - (2) shall require mitigation as a condition of variance approval for variances requested under Subsection (C) of this Section; and
 - (3) may not be issued until the applicant has satisfied the mitigation conditions required under this Subsection (D)(2) or posted fiscal security adequate to ensure performance of the mitigation conditions not later than one year after issuance of the variance.
- (E) The Director of the Development Services Department shall prepare written findings to support the grant or denial of a variance request under Subsection (C) of this Section.

23-3C-3030 Land Use Commission Variance

- (A) The Land Use Commission may grant a variance from Section 23-3C-3010 (Removal Prohibited) to allow removal of a heritage tree that has at least one stem that is 30 inches or larger in diameter (measured per ECM) after determining, based on the City Arborist's recommendation, that the heritage tree meets the criteria in Section 23-3C-2020 (Review Criteria for Permitting Removal of Regulated Trees), and that:
 - (1) the applicant has applied for and been denied a variance, waiver, exemption, modification, or alternative compliance from another City Code provision which would eliminate the need to remove the heritage tree, as required in Section 23-3C-3060 (Variance Prerequisite); and
 - (2) removal of the heritage tree is not based on a condition caused by the method chosen by the applicant to develop the property, unless removal of the heritage tree will result in a design that will allow for the maximum provision of ecological service, historic, and cultural value of the trees on the site.
- (B) A variance granted under this Section:
 - (1) shall be the minimum change necessary; and
 - (2) shall require mitigation as a condition of variance approval.

- (C) Consideration of a variance under this Section requires consideration by the Environmental Commission.

23-3C-3040 Appeal

- (A) An applicant may appeal denial of an administrative variance under Section 23-3C-3020 (Administrative Variance) to the Land Use Commission.
- (B) An appeal under this Section requires review by the Environmental Commission.

23-3C-3050 Application for Variance

- (A) For a heritage tree located on public property or a public street or easement, an application requesting a variance to allow removal of the heritage tree may be filed by:
 - (1) a City department, public utility, or political subdivision with the authority to install utility lines or other public facilities in or above the property, street, or easement; or
 - (2) the owner of property adjoining the site of the tree.
- (B) For a heritage tree located on private property, an application requesting a variance to allow removal of the heritage tree may be filed by:
 - (1) the owner of the property on which the tree is located; or
 - (2) the city arborist, if the tree is fatally diseased or is a safety hazard.
- (C) An application requesting a variance to allow removal of a heritage tree must:
 - (1) be filed with the Director of the Development Services Department;
 - (2) include the fee prescribed by ordinance; and
 - (3) include the information prescribed by the Environmental Criteria Manual.
- (D) The application fee is not required if the application is based solely on the criteria in Section 23-3C-2020(D)(3), (4), or (5) (Review Criteria for Permitting Removal of Regulated Trees).

23-3C-3060 Variance Prerequisite

- (A) If a variance, waiver, exemption, modification, or alternative compliance from another City Code provision would eliminate the need for a variance from Section 23-3C-3010 (Removal Prohibited), before requesting a variance to allow removal of a heritage tree on private property the applicant must:
 - (1) request a variance, waiver, exemption, modification or alternative compliance from the Code provisions that would eliminate the need to remove the heritage tree; and
 - (2) obtain a grant or denial of the variance, waiver, exemption, modification or alternative compliance that would eliminate the need to remove the heritage tree.

- (B) The request for a variance to allow removal of a heritage tree may not be considered unless the variance, waiver, exemption, modification or alternative compliance from other City Code provisions is denied.
- (C) The application fee for a variance from another City Code provision required under this Section is waived.
- (D) This Section does not apply to an application for a variance to remove a heritage tree based on the criteria in Section 23-3C-2020(D)(3), (4), or (5) (Review Criteria for Permitting Removal of Regulated Trees).
- (E) The body considering the variance, waiver, exemption, modification, or alternative compliance will consider the community benefit of preserving the heritage tree in determining whether to grant or deny the request for a variance, waiver, exemption, modification or alternative compliance from another City Code provision.
- (F) This Section does not require an applicant to request a variance, waiver, exemption, modification, or alternative compliance if the Director determines that to do so would endanger the public health and safety.

23-3C-3070 Action on Application

- (A) The Director of the Development Services Department shall take action on a variance request to allow removal of a heritage tree:
 - (1) not later than the 15th working day after the complete application is filed;
 - (2) if associated with development activities that have prescribed timelines then deference is given to those timelines; or
 - (3) if a variance, waiver, exemption, modification, or alternative compliance from another City Code provision is required under Section 23-3C-3060 (Variance Prerequisite), not later than the 10th working day after the request is denied.
- (B) If the application is based on a damaged heritage tree constituting an immediate hazard to life or property, the application shall be approved or denied within 24 hours and no application fee is required.

23-3C-3080 Variance Effective Date and Expiration

- (A) Approval of a variance request to allow removal of a heritage tree is effective immediately.
- (B) A variance to allow removal of a heritage tree expires:
 - (1) one year after its effective date, provided that the mitigation conditions in the variance remain in effect until the conditions are met; or
 - (2) for an application that is associated with a pending development plan submitted to the City, when the development permit expires.

Article 23-3D: Water Quality

Contents

Division 23-3D-1: General Provisions

- 23-3D-1010 Intent
 - 23-3D-1020 Applicability Of Article
 - 23-3D-1030 Descriptions Of Regulated Areas
 - 23-3D-1040 Engineer's Certification
-

Division 23-3D-2: Exceptions and Variances

- 23-3D-2010 Special Exceptions; Limited Adjustment
 - 23-3D-2020 Condemnation And Accessibility Exceptions
 - 23-3D-2030 Redevelopment Exception In Urban And Suburban Watersheds
 - 23-3D-2040 Redevelopment Exception In The Barton Springs Zone
 - 23-3D-2050 Redevelopment Exception In The Water Supply Rural And Water Supply Suburban Watersheds
 - 23-3D-2060 Land Use Commission Variances
 - 23-3D-2070 Administrative Variances
 - 23-3D-2080 Summary Of Variances
-

Division 23-3D-3: Impervious Cover

- 23-3D-3010 Applicability Of Impervious Cover Standards
 - 23-3D-3020 Uplands Zones Established
 - 23-3D-3030 Net Site Area
 - 23-3D-3040 Impervious Cover Calculations
 - 23-3D-3050 Impervious Cover Assumptions
 - 23-3D-3060 Impervious Cover Limits For Urban Watersheds
 - 23-3D-3070 Impervious Cover Limits For Suburban Watersheds
 - 23-3D-3080 Impervious Cover Limits For Water Supply Suburban Watersheds
 - 23-3D-3090 Impervious Cover And Density Limits For Water Supply Rural Watersheds
 - 23-3D-3100 Impervious Cover Limits For The Barton Springs Zone
 - 23-3D-3110 Transfers Of Development Intensity
-

Division 23-3D-4: Waterway and Floodplain Protection

- 23-3D-4010 Waterway Classifications
- 23-3D-4020 Critical Water Quality Zones Established
- 23-3D-4030 Water Quality Transition Zones Established
- 23-3D-4040 Critical Water Quality Zone Development

- 23-3D-4050 Critical Water Quality Zone Street, Driveway, And Trail Crossings
- 23-3D-4060 Water Quality Transition Zone Development
- 23-3D-4070 Floodplain Modification

Division 23-3D-5: Protection for Special Features

- 23-3D-5010 Environmental Resource Inventory
- 23-3D-5020 Pollutant Attenuation Plan
- 23-3D-5030 Critical Environmental Features
- 23-3D-5040 Wetland Protection

Division 23-3D-6: Water Quality Controls

- 23-3D-6010 Applicability Of Water Quality Control Standards
- 23-3D-6020 Previous Waivers And Special Exceptions
- 23-3D-6030 Water Quality Control And Beneficial Use Standards
- 23-3D-6040 Optional Payment Instead Of Structural Controls In Urban Watersheds
- 23-3D-6050 Optional Payment Instead Of Structural Controls In Suburban Watersheds
- 23-3D-6060 Cost Recovery Program
- 23-3D-6070 Water Quality Control Maintenance And Inspection
- 23-3D-6080 Dedicated Fund
- 23-3D-6090 Barton Springs Zone Operating Permit
- 23-3D-6100 Fiscal Security In The Barton Springs Zone
- 23-3D-6110 Innovative Management Practices

Division 23-3D-7: Erosion and Sedimentation Control

- 23-3D-7010 Erosion And Sedimentation Control
- 23-3D-7020 Development Completion
- 23-3D-7030 Modification Of Erosion Control And Construction Sequencing Plans
- 23-3D-7040 Additional Erosion And Sedimentation Control Standards In The Barton Springs Zone
- 23-3D-7050 Temporary Storage Areas; Topsoil Protection
- 23-3D-7060 Fiscal Security

Division 23-3D-8: Additional Standards in All Watersheds

- 23-3D-8010 Overland Flow
- 23-3D-8020 Interbasin Diversion
- 23-3D-8030 Construction On Slopes
- 23-3D-8040 Clearing Of Vegetation
- 23-3D-8050 Clearing For A Roadway
- 23-3D-8060 Cut Standards
- 23-3D-8070 Fill Standards
- 23-3D-8080 Spoil Disposal
- 23-3D-8090 Blasting Prohibited

- 23-3D-8100 Wastewater Restrictions
- 23-3D-8110 Storm Sewer Discharge
- 23-3D-8120 Restrictions On Development Impacting Lake Austin, Lady Bird Lake, And Lake Walter E. Long
- 23-3D-8130 Endangered Species Notification

Division 23-3D-9: Save Our Springs Initiative

- 23-3D-9010 Title And Purpose
- 23-3D-9020 Amendment
- 23-3D-9030 Declaration Of Intent
- 23-3D-9040 Pollution Prevention Required
- 23-3D-9050 No Exemptions, Special Exceptions, Waivers Or Variances
- 23-3D-9060 Application To Existing Tracts, Platted Lots, And Public Schools
- 23-3D-9070 Expiration Of Prior Approvals
- 23-3D-9080 Limited Adjustment To Resolve Possible Conflicts With Other Laws
- 23-3D-9090 Construction Of Ordinance
- 23-3D-9100 Reduce Risk Of Accidental Contamination
- 23-3D-9110 Efficient And Cost-Effective Water Quality Protection Measures
- 23-3D-9120 Severability
- 23-3D-9130 Adoption Of Water Quality Measures

This page intentionally left blank

Division 23-3D-1: General Provisions

Contents

23-3D-1010	Intent	1
23-3D-1020	Applicability Of Article	1
23-3D-1030	Descriptions Of Regulated Areas	2
23-3D-1040	Engineer’s Certification	3

23-3D-1010 Intent

The Austin Comprehensive Plan calls for the protection and improvement of the water quality of the city’s creeks, lakes, and aquifers for community use and support of aquatic life. Austin’s watersheds are the lands that contribute to and sustain our creeks and lakes. Development anywhere within a watershed can have an impact on the water that flows through it and, consequently, the body of water into which it flows. As a result, the protection of these watersheds is critical to the health of the waterways. Water quality degradation primarily stems from urbanization and changing land use conditions that modify watershed hydrology, disrupt aquatic habitat, and increase the level of pollutants in waterways. The physical variability of the region makes some watersheds more vulnerable than others to water pollution, such as those comprising the northern and southern Edwards Aquifer, as well as Lake Austin, one of the principal sources of Austin’s drinking water. Streams in the eastern watersheds are more vulnerable to erosion because creek channels cut through deep clay soils instead of bedrock.

Water quality protection is achieved through a combination of regulations, including: setbacks that preserve and restore the natural function of waterways and floodplains; protection of sensitive environmental features like caves, wetlands, springs, and steep slopes; limits on impervious cover to protect natural function and infiltration; limits on grading to minimize site disturbance and maintain natural hydrology; and stormwater control measures that slow down, filter, and beneficially use polluted runoff.

23-3D-1020 Applicability Of Article

- (A) Except as provided in Subsection (B), this Article applies in the planning jurisdiction.
- (B) For a preliminary plan, final plat, or subdivision construction plan in the portion of the City’s extraterritorial jurisdiction that is within Travis County:
 - (1) this Article does not apply; and
 - (2) Title 30 (Austin/Travis County Subdivision Regulations) governs.
- (C) The standards of this Article apply to land development by the City.

23-3D-1030 Descriptions Of Regulated Areas

- (A) This Section describes the watersheds, aquifers, and water zones that are regulated by this Article. A map of these areas is maintained by the Watershed Protection Department and available for inspection at the offices of the Development Services Department.
- (B) The Watershed Protection Department shall determine the boundaries of the areas described in Subsection (D).
- (C) For property within 1,500 feet of a boundary, the director may require that an applicant provide a certified report from a geologist or hydrologist verifying the boundary location.
- (D) In this Article:
- (1) BARTON SPRINGS ZONE means the Barton Creek watershed and all watersheds that contribute recharge to Barton Springs, including those portions of the Williamson, Slaughter, Onion, Bear, and Little Bear Creek watersheds located in the Edwards Aquifer recharge or contributing zones.
 - (2) BARTON CREEK WATERSHED means the land area that drains to Barton Creek, including Little Barton Creek watershed.
 - (3) EDWARDS AQUIFER is the water-bearing substrata that includes the stratigraphic rock units known as the Edwards Group and Georgetown Formation.
 - (4) EDWARDS AQUIFER CONTRIBUTING ZONE means all land generally to the west and upstream of the Edwards Aquifer recharge zone that provides drainage into the Edwards Aquifer recharge zone.
 - (5) EDWARDS AQUIFER RECHARGE ZONE means all land over the Edwards Aquifer that recharges the aquifer, as determined by the surface exposure of the geologic units comprising the Edwards Aquifer, including the areas overlain with quaternary terrace deposits.
 - (6) SOUTH EDWARDS AQUIFER RECHARGE ZONE means the portion of the Edwards Aquifer recharge zone that is located south of the Colorado River and north of the Blanco River.
 - (7) SUBURBAN WATERSHEDS include all watersheds not otherwise classified as urban, water supply suburban, or water supply rural watersheds, and include:
 - (a) the Brushy, Buttercup, Carson, Cedar, Cottonmouth, Country Club East, Country Club West, Decker, Dry Creek East, Elm Creek, Elm Creek South, Gilleland, Harris Branch, Lake, Lockwood, Maha, Marble, North Fork Dry, Plum, Rattan, Rinard, South Boggy, South Fork Dry, South Brushy, Walnut, and Wilbarger Creek watersheds;
 - (b) the Colorado River watershed downstream of U.S. 183; and
 - (c) those portions of the Onion, Bear, Little Bear, Slaughter, and Williamson creek watersheds not located in the Edwards Aquifer recharge or contributing zones.
 - (8) URBAN WATERSHEDS include:
 - (a) the Blunn, Buttermilk, Boggy, East Bouldin, Fort, Harper's Branch, Johnson, Little Walnut, Shoal, Tannehill, Waller, and West Bouldin Creek watersheds;
 - (b) the north side of the Colorado River watershed from Johnson Creek to U.S. 183; and

- (c) the south side of the Colorado River watershed from Barton Creek to U.S. 183.
- (9) WATER SUPPLY RURAL WATERSHEDS include:
- (a) the Lake Travis watershed;
 - (b) the Lake Austin watershed, excluding the Bull Creek watershed and the area to the south of Bull Creek and the east of Lake Austin; and
 - (c) the Bear West, Bee, Bohl's Hollow, Cedar Hollow, Coldwater, Commons Ford, Connors, Cuernavaca, Harrison Hollow, Hog Pen, Honey, Little Bee, Panther Hollow, Running Deer, St. Stephens, Steiner, and Turkey Creek watersheds.
- (10) WATER SUPPLY SUBURBAN WATERSHEDS include:
- (a) the Bull, Eanes, Dry Creek North, Huck's Slough, Taylor Slough North, Taylor Slough South, and West Bull Creek watersheds;
 - (b) the Lady Bird Lake watershed on the south side of Lady Bird Lake from Barton Creek to Tom Miller Dam;
 - (c) the Lady Bird Lake watershed on the north side of Lady Bird Lake from Johnson Creek to Tom Miller Dam; and
 - (d) the Lake Austin watershed on the east side of Lake Austin from Tom Miller Dam to Bull Creek.

23-3D-1040 Engineer's Certification

An engineer shall certify a plan or plat as complete, accurate, and in compliance with the standards of this Article. The director may waive this standard after making a determination that the plan or plat includes only minor alterations or improvements that do not require the services of an engineer.

This page intentionally left blank

Division 23-3D-2: Exceptions and Variances

Contents

23-3D-2010	Special Exceptions; Limited Adjustment	1
23-3D-2020	Condemnation And Accessibility Exceptions	1
23-3D-2030	Redevelopment Exception In Urban And Suburban Watersheds	2
23-3D-2040	Redevelopment Exception In The Barton Springs Zone	2
23-3D-2050	Redevelopment Exception In The Water Supply Rural And Water Supply Suburban Watersheds	5
23-3D-2060	Land Use Commission Variances	7
23-3D-2070	Administrative Variances	8
23-3D-2080	Summary Of Variances	9

23-3D-2010 Special Exceptions; Limited Adjustment

- (A) Except as prohibited by Division 23-3D-9 (Save Our Springs Initiative), a special exception from the standards of this Article may be granted in compliance with Chapter 23-2 (Administration And Procedures).
- (B) If a three-quarters majority of the Council concludes, or a court of competent jurisdiction renders a final judgment concluding that identified sections of this Article, as applied to a specific development or proposal violate the United States Constitution or the Texas Constitution or are inconsistent with federal or state statutes that may preempt a municipal ordinance or the Austin City Charter, the Council may, after a public hearing, adjust the application of this Article to that development to the minimum extent required to comply with the conflicting law. Any adjustment must be structured to provide the maximum protection of water quality.

23-3D-2020 Condemnation And Accessibility Exceptions

- (A) This Subsection applies to property that has existing development or that is included in an approved site plan if the development on the property is reconfigured as a result of right-of-way condemnation.
 - (1) The accountable official may approve the replacement of development that existed in the condemned area of the property onto the remainder of the property.
 - (2) For development that may be replaced in compliance with Subsection (A)(1), the director may vary the standards of this Article for development in the water quality transition zone and the critical water quality zone and the limitations of this Article on impervious cover after making a determination that the replacement development will not increase the pollutant loading.
- (B) For property that had existing development or that was included in a released site plan on March 10, 1996, the accountable official may approve additional development that exceeds the impervious cover limitations of this Title if the director determines that the

increased impervious cover is necessary to comply with the accessibility standards of the Americans With Disabilities Act or the Uniform Building Code.

23-3D-2030 Redevelopment Exception In Urban And Suburban Watersheds

- (A) This Section applies to property located in an urban or suburban watershed that has existing development if:
 - (1) no unpermitted development occurred on the site after January 1, 1992; and
 - (2) the applicant files a site plan application and an election for the property to be governed by this Section.
- (B) The standards of this Article do not apply to the redevelopment of the property if the redevelopment:
 - (1) does not increase the existing amount of impervious cover;
 - (2) provides the level of water quality treatment prescribed by current standards for the redeveloped area or an equivalent area on the site;
 - (3) does not generate more than 2,000 vehicle trips a day above the estimated traffic level based on the most recent authorized use on the property;
 - (4) is consistent with the neighborhood plan adopted by Council, if any;
 - (5) does not increase non-compliance, if any, with Section 23-3D-4040 (Critical Water Quality Zone Development), Section 23-3D-4050 (Critical Water Quality Zone Street, Driveway, and Trail Crossings), Section 23-3D-5030 (Critical Environmental Features), or Section 23-3D-5040 (Wetland Protection); and
 - (6) does not place redevelopment within the Erosion Hazard Zone, unless protective works are provided as prescribed in the Drainage Criteria Manual.
- (C) The redevelopment must comply with construction phase environmental standards in effect at the time of construction, including Division 23-3D-7 (Erosion and Sedimentation Control).

23-3D-2040 Redevelopment Exception In The Barton Springs Zone

- (A) This Section applies to property located in the Barton Springs Zone that has existing commercial, civic, or industrial development if:
 - (1) no unpermitted development occurred on the site after January 1, 1992; and
 - (2) the applicant files a site plan application and an election for the property to be governed by this Section.
- (B) For property governed by this Section, this Section supersedes Division 23-3D-9 (Save Our Springs Initiative), to the extent of conflict.
- (C) In this Section:
 - (1) SEDIMENTATION/FILTRATION POND means water quality controls that comply with Section 23-3D-6030 (Water Quality Control and Beneficial Use Standards) or are

- approved in compliance with Section 23-3D-6110 (Innovative Management Practices); and
- (2) SOS POND means water quality controls that comply with all standards of Section 23-3D-6030 (Water Quality Control and Beneficial Use Standards) and the pollutant removal standards of Section 23-3D-9040(A) (Pollution Prevention Required).
- (D) The standards of this Article do not apply to the subdivision of property if at the time of redevelopment in compliance with this Section subdivision and site plan applications are filed concurrently.
- (E) The standards of this Article do not apply to the redevelopment of property if the redevelopment meets all of the following conditions:
- (1) The redevelopment may not increase the existing amount of impervious cover on the site.
 - (2) The redevelopment may not increase non-compliance, if any, with Section 23-3D-4040 (Critical Water Quality Zone Development), Section 23-3D-4050 (Critical Water Quality Zone Street, Driveway, and Trail Crossings), Section 23-3D-4060 (Water Quality Transition Zone Development), Section 23-3D-5030 (Critical Environmental Features), or Section 23-3D-5040 (Wetland Protection).
 - (3) The redevelopment must comply with construction phase environmental standards in effect at the time of construction, including Division 23-3D-7 (Erosion and Sedimentation Control) and Section 23-3D-6100 (Fiscal Security in the Barton Springs Zone).
 - (4) The water quality controls on the redevelopment site must provide a level of water quality treatment that is equal to or greater than that which was previously provided.
 - (5) For a commercial, civic, industrial, or multi-family redevelopment, the owner or operator shall obtain a permit in compliance with Section 23-3D-6090 (Barton Springs Zone Operating Permit) for both sedimentation/filtration ponds and SOS ponds.
 - (6) For a site with more than 40 percent net site area impervious cover, the redevelopment must have:
 - (a) sedimentation/filtration ponds for the entire site; or
 - (b) SOS ponds for a portion of the site, and sedimentation/filtration ponds for the remainder of the redeveloped site.
 - (7) For a site with 40 percent or less net site area impervious cover, the redevelopment must have SOS ponds for the entire site.
 - (8) The applicant shall mitigate the effects of the redevelopment, if required by and in compliance with Subsection (H).
 - (9) Redevelopment may not be located within the Erosion Hazard Zone, unless protective works are provided as prescribed in the Drainage Criteria Manual.
- (F) Council approval of a redevelopment in compliance with Subsection (G) is required if the redevelopment:
- (1) includes more than 25 dwelling units;
 - (2) is located outside the City's zoning jurisdiction;
 - (3) is proposed on property with an existing industrial or civic use;

- (4) is inconsistent with a neighborhood plan; or
 - (5) will generate more than 2,000 vehicle trips a day above the estimated traffic level based on the most recent authorized use on the property.
- (G) Council shall consider the following factors in determining whether to approve a proposed redevelopment:
- (1) benefits of the redevelopment to the community;
 - (2) whether the proposed mitigation or manner of development offsets the potential environmental impact of the redevelopment;
 - (3) the effects of offsite infrastructure requirements of the redevelopment; and
 - (4) compatibility with the City's long-range planning goals.
- (H) Redevelopment of property in compliance with this Section requires the purchase or restriction of mitigation land if the site has a sedimentation/filtration pond.
- (1) The combined gross site area impervious cover of the mitigation land and the portion of the redevelopment site treated by sedimentation/filtration ponds may not exceed 20 percent.
 - (2) The mitigation standard may be satisfied by:
 - (a) paying into the Barton Springs Zone Mitigation Fund a non-refundable amount established by ordinance;
 - (b) transferring to the City in compliance with Paragraph (3) mitigation land approved by the Watershed Protection Department within a watershed that contributes recharge to Barton Springs, either inside or outside the City's jurisdiction;
 - (c) placing restrictions in compliance with Paragraph (3) on mitigation land approved by the Watershed Protection Department within a watershed that contributes recharge to Barton Springs, either inside or outside the City's jurisdiction; or
 - (d) a combination of the mitigation methods described in Subparagraphs (a) - (c), if approved by the Watershed Protection Department.
 - (3) An applicant redeveloping in compliance with this Section shall pay all costs of restricting the mitigation land or transferring the mitigation land to the City, including the costs of:
 - (a) an environmental site assessment without any recommendations for further clean-up, certified to the City not earlier than the 120th day before the closing date transferring land to the City;
 - (b) a category 1(a) land title survey, certified to the City and the title company not earlier than the 120th day before the closing date transferring land to the City;
 - (c) a title commitment with copies of all Schedule B and C documents, and an owner's title policy;
 - (d) a fee simple deed, or, for a restriction, a restrictive covenant approved as to form by the City Attorney;
 - (e) taxes prorated to the closing date;
 - (f) recording fees; and
 - (g) charges or fees collected by the title company.

- (l) The Watershed Protection Department shall adopt rules to identify criteria for director approval in compliance with this Section to ensure that the proposed mitigation, manner of development, and water quality controls offset the potential environmental impact of the redevelopment.

23-3D-2050 Redevelopment Exception In The Water Supply Rural And Water Supply Suburban Watersheds

- (A) This Section applies to property located in a water supply rural or water supply suburban watershed that has existing commercial, civic, or industrial development or existing residential development with greater than two dwelling units per lot if:
 - (1) no unpermitted development occurred on the site after January 1, 1992; and
 - (2) the applicant files a site plan application and an election for the property to be governed by this Section.
- (B) In this Section, SEDIMENTATION/ FILTRATION POND means water quality controls that comply with Section 23-3D-6030 (Water Quality Control and Beneficial Use Standards) or are approved in compliance with Section 23-3D-6110 (Innovative Management Practices).
- (C) The standards of this Article do not apply to the subdivision of property if at the time of redevelopment in compliance with this Section subdivision and site plan applications are filed concurrently.
- (D) The standards of this Article do not apply to the redevelopment of property if the redevelopment meets all of the following conditions:
 - (1) The redevelopment may not increase the existing amount of impervious cover on the site.
 - (2) The redevelopment may not increase non-compliance, if any, with Section 23-3D-4040 (Critical Water Quality Zone Development), Section 23-3D-4050 (Critical Water Quality Zone Street, Driveway, and Trail Crossings), Section 23-3D-4060 (Water Quality Transition Zone Development), Section 23-3D-5030 (Critical Environmental Features), or Section 23-3D-5040 (Wetland Protection).
 - (3) The redevelopment must comply with construction phase environmental standards in effect at the time of construction, including Division 23-3D-7 (Erosion and Sedimentation Control).
 - (4) The water quality controls for the redeveloped areas or an equivalent area on the site must provide a level of water quality treatment that is equal to or greater than that which was previously provided. At a minimum, the site must provide sedimentation/ filtration ponds for the redeveloped area or an equivalent area on the site.
 - (5) The applicant shall mitigate the effects of the redevelopment, if required by and in compliance with Subsection (G).
 - (6) Redevelopment may not be located within the Erosion Hazard Zone, unless protective works are provided as prescribed in the Drainage Criteria Manual.
- (E) Council approval of a redevelopment in compliance with Subsection (F) is required if the redevelopment:
 - (1) includes more than 25 additional dwelling units;

- (2) is located outside the City's zoning jurisdiction;
 - (3) is proposed on property with an existing industrial use;
 - (4) is inconsistent with a neighborhood plan; or
 - (5) will generate more than 2,000 vehicle trips a day above the estimated traffic level based on the most recent authorized use on the property.
- (F) Council shall consider the following factors in determining whether to approve a proposed redevelopment:
- (1) benefits of the redevelopment to the community;
 - (2) whether the proposed mitigation or manner of development offsets the potential environmental impact of the redevelopment;
 - (3) the effects of off-site infrastructure requirements of the redevelopment; and
 - (4) compatibility with the City's long-range planning goals.
- (G) Redevelopment of property in compliance with this Section requires the purchase or restriction of mitigation land.
- (1) The combined gross site area impervious cover of the mitigation land and the portion of the redevelopment treated by sedimentation/filtration ponds may not exceed 20 percent if in a water supply rural watershed or 40 percent if in a water supply suburban watershed.
 - (2) The mitigation standard may be satisfied by:
 - (a) paying into the Water Supply Mitigation Fund a nonrefundable amount established by ordinance;
 - (b) transferring to the City in compliance with Paragraph (3) mitigation land approved by the Watershed Protection Department within a water supply rural or water supply suburban watershed, either inside or outside the City's jurisdiction;
 - (c) placing restrictions in compliance with Paragraph (3) on mitigation land approved by the Watershed Protection Department within a water supply rural or water supply suburban watershed, either inside or outside the City's jurisdiction; or
 - (d) a combination of the mitigation methods described in Subparagraphs (a) - (c), if approved by the Watershed Protection Department.
 - (3) An applicant redeveloping in compliance with this Section shall pay all costs of restricting the mitigation land or transferring the mitigation land to the City, including the costs of:
 - (a) an environmental site assessment without any recommendations for further clean-up, certified to the City not earlier than the 120th day before the closing date transferring land to the City;
 - (b) a category 1(a) land title survey, certified to the City and the title company not earlier than the 120th day before the closing date transferring land to the City;
 - (c) a title commitment with copies of all Schedule B and C documents, and an owner's title policy;
 - (d) a fee simple deed, or, for a restriction, a restrictive covenant approved as to form by the City Attorney;

- (e) taxes prorated to the closing date;
 - (f) recording fees; and
 - (g) charges or fees collected by the title company.
- (H) The Watershed Protection Department shall adopt rules to identify criteria for director approval in compliance with this Section to ensure that the proposed mitigation, manner of development, and water quality controls offset the potential environmental impact of the redevelopment.

23-3D-2060 Land Use Commission Variances

- (A) It is the applicant’s burden to establish that the findings described in this Section have been met. Except as provided in Subsections (B) and (C), the Land Use Commission may grant a variance from a standard of this Article after determining that:
- (1) the standard will deprive the applicant of a privilege or the safety of property given to owners of other similarly situated property with approximately contemporaneous development;
 - (2) the variance:
 - (a) is not based on a condition caused by the method chosen by the applicant to develop the property, unless the development method provides greater overall environmental protection than is achievable without the variance;
 - (b) is the minimum change necessary to avoid the deprivation of a privilege given to other property owners and to allow a reasonable use of the property; and
 - (c) does not create a significant probability of harmful environmental consequences; and
 - (3) development with the variance will result in water quality that is at least equal to the water quality achievable without the variance.
- (B) The Land Use Commission may grant a variance from a standard of Section 23-3D-4040 (Critical Water Quality Zone Development), Section 23-3D-4050 (Critical Water Quality Zone Street, Driveway, and Trail Crossings), Section 23-3D-4060 (Water Quality Transition Zone Development), or Section 23-3D-8120 (Restrictions on Development Impacting Lake Austin, Lady Bird Lake, and Lake Walter E. Long), after determining that:
- (1) the criteria for granting a variance in Subsection (A) are met;
 - (2) the standard for which a variance is requested prevents a reasonable, economic use of the entire property; and
 - (3) the variance is the minimum change necessary to allow a reasonable, economic use of the entire property.
- (C) The Land Use Commission may not grant a variance from a standard of Division 23-3D-9 (Save Our Springs Initiative).
- (D) The Land Use Commission shall prepare written findings of fact to support the grant or denial of a variance request in compliance with this Section.

23-3D-2070 Administrative Variances

- (A) A variance in compliance with this Section may not vary the standards of Division 23-3D-9 (Save Our Springs Initiative) and may not be granted for development of a property if any portion of the property abuts or is within 500 feet of the shoreline of Lake Austin, measured horizontally.
- (B) The Watershed Protection Department may grant a variance from a standard of:
- (1) Section 23-3D-4040 (Critical Water Quality Zone Development), only if:
 - (a) necessary to protect public health and safety, or if it would provide a significant, demonstrable environmental benefit, as determined by a functional assessment of floodplain health as prescribed in the Environmental Criteria Manual;
 - (b) necessary to allow an athletic field in existence on October 28, 2013, to be maintained, improved, or replaced;
 - (c) necessary to allow an athletic field to be located in an area not otherwise allowed in compliance with Section 23-3D-4040(B)(7); or
 - (d) necessary to allow a hard surfaced trail to be located in an area not otherwise allowed in compliance with Section 23-3D-4040(B)(5);
 - (2) Section 23-3D-4040 (Critical Water Quality Zone Development), for development within an urban watershed, only if the proposed development:
 - (a) is located not less than 25 feet from the centerline of a waterway;
 - (b) is located outside the erosion hazard zone, unless protective works are provided as prescribed in the Drainage Criteria Manual;
 - (c) does not increase non-compliance, if any, with Section 23-3D-4040 (Critical Water Quality Zone Development), Section 23-3D-4050 (Critical Water Quality Zone Street, Driveway, and Trail Crossings), Section 23-3D-5030 (Critical Environmental Features), or Section 23-3D-5040 (Wetland Protection); and
 - (d) restores native vegetation and soils if development is removed from the critical water quality zone;
 - (3) Subsection 23-3D-4050(A)(3) (Critical Water Quality Zone Street, Driveway, and Trail Crossings), only outside the Barton Springs Zone;
 - (4) Section 23-3D-5030 (Critical Environmental Features);
 - (5) Section 23-3D-8020 (Interbasin Diversion);
 - (6) Section 23-3D-8050 (Clearing for a Roadway);
 - (7) Section 23-3D-8060 (Cut Standards) or Section 23-3D-8070 (Fill Standards), for a water quality control or detention facility and appurtenances for conveyance including but not limited to swales, drainage ditches, and diversion berms;
 - (8) Section 23-3D-8060 (Cut Standards) or Section 23-3D-8070 (Fill Standards), for a cut or fill of not more than eight feet in the desired development zone; or
 - (9) Subsection 23-3D-8080(A) (Spoil Disposal).
- (C) It is the applicant's burden to establish that the findings described in this Section have been met

- (D) The Watershed Protection Department may grant a variance described in Subsection (B) only after determining that development in compliance with the variance meets the objective of the standard for which the variance is requested and:
- (1) for property in the Barton Springs Zone, the variance will result in water quality that is at least equal to the water quality achievable without the variance;
 - (2) for a variance from Section 23-3D-4040(B)(7), that the proposed work on or placement of the athletic field will have no adverse environmental impacts;
 - (3) for a variance from Section 23-3D-4050(A)(3), that the design of the crossing will improve creek function or mitigate impacts to the creek as prescribed in the Environmental Criteria Manual;
 - (4) for a variance from Section 23-3D-5030, that the proposed measures preserve all characteristics of the critical environmental feature;
 - (5) for a variance from Section 23-3D-8020, there are no adverse environmental or drainage impacts;
 - (6) for a variance from Section 23-3D-8060 or Section 23-3D-8070 the cut or fill is not located on a slope with a gradient of more than 15 percent or within 100 feet of a classified waterway; and
 - (7) for a variance from Section 23-3D-8080(A), use of the spoil provides a necessary public benefit. Necessary public benefits include:
 - (a) roadways;
 - (b) stormwater detention facilities;
 - (c) public or private park sites; and
 - (d) building sites that comply with Section 23-3D-8060 (Cut Standards), 23-3D-8070 (Fill Standards), and Article 23-10E (Drainage).
- (E) The Watershed Protection Department shall prepare written findings to support the grant or denial of a variance request in compliance with this Section.

23-3D-2080 Summary Of Variances

The director shall prepare and maintain for public inspection a written summary of variances granted and denied in compliance with Sections 23-3D-2060 (Land Use Commission Variances) and 23-3D-2070 (Administrative Variances).

This page intentionally left blank

Division 23-3D-3: Impervious Cover

Contents

23-3D-3010	Applicability Of Impervious Cover Standards.	1
23-3D-3020	Uplands Zones Established	1
23-3D-3030	Net Site Area.	1
23-3D-3040	Impervious Cover Calculations	2
23-3D-3050	Impervious Cover Assumptions	3
23-3D-3060	Impervious Cover Limits For Urban Watersheds.	4
23-3D-3070	Impervious Cover Limits For Suburban Watersheds.	4
23-3D-3080	Impervious Cover Limits For Water Supply Suburban Watersheds	6
23-3D-3090	Impervious Cover And Density Limits For Water Supply Rural Watersheds.	6
23-3D-3100	Impervious Cover Limits For The Barton Springs Zone	7
23-3D-3110	Transfers Of Development Intensity	7

23-3D-3010 Applicability Of Impervious Cover Standards

- (A) The impervious cover standards of this Article do not restrict impervious cover on a single-family or duplex lot but apply to the subdivision as a whole.
- (B) For a subdivision with commercial, civic, industrial, or multi-family lots and an internal roadway, the impervious cover calculation for the platted lots will need to account for the roadway if the roadway exceeds the impervious cover limits within the right-of-way.
- (C) The impervious cover standards of this Article do not apply to an application for a roadway improvement that will not exceed 8,000 square feet of new impervious cover. For the purposes of this Section, roadway improvements are limited to intersection upgrades, low-water crossing upgrades, additions for bicycle lanes, and additions for mass transit stops.

23-3D-3020 Uplands Zones Established

An uplands zone includes all land and waters not included in a critical water quality zone or a water quality transition zone.

23-3D-3030 Net Site Area

- (A) Net site area includes only the portions of a site that lie in an uplands zone and have not been designated for wastewater irrigation.
- (B) For land described in Subsection (A), net site area is the aggregate of:
 - (1) 100 percent of the land with a gradient of 15 percent or less;

- (2) 40 percent of the land with a gradient of more than 15 percent and not more than 25 percent; and
 - (3) 20 percent of the land with a gradient of more than 25 percent and not more than 35 percent.
- (C) Net site area does not apply in the urban and suburban watersheds.

23-3D-3040 Impervious Cover Calculations

- (A) Impervious cover is calculated in compliance with this Section and the Environmental Criteria Manual.
- (B) Impervious cover calculations include:
 - (1) roads;
 - (2) driveways;
 - (3) parking areas;
 - (4) buildings;
 - (5) concrete;
 - (6) impermeable construction covering the natural land surface;
 - (7) for an uncovered wood deck that has drainage spaces between the deck boards and that is located over a pervious surface, 50 percent of the horizontal area of the deck; and
 - (8) the portion of a site used for the storage of scrap and metal salvage, including auto salvage.
- (C) Impervious cover calculations exclude:
 - (1) sidewalks in a public right-of-way or public easement;
 - (2) multi-use trails open to the public and located on public land or in a public easement;
 - (3) water quality controls, excluding subsurface water quality controls;
 - (4) detention basins, excluding subsurface detention basins;
 - (5) drainage swales and conveyances;
 - (6) ponds, pools, and fountains;
 - (7) areas with gravel placed over pervious surfaces that are used only for landscaping or by pedestrians and are not constructed with compacted base;
 - (8) porous pavement designed in compliance with the Environmental Criteria Manual, limited to only pedestrian walkways and multi-use trails, and located outside the Edwards Aquifer recharge zone;
 - (9) fire lanes designed as prescribed in the Environmental Criteria Manual, that consist of interlocking pavers, and are restricted from routine vehicle access;
 - (10) an access ramp for an existing single-family and duplex residential unit if:
 - (a) a person with a disability requires access to a dwelling entrance that meets the standards of the Residential Code, Section R320.6 (Visitable dwelling entrance);

- (b) the building official determines that the ramp will not pose a threat to public health and safety;
 - (c) the ramp:
 - (i) is no wider than 48 inches, except that any portion of a landing for the ramp required for turns may be no wider than 60 inches; and
 - (ii) may have a hand railing, but may not have a roof or walls; and
 - (d) the ramp is located in a manner that utilizes existing impervious cover to the greatest extent possible if:
 - (i) impervious cover on the property is at or above the maximum amount of impervious cover allowed by this Title; or
 - (ii) if placement of the ramp would result in the property exceeding the maximum amount of impervious cover allowed by this Title; and
- (11) a subsurface portion of a parking structure if the Watershed Protection Department determines that:
- (a) the subsurface portion of the structure:
 - (i) is located within an urban or suburban watershed;
 - (ii) is below the grade of the land that existed before construction of the structure;
 - (iii) is covered by soil with a minimum depth of two feet and an average depth of not less than four feet; and
 - (iv) has an area not greater than fifteen percent of the site;
 - (b) the structure is not associated with a use regulated by Section 1.2.2 of Subchapter F of Chapter 25-2 (Residential Design and Compatibility Standards);
 - (c) the applicant submits an assessment of the presence and depth of groundwater at the site sufficient to determine whether groundwater will need to be discharged or impounded; and
 - (d) the applicant submits documentation that the discharge or impoundment of groundwater from the structure, if any, will be managed to avoid adverse effects on public health and safety, the environment, and adjacent property.

23-3D-3050 Impervious Cover Assumptions

- (A) This Section applies to impervious cover calculations for duplex or single-family lots.
- (B) Except as provided in Subsection (C):
 - (1) for each lot greater than three acres in size, 10,000 square feet of impervious cover is assumed;
 - (2) for each lot greater than one acre and not more than three acres in size, 7,000 square feet of impervious cover is assumed;
 - (3) for each lot greater than 15,000 square feet and not more than one acre in size, 5,000 square feet of impervious cover is assumed;

- (4) for each lot greater than 10,000 square feet and not more than 15,000 square feet in size, 3,500 square feet of impervious cover is assumed; and
 - (5) for each lot not more than 10,000 square feet in size, 2,500 square feet of impervious cover is assumed.
- (C) For a lot that is restricted to a lesser amount of impervious cover than prescribed by this Section, the lesser amount of impervious cover is assumed. The manner in which the lot is restricted is subject to the approval of the director.
- (D) Except as provided in Subsection (C), this Section does not restrict impervious cover on an individual lot.
- (E) The applicant shall demonstrate that all proposed duplex or single-family lots have usable lot area that can reasonably accommodate the assumed square footage of impervious cover established by Subsection (B). The usable lot area must account for all applicable waterway setbacks, floodplains, steep slopes, critical environmental features, protected trees, on-site sewage facilities, and other relevant code restrictions.

23-3D-3060 Impervious Cover Limits For Urban Watersheds

- (A) Applicability
- (1) This Section applies to development in the uplands zone of an urban watershed.
 - (2) Impervious cover limits in this Section are expressed as percentages of gross site area for the entire site.
- (B) Maximum Impervious Cover
- (1) Maximum impervious cover for development within the City's zoning jurisdiction is established in Section 23-3C (Specific to Zones).
 - (2) Maximum impervious cover for development outside the City's zoning jurisdiction is 80 percent.

23-3D-3070 Impervious Cover Limits For Suburban Watersheds

- (A) Applicability
- (1) This Section applies to development in the uplands zone of a suburban watershed.
 - (2) Impervious cover limits in this Section are expressed as percentages of gross site area for the entire site.
- (B) Maximum Impervious Cover
- (1) This Subsection applies in the extraterritorial jurisdiction and in the portions of the Lake, Rattan, Buttercup, South Brushy, and Brushy Creek watersheds that are in the zoning jurisdiction.
 - (a) Impervious cover for a duplex or single-family residential use with a minimum lot size of 5,750 square feet may not exceed:
 - (i) 45 percent; or

- (ii) if development intensity is transferred in compliance with Section 23-3D-3110 (Transfers of Development Intensity), 50 percent.
 - (b) Impervious cover for a duplex or single-family residential use with a lot smaller than 5,750 square feet in size may not exceed:
 - (i) 55 percent; or
 - (ii) if development intensity is transferred in compliance with Section 23-3D-3110 (Transfers of Development Intensity), 60 percent.
 - (c) Impervious cover for a multi-family residential use may not exceed:
 - (i) 60 percent; or
 - (ii) if development intensity is transferred in compliance with Section 23-3D-3110 (Transfers of Development Intensity), 65 percent.
 - (d) Impervious cover for a commercial, civic, or industrial use may not exceed:
 - (i) 65 percent; or
 - (ii) if development intensity is transferred in compliance with Section 23-3D-3110 (Transfers of Development Intensity), 70 percent.
 - (e) Impervious cover for mixed use may not exceed:
 - (i) the limits in Subsection (B)(1)(c) for the portion of the ground floor that is multi-family residential;
 - (ii) the limits in Subsection (B)(1)(d) for the portion of the ground floor that is commercial, civic, or industrial; and
 - (iii) impervious cover for the entire site is based on the ratios determined on the ground floor.
- (2) This Subsection applies in the portion of the zoning jurisdiction that is outside the Lake, Rattan, Buttercup, South Brushy, and Brushy Creek watersheds.
 - (a) Impervious cover for a duplex or single-family residential use with a minimum lot size of 5,750 square feet may not exceed:
 - (i) 50 percent; or
 - (ii) if development intensity is transferred in compliance with Section 23-3D-3110 (Transfers of Development Intensity), 60 percent.
 - (b) Impervious cover for a duplex or single-family residential use with a lot smaller than 5,750 square feet in size may not exceed:
 - (i) 55 percent; or
 - (ii) if development intensity is transferred in compliance with Section 23-3D-3110 (Transfers of Development Intensity), 60 percent.
 - (c) Impervious cover for a multi-family residential use may not exceed:
 - (i) 60 percent; or
 - (ii) if development intensity is transferred in compliance with Section 23-3D-3110 (Transfers of Development Intensity), 70 percent.
 - (d) Impervious cover for a commercial, civic, or industrial use may not exceed:

- (i) 80 percent; or
 - (ii) if development intensity is transferred in compliance with Section 23-3D-3110 (Transfers of Development Intensity), 90 percent.
- (e) Impervious cover for mixed use may not exceed:
- (i) the limits in Subsection (B)(2)(c) for the portion of the ground floor that is multi-family residential;
 - (ii) the limits in Subsection (B)(2)(d) for the portion of the ground floor that is commercial, civic, or industrial; and
 - (iii) impervious cover for the entire site is based on the ratios determined on the ground floor.

23-3D-3080 Impervious Cover Limits For Water Supply Suburban Watersheds

- (A) Applicability
- (1) This Division applies to development in the uplands zone of a water supply suburban watershed.
 - (2) Impervious cover limits in this Section are expressed as percentages of net site area.
- (B) Maximum Impervious Cover
- (1) Impervious cover for a duplex or single-family residential use may not exceed:
 - (a) 30 percent; or
 - (b) if development intensity is transferred in compliance with Section 23-3D-3110 (Transfers of Development Intensity), 40 percent.
 - (2) Impervious cover for a commercial, civic, industrial, multi-family, or mixed use may not exceed:
 - (a) 40 percent; or
 - (b) if development intensity is transferred in compliance with Section 23-3D-3110 (Transfers of Development Intensity), 55 percent.

23-3D-3090 Impervious Cover And Density Limits For Water Supply Rural Watersheds

- (A) Applicability
- (1) This Division applies to development in the uplands zone of a water supply rural watershed.
 - (2) Density and impervious cover limits are based on net site area.
- (B) Maximum Impervious Cover and Density
- (1) For a duplex or single family residential use, density may not exceed:
 - (a) one unit for each two acres, with a minimum lot size of three-quarters acre; or

- (b) if development intensity is transferred in compliance with Section 23-3D-3110 (Transfers of Development Intensity), one unit for each acre, with a minimum lot size of one-half acre.
- (2) This Subsection applies to a cluster housing development that maximizes common open space by grouping housing units to minimize individual yards and has a maximum lot area of 15,000 square feet for detached residential development.
 - (a) Density may not exceed:
 - (i) one unit for each acre; or
 - (ii) if development intensity is transferred in compliance with Section 23-3D-3110 (Transfers of Development Intensity), two units for each acre.
 - (b) At least 40 percent of the uplands area of a site must be retained in or restored to its natural state to serve as a buffer. The buffer must be contiguous to the development, and must receive overland drainage from the developed areas of the site unless a water quality control is provided. Use of the buffer is limited to fences, utilities that cannot reasonably be located elsewhere, irrigation lines not associated with wastewater disposal, and access for site construction. A wastewater disposal area may not be located in the buffer.
- (3) This Subsection applies to a commercial, civic, industrial, multi-family, or mixed use.
 - (a) Impervious cover may not exceed:
 - (i) 20 percent; or
 - (ii) if development intensity is transferred in compliance with Section 23-3D-3110 (Transfers of Development Intensity), 25 percent.
 - (b) At least 40 percent of the uplands area of a site must be retained in or restored to its natural state to serve as a buffer. The buffer must be contiguous to the development, and must receive overland drainage from the developed areas of the site unless a water quality control is provided. Use of the buffer is limited to fences, utilities that cannot reasonably be located elsewhere, irrigation lines not associated with wastewater disposal, and access for site construction. A wastewater disposal area may not be located in the buffer.

23-3D-3100 Impervious Cover Limits For The Barton Springs Zone

- (A) Applicability
 - (1) This Section applies to development in the Barton Springs Zone.
- (B) Maximum Impervious Cover
 - (1) Maximum impervious cover for development in the Barton Springs Zone is established by 23-3D-9040 (Pollution Prevention Required) in Division 23-3D-9 (Save Our Springs Initiative).

23-3D-3110 Transfers Of Development Intensity

- (A) General Standards

- (1) An applicant who qualifies for a development intensity transfer in compliance with this Section shall comply with the standards of this Subsection to effect the transfer.
 - (a) For transfers between two subdivided tracts:
 - (i) An applicant may transfer development intensity to a receiving tract that is within the same watershed classification as the transferring tract. This limitation does not apply if the transferring and receiving tracts are both owned by the applicant and are separated only by property that is also owned by the applicant.
 - (ii) An applicant shall concurrently plat the transferring and receiving tracts and shall transfer all development intensity at that time.
 - (iii) An applicant shall note the development intensity transfer on the plats of the transferring and receiving tracts, in a manner determined by the director.
 - (iv) An applicant shall file in the deed records a restrictive covenant, approved by the City Attorney, that runs with the transferring tract and describes the development intensity transfer.
 - (b) For transfers between two site plans:
 - (i) An applicant may transfer development intensity to a receiving tract that is within the same watershed classification as the transferring tract. This limitation does not apply if the transferring and receiving tracts are both owned by the applicant and are separated only by property that is also owned by the applicant.
 - (ii) The transfer must be noted on the receiving and transferring site plans.
 - (iii) An applicant shall file in the deed records a restrictive covenant, approved by the City Attorney, that runs with the transferring tract and describes the development intensity transfer.
 - (iv) The transfer must occur before the receiving and transferring site plans are released.
 - (c) For transfers within a single site plan, an applicant shall file in the deed records a restrictive covenant, approved by the City Attorney, that runs with the transferring tract and describes the development intensity transfer.

(B) Suburban Watersheds

- (1) An applicant who complies with a provision of this Subsection qualifies for the development intensity transfer described in the provision, subject to the standards in Subsection (A) and the impervious cover limitations in Section 23-3D-3070 (Impervious Cover Limits for Suburban Watersheds).
 - (a) The applicant may transfer 20,000 square feet of impervious cover to an uplands zone for each acre of land in a critical water quality zone:
 - (i) dedicated to the City or another entity approved by the Watershed Protection Department in fee simple and which the City or other approved entity accepts; or
 - (ii) on which restrictions are placed to the benefit of the City or other approved entity and which the City or other approved entity accepts; and
 - (iii) the applicant does not include in impervious calculations elsewhere.

- (b) The applicant may transfer 20,000 square feet of impervious cover to an uplands zone for each acre of land in an uplands zone:
 - (i) located either in the 100-year floodplain or in an environmentally sensitive area as determined by environmental resource inventory and approved by the Watershed Protection Department; and
 - (ii) dedicated to the City or another entity approved by the Watershed Protection Department in fee simple and which the City or other approved entity accepts; or
 - (iii) on which restrictions are placed to the benefit of the City or other approved entity and which the City or other approved entity accepts; and
 - (iv) the applicant does not include in impervious calculations elsewhere.
- (c) Land dedicated in fee simple to the City in compliance with this Subsection may also be credited toward the parkland dedication standards of Article 20-2J (Parkland Dedication).

(C) Water Supply Suburban Watersheds

- (1) An applicant who complies with a provision of this Section qualifies for the development intensity transfer described in the provision, subject to the standards in Subsection (A) and the impervious cover limitations in Section 23-3D-3080 (Impervious Cover Limits for Water Supply Suburban Watersheds).
 - (a) The applicant may transfer 15,000 square feet of impervious cover to an uplands zone for each acre of land in a critical water quality zone or water quality transition zone:
 - (i) dedicated to the City or another entity approved by the Watershed Protection Department in fee simple and which the City or other approved entity accepts; or
 - (ii) on which restrictions are placed to the benefit of the City or other approved entity and which the City or other approved entity accepts; and
 - (iii) the applicant does not include in impervious calculations elsewhere.
 - (b) Land dedicated in fee simple to the City in compliance with this Subsection may also be credited toward the parkland dedication standards of Article 20-2J (Parkland Dedication).

(D) Water Supply Rural Watersheds

- (1) An applicant who complies with a provision of this Section qualifies for the development intensity transfer described in the provision, subject to the standards in Subsection (A) and the impervious cover limitations in Section 23-3D-3090 (Impervious Cover and Density Limits for Water Supply Rural Watersheds).
 - (a) The applicant may transfer one single-family residential housing unit or 6,000 square feet of impervious cover for commercial, civic, industrial, or multi-family development to an uplands zone for each acre of land in a critical water quality zone or water quality transition zone:
 - (i) dedicated to the City or another entity approved by the Watershed Protection Department in fee simple and which the City or other approved entity accepts; or

- (ii) on which restrictions are placed to the benefit of the City or other approved entity and which the City or other approved entity accepts; and
 - (iii) the applicant does not include in impervious calculations elsewhere.
 - (b) Land dedicated in fee simple to the City in compliance with this Subsection may also be credited toward the parkland dedication standards of Article 20-2J (Parkland Dedication).
- (E) Barton Springs Zone
 - (1) Development intensity may not be transferred in the Barton Springs Zone except as part of an adjustment in compliance with Section 23-3D-9080 (Limited Adjustment To Resolve Possible Conflicts With Other Laws).

Division 23-3D-4: Waterway and Floodplain Protection

Contents

23-3D-4010	Waterway Classifications	1
23-3D-4020	Critical Water Quality Zones Established	1
23-3D-4030	Water Quality Transition Zones Established	3
23-3D-4040	Critical Water Quality Zone Development	3
23-3D-4050	Critical Water Quality Zone Street, Driveway, And Trail Crossings	6
23-3D-4060	Water Quality Transition Zone Development	7
23-3D-4070	Floodplain Modification	8

23-3D-4010 Waterway Classifications

- (A) This Section classifies the waterways according to drainage area.
- (B) In all watersheds except urban:
 - (1) a minor waterway has a drainage area of at least 64 acres and not more than 320 acres;
 - (2) an intermediate waterway has a drainage area of more than 320 acres and not more than 640 acres; and
 - (3) a major waterway has a drainage area of more than 640 acres.

23-3D-4020 Critical Water Quality Zones Established

- (A) In the water supply rural watersheds, water supply suburban watersheds, and Barton Springs Zone, a critical water quality zone is established along each waterway classified by Section 23-3D-4010 (Waterway Classifications).
 - (1) The boundaries of a critical water quality zone coincide with the boundaries of the 100-year floodplain calculated under fully developed conditions as prescribed in the Drainage Criteria Manual, except:
 - (a) for a minor waterway, the boundaries of the critical water quality zone are located not less than 50 feet and not more than 100 feet from the centerline of the waterway;
 - (b) for an intermediate waterway, the boundaries of the critical water quality zone are located not less than 100 feet and not more than 200 feet from the centerline of the waterway;
 - (c) for a major waterway, the boundaries of the critical water quality zone are located not less than 200 feet and not more than 400 feet from the centerline of the waterway; and
 - (d) for the main channel of Barton Creek, the boundaries of the critical water quality zone are located 400 feet from the centerline of the creek.

- (2) Notwithstanding the provisions of Subsections (A)(1)(a), (b), and (c), a critical water quality zone does not apply to a previously modified drainage feature serving a public roadway right-of-way that does not possess any natural and traditional character and cannot reasonably be restored to a natural condition, as prescribed in the Environmental Criteria Manual.
- (B) In the suburban watersheds, a critical water quality zone is established along each waterway classified by Section 23-3D-4010 (Waterway Classifications).
- (1) For a minor waterway, the boundaries of the critical water quality zone are located 100 feet from the centerline of the waterway;
 - (2) for an intermediate waterway, the boundaries of the critical water quality zone are located 200 feet from the centerline of the waterway; and
 - (3) for a major waterway, the boundaries of the critical water quality zone are located 300 feet from the centerline of the waterway.
 - (4) The critical water quality zone boundaries may be reduced to not less than 50 feet from the centerline of a minor waterway, 100 feet from the centerline of an intermediate waterway, and 150 feet from the centerline of a major waterway if the overall surface area of the critical water quality zone is the same or greater than the surface area that would be provided without the reduction, as prescribed in the Environmental Criteria Manual.
 - (5) Notwithstanding the provisions of Subsections (B)(1), (2), and (3), a critical water quality zone does not apply to a previously modified drainage feature serving a public roadway right-of-way that does not possess any natural and traditional character and cannot reasonably be restored to a natural condition.
- (C) Critical water quality zones are established to include the inundated areas that constitute Lake Walter E. Long, Lake Travis, Lake Austin, Lady Bird Lake, and the Colorado River downstream of Lady Bird Lake.
- (D) Critical water quality zones are established along and parallel to the shorelines of Lake Travis, Lake Austin, and Lady Bird Lake.
- (1) The shoreline boundary of a critical water quality zone:
 - (a) for Lake Travis, coincides with the 681.0 foot contour line;
 - (b) for Lake Austin, coincides with the 492.8 foot contour line; and
 - (c) for Lady Bird Lake, coincides with the 429.0 foot contour line.
 - (2) The width of a critical water quality zone, measured horizontally inland, is:
 - (a) 100 feet; or
 - (b) for a detached single-family residential use, 75 feet.
- (E) Critical water quality zones are established along and parallel to the shorelines of the Colorado River downstream of Lady Bird Lake.
- (1) The shoreline boundary of a critical water quality zone coincides with the river's ordinary high water mark, as defined by Code of Federal Regulations Title 33, Section 328.3 (Definitions).
 - (2) The inland boundary of a critical water quality zone coincides with the boundary of the 100-year floodplain as delineated by the Federal Emergency Management Agency,

except that the width of the critical water quality zone, measured horizontally inland, is not less than 200 feet and not more than 400 feet.

- (F) In an urban watershed, a critical water quality zone is established along each waterway with a drainage area of at least 64 acres. This does not apply in the area bounded by Interstate Highway 35, Riverside Drive, Barton Springs Road, Lamar Boulevard, and 15th Street.
 - (1) The boundaries of the critical water quality zone coincide with the boundaries of the 100-year floodplain calculated under fully developed conditions as prescribed in the Drainage Criteria Manual; provided that the boundary is not less than 50 feet and not more than 400 feet from the centerline of the waterway.
 - (2) Notwithstanding the provisions of Subsection (F)(1), a critical water quality zone does not apply to a previously modified drainage feature serving a public roadway right-of-way that does not possess any natural and traditional character and cannot reasonably be restored to a natural condition.

23-3D-4030 Water Quality Transition Zones Established

- (A) In the water supply rural watersheds, water supply suburban watersheds, and in the Barton Springs Zone, excluding Lake Austin, Lake Travis, and Lady Bird Lake, a water quality transition zone is established adjacent and parallel to the outer boundary of each critical water quality zone.
- (B) The width of a water quality transition zone is:
 - (1) for a minor waterway, 100 feet;
 - (2) for an intermediate waterway, 200 feet; and
 - (3) for a major waterway, 300 feet.

23-3D-4040 Critical Water Quality Zone Development

In all watersheds, development is prohibited in a critical water quality zone except as provided in this Division. Development allowed in the critical water quality zone in compliance with this Division must be revegetated and restored within the limits of construction as prescribed in the Environmental Criteria Manual.

- (A) A fence that does not obstruct flood flows is allowed in a critical water quality zone.
- (B) Low impact park development is allowed in a critical water quality zone subject to the conditions in this Subsection.
 - (1) Low impact park development includes a multi-use trail, golf cart path, the portions of a golf course left in a natural state, and an area intended for outdoor activities which does not significantly alter the existing natural vegetation, drainage patterns, or increase erosion. Low impact park development does not include a parking lot.
 - (2) A program of fertilizer, pesticide, and herbicide use is approved by the Watershed Protection Department.
 - (3) In a water supply rural watershed, water supply suburban watershed, or the Barton Springs Zone, low impact park development is limited to sustainable urban agriculture

or a community garden if the standards in Subsection (B)(6) are met, multi-use trails, picnic facilities, and outdoor facilities, excluding stables, corrals for animals, and athletic fields.

- (4) A master planned park that is approved by the Council may include recreational development other than that described in Subsection (B)(3).
 - (5) A hard surfaced trail that does not cross the critical water quality zone may be located within the critical water quality zone only if:
 - (a) designed in compliance with the Environmental Criteria Manual;
 - (b) located outside the erosion hazard zone unless protective works are provided as prescribed in the Drainage Criteria Manual;
 - (c) limited to 12 feet in width unless a wider trail is designated in the Urban Trails Master Plan, the Parks and Recreation Long Range Plan, or an adopted park master plan;
 - (d) located not less than 25 feet from the centerline of a waterway if within an urban watershed and not crossing the critical water quality zone; and
 - (e) located not less than 50 feet from the centerline of a minor waterway, 100 feet from the centerline of an intermediate waterway, and 150 feet from the centerline of a major waterway if within a watershed other than an urban watershed and not crossing the critical water quality zone.
 - (6) Low impact park development may include sustainable urban agriculture or a community garden only if:
 - (a) in an urban watershed and located not less than 25 feet from the centerline of a waterway, or in a watershed other than an urban watershed and located not less than 50 feet from the centerline of a minor waterway, 100 feet from the centerline of an intermediate waterway, and 150 feet from the centerline of a major waterway;
 - (b) designed in compliance with the Environmental Criteria Manual; and
 - (c) limited to garden plots and paths, with no storage facilities or other structures over 500 square feet.
 - (7) In a suburban or urban watershed, low impact park development may include an athletic field only if:
 - (a) the athletic field is in an urban watershed and located not less than 25 feet from the centerline of a waterway, or is in a suburban watershed and located not less than 50 feet from the centerline of a minor waterway, 100 feet from the centerline of an intermediate waterway, and 150 feet from the centerline of a major waterway; and
 - (b) the applicant submits to the Watershed Protection Department a maintenance plan to keep the athletic field well vegetated and minimize compaction, as prescribed in the Environmental Criteria Manual.
- (C) The standards of this Subsection apply along Lake Travis, Lake Austin, or Lady Bird Lake.
- (1) A dock, public boat ramp, bulkhead or marina, and necessary access and appurtenances, are allowed in a critical water quality zone subject to compliance with Division 23-3D-8 (Docks, Bulkheads, and Shoreline Access). For a single-family residential use, necessary access may not exceed the minimum area of land

- disturbance required to construct a single means of access from the shoreline to a dock.
- (2) Disturbed areas must be restored in compliance with the Environmental Criteria Manual and the following standards:
 - (a) Within a lakefront critical water quality zone, or an equivalent area within 25 feet of a shoreline, restoration must include:
 - (i) at least one native shade tree and one native understory tree, per 500 square feet of disturbed area; and
 - (ii) one native shrub per 150 square feet of disturbed area; and
 - (b) Remaining disturbed areas must be restored per standard specifications for native restoration.
 - (3) Within the shoreline setback area defined by Section 23-3C-3050 (Lake Austin (LA) Residential Zone) and within the overlay established by Section 23-3C-7110 (Lake Austin Overlay Zone), no more than 30 percent of the total number of shade trees of 8 inches or greater, as designated in the Environmental Criteria Manual, may be removed.
 - (4) Before a building permit may be issued or a site plan released, approval by the Watershed Protection Department is required for chemicals used to treat building materials that will be submerged in water.
 - (5) Bank erosion above the 100-year floodplain may be stabilized within a lakefront critical water quality zone if the restoration meets the standards of Subsection (C)(2) of this Section.
 - (6) A retaining wall, bulkhead, or other erosion protection device must be designed and constructed to minimize wave return and wave action in compliance with the Environmental Criteria Manual. A shoreline modification within the wave action zone with a greater than 45 degree vertical slope for any portion greater than one foot in height is not allowed on or adjacent to the shoreline of a lake, unless the shoreline modification is located within an existing man-made channel.
- (D) A utility line, including a storm drain, is prohibited in the critical water quality zone, except as provided in Subsection (E) or for a necessary crossing. A necessary utility crossing may cross into or through a critical water quality zone only if:
- (1) the utility line follows the most direct path into or across the critical water quality zone to minimize disturbance;
 - (2) the depth of the utility line and location of associated access shafts are not located within an erosion hazard zone, unless protective works are provided as prescribed in the Drainage Criteria Manual; and
 - (3) in the Barton Springs Zone, is approved by the Watershed Protection Department.
- (E) In the urban and suburban watersheds, a utility line may be located parallel to and within the critical water quality zone if:
- (1) in an urban watershed and located not less than 50 feet from the centerline of a waterway, or in a watershed other than urban and located not less than 50 feet from the centerline of a minor waterway, 100 feet from the centerline of an intermediate waterway, and 150 feet from the centerline of a major waterway;
 - (2) designed in compliance with the Environmental Criteria Manual;

- (3) located outside the erosion hazard zone, unless protective works are provided as prescribed in the Drainage Criteria Manual; and
 - (4) the development includes either riparian restoration of an area within the critical water quality zone equal in size to the area of disturbance in compliance with the Environmental Criteria Manual, or payment into the Riparian Zone Mitigation Fund of a non-refundable amount established by ordinance.
- (F) Detention basins and wet ponds are prohibited in the critical water quality zone unless the standards of Section 23-3D-4070 (Floodplain Modification), Article 23-10E (Drainage), and the other provisions of this Article are met.
- (G) Floodplain modifications are prohibited in the critical water quality zone unless:
- (1) the floodplain modifications proposed are necessary to protect the public health and safety;
 - (2) the floodplain modifications proposed would provide a significant, demonstrable environmental benefit, as determined by a functional assessment of floodplain health as prescribed in the Environmental Criteria Manual; or
 - (3) the floodplain modifications proposed are necessary for development allowed in the critical water quality zone by Section 23-3D-4040 (Critical Water Quality Zone Development), 23-3D-4050 (Critical Water Quality Zone Street, Driveway, and Trail Crossings), or Section 23-3D-8120 (Restrictions on Development Impacting Lake Austin, Lady Bird Lake, and Lake Walter E. Long).
- (H) In the urban and suburban watersheds, vegetative filter strips, rain gardens, biofiltration ponds, areas used for irrigation or infiltration of stormwater, or other controls as prescribed in rule are allowed in the critical water quality zone if:
- (1) in an urban watershed and located not less than 50 feet from the centerline of a waterway, or in a watershed other than urban and located not less than 50 feet from the centerline of a minor waterway, 100 feet from the centerline of an intermediate waterway, and 150 feet from the centerline of a major waterway;
 - (2) located outside the 100-year floodplain; and
 - (3) located outside the erosion hazard zone, unless protective works are provided as prescribed in the Drainage Criteria Manual.
- (I) A residential lot that is 5,750 square feet or less in size may not include any portion of a critical water quality zone.
- (J) For the purposes of calculating the centerline of a waterway in an urban watershed in compliance with this Section, the waterway must have a drainage area of at least 64 acres and be located outside the area bounded by Interstate Highway 35, Riverside Drive, Barton Springs Road, Lamar Boulevard, and 15th Street.

23-3D-4050 Critical Water Quality Zone Street, Driveway, And Trail Crossings

- (A) A public street, private street, or driveway may not cross the critical water quality zone of any waterway unless:
- (1) necessary to comply with the standards of 23-X-XXX (Connectivity) or necessary to provide primary access to at least two contiguous acres or at least five residential units;

- (2) the alignment minimizes disturbance to the creek, riparian zone, and other environmental features as specified in the Environmental Criteria Manual; and
 - (3) the crossing does not utilize culverts and is designed in compliance with the Drainage and Environmental Criteria Manuals.
- (B) Notwithstanding Subsection (A), improvements are allowed to existing public streets, private streets, and driveways crossing the critical water quality zone that are determined by the Watershed Protection Department to be necessary to protect public health and safety for the purposes of flood mitigation or erosion.
- (C) In all watersheds, multi-use trails may cross a critical water quality zone of any waterway if:
- (1) designed in compliance with the Environmental Criteria Manual; and
 - (2) the development demonstrates no additional adverse impact from flood or erosion potential.

23-3D-4060 Water Quality Transition Zone Development

- (A) Water Supply Suburban Watersheds
- (1) Development is prohibited in a water quality transition zone that lies over the South Edwards Aquifer recharge zone, except for:
 - (a) development described in Section 23-3D-4040 (Critical Water Quality Zone Development) or Section 23-3D-4050 (Critical Water Quality Zone Street, Driveway, and Trail Crossings); and
 - (b) minor drainage facilities or water quality controls that comply with Section 23-3D-4070 (Floodplain Modification) and the floodplain modification criteria in the Environmental Criteria Manual.
 - (2) In a water quality transition zone that does not lie over the South Edwards Aquifer recharge zone, the impervious cover of the land area of a site may not exceed 18 percent. In determining land area, land in the 100-year floodplain is excluded.
 - (3) Water quality controls may be located in a water quality transition zone that does not lie over the South Edwards Aquifer recharge zone.
- (B) Water Supply Rural Watersheds
- (1) Development is prohibited in a water quality transition zone that lies over the South Edwards Aquifer recharge zone, except for:
 - (a) development described in Section 23-3D-4040 (Critical Water Quality Zone Development) or Section 23-3D-4050 (Critical Water Quality Zone Street, Driveway, and Trail Crossings); and
 - (b) minor drainage facilities or water quality controls that comply with Section 23-3D-4070 (Floodplain Modification) and the floodplain modification criteria in the Environmental Criteria Manual.
 - (2) Development is prohibited in a water quality transition zone that lies outside the South Edwards Aquifer recharge zone, except for:

- (a) development described in Section 23-3D-4040 (Critical Water Quality Zone Development) or Section 23-3D-4050 (Critical Water Quality Zone Street, Driveway, and Trail Crossings);
 - (b) minor drainage facilities or water quality controls that comply with Section 23-3D-4070 (Floodplain Modification) and the floodplain modification guidelines of the Environmental Criteria Manual;
 - (c) streets; and
 - (d) duplex or single-family residential development with a minimum lot size of two acres and a density of not more than one unit for each three acres, excluding acreage in the 100-year floodplain.
- (3) A lot that lies within a critical water quality zone must also include at least two acres in a water quality transition zone or uplands zone.
- (C) Barton Springs Zone Watersheds
- (1) Development is prohibited in a water quality transition zone that lies over the South Edwards Aquifer recharge zone, except for:
 - (a) development described in Section 23-3D-4040 (Critical Water Quality Zone Development) or Section 23-3D-4050 (Critical Water Quality Zone Street, Driveway, and Trail Crossings); and
 - (b) minor drainage facilities or water quality controls that comply with Section 23-3D-4070 (Floodplain Modification) and the floodplain modification criteria in the Environmental Criteria Manual.
 - (2) Development is prohibited in a water quality transition zone that lies outside the South Edwards Aquifer recharge zone, except for:
 - (a) development described in Section 23-3D-4040 (Critical Water Quality Zone Development) or Section 23-3D-4050 (Critical Water Quality Zone Street, Driveway, and Trail Crossings);
 - (b) minor drainage facilities or water quality controls that comply with Section 23-3D-4070 (Floodplain Modification) and the floodplain modification guidelines of the Environmental Criteria Manual;
 - (c) streets; and
 - (d) duplex or single-family residential housing with a minimum lot size of two acres and a density of not more than one unit for each three acres, excluding acreage in the 100-year floodplain.

23-3D-4070 Floodplain Modification

- (A) Floodplain modification within a critical water quality zone is prohibited except as allowed in compliance with Section 23-3D-4040 (Critical Water Quality Zone Development).
- (B) Floodplain modification outside a critical water quality zone is prohibited except as allowed in this Section.
- (C) Floodplain modification is allowed only if the modification proposed:
 - (1) is necessary to protect the public health and safety;

- (2) would provide a significant, demonstrable environmental benefit, as determined by a functional assessment of floodplain health as prescribed in the Environmental Criteria Manual;
 - (3) is located within a floodplain area classified as in fair or poor condition, as determined by a functional assessment of floodplain health as prescribed in the Environmental Criteria Manual; or
 - (4) is necessary for development allowed by Section 23-3D-4040 (Critical Water Quality Development), 23-3D-4050 (Critical Water Quality Zone Street, Driveway, and Trail Crossings), or Section 23-3D-8120 (Restrictions on Development Impacting Lake Austin, Lady Bird Lake, and Lake Walter E. Long).
- (D) Floodplain modifications must:
- (1) be designed to accommodate existing and fully-vegetated conditions;
 - (2) encourage sound engineering and ecological practices, prevent and reduce degradation of water quality, and encourage the stability and integrity of floodplains and waterways, as prescribed in the floodplain modification criteria in the Environmental Criteria Manual;
 - (3) restore floodplain health, or provide mitigation if restoration is infeasible, to support natural functions and processes as prescribed in the floodplain modification criteria in the Environmental Criteria Manual; and
 - (4) comply with the standards of Article 23-10E (Drainage), the Drainage Criteria Manual, and the Environmental Criteria Manual.
- (E) If mitigation is required by this Section, it may be satisfied by:
- (1) paying into the Riparian Zone Mitigation Fund a nonrefundable amount established by ordinance;
 - (2) transferring in fee simple or placing restrictions on mitigation land approved by the Watershed Protection Department and meeting the following conditions:
 - (a) located within the same watershed classification;
 - (b) in compliance with the procedures in Section 23-3D-2040 (Redevelopment Exception in the Barton Springs Zone), Subsection (H)(3);
 - (c) dedicated to or restricted for the benefit of the City or another entity approved by the Watershed Protection Department and which the City or other approved entity accepts; and
 - (d) an amount proportionate to the amount of area within the existing floodplain that is proposed to be modified, as prescribed in the Environmental Criteria Manual; or
 - (3) a combination of the mitigation methods described in Subparagraphs (1) and (2), if approved by the Watershed Protection Department.

This page intentionally left blank

Division 23-3D-5: Protection for Special Features

Contents

23-3D-5010	Environmental Resource Inventory	1
23-3D-5020	Pollutant Attenuation Plan.....	2
23-3D-5030	Critical Environmental Features	2
23-3D-5040	Wetland Protection	4

23-3D-5010 Environmental Resource Inventory

- (A) An applicant shall file an environmental resource inventory with the director for proposed development within a site located:
 - (1) over a karst aquifer;
 - (2) within an area draining to a karst aquifer or reservoir;
 - (3) in a water quality transition zone;
 - (4) in a critical water quality zone;
 - (5) in a floodplain; or
 - (6) on a tract with a gradient of more than 15 percent.
- (B) An environmental resource inventory must:
 - (1) identify critical environmental features and propose protection measures for the features;
 - (2) provide an environmental justification for spoil disposal locations or roadway alignments;
 - (3) propose methods to achieve overland flow;
 - (4) describe proposed industrial uses and the pollution abatement program; and
 - (5) be completed as prescribed in the Environmental Criteria Manual.
- (C) An environmental resource inventory must include the following elements:
 - (1) Hydrogeologic Report
 - (a) generally describe the topography, soils, and geology of the site;
 - (b) identify springs and significant point recharge features on the site;
 - (c) demonstrate that proposed drainage patterns will protect the quality and quantity of recharge at significant point recharge features; and
 - (d) identify all recorded and unrecorded water wells, both on the site and within 150 feet of the boundary of the site.
 - (2) Vegetation Report
 - (a) demonstrate that the proposed development:

- (i) preserves to the greatest extent practicable the significant trees and vegetation on the site; and
 - (ii) provides maximum erosion control and overland flow benefits from the vegetation.
- (b) include one of the following:
- (i) a tree survey of all trees with a diameter of at least eight inches measured four and one-half feet above natural grade level; or
 - (ii) on approval of the Watershed Protection Department, aerial imagery that was photographed between the months of April and November; and
 - (iii) include a vegetation survey that shows the approximate locations and types of all significant vegetation.
- (3) Wastewater Report
- (a) provide environmental justification for a sewer line location in a critical water quality zone;
 - (b) address construction techniques and standards for wastewater lines;
 - (c) include calculations of drainfield or wastewater irrigation areas;
 - (d) describe alternative wastewater disposal systems used over the Edwards Aquifer recharge zone; and
 - (e) address on-site collection and treatment systems, their treatment levels, and effects on receiving watercourses or the Edwards Aquifer.
- (D) The Watershed Protection Department may permit an applicant to exclude from an environmental resource inventory information required by this Section after determining that the information is unnecessary because of the scope and nature of the proposed development.

23-3D-5020 Pollutant Attenuation Plan

An applicant proposing an industrial use that is not completely enclosed in a building shall provide a pollutant attenuation plan in compliance with the Environmental Criteria Manual.

23-3D-5030 Critical Environmental Features

- (A) Drainage patterns for proposed development must be designed to protect critical environmental features from the effects of runoff from developed areas, and to maintain the catchment areas of recharge features in a natural state. Special controls must be used where necessary to avoid the effects of erosion, sedimentation, or high rates of flow.
- (B) A residential lot may not include a critical environmental feature or be located within 50 feet of a critical environmental feature.
- (C) This Subsection prescribes the standards for critical environmental feature buffer zones.

- (1) A buffer zone is established around each critical environmental feature described in this Article.
 - (a) Except as provided in Subsection (C)(1)(b), the width of the buffer zone is 150 feet from the edge of the critical environmental feature.
 - (b) For a point recharge feature, the buffer zone coincides with the topographically defined catchment basin, except that the width of the buffer zone from the edge of the critical environmental feature is:
 - (i) not less than 150 feet;
 - (ii) not more than 300 feet; and
 - (iii) calculated in compliance with the Environmental Criteria Manual.
 - (2) Within a buffer zone described in this Subsection:
 - (a) the natural vegetative cover must be retained to the maximum extent practicable;
 - (b) construction is prohibited; and
 - (c) wastewater disposal or irrigation is prohibited.
 - (3) If located at least 50 feet from the edge of the critical environmental feature, the prohibition of Subsection (C)(2)(b) does not apply to:
 - (a) a yard or hiking trail;
 - (b) a recharge basin approved in compliance with Section 23-3D-6030 (Water Quality Control and Beneficial Use Standards) that discharges to a point recharge feature; or
 - (c) an innovative runoff management practice approved in compliance with Section 23-3D-6110 (Innovative Management Practices).
 - (4) Perimeter fencing with not less than one access gate must be installed at the outer edge of the buffer zone for all point recharge features. The fencing must comply with the Standard Specifications Manual.
 - (5) The owner shall maintain the buffer zone in compliance with standards in the Environmental Criteria Manual to preserve the water quality function of the buffer.
 - (6) All critical environmental feature locations and required setbacks must be shown on preliminary subdivision plans, site plans, or other permits as determined by the director.
 - (7) All critical environmental feature locations must be shown on final plats.
- (D) When voids in the rock substrate are uncovered during development, the following protocol must be followed:
- (1) Construction in the area of the void must cease while the applicant conducts a preliminary investigation of the void as prescribed in the Environmental Criteria Manual.
 - (2) The applicant shall contact a City Environmental Inspector to schedule further investigation by the City of the void as prescribed in the Environmental Criteria Manual if the preliminary investigation indicates that the void:
 - (a) is at least one square foot in total area;
 - (b) blows air from within the substrate;

- (c) consistently receives water during any rain event; or
 - (d) potentially transmits groundwater.
- (3) Construction may only proceed after mitigation measures are reviewed and approved by the Watershed Protection Department.

23-3D-5040 Wetland Protection

- (A) Wetlands must be protected in all watersheds except in the area bounded by Interstate Highway 35, Riverside Drive, Barton Springs Road, Lamar Boulevard, and 15th Street.
- (B) Protection methods for wetlands include:
 - (1) appropriate setbacks that preserve the wetlands or wetland functions;
 - (2) wetland mitigation, including wetland replacement;
 - (3) wetland restoration or enhancement; or
 - (4) use of wetlands for water quality controls.
- (C) The Watershed Protection Department may approve:
 - (1) the removal and replacement of a wetland; or
 - (2) the elimination of setbacks from a wetland that is proposed to be used as a water quality control.

Division 23-3D-6: Water Quality Controls

Contents

23-3D-6010	Applicability Of Water Quality Control Standards	1
23-3D-6020	Previous Waivers And Special Exceptions	1
23-3D-6030	Water Quality Control And Beneficial Use Standards	2
23-3D-6040	Optional Payment Instead Of Structural Controls In Urban Watersheds	3
23-3D-6050	Optional Payment Instead Of Structural Controls In Suburban Watersheds	3
23-3D-6060	Cost Recovery Program	4
23-3D-6070	Water Quality Control Maintenance And Inspection.	4
23-3D-6080	Dedicated Fund	5
23-3D-6090	Barton Springs Zone Operating Permit	5
23-3D-6100	Fiscal Security In The Barton Springs Zone.	6
23-3D-6110	Innovative Management Practices	6

23-3D-6010 Applicability Of Water Quality Control Standards

- (A) In the Barton Springs Zone, water quality controls are required for all development.
- (B) In a watershed other than a Barton Springs Zone watershed, water quality controls are required for development:
 - (1) located in the water quality transition zone;
 - (2) of a golf course, play field, or similar recreational use, if fertilizer, herbicide, or pesticide is applied; or
 - (3) if the total of new and redeveloped impervious cover exceeds 8,000 square feet.
- (C) All new development must provide for removal of floating debris from stormwater runoff.
- (D) The water quality control standards in this Division do not require water quality controls on a single-family or duplex lot but apply to the residential subdivision as a whole.
- (E) The water quality control standards in this Division do not require water quality controls for a roadway project with less than 8,000 square feet of new impervious cover. For the purposes of this Section, roadway improvements are limited to intersection upgrades, low-water crossing upgrades, additions for bicycle lanes, and additions for mass transit stops.

23-3D-6020 Previous Waivers And Special Exceptions

Water quality controls in compliance with Section 23-3D-6030 (Water Quality Control and Beneficial Use Standards) are required for a commercial, civic, industrial, or multi-family development with more than 20 percent impervious cover that has been granted a waiver of previous water quality standards or a special exception in compliance with this Article.

23-3D-6030 Water Quality Control And Beneficial Use Standards

- (A) A water quality control must be designed in compliance with the Environmental Criteria Manual.
 - (1) The control must provide at least the treatment level of a sedimentation/filtration system in compliance with the Environmental Criteria Manual.
 - (2) An impervious liner is required in an area where there is surface runoff to groundwater conductivity. If a liner is required and controls are located in series, liners are not required for the second or later in the series following sedimentation, extended detention, or sedimentation/filtration.
 - (3) The control must be accessible for maintenance and inspection as prescribed in the Environmental Criteria Manual.
- (B) A water quality control must capture and treat the water draining to the control from the contributing area. The required capture volume is:
 - (1) the first one-half inch of runoff; and
 - (2) for each 10 percent increase in impervious cover over 20 percent of gross site area, an additional one-tenth of an inch of runoff.
- (C) A portion of the required capture volume for water quality must be retained and beneficially used on-site through practices that infiltrate, evapotranspire, or harvest and use rainwater.
 - (1) The amount of rainfall that must be retained is based on the impervious cover and associated runoff coefficient for the 95th percentile rainfall event, as prescribed in the Environmental Criteria Manual.
 - (2) Residential subdivisions must demonstrate compliance through practices located on common lots or in right-of-way or other methods as approved by the Watershed Protection Department.
- (D) The location of a water quality control:
 - (1) must avoid recharge features to the greatest extent possible;
 - (2) must be shown on the slope map, preliminary plan, site plan, or subdivision construction plan, as applicable; and
 - (3) in a water supply rural watershed, may not be in the 40 percent buffer zone, unless the control disturbs less than 50 percent of the buffer, and is located to maximize overland flow and recharge in the undisturbed remainder of the 40 percent buffer zone.
- (E) This Subsection provides additional standards for the Barton Springs Zone.
 - (1) Approval by the Watershed Protection Department is required for a proposed water quality control that is not described in the Environmental Criteria Manual. The applicant shall substantiate the pollutant removal efficiency of the proposed control with published literature or a verifiable engineering study.
 - (2) Water quality controls must be placed in sequence if necessary to remove the required amount of pollutant. The sequence of controls must be:
 - (a) based on the Environmental Criteria Manual or generally accepted engineering principles; and

- (b) designed to minimize maintenance requirements.

23-3D-6040 Optional Payment Instead Of Structural Controls In Urban Watersheds

- (A) The Watershed Protection Department shall identify and prioritize water quality control facilities for the urban watersheds in an Urban Watersheds Structural Control Plan.
- (B) An Urban Watersheds Structural Control Fund is established for use in the design and construction of water quality control facilities in the urban watersheds.
- (C) Instead of providing the water quality controls required by Section 23-3D-6010 (Applicability of Water Quality Control Standards), in an urban watershed an applicant may request approval to deposit with the City a nonrefundable cash payment. The director shall review the request and approve or disapprove the request based on the standards in the Environmental Criteria Manual.
- (D) In an urban watershed, an applicant may also request approval to pay into the Urban Watersheds Structural Control Fund to reduce the amount of stormwater required to be retained and beneficially used on-site in compliance with Section 23-3D-6030 (Water Quality Control and Beneficial Use Standards). The director shall review the request and approve or disapprove the request based on the standards in the Environmental Criteria Manual.
- (E) If a site qualifies for payment-in-lieu under both Subsections (C) and (D), the payment for water quality required by Subsection (C) satisfies both requirements.
- (F) The director shall deposit a payment made in compliance with this Section in the Urban Watersheds Structural Control Fund.

23-3D-6050 Optional Payment Instead Of Structural Controls In Suburban Watersheds

- (A) A Suburban Watersheds Structural Control Fund is established for use in the design and construction of water quality control facilities in the suburban watersheds.
- (B) Instead of providing the water quality controls required by Section 23-3D-6010 (Applicability of Water Quality Control Standards), in a suburban watershed an applicant may request approval to deposit with the City a nonrefundable cash payment. The director shall review the request and approve or disapprove the request based on the standards in the Environmental Criteria Manual. To be eligible to request the optional payment, the development must:
 - (1) be located within the zoning jurisdiction;
 - (2) be a residential subdivision less than two acres in size; and
 - (3) demonstrate exemption from the preliminary plan standard as determined by Section 23-4B-2010 (Preliminary Plan Requirement).
- (C) If eligible for the optional payment, the applicant may demonstrate alternative compliance with the beneficial use standards of Section 23-3D-6030 (Water Quality Control and Beneficial Use Standards) in compliance with the Environmental Criteria Manual.

- (D) The director shall deposit a payment made in compliance with this Section in the Suburban Watersheds Structural Control Fund.

23-3D-6060 Cost Recovery Program

- (A) An applicant who redevelops property in an urban watershed and is required to construct a water quality control may qualify for cost participation by the City for:
- (1) construction of the water quality control; or
 - (2) optional payment instead of construction of the water quality control in compliance with Section 23-3D-6040 (Optional Payment Instead of Structural Controls In Urban Watersheds).

23-3D-6070 Water Quality Control Maintenance And Inspection

- (A) For a commercial, civic, industrial, or multi-family development:
- (1) The record owner of the development shall maintain the water quality control serving the development in compliance with the Environmental Criteria Manual, whether or not the control is located on the same property as the development. The record owner shall provide the City proof of the right to access and maintain the control if it is not located on the same property as the development.
 - (2) If more than one development is served by a single water quality control, the record owners of the control and all developments served by the control shall be jointly and severally responsible for maintenance of the control in compliance with the Environmental Criteria Manual.
 - (3) The City shall inspect each water quality control that is not a subsurface control at least once every three years to ensure that the control is being maintained in compliance with the Environmental Criteria Manual. If the control fails inspection requiring an additional inspection, the director may charge a re-inspection fee.
 - (4) The record owner of a subsurface water quality control shall provide the Watershed Protection Department with a maintenance plan and an annual report from an engineer verifying that the control is in proper operating condition.
- (B) For a duplex or single-family development:
- (1) The City shall be responsible for maintenance of a water quality control only after the control has been accepted for maintenance by the City.
 - (2) The City will accept a water quality control for maintenance upon determining that it meets all standards of the Environmental Criteria Manual and, if applicable, Section 23-3D-6100 (Fiscal Security In The Barton Springs Zone).
 - (3) Until the City accepts a water quality control for maintenance, the record owner(s) of the control and the development served shall maintain the control in compliance with the Environmental Criteria Manual.
- (C) The Watershed Protection Department may authorize an alternative arrangement for maintenance of a water quality control in compliance with the Environmental Criteria Manual. If an alternative arrangement is approved by the director, the City Attorney shall

determine whether an agreement is necessary; the agreement must be approved by the City Attorney and filed of record.

23-3D-6080 Dedicated Fund

- (A) The Finance Department shall establish a dedicated fund to:
 - (1) monitor water quality controls; and
 - (2) maintain water quality controls for single-family and duplex residential development.
- (B) An applicant shall pay the required fee into the fund:
 - (1) for development that does not require a site plan, when the applicant posts fiscal security for the subdivision or requests that the director record the subdivision plat, whichever occurs first; or
 - (2) for development that requires a site plan, when the site plan is approved.
- (C) The Watershed Protection Department shall administer the fund, allocate the fund for appropriate projects, and report annually to the Council regarding the status of the fund and the monitoring and maintenance program described in this Section.

23-3D-6090 Barton Springs Zone Operating Permit

- (A) In the Barton Springs Zone, the owner or operator of a commercial, civic, industrial, or multi-family development is required to obtain an annual operating permit for the required water quality controls.
- (B) To obtain an annual operating permit, an applicant shall:
 - (1) provide the Development Services Department with:
 - (a) a maintenance plan; and
 - (b) the information necessary to verify that the water quality controls are in proper operating condition; and
 - (2) pay the required, nonrefundable fee.
- (C) The Development Services Department may verify that a water quality control is in proper operating condition by either inspecting the water quality control or accepting a report from an engineer.
- (D) The Development Services Department shall issue an operating permit after determining that:
 - (1) the applicant has complied with the standards of Subsection (B); and
 - (2) the water quality controls are in proper operating condition.
- (E) The Development Services Department shall transfer an operating permit to a new owner or operator if, not later than 30 days after a change in ownership or operation, the new owner or operator:
 - (1) signs the operating permit;
 - (2) accepts responsibility for the water quality controls; and

- (3) documents the transfer on a form provided by the Development Services Department.

23-3D-6100 Fiscal Security In The Barton Springs Zone

- (A) For development in the Barton Springs Zone, an applicant shall provide the City with fiscal security to ensure that water quality controls are maintained properly. The director shall calculate the amount of fiscal security in compliance with the formula in the Environmental Criteria Manual.
- (B) The director may not return the fiscal security to the applicant until:
 - (1) the expiration of one year after the completion of the development; and
 - (2) the director receives verification that the controls are constructed in compliance with the approved design by:
 - (a) the applicant's delivery of a certified engineering concurrence letter; and
 - (b) a report from a City inspector.

23-3D-6110 Innovative Management Practices

- (A) An innovative water quality control is a practice that is not specifically prescribed in the Environmental Criteria Manual, but is designed to address the standards of this Division.
- (B) An innovative runoff management practice is a practice that is designed to address the standards of Section 23-3D-5030 (Critical Environmental Features), enhance the recharge of groundwater and the discharge of springs, and maintain the function of critical environmental features.
- (C) A proposal for an innovative water quality control or runoff management practice proposal must be reviewed and approved by the Watershed Protection Department. Review and approval is based on:
 - (1) technical merit;
 - (2) compliance with the standards of this Title for water quality protection and improvement;
 - (3) resource protection and improvement;
 - (4) advantages over standard practices; and
 - (5) anticipated maintenance requirements.

Division 23-3D-7: Erosion and Sedimentation Control

Contents

23-3D-7010 Erosion And Sedimentation Control. 1

23-3D-7020 Development Completion 1

23-3D-7030 Modification Of Erosion Control And Construction Sequencing Plans 1

23-3D-7040 Additional Erosion And Sedimentation Control Standards In The Barton Springs Zone 2

23-3D-7050 Temporary Storage Areas; Topsoil Protection 2

23-3D-7060 Fiscal Security. 3

23-3D-7010 Erosion And Sedimentation Control

- (A) Temporary erosion and sedimentation controls:
 - (1) are required for all development until permanent revegetation has been established; and
 - (2) must be removed after permanent revegetation has been established.

23-3D-7020 Development Completion

- (A) Development is not completed until:
 - (1) permanent revegetation is established; and
 - (2) the Development Services Department:
 - (a) receives the engineer’s concurrence letter; and
 - (b) certifies installation of the vegetation for acceptance.
- (B) Development must be completed in compliance with Subsection (A) before the City may accept maintenance responsibility for streets, drainage facilities, or utilities, or issue a certificate of occupancy or compliance, unless the City and the applicant enter into an agreement to ensure completion of the revegetation within a named period.

23-3D-7030 Modification Of Erosion Control And Construction Sequencing Plans

- (A) A City inspector may modify an erosion control plan or construction sequencing plan in the field:
 - (1) without notice to the permit holder, if the modification is a minor change to upgrade erosion controls or reflect construction progress; and
 - (2) after two days written notice to the permit holder, if:
 - (a) the inspector determines that an erosion control or the construction sequencing is inappropriate or inadequate; and

- (b) the director has confirmed in writing the inspector's determination.

23-3D-7040 Additional Erosion And Sedimentation Control Standards In The Barton Springs Zone

- (A) This Section provides additional erosion and sedimentation control standards for development in the Barton Springs Zone.
- (B) A temporary erosion and sedimentation control plan and a water quality plan certified by an engineer and approved by the Development Services Department is required.
 - (1) The plans must describe the temporary structural controls, site management practices, or other approved methods that will be used to control off-site sedimentation until permanent revegetation is certified as completed in compliance with Section 23-3D-7020 (Development Completion).
 - (2) The temporary erosion control plan must be phased to be effective at all stages of construction. Each temporary erosion control method must be adjusted, maintained, and repaired as necessary.
- (C) The Development Services Department may require a modification of the temporary erosion control plan after determining that the plan does not adequately control off-site sedimentation from the development. Approval by the Development Services Department and the engineer who certified the plan is required for a major modification of the plan.
- (D) The applicant shall designate a project manager who is responsible for compliance with the erosion and sedimentation control and water quality plan standards during development.
- (E) The length of time between clearing and final revegetation of development may not exceed 18 months, unless extended by the director.
- (F) If an applicant does not comply with the deadline in Subsection (E), or does not adequately maintain the temporary erosion and sedimentation controls, the director shall notify the applicant in writing that the City will repair the controls or revegetate the disturbed area at the applicant's expense unless the work is completed or revegetation is begun not later than the 15th day after the date of the notice.
- (G) A person commits an offense if the person allows sediment from a construction site to enter a waterway by failing to maintain erosion controls or failing to follow the approved sequence of construction.

23-3D-7050 Temporary Storage Areas; Topsoil Protection

- (A) The site plan or subdivision construction plan must designate the areas to be cleared for temporary storage of spoils or construction equipment. Areas cleared for temporary storage must be located and restored in compliance with the Environmental Criteria Manual.
- (B) During and after site grading and construction operations, the topsoil must be protected and vegetation left in place to the maximum extent practicable in compliance with the Environmental Criteria Manual.

- (C) For areas on the site that are to remain pervious post-development, any soils that are compacted during site grading and construction operations must be decompacted in compliance with the Environmental Criteria Manual and the Standard Specifications Manual.

23-3D-7060 **Fiscal Security**

- (A) A site plan may be approved only if the applicant provides fiscal security for:
 - (1) installing and maintaining erosion and sedimentation controls throughout construction on the site;
 - (2) revegetating the site; and
 - (3) performing on-site and off-site cleanup.

This page intentionally left blank

Division 23-3D-8: Additional Standards in All Watersheds

Contents

23-3D-8010	Overland Flow	1
23-3D-8020	Interbasin Diversion	1
23-3D-8030	Construction On Slopes	2
23-3D-8040	Clearing Of Vegetation	3
23-3D-8050	Clearing For A Roadway	3
23-3D-8060	Cut Standards.....	4
23-3D-8070	Fill Standards	4
23-3D-8080	Spoil Disposal.....	5
23-3D-8090	Blasting Prohibited	5
23-3D-8100	Wastewater Restrictions	5
23-3D-8110	Storm Sewer Discharge	5
23-3D-8120	Restrictions On Development Impacting Lake Austin, Lady Bird Lake, And Lake Walter E. Long 6	6
23-3D-8130	Endangered Species Notification	6

23-3D-8010 Overland Flow

- (A) Drainage patterns must be designed as prescribed in the Environmental Criteria Manual to:
 - (1) prevent erosion;
 - (2) maintain and restore infiltration and recharge of local seeps and springs;
 - (3) attenuate the harm of contaminants collected and transported by stormwater; and
 - (4) where possible, disconnect impervious cover, maintain and restore overland sheet flow, maintain natural drainage features and patterns, and disperse runoff back to sheet flow.
- (B) Where applicable, the applicant shall design an enclosed storm drain to mitigate potential adverse impacts on water quality by using methods to prevent erosion and dissipate discharges from outlets. Applicant shall locate discharges to maximize overland flow through buffer zones or grass-lined swales wherever practicable.

23-3D-8020 Interbasin Diversion

- (A) Development may not divert stormwater from one watershed to another, except as authorized by this Section.
- (B) A proposed diversion of less than 20 percent of the site based on gross site area or less than one acre, whichever is smaller, may be allowed if the applicant demonstrates that:

- (1) existing drainage patterns are maintained to the extent feasible; and
- (2) there are no adverse environmental or drainage impacts.

23-3D-8030 Construction On Slopes

- (A) The standards of this Section do not apply in an urban watershed.
- (B) Construction of a Roadway or Driveway
 - (1) An applicant may not construct a roadway or driveway on a slope with a gradient of more than 15 percent unless the construction is necessary to provide primary access to:
 - (a) at least two contiguous acres with a gradient of 15 percent or less; or
 - (b) building sites for at least five residential units.
 - (2) For construction described in this Subsection, a cut or fill must be revegetated, or if a cut or fill has a finished gradient of more than 33 percent, stabilized with a permanent structure. This does not apply to a stable cut.
- (C) Construction of a Building or Parking Area
 - (1) An applicant may not construct:
 - (a) a building or parking structure on a slope with a gradient of more than 25 percent; or
 - (b) except for a parking structure, a parking area on a slope with a gradient of more than 15 percent.
 - (2) An applicant may construct a building or parking structure on a slope with a gradient of more than 15 percent and not more than 25 percent if the standards of this Subsection are met.
 - (a) Impervious cover on slopes with a gradient of more than 15 percent may not exceed 10 percent of the total area of the slopes.
 - (b) The terracing techniques in the Environmental Criteria Manual are required for construction that is uphill or downhill of a slope with a gradient of more than 15 percent.
 - (c) Hillside vegetation may not be disturbed except as necessary for construction, and disturbed areas must be restored with native and adapted vegetation as prescribed in the Environmental Criteria Manual.
 - (d) For construction described in this Subsection, a cut or fill must be revegetated, or if a cut or fill has a finished gradient of more than 33 percent, stabilized with a permanent structure. This does not apply to a stable cut.
- (D) Subdivision Notes
 - (1) A preliminary subdivision plan that proposes a single family residential lot on a slope with a gradient of more than 15 percent must include a plan note identifying the lot and describing the standards of Subsection (D)(2).
 - (2) A final plat that proposes a single family residential lot on a slope with a gradient of more than 15 percent must include a plat note:

- (a) identifying the lot; and
- (b) stating the impervious cover and construction standards for the lot.

23-3D-8040 Clearing Of Vegetation

- (A) Clearing of vegetation is prohibited unless the director determines that the clearing:
 - (1) is in compliance with a released site plan or subdivision construction plan;
 - (2) is allowed in compliance with this Section or Section 23-3D-8050 (Clearing for a Roadway); or
 - (3) is not development, as that term is defined in Chapter 23-X-XXX (Definitions).
- (B) Clearing of vegetation on land used for agricultural purposes is prohibited if an application to develop for a non-agricultural use has been granted or is pending. The director may waive this prohibition after determining that the clearing has a bonafide agricultural purpose and is unrelated to the proposed development or sale of the land for non-agricultural uses.
- (C) An applicant may clear an area up to 15 feet wide or remove a tree with a diameter of not more than eight inches to perform surveying or geologic testing in preparation for site plan or final plat approval.

23-3D-8050 Clearing For A Roadway

- (A) An applicant may clear an area for road construction after site plan or final plat approval in compliance with this Section.
- (B) Roadway clearing width may not exceed:
 - (1) twice the roadway surface width, or the width of the dedicated right-of-way, whichever is less; or
 - (2) for road construction problem areas of less than 300 feet in length, two and one-half times the roadway width.
- (C) The director may grant an administrative variance to Subsection (B) if required by unusual topographic conditions.
- (D) If clearing on slopes could result in materials sliding onto areas beyond the clearing widths described in Subsection (B), retaining walls or other preventative methods are required.
- (E) The length of time between rough cutting and final surfacing of roadways may not exceed 18 months.
- (F) If the applicant does not meet the deadline described in Subsection (E), the City shall notify the applicant in writing that the City will finish the roadways or revegetate the disturbed area at the applicant's expense unless the work is completed not later than the 60th day after the date of the notice.

23-3D-8060 Cut Standards

- (A) Cuts on a tract of land may not exceed four feet of depth, except:
 - (1) in an urban watershed;
 - (2) in a roadway right-of-way;
 - (3) for construction of a building foundation;
 - (4) for utility construction or a wastewater drain field, if the area is restored to natural grade; or
 - (5) in a state-permitted sanitary landfill or a sand or gravel excavation located in the extraterritorial jurisdiction, if:
 - (a) the cut is not in a critical water quality zone;
 - (b) the cut does not alter a 100-year floodplain;
 - (c) the landfill or excavation has an erosion and restoration plan approved by the City; and
 - (d) all other applicable City Code provisions are met.
- (B) A cut must be restored and stabilized.
- (C) A roadway cut must be contained within the roadway clearing width described in Section 23-3D-8050 (Clearing for a Roadway).

23-3D-8070 Fill Standards

- (A) Fill on a tract of land may not exceed four feet of depth, except:
 - (1) in an urban watershed;
 - (2) in a roadway right-of-way;
 - (3) under a foundation with sides perpendicular to the ground, or with pier and beam construction;
 - (4) for utility construction or a wastewater drain field; or
 - (5) in a state-permitted sanitary landfill located in the extraterritorial jurisdiction, if:
 - (a) the fill is derived from the landfill operation;
 - (b) the fill is not placed in a critical water quality zone or a 100-year floodplain;
 - (c) the landfill operation has an erosion and restoration plan approved by the City; and
 - (d) all other applicable City Code provisions are met.
- (B) A fill area must be restored and stabilized.
- (C) Fill for a roadway must be contained within the roadway clearing width described in Section 23-3D-8050 (Clearing for a Roadway).

23-3D-8080 Spoil Disposal

- (A) A spoil disposal site may not be located in a 100-year floodplain or on a slope with a gradient of more than 15 percent.
- (B) The location of a spoil disposal site must be reasonably accessible. An access route:
 - (1) must use existing and approved roadways, if possible; and
 - (2) may not be located in a waterway, unless:
 - (a) a reasonable alternative is not available; or
 - (b) the access route is for the construction of a water quality control.
- (C) A spoil disposal site and an access route must be restored and revegetated in compliance with the Environmental Criteria Manual.

23-3D-8090 Blasting Prohibited

- (A) Blasting on property located in the Edwards Aquifer recharge zone is prohibited in a critical water quality zone or a water quality transition zone, unless the applicant demonstrates that a feasible alternative does not exist.
- (B) Blasting is prohibited within 300 feet of a critical environmental feature, unless the applicant demonstrates that a feasible alternative does not exist.

23-3D-8100 Wastewater Restrictions

- (A) A lot in the Edwards Aquifer recharge zone with private on-site sewage facilities must demonstrate compliance with City Code Chapter 15-5 (Private Sewage Facilities).
- (B) Wastewater treatment by land application is prohibited:
 - (1) on a slope with a gradient of more than 15 percent;
 - (2) in a critical water quality zone;
 - (3) in a 100-year floodplain;
 - (4) on the trunk of surveyed trees;
 - (5) in the buffer zone established around a critical environmental feature in compliance with Section 23-3D-5030 (Critical Environmental Features); or
 - (6) during wet weather conditions.

23-3D-8110 Storm Sewer Discharge

A certificate of occupancy may not be issued for development subject to this Article unless the development is in compliance with Chapter 6-5, Article 5 (Discharges Into Storm Sewers Or Watercourses).

23-3D-8120 Restrictions On Development Impacting Lake Austin, Lady Bird Lake, And Lake Walter E. Long

- (A) The standards of this Section apply to development on or adjacent to Lake Austin, Lady Bird Lake, or Lake Walter E. Long.
- (B) Except as otherwise provided by this Section, placing fill or dredging in a lake is prohibited.
- (C) A retaining wall, bulkhead, or other erosion protection device may not capture or recapture land from a lake unless doing so is required to restore the shoreline to whichever of the following boundaries would encroach the least into the lake:
 - (1) the shoreline as it existed 10 years prior to the date of application, with documentation as prescribed in the Environmental Criteria Manual; or
 - (2) the lakeside boundary of the subdivided lot line.
- (D) A bulkhead may be replaced in front of an existing bulkhead once, if:
 - (1) the existing bulkhead was legally constructed;
 - (2) construction of the replacement bulkhead does not change the location of the shoreline by more than six inches; and
 - (3) the Watershed Protection Department determines that there is no reasonable alternative to replacement of the bulkhead in the location of the existing bulkhead.
- (E) The director may approve up to 25 cubic yards of dredging in a lake if the dredging is necessary for navigation safety.

23-3D-8130 Endangered Species Notification

- (A) Applicability
 - (1) This Section applies in areas of the planning jurisdiction that may contain habitat for federally listed endangered or threatened species, as defined below:
 - (a) For bird or plant species, the area west of a line bounded by U. S. 183 North at the City's extraterritorial boundary limit, then southeast to Loop 1, then south along Loop 1 to U.S. 290 West, then west on U. S. 290 to R.M. 1826, and then south to the City's extraterritorial boundary limit.
 - (b) For cave species, the Edwards Aquifer recharge zone as defined by Section 23-3D-1030 (Description of Regulated Areas).
 - (c) For salamander species, the areas included in the salamander habitat map maintained by the Watershed Protection Department.
- (B) On receipt of an application for a subdivision or site plan in an area described in Subsection (A)(1), the director shall give notice of the application to the:
 - (1) United States Fish and Wildlife Service;
 - (2) Texas Parks and Wildlife Department; and
 - (3) Balcones Canyonlands Conservation Plan Coordinating Committee Secretary.
- (C) The notice must include a statement that the development could cause the loss of threatened or endangered species habitat.

Division 23-3D-9: Save Our Springs Initiative

Contents

23-3D-9010	Title And Purpose	1
23-3D-9020	Amendment	1
23-3D-9030	Declaration Of Intent	1
23-3D-9040	Pollution Prevention Required	2
23-3D-9050	No Exemptions, Special Exceptions, Waivers Or Variances	2
23-3D-9060	Application To Existing Tracts, Platted Lots, And Public Schools.....	2
23-3D-9070	Expiration Of Prior Approvals	3
23-3D-9080	Limited Adjustment To Resolve Possible Conflicts With Other Laws	4
23-3D-9090	Construction Of Ordinance	4
23-3D-9100	Reduce Risk Of Accidental Contamination	4
23-3D-9110	Efficient And Cost-Effective Water Quality Protection Measures	5
23-3D-9120	Severability	5
23-3D-9130	Adoption Of Water Quality Measures	5

23-3D-9010 Title And Purpose

- (A) This division, to be known as the Save Our Springs Initiative, (SOS hereafter) sets out special requirements for development of land in watersheds within the City’s planning jurisdiction which contribute to Barton Springs.
- (B) This division codifies the Save Our Springs Initiative Petition Ordinance as adopted by popular vote on August 8, 1992 and amended by the council.

23-3D-9020 Amendment

This division may be repealed or amended only by an affirmative vote of a three-quarters majority of the city council.

23-3D-9030 Declaration Of Intent

The people of the City declare their intent to preserve a clean and safe drinking water supply, to prevent further degradation of the water quality in Barton Creek, Barton Springs, and the Barton Springs Edwards Aquifer, to provide for fair, consistent, and cost effective administration of the City’s watershed protection ordinances, and to promote the public health, safety, and welfare. The City recognizes that the Barton Springs Edwards Aquifer is more vulnerable to pollution from urban development than any other major

groundwater supply in Texas, and that the measures set out in this division are necessary to protect this irreplaceable natural resource.

23-3D-9040 Pollution Prevention Required

- (A) In the watersheds contributing to Barton Springs, no development nor any revision, extension, or amendment thereof, may be approved unless it is designed, carried out, and maintained on a site-by-site basis to meet the pollution prevention requirements set forth below for the life of the project. In order to prevent pollution, impervious cover for all such development must be limited to a maximum of 15 percent in the entire recharge zone, 20 percent of the contributing zone within the Barton Creek watershed, and 25 percent in the remainder of the contributing zone. The impervious cover limits shall be calculated on a net site area basis. In addition, runoff from such development shall be managed through water quality controls and onsite pollution prevention and assimilation techniques so that no increases occur in the respective average annual loadings of total suspended solids, total phosphorus, total nitrogen, chemical oxygen demand, total lead, cadmium, E. coli, volatile organic compounds, total organic carbon, pesticides, and herbicides from the site. For a given project, impervious cover shall be reduced if needed to assure compliance with these pollutant load restrictions.
- (B) Within the watersheds contributing to Barton Springs, Section 23-3D-4020 (Critical Water Quality Zones Established) of the Land Development Code is amended so that in no event shall the boundary of the critical water quality zone be less than 200 feet from the centerline of a major waterway or be less than 400 feet from the centerline of the main channel of Barton Creek. No pollution control structure, or residential or commercial building, may be constructed in the critical water quality zone in these watersheds.

23-3D-9050 No Exemptions, Special Exceptions, Waivers Or Variances

The requirements of this division are not subject to the exemptions, special exceptions, waivers, or variances allowed by Division 23-3D-2 (Exceptions and Variances). Adjustments to the application of this division to a specific project may be granted only as set out in Section 23-3D-9080 (Limited Adjustment To Resolve Possible Conflicts With Other Laws) below.

23-3D-9060 Application To Existing Tracts, Platted Lots, And Public Schools

- (A) This division does not apply to development on a single platted lot or a single tract of land that is not required to be platted before development if the lot or tract existed on November 1, 1991 and the development is either:
 - (1) construction, renovation, additions to, repair, or development of a single-family, single-family attached, or a duplex structure used exclusively for residential purposes, and construction of improvements incidental to that residential use; or
 - (2) development of a maximum of 8,000 square feet of impervious cover, including impervious cover existing before and after the development.

- (B) This division does not apply to development of public primary or secondary educational facilities if the City and the school district enter into a development agreement approved by a three-quarters vote of the city council protecting water quality pursuant to Section 13-2-502(n)(7) of the Land Development Code.
- (C) This division does not apply to the replacement of development which is removed as a result of right-of-way condemnation.
- (D) This division does not apply to a roadway project with less than 8,000 square feet of new impervious cover. For the purposes of this Section, roadway improvements are limited to intersection upgrades, low-water crossing upgrades, additions for bicycle lanes, and additions for mass transit stops.

23-3D-9070 Expiration Of Prior Approvals

- (A) Within the watersheds contributing to Barton Springs, the following provisions shall govern the expiration of certain prior approvals:
 - (1) Previously Approved Preliminary Subdivision Plan:
 - (a) Unless it has or will have expired sooner, a preliminary subdivision plan initially approved before the effective date of this division expires one year after the effective date of this division, or two years after its initial approval whichever date is later, unless an application for final plat approval is filed before this expiration date and a final plat is approved no later than 180 days after filing.
 - (b) No approved preliminary plan, and no portion of an approved preliminary plan, shall be valid or effective after the expiration date established by this part, or shall be extended, revised, or renewed to remain effective after the expiration date, except according to Subsection (3) of this section.
 - (2) Previously Approved Site Plan:
 - (a) Unless it has or will have expired sooner, a site plan or phase or portion thereof initially approved before the effective date of this division shall expire one year after the effective date of this division, or three years after its initial approval, whichever date is later, unless:
 - (i) An application is filed before this expiration date for building permits for all structures shown on the site plan or phase or portion thereof and designed for human occupancy, and the building permits are approved and remain valid and certificates of occupancy are issued no later than two years after this expiration date; or
 - (ii) If no building permits are required to construct the structures shown on a site plan described in Subsection (2)(a) of this section, construction begins on all buildings shown on the site plan or portion or phase thereof before this expiration date, and the buildings are diligently constructed and completed, and certificates of compliance or certificates of occupancy are issued no later than two years after this expiration date.
 - (b) No approved site plan, and no separate phase or portion of an approved site plan, shall be valid or effective after the expiration date established by this part, or shall be extended, revised, or renewed to remain effective after the expiration date, except according to Subsection (3) of this section.

- (3) Approved Plans Which Comply: An approved preliminary subdivision plan, portion of a preliminary plan, approved site plan, or separate phase or portion of an approved site plan that complies with this division or that is revised to comply with this division does not expire under Subsection (1) or (2) of this section and remains valid for the period otherwise established by law.

23-3D-9080 Limited Adjustment To Resolve Possible Conflicts With Other Laws

- (A) This division is not intended to conflict with the United States Constitution or the Texas Constitution or to be inconsistent with federal or state statutes that may preempt a municipal ordinance or the Austin City Charter.
- (B) The terms of this division shall be applied consistently and uniformly. If a three-quarters majority of the city council concludes, or a court of competent jurisdiction renders a final judgment concluding that this division, as applied to a specific development project or proposal violates a law described in Subsection (A) of this section, the city council may, after a public hearing, adjust the application of this division to that project to the minimum extent required to comply with the conflicting law. Any adjustment shall be structured to provide the maximum protection of water quality.

23-3D-9090 Construction Of Ordinance

This division is intended to be cumulative of other City ordinances. In case of irreconcilable conflict in the application to a specific development proposal between a provision of this division and any other ordinance, the provision which provides stronger water quality controls on development shall govern. If a word or term used in this division is defined in the Austin City Code of 1981, as that code was in effect on November 1, 1991, that word or term shall have the meaning established by the Austin City Code of 1981 in effect on that date, unless modified in this division.

23-3D-9100 Reduce Risk Of Accidental Contamination

Within one year of the effective date of this division the City of Austin Environmental and Conservation Services Department shall complete a study, with citizen input, assessing the risk of accidental contamination by toxic or hazardous materials of the Barton Springs Edwards Aquifer and other streams within the City and its extraterritorial jurisdiction. The assessment shall inventory the current and possible future use and transportation of toxic and hazardous materials in and through the City, and shall make recommendations for City actions to reduce the risk of accidental contamination of the Barton Springs Edwards Aquifer and of other water bodies. Within 60 days of completion of the study, and following a public hearing, the city council shall take such actions deemed necessary to minimize risk of accidental contamination of city waters by hazardous or toxic materials.

23-3D-9110 Efficient And Cost-Effective Water Quality Protection Measures

In carrying out City efforts to reduce or remedy runoff pollution from currently developed areas or to prevent runoff pollution from currently developed or developing areas, the city council shall assure that funds for remedial, retrofit or runoff pollution prevention measures shall be spent so as to achieve the maximum water quality benefit, and shall assure that the need for future retrofit is avoided whenever feasible.

23-3D-9120 Severability

If any provision, section, subsection, sentence, clause, or phrase of this division, or the application of the same to any person, property, or set of circumstances is for any reason held to be unconstitutional, void, or otherwise invalid, the validity of the remaining portions of this division shall not be affected by that invalidity; and all provisions of this division are severable for that purpose.

23-3D-9130 Adoption Of Water Quality Measures

The adoption of this division is not intended to preclude the adoption, at any time, by a majority vote of the city council of stricter water quality requirements upon development in the watersheds contributing to Barton Springs or of further measures to restore and protect water quality.

This page intentionally left blank

ARTICLE 23-3E: Affordable Housing Incentive Program

Contents

Article 23-3E: Affordable Housing Incentive Program

23-3E-1010	Purpose
23-3E-1020	Applicability
23-3E-1030	Review Authority
23-3E-1040	General Provisions for the Affordable Housing Incentive Program
23-3E-1050	Calculation of Density Bonuses
23-3E-1060	Additional Developer Incentives
23-3E-1070	Alternatives to On-site Production of Density Bonus Units
23-3E-1080	Affordability Periods
23-3E-1090	Application Procedures
23-3E-1100	Compliance and Enforcement

This page intentionally left blank

Division 23-3E-1: Affordable Housing Incentive Program

Contents

23-3E-1010	Purpose	1
23-3E-1020	Applicability	1
23-3E-1030	Review Authority	1
23-3E-1040	General Provisions for the Affordable Housing Incentive Program	1
23-3E-1050	Calculation of Density Bonuses	2
23-3E-1060	Additional Developer Incentives	2
23-3E-1070	Alternatives to On-site Production of Density Bonus Units	2
23-3E-1080	Affordability Periods	2
23-3E-1090	Application Procedures	2
23-3E-1100	Compliance and Enforcement	2

23-3E-1010 Purpose

This section will discuss the purpose of the Affordable Housing Incentive Program, which is to achieve City housing goals and encourage the production of affordable housing.

23-3E-1020 Applicability

This section will describe the conditions under which the Affordable Housing Incentive Program will be applied. If the incentives and requirements differ by area of the City or by Zone, the area(s) and/or Zone(s) will be identified here.

23-3E-1030 Review Authority

This section will identify the Housing Director as the administrator of the Affordable Housing Incentive Program, and describe the roles and responsibilities of the Director in processing applications, creating rules, and developing program guidelines. Actions that require City Council approval (e.g. in-lieu fees) will also be identified in this section.

23-3E-1040 General Provisions for the Affordable Housing Incentive Program

This section will establish the general provisions of the Affordable Housing Incentive Program, such as Median Family Income (MFI) thresholds (i.e. income targets for eligible households), HUD household affordability limits (i.e. 30%), timing for meeting requirements (e.g. affordable units must be constructed concurrently with market rate units), accepting housing choice vouchers, and other gatekeeper requirements (i.e. minimum requirements that must be met) to ensure the long-term provision of affordable housing.

23-3E-1050 Calculation of Density Bonuses

This section will establish the percentage of affordable units (or square feet) required by income category and the corresponding density bonus. If the requirements and incentives differ by area of the City or by Zone, the density bonus calculation by area(s) and/or Zone(s) will be identified here. This section will also describe and illustrate the formula(s) for calculating the density bonus.

It is anticipated that the existing Downtown Density Program will be updated and carried forward, and if so, it will be included in this section.

23-3E-1060 Additional Developer Incentives

This section will describe potential development incentives, such as waivers from development standards, expedited application processing, and financial incentives, that an applicant may request in addition to a density bonus to improve project feasibility or to provide greater community benefit.

23-3E-1070 Alternatives to On-site Production of Density Bonus Units

This section will describe potential alternatives to on-site production of affordable units and the procedures for doing so. Alternatives may include in-lieu fees, off-site production, preservation of subsidized affordable units at risk of converting to market rate, and land dedications.

23-3E-1080 Affordability Periods

This section will describe the required affordability period (i.e. the amount of time that the affordable unit must remain below market), which may differ for rental and ownership units.

23-3E-1090 Application Procedures

This section will describe the application requirements and procedures for participating in the Affordable Housing Incentive Program.

23-3E-1100 Compliance and Enforcement

This section will describe monitoring, compliance, and enforcement procedures.

Zoning Code

web version low resolution images



This page intentionally left blank

Contents

Article 23-4A: Introduction

Division 23-4A-1: Purpose

- 23-4A-1010 Intent
 - 23-4A-1020 Applicability
-

Division 23-4A-2: Establishment of Zones

- 23-4A-2010 Intent
 - 23-4A-2020 Zones
-

Division 23-4A-3: Zoning Map

- 23-4A-3010 Intent
 - 23-4A-3020 Applicability
 - 23-4A-3030 Zone Boundary or Classification Changes
 - 23-4A-3040 Maintenance of Zoning Map
-

Division 23-4A-4: How to Use the Zoning Code

- 23-4A-4010 Intent
- 23-4A-4020 Organization

Article 23-4B: Zoning Administration and Procedures

Division 23-4B-1: Land Use Approvals

- 23-4B-1010 Purpose and Applicability
 - 23-4B-1020 Conditional Use Permit
 - 23-4B-1030 Minor Use Permit
 - 23-4B-1040 Effect of Land Use Permit
 - 23-4B-1050 Temporary Use Permit
-

Division 23-4B-2: Code Interpretations and Use Determinations

- 23-4B-2010 Code Interpretations
- 23-4B-2020 Use Determinations
- 23-4B-2030 Administrative Appeal

Division 23-4B-3: Zoning Map Designations and Amendments

23-4B-3010	Zoning Map Designation
23-4B-3020	Proposed Zoning Boundaries
23-4B-3030	Zoning Map Amendment Initiation
23-4B-3040	Zoning Map Amendment Application
23-4B-3050	Planning Director's Report
23-4B-3060	Scheduling of Public Hearings
23-4B-3070	Land Use Commission Hearing, Notice, and Recommendations
23-4B-3080	Council Hearing, Notice, and Decision
23-4B-3090	Requirement for Approval by Three-Fourths of Council

Division 23-4B-4: Criteria for Variances and Special Exceptions

23-4B-4010	Purpose and Applicability
23-4B-4020	Variances
23-4B-4030	Special Exception-Type 1
23-4B-4040	Special Exception-Type 2
23-4B-4050	Special Exception-Type 3

Article 23-4C: General to All Development

Division 23-4C-1: Community Design

23-4C-1010	Purpose
23-4C-1020	Applicability
23-4C-1030	Overview
23-4C-1040	Connectivity
23-4C-1050	Block Size
23-4C-1060	Lots
23-4C-1070	Civic and Open Space
23-4C-1080	Supplemental Standards for Transect Zones

Division 23-4C-2: Civic and Open Spaces

23-4C-2010	Purpose
23-4C-2020	Applicability
23-4C-2030	Civic Space Design
23-4C-2040	Civic Space Overview
23-4C-2050	Civic Space Standards
23-4C-2060	Metropolitan Park
23-4C-2070	District Park
23-4C-2080	Neighborhood Park
23-4C-2090	Riparian Park

23-4C-2100	Greenway
23-4C-2110	Green
23-4C-2120	Square
23-4C-2130	Plaza
23-4C-2140	Pocket Plaza
23-4C-2150	Pocket Park
23-4C-2160	Family-Friendly Play Area
23-4C-2170	Community Garden

Article 23-4D: Specific to Zones

Division 23-4D-1: Purpose

23-4D-1010	Purpose
23-4D-1020	Official Zoning Map and Zones
23-4D-1030	Transect Zones
23-4D-1040	Non-Transect Zones
23-4D-1050	Change of Zone
23-4D-1060	Austin Comprehensive Plan Consistency

Division 23-4D-2: Transect Zones

23-4D-2010	Intent
23-4D-2020	Applicability
23-4D-2030	General Requirements for All Transect Zones
23-4D-2040	Transect Nomenclature
23-4D-2050	Transect Zones Overview
23-4D-2060	Building Types Overview
23-4D-2070	Private Frontage Types Overview
23-4D-2080	T3 Neighborhood Edge Wide Lot (T3NE.WL)
23-4D-2090	T3 Neighborhood Edge (T3NE)
23-4D-2100	T3 Neighborhood Deep Setback (T3N.DS)
23-4D-2110	T3 Neighborhood Intermediate Setback (T3N.IS)
23-4D-2120	T4 Neighborhood Intermediate Setback (T4N.IS)
23-4D-2130	T4 Neighborhood Shallow Setback (T4N.SS)
23-4D-2140	T4 Main Street (T4MS)
23-4D-2150	T5 Neighborhood Shallow Setback (T5N.SS)
23-4D-2160	T5 Urban Shallow Setback (T5U.SS)
23-4D-2170	T5 Urban (T5U)
23-4D-2180	T5 Main Street (T5MS)
23-4D-2190	T6 Urban (T6U)

23-4D-2200	T6 Urban Core (T6UC)
23-4D-2210	Supplementary Courtyard Building Type Standards
23-4D-2220	Supplementary Cottage Court Building Type Standards

Division 23-4D-3: Residential Non-Transect Zones

23-4D-3010	Intent
23-4D-3020	Applicability
23-4D-3030	Residential Zones
23-4D-3040	Allowed Land Uses and Permit Requirements
23-4D-3050	General to All Residential Non-Transect Zones
23-4D-3060	Rural Residential (RR) Zone
23-4D-3070	Very Low Density Residential (VLDR) Zone
23-4D-3080	Low Density Residential (LDR) Zone
23-4D-3090	Low Medium Density Residential (LMDR) Zone
23-4D-3100	Low-Medium Density Residential – Small Lot (LMDR-SL) Zone
23-4D-3110	Medium Density Residential (MDR) Zone
23-4D-3120	Medium-High Density Residential (MHDR) Zone
23-4D-3130	High Density Residential (HDR) Zone
23-4D-3140	Very High Density Residential (VHDR) Zone
23-4D-3150	Manufactured Home Parks (MHP) Zone

Division 23-4D-4: Commercial Non-Transect Zones

23-4D-4010	Intent
23-4D-4020	Applicability
23-4D-4030	Commercial Zones
23-4D-4040	Allowed Uses and Permit Requirements
23-4D-4050	General to All Commercial Non-Transect Zones
23-4D-4060	Neighborhood Commercial (NC) Zone
23-4D-4070	Local Commercial (LC) Zone
23-4D-4080	General Commercial (GC) Zone
23-4D-4090	Regional Commercial Core (RC) Zone
23-4D-4100	Commercial Core (CC) Zone
23-4D-4110	Downtown Core (DC) Zone
23-4D-4120	Warehouse Commercial (WC) Zone
23-4D-4130	Service Commercial (SC) Zone
23-4D-4140	Highway Commercial (HC) Zone
23-4D-4150	Commercial Recreation (CR) Zone

Division 23-4D-5: Industrial Non-Transect Zones

- 23-4D-5010 Intent
- 23-4D-5020 Applicability
- 23-4D-5030 Industrial Zones
- 23-4D-5040 Allowed Land Uses and Permit Requirements
- 23-4D-5050 General to Industrial Non-Transect Zones
- 23-4D-5060 Flex Industrial (FI) Zone
- 23-4D-5070 General Industrial (GI) Zone
- 23-4D-5080 Heavy Industrial (HI) Zone
- 23-4D-5090 Research and Development (R&D) Zone

Division 23-4D-6: Other Zones

- 23-4D-6010 Intent
- 23-4D-6020 Applicability
- 23-4D-6030 Other Zones Described
- 23-4D-6040 Allowed Uses and Permit Requirements
- 23-4D-6060 Agricultural (AG) Zone
- 23-4D-6070 Aviation Services (AV) Zone
- 23-4D-6080 Development Reserve (DR) Zone
- 23-4D-6090 East Riverside Corridor (ERC) Zone
- 23-4D-6100 North Burnet/Gateway (NBG) Zone
- 23-4D-6110 Open Space (OS) Zone
- 23-4D-6120 Public (P)
- 23-4D-6130 Planned Unit Development (PUD)

Division 23-4D-7: Overlay Zones

- 23-4D-7010 Intent
- 23-4D-7020 Applicability
- 23-4D-7030 Barton Springs Overlay Zone
- 23-4D-7040 Capitol View Corridor Overlay Zone
- 23-4D-7050 Downtown Civic Spaces Overlay Zone
- 23-4D-7060 Hill Country Roadway Overlay Zone
- 23-4D-7070 Historic Landmark and Historic Area Overlay Zones
- 23-4D-7080 Lake Austin Overlay Zone
- 23-4D-7090 Neighborhood Plan Overlay Zone
- 23-4D-7100 Planned Development Area Overlay Zone
- 23-4D-7110 University Neighborhood Overlay (UNO) Zone
- 23-4D-7120 Waterfront Overlay Zone
- 23-4D-7130 Overlay Zone Boundaries Described

Article 23-4E: Supplemental to Zones

Division 23-4E-1: Private Frontages

23-4E-1010	Purpose
23-4E-1020	Applicability
23-4E-1030	Private Frontages Overview
23-4E-1040	Common Yard
23-4E-1050	Porch: Projecting
23-4E-1060	Porch: Engaged
23-4E-1070	Stoop
23-4E-1080	Dooryard
23-4E-1090	Forecourt
23-4E-1100	Terrace
23-4E-1110	Lightwell
23-4E-1120	Shopfront
23-4E-1130	Gallery

Division 23-4E-2: Outdoor Lighting

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

Division 23-4E-3: Parking and Loading

23-4E-3010	Purpose
23-4E-3020	Applicability
23-4E-3030	Calculations
23-4E-3040	Parking Limitations
23-4E-3050	Parking for Persons with Disabilities
23-4E-3060	Off-Street Motor Vehicle Parking Adjustments
23-4E-3070	Loading
23-4E-3080	Bicycle Parking
23-4E-3090	Parking Lot Design

Division 23-4E-4: Landscape

23-4E-4010	Purpose and Intent
23-4E-4020	Applicability
23-4E-4030	Landscape Requirements
23-4E-4040	Front Planting Zone
23-4E-4050	Foundation Buffer
23-4E-4060	Parking Area Tree Islands
23-4E-4070	Parking Area Landscape Medians

23-4E-4080	Parking Lot Perimeter Landscape Strips
23-4E-4090	Intermittent Visual Obstruction Buffer
23-4E-4100	Semi-Opaque Buffer
23-4E-4110	Opaque Buffer
23-4E-4120	Functional Green
23-4E-4130	Visual Screening
23-4E-4140	Submittal Requirements
23-4E-4150	Final Inspection
23-4E-4160	Landscape Maintenance
23-4E-4170	Planting & Soil Standards

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

23-4E-5010	Intent
23-4E-5020	Applicability
23-4E-5030	Permit Required for Construction
23-4E-5040	Structural Standards
23-4E-5050	Lighting and Electrical Standards
23-4E-5060	Site Development Standards for Docks, Marinas, and Other Lakefront Uses
23-4E-5070	City Licensing Standards for Docks, Marinas and Other Lakefront Uses
23-4E-5090	Enforcement and Registration

Division 23-4E-6: Specific to Use

23-4E-6010	Intent
23-4E-6020	Applicability
23-4E-6030	Accessory Dwelling Unit
23-4E-6040	Accessory Uses
23-4E-6050	Adult Entertainment
23-4E-6060	Alcohol Sales
23-4E-6070	Alternative Financial Services
23-4E-6080	Bed and Breakfast
23-4E-6090	Camping/RV Park
23-4E-6100	Commercial Blood Plasma Center
23-4E-6110	Communications
23-4E-6120	Community Agriculture
23-4E-6130	Convention Center
23-4E-6140	Drive Through
23-4E-6150	Gas Station
23-4E-4160	General Retail w/ Outside Storage
23-4E-6170	Group Home
23-4E-6180	Home Occupations

23-4E-6190	Live/Work
23-4E-6200	Manufacturing and Storage
23-4E-6210	Micro-Brewery/Micro-Distillery/Winery
23-4E-6220	Mobile Food Sales
23-4E-6230	Mobile Retail Sales
23-4E-6240	Multi-Family
23-4E-6250	Recycling Center
23-4E-6260	Research and Development
23-4E-6270	Restaurant, Late Night Operation
23-4E-6280	Reverse Vending
23-4E-6290	School
23-4E-6300	Senior/Retirement Housing
23-4E-4310	Short-term Rental
23-4E-6320	Special Uses
23-4E-6330	Sports or Events Arena
23-4E-6340	Telecommunications
23-4E-6350	Two-Family Residential

Division 23-4E-7: Additional General Standards

23-4E-7010	Intent
23-4E-7020	Applicability
23-4E-7030	Development near a Hazardous Pipeline
23-4E-7040	Dwelling Unit Occupancy Limit
23-4E-7050	Encroachments
23-4E-7060	Pedestrian Oriented Uses
23-4E-7070	Setback Exceptions

Article 23-4A: Introduction

Contents

Division 23-4A-1: Purpose

- 23-4A-1010 Intent
 - 23-4A-1020 Applicability
-

Division 23-4A-2: Establishment of Zones

- 23-4A-2010 Intent
 - 23-4A-2020 Zones
-

Division 23-4A-3: Zoning Map

- 23-4A-3010 Intent
 - 23-4A-3020 Applicability
 - 23-4A-3030 Zone Boundary or Classification Changes
 - 23-4A-3040 Maintenance of Zoning Map
-

Division 23-4A-4: How to Use the Zoning Code

- 23-4A-4010 Intent
- 23-4A-4020 Organization

This page intentionally left blank

Division 23-4A-1: Purpose

Contents

23-4A-1010	Intent	1
23-4A-1020	Applicability	1

23-4A-1010 Intent

In adopting this Chapter, it is the intent of the City to protect and promote the public health, safety, convenience, and general welfare of the citizens of the City by exercising all powers related to the regulation and use of land and structures within the City that are authorized by the City Charter and the applicable laws of the State of Texas.

23-4A-1020 Applicability

This Chapter applies to all property, land uses, and development within the City, except as may be specifically exempted within this Title.

This page intentionally left blank

Division 23-4A-2: Establishment of Zones

Contents

23-4A-1010	Intent	1
23-4A-1020	Applicability	1

23-4A-2010 Intent

The incorporated areas of the City of Austin, Texas, are divided into walkable urban transect zones and drivable suburban non-transect zones (see Preamble: A Model Hybrid Zoning Code Based on Austin Places). Overlay zones provide standards that apply both to transect zones and non-transect zones. The zones implement the Austin Comprehensive Plan by providing a mix of intensity of development and a mix of uses that are compatible with the character of the City's many neighborhoods, districts and corridors.

23-4A-2020 Zones

- (A) The City of Austin is divided into three broad categories of zones as described below and listed in Table 23-4A-2020.A (Zones):
- (1) **Transect Zones.** The transect zones are described in Division 23-4D-2 (Transect Zoning Districts). They range in function and density from the low- to medium-density transects applicable to neighborhoods to the urban core or downtown, the most urban part of the City. Transect zones are only applied through a Form-Based Code (Refer to Preamble). Transect zones do not apply throughout the City in the non-transect zones (the drivable suburban zones).
 - (2) **Non-Transect Zones.** The non-transect zones are described in Divisions 23-4D-3 (Residential Non-Transect Zones), 23-4D-4 (Commercial Non-Transect Zones), 23-4D-5 (Industrial Non-Transect Zones), and 23-4D-6 (Other Zones). The non-transect zones are primarily the zones that are more auto-dependent, such as single-family subdivisions, other suburban residential areas, auto-dependent commercial and retail areas, and industrial areas.
 - (3) **Overlay Zones.** The overlay zones are described in Division 23-4D-7 (Overlay Zones). The overlay zones contain standards that apply in addition to the standards found in the underlying base zone.

Table 23-4A-2020.A Zones	
Transect Zones	
T3NE.WL	T3 Neighborhood Edge- Wide Lot
T3NE	T3 Neighborhood Edge
T3N.DS	T3 Neighborhood-Deep Setback
T3N.IS	T3 Neighborhood-Intermediate Setback
T4N.IS	T4 Neighborhood-Intermediate Setback
T4N.SS	T4 Neighborhood-Shallow Setback
T4MS	T4 Main Street
T5.SS	T5 Neighborhood-Shallow Setback
T5U.SS	T5 Urban-Shallow Setback
T5U	T5 Urban
T5MS	T5 Main Street
T6U	T6 Urban
T6UC	T6 Urban Core
Non-Transect Zones	
RR	Rural Residential
VLDR	Very Low Density Residential
LDR	Low Density Residential
LMDR	Low Medium Density Residential
MDR	Medium Density Residential
MHDR	Medium to High Density Residential
HDR	High Density Residential
VHDR	Very High Density Residential
MHP	Manufactured Home Park
NC	Neighborhood Commercial
LC	Local Commercial
GC	General Commercial
RC	Regional Commercial
CC	Commercial Core
DC	Downtown Core
WC	Warehouse Commercial
SC	Service Commercial
HC	Highway Commercial
CR	Commercial Recreation
FI	Flex Industrial
GI	General Industrial
HI	Heavy Industrial
R&D	Research & Development
AG	Agricultural

Table 23-4A-2020.A Zones (continued)	
Non-Transect Zones (continued)	
AV	Aviation Services
DR	Development Reserve
ERC	East Riverside Corridor
NBG	North Burnet/Gateway
P	Public
PUD	Planned Unit Development
Overlay Zones	
BS	Barton Springs
CVC	Capital View Corridor
DCS	Downtown Civic Spaces
HCR	Hill Country Roadway
H and HD	Historic Land mark and Historic Area
LA	Lake Austin
NP	Neighborhood Plan
PDA	Planned Development Area
UNO	University Neighborhood
WO	Waterfront

This page intentionally left blank

Division 23-4A-3: Zoning Map

Contents

23-4A-3010	Intent	1
23-4A-3020	Applicability	1
23-4A-3030	Zone Boundary or Classification Changes	1
23-4A-3040	Maintenance of Zoning Map	1

23-4A-3010 Intent

The Zoning Map, which divides the City of Austin into zones, together with all explanatory notes provided on the Zoning Map, is adopted by reference and declared to be a part of this Chapter.

23-4A-3020 Applicability

The zones identified in Table 23-4A-2020.A (Zones) are mapped on the Zoning Map.

23-4A-3030 Zone Boundary or Classification Changes

If, in compliance with the provisions of this Title, changes are made to zone boundaries, zone classifications, or other matters set forth on the Zoning Map, such changes shall be entered on the Zoning Map within 30 days following the effective date of the ordinance adopting the change.

23-4A-3040 Maintenance of Zoning Map

The Zoning Map shall be kept on file in the office of the Planning Director and shall be maintained in electronic format as authorized by the Planning Director.

This page intentionally left blank

Division 23-4A-4: How to Use the Zoning Code

Contents

23-4A-4010	Intent	1
23-4A-4020	Organization.....	1

23-4A-4010 Intent

The following text is advisory only and is intended to give a brief overview of the overall Zoning Code.

23-4A-4020 Organization

(A) Chapter 23-4 (Zoning Code) is a separate chapter of Title 23 (Land Development Code) for the City of Austin. It must be used together in conjunction with other related chapters of the Land Development Code as will be described below. This Chapter is organized as follows:

(1) **Article 23-4A: Introduction**

(a) Establishes the purpose and intent of the Zoning Code and introduces how the zones applied in the City are organized and mapped.

(2) **Article 23-4B: Zoning Administration and Procedures**

(a) Provides the procedures for land use approvals (e.g. Conditional Use Permits or Minor Use Permits), land use determinations, zoning map amendments, and variances and special exceptions.

(3) **Article 23-4C: General to All Development**

(a) Provides the general requirements for community design and civic and open space standards.

(4) **Article 23-4D: Specific to Zones**

(a) Contains regulations for transect zones, non-transect zones, and overlay zones. The application of the transect zones are intended to reinforce a walkable, transit-supportive urban environment, while the non-transect zones are more drivable,

suburban environments. This Article also contains regulations that apply to specific uses permitted within the zones

- (5) **Article 23-4E: Supplemental to Zones**
 - (a) Establishes development standards for code topics such as private frontages; outdoor lighting; parking and loading; landscaping and screening; docks, bulkheads and shorelines; and some additional generally applicable standards.
- (B) Other chapters of Title 23 (Land Development Code) that are cross-referenced from Chapter 23-4 (Zoning Code) include:
 - (1) **Chapter 23-1: Introduction**
 - (a) Establishes the legal foundation for the Code and includes an overview of its purpose, authority, jurisdiction, rules of interpretation, and consistency with the Austin Comprehensive Plan.
 - (2) **Chapter 23-2: Administration and Procedures**
 - (a) Establishes the detailed procedures for the submittal of applications, provision of notice, public hearings, text amendments, quasi-judicial or administrative relief, and definitions of all terms, land uses, and measurements used in the Land Development Code.
 - (3) **Chapter 23-3: General Planning Standards for All**
 - (a) Provides the general requirements for parkland dedication, tree and natural area protection, water quality, and affordable housing incentives across all zones and for property in the City.
 - (4) **Chapter 23-5: Subdivision**
 - (a) Establishes the processes and requirements for the subdivision of land.
 - (5) **Chapter 23-6: Site Plan**
 - (a) Establishes the processes and requirements for the preparation and submittal of a site plan for new development.
 - (6) **Chapter 23-7: Building, Demolition, and Relocation Permits: Special Requirements for Historic Structures**
 - (a) Provides the requirements for Building and Demolition Permits, Relocation Permits, and special requirements for historic structures.
 - (7) **Chapter 23-8: Signage**
 - (a) Establishes the permitting requirements and standards for permanent and temporary signs.
 - (8) **Chapter 23-9: Transportation**
 - (a) Contains the procedures and standards for right-of-way and transportation improvements; traffic impact analyses; street design; standards for the construction of driveways, sidewalks and trails; transportation design management; access and connectivity; and road utility districts.
 - (9) **Chapter 23-10: Infrastructure**
 - (a) Contains the procedures and standards for utility service; water districts; water and wastewater capital recovery fees; and reclaimed water.

(10) **Chapter 23-11: Technical Codes**

- (a) Contains all the technical codes adopted by the City, including for example, the Building Code, Electrical Code, Mechanical Code, Plumbing Code, Fire Code, and Energy Code.

This page intentionally left blank

Article 23-4B: Zoning Administration and Procedures

Contents

Division 23-4B-1: Land Use Approvals

- 23-4B-1010 Purpose and Applicability
 - 23-4B-1020 Conditional Use Permit
 - 23-4B-1030 Minor Use Permit
 - 23-4B-1040 Effect of Land Use Permit
 - 23-4B-1050 Temporary Use Permit
-

Division 23-4B-2: Code Interpretations and Use Determinations

- 23-4B-2010 Code Interpretations
 - 23-4B-2020 Use Determinations
 - 23-4B-2030 Administrative Appeal
-

Division 23-4B-3: Zoning Map Designations and Amendments

- 23-4B-3010 Zoning Map Designation
 - 23-4B-3020 Proposed Zoning Boundaries
 - 23-4B-3030 Zoning Map Amendment Initiation
 - 23-4B-3040 Zoning Map Amendment Application
 - 23-4B-3050 Planning Director's Report
 - 23-4B-3060 Scheduling of Public Hearings
 - 23-4B-3070 Land Use Commission Hearing, Notice, and Recommendations
 - 23-4B-3080 Council Hearing, Notice, and Decision
 - 23-4B-3090 Requirement for Approval by Three-Fourths of Council
-

Division 23-4B-4: Criteria for Variances and Special Exceptions

- 23-4B-4010 Purpose and Applicability
- 23-4B-4020 Variances
- 23-4B-4030 Special Exception-Type 1
- 23-4B-4040 Special Exception-Type 2
- 23-4B-4050 Special Exception-Type 3

This page intentionally left blank

Division 23-4B-1: Land Use Approvals

Contents

23-4B-1010	Purpose and Applicability	1
23-4B-1020	Conditional Use Permit.....	1
23-4B-1030	Minor Use Permit.....	4
23-4B-1040	Effect of Land Use Permit.....	5
23-4B-1050	Temporary Use Permit	6

23-4B-1010 Purpose and Applicability

- (A) This Division establishes procedures for land use permits authorized under this Title. Approval of a land use permit allows greater consideration of the overall context for development than other kinds of administrative applications and may include site-specific conditions to ensure compatibility with surrounding uses.
- (B) Uses that may be permitted under this Division are generally in keeping with the nature and scale of development allowed in a zone and do not require a rezone or other legislative approval.

23-4B-1020 Conditional Use Permit

(A) Purpose and Applicability

- (1) A Conditional Use Permit approved by the Land Use Commission is required under this Section to initiate a use classified as conditional under Chapter 23-4D (Specific to Zones).
- (2) The purpose of requiring a Conditional Use Permit is to ensure that approval of uses which may significantly impact surrounding areas takes into account the context of a proposed development in relation to the public realm and allows for site-specific conditions to mitigate impacts on surrounding areas.

(B) Application Requirements

(1) Planning Element

- (a) In addition to information required under Division 23-2B-1 (Application Requirements), an application for a Conditional Use Permit must include a Planning Element submitted on a form approved by the Development Services Director.
- (b) The Planning Element must include any information required by the Development Services Director to evaluate whether a proposed use meets the standards for approval under Subsection (E), but need not include construction-level detail required for an administrative Site Plan or Building Permit application.

- (2) **Concurrent Applications.** The following additional applications may be submitted with a Conditional Use Permit application under Section 23-2A-2020 (Concurrent Applications):
 - (a) Construction Element. An applicant may submit an application for a construction-level approval, such as an administrative Site Plan or Building Permit, to be reviewed concurrent with the Planning Element Site Plan; and
 - (b) Application for Special Exception. An applicant may submit an application for a Special Exception to the Board of Adjustment requesting a reduction in one or more site development regulations applicable to the conditional use, as authorized under Section 23-4B-4030 (Special Exception Type 1).
- (C) **Administrative Review Process**
 - (1) **Notice of Application.** The Development Services Director shall provide notice of an application for a Conditional Use Permit under Section 23-2C-5010 (Notice of Application) and allow 14 days from the date that notice is provided for interested parties to submit comments on the application.
 - (2) **Development Services Director's Report.** After the 14-day comment period has closed, the Director shall provide the applicant with a report including:
 - (a) The Director's preliminary recommendation as to whether the Planning Element Site Plan is sufficient to satisfy the approval criteria in Subsection (E); and
 - (b) If applicable, a description of updates required under Section 23-2B-1040 (Update and Expiration) for any concurrent applications filed under Subsection (B)(2).
 - (3) **Applicant's Response.** Following receipt of the Development Services Director's report, and before the application expires under Section 23-2B-1040 (Update and Expiration), an applicant may:
 - (a) Request that the application be scheduled for public hearing before the Land Use Commission;
 - (b) Provide revisions to the Planning Element Site Plan or other information required to address issues identified in the Director's report; or
 - (c) Withdraw the application.
- (D) **Public Hearing and Notification.** The Development Services Director shall schedule a public hearing before the Land Use Commission on a Conditional Use Permit application at the request of an applicant under Subsection (C)(3) and shall provide notice of the public hearing under Section 23-2C-4020 (Type 1 Public Hearing Notice).
- (E) **Action by Land Use Commission on Application.** After conducting a public hearing on the application, and considering the Development Services Director's recommendation, the Land Use Commission shall approve, conditionally approve, or deny a Conditional Use Permit in accordance with this Subsection.
 - (1) **Findings for Approval.** In order to approve or conditionally approve an application for a Conditional Use Permit, the Land Use Commission must find that the proposed use is:
 - (a) Consistent with the applicable goals and policies of the Comprehensive Plan and the purpose of the zone in which the site is located;
 - (b) Not detrimental to public health, safety, and welfare; and
 - (c) Reasonably compatible with existing or approved uses in the surrounding area.

- (2) **Review Criteria.** In determining whether an application meets the findings required for approval under Subsection (E)(1), the Land Use Commission shall consider the extent to which the proposed use:
- (a) Is generally compatible in scale, intensity, and character with adjacent developments and neighborhoods;
 - (b) Includes improvements, either onsite or within the public right-of-way, to mitigate adverse impacts related to traffic, noise, odors, visual nuisances, drainage, and similar adverse effects to adjacent developments and neighborhoods;
 - (c) Can safely accommodate anticipated vehicular and pedestrian traffic consistent with existing and anticipated traffic in surrounding area;
 - (d) Incorporates roadway adjustments, traffic control devices, and access restrictions to control traffic flow or divert traffic, as may be needed to mitigate traffic on adjacent streets;
 - (e) Incorporates screening, buffers, and other features to minimize adverse visual or noise impacts of the proposed use on adjacent properties;
 - (f) Adequately mitigates likely impacts of the proposed use on water quality, drainage, and detention; and
 - (g) Meets the site development standards of the zone in which the proposed use is located or, if a Special Exception from one or more standards is requested under Section 23-4B-4030 (Special Exception Type 1), the exception will enhance the quality of the use and increase its compatibility with adjoining developments and neighborhoods.

(F) **Conditions of Approval**

- (1) **General Conditions.** In approving a Conditional Use Permit, the Land Use Commission may impose conditions that are reasonably related to the findings required under Subsection (E). These conditions may include:
- (a) Limitations on building size, including floor area ratio (FAR), height, or gross floor area;
 - (b) Limitations on impervious cover;
 - (c) Placement or orientation of buildings and entryways;
 - (d) Enhances setbacks, open space, or buffer requirements;
 - (e) A fence, wall, or screen;
 - (f) Landscaping or erosion controls;
 - (g) Street improvements or dedications;
 - (h) Vehicular access and enhanced parking or loading requirements;
 - (i) Hours of operation; and
 - (j) Other measures that the Land Use Commission determines are required for compatibility with surrounding uses and for the preservation of public health, safety, and welfare.

- (2) **Late Hours Permit**
 - (a) If the Land Use Commission approves a Conditional Use Permit for a bar, nightclub, or restaurant with a late-hours permit, the parking area associated with the use must be a minimum of 200 feet from a Low to Medium Intensity Residential Zone unless the use is located within an enclosed shopping center.
 - (b) The Land Use Commission may waive the 200-foot restriction if it finds that the impacts of a parking area sufficiently mitigated based on the criteria in Subsection (E).
- (G) **Appeal of Decision on Conditional Permit.** The Land Use Commission's decision on a Conditional Use Permit application may be appealed to the Council under Article 23-2I (Appeals).

23-4B-1030 Minor Use Permit

- (A) **Purpose and Applicability**
 - (1) A minor use permit may be approved under this Section for a use classified as a minor use in Article 23-4D (Specific to Zones).
 - (2) The procedures established in this Section authorize the Development Services Director to consider compatibility with surrounding uses and impose appropriate conditions administratively.
- (B) **Application Requirements.** In addition to information required under Division 23-2B-1 (Application Requirements), an application for a Minor Use Permit must:
 - (1) Include a Planning Element Site Plan containing information required by the Development Services Director to determine whether the application meets the criteria established in Subsection (C); and
 - (2) Be filed concurrently with an application for an administrative Site Plan or Building Permit required to construct the use.
- (C) **Administrative Review Process**
 - (1) **Notice of Application.** The Development Services Director shall provide notice of an application for a Minor Use Permit under Section 23-2C-5010 (Notice of Application) and at least 14 days from the date that notice is provided for interested parties to submit comments on the application.
 - (2) **Development Services Director's Action on Application.** After the 14-day comment period on the application has closed, the Director shall:
 - (a) Approve the application;
 - (b) Approve the application with conditions; or
 - (c) Disapprove the application, in which case the applicant may submit an update under Section 23-2B-1040 (Update and Expiration).
- (D) **Standard for Approval.** The Development Services Director shall approve or conditionally approve a Minor Use Permit under this Section if the Director finds that the application satisfies the findings and criteria for approval of a Conditional Use Permit under Section 23-4B-1020(E) (Conditional Use Permit).

- (E) **Conditions of Approval.** The Development Services Director shall impose conditions on the approval of a minor use permit under the same requirements that apply to the Land Use Commission's approval of a Conditional Use Permit under Section 23-4B-1020(F) (Conditional Use Permit).
- (F) **Appeal.** An interested party may appeal the Development Services Director's decision on a Minor Use Permit under Article 23-2I (Appeals).

* **DRAFTER'S NOTE REGARDING MUP APPEALS:** Planning staff, in consultation with the Law Department, are considering what the appropriate body is to hear appeals of administrative MUP decisions. The objective is to have that body be the final decision-maker, so that MUPs (unlike CUPs) will not be appealable to Council. This may weigh in favor assigning MUP appeals to the new 7-member Appeals Panel of the BOA, which is proposed to be created under Section 23-1B-2020 (Board of Adjustment). Staff will follow-up with a recommendation on this issue in the near future.

23-4B-1040 Effect of Land Use Permit

- (A) **Purpose and Applicability.** This Section establishes the legal effect of Conditional Use Permits and Minor Use Permits approved under this Article and specifies rules applicable to construction, expiration, and enforcement. For purposes of this Section, the term "land use permit" refers to both Conditional Use Permits and Minor Use Permits.
- (B) **Permit Limited to Approved Use.** Approval of a land use permit:
 - (1) Authorizes development of the property consistent with the approved permit and any conditions imposed on the permit; and
 - (2) Applies only to the specific use and development site for which the permit was issued.
- (C) **Additional Approvals Required.** Initiation or development of a use approved by a land use permit may not occur until an applicant has obtained all other administrative approvals required to commence or construct the use.
- (D) **Restrictions on Enlargement of Use.** A use permitted by a land use permit shall not be enlarged, extended, or increased in intensity unless an application for a new Conditional Use Permit or Minor Use Permit is approved under this Article.
- (E) **Expiration of Land Use Permit.** A land use permit expires under Chapter 23-6 (Site Plan) unless the applicant obtains all approvals required to construct or commence the use within one year from the date of approval.
- (F) **Suspension or Revocation of Permit.** If construction occurs in violation of a land use permit, or a condition imposed under a land use permit, the Development Services Director or Building Official may suspend or revoke the permit under Article 23-2J (Enforcement).
- (G) **Prohibition on New Applications.** If a land use permit is denied or revoked, the Development Services Director may not accept a new application for the same or substantially the same use for one year from the date of the denial or revocation.

23-4B-1050 Temporary Use Permit

- (A) **Purpose and Applicability.** This Section authorizes the Development Services Director to issue a Temporary Use Permit for short-term land uses that are not otherwise allowed within the applicable zone, provided that the use does not interfere with surrounding uses or pose a threat to public health, safety, and welfare.
- (B) **Application Requirements.** An application for a Temporary Use Permit:
 - (1) May not be submitted later than 16 days before the date that the temporary use is proposed to begin; and
 - (2) Must include all information required under Division 23- 2B-1 (Application Requirements), in addition other information required by the Development Services Director based on the nature of the proposed temporary use.
- (C) **Temporary Uses Allowed.** The Development Services Director shall approve a Temporary Use Permit for the uses specified in Table 23-4B-1050.A, subject to the criteria, conditions, and time limitations established in Subsections (D)-(F).

Table 23-4B-1050.A Temporary Uses Allowed

Temporary Uses

Recreation Uses and Events

A circus, carnival, rodeo, fair, or similar activity.

An outdoor art or craft show or exhibit.

An outdoor public, religious, patriotic, or historic assembly or exhibit, including a festival, benefit, fund raising event, or similar use that typically attracts a large audience.

Real Estate Sales and Services

Model homes or apartments and related real estate services, if the use is located within the residential development to which the use pertains.

An on-site construction field office, if the use is located in a portable structure and conducted for not more than 6 months.

A sales office for a new subdivision may be permitted as a temporary use in compliance with this Division if the sales office is located within the subdivision and at least 200 feet from existing dwellings outside the subdivision.

A single dwelling located in a mobile structure on a construction site.

Retail and Seasonal Sales

Christmas tree sales.

Seasonal retail sale of agricultural or horticultural products, if the use is located at least 200 feet from a dwelling.

An outdoor special sale, including a swap meet, flea market, parking lot sale, or similar activity.

Retail use that does not provide personal services, food preparation or the sale or consumption of alcoholic beverages; a portable toilet serving the retail use, whether located inside or outside of the use; or the storage of hazardous materials as defined by Division 23-11B-7 (Fire Code).

An advertising or promotional event involving the use of a hot air balloon is allowed in all commercial, industrial, and special purpose base zones.

(D) Permit Duration, Renewal, and Revocation

- (1) **Permit Duration.** The Development Services Director shall grant a Temporary Use Permit under this Section for no more than six months.
- (2) **Extension.** At the request of an applicant, the Director may renew or extend a Temporary Use Permit by no more than an additional six months.
- (3) **Revocation.** The Director may revoke a Temporary Use Permit at any time, if the use no longer satisfies the criteria required under Subsection (D) or poses a threat to public health, safety, and welfare. The revocation is subject the procedures established in Article 23-2J (Enforcement), except that suspension is not required prior to revocation.

(E) **Restoration and Cleanup.** A person engaging in a temporary use allowed under this Section must remove all debris, litter, and other evidence of the use from the site upon termination of the use.

(F) **Approval Criteria.** The Development Services Director may approve a Temporary Use Permit for a use listed in Table 23-4B-1050(A) if the Director determines that the use is compatible with nearby uses and will not:

- (1) Impair the normal, safe, and effective operation of a permanent use on the same site;
- (2) Adversely affect public health, safety, or convenience;
- (3) Create a traffic hazard or congestion; or
- (4) Interfere with the normal conduct of uses and activities in the vicinity.

(G) **Conditions of Approval.** The Development Services Director may condition approval of a Temporary Use Permit as needed to make the determinations required under Subsection (D) and to minimize adverse effects on nearby uses, including standards for hours of operation, frequency of use, parking, traffic circulation, screening, enclosure, site restoration, and clean-up.

(H) Permit Duration, Renewal, and Revocation

- (1) **Permit Duration.** The Development Services Director shall grant a Temporary Use Permit under this Section for no more than six months.
- (2) **Extension.** At the request of an applicant, the Director may renew or extend a Temporary Use Permit by no more than an additional six months.
- (3) **Revocation.** The Director may revoke a Temporary Use Permit at any time, if the use no longer satisfies the criteria required under Subsection (D) or poses a threat to public health, safety, and welfare. The revocation is subject the procedures established in Article 23-2J (Enforcement), except that suspension is not required prior to revocation.

(I) **Restoration and Cleanup.** A person engaging in a temporary use allowed under this Section must remove all debris, litter, and other evidence of the use from the site upon termination of the use.

This page intentionally left blank

Division 23-4B-2: Code Interpretations and Use Determinations

Contents

23-4B-2010	Code Interpretations.....	1
23-4B-2020	Use Determinations	2
23-4B-2030	Administrative Appeal	2

23-4B-2010 Code Interpretations

- (A) **Purpose and Applicability.** This Section authorizes the Planning Director to issue administrative decisions regarding the proper interpretation, meaning, or intent of a site development regulation under Chapter 23-4 (Zoning Code) or a separately adopted zoning ordinance. Statements of policy or procedural requirements are not subject to this Section.
- (B) **Project-Level Interpretation.** A code interpretation requested in connection with a development application is a “project interpretation” and is subject to the requirements of this Subsection.
- (1) **Request for Interpretation.** During the application period for a Site Plan or Building Permit, an applicant may request that the Planning Director issue a project interpretation regarding whether the application complies with zoning site developments regulations applicable under this Title or a separately adopted zoning ordinance. An application for a project interpretation tolls the review period required under Section 23-2B-1050 (Tolling of Expiration Period).
 - (2) **Notice and Decision.** The Director shall:
 - (a) Provide notice of an application for a project interpretation under Section 23-2C-5010 (Notice of Application); and
 - (b) No sooner than 10 days after providing notice of the application, issue an interpretation under Subsection (D) and provide notice of the interpretation under Section 23-2C-5020 (Notice of Administrative Decision).
 - (3) **Effect of Interpretation.** A project interpretation is binding on subsequent stages of review for the project unless overturned by the Board of Adjustment on appeal under Section 23-4B-2030 (Administrative Appeal). An interpretation that is not appealed, or is upheld on appeal, may not be subsequently challenged through appeal of a Site Plan or Building Permit approval.
- (C) **Non-Project Interpretation.** A code interpretation that is not associated with a development application is a “non-project interpretation” and is subject to the requirements of this Subsection.
- (1) **Request for Interpretation.** A non-project interpretation may be requested by any person, at any time, or initiated by the Planning Director.
 - (2) **Notice and Decision.** The Director shall provide notice of a non-project interpretation and application in the same manner required for project interpretations under Subsection (B)(2).

- (D) **Content of Interpretation.** In making a code interpretation under this Section, the Planning Director shall provide a written explanation as to the general meaning of the referenced code Sections and:
 - (1) For a project interpretation, explain how the code Sections apply to the project for which the interpretation was requested; and
 - (2) For a non-project interpretation, provide common examples as to how the code Sections apply to particular categories of development.
- (E) **Posting of Interpretations.** The Planning Director shall post code interpretations that are likely to be of general interest on the City's website.

23-4B-2020 Use Determinations

- (A) **Purposes and Applicability.** This Section establishes procedures for obtaining a determination by the Planning Director regarding:
 - (1) The appropriate classification of an existing or proposed land use or activity under Article 23-4D (Specific to Zones); or
 - (2) Whether an existing use or structure is non-conforming under Article 23-2G (Nonconformity).
- (B) **Application, Notification, and Decision Procedures**
 - (1) A use determination may be requested in the same manner as a code interpretation under Section 23-4B-2010 (Code Interpretations) and is subject to the same notice requirements under Section 22-2C-5010 (Notice of Application) and Section 22-2C-5020 (Notice of Administrative Decision).
 - (2) In making a use determination, the Planning Director shall explain how an existing or proposed use is appropriately classified under Article 23-4D (Specific to Zones) or, if applicable, whether an existing use or structure is legally nonconforming under Article 23-2G (Nonconformity).

23-4B-2030 Administrative Appeal

- (A) A project code interpretation or use determination issued under this Division for a particular development application may be appealed to the Board of Adjustment under Article 23-2I (Appeals). If the code interpretation or use determination is not appealed, or is upheld by the Board on appeal, a subsequent decision by the Planning Director to approve or disapprove a development application associated with the interpretation or determination may not be appealed under this Section.
- (B) Except as provided in Subsection (A), a person who alleges that the Director's decision to approve or disapprove a development application is inconsistent with a zoning regulation adopted under this Title may appeal the Director's decision to the Board of Adjustment subject to the requirements of Article 23-2I (Appeals).

Division 23-4B-3: Zoning Map Designations and Amendments

Contents

23-4B-3010	Zoning Map Designation	1
23-4B-3020	Proposed Zoning Boundaries	2
23-4B-3030	Zoning Map Amendment Initiation	2
23-4B-3040	Zoning Map Amendment Application	3
23-4B-3050	Planning Director’s Report.....	4
23-4B-3060	Scheduling of Public Hearings.....	4
23-4B-3070	Land Use Commission Hearing, Notice, and Recommendations	4
23-4B-3080	Council Hearing, Notice, and Decision.....	5
23-4B-3090	Requirement for Approval by Three-Fourths of Council	6

23-4B-3010 Zoning Map Designation

(A) Land Within Zoning Jurisdiction

- (1) All land within the zoning jurisdiction shall be designated as a named zone in compliance with the procedures of State law and this Division.
- (2) Different portions of a site may be designated as different zones, but only one zone designation may apply to any portion of a site.

(B) Annexed Property

- (1) Annexed property will be zoned in compliance with the procedures required by State law and this Division.
- (2) From the date of annexation until a property is zoned, annexed property will be designated as an interim Rural Residential (RR) Zone, except as described below:
 - (a) Property that is subject to a Planned Development Area Agreement will be designated as an Interim Light Industrial (LI) Zone and will be regulated by the Planned Development Area agreement.
 - (b) Property that is included in an approved preliminary plan or final plat for a Planned Unit Development subdivision will be designated as an interim Planned Unit Development (PUD) Zone regulated by the approved plan.
 - (c) Property included in a final plat or an unexpired preliminary plan for a small lot subdivision that was approved in compliance with Article 23-5B (Subdivision Procedures) or Chapter 30-2 (Subdivision Requirements) will be designated as an interim Low-Medium Density Residential - Small Lot (LMDR-SL) Zone.
 - (d) A lot is designated as an interim Low Density Residential (LDR) Zone if the lot:
 - (i) Is smaller than one acre;

- (ii) Is included in a final plat or unexpired preliminary plan approved in compliance with Article 23-5B (Subdivision Procedures) or Chapter 30-2 (Subdivision Requirements); and
 - (iii) Does not meet the criteria in Subsection (B)(1)-(B)(2)(d).
- (e) The Planning Director will not collect a base zoning application fee between the date of approval of an annexation ordinance and a date one year following the effective date of annexation for property formerly in the extraterritorial jurisdiction and within the annexed area that has an existing use or planned use as defined by Texas Local Government Code Section 43.002(a) that is not allowed by the interim zoning designated for the property in compliance with this Section, and is smaller than 25 acres in size.

23-4B-3020 Proposed Zoning Boundaries

The boundaries of zones in a Zoning Map Amendment must be contiguous, unless the amendment is initiated by the Land Use Commission or Council.

23-4B-3030 Zoning Map Amendment Initiation

- (A) A Zoning Map Amendment may be initiated by the applicant or the applicant's authorized agent, the Land Use Commission, or the Council.
- (B) **Historic Landmark Overlay Zone.** A Zoning Map Amendment regarding a Historic Landmark Overlay Zone may be initiated by the Historic Landmark Commission or the applicant or the applicant's authorized agent.
- (C) **Historic Area Overlay Zone**
 - (1) A Zoning Map Amendment regarding an Historic Area Overlay Zone may be initiated by:
 - (a) The Historic Landmark Commission; or
 - (b) A petition of the owners of at least 51 percent of the land, measured by land area, in the proposed zone or at least 51 percent of the owners of individual properties in the proposed zone.
 - (2) Property owned by the City or other governmental entities shall be fully excluded from the area subject to petition of the owners, except such property may be included in support if it contains structures or features that contribute to the historic character of the zone, as determined by the Historic Landmark Commission. The amount of such property to be calculated as supporting shall not exceed one-third of the 51 percent of the land in the proposed zone.

23-4B-3040 Zoning Map Amendment Application

- (A) **Application Requirements.** An application for a Zoning Map Amendment must be filed in compliance with Division 23-2B-1 (Application Requirements) and must include any additional information required by the Development Services Director to make a recommendation in compliance with this Section. It is the responsibility of the applicant to provide evidence in support of the findings required by Subsection (F).
- (B) **Notice of Application.** The Planning Director shall give notice of a Zoning Map Amendment application in compliance with Section 23-2C-5010 (Notice of Application) and Section 23-2C-3040 (Notification Signs), if the application is initiated by the applicant or the applicant's authorized agent.
- (C) **Expiration of Application.** A Zoning Map Amendment application expires if any of the following occur:
- (1) The Planning Director does not schedule the application for a public hearing with the Land Use Commission within six months after the date of filing or with the Land Use Commission or Council within six months after the date on which the Land Use Commission or Council grants an indefinite postponement of a scheduled public hearing.
 - (2) The Council does not adopt an ordinance within one year after the Council's public hearing on the application is closed.
- (D) **Extension of Expiration Date.** An applicant may request that the Planning Director or Council extend an application that will expire in compliance with Subsection (B)(2). The request for extension must be in writing, not exceed six months, must state good cause for the extension, and may be for not more than six months.
- (E) **New Application Restrictions**
- (1) An applicant may not file a Zoning Map Amendment request for the same property for 18 months from the date a Zoning Map Amendment application is withdrawn or the Council denies a Zoning Map Amendment application, if the application that is withdrawn or denied:
 - (a) Does not receive a recommendation from the Land Use Commission and is withdrawn by the applicant before the Council votes on the application;
 - (b) Does not receive a recommendation from the Land Use Commission and is denied by the Council;
 - (c) Is amended by the applicant before the Land Use Commission makes a recommendation on the application and is withdrawn by the applicant before the Council votes on the application; or
 - (d) Is amended by the applicant before the Land Use Commission makes a recommendation on the application and is denied by Council.
 - (2) An applicant may not file a Zoning Map Amendment for the same property for one year from the date an application is withdrawn or the Council denies a zoning or rezoning application for a property, if the application that is withdrawn or denied:
 - (a) Does not receive a recommendation from the Land Use Commission and is withdrawn by the applicant before the Planning Director forwards the application to Council;

- (b) Is recommended by the Land Use Commission and is withdrawn by the applicant before Council votes on the application; or
- (c) Is recommended by the Land Use Commission and is denied by the Council.

(F) Findings for Reviewing Proposed Zoning Map Amendments

- (1) An amendment to the Zoning Map may be approved only if all of the following findings are made:
 - (a) The proposed amendment consistent with applicable goals and policies of the Comprehensive Plan;
 - (b) The proposed amendment will not be detrimental to the public interest, health, safety, convenience, or welfare of the City and will add to the public good as described in the Comprehensive Plan; and
 - (c) The affected site is physically suitable in terms of design, location, shape, size, operating characteristics and the provision of public and emergency vehicle (e.g., fire and medical) access, public services, and utilities (e.g., fire protection, police protection, potable water, schools, solid waste collection and disposal, storm drainage, wastewater collection, treatment, and disposal), to ensure that the requested zone designation and the proposed or anticipated uses and/or development will not endanger, jeopardize, or otherwise constitute a hazard to the property or improvements in the vicinity in which the property is located.

23-4B-3050 Planning Director's Report

- (A) The Planning Director shall prepare a report on each Zoning Map Amendment application for the Land Use Commission and for the Council.
- (B) The Planning Director's report shall include a recommendation from the City Attorney and a recommendation on the Zoning Map Amendment application.
- (C) The Planning Director's report shall be filed with the Land Use Commission not later than 28 days after the applicable deadline for submittal of a Zoning Map Amendment application.

23-4B-3060 Scheduling of Public Hearings

The Planning Director may not schedule a Zoning Map Amendment for public hearings before both the Land Use Commission and Council in the same week, unless the Planning Director receives written support of the application from the staff, neighborhood organizations, and the Zoning Subcommittee of the Land Use Commission.

23-4B-3070 Land Use Commission Hearing, Notice, and Recommendations

- (A) **Hearing and Notice**
 - (1) The Land Use Commission shall hold a public hearing on a Zoning Map Amendment application not later than 63 days after the date the application is filed.

- (2) **Projects that Qualify for Type 1 Public Hearing Notice.** The Planning Director shall provide notice of the hearing in compliance with Section 23-2C-4020 (Type 1 Public Hearing Notice) and post signs on the subject property in compliance with Section 23-2C-3040 (Notification Signs).
 - (3) **Projects that Qualify for Type 2 Public Hearing Notice.** The Planning Director shall provide notice of the hearing in compliance with Section 23-2C-4040 (Type 2 Public Hearing Notice). This Title does not require posting signs for Type 2 Public Hearing Notice in compliance with Section 23-2C-4040 (Type 2 Public Hearing Notice).
- (B) **Applications in the Waterfront Overlay (WO) Zone.** If the application includes property located within the Waterfront Overlay (WO) Zone:
- (1) The Planning Director shall request a recommendation from the Small Area Planning Joint Committee of the Planning Commission and the Zoning and Platting Commission to be considered by the Land Use Commission at the public hearing.
 - (2) If these Commissions fail to make a recommendation the Land Use Commission or review authority may act on the application without this recommendation.
- (C) **Land Use Commission's Recommendation**
- (1) The Land Use Commission must make a recommendation to the Council on a Zoning Map Amendment application not later than 14 days after the Land Use Commission closes the public hearing on the application. If the Land Use Commission does not adopt a recommendation on an application, the Planning Director shall forward the application to Council without the Land Use Commission's recommendation.
 - (2) The Land Use Commission may recommend that the Council:
 - (a) Approve the application as proposed subject to conditions;
 - (b) Approve in a modified form; or
 - (c) Deny the application.
 - (3) The Planning Director shall report the Land Use Commission's recommendation on the Zoning Map Amendment application to the Council.

23-4B-3080 Council Hearing, Notice, and Decision

- (A) **Hearing and Notice**
- (1) The Council must hold a public hearing on a Zoning Map Amendment not later than 49 days after the date of the Land Use Commission's recommendation.
 - (2) **Projects that Qualify for Type 1 Public Hearing Notice.** The Planning Director shall provide notice of the hearing in compliance with Section 23-2C-4020 (Type 1 Public Hearing Notice) and post signs on the subject property in compliance with Section 23-2C-3040 (Notification Signs).
 - (3) **Projects that Qualify for Type 2 Public Hearing Notice.** The Planning Director shall provide notice of the hearing in compliance with Section 23-2C-4040 (Type 2 Public Hearing Notice). This Title does not require posting signs for Type 2 Public Hearing Notice in compliance with Section 23-2C-4040 (Type 2 Public Hearing Notice).

(B) Postponement of Hearing

- (1) A postponement of the public hearing on a Zoning Map Amendment application is automatically granted on the first request made by each of the following: staff, the applicant, or one interested party in opposition to the application.
- (2) A postponement request specifying the reasons for the postponement must be written and submitted in writing to the Planning Director not later than the seventh day before the scheduled public hearing. The request must specify the reasons for the postponement. The Planning Director shall provide a recommendation on the validity of the postponement request.
- (3) The City Clerk shall enter an automatic postponement in the minutes with a notation of the identity of the party requesting the postponement.
- (4) An interested party is limited to one postponement for a period of not more than 56 days from the date of the scheduled public hearing, unless otherwise approved by Council.
- (5) The Council shall set the time and date of the new hearing at the time a postponement is granted.

(C) Council's Decision

- (1) The Council may approve the Zoning Map Amendment if it is determined of property if the Council determines that Zoning Map Amendment is consistent with the Comprehensive Plan and the purposes of this Title.
- (2) After a public hearing on a Zoning Map Amendment application, the Council may:
 - (a) Approve the Zoning Map Amendment application as requested subject to conditions;
 - (b) Approve in a modified form; or
 - (c) Deny the proposed Zoning Map Amendment.
- (D) Unless authorized by a resolution of the Council, the Planning Director may not schedule a Zoning Map Amendment ordinance for third reading by the Council until the City Attorney has determined that the requirements of the City Code have been met and that all required documents protect the interests of the City and have been executed. The City Attorney shall make a determination regarding the documents not later than 14 days after the documents are submitted.

23-4B-3090 Requirement for Approval by Three-Fourths of Council

- (A) An affirmative vote of three-fourths of the members of Council is required to approve:
 - (1) Rezoning property to a Planned Unit Development if the Land Use Commission recommends denial of the application;
 - (2) The assignment of a Planned Unit Development zoning designation to previously unzoned property if the Land Use Commission recommends denial of the application by a vote of at least three-fourths of the members of the Land Use Commission; or
 - (3) A proposed rezoning that is protested in writing by the owners of not less than 20 percent of the area of land included in the proposed change or immediately adjoining the area included in the proposed rezoning and extending 200 feet from the area.

- (B) The area of thoroughfares and alleys must be included in the computation of land area defined in Subsection (A)(3).
- (C) The Planning Director shall include the land subject to a condominium regime in a protest in compliance with Subsection (A)(3) if:
 - (1) The protest is signed by the authorized officer of the condominium on behalf of the governing body of the condominium and the protest states that the governing body has authorized the protest petition in compliance with procedures required by its bylaws; or
 - (2) The protest is signed by the owner of an individual condominium unit and the documents governing the condominium establish the right of an individual owner to act with respect to the owner's undivided interest in the common elements of the condominium.
- (D) The Planning Director shall include land owned by more than one person in a protest in compliance with Subsection (A)(3) if a written protest is filed by one of the owners, except as otherwise provided in Subsection (C).

This page intentionally left blank

Division 23-4B-4: Criteria for Variances and Special Exceptions

Contents

23-4B-4010	Purpose and Applicability	1
23-4B-4020	Variances.....	1
23-4B-4030	Special Exception-Type 1	2
23-4B-4040	Special Exception-Type 2	2
23-4B-4050	Special Exception-Type 3	3

23-4B-4010 Purpose and Applicability

- (A) This Division establishes review criteria for zoning Variances and Special Exceptions considered by the Board of Adjustment, consistent with the requirements of this Title and Chapter 211 of the Texas Local Government Code.
 - (B) An application for a Variance or Special Exception authorized under this Division is subject to the application, notification, and other requirements established under Division 23-2F-1 (Variances and Special Exceptions).
-

23-4B-4020 Variances

(A) Purposes and Applicability

- (1) This Section establishes findings that the Board of Adjustment is required to make in order to grant a Variance from zoning regulations adopted under this Chapter.
- (2) Consistent with the requirements of state law, the general purpose of a Variance is to provide relief necessary to address hardships unique to a property which deprive the owner of reasonable use. A Variance may not grant special privileges that are inconsistent with limitations on other properties in the area or in the zone in which the property is located.

(B) General Findings

- (1) The Board of Adjustment may grant a Variance from a site development regulation adopted under this Chapter if the Board determines that:
 - (a) The requirement does not allow for a reasonable use of property;
 - (b) The hardship for which the Variance is requested is unique to the property and is not generally characteristic of the area in which the property is located; and
 - (c) Development under the Variance does not:
 - (i) Alter the character of the area adjacent to the property;
 - (ii) Impair the use of adjacent property that is developed in compliance with the City requirements; or
 - (iii) Impair the purposes of the regulations of the zone in which the property is located.

- (C) **Findings for Parking & Loading Variances.** The Board of Adjustment may grant a Variance from an off-street parking or loading facility requirement if, in addition to the findings required by Subsection (B), the Board finds that:
 - (1) Current or anticipated traffic volume generated by the use of the property or a nearby property does not reasonably require strict compliance with and enforcement of the requirement from which a Variance is requested;
 - (2) Development under the Variance does not result in parking or loading on public streets that interferes with the free flow of traffic on the streets; and
 - (3) Development under the Variance does not create a safety hazard or any other condition that is inconsistent with the objectives of the Code.
- (D) **Bicycle Parking.** A Variance may not be granted under this Section for a bicycle parking requirement. An applicant may seek an administrative waiver of a bicycle requirement pursuant to Section 23-4E-3080 (Bicycle Parking).

23-4B-4030 Special Exception-Type 1

- (A) **Purposes and Applicability.** This Section authorizes the Board of Adjustment to approve a Special Exception from a zoning regulation applicable to a development application approved by the Land Use Commission under Section 23-4B-1020 (Conditional Use Permit). The purpose of this Section is to facilitate context-sensitive development by providing flexibility in permitting a Conditional Use Permit.
- (B) **Requirements for Approval.** The Appeals Panel may, on behalf of the Board, grant a Special Exception under this Section if:
 - (1) The Land Use Commission approved a Conditional Use Permit for the proposed use under Section 23-4B-1020 (Conditional Use Permit); and
 - (2) The Board:
 - (a) Concurs with the Commission's findings under Section 23-4B-1020 (Conditional Use Permit); and
 - (b) Finds that granting the exception will enhance the quality of the proposed use and increase its compatibility with adjoining developments and neighborhoods.

23-4B-4040 Special Exception-Type 2

- (A) **Purposes and Applicability.** This Section authorizes the Board of Adjustment to approve a Special Exception to provide relief for residential properties with longstanding code violations that are minimal in degree and have little to no impact on surrounding areas.
- (B) **Restrictions and Limitations.** A Special Exception approved under this Section:
 - (1) May only be used to reduce a yard setback required by this Chapter;
 - (2) May not authorize an increase in the degree of noncompliance or excuse compliance with minimum health and safety requirements; and
 - (3) May not authorize a remodel or addition to the existing structure, except to the extent required by the Building Official to meet minimum life and safety requirements.

- (C) **Required Findings.** The Board of Adjustment may approve a Special Exception under this Section if the Board finds that:
- (1) The residential use for which the Special Exception is sought is allowed in a Low to Medium Intensity Residential Zone;
 - (2) The violation does not pose a hazard to life, health, or public safety, as determined by the Building Official based on an inspection;
 - (3) The violation has existed for:
 - (a) At least 25 years; or
 - (b) At least 10 years, if the application for a Special Exception is submitted on or before June 6, 2017;
 - (4) The use is a permitted use or a nonconforming use;
 - (5) The structure does not share a lot with more than one other primary residence; and
 - (6) Granting a Special Exception would not:
 - (a) Alter the character of the area;
 - (b) Impair the use of adjacent property that is developed in compliance with city code; or
 - (c) Grant a special privilege that is inconsistent with other properties in the area or in the district in which the property is located.

23-4B-4050 Special Exception-Type 3

- (A) **Purposes and Applicability.** This Section authorizes the Board of Adjustment to approve a Special Exception to permit an existing use that was permitted by the City in error, without deceit or bad faith on the part of the applicant or owner who obtained the permit.
- (B) **Required Findings.** The Board may approve a Special Exception under this Section if the Board finds that:
- (1) The structure for which the exception is requested was permitted by the City in error and violates one or more regulations of this Chapter;
 - (2) Construction under the approved permit was completed or begun before the permittee or landowner were made aware of the violation;
 - (3) No fraud, deceit, or misrepresentation was practiced to obtain approval of the permit;
 - (4) At the time the permit was issued, no appeal or other proceeding regarding the property was pending before any body or tribunal;
 - (5) The applicant acted in good faith, expending funds or incurring obligations in reliance on the permit; and
 - (6) Approval of the Special Exception will not pose a threat to the public health, safety, and welfare.

This page intentionally left blank

Article 23-4C: General to All Development

Contents

Division 23-4C-1: Community Design

- 23-4C-1010 Purpose
 - 23-4C-1020 Applicability
 - 23-4C-1030 Overview
 - 23-4C-1040 Connectivity
 - 23-4C-1050 Block Size
 - 23-4C-1060 Lots
 - 23-4C-1070 Civic and Open Space
 - 23-4C-1080 Supplemental Standards for Transect Zones
-

Division 23-4C-2: Civic and Open Spaces

- 23-4C-2010 Purpose
- 23-4C-2020 Applicability
- 23-4C-2030 Civic Space Design
- 23-4C-2040 Civic Space Overview
- 23-4C-2050 Civic Space Standards
- 23-4C-2060 Metropolitan Park
- 23-4C-2070 District Park
- 23-4C-2080 Neighborhood Park
- 23-4C-2090 Riparian Park
- 23-4C-2100 Greenway
- 23-4C-2110 Green
- 23-4C-2120 Square
- 23-4C-2130 Plaza
- 23-4C-2140 Pocket Plaza
- 23-4C-2150 Pocket Park
- 23-4C-2160 Family-Friendly Play Area
- 23-4C-2170 Community Garden

This page intentionally left blank

Division 23-4C-1: Community Design

Contents

23-4C-1010	Purpose	1
23-4C-1020	Applicability	2
23-4C-1030	Overview	2
23-4C-1040	Connectivity	4
23-4C-1050	Block Size	5
23-4C-1060	Lots	6
23-4C-1070	Civic and Open Space	7
23-4C-1080	Supplemental Standards for Transect Zones	9

23-4C-1010 Purpose

This Division generally addresses the physical relationship between development and adjacent properties, public streets, neighborhoods, and the natural environment, in order to implement the City Council's vision for a compact and connected city that incorporates civic and open spaces in an attractive, efficient, and livable community. The general purpose of this Division includes:

- (A) 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;
- (B) To strengthen and protect the image, identity, and unique character of Austin and thereby to enhance its business economy;
- (C) 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;
- (D) To encourage developments that relate well to adjoining public streets, open spaces, and neighborhoods; and
- (E) 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.

23-4C-1020 Applicability

Developments shall comply with requirements of this Division.

(A) All developments shall comply with the following Sections:

- (1) 23-4C-1040 (Connectivity);
- (2) 23-4C-1050 (Block Size);
- (3) 23-4C-1060 (Lots); and
- (4) 23-4C-1070 (Civic and Open Space).

(B) Developments in Transect Zones shall also comply with the following Section:

- (1) 23-4C-1080 (Supplemental Standards for Transect Zones)

In this Division, transect zones are described by the first two terms of the transect zone name only—Transect Category and Form Descriptor—such as T3N. For example, both T3N.DS and T3N.IS shall both follow the regulation for T3N. (See Section 23-4D-2040, Transect Nomenclature.)

23-4C-1030 Overview

As required by Section 23-4C-1020 (Applicability), developments shall be designed in compliance with the following process and requirements.

(A) **Organization.** The site plan shall consist of a development that:

- (1) Organizes a network of streets in compliance with the standards in Section 23-4C-1040 (Connectivity), using the allowed thoroughfare types;
- (2) Creates a series of blocks in compliance with the standards in Section 23-4C-1050 (Block Size);
- (3) Creates lots in compliance with the standards in Section 23-4C-1060 (Lots);
- (4) Allocates civic spaces and civic buildings in compliance with the standards in 23-4C-1070 (Civic and Open Space) and Article 23-3B (Parkland Dedication); and
- (5) For developments in Transect Zones, allocates transect zones in compliance with the standards in 23-4C-1080 (Supplemental Standards for Transect Zones).

23-4C-1040 Connectivity**(A) Design**

- (1) Streets shall meet the standards established in Chapter 23-9 (Transportation).

(B) External Connectivity

- (1) The arrangement of streets shall provide for the alignment and continuation of existing or proposed streets into adjoining lands where the adjoining lands are undeveloped and intended for future development, or where the adjoining lands are developed and include opportunities for such connections.
- (2) Thoroughfare rights-of-way shall be extended to or along adjoining property boundaries to provide a roadway connection or thoroughfare stub for development.
- (3) The site plan shall identify all stubs for streets and include a notation that all stubs are intended for connection with future streets on adjoining undeveloped property.

(C) Dead-End Streets and Cul-de-Sacs. New dead-end streets and cul-de-sacs shall not be built, except when topography or natural features make connects infeasible, as determined by the Planning Director.

- (1) Dead-end streets and cul-de-sacs allowed by the Planning Director shall meet the following standards:
 - (a) Temporary dead-end streets shall be provided with a temporary turnaround area which shall be designed considering traffic usage, maintenance, and removal;
 - (b) Permanent dead-end streets shall be no longer than 300 feet and shall be provided with a cul-de-sac;
 - (c) Cul-de-sacs shall have a minimum right-of-way radius of 50 feet and a paved circular area with a minimum radius of 40 feet;
 - (d) Cul-de-sacs shall include a central planted median; and
 - (e) Cul-de-sacs shall include at least one pedestrian access easement between each cul-de-sac head or road turnaround and the sidewalk system of the closest adjacent road or pedestrian pathway. The access easement shall be direct with a minimum width of 12 feet.

23-4C-1050 Block Size

(A) Individual block faces and the total block perimeter shall comply with the standards established in Table Section 23-4C-1050.A (Block Shape and Size).

Zone District	Urban Watershed		Suburban Watershed	
	Face Length (max.)	Perimeter (max.)	Face Length (max.)	Perimeter (max.)
T6U, T6UC	350 ft.	1,400 ft.	600 ft.	1,800 ft.
T5N, T5U, T5MS	350 ft.	1,400 ft.	600 ft.	1,800 ft.
T4N, T4MS	600 ft.	1,600 ft.	600 ft.	1,600 ft.
Industrial Non-Transect Zones	1320 ft.	5,000 ft.	1320 ft.	5,000 ft.
T3NE, T3N and Other Non-Transect Zones	900 ft.	2,400 ft.	900 ft.	2,400 ft.

- (B) If a block contains multiple zones, the most intense zone shall be used to establish the requirements for block size.
- (C) Blocks within Urban Watershed and Suburban Watershed areas shall be a minimum width, to result in two tiers of developable lots that comply with the minimum lot size in the zone.

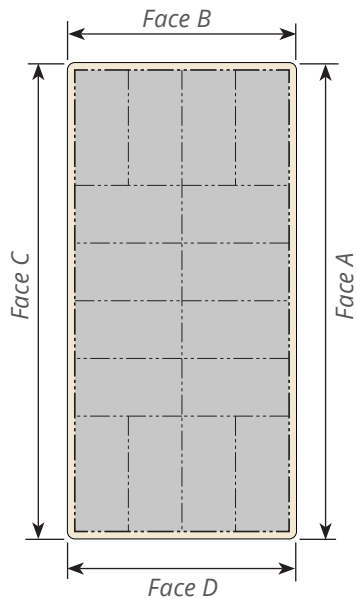


Figure 23-4C-1050.1: Regularly-shaped block

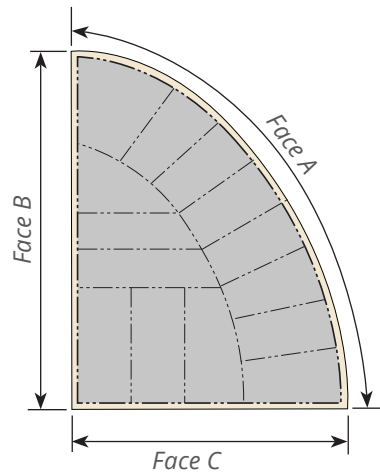


Figure 23-4C-1050.2: Irregularly-shaped block

(D) Irregularly-shaped blocks shall meet the overall perimeter established in Table 23-4C-2030.A.

(E) Exemptions from Maximum Block Size

- (1) **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 (LP), or general office (GO) district.

- (2) **Sites on a Hill Country Roadway.** Compliance with this Subsection is not required for 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.
 - (3) Topographic constraints.
 - (4) Natural features.
- (F) **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 Planning 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.

23-4C-1060 Lots

- (A) **Arrangement.** The arrangement of lots shall reflect the location of protected resources and other natural features of the property.
- (B) **Lot Frontage**
 - (1) Each lot shall be along one of the following:
 - (a) Thoroughfare: A thoroughfare right-of-way
 - (b) Single-loaded Frontage Street: A thoroughfare with development on one side and a Civic or Open Space on the other
 - (c) Civic Space: No more than 10 percent of the lots in a development shall have their primary frontage along a civic space that does not include thoroughfare frontage.
 - (d) Pedestrian Way: No more than 5 percent of the lots in a development shall have their primary frontage along a pedestrian passage or vehicular alley or rear-lane.
- (C) **Alleys**
 - (1) Alleys or rear-lanes are required on lots narrower than 50 feet in developments over two acres.
 - (2) Interior lots served by alleys shall access garages and/or off-street parking areas from the alley.
- (D) **Lot Shape**
 - (1) Where natural resources or property shape make normal lotting difficult, common drives, flag lots, or shared easements may be considered at the discretion of the Planning Director.

- (2) Side lot lines shall be perpendicular or radial to the thoroughfare, and rear lines should be approximately parallel to thoroughfare lines. However, different lot shapes are allowed if it is demonstrated they are necessary or desirable to achieve the following conditions:
 - (a) Better relate building sites to the terrain on the site, or to provide better site utilization and building relationships.
 - (b) Preserve protected resources or other natural features while still providing generally rectangular building envelopes.
 - (c) Better integrate open space set-asides while still providing generally rectangular building envelopes.
 - (d) Create a more efficient lot design and layout while still providing generally rectangular building envelopes.

23-4C-1070 Civic and Open Space

(A) General

- (1) Site plan submittals shall designate open spaces, civic spaces and civic buildings in compliance with the requirements of Division 23-4C-1070 (Civic and Open Spaces).
- (2) The design of civic and open spaces shall meet the standards set forth in Division 23-4C-1070 (Civic and Open Spaces).

(B) Civic and Open Space Amounts and Locations

- (1) The dedication of land or provision of a recreation easement to the City for Parkland Dedication in Article 23-3B (Parkland Dedication) may contribute to satisfying the requirements of this section.
- (2) Site plan submittals shall set aside a minimum of 10 percent of the net development acreage as civic or open space. This number shall be calculated after street rights-of-way are subtracted from the total development acreage. The following are exceptions:
 - (a) For sites less than four acres, no civic spaces beyond the Family-Friendly Play Area requirements of Subsection C below are required; and
 - (b) For sites less than eight acres and within 1,000 feet of an existing publicly accessible park of at least one acre, no civic spaces beyond the Family-Friendly Play Area requirements of Subsection C below are required.
 - (c) Each residential lot shall be within 1,000 feet of an existing or proposed Family-Friendly Play Area, see Section 23-4C-2160 (Family-Friendly Play Area).

- (3) For sites greater than 15 acres, the required amount of civic or open space shall be distributed throughout the neighborhood as multiple smaller civic spaces. See Figure 23-4C-1070.1.



Figure 23-4C-1070.1. Distributing civic spaces throughout the community ensures that all residents have access to an open space within walking distance of their home.

- (C) **Public Access and Visibility.** Along public parks, civic uses, and natural open spaces, including creeks and drainages, public access and visibility shall be maintained through the use of:
 - (1) Single-loaded frontage streets (those with development on one side and open space on the other);
 - (2) Bike and pedestrian paths; or
 - (3) Other methods of frontage that provides similar access and visibility to the open space that are appropriate in the zone and use of the space.
- (D) **Ownership and Maintenance**
 - (1) Set-aside areas shall be maintained as permanent open space and/or civic space through one or more of the following options:
 - (a) Establishment of an entity to manage and maintain the set-aside by the property owner, in a form that ensures long-term maintenance and management;
 - (b) Conveyance of the land to a property owners' or homeowners' association that holds the land in common ownership and will be responsible for managing and maintaining it for its intended purposes;

- (c) Conveyance of the land to a third party beneficiary, such as a nonprofit environmental or civic organization, that is organized for, capable of, and willing to accept responsibility for managing and maintaining the land for its intended purposes; or
 - (d) Dedication of the land to the City or other appropriate public agency that is organized for, capable of, and willing to accept responsibility for managing and maintaining the land for its intended purposes.
- (2) If a set-aside is to be conveyed to a property owners' or homeowners' association, the association shall be established in accordance with the following:
- (a) The landowner shall submit documents for the creation of the property owners' or homeowners' association to the City for review and approval. The documents shall include the association's bylaws, a legal description of open space set-aside areas, and all documents governing ownership, maintenance, and use restrictions for the set-aside;
 - (b) Documents for the creation of the association shall provide that membership in the association is automatic (mandatory) for all purchasers of land, dwelling units, or structures in the development, and their successors in title, and that the association shall have clear legal authority to compel contributions from members to cover their proportionate share of the costs associated with the maintenance of common areas and facilities; and
 - (c) The landowner shall agree that the association shall be established (with all required documents for its creation properly recorded), and operating (with financial subsidization by the landowner or applicant, if necessary) before approval of the first Building Permit for the development.
- (3) If the set-aside is to be conveyed to a third party beneficiary, such as a non-profit civic organization, then the conveyance shall include deed restrictions that:
- (a) Govern the use, management, and maintenance of the set-asides, consistent with the standards in this Section;
 - (b) Run with the land in perpetuity; and
 - (c) Include any other provisions the City Attorney deems necessary and appropriate to fulfill the requirements of this Section.
- (4) All methods utilizing private ownership shall include deed restrictions, covenants, or other legal instruments that ensure continued use of the land and facilities for their intended uses and provide for the continued and effective management, operation, and maintenance of the land and facilities.

23-4C-1080 Supplemental Standards for Transect Zones

This section will contain a mix of Transect Zones for large sites that require mapping that will occur after the CodeNEXT process. These standards are being coordinated with mapping efforts and are expected to be released with the Planning Commission/Zoning and Platting Commission draft in September 2017.

Division 23-4C-2: Civic and Open Spaces

Contents

23-4C-2010	Purpose	1
23-4C-2020	Applicability	1
23-4C-2030	Civic Space Design	2
23-4C-2040	Civic Space Overview	2
23-4C-2050	Civic Space Standards	5
23-4C-2060	Metropolitan Park	6
23-4C-2070	District Park	7
23-4C-2080	Neighborhood Park	8
23-4C-2090	Riparian Park	9
23-4C-2100	Greenway	10
23-4C-2110	Green	11
23-4C-2120	Square	12
23-4C-2130	Plaza	13
23-4C-2140	Pocket Plaza	14
23-4C-2150	Pocket Park	15
23-4C-2160	Family-Friendly Play Area	16
23-4C-2170	Community Garden	17

23-4C-2010 Purpose

This Division sets forth standards for a wide range of civic and open spaces appropriate to Austin.

23-4C-2020 Applicability

The standards established in this Division apply to all civic and open spaces within transect zones and shall be considered in combination with Division 23-4D-2 (Transect Zoning Districts) and Division 23-4C-1 (Community Design).

These standards shall be used in conjunction with the parkland dedication standards in Article 23-3B (Parkland Dedication).

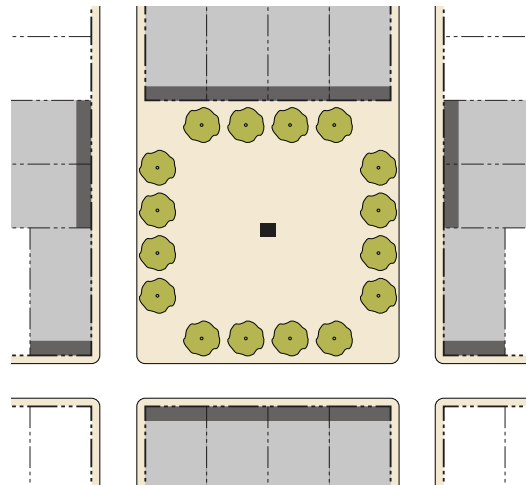
These standards are applied by transect zone and differentiate between transect zones where civic and open space types are allowed, are allowed by Planning Director, or are not allowed. In this Division, transect zones are described by the first two terms of the transect zone name only—Transect Category and Form Descriptor—such as T3N. For example, both T3N.DS and T3N.IS shall both follow the regulation for T3N. (See Section 23-4D-2040, Transect Nomenclature.)

These standards may also be used in non-transect zones with Planning Director approval.

23-4C-2030 Civic Space Design

(A) Building Frontage

- (1) Building frontage is the relationship along property lines of a civic space to adjacent buildings and lots.
- (2) The facades on the lots attached to or across a thoroughfare from a civic space shall be designed so that primary entrances and the primary facade shall front onto the civic space for a minimum of three quarters of the civic space perimeter, in combination with the allowed frontage.



Civic Space Diagram showing building front in dark grey.

Key: = front

- (B) Accessory Structure Standards.** All accessory structures within civic and open spaces, including, but not limited to, restrooms, open-air pavilions, gazebos, picnic shelters and outdoor theaters are not subject to the physical requirements of the Building Form Standards in Article 23-4D (Specific to Zones). They shall be designed and furnished to be consistent with the character of the zoning district in which they are located. Such consistency may require accessory structures to maintain building setbacks, frontage, massing, and character similar to adjacent development as determined by the Planning Director.

23-4C-2040 Civic Space Overview

The standards established in this Division provide the zones with a diverse palette of parks and other publicly-accessible civic spaces that are essential components of walkable urban environments.

- (A) There are 12 different civic space types defined in Table 23-4C-2040.A (Civic Space Type Overview). Two of the civic space types, Family-Friendly Play Area and Community Garden, may be incorporated into any of the other 10 types or may stand alone.

Table 23-4C-2040.A Civic Space Type Overview


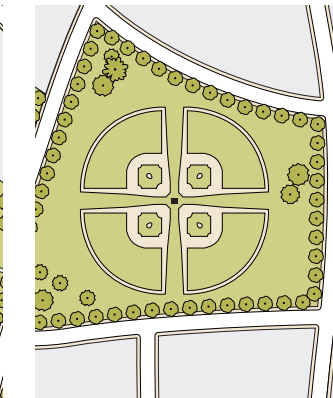


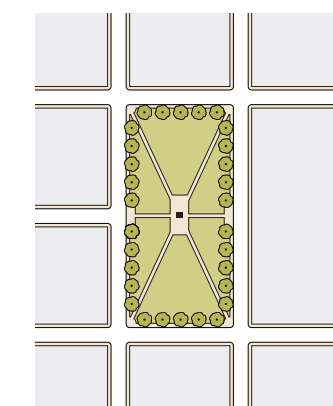

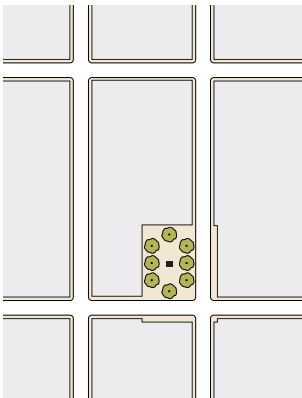
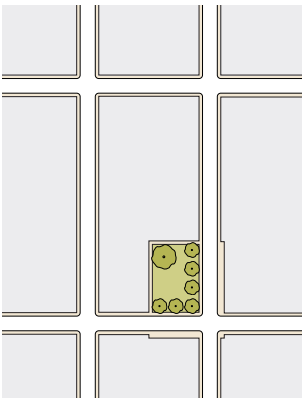
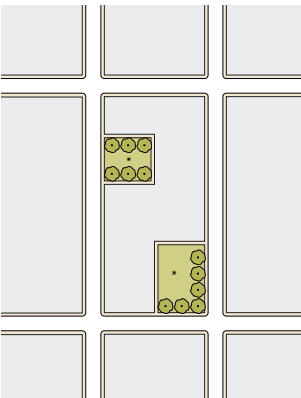
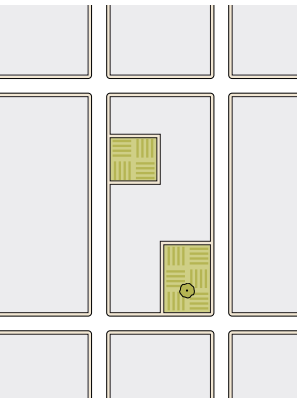
<p>Metropolitan Park</p>	<p>District Park</p>	<p>Neighborhood Park</p>	<p>Riparian Park</p>
			
<p>A city-wide destination generally centered on a natural resource.</p>	<p>An open space that consolidates heavily programmed athletic fields and associated facilities.</p>	<p>Medium-scale public urban open space that provides basic recreational opportunities close to home.</p>	<p>Natural corridor that often follows a river, creek, ridgeline, valley, or other linear public open space.</p>
<p>PARD Designation:</p>	<p>PARD Designation:</p>	<p>PARD Designation:</p>	<p>PARD Designation:</p>
<p>Metropolitan Park</p>	<p>District Park</p>	<p>Neighborhood and School Park</p>	<p>Special Park</p>
<p>Greenway</p>	<p>Green</p>	<p>Square</p>	<p>Plaza</p>
			
<p>Linear space for community gathering and strolling for nearby residents and employees.</p>	<p>Public urban open space available for civic purposes, commercial activity, unstructured recreation, and other passive uses.</p>	<p>Public urban open space available for civic purposes, commercial activity, unstructured recreation, and other passive uses.</p>	<p>Public urban open space that offers abundant opportunities for civic gathering.</p>
<p>PARD Designation:</p>	<p>PARD Designation:</p>	<p>PARD Designation:</p>	<p>PARD Designation:</p>
<p>Neighborhood and School Park</p>	<p>Neighborhood and School Park</p>	<p>Neighborhood and School Park</p>	<p>Neighborhood and School Park</p>

Table 23-4C-2040.A Civic Space Type Overview (continued)

Pocket Plaza	Pocket Park	Family-Friendly Play Area	Community Garden
			
<p>Small-scale public urban open space that serves as an impromptu gathering place for civic, social, and commercial purposes.</p>	<p>Small-scale public urban open space intended to provide recreational opportunities where (publicly accessible/park) space is limited.</p>	<p>Area within urban open space that is conducive to the recreational needs of families with children. Range in style from urban pocket parks to playscapes within neighborhood parks.</p>	<p>Small-scale open space designed as a grouping of garden plots available to nearby residents for small-scale cultivation.</p>
<p>PAR Designation:</p>	<p>PAR Designation:</p>	<p>PAR Designation:</p>	<p>PAR Designation:</p>
<p>Neighborhood and Urban Pocket Park</p>	<p>Neighborhood and Urban Pocket Park</p>	<p>Neighborhood and Urban Pocket Park</p>	<p>Neighborhood and School Park</p>

23-4C-2050 Civic Space Standards

- (A) The illustration and description of each civic space type in Sections 23-4C-2060 to 23-4C-2170 are illustrative in nature and not regulatory.
- (B) **General Character.** The placement of objects within the civic space.
 - (1) **Natural.** Civic spaces with natural character shall be designed in a natural manner with no formal arrangement of elements.
 - (2) **Formal.** Civic spaces with a formal character shall be designed in a more rigid layout that follows geometric forms and has trees and other elements arranged in formal patterns.
 - (3) **Informal.** Civic spaces with an informal character shall be designed to have a mix of formal and natural characteristics.
- (C) **Size and Location.** The overall range of allowed sizes of the civic space and its placement in relation to land uses, natural features, or civic features.
- (D) **Typical Uses.** A list of the typical uses or facilities found within the civic space. This list is not intended to be a complete list of facilities allowed nor is it intended that every civic space would contain each of the facilities listed.

23-4C-2060 Metropolitan Park



T3NE T3N T4N T4MS T5N T5U T5MS T6U T6UC

A. Description

A city-wide destination generally centered on a natural resource that provides the greatest diversity of structured and unstructured recreational experiences of all park types.

PAR Designation: Metropolitan Park

B. General Character

Large, open space

Emphasis on natural and passive recreation areas

C. Size and Location

Min. Area: 75 acres

D. Typical Uses

Passive recreation

Trails and walkways

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

Key T# Allowed T# By Planning Director T# Not Allowed

23-4C-2070 District Park



T3NE **T3N** **T4N** **T4MS** **T5N** **T5U** **T5MS** **T6U** **T6UC**

A. Description

An open space that consolidates heavily programmed athletic fields and associated facilities.

PAR Designation: District Park

B. General Character

Large, open space

Emphasis on active recreation facilities with complementary passive recreation areas

Lawns, small trees, and shrubs in passive recreation areas

C. Size and Location

Min. Area: 25 acres

D. Typical Uses

Active and passive recreation

Casual seating/picnicking

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

Key **T#** Allowed **T#** By Planning Director **T#** Not Allowed

23-4C-2080 Neighborhood Park



T3NE T3N T4N T4MS T5N T5U T5MS T6U T6UC

A. Description

Medium-scale public urban open space that provides basic recreational opportunities close to home with access by foot or bicycle. Typically located in the center of a single neighborhood or in conjunction with a greenway or elementary school.

PAR Designation: Neighborhood and School Park

B. General Character

Medium-size urban open space responding to demographic and cultural characteristics of neighborhood. Open play areas, open shelters with picnic tables, playgrounds, basketball and tennis courts. Landscape treatment varies from traditional grass and trees to more natural areas with native plants, wildflowers, and less intensive maintenance techniques.

C. Size and Location

2–10 acres Within 1 mile of residences

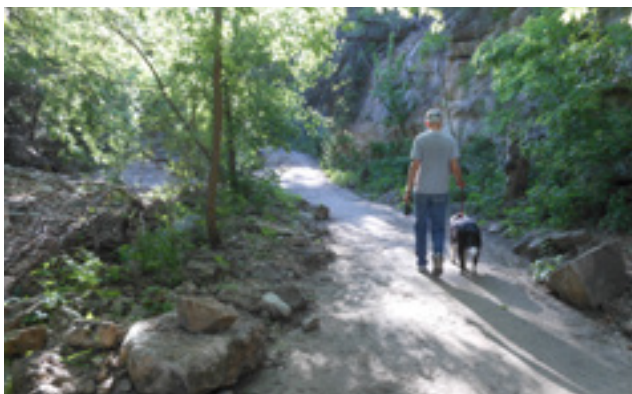
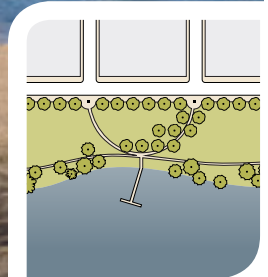
D. Typical Uses

Active and passive recreation

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

Key T# Allowed T# By Planning Director T# Not Allowed

23-4C-2090 Riparian Park



T3NE T3N T4N T4MS T5N T5U T5MS T6U T6UC

A. Description

Natural corridor that often follows a river, creek, ridgeline, valley, or other linear public open space. Can serve multiple functions, such as hike and bike trails, a linear park system, a wildlife corridor, an area for flood control, a means of preserving water quality, and a bicycle pedestrian linkage throughout a community.

PAR Designation: Special Park

B. General Character

Natural linear corridor. Naturally disposed or naturalistically planted landscape. Multi-use trail. Trees lining trail for shade. Appropriately lit for safety.

C. Size and Location

Min. perimeter along street: 50%

Min. width: 30' Avg. width: 60'

Min. 1 acre

D. Typical Uses

Active and passive recreation

Casual seating

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

Key T# Allowed T# By Planning Director T# Not Allowed

23-4C-2100 Greenway



T3NE T3N T4N T4MS T5N T5U T5MS T6U T6UC

A. Description

Linear space for community gathering and strolling for nearby residents and employees. These parks are defined by the tree-lined streets forming a one way couplet on their flanks as well as by the fronting buildings beyond. Due to their narrow dimensions, greenways will be for passive use. Greenways can serve an important role as a green connector between destinations.

PAR Designation: Neighborhood and School Park

B. General Character

Informal open space. Hardscape path. Defined by buildings and tree-lined streets.

C. Size and Location

Min. Length: 1 mile Min. Width: 60'

Must front at least one street

D. Typical Uses

Passive recreation; Strolling, Walking, Running, and Biking; Casual seating

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

Key T# Allowed T# By Planning Director T# Not Allowed

23-4C-2110 Green



T3NE T3N T4N T4MS T5N T5U T5MS T6U T6UC

A. Description

Public urban open space available for civic purposes, commercial activity, unstructured recreation, and other passive uses. Shall be primarily naturally landscaped with many shaded places to sit.

PARC Designation: Neighborhood and School Park

B. General Character

Open space. Spatially defined by street and building frontages and landscaping. Lawns, trees, and shrubs naturally disposed. Open shelters and paths formally disposed.

C. Size and Location

0.25–3 acres

Min. Depth: 25' Min. pervious cover: 80%

Min. perimeter frontage on public right of way: 60%

D. Typical Uses

Unstructured recreation; Casual seating; Commercial and civic uses; No organized sports

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

Key T# Allowed T# By Planning Director T# Not Allowed

23-4C-2120 Square



T3NE T3N T4N T4MS T5N T5U T5MS T6U T6UC

A. Description

Public urban open space available for civic purposes, commercial activity, unstructured recreation, and other passive uses.

PAR Designation: Neighborhood and School Park

B. General Character

Formal open space. Spatially defined by buildings and tree-lined streets. Open shelters, paths, lawns, and trees formally arranged. Walkways and plantings at all edges. Abundant seating opportunities.

C. Size and Location

0.25–3 acres

Min. width: 25' Min. pervious cover: 60%

Min. perimeter frontage on public right of way: 60%

Located at important intersections

D. Typical Uses

Unstructured passive recreation; No organized sports; Community gathering; Occasional commercial and civic uses

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

Key T# Allowed T# By Planning Director T# Not Allowed

23-4C-2130 Plaza



T3NE T3N T4N T4MS T5N T5U T5MS T6U T6UC

A. Description

Public urban open space that offers abundant opportunities for civic gathering. Adds to the vibrancy of streets within the more urban zones.

PAR Designation: Neighborhood and School Park

B. General Character

Formal open space. A balance of hardscape and planting. Trees important for shade. Spatially defined by building frontages.

C. Size and Location

0.1-1 acre

Min. width: 30' Min. pervious cover: 30%

Min. perimeter frontage on public right of way: 30%

Located at important intersections, at vista termini, or at entrances to public/civic buildings

D. Typical Uses

Commercial and civic uses; Formal and casual seating; Tables and chairs for outdoor dining; Retail and food kiosks

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

Key T# Allowed T# By Planning Director T# Not Allowed

23-4C-2140 Pocket Plaza



T3NE T3N T4N T4MS T5N T5U T5MS T6U T6UC

A. Description

Small-scale public urban open space that serves as an impromptu gathering place for civic, social, and commercial purposes. Designed as a well-defined area of refuge separate from the public sidewalk. Frequently located in a building supplemental zone next to the streetscape.

PARD Designation: Neighborhood and Urban Pocket Park

B. General Character

Formal open space for gathering. Defined seating areas. Refuge from the public sidewalk. Spatially defined by the building configuration.

C. Size and Location

Min. 300 sf

Width: 15'–20'

Min. pervious cover: 25%

Min. perimeter frontage on public right of way: 25%

Located at important intersections, at vista termini, or at entrances to public/civic buildings

D. Typical Uses

Civic and commercial uses; Formal and casual seating

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

Key T# Allowed T# By Planning Director T# Not Allowed

23-4C-2150 Pocket Park



T3E T3N T4N T4MS T5N T5U T5MS T6U T6UC

A. Description

Small-scale public urban open space intended to provide recreational opportunities where (publicly accessible/park) space is limited. Typically should be placed within new areas of high (population) density, such as Transit-Oriented Developments or Vertical Mixed-Use. Often located between buildings and developments, on single vacant lots, and on small irregular pieces of land.

PARD Designation: Neighborhood and Urban Pocket Park

B. General Character

Small urban open space responding to specific user groups and space available. Range of character can be for intense use or aesthetic enjoyment; low maintenance is essential.

C. Size and Location

0.25–1.99 acres Min. pervious cover: 50%
 Within a few blocks or up to 1/4 mile of residences

D. Typical Uses

Development varies per user group

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

Key T# Allowed T# By Planning Director T# Not Allowed

23-4C-2160 Family-Friendly Play Area



T3NE T3N T4N T4MS T5N T5U T5MS T6U T6UC

A. Description

Area within urban open space that is conducive to the recreational needs of families with children. Range in style from urban pocket parks to playscapes within neighborhood parks.

PAR Designation: Neighborhood and Urban Pocket Park

B. General Character

Focused toward family-friendly needs. Fencing depends on surroundings. Open shelter. Shade and seating provided. Play structure, interactive art, or fountains.

C. Size and Location

Min. 300 sf Protected from traffic

As described by open space type in which play area is located

No service or mechanical equipment

D. Typical Uses

Active and passive recreation; Unstructured recreation; Casual seating

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

Key T# Allowed T# By Planning Director T# Not Allowed

23-4C-2170 Community Garden



T3NE T3N T4N T4MS T5N T5U T5MS T6U T6UC

A. Description

Small-scale open space designed as a grouping of garden plots available to nearby residents for small-scale cultivation. Community gardens may be fenced to protect edible plants from wildlife and may include a small accessory structure for storage. Community gardens may be included within all other civic space types.

PAR Designation: Neighborhood and School Park

B. General Character

Plant beds (in-ground or raised). Accessory structure < 2,500 sf. Decorative fencing, when fencing present. Spatially defined by adjacent buildings and street trees.

C. Size and Location

No size requirements

D. Typical Uses

Food production; Passive recreation

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

Key T# Allowed T# By Planning Director T# Not Allowed

This page intentionally left blank

Article 23-4D: Specific to Zones

Contents

Division 23-4D-1: Purpose

- 23-4D-1010 Purpose
 - 23-4D-1020 Official Zoning Map and Zones
 - 23-4D-1030 Transect Zones
 - 23-4D-1040 Non-Transect Zones
 - 23-4D-1050 Change of Zone
 - 23-4D-1060 Austin Comprehensive Plan Consistency
-

Division 23-4D-2: Transect Zones

- 23-4D-2010 Intent
 - 23-4D-2020 Applicability
 - 23-4D-2030 General Requirements for All Transect Zones
 - 23-4D-2040 Transect Nomenclature
 - 23-4D-2050 Transect Zones Overview
 - 23-4D-2060 Building Types Overview
 - 23-4D-2070 Private Frontage Types Overview
 - 23-4D-2080 T3 Neighborhood Edge Wide Lot (T3NE.WL)
 - 23-4D-2090 T3 Neighborhood Edge (T3NE)
 - 23-4D-2100 T3 Neighborhood Deep Setback (T3N.DS)
 - 23-4D-2110 T3 Neighborhood Intermediate Setback (T3N.IS)
 - 23-4D-2120 T4 Neighborhood Intermediate Setback (T4N.IS)
 - 23-4D-2130 T4 Neighborhood Shallow Setback (T4N.SS)
 - 23-4D-2140 T4 Main Street (T4MS)
 - 23-4D-2150 T5 Neighborhood Shallow Setback (T5N.SS)
 - 23-4D-2160 T5 Urban Shallow Setback (T5U.SS)
 - 23-4D-2170 T5 Urban (T5U)
 - 23-4D-2180 T5 Main Street (T5MS)
 - 23-4D-2190 T6 Urban (T6U)
 - 23-4D-2200 T6 Urban Core (T6UC)
 - 23-4D-2210 Supplementary Courtyard Building Type Standards
 - 23-4D-2220 Supplementary Cottage Court Building Type Standards
-

Division 23-4D-3: Residential Non-Transect Zones

- 23-4D-3010 Intent
- 23-4D-3020 Applicability
- 23-4D-3030 Residential Zones

23-4D-3040	Allowed Land Uses and Permit Requirements
23-4D-3050	General to All Residential Non-Transect Zones
23-4D-3060	Rural Residential (RR) Zone
23-4D-3070	Very Low Density Residential (VLDR) Zone
23-4D-3080	Low Density Residential (LDR) Zone
23-4D-3090	Low Medium Density Residential (LMDR) Zone
23-4D-3100	Low-Medium Density Residential – Small Lot (LMDR-SL) Zone
23-4D-3110	Medium Density Residential (MDR) Zone
23-4D-3120	Medium-High Density Residential (MHDR) Zone
23-4D-3130	High Density Residential (HDR) Zone
23-4D-3140	Very High Density Residential (VHDR) Zone
23-4D-3150	Manufactured Home Parks (MHP) Zone

Division 23-4D-4: Commercial Non-Transect Zones

23-4D-4010	Intent
23-4D-4020	Applicability
23-4D-4030	Commercial Zones
23-4D-4040	Allowed Uses and Permit Requirements
23-4D-4050	General to All Commercial Non-Transect Zones
23-4D-4060	Neighborhood Commercial (NC) Zone
23-4D-4070	Local Commercial (LC) Zone
23-4D-4080	General Commercial (GC) Zone
23-4D-4090	Regional Commercial Core (RC) Zone
23-4D-4100	Commercial Core (CC) Zone
23-4D-4110	Downtown Core (DC) Zone
23-4D-4120	Warehouse Commercial (WC) Zone
23-4D-4130	Service Commercial (SC) Zone
23-4D-4140	Highway Commercial (HC) Zone
23-4D-4150	Commercial Recreation (CR) Zone

Division 23-4D-5: Industrial Non-Transect Zones

23-4D-5010	Intent
23-4D-5020	Applicability
23-4D-5030	Industrial Zones
23-4D-5040	Allowed Land Uses and Permit Requirements
23-4D-5050	General to Industrial Non-Transect Zones
23-4D-5060	Flex Industrial (FI) Zone
23-4D-5070	General Industrial (GI) Zone

- 23-4D-5080 Heavy Industrial (HI) Zone
- 23-4D-5090 Research and Development (R&D) Zone

Division 23-4D-6: Other Zones

- 23-4D-6010 Intent
- 23-4D-6020 Applicability
- 23-4D-6030 Other Zones Described
- 23-4D-6040 Allowed Uses and Permit Requirements
- 23-4D-6060 Agricultural (AG) Zone
- 23-4D-6070 Aviation Services (AV) Zone
- 23-4D-6080 Development Reserve (DR) Zone
- 23-4D-6090 East Riverside Corridor (ERC) Zone
- 23-4D-6100 North Burnet/Gateway (NBG) Zone
- 23-4D-6110 Open Space (OS) Zone
- 23-4D-6120 Public (P)
- 23-4D-6130 Planned Unit Development (PUD)

Division 23-4D-7: Overlay Zones

- 23-4D-7010 Intent
- 23-4D-7020 Applicability
- 23-4D-7030 Barton Springs Overlay Zone
- 23-4D-7040 Capitol View Corridor Overlay Zone
- 23-4D-7050 Downtown Civic Spaces Overlay Zone
- 23-4D-7060 Hill Country Roadway Overlay Zone
- 23-4D-7070 Historic Landmark and Historic Area Overlay Zones
- 23-4D-7080 Lake Austin Overlay Zone
- 23-4D-7090 Neighborhood Plan Overlay Zone
- 23-4D-7100 Planned Development Area Overlay Zone
- 23-4D-7110 University Neighborhood Overlay (UNO) Zone
- 23-4D-7120 Waterfront Overlay Zone
- 23-3D-7130 Overlay Zone Boundaries Described

Division 23-4D-1: Purpose

Contents

23-4D-1010	Purpose.....	1
23-4D-1020	Official Zoning Map and Zones.....	1
23-4D-1030	Transect Zones.....	2
23-4D-1040	Non-Transect Zones.....	2
23-4D-1050	Change of Zone.....	2
23-4D-1060	Austin Comprehensive Plan Consistency.....	2

23-4D-1010 Purpose

This Division provides regulatory standards for all zones. These regulations address building form, land use, and other topics. Zones have been categorized as either non-transect zones or form-based transect zones. This categorization reflects each zone’s utility as a tool for creating a specific type of places. Form-based transect zones have been specifically created for places where walkability and building form are high priority elements of the community’s vision for that place, while non-transect zones are better suited for places where those elements are less crucial for implementing the community’s vision. Although non-transect zones and form-based transect zones are calibrated to produce different types of places, some places in Austin may require the application of zones from both zoning categories in order to best reflect the unique physical character of that place.

23-4D-1020 Official Zoning Map and Zones

- (A) The Council hereby adopts the City of Austin Zoning Map (hereafter referred to as the “Zoning Map”), which is on file with the Department. [See Figure 23-4D-1020 (Zoning Map)]. The Zoning Map is hereby incorporated into this Land Development Code by reference as though it were fully included here.
- (B) **Zones established.** The City of Austin shall be divided into transect zones and non-transect zones that implement the Austin Comprehensive Plan. The zones shown in Table 23-4D-2050.A and 23-4D-1040.A are hereby established and shall be shown on the Zoning Map.
- (C) **Interpretation of zone boundaries.** Where uncertainty exists as to the boundaries of any of the zones shown on the Zoning Map or maps, the Planning Commission, upon written application or upon its own motion, shall determine the location of such boundaries on said Zoning Map or maps.

23-4D-1030 **Transect Zones**

The transect zones are described in Division 23-4D (Transect Zones). Each transect zone is established based on the intent of the desired physical form and character of particular environments. These zones primarily focus on walkable areas of the City and range in function and form from the least urban, primarily residential areas with a mix of building types (T3 zones), to more urban neighborhoods and small-scale commercial and retail areas (T4 zones), to more urban neighborhoods with larger commercial and retail areas along corridors (T5 zones), to the most urban developments in Downtown and Regional Centers (T6 zones).

23-4D-1040 **Non-Transect Zones**

The non-transect zones are described in Divisions 23-4D-3 (Residential Zones), 23-4D-4 (Commercial Zones), 23-4D-5 (Industrial Zones), and 23-4D-6 (Other Zones). The non-transect zones primarily focus on auto-dependent areas, such as single-family subdivisions, other suburban residential areas, auto-dependent commercial and retail areas, and industrial areas.

23-4D-1050 **Change of Zone**

- (A) A change of zone for any area shall be made only where such change is in accord with the Austin Comprehensive Plan. In the event a proposed change of any zone is not in accord with the Comprehensive Plan, a proposal for an amendment to the Comprehensive Plan shall be required prior to the proposed zone amendment per the requirements of Article 23-4B (Administration and Procedures).
- (B) Proposals for change of zone may be considered concurrently with a related proposed Austin Comprehensive Plan amendment with a two-thirds vote of the City Council prior to the hearing date. In order to ensure consistency between the Comprehensive Plan and the Land Development Code, approval of any such change of zone is still contingent upon approval of the associated Comprehensive Plan policy change and map amendment.

23-4D-1060 **Austin Comprehensive Plan Consistency**

The Zones established in this Land Development Code implement the land use policy set forth in the Austin Comprehensive Plan. Table 23-4D-1060.A (Comprehensive Plan Land Uses and Corresponding Zones) presents the Austin Comprehensive Plan land use designations and corresponding zones.

Division 23-4D-2: Transect Zones

Contents

23-4D-2010	Intent	1
23-4D-2020	Applicability	2
23-4D-2030	General Requirements for All Transect Zones	2
23-4D-2040	Transect Nomenclature	4
23-4D-2050	Transect Zones Overview	5
23-4D-2060	Building Types Overview	10
23-4D-2070	Private Frontage Types Overview	16
23-4D-2080	T3 Neighborhood Edge Wide Lot (T3NE.WL)	19
23-4D-2090	T3 Neighborhood Edge (T3NE)	25
23-4D-2100	T3 Neighborhood Deep Setback (T3N.DS)	31
23-4D-2110	T3 Neighborhood Intermediate Setback (T3N.IS)	39
23-4D-2120	T4 Neighborhood Intermediate Setback (T4N.IS)	47
23-4D-2130	T4 Neighborhood Shallow Setback (T4N.SS)	55
23-4D-2140	T4 Main Street (T4MS)	63
23-4D-2150	T5 Neighborhood Shallow Setback (T5N.SS)	71
23-4D-2160	T5 Urban Shallow Setback (T5U.SS)	79
23-4D-2170	T5 Urban (T5U)	87
23-4D-2180	T5 Main Street (T5MS)	95
23-4D-2190	T6 Urban (T6U)	103
23-4D-2200	T6 Urban Core (T6UC)	111
23-4D-2210	Supplementary Courtyard Building Type Standards	119
23-4D-2220	Supplementary Cottage Court Building Type Standards	120

23-4D-2010 Intent

This Division provides standards applicable to Transect Zones. They address aspects of the built environment that contribute to the physical character of Austin places, such as building form, permitted signage and frontage types, parking requirements, and land use. This range of form-based zones is a carefully calibrated tool for maintaining the distinct physical characteristics of existing and historic places in Austin and for creating places consistent with the Austin Comprehensive Plan vision.








23-4D-2020 Applicability

The standards of this Division shall apply to all proposed development within transect zones, and shall be considered in combination with Division 23-4D-3 (Specific to Frontage Types) and Article 23-4E (Supplemental to Zones). If there is a conflict between any standards, the stricter standards shall apply.

23-4D-2030 General Requirements for All Transect Zones

- (A) From the allowed types, and in accordance with the listed standards, one or more of each of the following must be selected for each building:
 - (1) Building Type
 - (2) Private Frontage Type
 - (3) Use Type
- (B) Building Types, Encroachments, Private Frontage Types, Sustainability Features, Sign Types, and Use Types not listed in a zone's standards are not allowed in that zone.

Quick Code Guide: Using the Transect Zone Standards

Step	Instructions	Subsection
	Find the Zone for your parcel	
	Confirm your Lot Size conforms to the zone standards*	C
	Select a Building Type allowed on your lot size and comply with the standards specific to it	D
	Design the building to comply with the standards for Placement, Height, Encroachments, and Frontage	E – H
	Select a Frontage Type for the primary street frontage and comply with the standards specific to it	H
	Design the lot to comply with the standards for Parking, Impervious Cover, Open Space, Signage, and Site Constraints	I – M
	Select a Use Type for each unit in the building and comply with the standards specific to it	N

* If your lot size does not conform to the standards for the zone, refer to Division 23-4B-4 (Variances and Special Exceptions).

23-4D-2040 Transect Nomenclature

The names of Austin’s transect zones contain meaningful information about the zones’ physical characteristics. In contrast to the abstract titles of conventional zoning, this naming method typifies the form-based approach, which pursues the creation of place-types with predictable built results. Transect zone names contain the following descriptive terms that enable the reader to quickly visualize the zone’s character.

- (A) **Transect Category.** Designation along the Natural-to-Urban Transect (e.g. T3, T4, or T5)
- (B) **Form Descriptor.** Transect categories contain places with a range of characters, which are impacted by their building types, adjacencies to other zones, and overall form. The following form descriptors appear in Austin transect zones:
 - (1) **Neighborhood Edge:** Contains detached house-form building types. This form descriptor is typically found adjacent to other Neighborhood Edges and Neighborhoods.
 - (2) **Neighborhood:** Contains detached residential building types. This form descriptor is often adjacent to other Neighborhoods and/or a Main Street.
 - (3) **Main Street:** Attached buildings, typically with commercial ground-floor frontages. This form descriptor is a commercial corridor adjacent to supporting Neighborhoods.
 - (4) **Urban:** Attached building types with block-scale building envelopes. This form descriptor is typically found in upper transect zones.
 - (5) **Urban Core:** Attached building types with large block building envelopes. This form descriptor is typically found in uppermost transect zones.
- (C) **Character Component.** An optional further level of distinction between zones with the same form descriptor in a transect category. The character component describes a key formal distinction that contributes to the character of the place and helps differentiate it as a unique transect zone.
 - (1) **Wide Lot:** Minimum lot width is relatively wide.
 - (2) **Shallow Setback:** Building is set back a small distance from the front street.
 - (3) **Intermediate Setback:** Building is set back a medium distance from the front street.
 - (4) **Deep Setback:** Building is set back a large distance from the front street.

These three terms are combined to create a transect zone name, such as *T4 Neighborhood Shallow Setback*. The Transect Category is *T4*; the Form Descriptor is *Neighborhood*; and the Character Component is *Shallow Setback*.

23-4D-2050 Transect Zones Overview

This Section provides an overview of the transect zones, each of which is established based on the intent of the desired physical form and character of particular environments to implement the Austin Comprehensive Plan. These zones primarily focus on walkable areas of the City and range in function and form from the least urban, primarily residential areas with a mix of building types (T3 Neighborhood Edges and T3 Neighborhoods), to more urban neighborhoods and small-scale commercial and retail areas (T4 Neighborhoods and T4 Main Streets), to more urban neighborhoods with larger commercial and retail areas along corridors (T5 Neighborhoods, T5 Urban, and T5 Main Street), to the most urban developments in Downtown and Regional Centers (T6 Urban and T6 Urban Core). The naming of the transect zones is based on a spectrum of context types from natural to urban in Austin called the Austin Transect. Table 23-4D-2050.A, below, provides an overview of the Austin Transect.

Table 23-4D-2050.A The Austin Transect: Transect Zones Overview

Less Urban ← ————

T3





T3 Neighborhood Edge-Wide Lot (T3NE.WL)	T3 Neighborhood Edge (T3NE)	T3 Neighborhood Deep Setback (T3N.DS)	T3 Neighborhood Intermediate Setback (T3N.IS)
			
Sub-Zone	Sub-Zone	Sub-Zone	Sub-Zone
None	None	None	None
Intent	Intent	Intent	Intent
<p>To provide housing choices which reinforce the walkable nature of the neighborhood and, in combination with higher-intensity transect zones, support neighborhood-serving retail and service uses near this zone. Buildings shall have the following form characteristics:</p>	<p>To provide housing choices which reinforce the walkable nature of the neighborhood and, in combination with higher-intensity transect zones, support neighborhood-serving retail and service uses near this zone. Buildings shall have the following form characteristics:</p>	<p>To provide housing choices which reinforce the walkable nature of the neighborhood and support neighborhood-serving retail and service uses near this zone. Buildings shall have the following form characteristics:</p>	<p>To provide a wide variety of housing choices which reinforce the walkable nature of the neighborhood, support neighborhood-serving retail and service uses near this zone, and support public transportation options. Buildings shall have the following form characteristics:</p>
Detached	Detached	Detached	Detached or Semi-detached
Large Lot Widths	Medium to Large Lot Widths	Medium Lot Widths	Detached or Semi-detached
Medium House Form	Medium House Form	Small to Medium or Multiple House Form	Small to Medium Lot Widths
Large Front Setbacks	Large Front Setbacks	Deep Front Setbacks	Small to Medium or Multiple House Form
Medium to Large Side Setbacks	Medium to Large Side Setbacks	Medium Side Setbacks	Intermediate Front Setbacks
Up to 2 Stories	Up to 2 Stories	Up to 2 Stories	Medium Side Setbacks
Common Yard and Porch Frontages	Common Yard and Porch Frontages	Stoop, Common Yard, and Porch Frontages	Up to 2 Stories
			Stoop, Common Yard, and Porch Frontages

Table 23-4D-2050.A The Austin Transect: Transect Zones Overview (continued)

➔ More Urban

T4

T4 Neighborhood Intermediate Setback (T4N.IS)



Sub-Zone

T4N.IS-Open (T4N.IS-O)

Intent

To provide a wide variety of housing choices which reinforce the walkable nature of the neighborhood, support neighborhood-serving retail and service uses adjacent to this zone, and support public transportation options. Buildings shall have the following form characteristics:

Detached or Semi-detached

Small to Medium Lot Widths

Small to Medium or Multiple House Form

Intermediate Front Setbacks

Medium Side Setbacks

Up to 2 Stories

Stoop, Common Yard, and Porch Frontages

The Open sub-zone provides the same building form but allows for a more diverse mix of uses.

T4 Neighborhood Shallow Setback (T4N.SS)



Sub-Zone

T4N.SS-Open (T4N.SS-O)

Intent

To provide a wide variety of housing choices which reinforce the walkable nature of the neighborhood, support neighborhood-serving retail and service uses adjacent to this zone, and support public transportation options. Buildings shall have the following form characteristics:

Detached or Semi-detached

Small to Medium Lot Widths

Small to Medium or Multiple House Form

Shallow Front Setbacks

Small to Medium Side Setbacks

Up to 2 Stories

Stoop, Common Yard, Porch, and Dooryard Frontages

The Open sub-zone provides the same building form but allows for a more diverse mix of uses.

T4 Main Street (T4MS)



Sub-Zone

T4MS-Open (T4MS-O)

Intent

To provide a focal point for neighborhoods that accommodates neighborhood-serving retail, service, and residential uses in compact, walkable urban form. Buildings shall have the following form characteristics:

Attached or Semi-detached

Small to Medium Lot Widths

Block Form

Small to No Front Setbacks

Small to No Side Setbacks

Up to 3 Stories

Gallery, Shopfront, Terrace, Forecourt, and Lightwell Frontages, and Dooryard Frontage in Open sub-zone only

The Open sub-zone provides the same building form but allows for a more diverse mix of uses on the ground floor, including residential, thus enabling the retail and service area to mature over time.

Table 23-4D-2050.A The Austin Transect: Transect Zones Overview (continued)

➔ More Urban

T5

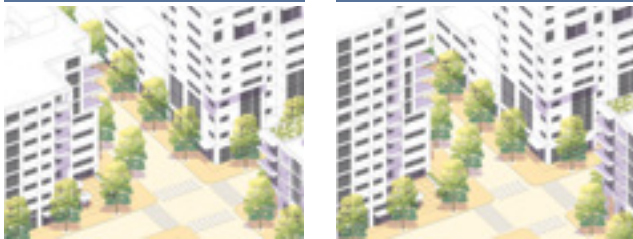
T5 Neighborhood-Shallow Setback (T5N.SS)	T5 Urban-Shallow Setback (T5U.SS)	T5 Urban (T5U)	T5 Main Street (T5MS)
			
Sub-Zone	Sub-Zone	Sub-Zone	Sub-Zone
T5N.SS-Open (T5N.SS-O)	T5U.SS-Open (T5U.SS-O)	T5U-Open (T5U-O)	T5MS-Open (T5MS-O)
Intent	Intent	Intent	Intent
To provide a wide variety of housing choices which reinforce the walkable nature of the neighborhood, support neighborhood-serving retail and service uses adjacent to this zone, and support public transportation options. Buildings shall have the following form characteristics:	To provide a wide variety of housing choices which reinforce the walkable nature of the neighborhood, support neighborhood-serving retail and service uses adjacent to this zone, and support public transportation options. Buildings shall have the following form characteristics:	To provide a wide variety of housing choices which reinforce the walkable nature of the neighborhood, support neighborhood-serving retail and service uses adjacent to this zone, and support public transportation options. Buildings shall have the following form characteristics:	To provide a regional or urban neighborhood focal point. This zone accommodates retail, service, and residential uses in compact, walkable urban form. Buildings shall have the following form characteristics:
Detached or Semi-detached	Attached or Semi-detached	Attached or Semi-detached	Attached
Small to Large Lot Widths	Small to Large Lot Widths	Small to Large Lot Widths	Small to Large Lot Widths
Medium to Large House Form	Block to Large Block Form	Block to Large Block Form	Block to Large Block Form
Shallow Front Setbacks	Shallow Front Setbacks	Small to No Front Setbacks	Small to No Side Setbacks
Small to Medium Side Setbacks	Small to No Side Setbacks	Small to No Side Setbacks	Up to 6 Stories
Up to 4 Stories	Up to 6 Stories	Up to 6 Stories	Gallery, Terrace, and Shopfront Frontages, and Dooryard Frontage in Open sub-zone only
Stoop, Porch, Lightwell, and Dooryard Frontages	Terrace, Stoop, Lightwell, and Dooryard Frontages, and Shopfront Frontages in Open sub-zone only	Terrace, Stoop, Lightwell, and Dooryard Frontages, and Shopfront Frontages in Open sub-zone only	The Open sub-zone provides the same building form but allows for a more diverse mix of uses on the ground floor, including residential, thus enabling the retail and service area to mature over time.
The Open sub-zone provides the same building form but allows for a more diverse mix of uses on the ground floor, including service, commercial, and general retail uses.	The Open sub-zone provides the same building form but allows for a more diverse mix of uses on the ground floor, including service, commercial, and general retail uses.	The Open sub-zone provides the same building form but allows for a more diverse mix of uses on the ground floor, including service, commercial, and general retail uses.	

Table 23-4D-2050.A (continued)

➔ **More Urban**

T6

T6 Urban (T6U)	T6 Urban Core (T6UC)
-----------------------	-----------------------------



Sub-Zone	Sub-Zone
-----------------	-----------------

T6U-Restricted (T6U-R)	None
------------------------	------

Intent	Intent
---------------	---------------

<p>To provide a vibrant, compact, high-intensity walkable urban environment that provides urban housing choices as well as a wide range of regional-center appropriate uses such as employment, retail, services, entertainment, civic, and public uses. The form and intensity is such that it supports public transportation alternatives with walking and biking as the primary means of getting around, and evolves over time. Buildings shall have the following form characteristics:</p>	<p>To provide the most vibrant, compact, high-intensity walkable urban environment that provides urban housing choices as well as a wide range of regional-center appropriate uses such as employment, retail, services, entertainment, civic, and public uses. The form and intensity is such that it supports public transportation alternatives with walking and biking as the primary means of getting around, and evolves over time. Buildings shall have the following form characteristics:</p>
---	--

- | | |
|---|---------------------------------------|
| Attached | Attached |
| Small to Block Lot Widths | Medium to Block Lot Widths |
| Block to Large Block Form | Large Block Form |
| Small to No Front Setbacks | Small to No Front Setbacks |
| Small to No Side Setbacks | Small to No Side Setbacks |
| Up to 16 Stories | Unlimited Stories |
| Gallery, Terrace, and Shopfront Frontages | Gallery, Shopfront, Terrace Frontages |

<p>The Restricted sub-zone provides the same building form but requires retail and service uses at sidewalk level.</p>	
--	--

23-4D-2060 Building Types Overview

- (A) This Section provides an overview of the allowed building types. The names of the building types are representative of a desired form and are not intended to limit uses within a building type. For example, a detached house may have non-residential uses within it, such as a restaurant or office, as allowed by the zone.
- (B) The lot size standards for each building type are set in each transect zone. They designate the range of lot sizes on which the given building type is allowed to be built. If the lot is smaller or larger than the allowed lot size, a different building type shall be selected.

(C) Primary Building Type

- (1) Each lot shall have one and only one primary building type, except as follows:
 - (a) More than one building type is allowed on a parcel if the submitted building permit application includes a site plan with proposed design site lines that meet all the requirements of this Division.

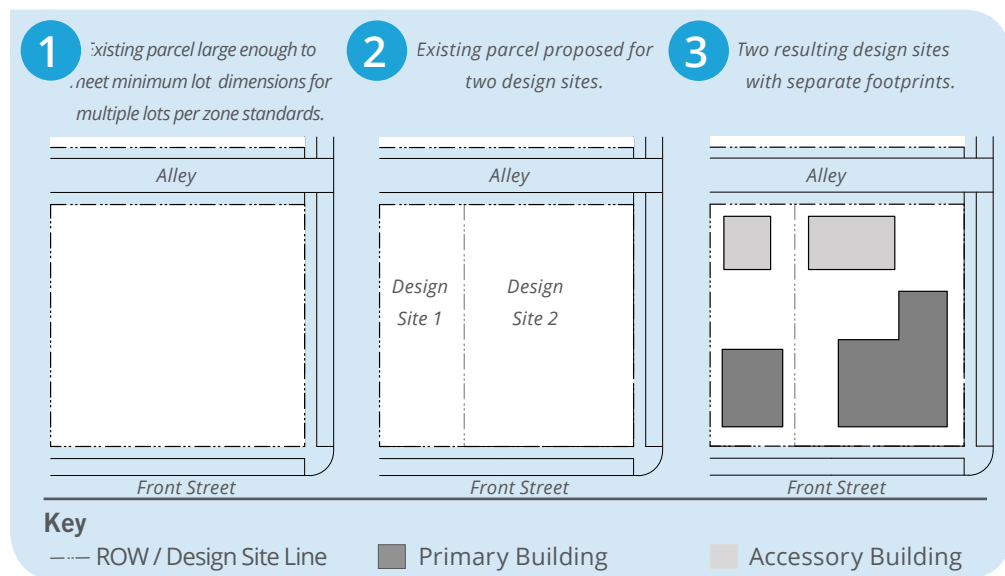


Figure 23-4D-2060.1: Example of multiple design sites on a large existing parcel.

- (2) Accessory Building Form building types shall not be used as the primary building type.

(D) Accessory Building Form Building Types

- (1) Accessory Building Form building types allowed in a zone are allowed in addition to the primary building type, except:
 - (a) The Accessory Dwelling Unit building type is not allowed with Large House Form or Multiple House Form building types.
- (2) Accessory Dwelling Unit is the only Accessory Building Form building type in which accessory dwelling units are allowed.

- (E) Secondary building envelopes and Accessory Building Form building types shall:
 - (1) Have a smaller footprint, a narrower width, and a depth not greater than the primary building; and
 - (2) Be located to either side, to the rear, or to the front of the primary building, as set forth in the transect zone.
- (F) The building types are classified in the following categories: Small House Form, Medium House Form, Large House Form, Multiple House Form, Block Form, Large Block Form, and Accessory Building Form. Table 23-4D-2060.A, below, provides an overview of the allowed building types by category.
- (G) See Section 23-4D-2210 (Supplementary Courtyard Building Type Standards) and Section 23-4D-2220 (Supplementary Cottage Court Building Type Standards) for additional standards.

Table 23-4D-2060.A Austin Building Types Overview

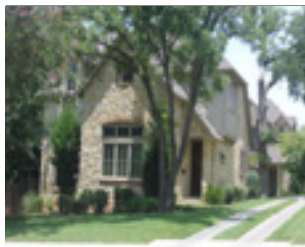
Small House Form



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



Small House: A small, detached structure, consisting of one unit, usually sited on a small lot.



Duplex: Front-and-back: A small to medium structure consisting of two attached units wherein one unit is located behind the other. The unit at front faces the street and appears like a small single-family house.



Duplex: Stacked: A small to medium structure that houses two units, with one located on the ground floor and the other located directly above. Both units face the street and are within one single building (mass) that appears like a small single-family house.

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

Table 23-4D-2060.A Austin Building Types Overview (continued)

Medium House Form



Wide House: A medium, detached structure, consisting of one unit, usually sited on a medium lot. The wide house is usually larger in width than it is in depth.



Long House: A medium, detached structure, consisting of one unit, usually sited on a medium lot. The long house is usually larger in depth than it is in width.



Duplex: Side-by-side: A small to medium structure that houses two adjacent, attached units. Both units face the street and are within one single building (mass) that appears like a medium or large single-family house.



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

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

Table 23-4D-2060.A Austin Building Types Overview (continued)

Large House Form



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

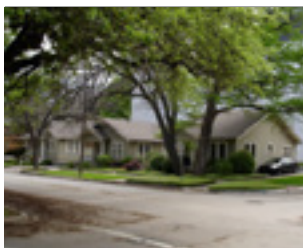


Multiplex: Large: A large structure that consists of multiple units with one shared entry (unless additional entries are allowed by Planning Director).

Multiple House Form



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



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

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

Table 23-4D-2060.A Austin Building Types Overview (continued)

Block Form



Live/Work: Block form composed of small, typically attached structures that contain one dwelling unit above and/or behind a flexible ground-floor space that can be used for residential, service, or retail uses. Both the ground-floor flex space and the unit above are owned by one entity.



Main Street: A small to medium structure, typically attached, that provides a vertical mix of uses with ground-floor retail or service uses, and upper-floor service or residential uses. A Main Street building shall not incorporate a multi-level parking structure. Multiple Main Street buildings together comprise a block-scale form.



Courtyard Building: A large structure that consists of multiple units accessed from a courtyard, a series of courtyards, or a common corridor. Each unit may have its own individual entry, or up to three units may share a common entry. See Section 23-4D-2210 (Supplementary Courtyard Building Type Standards) for additional standards.



Rowhouse: Large: A large structure composed of a series of smaller units attached in a series with individual entries along the front.



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

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

Table 23-4D-2060.A Austin Building Types Overview (continued)

Large Block Form



Mid-Rise: A medium to large structure, 4–8 stories tall, built on a large lot that may accommodate multi-level structured parking. It may provide a vertical mix of uses with ground-floor retail or service uses and upper-floor service or residential uses.



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

Accessory Building Form



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

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

23-4D-2070 Private Frontage Types Overview

- (A) Private frontages are the components of a building and the area between that building and the sidewalk that provide an important transition and interface between the public realm (street and sidewalk) and the private realm (yard or building). This Section provides an overview of the allowed private frontage types. The names of the frontage types indicate their particular configuration or function and are not intended to limit uses within the associated building. For example, a porch may be used for non-residential uses such as a restaurant or office as allowed by the transect zone.
- (B) Each building shall have at least one private frontage type and may have multiple private frontage types as allowed by the zone.
- (C) Table 23-4D-2070.A, below, provides an overview of the allowed private frontage types.
- (D) See Division 23-4E-1 (Private Frontages) for additional standards.

Table 23-4D-2070.A Austin Private Frontage Types Overview

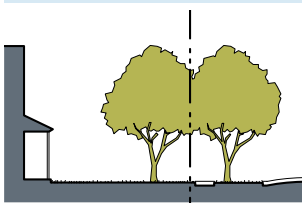
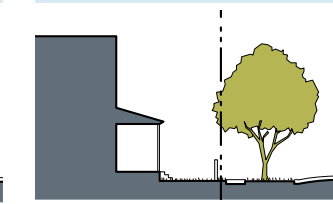
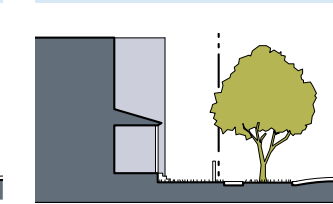
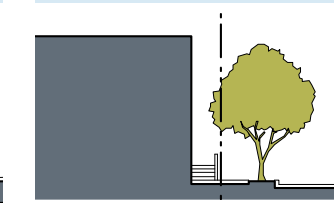
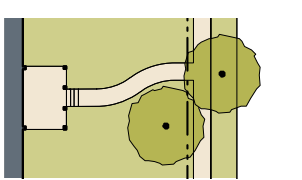
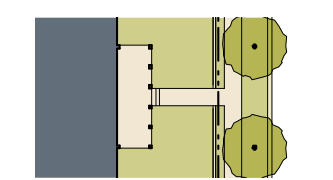
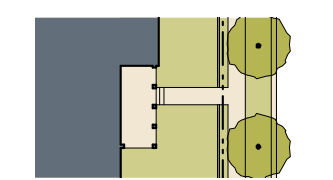
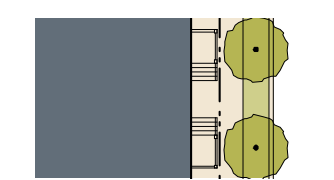
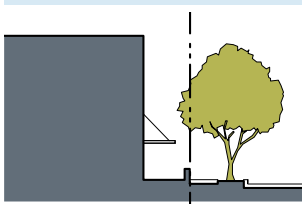
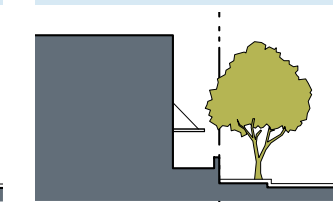
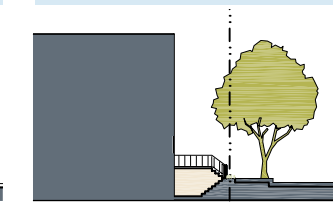
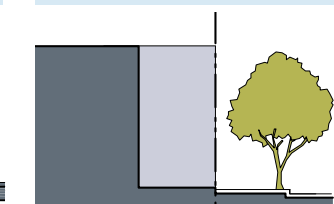
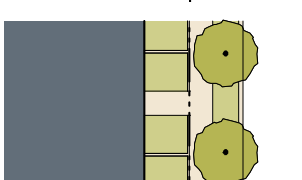

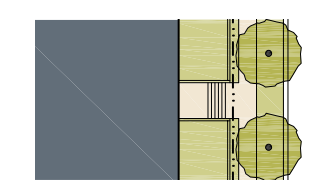

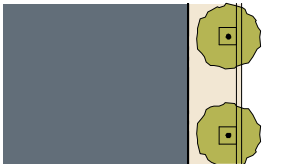
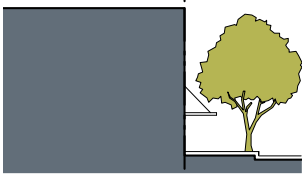
Common Yard	Porch: Projecting	Porch: Engaged	Stoop
			
			
<p>A common yard remains unfenced and is visually continuous with adjacent yards, supporting a common landscape and working in conjunction with the other private frontages. The main facade of the building has a large planted setback from the sidewalk.</p>	<p>A projecting porch has three sides open. The main facade of the building is set back from the sidewalk, resulting in a front yard that can be defined by a fence or hedge to spatially maintain the edge of the street.</p>	<p>An engaged porch has two adjacent sides of the porch attached to the building, while the other two sides are open. The main facade of the building is set back from the sidewalk, resulting in a front yard that can be defined by a fence or hedge to spatially maintain the edge of the street.</p>	<p>A stoop is elevated above the sidewalk to provide privacy within the building for buildings near the sidewalk. Stairs or ramps from the stoop may lead directly to the sidewalk or be side-loaded, running along the face of the building parallel to the facade.</p>
Dooryard	Terrace/ Loading Dock	Lightwell	Forecourt
			
			
<p>A dooryard is created when the main facade of the building is set back a small distance from the public realm. At the sidewalk, it is defined by a low wall or hedge. A dooryard is not for public circulation along the street. A dooryard may be raised, sunken, or at grade and is intended for ground-floor residential.</p>	<p>A terrace provides at-grade access while accommodating a grade change. Usually there are multiple sets of steps up to the terrace, as well as ramps. The elevated terrace is located between the main facade of the building and the sidewalk.</p>	<p>A lightwell buffers residential, retail or service uses from the sidewalk and removes the private yard from public encroachment. The main facade of the building is set back from the right of way by an elevated terrace or a sunken lightwell.</p>	<p>A forecourt can be used as an entry court or shared garden space for apartment buildings; it can be used as additional shopping or restaurant seating area within retail and service areas. The building sits at or near the sidewalk and a small percentage of the building is set back, creating a small court space.</p>

Table 23-4D-2070.A Austin Private Frontage Types Overview (continued)

Shopfront



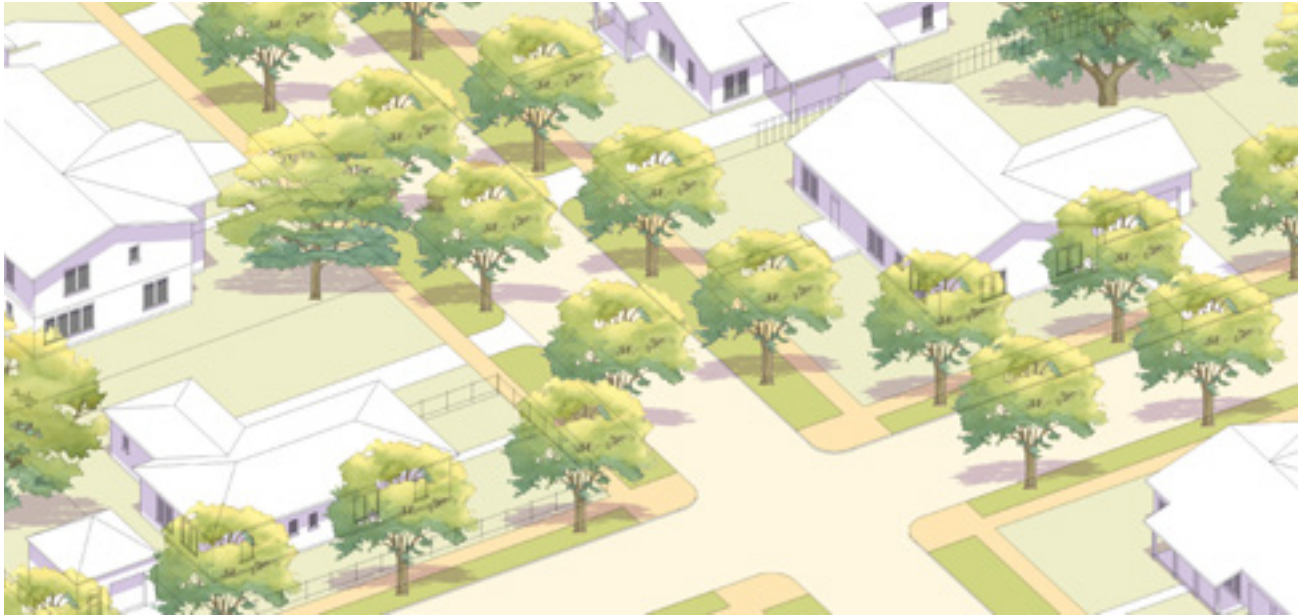
A shopfront is intended for retail or live/work use and has substantial glazing at the sidewalk level. It may include an awning that overlaps the sidewalk and may be used with other frontage types. The main facade of the building is at or near the sidewalk with an at-grade entrance along the public way. (Syn: Retail Frontage.)

Gallery



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

23-4D-2080 T3 Neighborhood Edge Wide Lot (T3NE.WL)



A. General Intent

To provide a wide variety of housing choices which reinforce the walkable nature of the neighborhood, support neighborhood-serving retail and service uses adjacent to this zone, and support public transportation options. Buildings shall have the following form characteristics:

- _____ Detached
- _____ Large Lot Widths
- _____ Medium House Form
- _____ Large Front Setbacks
- _____ Medium to Large Side Setbacks
- _____ Up to 2 Stories
- _____ Common Yard and Porch Frontages

B. Sub-Zone

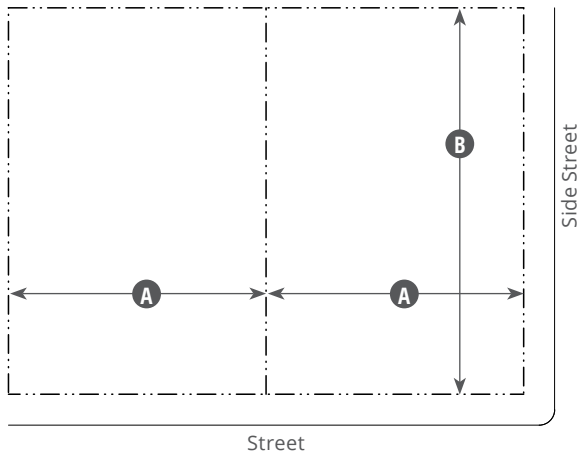
None

C. Lot Size

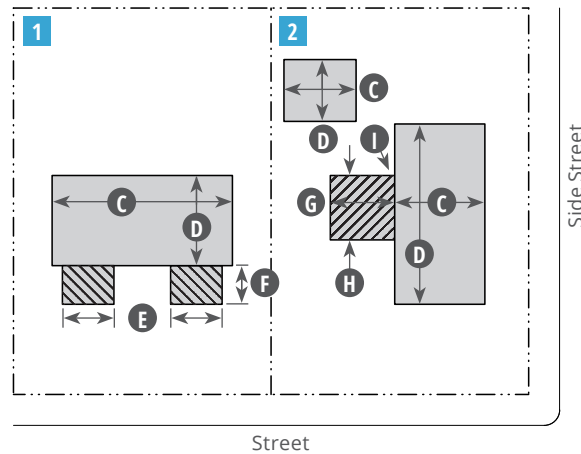
Width	70' min.
Depth	120' min.
See Subsection D for additional standards.	

General note: The drawing above is intended to provide a brief overview of this Transect Zone and is illustrative only.

Lot Diagram



Building Envelope Diagram



Key for Diagrams

- ROW / Lot Line
- ▨ Side Building Envelope
- ▩ Main Building Envelope
- ▨ Front Building Envelope

D. Building Types

Building Type	Lot		Building Envelope (max.)							
	Buildings per Lot (max.)	Units per Building (max.)	Width (min.) A	Depth (min.) B	Main		Front		Side	
					Width C	Depth D	Width, combined E	Depth F	Width, combined G	Depth H
Medium House Form 1 2										
Wide House	1	1	70'	120'	70'	35'	30'	15'	N/A	N/A
Duplex: Side-by-side	1	2	70'	120'	70'	35'	30'	15'	N/A	N/A
Long House	1	1	70'	120'	35'	70'	N/A	N/A	25'	25'
Accessory Building Form 2										
Accessory Dwelling Unit	1	1	—	—	28'	24'	N/A	N/A	N/A	N/A

Notes

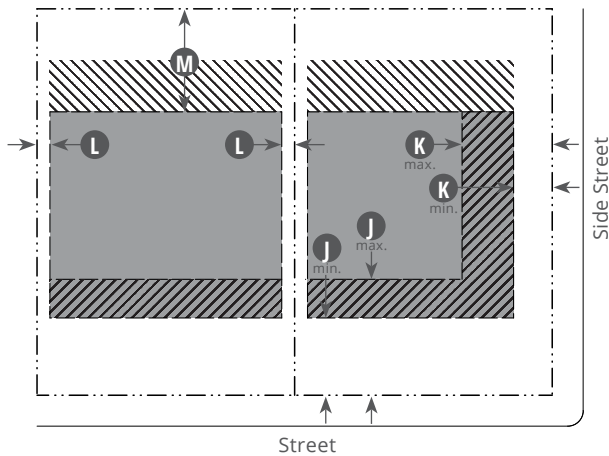
Side building envelopes shall be set back from the ROW/lot line farther than the main building envelope by 4' min. 1

Key for Subsection D

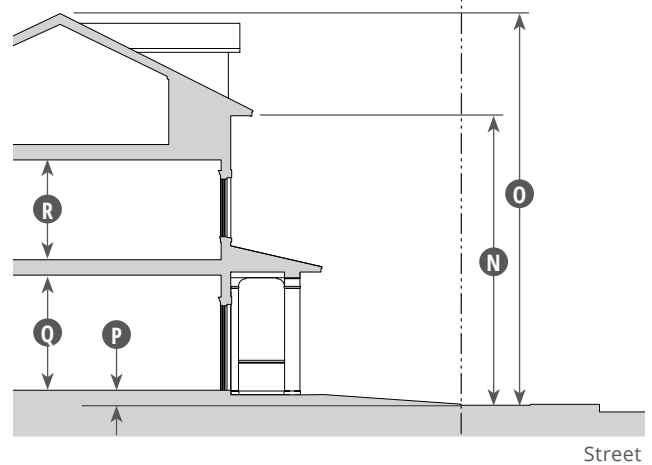
N/A = Not Allowed

— = No Requirement

Building Placement Diagram



Building Height Diagram



Key for Diagrams

- ROW / Lot Line
- Building Setback Line

- Buildable Area
- Facade Zone
- Accessory Building or Structure Only

E. Building Placement

Setback (Distance from ROW / Lot Line)	Front ¹ J	Side St. ¹ K	Side L	Rear M
Primary Building				
Minimum	30'	15'	5'	20'
Maximum	45'	35'	—	—
Accessory Building or Structure				
Minimum	45'	15'	5'	20' ²

Notes

Where existing adjacent buildings are in front of the minimum front setback or side street setback, the building may be set to align with the facade of the front-most immediately adjacent building.

¹ Additional setback and/or easement may be required where street ROW or utilities easement is required.

² 5' when adjacent to alley.

F. Height

Building Height	Stories (max.)	To Eave/ Parapet (max.) N	Overall (max.) O
Primary Building	2	22'	32'
Accessory Dwelling Unit	2	22'	28'
Accessory Structure	1	—	12'

Primary Building

Ground Floor Finish Level ^{3, 4}

Height above Curb	6" min.	P
-------------------	---------	----------

Floor-to-Ceiling ³

Ground Floor	9' min.	Q
Upper Floor(s)	8' min.	R

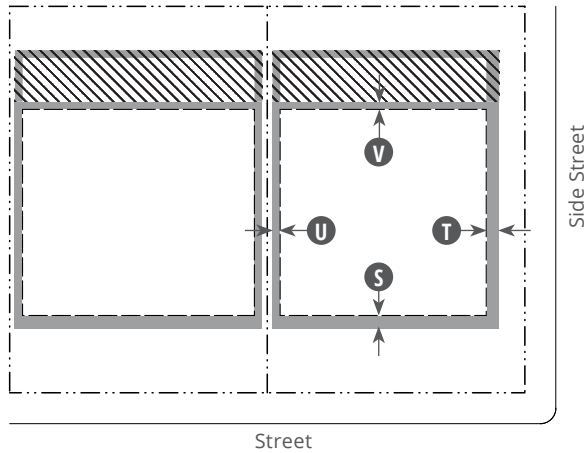
³ Buildings existing at the time of adoption of this Land Development Code and additions to those buildings are exempt.

⁴ Primary buildings located on lots sloping down and away from the street are exempt.

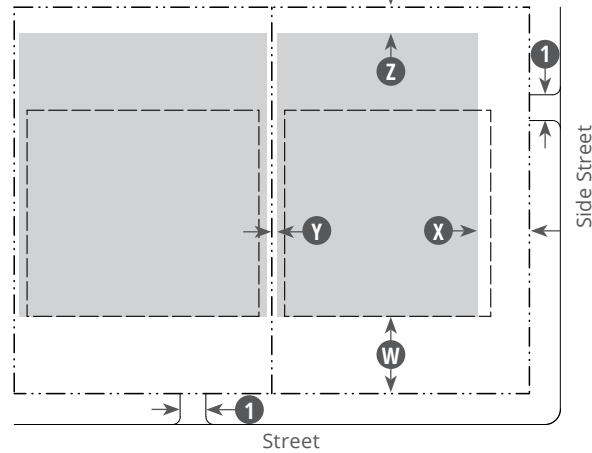
Key for Subsections E-F

- N/A = Not Allowed
- = No Requirement

Encroachments Diagram



Parking Diagram



Key for Diagrams

- ROW / Lot Line
- Building Setback Line

- Encroachment
- Parking Area
- ▨ Accessory Building or Structure Only

G. Encroachments

Encroachment Type	Front (max.) S	Side St. (max.) T	Side (max.) U	Rear (max.) V
Private Frontage	5'	5'	N/A	N/A
Steps and/or ramps to Building Entrance	5'	5'	N/A ¹	N/A
Architectural Features	3'	3'	3'	3'

Encroachments are not allowed within a street ROW, alley ROW, or across a Lot Line.

¹ Where side setback is 10' or more, a 5' max. encroachment is allowed.

H. Frontages

Private Frontage Type	Front	Side St.	Standards
Common Yard	A	A	23-2D-1040
Porch: Projecting	A	A	23-2D-1050
Porch: Engaged	A	A	23-2D-1060
Stoop	N/A	A	23-2D-1070

For non-residential uses, loading docks, overhead doors, and other service entries shall be screened and not be located on front street facades.

Pedestrian Access

All units shall have pedestrian access from the front street, or for corner lots, from the front street or side street.

Key for Subsections G-H

A = Allowed N/A = Not Allowed

I. Parking

Setback	Front W	Side St. X	Side Y	Rear Z
Minimum	Varies ¹	10'	2'	10'

Parking Driveway

Width	10' max.	1
-------	----------	---

Driveways may be shared between adjacent parcels.

When lot has adjacent alley, parking shall be accessed only from the alley.

Notes

¹ Parking shall not be located in front of the front facade of the building, and shall occupy no more than one-third the width of the front facade.

I. Parking (continued)	
Use Type	Required Parking Spaces (min.)
Residential	
Residential, except:	1 per unit
Home Occupations	—
Bed and Breakfast	1, plus 1 per 2 bedrooms
Residential Support Services	
Residential Support Services	1, plus 1 per every 2 residents
Services	
Services	1 per unit
Civic and Public Assembly	
Library, Museum, or Public Art Gallery	1 per 500 sf after first 2,500 sf
Meeting Facility (public or private)	1 per 100 sf assembly area after first 1,200 sf
Public Safety Facility	As determined by Planning Director ¹
School	1.5 spaces per staff member, plus 1 space for each 3 students enrolled in grades 11 and 12, college, or university
Entertainment and Recreation	
Entertainment and/or Recreation	As determined by Planning Director ¹
Agriculture	
Agriculture	≤ 5,750 sf, —; >5,750 sf determined by Planning Director
Other	
Other	As determined by Planning Director ¹

Notes

See Section 23-4E-3080 (Parking and Loading) for loading requirements, allowed parking reductions, and additional standards.

¹ In making a determination, the Planning Director shall consider the requirements applicable to similar uses, and the location and characteristics of the use.

Key for Subsection I

— = No Requirement

J. Impervious Cover

Impervious Cover	% (max.)	Standards
Impervious Cover	45%	23-3D-3
Building Cover	40%	

See Division 23-3D-8 (Additional Standards in All Watersheds) for additional standards.

The maximum percentage of impervious cover allowed by this Section may not be attainable by a project due to unique site characteristics, such as trees, waterways, and steep slopes. Where necessary, the project shall reduce the amount of proposed impervious cover to comply with other requirements of this Title.

K. Required Open Space

No private open space is required for individual lots.

L. Signage

Total Signs	Number (max.)
Building Signs	1 per building
Ground Signs	1 per building

Sign Types	Number (max.)	Standards
Building Signs		
Window ¹	1 per building	23-8B
Ground Signs		
Landscape Wall ¹	1 per building	23-8B
Yard ¹	1 per building	23-8B

Notes

See Chapter 23-8 (Signage) for exempt and temporary signage standards and additional standards.

¹Not allowed for residential uses.

M. Site Constraints

Drainage	See Article 23-10E (Drainage).
Water Quality	See Article 23-3D (Water Quality).
Tree Protection	See Article 23-3C (Tree and Natural Area Protection).
Landscape	See Division 23-4E-4 (Landscape).

N. Use Types		
Use Type	Specific Use Standards	T3NE.WL
Residential		
Residential Dwelling(s)		P
Accessory Dwelling Unit	23-4E-6030	P
Bed and Breakfast	23-4E-6080	CUP
Senior/Retirement Housing: ≤12 Residents	23-4E-6300	MUP
Home Occupations	23-4E-6180	P
Short-term Rental	23-4E-6310	P
Residential Support Services		
Group Home: <7 Residents	23-4E-6170	P
7 to 15 Residents		CUP
Services		
Day Care: Small (≤7 Children)		P
Large (>7 and <20 Children)		CUP
Pawn Shop		N/A
Civic and Public Assembly		
Library, Museum, or Public Art Gallery		CUP
Meeting Facility (public or private)		CUP
Public Safety Facility		CUP
School:	23-4E-6290	
Business, or Trade		N/A
College or University		CUP
Private Primary		CUP
Private Secondary		CUP
Public Primary		P
Public Secondary		P

N. Use Types (continued)		
Use Type	Specific Use Standards	T3NE.WL
Entertainment and Recreation		
Park/Playground		P
Recreation: Community, Non-Profit		CUP
Agriculture		
Community Agriculture	23-4E-6120	P
Other		
Accessory Uses	23-4E-6110	P
Communications	23-4E-6040	P
Telecommunications	23-4E-6340	P
Utilities: Local		CUP
Temporary Uses		TUP
Special Uses	23-4E-6320	CUP

Notes

¹Allowed on ground floor only behind other allowed street-facing ground floor use.

Key for Subsection N

P	Permitted Use	TUP	Temporary Use Permit Required
MUP	Minor Use Permit Required	N/A	Not Allowed
CUP	Conditional Use Permit Required		

23-4D-2090 T3 Neighborhood Edge (T3NE)



A. General Intent

To provide a wide variety of housing choices which reinforce the walkable nature of the neighborhood, support neighborhood-serving retail and service uses adjacent to this zone, and support public transportation options. Buildings shall have the following form characteristics:

- Detached

- Medium to Large Lot Widths

- Medium House Form

- Large Front Setbacks

- Medium to Large Side Setbacks

- Up to 2 Stories

- Common Yard and Porch Frontages

B. Sub-Zone

None

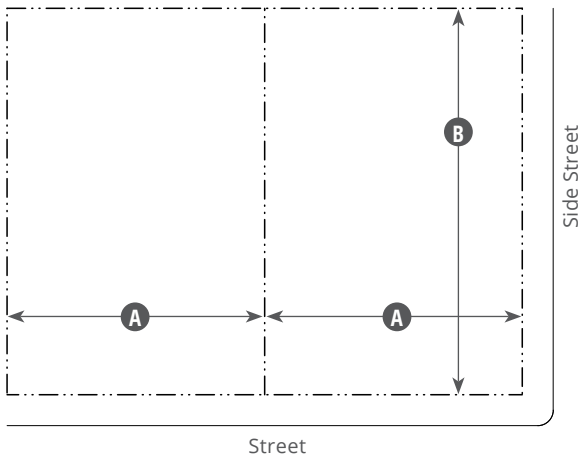
C. Lot Size

Width	60' min.
Depth	120' min.

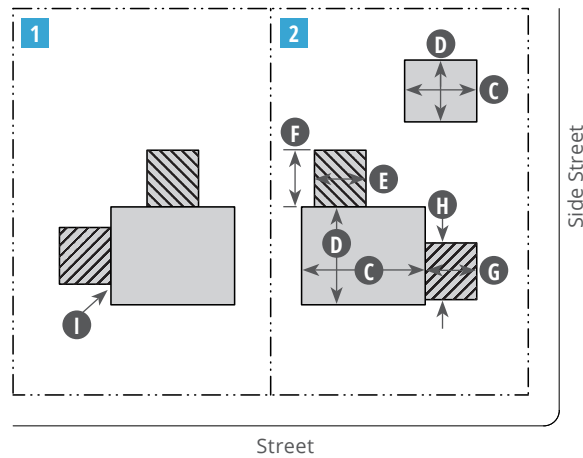
See Subsection D for additional standards.

General note: The drawing above is intended to provide a brief overview of this Transect Zone and is illustrative only.

Lot Diagram



Building Envelope Diagram



Key for Diagrams

- ROW / Lot Line
- █ Main Building Envelope
- █ Rear Building Envelope
- █ Side Building Envelope

D. Building Types

Building Type	Lot		Building Envelope (max.)							
	Buildings per Lot (max.)	Units per Building (max.)	Width (min.) A	Depth (min.) B	Main		Rear		Side	
					Width C	Depth D	Width E	Depth F	Width, combined G	Depth H
Medium House Form 1 2										
Wide House	1	1	60'	120'	48'	32'	20'	22'	N/A	N/A
Duplex: Side-by-side	1	2								
Accessory Building Form 2										
Accessory Dwelling Unit	1	1	—	—	28'	24'	N/A	N/A	N/A	N/A

Notes

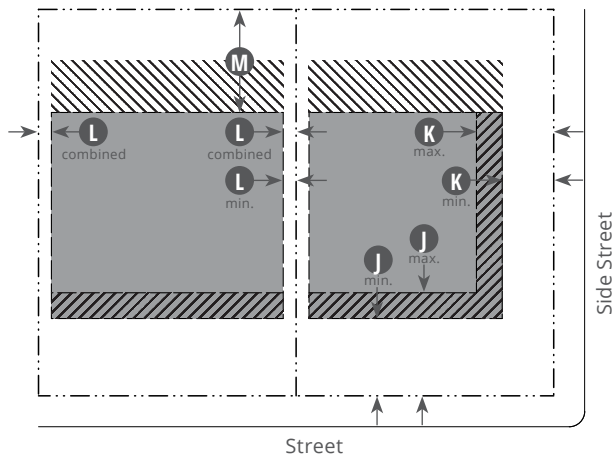
Rear and side building envelopes shall be set back from the ROW/lot line farther than the main building envelope by 4' min. **I**

Key for Subsection D

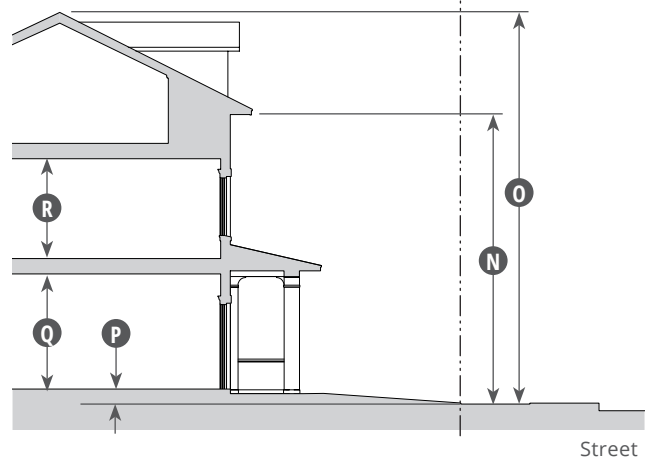
N/A = Not Allowed

— = No Requirement

Building Placement Diagram



Building Height Diagram



Key for Diagrams

- ROW / Lot Line
- Building Setback Line

- Buildable Area
- ▨ Facade Zone
- ▩ Accessory Building or Structure Only

E. Building Placement

Setback (Distance from ROW / Lot Line)	Front ¹ J	Side St. ¹ K	Side L	Rear M
Primary Building				
Minimum	30'	20'	5'	20'
Maximum	45'	35'	—	—
Combined min.	—	—	15'	—
Accessory Building or Structure				
Minimum	45'	20'	5'	20' ²

Notes

Where existing adjacent buildings are in front of the minimum front setback or side street setback, the building may be set to align with the facade of the front-most immediately adjacent building.

¹ Additional setback and/or easement may be required where street ROW or utilities easement is required.

² 5' when adjacent to alley.

F. Height

Building Height	Stories (max.)	To Eave/Parapet (max.) N	Overall (max.) O
Primary Building	2	22'	32'
Accessory Dwelling Unit	2	22'	28'
Accessory Structure	1	—	12'
Primary Building			
Ground Floor Finish Level ^{3, 4}			
Height above Curb		6" min.	P
Floor-to-Ceiling ³			
Ground Floor		9' min.	Q
Upper Floor(s)		8' min.	R

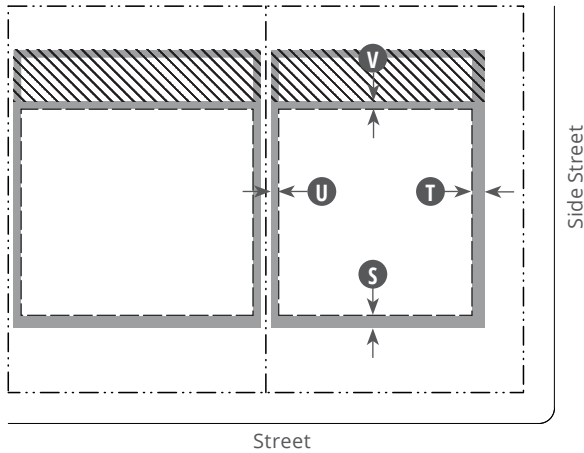
³ Buildings existing at the time of adoption of this Land Development Code and additions to those buildings are exempt.

⁴ Primary buildings located on lots sloping down and away from the street are exempt.

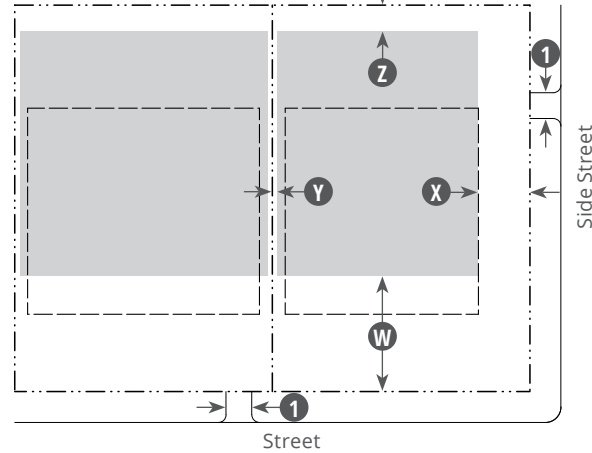
Key for Subsections E-F

- N/A = Not Allowed
- = No Requirement

Encroachments Diagram



Parking Diagram



Key for Diagrams

- ROW / Lot Line
- Building Setback Line
- Encroachment
- Parking Area
- ▨ Accessory Building or Structure Only

G. Encroachments

Encroachment Type	Front (max.) S	Side St. (max.) T	Side (max.) U	Rear (max.) V
Private Frontage	5'	5'	N/A	N/A
Steps and/or ramps to Building Entrance	5'	5'	N/A	N/A
Architectural Features	3'	3'	3'	3'

Encroachments are not allowed within a street ROW, alley ROW or across a Lot Line.

H. Frontages

Private Frontage Type	Front	Side St.	Standards
Common Yard	A	A	23-2D-1040
Porch: Projecting	A	A	23-2D-1050
Porch: Engaged	A	A	23-2D-1060
Stoop	N/A	A	23-2D-1070

For non-residential uses, loading docks, overhead doors, and other service entries shall be screened and not be located on front street facades.

Pedestrian Access

All units shall have pedestrian access from the front street, or for corner lots, from the front street or side street.

I. Parking

Setback	Front W	Side St. X	Side Y	Rear Z
Minimum	45' ¹	20'	2'	10'

Parking Driveway

Width	10' max.	1
-------	----------	---

Driveways may be shared between adjacent parcels.

When lot has adjacent alley, parking shall be accessed only from the alley.

Notes

¹ Parking shall not be located in front of the front facade of the building, and shall occupy no more than one-third the width of the front facade.

Key for Subsections G-H

A = Allowed N/A = Not Allowed

I. Parking (continued)	
Use Type	Required Parking Spaces (min.)
Residential	
Residential, except:	1 per unit
Home Occupations	—
Bed and Breakfast	1, plus 1 per 2 bedrooms
Residential Support Services	
Residential Support Services	1, plus 1 per every 2 residents
Services	
Services	1 per 500 sf
Civic and Public Assembly	
Library, Museum, or Public Art Gallery	1 per 500 sf after first 2,500 sf
Meeting Facility (public or private)	1 per 100 sf assembly area after first 1,200 sf
Public Safety Facility	As determined by Planning Director ¹
School	1.5 spaces per staff member, plus 1 space for each 3 students enrolled in grades 11 and 12, college, or university
Entertainment and Recreation	
Entertainment and/or Recreation	As determined by Planning Director ¹
Agriculture	
Agriculture	≤ 5,750 sf, —; >5,750 sf determined by Planning Director ¹
Other	
Other	As determined by Planning Director ¹

Notes

See Section 23-4E-3080 (Parking and Loading) for loading requirements, allowed parking reductions, and additional standards.

¹ In making a determination, the Planning Director shall consider the requirements applicable to similar uses, and the location and characteristics of the use.

Key for Subsection I

— = No Requirement

J. Impervious Cover

Impervious Cover	% (max.)	Standards
Impervious Cover	45%	23-3D-3
Building Cover	40%	

See Division 23-3D-8 (Additional Standards in All Watersheds) for additional standards.

The maximum percentage of impervious cover allowed by this Section may not be attainable by a project due to unique site characteristics, such as trees, waterways, and steep slopes. Where necessary, the project shall reduce the amount of proposed impervious cover to comply with other requirements of this Title.

K. Required Open Space

No private open space is required for individual lots.

L. Signage

Total Signs	Number (max.)
Building Signs	1 per building
Ground Signs	1 per building

Sign Types ¹	Number (max.)	Standards
-------------------------	---------------	-----------

Building Signs

Window ¹	1 per building	23-8B
---------------------	----------------	-------

Ground Signs

Landscape Wall ¹	1 per building	23-8B
-----------------------------	----------------	-------

Yard ¹	1 per building	23-8B
-------------------	----------------	-------

Notes

See Chapter 23-8 (Signage) for exempt and temporary signage standards and additional standards.

¹ Not allowed for residential uses.

M. Site Constraints

Drainage	See Article 23-10E (Drainage).
----------	--------------------------------

Water Quality	See Article 23-3D (Water Quality).
---------------	------------------------------------

Tree Protection	See Article 23-3C (Tree and Natural Area Protection).
-----------------	---

Landscape	See Division 23-4E-4 (Landscape).
-----------	-----------------------------------

N. Use Types		
Use Type	Specific Use Standards	T3NE
Residential		
Residential Dwelling(s)		P
Accessory Dwelling Unit	23-4E-6030	P
Bed and Breakfast	23-4E-6080	CUP
Senior/Retirement Housing: ≤12 Residents	23-4E-6300	MUP
Home Occupations	23-4E-6180	P
Short-term Rental	23-4E-6310	P
Residential Support Services		
Group Home: <7 Residents	23-4E-6170	P
7 to 15 Residents		CUP
Services		
Day Care: Small (≤7 Children)		P
Large (>7 and <20 Children)		CUP
Pawn Shop		N/A

N. Use Types (continued)		
Use Type	Specific Use Standards	T3NE
Civic and Public Assembly		
Library, Museum, or Public Art Gallery		CUP
Meeting Facility (public or private)		CUP
Public Safety Facility		CUP
School:	23-4E-6290	
Business, or Trade		N/A
College or University		CUP
Private Primary		CUP
Private Secondary		CUP
Public Primary		P
Public Secondary		P
Entertainment and Recreation		
Park/Playground		P
Recreation: Community, Non-Profit		CUP
Agriculture		
Community Agriculture	23-4E-6120	P
Other		
Accessory Uses	23-4E-6040	P
Communications	23-4E-6110	P
Telecommunications	23-4E-6340	P
Utilities: Local		CUP
Temporary Uses		TUP
Special Uses	23-4E-6320	CUP

Key for Subsection N

P	Permitted Use	TUP	Temporary Use Permit Required
MUP	Minor Use Permit Required	N/A	Not Allowed
CUP	Conditional Use Permit Required		

23-4D-2100 T3 Neighborhood Deep Setback (T3N.DS)



A. General Intent

To provide housing choices which reinforce the walkable nature of the neighborhood and support neighborhood-serving retail and service uses near this zone. Buildings shall have the following form characteristics:

- Detached

- Medium Lot Widths

- Small to Medium or Multiple House Form

- Deep Front Setbacks

- Medium Side Setbacks

- Up to 2 Stories

- Stoop, Common Yard, and Porch Frontages

B. Sub-Zone

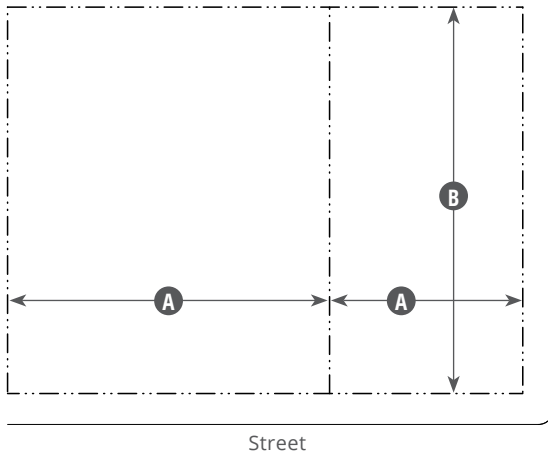
None

C. Lot Size

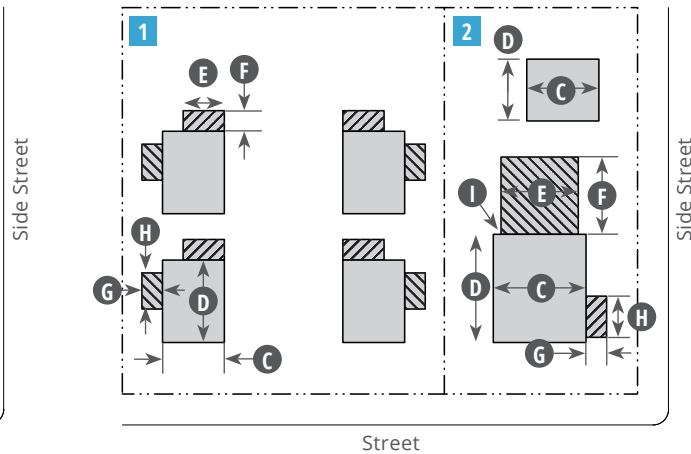
Width	50' min.
Depth	100' min.
See Subsection D for additional standards.	

General note: The drawing above is intended to provide a brief overview of this Transect Zone and is illustrative only.

Lot Diagram



Building Envelope Diagram



Key for Diagrams

- ROW / Lot Line
- Main Building Envelope
- Rear Building Envelope
- Side Building Envelope

D. Building Types

Building Type	Lot		Building Envelope (max.)							
	Buildings per Lot (max.)	Units per Building (max.)	Width (min.) A	Depth (min.) B	Main		Rear		Side	
					Width C	Depth D	Width E	Depth F	Width, combined G	Depth H
Small House Form 2										
Small House	1	1	50' ¹	100'	28'	42'	20'	16'	8'	24'
Medium House Form										
Wide House	1	1	50'	100'	48'	32'	20'	22'	N/A	N/A
Duplex: Side-by-side	1	2	50'	100'						
Multiple House Form 1										
Cottage Corner ²	3	1	50'	125'	24'	32'	N/A	N/A	4'	16'
Cottage Court	6	1	100'							
Accessory Building Form 2										
Accessory Dwelling Unit	1	1	—	—	28'	24'	N/A	N/A	N/A	N/A

Notes

Rear and side building envelopes shall be set back from the ROW/lot line farther than the main building envelope by 4' min. 1

¹ 25' for lots existing at time of adoption of this Land Development Code.

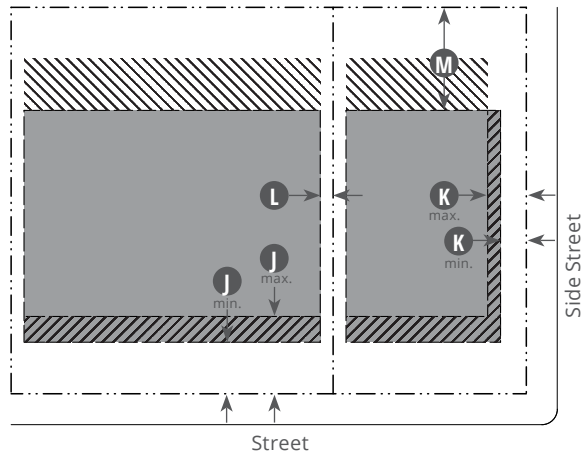
² Cottage Corner building types shall be located on a corner lot.

Key for Subsection D

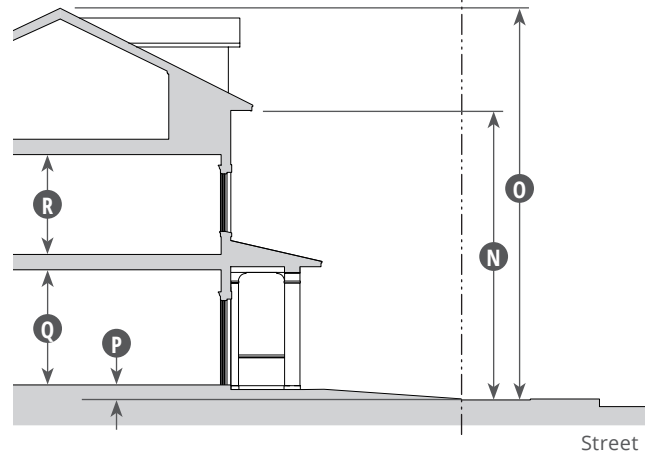
N/A = Not Allowed

— = No Requirement

Building Placement Diagram



Building Height Diagram



Key for Diagrams

- ROW / Lot Line
- Building Setback Line

- Buildable Area
- ▨ Facade Zone
- ▩ Accessory Building or Structure Only

E. Building Placement

Setback (Distance from ROW / Lot Line)	Front ¹ (J)	Side St. ¹ (K)	Side (L)	Rear (M)
Primary Building				
Minimum	20'	10'	5'	20'
Maximum	30'	15'	—	—
Combined min.	—	—	15'	—
Accessory Building or Structure				
Minimum	30'	15'	5'	20' ²

Notes

Where existing adjacent buildings are in front of the minimum front setback or side street setback, the building may be set to align with the facade of the front-most immediately adjacent building.

Multiple House Form buildings must be detached and shall have a minimum 10' separation between buildings on the lot.

¹ Additional setback and/or easement may be required where street ROW or utilities easement is required.

² 5' when adjacent to alley.

F. Height

Building Height	Stories (max.)	To Eave/Parapet (max.) (N)	Overall (max.) (O)
Primary Building, except:	2	22'	32'
Cottage Types	1½	14'	22'
Accessory Dwelling Unit	2	22'	28'
Accessory Structure	1	—	12'

Primary Building

Ground Floor Finish Level ^{3, 4}

Height above Curb	6" min.	(P)
-------------------	---------	-----

Floor-to-Ceiling ³

Ground Floor	9' min.	(Q)
Upper Floor(s)	8' min.	(R)

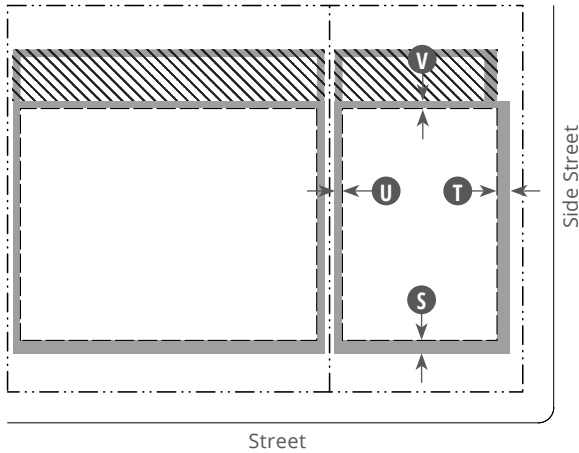
³ Buildings existing at the time of adoption of this Land Development Code and additions to those buildings are exempt.

⁴ Primary buildings located on lots sloping down and away from the street are exempt.

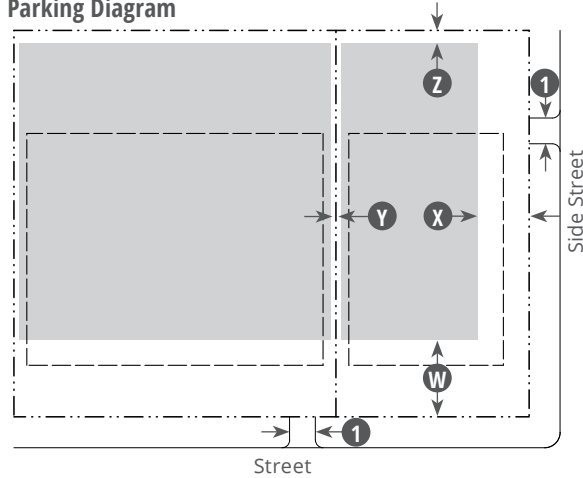
Key for Subsections E-F

- N/A = Not Allowed
- = No Requirement

Encroachments Diagram



Parking Diagram



Key for Diagrams

- ROW / Lot Line
- Building Setback Line

- Encroachment
- Parking Area
- ▨ Accessory Building or Structure Only

G. Encroachments

Encroachment Type	Front (max.) S	Side St. (max.) T	Side (max.) U	Rear (max.) V
Private Frontage	5'	5'	N/A	N/A
Steps and/or ramps to Building Entrance	5'	5'	N/A	N/A
Architectural Features	3'	3'	3'	3'

Encroachments are not allowed within a street ROW, alley ROW or across a Lot Line.

H. Frontages

Private Frontage Type	Front	Side St.	Standards
Common Yard	A	A	23-2D-1040
Porch: Projecting	A	A	23-2D-1050
Porch: Engaged	A	A	23-2D-1060
Stoop	N/A	A	23-2D-1070

For non-residential uses, loading docks, overhead doors, and other service entries shall be screened and not be located on front street facades.

Pedestrian Access

All units shall have pedestrian access from the front street, or for corner lots, from the front street or side street.

I. Parking

Setback	Front W	Side St. X	Side Y	Rear Z
Minimum	30' ¹	20'	2'	5'
Parking Driveway				
Width	10' max.			1

Driveways may be shared between adjacent parcels.

When lot has adjacent alley, parking shall be accessed only from the alley.

Notes

¹ Parking shall not be located in front of the front facade of the building, and shall occupy no more than one-third the width of the front facade.

Key for Subsections G-H

A = Allowed N/A = Not Allowed

I. Parking (continued)	
Use Type	Required Parking Spaces (min.)
Residential	
Residential, except:	1 per unit
Home Occupations	—
Bed and Breakfast	1, plus 1 per 2 bedrooms
Residential Support Services	
Residential Support Services	1, plus 1 per every 2 residents
Services	
Services	1 per 500 sf
Civic and Public Assembly	
Library, Museum, or Public Art Gallery	1 per 500 sf after first 2,500 sf
Meeting Facility (public or private)	1 per 100 sf assembly area after first 1,200 sf
Public Safety Facility	As determined by Planning Director ¹
School	1.5 spaces per staff member, plus 1 space for each 3 students enrolled in grades 11 and 12, college, or university

I. Parking (continued)	
Use Type	Required Parking Spaces (min.)
Entertainment and Recreation	
Entertainment and Recreation	As determined by Planning Director ¹
Agriculture	
Agriculture	≤ 5,750 sf, —; >5,750 sf determined by Planning Director ¹
Other	
Other	As determined by Planning Director ¹

Notes

See Section 23-4E-3080 (Parking and Loading) for loading requirements, allowed parking reductions, and additional standards.

¹ In making a determination, the Planning Director shall consider the requirements applicable to similar uses, and the location and characteristics of the use.

Key for Subsection I

— = No Requirement

J. Impervious Cover

Impervious Cover	% (max.)	Standards
Impervious Cover	45%	23-3D-3
Building Cover	40%	

See Division 23-3D-8 (Additional Standards in All Watersheds) for additional standards.

The maximum percentage of impervious cover allowed by this Section may not be attainable by a project due to unique site characteristics, such as trees, waterways, and steep slopes. Where necessary, the project shall reduce the amount of proposed impervious cover to comply with other requirements of this Title.

K. Required Open Space

Open Space Type	Width (min.)	Depth (min.)	Area per Unit (min.)
Private ¹	8'	10'	100 sf

Notes

Private open space requirement may be met by ground floor private open space, upper story balcony, or roof deck.

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

¹ The Cottage Court building type has additional open space standards. See Section 23-4D-2220 (Supplementary Cottage Court Building Type Standards).

L. Signage

Total Signs	Number (max.)
Building Signs	1 per building
Ground Signs	1 per building

Sign Types	Number (max.)	Standards
------------	---------------	-----------

Building Signs

Window ¹	1 per building	23-8B
---------------------	----------------	-------

Ground Signs

Landscape Wall ¹	1 per building	23-8B
Yard ¹	1 per building	23-8B

Notes

See Chapter 23-8 (Signage) for exempt and temporary signage standards and additional standards.

¹ Not allowed for residential uses.

M. Site Constraints

Drainage	See Article 23-10E (Drainage).
Water Quality	See Article 23-3D (Water Quality).
Tree Protection	See Article 23-3C (Tree and Natural Area Protection).
Landscape	See Division 23-4E-4 (Landscape).

N. Use Types		
Use Type	Specific Use Standards	T3N.DS
Residential		
Residential Dwelling(s)		P
Accessory Dwelling Unit	23-4E-6030	P
Bed and Breakfast	23-4E-6080	CUP
Senior/Retirement Housing: ≤12 Residents	23-4E-6300	MUP
Home Occupations	23-4E-6180	P
Short-term Rental	23-4E-6310	P
Residential Support Services		
Group Home: <7 Residents	23-4E-6170	P
7 to 15 Residents		CUP
Services		
Day Care: Small (≤7 Children)		P
Large (>7 and <20 Children)		CUP
Pawn Shop		N/A
Civic and Public Assembly		
Library, Museum, or Public Art Gallery		CUP
Meeting Facility (public or private)		CUP
Public Safety Facility		CUP
School: Business, or Trade	23-4E-6290	N/A
College or University		CUP
Private Primary		CUP
Private Secondary		CUP
Public Primary		P
Public Secondary		P

N. Use Types (continued)		
Use Type	Specific Use Standards	T3N.DS
Entertainment and Recreation		
Park/Playground		P
Recreation: Community, Non-Profit		CUP
Agriculture		
Community Agriculture	23-4E-6120	P
Other		
Accessory Uses	23-4E-6040	P
Communications	23-4E-6110	P
Telecommunications	23-4E-6340	P
Utilities: Local		CUP
Temporary Uses		TUP
Special Uses	23-4E-6320	CUP

Key for Subsection N

P	Permitted Use	TUP	Temporary Use Permit Required
MUP	Minor Use Permit Required	N/A	Not Allowed
CUP	Conditional Use Permit Required		

This page intentionally left blank

23-4D-2110 T3 Neighborhood Intermediate Setback (T3N.IS)



A. General Intent

To provide a wide variety of housing choices which reinforce the walkable nature of the neighborhood, support neighborhood-serving retail and service uses adjacent to this zone, and support public transportation options. Buildings shall have the following form characteristics:

- Detached or Semi-detached

- Small to Medium Lot Widths

- Small to Medium or Multiple House Form

- Intermediate Front Setbacks

- Medium Side Setbacks

- Up to 2 Stories

- Stoop, Common Yard, and Porch Frontages

B. Sub-Zone

T3N.IS-Open Sub-Zone (T3N.IS-O)

The Open sub-zone provides the same building form but allows for a more diverse mix of uses.

C. Lot Size

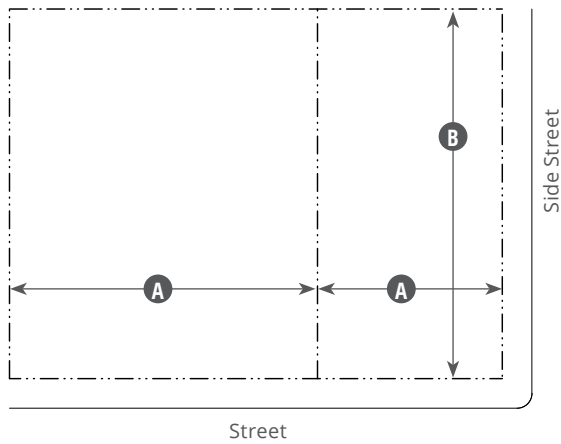
- Width 40' min.

- Depth 100' min. (75' min. when adjacent to alley)

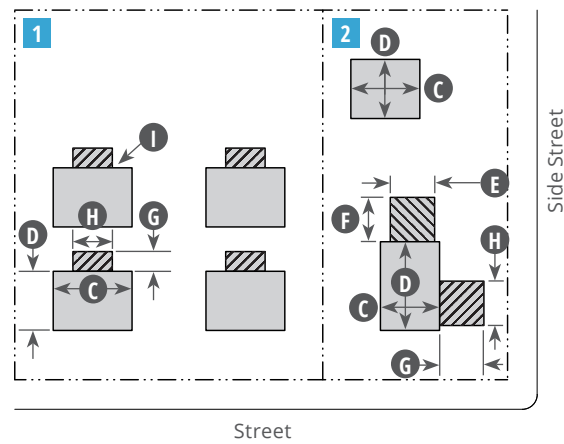
- See Subsection D for additional standards.

General note: The drawing above is intended to provide a brief overview of this Transect Zone and is illustrative only.

Lot Diagram



Building Envelope Diagram



Key for Diagrams

- ROW / Lot Line
- █ Main Building Envelope
- ▨ Rear Building Envelope
- ▩ Side Building Envelope

D. Building Types

Building Type	Lot		Building Envelope (max.)							
	Buildings per Lot (max.)	Units per Building (max.)	Width (min.) A	Depth (min.) B	Main		Rear		Side	
					Width C	Depth D	Width E	Depth F	Width, combined G	Depth H
Small House Form 2										
Cottage House	1	1	40' ¹	100' ²	24'	36'	16'	18'	N/A	N/A
Small House	1	1	50' ¹	100' ²	28'	42'	20'	16'	8'	24'
Duplex: Stacked	1	2								
Medium House Form										
Wide House	1	1	60'	100' ²	48'	32'	20'	22'	N/A	N/A
Duplex: Side-by-side	1	2								
Multiple House Form 1										
Cottage Corner ³	3	1	50'	125'	24'	32'	N/A	N/A	4'	16'
Cottage Court	6	1	100'							
Accessory Building Form 2										
Accessory Dwelling Unit	1	1	—	—	28'	24'	N/A	N/A	N/A	N/A

Notes

Rear and side building envelopes shall be set back from the ROW/lot line farther than the main building envelope by 4' min. 1

¹ 25' for lots existing at time of adoption of this Land Development Code.

² 75' when adjacent to alley.

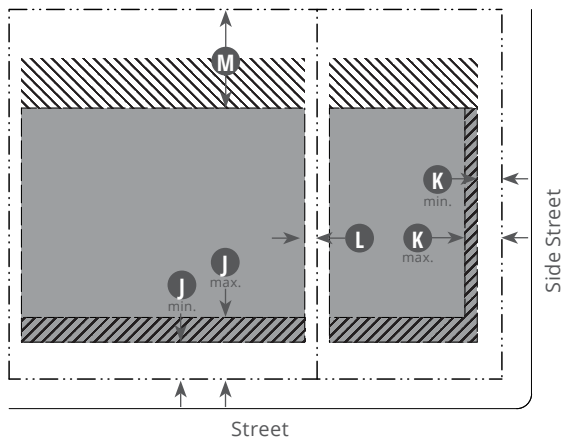
³ Cottage Corner building types shall be located on a corner lot.

Key for Subsection D

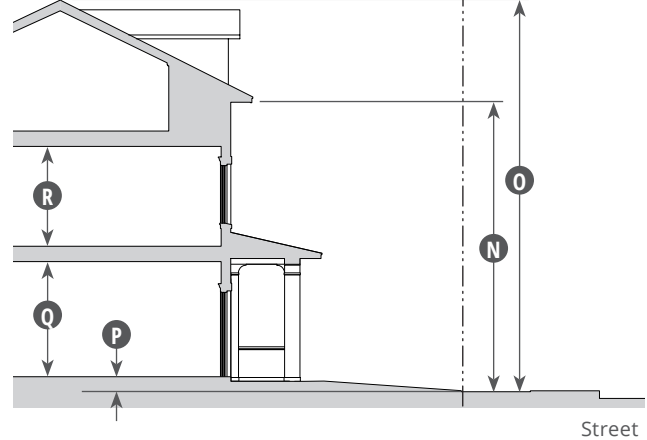
N/A = Not Allowed

— = No Requirement

Building Placement Diagram



Building Height Diagram



Key for Diagrams

- ROW / Lot Line
- .-.- Building Setback Line

- Buildable Area
- ▨ Facade Zone
- ▩ Accessory Building or Structure Only

E. Building Placement

Setback (Distance from ROW / Lot Line)	Front ¹ J	Side St. ¹ K	Side L	Rear M
Primary Building				
Minimum	15'	10'	5'	20'
Maximum	25'	15'	—	—
Combined min.	—	—	15'	—
Accessory Building or Structure				
Minimum	25'	10'	5'	20' ²

Notes

Where existing adjacent buildings are in front of the minimum front setback or side street setback, the building may be set to align with the facade of the front-most immediately adjacent building.

Multiple House Form buildings must be detached and shall have a minimum 10' separation between buildings on the lot.

¹ Additional setback and/or easement may be required where street ROW or utilities easement is required.

² 5' when adjacent to alley.

F. Height

Building Height	Stories (max.)	To Eave/Parapet (max.) N	Overall (max.) O
Primary Building, except:	2	22'	32'
Cottage Types	1½	14'	22'
Accessory			
Dwelling Unit	2	22'	28'
Accessory Structure	1	—	12'

Primary Building

Ground Floor Finish Level ^{3, 4}

Height above Curb	6" min.	P
-------------------	---------	----------

Floor-to-Ceiling ³

Ground Floor	9' min.	Q
Upper Floor(s)	8' min.	R

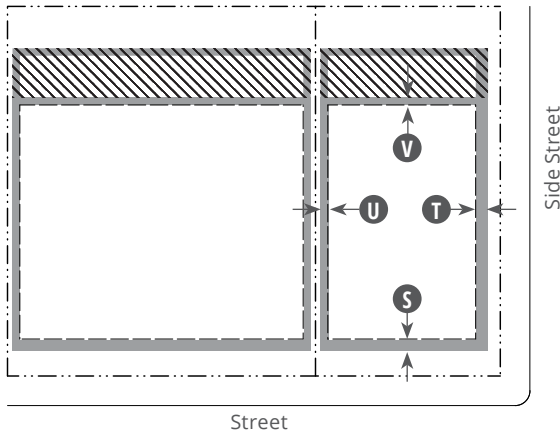
³ Buildings existing at the time of adoption of this Land Development Code and additions to those buildings are exempt.

⁴ Primary buildings located on lots sloping down and away from the street are exempt.

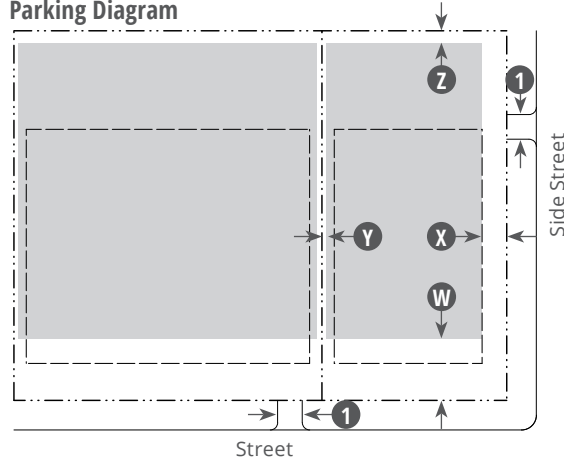
Key for Subsections E-F

- N/A = Not Allowed
- = No Requirement

Encroachments Diagram



Parking Diagram



Key for Diagrams

- ROW / Lot Line
- Building Setback Line

- Encroachment
- Parking Area
- ▨ Accessory Building or Structure Only

G. Encroachments

Encroachment Type	Front (max.) S	Side St. (max.) T	Side (max.) U	Rear (max.) V
Private Frontage	5'	5'	N/A	N/A
Steps and/or ramps to Building Entrance	5'	5'	N/A	N/A
Architectural Features	3'	3'	3'	3'

Encroachments are not allowed within a street ROW, alley ROW or across a Lot Line.

H. Frontages

Private Frontage Type	Front	Side St.	Standards
Common Yard	A	A	23-2D-1040
Porch: Projecting	A	A	23-2D-1050
Porch: Engaged	A	A	23-2D-1060
Stoop	A	A	23-2D-1070

For non-residential uses, loading docks, overhead doors, and other service entries shall be screened and not be located on front street facades.

Pedestrian Access

All units shall have pedestrian access from the front street, or for corner lots, from the front street or side street.

I. Parking

Setback	Front W	Side St. X	Side Y	Rear Z
Minimum	25' ¹	10'	2'	5'
Parking Driveway				
Width	10' max.			1

Driveways may be shared between adjacent parcels.

When lot has adjacent alley, parking shall be accessed only from the alley.

Notes

¹ Parking shall not be located in front of the front facade of the building, and shall occupy no more than one-third the width of the front facade.

Key for Subsections G-H

A = Allowed N/A = Not Allowed

I. Parking (continued)	
Use Type	Required Parking Spaces (min.)
Residential	
Residential, except:	1 per unit
Home Occupations	—
Bed and Breakfast	1, plus 1 per 2 bedrooms
Residential Support Services	
Residential Support Services	1, plus 1 per every 2 residents
Services	
Services, except:	1 per 500 sf after first 2,500 sf
Day Care	1 per 500 sf
Medical Services: ≤2,500 sf	—
Office	
Office	1 per 500 sf after first 2,500 sf
Civic and Public Assembly	
Library, Museum, or Public Art Gallery	1 per 500 sf after first 2,500 sf
Meeting Facility (public or private)	1 per 100 sf assembly area after first 1,200 sf
Public Safety Facility	As determined by Planning Director ¹
School	1.5 spaces per staff member, plus 1 space for each 3 students enrolled in grades 11 and 12, college, or university

I. Parking (continued)	
Use Type	Required Parking Spaces (min.)
Restaurants and Bars	
Restaurants and Bars	1 per 100 sf for first 2,500 sf; 1 per 50 sf after first 2,500 sf
Retail	
Retail	1 per 500 sf after first 2,500 sf
Entertainment and Recreation	
Park/Playground	As determined by Planning Director ¹
Recreation: Community, Non-Profit	As determined by Planning Director ¹
Studio: Art, Dance, Martial Arts, Music ≤500 sf	—
Agriculture	
Agriculture	≤ 5,750 sf, —; >5,750 sf determined by Planning Director ¹
Other	
Other	As determined by Planning Director ¹

Notes

See Section 23-4E-3080 (Parking and Loading) for loading requirements, allowed parking reductions, and additional standards.

¹ In making a determination, the Planning Director shall consider the requirements applicable to similar uses, and the location and characteristics of the use.

Key for Subsection I

— = No Requirement

J. Impervious Cover

Impervious Cover	% (max.)	Standards
Impervious Cover	45%	23-3D-3
Building Cover	40%	

See Division 23-3D-8 (Additional Standards in All Watersheds) for additional standards.

The maximum percentage of impervious cover allowed by this Section may not be attainable by a project due to unique site characteristics, such as trees, waterways, and steep slopes. Where necessary, the project shall reduce the amount of proposed impervious cover to comply with other requirements of this Title.

K. Required Open Space

Open Space Type	Width (min.)	Depth (min.)	Area per Unit (min.)
Private ¹	8'	10'	100 sf

Notes

Private open space requirement may be met by ground floor private open space, upper story balcony, or roof deck.

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

¹ The Cottage Court building type has additional open space standards. See Section 23-4D-2220 (Supplementary Cottage Court Building Type Standards).

L. Signage

Total Signs	Number (max.)
Building Signs	N/A

Ground Signs 1 per building

Sign Types	Number (max.)	Standards
------------	---------------	-----------

Building Signs

Hanging ¹ 1 per building 23-8B

Window ¹ 1 per building 23-8B

Ground Signs

Yard ¹ 1 per building 23-8B

Notes

See Chapter 23-8 (Signage) for exempt and temporary signage standards and additional standards.

¹ Not allowed for residential uses.

M. Site Constraints

Drainage See Article 23-10E (Drainage).

Water Quality See Article 23-3D (Water Quality).

Tree Protection See Article 23-3C (Tree and Natural Area Protection).

Landscape See Division 23-4E-4 (Landscape).

Key for Subsection L

N/A = Not Allowed

N. Use Types			
Use Type	Specific Use Standards	T3N	
		IS	IS-0
Residential			
Residential Dwelling(s)		P	P
Accessory Dwelling Unit	23-4E-6030	P	P
Bed and Breakfast	23-4E-6080	CUP	P
Senior/Retirement Housing: ≤12 Residents	23-4E-6300	MUP	MUP
Home Occupations	23-4E-6180	P	P
Short-term Rental	23-4E-6310	P	P
Residential Support Services			
Group Home: <7 Residents	23-4E-6170	P	P
7 to 15 Residents		CUP	P
Services			
Business and Financial/ Professional Services		N/A	CUP
Day Care:			
Small (≤7 Children)		P	P
Large (>7 and <20 Children)		CUP	CUP
Commercial		N/A	CUP
Medical Services:			
≤2,500 sf		N/A	P
Pawn Shop		N/A	N/A
Personal Services		N/A	P
Repair, Commercial (non-vehicular)		N/A	CUP

N. Use Types (continued)			
Use Type	Specific Use Standards	T3N	
		IS	IS-0
Office			
Office, General (non-medical)		N/A	P
Civic and Public Assembly			
Library, Museum, or Public Art Gallery		CUP	CUP
Meeting Facility (public or private)		CUP	CUP
Public Safety Facility		CUP	CUP
School:	23-4E-6290		
Business, or Trade		N/A	N/A
College or University		CUP	CUP
Private Primary		CUP	CUP
Private Secondary		CUP	CUP
Public Primary		P	P
Public Secondary		P	P
Restaurants and Bars			
Bar/Nightclub: Level 1 – No Outside Seating, No Late Hours		N/A	CUP
Restaurant, except:		N/A	P
> 2,500 sf		N/A	CUP
With Alcohol Sales		N/A	CUP
With Outside Seating		N/A	CUP
Late Night Operation	23-4E-6270	N/A	CUP
Retail			
Food Sales (on or off site)		N/A	P
General Retail:			
<5,000 sf		N/A	P
With On-site Production		N/A	P

Table Continues on Next Page →

Key for Subsection N

P	Permitted Use	TUP	Temporary Use Permit Required
MUP	Minor Use Permit Required	N/A	Not Allowed
CUP	Conditional Use Permit Required		

N. Use Types (continued)			
Use Type	Specific Use Standards	T3N	
		IS	IS-0
Entertainment and Recreation			
Park/Playground		P	P
Recreation: Community, Non-Profit		CUP	CUP
Studio: Art, Dance, Martial Arts, Music ≤500 sf		P	P
Agriculture			
Community Agriculture	23-4E-6120	P	P
Other			
Accessory Uses	23-4E-6040	P	P
Communications	23-4E-6110	P	P
Telecommunications	23-4E-6340	P	P
Utilities: Local		CUP	CUP
Temporary Uses		TUP	TUP
Special Uses	23-4E-6320	CUP	CUP

Key for Subsection N

P	Permitted Use	TUP	Temporary Use Permit Required
MUP	Minor Use Permit Required	N/A	Not Allowed
CUP	Conditional Use Permit Required		

23-4D-2120 T4 Neighborhood Intermediate Setback (T4N.IS)



A. General Intent

To provide a wide variety of housing choices which reinforce the walkable nature of the neighborhood, support neighborhood-serving retail and service uses adjacent to this zone, and support public transportation options. Buildings shall have the following form characteristics:

- Detached or Semi-detached

- Small to Medium Lot Widths

- Small to Medium or Multiple House Form

- Intermediate Front Setbacks

- Medium Side Setbacks

- Up to 2 Stories

- Stoop, Common Yard, and Porch Frontages

B. Sub-Zone

T4N.IS-Open Sub-Zone (T4N.IS-O)

The Open sub-zone provides the same building form but allows for a more diverse mix of uses.

C. Lot Size

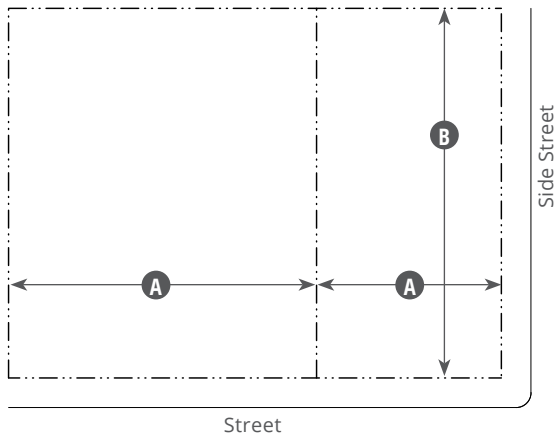
- Width 35' min.

- Depth 100' min. (75' min. when adjacent to alley)

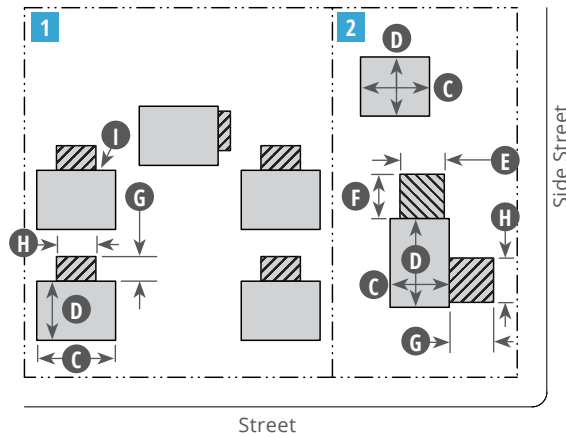
- See Subsection D for additional standards.

General note: The drawing above is intended to provide a brief overview of this Transect Zone and is illustrative only.

Lot Diagram



Building Envelope Diagram



Key for Diagrams

- ROW / Lot Line
- Main Building Envelope
- ▨ Rear Building Envelope
- ▩ Side Building Envelope

D. Building Types

Building Type	Lot		Building Envelope (max.)							
			Main		Rear		Side			
	Buildings per Lot (max.)	Units per Building (max.)	Width (min.) A	Depth (min.) B	Width C	Depth D	Width E	Depth F	Width, combined G	Depth H
Small House Form 1										
Cottage House	1	1	35' ¹	100' ²	24'	36'	16'	18'	N/A	N/A
Small House	1	1	40' ¹	100' ²	28'	42'	20'	16'	8'	24'
Duplex: Stacked	1	2								
Medium House Form										
Wide House	1	1	60'	100' ²	48'	32'	8'	24'	N/A	N/A
Duplex: Side-by-side	1	2								
Multiplex: Medium	1	4	60'	100' ²	46'	46'	32'	12'		
Multiple House Form 2										
Cottage Court	6	1	100'	125'	24'	32'	N/A	N/A	4'	16'
Accessory Building Form 2										
Accessory Dwelling Unit	1	1	—	—	28'	24'	N/A	N/A	N/A	N/A

Notes

Rear and side building envelopes shall be set back from the ROW/lot line farther than the main building envelope by 4' min. 1

¹ 25' for lots existing at time of adoption of this Land Development Code.

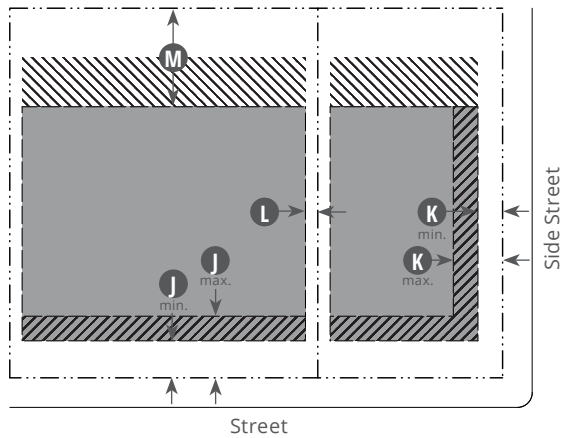
² 75' when adjacent to alley.

Key for Subsection D

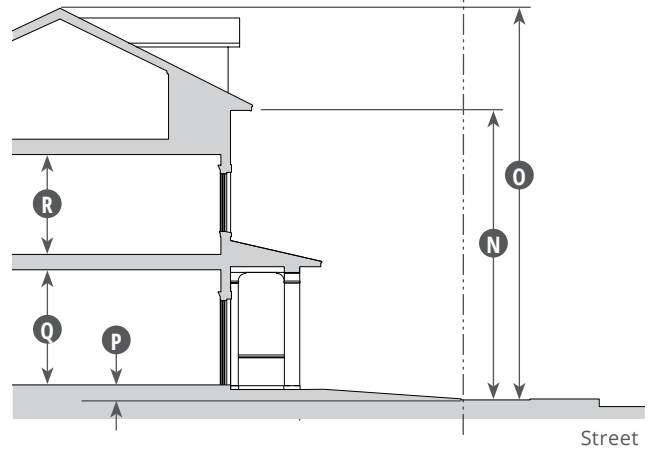
N/A = Not Allowed

— = No Requirement

Building Placement Diagram



Building Height Diagram



Key for Diagrams

- ROW / Lot Line
- Building Setback Line
- Buildable Area
- ▨ Facade Zone
- ▩ Accessory Building or Structure Only

E. Building Placement

Setback (Distance from ROW / Lot Line)	Front ¹ (J)	Side St. ¹ (K)	Side (L)	Rear (M)
Primary Building				
Minimum	15'	10'	5'	20'
Maximum	25'	20'	—	—
Combined min.	—	—	15'	—
Accessory Building or Structure				
Minimum	25'	10'	5'	20' ²
Primary Building Facade within Facade Zone				
Front	65% min.			
Side Street	50% min.			

Miscellaneous

Where existing adjacent buildings are in front of the minimum front setback or side street setback, the building may be set to align with the facade of the front-most immediately adjacent building.

Multiple House Form buildings must be detached and shall have a minimum 10' separation between buildings on the lot.

¹ Additional setback and/or easement may be required where street ROW or utilities easement is required.

² 5' when adjacent to alley.

F. Height

Building Height	Stories (max.)	To Eave/Parapet (max.) (N)	Overall (max.) (O)
Primary Building, except:	2	22'	32'
Cottage Types	1½	14'	22'
Accessory Dwelling Unit	2	22'	28'
Accessory Structure	1	—	—
Primary Building			
Ground Floor Finish Level ^{3, 4}			
Height above Curb	6" min.		(P)
Floor-to-Ceiling ³			
Ground Floor	9' min.		(Q)
Upper Floor(s)	8' min.		(R)

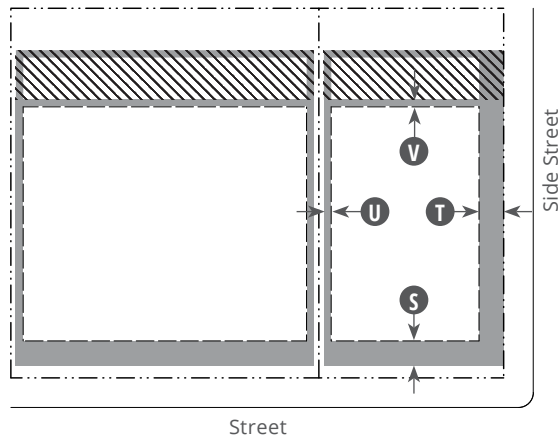
³ Buildings existing at the time of adoption of this Land Development Code and additions to those buildings are exempt.

⁴ Primary buildings located on lots sloping down and away from the street are exempt.

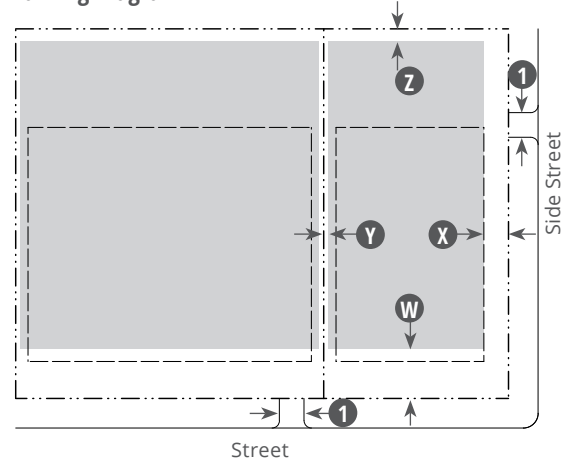
Key for Subsections E-F

- N/A = Not Allowed
- = No Requirement

Encroachments Diagram



Parking Diagram



Key for Diagrams

- ROW / Lot Line
- Building Setback Line

- Encroachment
- Parking Area
- ▨ Accessory Building or Structure Only

G. Encroachments

Encroachment Type	Front (max.) S	Side St. (max.) T	Side (max.) U	Rear (max.) V
Private Frontage	10'	10'	N/A	N/A
Steps and/or ramps to Building Entrance	5'	5'	N/A	N/A
Architectural Features	3'	3'	3'	3'

Encroachments are not allowed within a street ROW, alley ROW or across a Lot Line.

H. Frontages

Private Frontage Type	Front	Side St.	Standards
Common Yard	A	A	23-2D-1040
Porch: Projecting	A	A	23-2D-1050
Porch: Engaged	A	A	23-2D-1060
Stoop	A	A	23-2D-1070

For non-residential uses, loading docks, overhead doors, and other service entries shall be screened and not be located on front street facades.

Pedestrian Access

All units shall have pedestrian access from the front street, or for corner lots, from the front street or side street.

I. Parking

Setback	Front W	Side St. X	Side Y	Rear Z
Minimum	20' ¹	15'	2'	5'

Parking Driveway

Width 10' max. ¹

Driveways may be shared between adjacent parcels.

When lot has adjacent alley, parking shall be accessed only from the alley.

Notes

¹ Parking shall not be located in front of the front facade of the building, and shall occupy no more than one-third the width of the front facade.

Key for Subsections G-H

A = Allowed N/A = Not Allowed

I. Parking (continued)	
Use Type	Required Parking Spaces (min.)
Residential	
Residential, except:	1 per unit
Home Occupations	—
Bed and Breakfast	1, plus 1 per 2 bedrooms
Residential Support Services	
Residential Support Services	1, plus 1 per every 2 residents
Services	
Services, except:	1 per 500 sf after first 2,500 sf
Day Care	1 per 500 sf
Medical Services	—
Office	
Office	1 per 500 sf after first 2,500 sf
Civic and Public Assembly	
Library, Museum, or Public Art Gallery	1 per 500 sf after first 2,500 sf
Meeting Facility (public or private)	1 per 100 sf assembly area after first 1,200 sf
School	1.5 spaces per staff member, plus 1 space for each 3 students enrolled in grades 11 and 12, college, or university
Public Safety Facility	As determined by Planning Director ¹

I. Parking (continued)	
Use Type	Required Parking Spaces (min.)
Restaurants and Bars	
Restaurants and Bars	1 per 100 sf for first 2,500 sf; 1 per 50 sf after first 2,500 sf
Retail	
Retail	1 per 500 sf after first 2,500 sf
Entertainment and Recreation	
Entertainment and Recreation, except:	As determined by Planning Director ¹
Studio: Art, Dance, Martial Arts, Music	—
≤500 sf	—
Agriculture	
Agriculture	≤ 5,750 sf, —; >5,750 sf determined by Planning Director ¹
Other	
Other	As determined by Planning Director ¹

Notes

See Section 23-4E-3080 (Parking and Loading) for loading requirements, allowed parking reductions, and additional standards.

¹ In making a determination, the Planning Director shall consider the requirements applicable to similar uses, and the location and characteristics of the use.

Key for Subsection I

— = No Requirement

J. Impervious Cover

Impervious Cover	% (max.)	Standards
Impervious Cover	45%	23-3D-3
Building Cover	40%	

See Division 23-3D-8 (Additional Standards in All Watersheds) for additional standards.

The maximum percentage of impervious cover allowed by this Section may not be attainable by a project due to unique site characteristics, such as trees, waterways, and steep slopes. Where necessary, the project shall reduce the amount of proposed impervious cover to comply with other requirements of this Title.

K. Required Open Space

Open Space Type	Width (min.)	Depth (min.)	Area per Unit (min.)
Private ¹	8'	10'	100 sf

Notes

Private open space requirement may be met by ground floor private open space, upper story balcony, or roof deck.

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

¹ The Cottage Court building type has additional open space standards. See Section 23-4D-2220 (Supplementary Cottage Court Building Type Standards).

L. Signage

Total Signs	Number (max.)
Building Signs	1 per building
Ground Signs	1 per building

Sign Types	Number (max.)	Standards
------------	---------------	-----------

Building Signs

Awning/Canopy ¹	1 per awning	23-8B
Hanging ¹	1 per building	23-8B

Ground Signs

Yard ¹	1 per building	23-8B
-------------------	----------------	-------

Notes

See Chapter 23-8 (Signage) for exempt and temporary signage standards and additional standards.

¹ Not allowed for residential uses.

M. Site Constraints

Drainage	See Article 23-10E (Drainage).
Water Quality	See Article 23-3D (Water Quality).
Tree Protection	See Article 23-3C (Tree and Natural Area Protection).
Landscape	See Division 23-4E-4 (Landscape).

N. Use Types			
Use Type	Specific Use Standards	T4N	
		IS	IS-0
Residential			
Residential Dwelling(s)		P	P
Cooperative Housing		P	P
Accessory Dwelling Unit	23-4E-6030	P	P
Bed and Breakfast	23-4E-6080	CUP	P
Senior/Retirement Housing: ≤12 Residents	23-4E-6300	MUP	MUP
Home Occupations	23-4E-6180	P	P
Short-term Rental	23-4E-6310	P	P
Residential Support Services			
Group Home: <7 Residents	23-4E-6170	P	P
7 to 15 Residents		CUP	P
Services			
Business and Financial/ Professional Services		N/A	CUP
Personal Services		N/A	P
Repair, Commercial (non-vehicular)		N/A	CUP
Day Care:			
Small (≤7 Children)		P	P
Large (>7 and <20 Children)		CUP	CUP
Commercial		N/A	CUP
Medical Services:			
≤2,500 sf		N/A	P
Pawn Shop		N/A	N/A
Office			
Office, General (non-medical)		N/A	P

N. Use Types (continued)			
Use Type	Specific Use Standards	T4N	
		IS	IS-0
Civic and Public Assembly			
Library, Museum, or Public Art Gallery			CUP CUP
Meeting Facility (public or private)			CUP CUP
Public Safety Facility			CUP CUP
School:	23-4E-6290		
Business, or Trade		N/A	N/A
College or University		CUP	CUP
Private Primary		CUP	CUP
Private Secondary		CUP	CUP
Public Primary		P	P
Public Secondary		P	P
Restaurants and Bars			
Bar, Level 1		N/A	CUP
Restaurant, except:		N/A	P
> 2,500 sf		N/A	CUP
With Alcohol Sales		N/A	CUP
With Outside Seating		N/A	CUP
Late Night Operation	23-4E-6270	N/A	CUP
Retail			
Food Sales (on or off site)		N/A	P
General Retail:			
<5,000 sf		N/A	P
With On-site Production		N/A	P
Entertainment and Recreation			
Park/Playground		P	P
Recreation: Community, Non-Profit		CUP	CUP
Studio: Art, Dance, Martial Arts, Music ≤500 sf		P	P

Table Continues on Next Page ----->

Key for Subsection N

P	Permitted Use	TUP	Temporary Use Permit Required
MUP	Minor Use Permit Required	N/A	Not Allowed
CUP	Conditional Use Permit Required		

N. Use Types (continued)			
Use Type	Specific Use Standards	T4N	
		IS	IS-0
Agriculture			
Community Agriculture	23-4E-6120	P	P
Other			
Accessory Uses	23-4E-6040	P	P
Communications	23-4E-6110	P	P
Telecommunications	23-4E-6340	P	P
Utilities: Local		CUP	CUP
Temporary Uses		TUP	TUP
Special Uses	23-4E-6320	CUP	CUP

Key for Subsection N

P	Permitted Use	TUP	Temporary Use Permit Required
MUP	Minor Use Permit Required	N/A	Not Allowed
CUP	Conditional Use Permit Required		

23-4D-2130 T4 Neighborhood Shallow Setback (T4N.SS)



A. General Intent

To provide a wide variety of housing choices which reinforce the walkable nature of the neighborhood, support neighborhood-serving retail and service uses adjacent to this zone, and support public transportation options. Buildings shall have the following form characteristics:

- Detached or Semi-detached
- Small to Medium Lot Widths
- Small to Medium or Multiple House Form
- Shallow Front Setbacks
- Small to Medium Side Setbacks
- Up to 2 Stories
- Stoop, Common Yard, Porch, and Dooryard Frontages

B. Sub-Zone

T4N.SS-Open Sub-Zone (T4N.SS-O)

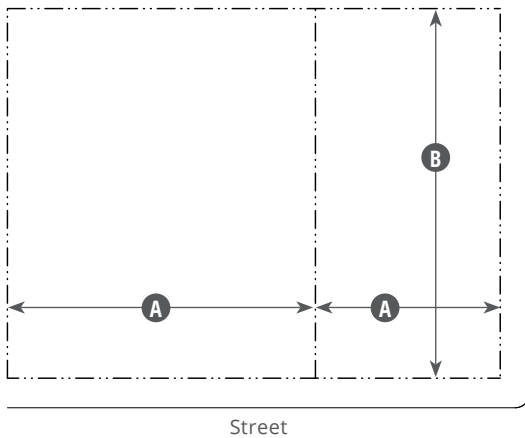
The Open sub-zone has the same building form regulations but allows for a more diverse mix of uses.

C. Lot Size

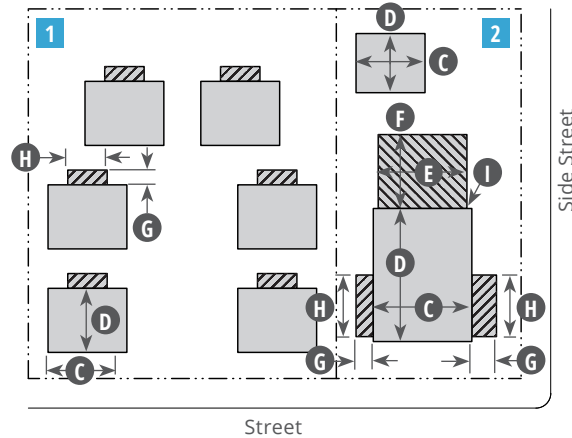
- Width 35' min.
- Depth 100' min. (75' min. when adjacent to alley)
- See Subsection D for additional standards.

General note: The drawing above is intended to provide a brief overview of this Transect Zone and is illustrative only.

Lot Diagram



Building Envelope Diagram



Key for Diagrams

- ROW / Lot Line
- Main Building Envelope
- ▨ Rear Building Envelope
- ▩ Side Building Envelope

D. Building Types

Building Type	Lot		Building Envelope (max.)							
	Buildings per Lot (max.)	Units per Building (min.-max.)	Width (min.) A	Depth (min.) B	Main		Rear		Side	
					Width C	Depth D	Width E	Depth F	Width, combined G	Depth H
Small House Form 2										
Cottage House	1	1	35' ¹	100' ²	24'	36'	16'	18'	N/A	N/A
Small House	1	1								
Duplex: Stacked	1	2	50' ¹	100' ²	28'	36'	20'	16'	8'	24'
Duplex: Front-and-back	1	2								
Medium House Form										
Wide House	1	1	50'	100' ²	48'	32'	20'	22'	N/A	N/A
Duplex: Side-by-side	1	2								
Multiplex: Medium	1	3-8	50'	100' ²	48'	32'	32'	12'	12'	16'
Multiple House Form 1										
Cottage Court	8	1	100'	125'	26'	32'	N/A	N/A	4'	16'
Accessory Building Form 2										
Accessory Dwelling Unit	1	1	—	—	28'	24'	N/A	N/A	N/A	N/A

Notes

Rear and side building envelopes shall be set back from the ROW/lot line farther than the main building envelope by 4' min. ❶

¹ 25' for lots existing at time of adoption of this Land Development Code.

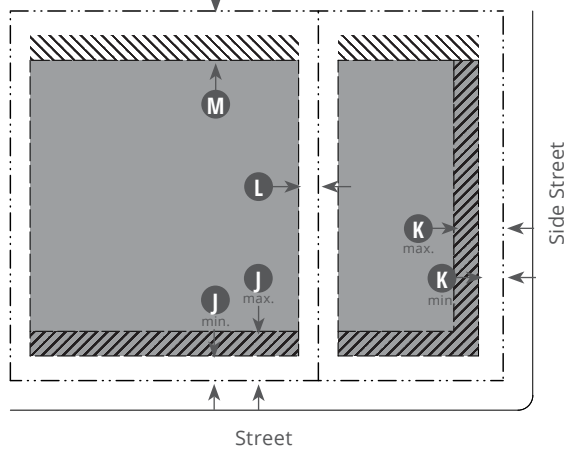
² 75' when adjacent to alley.

Key for Subsection D

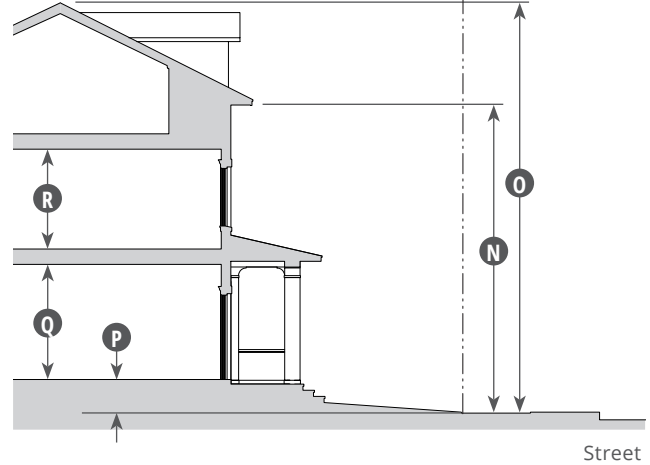
N/A = Not Allowed

— = No Requirement

Building Placement Diagram



Building Height Diagram



Key for Diagrams

- ROW / Lot Line
- · - - Building Setback Line

- Buildable Area
- ▨ Facade Zone
- ▩ Accessory Building or Structure Only

E. Building Placement

Setback (Distance from ROW / Lot Line)	Front ¹ (J)	Side St. ¹ (K)	Side (L)	Rear (M)
Primary Building				
Minimum	10'	10'	8'	20'
Maximum	20'	20'	—	—
Accessory Building or Structure				
Minimum	20'	10'	8'	10' ²
Primary Building Facade within Facade Zone				
Front	75% min.			
Side Street	50% min.			

Miscellaneous

Where existing adjacent buildings are in front of the minimum front setback or side street setback, the building may be set to align with the facade of the front-most immediately adjacent building.

Multiple House Form buildings must be detached and shall have a minimum 10' separation between buildings on the lot.

¹ Additional setback and/or easement may be required where street ROW or utilities easement is required.

² 5' when adjacent to alley.

F. Height

Building Height	Stories (max.)	To Eave/Parapet (max.) (N)	Overall (max.) (O)
Primary Building, except:	2	22'	32'
Cottage Types	1½	14'	22'
Accessory Dwelling Unit	2	22'	28'
Accessory Structure	1	—	12'

Primary Building

Ground Floor Finish Level ^{3, 4}

Height above Curb	18" min.	(P)
-------------------	----------	-----

Floor-to-Ceiling ³

Ground Floor	9' min.	(Q)
Upper Floor(s)	8' min.	(R)

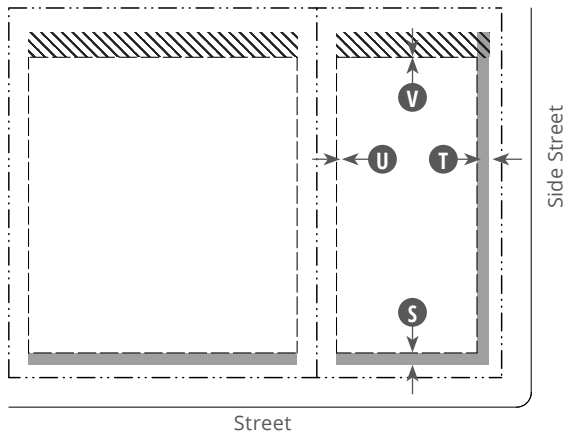
³ Buildings existing at the time of adoption of this Land Development Code and additions to those buildings are exempt.

⁴ Primary buildings located on lots sloping down and away from the street are exempt.

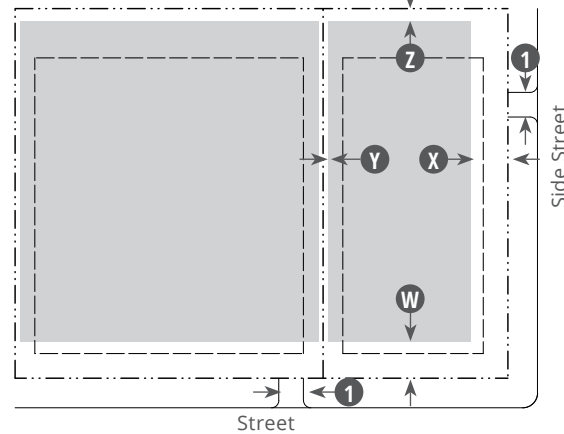
Key for Subsections E-F

- N/A = Not Allowed
- = No Requirement

Encroachments Diagram



Parking Diagram



Key for Diagrams

- ROW / Lot Line
- Building Setback Line

- Encroachment
- Parking Area
- ▨ Accessory Building or Structure Only

G. Encroachments

Encroachment Type	Front (max.) S	Side St. (max.) T	Side (max.) U	Rear (max.) V
Private Frontage	5'	5'	N/A	N/A
Architectural Features	3'	3'	N/A	N/A

Encroachments are not allowed within a street ROW, alley ROW or across a Lot Line.

H. Frontages

Private Frontage Type	Front	Side St.	Standards
Common Yard	A	A	23-2D-1040
Porch: Projecting	A	A	23-2D-1050
Porch: Engaged	A	A	23-2D-1060
Stoop	A	A	23-2D-1070
Dooryard	A	A	23-2D-1080

For non-residential uses, loading docks, overhead doors, and other service entries shall be screened and not be located on front street facades.

Pedestrian Access

All units shall have pedestrian access from the front street, or for corner lots, from the front street or side street.

I. Parking

Setback	Front W	Side St. X	Side Y	Rear Z
Minimum	20' ¹	15'	2'	5'
Parking Driveway				
Width	10' max.			1

Driveways may be shared between adjacent parcels.

When lot has adjacent alley, parking shall be accessed only from the alley.

Notes

¹ Parking shall not be located in front of the front facade of the building, and shall occupy no more than one-third the width of the front facade.

Key for Subsections G-H

- A = Allowed
- N/A = Not Allowed

I. Parking (continued)	
Use Type	Required Parking Spaces (min.)
Residential	
Residential, except:	1 per unit
Home Occupations	—
Bed and Breakfast	1, plus 1 per 2 bedrooms
Residential Support Services	
Residential Support Services	1, plus 1 per every 2 residents
Services	
Services, except:	1 per 500 sf after first 2,500 sf
Day Care	1 per 500 sf
Civic and Public Assembly	
Library, Museum, or Public Art Gallery	1 per 500 sf after first 2,500 sf
Meeting Facility (public or private)	1 per 100 sf assembly area after first 1,200 sf
School	1.5 spaces per staff member, plus 1 space for each 3 students enrolled in grades 11 and 12, college, or university
Public Safety Facility	As determined by Planning Director ¹

I. Parking (continued)	
Use Type	Required Parking Spaces (min.)
Restaurants and Bars	
Restaurants and Bars	1 per 100 sf for first 2,500 sf; 1 per 50 sf after first 2,500 sf
Retail	
Retail	1 per 500 sf after first 2,500 sf
Entertainment and Recreation	
Entertainment and Recreation, except:	As determined by Planning Director ¹
Studio: Art, Dance, Martial Arts, Music ≤500 sf	—
Agriculture	
Agriculture	≤ 5,750 sf, —; >5,750 sf determined by Planning Director ¹
Other	
Other	As determined by Planning Director ¹

Notes

See Section 23-4E-3080 (Parking and Loading) for loading requirements, allowed parking reductions, and additional standards.

¹ In making a determination, the Planning Director shall consider the requirements applicable to similar uses, and the location and characteristics of the use.

Key for Subsection I

— = No Requirement

J. Impervious Cover

Impervious Cover	% (max.)	Standards
Impervious Cover	55%	23-3D-3
Building Cover	50%	

See Division 23-3D-8 (Additional Standards in All Watersheds) for additional standards.

The maximum percentage of impervious cover allowed by this Section may not be attainable by a project due to unique site characteristics, such as trees, waterways, and steep slopes. Where necessary, the project shall reduce the amount of proposed impervious cover to comply with other requirements of this Title.

K. Required Open Space

Open Space Type	Width (min.)	Depth (min.)	Area per Unit (min.)
Private ¹	8'	10'	100 sf

Notes

Private open space requirement may be met by ground floor private open space, upper story balcony, or roof deck.

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

¹ The Cottage Court building type has additional open space standards. See Section 23-4D-2220 (Supplementary Cottage Court Building Type Standards).

L. Signage

Total Signs	Number (max.)
Building Signs	1 per building
Ground Signs	1 per building

Sign Types	Number (max.)	Standards
------------	---------------	-----------

Building Signs		
Awning/Canopy ¹	1 per awning	23-8B
Hanging ¹	1 per building	23-8B

Ground Signs		
--------------	--	--

Yard ¹	1 per building	23-8B
-------------------	----------------	-------

Notes

See Chapter 23-8 (Signage) for exempt and temporary signage standards and additional standards.

¹ Not allowed for residential uses.

M. Site Constraints

Drainage	See Article 23-10E (Drainage).
Water Quality	See Article 23-3D (Water Quality).
Tree Protection	See Article 23-3C (Tree and Natural Area Protection).
Landscape	See Division 23-4E-4 (Landscape).

N. Use Types			
Use Type	Specific Use Standards	T4N	
		SS	SS-0
Residential			
Residential Dwelling(s)		P	P
Cooperative Housing		P	P
Accessory Dwelling Unit	23-4E-6030	P	P
Bed and Breakfast	23-4E-6080	CUP	P
Senior/Retirement Housing: ≤12 Residents	23-4E-6300	MUP	MUP
Home Occupations	23-4E-6180	P	P
Short-term Rental	23-4E-6310	P	P
Residential Support Services			
Group Home: <7 Residents	23-4E-6170	P	P
7 to 15 Residents		CUP	P
Services			
Day Care:			
Small (≤7 Children)		P	P
Large (>7 and <20 Children)		CUP	CUP
Commercial		N/A	CUP
Business and Financial/ Professional Services		N/A	CUP
Medical Services:			
≤2,500 sf		N/A	P
Pawn Shop		N/A	N/A
Personal Services		N/A	P

N. Use Types (continued)			
Use Type	Specific Use Standards	T4N	
		SS	SS-0
Civic and Public Assembly			
Library, Museum, or Public Art Gallery		CUP	CUP
Meeting Facility (public or private)		CUP	CUP
Public Safety Facility		CUP	CUP
School:	23-4E-6290		
Business, or Trade		N/A	N/A
College or University		CUP	CUP
Private Primary		CUP	CUP
Private Secondary		CUP	CUP
Public Primary		P	P
Public Secondary		P	P
Restaurants and Bars			
Bar/Nightclub: Level 1 – No Outside Seating, No Late Hours		N/A	CUP
Restaurant, except:		N/A	P
> 2,500 sf		N/A	CUP
With Alcohol Sales		N/A	CUP
With Outside Seating		N/A	CUP
Late Night Operation	23-4E-6270	N/A	CUP
Retail			
Food Sales (on or off site)		N/A	P
General Retail:			
<5,000 sf		N/A	P
With On-site Production		N/A	P

Table Continues on Next Page ----->

Key for Subsection N

P	Permitted Use	TUP	Temporary Use Permit Required
MUP	Minor Use Permit Required	N/A	Not Allowed
CUP	Conditional Use Permit Required		

N. Use Types (continued)			
Use Type	Specific Use Standards	T4N	
		SS	SS-0
Entertainment and Recreation			
Park/Playground		P	P
Recreation: Community, Non-Profit		CUP	CUP
Studio: Art, Dance, Martial Arts, Music ≤500 sf		P	P
Agriculture			
Community Agriculture	23-4E-6120	P	P
Other			
Accessory Uses	23-4E-6040	P	P
Communications	23-4E-6110	P	P
Telecommunications	23-4E-6340	P	P
Utilities: Local		CUP	CUP
Temporary Uses		TUP	TUP
Special Uses	23-4E-6320	CUP	CUP

Key for Subsection N

P	Permitted Use	TUP	Temporary Use Permit Required
MUP	Minor Use Permit Required	N/A	Not Allowed
CUP	Conditional Use Permit Required		

23-4D-2140 T4 Main Street (T4MS)



A. General Intent

To provide a focal point for neighborhoods that accommodates neighborhood-serving retail, service, and residential uses in compact, walkable urban form. Buildings shall have the following form characteristics:

- Attached or Semi-detached

- Small to Medium Lot Widths

- Block Form

- Small to No Front Setbacks

- Small to No Side Setbacks

- Up to 3 Stories

- Gallery, Shopfront, Terrace, Forecourt, and Lightwell Frontages, and Dooryard Frontage in Open Sub-Zone only

B. Sub-Zone

T4MS-Open Sub-Zone (T4MS-O)
 The Open sub-zone provides the same building form but allows for a more diverse mix of uses on the ground floor, including residential, thus enabling the retail and service area to mature over time.

C. Lot Size

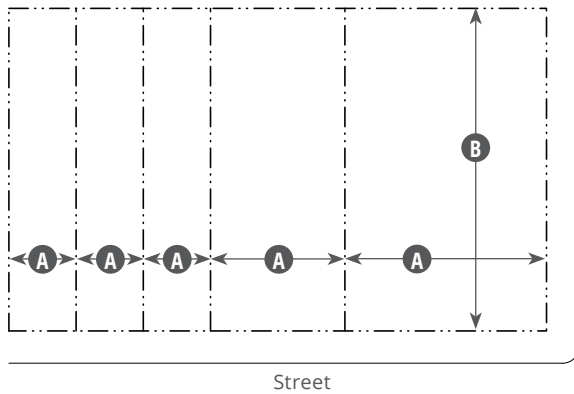
- Width 18' min.

- Depth 100' min. (75' min. when adjacent to alley)

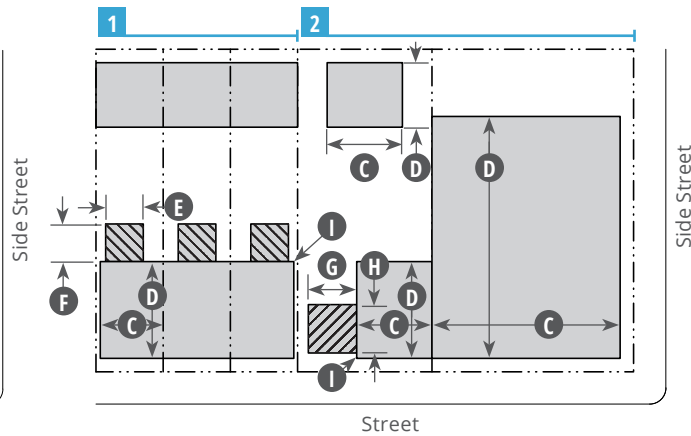
- See Subsection D for additional standards.

General note: The drawing above is intended to provide a brief overview of this Transect Zone and is illustrative only.

Lot Diagram



Building Envelope Diagram



Key for Diagrams

- ROW / Lot Line
- █ Main Building Envelope
- █ Rear Building Envelope
- █ Side Building Envelope

D. Building Types

Building Type	Lot		Building Envelope (max.)							
	Buildings per Lot (max.)	Units per Building (max.)	Width (min.) A	Depth (min.) B	Main		Rear		Side	
					Width C	Depth D	Width E	Depth F	Width, combined G	Depth H
Large House Form 1										
Rowhouse: Medium ¹	1	3	18'	100' ²	28'	48'	14'	14'	4'	18'
Block Form 2										
Live/Work ¹	1	1	18'	100' ²	28'	36'	14'	14'	4'	18'
Main Street	1	—	40'	100' ²	125'	100'	N/A	N/A	N/A	N/A
Accessory Building Form 1 2										
Accessory Dwelling Unit	1	1	—	—	28'	24'	N/A	N/A	N/A	N/A

Notes

Rear and side building envelopes shall be set back from the ROW/lot line farther than the main building envelope by 4' min. 1

¹ Only allowed in the open sub-zone. Shall be built in a run with a minimum of 3 and a maximum of 4 attached buildings. Entire run shall not exceed 75' in length.

² 75' when adjacent to alley.

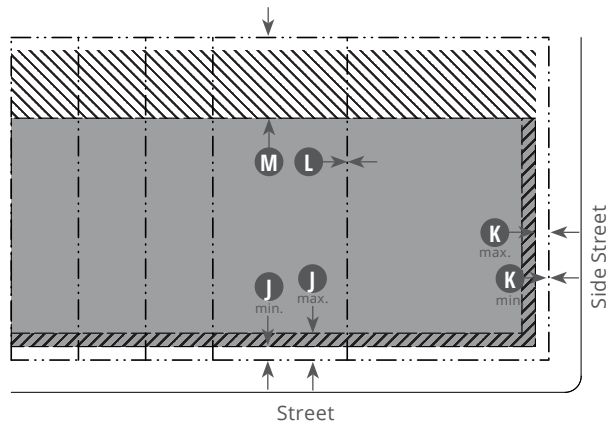
³ Buildings wider than 100' shall be designed to read as a series of buildings no more than 75' each.

Key for Subsection D

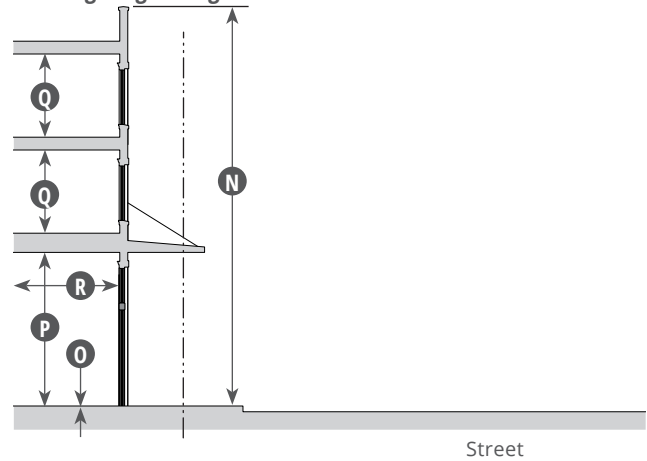
N/A = Not Allowed

— = No Requirement

Building Placement Diagram



Building Height Diagram



Key for Diagrams

- ROW / Lot Line
- Building Setback Line
- Buildable Area
- ▨ Facade Zone
- ▩ Accessory Building or Structure Only

E. Building Placement

Setback (Distance from ROW / Lot Line)	Front ¹ J	Side St. ¹ K	Side L	Rear ² M
Primary Building				
Minimum	5'	5'	0'	30'
Maximum	10'	10'	—	—
Accessory Building or Structure				
Minimum	75'	5'	0'	5'
Primary Building Facade within Facade Zone				
Front	75% min.			
Side Street	65% min.			

Miscellaneous

Setback shall be defined by a building within 30' of corner along the front and along the side street.

A building form with a chamfered corner is allowed only on corner lots and if a corner entry is provided.

¹ Additional setback and/or easement may be required where street ROW or utilities easement is required.

² 5' when adjacent to alley.

F. Height

Building Height	Stories (max.)	To Eave/ Parapet (max.) N	Overall (max.)
Primary Building	3	45'	55'
Accessory Dwelling Unit	2	22'	28'
Accessory Structure	1	—	—

Primary Building

Ground Floor Finish Level ^{3, 4}

Height above Curb		O
Residential Uses	18" min.	
Service or Retail Uses	6" max.	

Ground floor lobbies and common areas in multi-unit buildings may have a 0" to 6" ground floor finish level.

Floor-to-Ceiling ³

Floor	Height	
Ground Floor	14' min.	P
Upper Floor(s)	9' min.	Q

Depth

Ground Floor Space	30' min.	R
--------------------	----------	----------

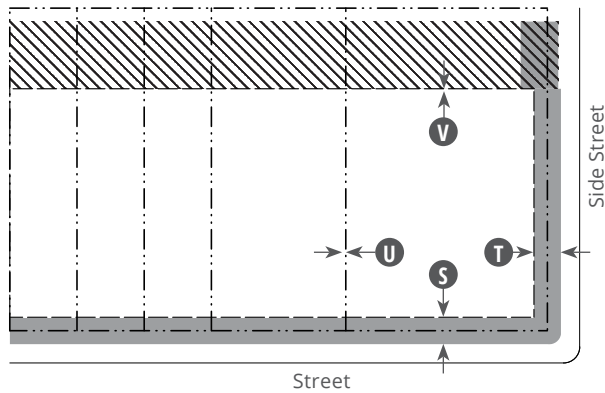
³ Buildings existing at the time of adoption of this Land Development Code and additions to those buildings are exempt.

⁴ Primary buildings located on lots sloping down and away from the street are exempt.

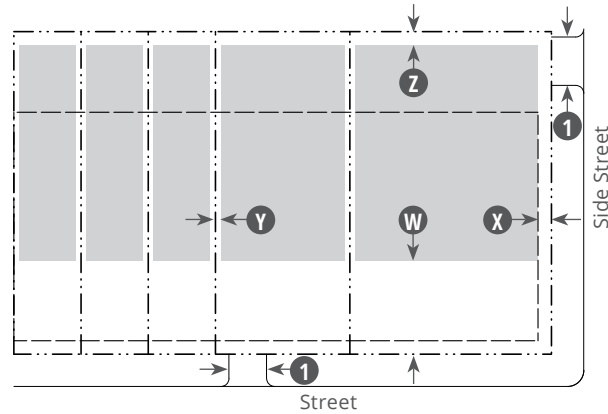
Key for Subsections E-F

- N/A = Not Allowed
- = No Requirement

Encroachments Diagram



Parking Diagram



Key for Diagrams

- ROW / Lot Line
- Building Setback Line

- Encroachment
- Parking Area
- ▨ Accessory Building or Structure Only

G. Encroachments

Encroachment Type	Front (max.) S	Side St. (max.) T	Side (max.) U	Rear (max.) V
Private Frontage				
Gallery ¹	14'	14'	N/A	N/A
Architectural Features	3'	3'	N/A	N/A

Encroachments are not allowed within a street ROW, alley ROW or across a Lot Line.

¹ Galleries may encroach into the street ROW to within 2' of the face of the curb, subject to approval by the Public Works Director in compliance with Chapter 14-11 (Use of Right-of-Way).

H. Frontages

Private Frontage Type	Front	Side St.	Standards
Dooryard ¹	A	A	23-2D-1080
Terrace	A	A	23-2D-1100
Lightwell ²	A	A	23-2D-1110
Shopfront	A	A	23-2D-1120
Forecourt	A	A	23-2D-1120
Gallery	A	A	23-2D-1130

¹ Allowed only in T4MS-Open sub-zone.

² Allowed only when necessary to accommodate grade change.

For non-residential uses, loading docks, overhead doors, and other service entries shall be screened and not be located on front street facades.

H. Frontages (continued)

Pedestrian Access

Pedestrian entrances must be provided at least every 50' along ground floor street facade and side street facade.

I. Parking

Setback	Front W	Side St. X	Side Y	Rear Z
Minimum	35'	5'	2'	5'
Parking Driveway	≤ 40 spaces		> 40 spaces	
Width	14' max.		18' max. ①	

Driveways may be shared between adjacent parcels.

When lot has adjacent alley, parking shall be accessed only from the alley.

Key for Subsections G-H

- A = Allowed
- N/A = Not Allowed

I. Parking (continued)	
Use Type	Required Parking Spaces (min.)
Residential	
Residential, except:	1 per unit
Home Occupations	—
Bed and Breakfast	1, plus 1 per 2 bedrooms
Residential Support Services	
Residential Support Services	1, plus 1 per every 2 residents
Services	
Services, except:	1 per 500 sf after first 2,500 sf
Day Care: Commercial	1 per 500 sf
Hotel/Motel	<10 units, 0.5/room; ≥10 units, 1/room
Medical Services	—
Office	
Office	1 per 500 sf after first 2,500 sf
Civic and Public Assembly	
Government/Civic	≤2,500 sf, none; >2,500, 1/500 sf after first 2,500 sf; max. 1/250 sf
School	1.5 spaces per staff member, plus 1 space for each 3 students enrolled in grades 11 and 12, college, university, business school, or trade school
Library, Museum, or Public Art Gallery	1 per 500 sf after first 2,500 sf
Meeting Facility (public or private)	1 per 100 sf assembly area after first 1,200 sf
Public Safety Facility	As determined by Planning Director ¹

Notes

See Section 23-4E-3080 (Parking and Loading) for loading requirements, allowed parking reductions, and additional standards.

¹ In making a determination, the Planning Director shall consider the requirements applicable to similar uses, and the location and characteristics of the use.

Key for Subsection I

— = No Requirement

I. Parking (continued)	
Use Type	Required Parking Spaces (min.)
Restaurants and Bars	
Restaurants and Bars	1 per 100 sf for first 2,500 sf; 1 per 50 sf after first 2,500 sf
Retail	
Retail	1 per 500 sf after first 2,500 sf
Entertainment and Recreation	
Entertainment:	
Indoor	—
Outdoor, Limited	As determined by Planning Director ¹
Park/Playground	As determined by Planning Director ¹
Recreation:	
Indoor, For Profit ≤1,000 sf	—
Indoor, For Profit >1,000 sf; Community, Non-Profit; Outdoor, For Profit	1 per 500 sf after first 2,500 sf
Studio: Art, Dance, Martial Arts, Music	1 per 500 sf after first 2,500 sf
Agriculture	
Agriculture	≤ 5,750 sf, —; >5,750 sf determined by Planning Director ¹
Other	
Other	As determined by Planning Director ¹

J. Impervious Cover

Impervious Cover	% (max.)	Standards
Impervious Cover	80%	23-3D-3
Building Cover	70%	

See Division 23-3D-8 (Additional Standards in All Watersheds) for additional standards.

The maximum percentage of impervious cover allowed by this Section may not be attainable by a project due to unique site characteristics, such as trees, waterways, and steep slopes. Where necessary, the project shall reduce the amount of proposed impervious cover to comply with other requirements of this Title.

K. Required Open Space

Open Space Type	Width (min.)	Depth (min.)	Area per Unit (min.)
Common	15'	15'	100 sf
Common (Rowhouse or Live/Work only)	8'	8'	80 sf

Notes

Common open space requirement may be met by ground floor, upper floor, and/or roof common open space.

Common open space requirements shall not be met by open space provided in required front or side-street setbacks, except when provided as an open space as set forth in Division 23-4C-2 (Civic and Open Spaces).

L. Signage

Total Signs	Number (max.)
Building Signs	1 per building
Ground Signs	1 per primary building

Sign Types	Number (max.)	Standards
------------	---------------	-----------

Building Signs

Awning/Canopy ¹	1 per awning	23-8B
Directory ¹	1 per building	23-8B
Hanging ¹	1 per establishment	23-8B
Projecting ¹	1 per establishment	23-8B
Wall ¹	1 per establishment	23-8B
Wall Mural ¹	2 per building	23-8B
Window ¹	1 per establishment	23-8B

Ground Signs

Landscape Wall ¹	1 per building	23-8B
Yard ¹	1 per building	23-8B

Notes

See Chapter 23-8 (Signage) for exempt and temporary signage standards and additional standards.

¹ Not allowed for residential uses.

M. Site Constraints

Drainage	See Article 23-10E (Drainage).
Water Quality	See Article 23-3D (Water Quality).
Tree Protection	See Article 23-3C (Tree and Natural Area Protection).
Landscape	See Division 23-4E-4 (Landscape).

N. Use Types			
Use Type	Specific Use Standards	T4	
		MS	MS-O
Residential			
Residential Dwelling(s)		N/A	P
Cooperative Housing		N/A	P
Accessory Dwelling Unit	23-4E-6030	P	P
Bed and Breakfast	23-4E-6080	P	P
Live/Work	23-4E-6190	P	P
Senior/Retirement Housing:	23-4E-6300		
≤12 Residents			
>12 Residents		P ¹	P
Home Occupations	23-4E-6180	P	P
Short-term Rental	23-4E-6310	P	P
Residential Support Services			
Group Home:	23-4E-6170		
<7 Residents		P ¹	P
7 to 15 Residents		CUP ¹	CUP
Services			
Animal Service/Boarding: Level 1		P	P
Business and Financial/ Professional Services		P	P
Pawn Shop		N/A	N/A
Personal Services		P	P
Commercial Services:			
No Outside Storage		P	P
With Incidental Outside Storage		P	P
Day Care:			
Small (≤7 Children)		P	P
Large (>7 and <20 Children)		P	P
Commercial		P	P

N. Use Types (continued)			
Use Type	Specific Use Standards	T4	
		MS	MS-O
Services (continued)			
Hotel/Motel		P	P
Medical Services:			
≤5,000 sf		P ¹	P
Office			
Office, General (non-medical)		P	P
Civic and Public Assembly			
Government/Civic		MUP	MUP
School:	23-4E-6290		
Business, or Trade		P	P
College or University		P	P
Private Primary		P	P
Private Secondary		P	P
Public Primary		P	P
Public Secondary		P	P
Library, Museum, or Public Art Gallery		P	P
Meeting Facility (public or private)		P	P
Public Safety Facility		P	P
Restaurants and Bars			
Bar/Nightclub: Level 1 – No Outside Seating, No Late Hours		MUP	MUP
Micro-Brewery/Micro- Distillery/Winery	23-4E-6210	MUP	MUP
Restaurant, except:		P	P
> 2,500 sf		N/A	CUP
With Alcohol Sales		CUP	CUP
With Outside Seating		MUP	MUP
Late Night Operation	23-4E-6270	CUP	CUP

Table Continues on Next Page - - - - - ➔

Notes

¹ Allowed on ground floor only behind other allowed street-facing ground floor use.

Key for Subsection N

P	Permitted Use	TUP	Temporary Use Permit Required
MUP	Minor Use Permit Required	N/A	Not Allowed
CUP	Conditional Use Permit Required		

N. Use Types (continued)			
Use Type	Specific Use Standards	T4	
		MS	MS-O
Retail			
Food Sales (on or off site)		P	P
General Retail:			
<5,000 sf		P	P
>5,000 sf and ≤10,000 sf		P	P
With On-site Production		P	P
With Outside Storage, ≤2,000 sf	23-4E-6160	CUP	CUP
With Outside Storage, >2,000 sf	23-4E-6160	N/A	N/A
Entertainment and Recreation			
Entertainment:			
Indoor		CUP	CUP
Outdoor, Limited		MUP	MUP
Park/Playground		P	P
Recreation:			
Community, Non-Profit		CUP	CUP
Indoor, For Profit ≤1,000 sf		P	P
Indoor, For Profit >1,000 sf		CUP	P
Outdoor, For Profit		MUP	MUP
Studio: Art, Dance, Martial Arts, Music			
		P	P

N. Use Types (continued)			
Use Type	Specific Use Standards	T4	
		MS	MS-O
Agriculture			
Community Agriculture	23-4E-6120	MUP	MUP
Other			
Accessory Uses	23-4E-6040	P	P
Communications	23-4E-6110	P	P
Telecommunications	23-4E-6340	P	P
Utilities: Local		CUP	CUP
Temporary Uses		TUP	TUP
Special Uses	23-4E-6320	CUP	CUP

Key for Subsection N

P	Permitted Use	TUP	Temporary Use Permit Required
MUP	Minor Use Permit Required	N/A	Not Allowed
CUP	Conditional Use Permit Required		

23-4D-2150 T5 Neighborhood Shallow Setback (T5N.SS)



A. General Intent

To provide a wide variety of housing choices which reinforce the walkable nature of the neighborhood, support neighborhood-serving retail and service uses adjacent to this zone, and support public transportation options. Buildings shall have the following form characteristics:

- _____ Detached or Semi-detached
- _____ Small to Large Lot Widths
- _____ Medium to Large House Form
- _____ Shallow Front Setbacks
- _____ Small to Medium Side Setbacks
- _____ Up to 4 Stories
- _____ Stoop, Porch, Lightwell, and Dooryard Frontages

B. Sub-Zone

T5N.SS-Open Sub-Zone (T5N.SS-O)

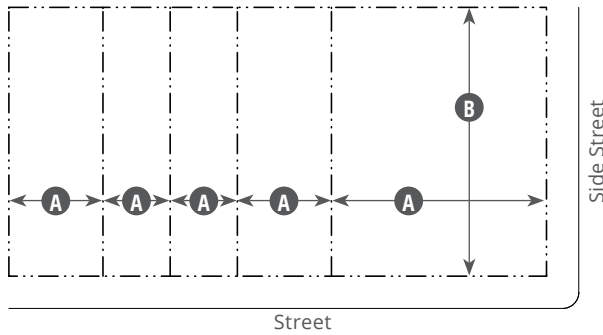
The Open sub-zone provides the same building form but allows for a more diverse mix of uses on the ground floor, including service, commercial, and general retail uses.

C. Lot Size

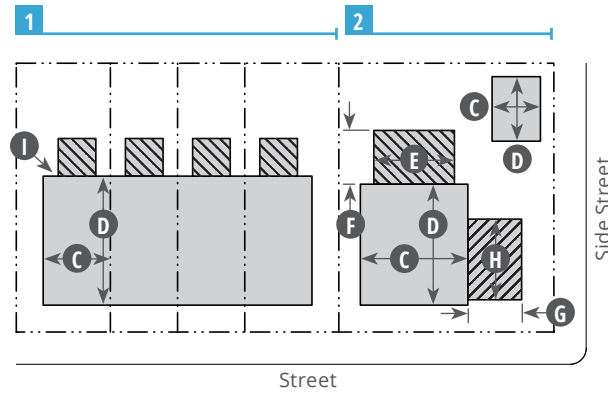
- _____ Width 18' min.
- _____ Depth 100' min. (75' min. when adjacent to alley)
- _____ See Subsection D for additional standards.

General note: The drawing above is intended to provide a brief overview of this Transect Zone and is illustrative only.

Lot Diagram



Building Envelope Diagram



Key for Diagrams

- ROW / Lot Line
- Main Building Envelope
- ▨ Rear Building Envelope
- ▩ Side Building Envelope

D. Building Types

Building Type	Lot				Building Envelope (max.)					
	Buildings per Lot (max.)	Units per Building (min.-max.)	Width (min.) A	Depth (min.) B	Main		Rear		Side	
					Width C	Depth D	Width E	Depth F	Width, combined G	Depth H
Medium House Form 2										
Multiplex: Medium	1	4-8	50'	100' ¹	46'	46'	30'	20'	20'	30'
Large House Form 1										
Multiplex: Large	1	6-12	75'	100' ¹	60'	60'	24'	24'	15'	30'
Rowhouse: Medium ²	1	1-3	18'	100' ¹	28'	45'	14'	14'	4'	18'
Accessory Building Form 2										
Accessory Dwelling Unit	1	1	—	—	28'	24'	N/A	N/A	N/A	N/A

Notes

Rear and side building envelopes shall be set back from the ROW/lot line farther than the main building envelope by 4' min. 1

¹ 75' when adjacent to alley.

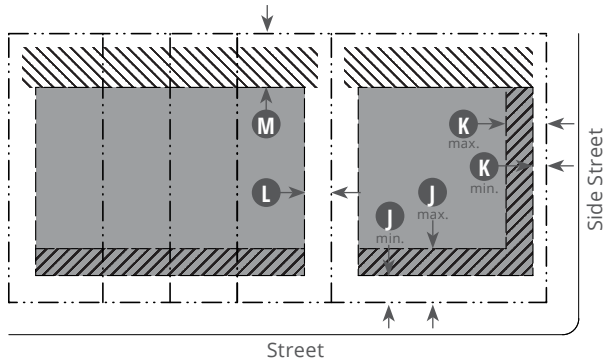
² Shall be built in a run with a minimum of 3 and maximum of 5 attached buildings. Entire run shall not exceed 100' in length.

Key for Subsection D

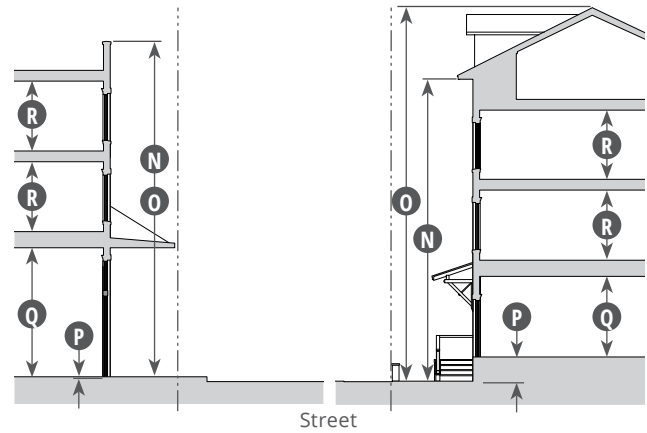
N/A = Not Allowed

— = No Requirement

Building Placement Diagram



Building Height Diagram



Key for Diagrams

- ROW / Lot Line
- Building Setback Line

- Buildable Area
- ▨ Facade Zone
- ▩ Accessory Building or Structure Only

E. Building Placement

Setback (Distance from ROW / Lot Line)	Front ¹ J	Side St. ¹ K	Side L	Rear M
Primary Building				
Minimum	10'	5'	10' ²	20' ³
Maximum	20'	15'	—	—
Accessory Building or Structure				
Minimum	15'	5'	5' ²	5'
Primary Building Facade Within Facade Zone				
Front	75% min.			
Side Street	50% min.			

Miscellaneous

Where existing adjacent buildings are in front of the minimum front setback or side street setback, the building may be set to align with the facade of the front-most immediately adjacent building.

¹ Additional setback and/or easement may be required where street ROW or utilities easement is required.

² Side setback not required between attached Rowhouse units.

³ 5' when adjacent to alley.

F. Height

Building Height	Stories (max.)	To Eave/Parapet (max.) N	Overall (max.) O
Primary Building	4	55'	65'
Accessory Dwelling Unit	2	—	—
Accessory Structure	1	—	—
Primary Building			
Ground Floor Finish Level ^{3, 4}			
Height above Curb			P
Residential Uses		18" min.	
Service or Retail Uses		6" min.	

Ground floor lobbies and common areas in multi-unit buildings may have a 0" to 6" ground floor finish level.

Primary Building Floor-to-Ceiling ³

Ground Floor	14' min.	Q
Upper Floor(s)	9' min.	R

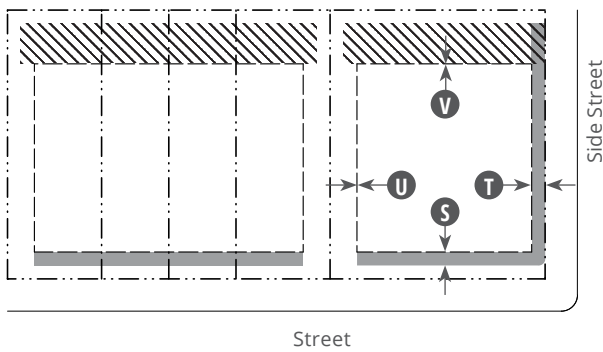
³ Buildings existing at the time of adoption of this Land Development Code and additions to those buildings are exempt.

⁴ Primary buildings located on lots sloping down and away from the street are exempt.

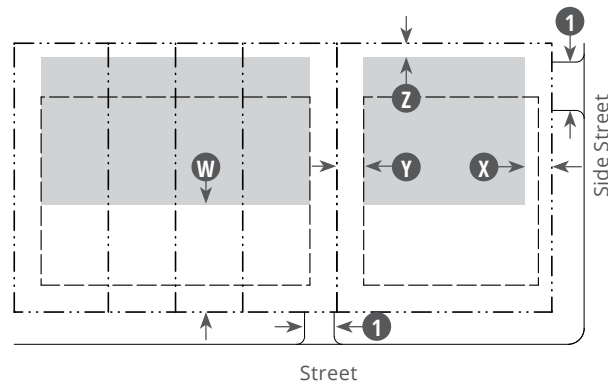
Key for Subsections E-F

- N/A = Not Allowed
- = No Requirement

Encroachments Diagram



Parking Diagram



Key for Diagrams

- ROW / Lot Line
- Building Setback Line

- Encroachment
- Parking Area
- ▨ Accessory Building or Structure Only

G. Encroachments

Encroachment Type	Front (max.)	Side St. (max.)	Side (max.)	Rear (max.)
	S	T	U	V
Private Frontage	5'	5'	N/A	N/A
Architectural Features	3'	3'	N/A	N/A

Encroachments are not allowed within a street ROW, alley ROW or across a Lot Line.

H. Frontages

Private Frontage Type	Front	Side St.	Standards
Porch: Projecting	A	A	23-2D-1050
Porch: Engaged	A	A	23-2D-1060
Stoop	A	A	23-2D-1070
Dooryard	A	A	23-2D-1080
Lightwell ¹	A	A	23-2D-1110

For non-residential uses, loading docks, overhead doors, and other service entries shall be screened and not be located on front street facades.

¹ Allowed only when necessary to accommodate grade change.

H. Frontages (continued)

Pedestrian Access

All units shall have pedestrian access from the front street, or for corner lots, from the front street or side street.

I. Parking

Setback (min.)	Front	Side St.	Side	Rear
	W	X	Y	Z
Ground Floor	40'	10'	10'	5'
Upper Floor	40'	40'	10'	5'
Parking Driveway	≤ 40 spaces		> 40 spaces	
Width	14' max.		18' max. ①	

Driveways may be shared between adjacent parcels.

When lot has adjacent alley, parking shall be accessed only from the alley.

Key for Subsections G-H

- A = Allowed
- N/A = Not Allowed

I. Parking (continued)	
Use Type	Required Parking Spaces (min.)
Residential	
Residential, except:	1 per unit
Home Occupations	—
Bed and Breakfast	1, plus 1 per 2 bedrooms
Residential Support Services	
Residential Support Services	1, plus 1 per every 2 residents
Services	
Services, except:	1 per 500 sf after first 2,500 sf
Day Care	1 per 500 sf
Medical Services	—
Civic and Public Assembly	
Library, Museum, or Public Art Gallery	1 per 500 sf after first 2,500 sf
Meeting Facility (public or private)	1 per 100 sf assembly area after first 1,200 sf
Public Safety Facility	As determined by Planning Director ¹
School	1.5 spaces per staff member, plus 1 space for each 3 students enrolled in grades 11 and 12, college, university, business school, or trade school

I. Parking (continued)	
Use Type	Required Parking Spaces (min.)
Entertainment and Recreation	
Entertainment and Recreation	As determined by Planning Director ¹
Agriculture	
Agriculture	≤ 5,750 sf, —; >5,750 sf determined by Planning Director ¹
Other	
Other	As determined by Planning Director ¹

Notes

See Section 23-4E-3080 (Parking and Loading) for loading requirements, allowed parking reductions, and additional standards.

¹ In making a determination, the Planning Director shall consider the requirements applicable to similar uses, and the location and characteristics of the use.

Key for Subsection I

— = No Requirement

J. Impervious Cover

Impervious Cover	% (max.)	Standards
Impervious Cover	60%	23-3D-3
Building Cover	50%	

See Division 23-3D-8 (Additional Standards in All Watersheds) for additional standards.

The maximum percentage of impervious cover allowed by this Section may not be attainable by a project due to unique site characteristics, such as trees, waterways, and steep slopes. Where necessary, the project shall reduce the amount of proposed impervious cover to comply with other requirements of this Title.

K. Required Open Space

Open Space Type	Width (min.)	Depth (min.)	Area per Unit (min.)
Common	8'	10'	100 sf

Notes

Common open space requirement may be met by ground floor, upper floor, and/or roof common open space.

Common open space requirements shall not be met by open space provided in required front or side street setbacks, except when provided as an open space as set forth in Division 23-4C-2 (Civic and Open Spaces).

L. Signage

Total Signs	Number (max.)
Building Signs	1 per building
Ground Signs	1 per building

Sign Types	Number (max.)	Standards
------------	---------------	-----------

Building Signs		
Awning/Canopy ¹	1 per awning	23-8B
Directory ¹	1 per building	23-8B
Hanging ¹	1 per establishment	23-8B
Projecting ¹	1 per establishment	23-8B
Wall ¹	1 per establishment	23-8B
Wall Mural ¹	2 per building	23-8B
Window ¹	1 per establishment	23-8B

Ground Signs

Landscape Wall ¹	1 per building	23-8B
Yard ¹	1 per building	23-8B

Notes

See Chapter 23-8 (Signage) for exempt and temporary signage standards and additional standards.

¹ Not allowed for residential uses.

M. Site Constraints

Drainage	See Article 23-10E (Drainage).
Water Quality	See Article 23-3D (Water Quality).
Tree Protection	See Article 23-3C (Tree and Natural Area Protection).
Landscape	See Division 23-4E-4 (Landscape).

N. Use Types			
Use Type	Specific Use Standards	T5N	
		SS	SS-0
Residential			
Residential Dwelling(s)		P	P
Cooperative Housing		P	P
Accessory Dwelling Unit	23-4E-6030	P	P
Bed and Breakfast	23-4E-6080	CUP	CUP
Senior/Retirement Housing: ≤12			
Residents	23-4E-6300	MUP	MUP
Live/Work	23-4E-6190	P	P
Home Occupations	23-4E-6180	P	P
Short-term Rental	23-4E-6310	P	P
Residential Support Services			
Group Home: 23-4E-6170			
<7 Residents		P	P
7 to 15 Residents		CUP	CUP
Services			
Business and Financial/ Professional Services			
		N/A	CUP
Day Care:			
Small (≤7 Children)		P	P
Large (>7 and <20 Children)		CUP	CUP
Commercial		N/A	CUP
Medical Services:			
≤5,000 sf		P	P
Pawn Shop		N/A	N/A

N. Use Types (continued)			
Use Type	Specific Use Standards	T5N	
		SS	SS-0
Civic and Public Assembly			
Library, Museum, or Public Art			
Gallery		CUP	CUP
Meeting Facility (public or private)			
		CUP	CUP
Public Safety Facility			
		CUP	CUP
School: 23-4E-6290			
Business, or Trade		P	P
College or University		P	P
Private Primary		P	P
Private Secondary		P	P
Public Primary		P	P
Public Secondary		P	P
Entertainment and Recreation			
Park/Playground			
		P	P
Recreation: Community, Non-Profit			
		CUP	CUP
Agriculture			
Community Agriculture 23-4E-6120			
		MUP	MUP
Automobile Related			
Parking Facility			
		CUP	CUP
Other			
Accessory Uses 23-4E-6040			
		P	P
Communications 23-4E-6110			
		P	P
Telecommunications 23-4E-6340			
		P	P
Utilities: Local			
		CUP	CUP
Transit Terminal			
		CUP	CUP
Temporary Uses			
		TUP	TUP
Special Uses 23-4E-6320			
		CUP	CUP

Key for Subsection N

P	Permitted Use	TUP	Temporary Use Permit Required
MUP	Minor Use Permit Required	N/A	Not Allowed
CUP	Conditional Use Permit Required		

This page intentionally left blank

23-4D-2160 T5 Urban Shallow Setback (T5U.SS)



A. General Intent

To provide a wide variety of housing choices which reinforce the walkable nature of the neighborhood, support neighborhood-serving retail and service uses adjacent to this zone, and support public transportation options. Buildings shall have the following form characteristics:

- Attached or Semi-detached

- Small to Large Lot Widths

- Block to Large Block Form

- Shallow Front Setbacks

- Small to No Side Setbacks

- Up to 6 Stories

- Terrace, Stoop, Lightwell, and Dooryard Frontages, and Shopfront Frontages in Open Sub-Zone only

B. Sub-Zone

T5U.SS-Open Sub-Zone (T5U.SS-O)
 The Open sub-zone provides the same building form but allows for a more diverse mix of uses on the ground floor, including service, commercial, and general retail uses.

C. Lot Size

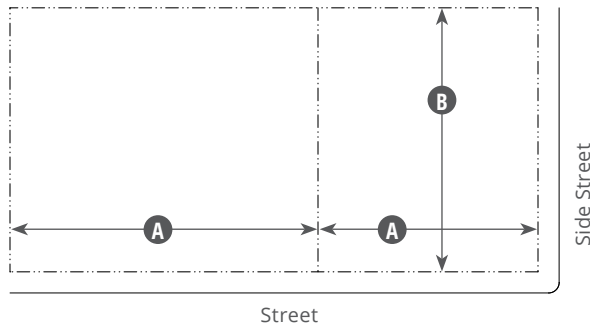
- Width 18' min.

- Depth 100' min. (75' min. when adjacent to alley)

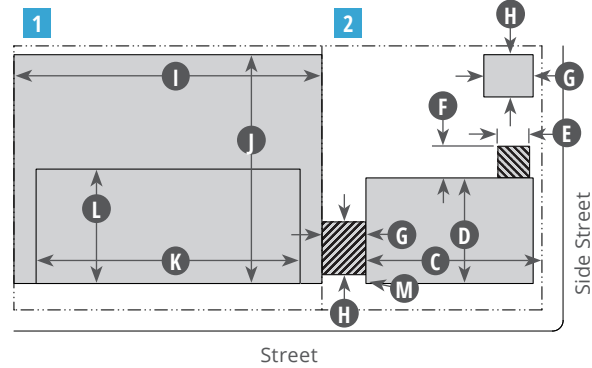
- See Subsection D for additional standards.

General note: The drawing above is intended to provide a brief overview of this Transect Zone and is illustrative only.

Lot Diagram



Building Envelope Diagram



Key for Diagrams

- ROW / Lot Line
- █ Main Building Envelope
- █ Rear Building Envelope
- █ Side Building Envelope

D. Building Types

Building Type	Lot				Building Envelope (max.)						
	Buildings per Lot (max.)	Units per Building (max.)	Width (min.) A	Depth (min.) B	Main		Rear		Side		
					Width C	Depth D	Width E	Depth F	Width, combined G	Depth H	
Block Form 2											
Rowhouse: Large ¹	1	3	18'	100' ²	28'	45'	14'	14'	4'	18'	
Courtyard Building ³	1	175 ^{4,5}	100'	100' ²	100'	40'	40'	100'	40'	32'	
Low-Rise	1	125 ^{4,5}	75'	100' ²	100'	60'	18'	18'	30'	30'	

Accessory Building Form 2

Accessory Dwelling Unit	1	1	—	—	28'	24'	N/A	N/A	N/A	N/A
-------------------------	---	---	---	---	-----	-----	-----	-----	-----	-----

Building Types	Lot				Floorplate (max.)					
	Buildings per Lot (max.)	Units per Acre (max.)	Width (min.) A	Depth (min.) B	Floors 1-3		Floors 4-5			
					Width I	Depth J	Width K	Depth L		
Large Block Form 1										
Mid-Rise	1	200 ⁵	75'	150'	275' ⁶	270'	150'	65'		

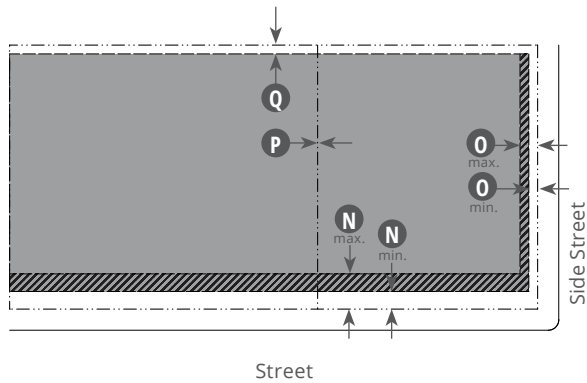
Notes

- The floorplate of any floor may not be larger than that of the floor below.
- Rear and side building envelopes shall be set back from the ROW/lot line farther than the main building envelope by 4' min. (M)
- ¹ Shall be built in a run with a min. of 4 and a max. of 12 attached buildings. Entire run shall not exceed 250' in length.
- ² 75' when adjacent to alley.
- ³ The Courtyard building type has additional open space standards. See Section 23-4D-2210.
- ⁴ Number designates units per acre (max.) rather than units per building (max.).
- ⁵ Maximum achievable when using the Affordable Housing Incentives Program.
- ⁶ Buildings wider than 150' shall be designed to read as a series of buildings no wider than 100' each.

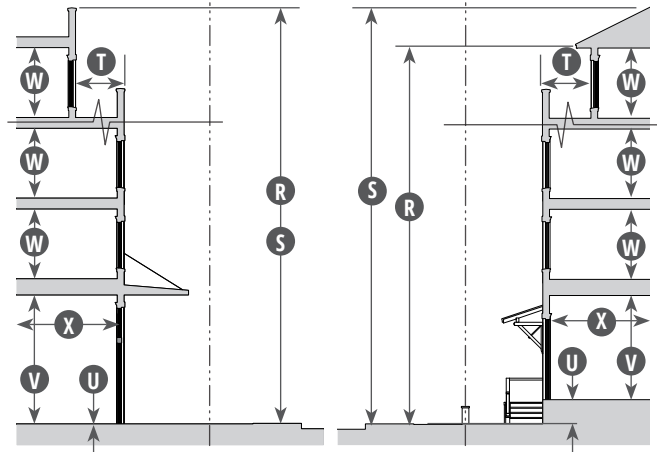
Key for Subsection D

- N/A = Not Allowed
- = No Requirement

Building Placement Diagram



Building Height Diagram



Key for Diagrams

- ROW / Lot Line
- Building Setback Line

- Buildable Area
- ▨ Facade Zone
- ▤ Accessory Building or Structure Only

E. Building Placement

Setback (Distance from ROW / Lot Line)	Front ^{1,2} N	Side St. ^{1,2} O	Side P	Rear Q
Primary Building				
Minimum	10'	5'	0'	5'
Maximum	20'	10'	—	—
Accessory Building or Structure				
Minimum	75'	5'	0'	5'
Primary Building Facade Within Facade Zone				
Front	75% min.			
Side Street	65% min.			

Miscellaneous

¹ Additional setback and/or easement may be required where street ROW or utilities easement is required.

² Sidewalk shall be extended into setback to meet building.

F. Height

Building Height	Stories (max.)	To Eave/Parapet (max.) R	Overall (max.) S
Primary Building, except:	6 ³	75' ³	85' ³
Rowhouse & Low-Rise	4	50'	60'
Accessory Building Form	1	—	—

³ Maximum achievable when using the Affordable Housing Incentives Program.

F. Height (continued)

Stepback (Distance from ROW / Lot Line)	Front T	Side St.	Side	Rear
All Buildings Abutting T3, T4 or Low to Medium Intensity Residential Zones along Shared Parcel Line Only				
Floors 2-3 (min.)	—	—	25'	25'
Floor 4+ (min.)	—	—	50'	50'

Primary Building

Ground Floor Finish Level^{4,5}	
Height above Curb	U
Residential Uses	18" min.
Service or Retail Uses	6" max.

Ground floor lobbies and common areas in multi-unit buildings may have a 0" to 6" ground floor finish level.

Floor-to-Ceiling⁴

Ground Floor	14' min.	V
Upper Floor(s)	9' min.	W

Depth

Ground Floor Space	30' min.	X
--------------------	----------	----------

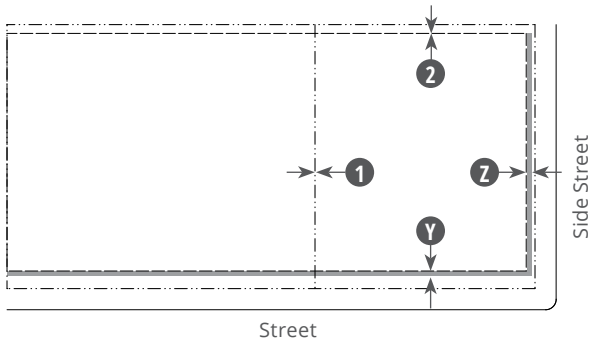
⁴ Buildings existing at the time of adoption of this Land Development Code and additions to those buildings are exempt.

⁵ Primary buildings located on lots sloping down and away from the street are exempt.

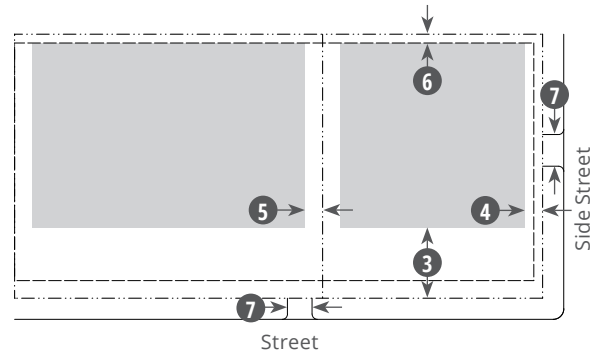
Key for Subsections E-F

- N/A = Not Allowed
- = No Requirement

Encroachments Diagram



Parking Diagram



Key for Diagrams

- ROW / Lot Line
- Building Setback Line

- Encroachment
- Parking Area
- ▨ Accessory Building or Structure Only

G. Encroachments

Encroachment Type	Front (max.) Y	Side St. (max.) Z	Side (max.) 1	Rear (max.) 2
Architectural Features	3'	3'	N/A	N/A

Encroachments are not allowed within a street ROW, alley ROW or across a Lot Line.

H. Frontages

Private Frontage Type	Front	Side St.	Standards
Stoop	A	A	23-2D-1070
Dooryard	A	A	23-2D-1080
Terrace ¹	A	A	23-2D-1100
Lightwell ¹	A	A	23-2D-1110
Shopfront ²	A	A	23-2D-1120

For non-residential uses, loading docks, overhead doors, and other service entries shall be screened and not be located on front street facades.

¹ Allowed only when necessary to accommodate grade change.

² Allowed only in T5U.SS-Open sub-zone.

H. Frontages (continued)

Pedestrian Access

All units shall have pedestrian access from the front street, or for corner lots, from the front street or side street.

I. Parking

Setback (min.)	Front 3	Side St. 4	Side 5	Rear 6
Ground Floor	40'	10'	10'	5'
Upper Floor	40'	40'	10'	5'
Parking Driveway	≤ 40 spaces		> 40 spaces	
Width	14' max.		18' max. 7	

Driveways may be shared between adjacent parcels.

When lot has adjacent alley, parking shall be accessed only from the alley.

Key for Subsections G-H

A = Allowed N/A = Not Allowed

I. Parking (continued)	
Use Type	Required Parking Spaces (min.)
Residential	
Residential, except:	1 per unit
Home Occupations	—
Bed and Breakfast	1, plus 1 per 2 bedrooms
Residential Support Services	
Residential Support Services	1, plus 1 per every 2 residents
Services	
Services, except:	1 per 500 sf after first 2,500 sf
Day Care	1 per 500 sf
Hotel/Motel	<10 units, 0.5/room; ≥10 units, 1/room
Medical Services	—
Civic and Public Assembly	
Library, Museum, or Public Art Gallery	1 per 500 sf after first 2,500 sf
Meeting Facility (public or private)	1 per 100 sf assembly area after first 1,200 sf
Public Safety Facility	As determined by Planning Director ¹
School	1.5 spaces per staff member, plus 1 space for each 3 students enrolled in grades 11 and 12, college, university, business school, or trade school

I. Parking (continued)	
Use Type	Required Parking Spaces (min.)
Restaurants and Bars	
Restaurants and Bars	1 per 100 sf for first 2,500 sf; 1 per 50 sf after first 2,500 sf
Retail	
Retail	1 per 500 sf after first 2,500 sf
Entertainment and Recreation	
Entertainment and Recreation, except:	As determined by Planning Director ¹
Studio: Art, Dance, Martial Arts, Music	—
Agriculture	
Agriculture	≤ 5,750 sf, —; >5,750 sf determined by Planning Director ¹
Automobile Related	
Automobile Related	As determined by Planning Director ¹
Other	
Other	As determined by Planning Director ¹

Notes

See Section 23-4E-3080 (Parking and Loading) for loading requirements, allowed parking reductions, and additional standards.

¹ In making a determination, the Planning Director shall consider the requirements applicable to similar uses, and the location and characteristics of the use.

Key for Subsection I

— = No Requirement

J. Impervious Cover

Impervious Cover	% (max.)	Standards
Impervious Cover	90%	23-3D-3
Building Cover	80%	

See Section 23-4E-4080 (Functional Green) for additional standards for projects with Impervious Cover exceeding 80%.

The maximum percentage of impervious cover allowed by this Section may not be attainable by a project due to unique site characteristics, such as trees, waterways, and steep slopes. Where necessary, the project shall reduce the amount of proposed impervious cover to comply with other requirements of this Title.

K. Required Open Space

Open Space Type	Width (min.)	Depth (min.)	Area per Unit (min.)
Common ¹	20'	20'	100 sf ²

Notes

Common open space requirement may be met by ground floor, upper floor, and/or roof common open space.

Common open space requirements shall not be met by open space provided in required front or side street setbacks, except when provided as an open space as set forth in Division 23-4C-2 (Civic and Open Spaces).

¹ The Courtyard building type has additional open space standards. See Section 23-4D-2210 (Supplementary Courtyard Building Type Standards).

² Or 5% of lot area, whichever is greater.

L. Signage

Total Signs	Number (max.)
Building Signs	2 per building
Ground Signs	1 per building

Sign Types	Number (max.)	Standards
------------	---------------	-----------

Building Signs

Awning/Canopy ¹	1 per awning	23-8B
Directory ¹	1 per building	23-8B
Hanging ¹	1 per establishment	23-8B
Marquee ¹	1 per building	23-8B
Projecting ¹	1 per establishment	23-8B
Wall ¹	1 per establishment	23-8B
Wall Mural ¹	2 per building	23-8B
Window ¹	1 per establishment	23-8B

Ground Signs

Landscape Wall ¹	1 per building	23-8B
-----------------------------	----------------	-------

Notes

See Chapter 23-8 (Signage) for exempt and temporary signage standards and additional standards.

¹ Not allowed for residential uses.

M. Site Constraints

Drainage	See Article 23-10E (Drainage).
Water Quality	See Article 23-3D (Water Quality).
Tree Protection	See Article 23-3C (Tree and Natural Area Protection).
Landscape	See Division 23-4E-4 (Landscape).

N. Use Types			
Use Type	Specific Use Standards	TSU	
		SS	SS-0
Residential			
Residential Dwelling(s)		P	P
Cooperative Housing		P	P
Accessory Dwelling Unit	23-4E-6030	P	P
Bed and Breakfast	23-4E-6080	CUP	CUP
Senior/Retirement Housing:	23-4E-6300		
≤12 Residents		P	P
>12 Residents		MUP	MUP
Live/Work	23-4E-6190	P	P
Home Occupations	23-4E-6180	P	P
Short-term Rental	23-4E-6310	P	P
Residential Support Services			
Group Home:	23-4E-6170		
<7 Residents		P	P
7 to 15 Residents		CUP	CUP
Services			
Business and Financial/ Professional Services		N/A	P
Commercial Services: No Outside Storage		N/A	P
Personal Services		N/A	P
Day Care:			
Small (≤7 Children)		P	P
Large (>7 and <20 Children)		P	P
Hotel/Motel		N/A	P
Medical Services:			
≤5,000 sf		P	P
Pawn Shop		N/A	N/A

N. Use Types (continued)			
Use Type	Specific Use Standards	TSU	
		SS	SS-0
Civic and Public Assembly			
Library, Museum, or Public Art Gallery			CUP CUP
Meeting Facility (public or private)			CUP CUP
Public Safety Facility			CUP CUP
School:	23-4E-6290		
Business, or Trade		P	P
College or University		P	P
Private Primary		P	P
Private Secondary		P	P
Public Primary		P	P
Public Secondary		P	P
Restaurants and Bars			
Bar/Nightclub:			
Level 1 – No Outside Seating, No Late Hours			MUP MUP
Level 2 – Late Hours and/or Outdoor Seating			CUP CUP
Micro-Brewery/Micro-Distillery/ Winery	23-4E-6210	MUP	MUP
Restaurant, except:		P	P
> 2,500 sf		?	?
With Alcohol Sales		MUP	MUP
With Outside Seating		MUP	MUP
Late Night Operation	23-4E-6270	CUP	CUP
Retail			
Food Sales (on or off site)		N/A	P
General Retail:			
<5,000 sf		N/A	P
With On-site Production		N/A	P

Table Continues on Next Page - - - - ->

Key for Subsection N

P	Permitted Use	TUP	Temporary Use Permit Required
MUP	Minor Use Permit Required	N/A	Not Allowed
CUP	Conditional Use Permit Required		

N. Use Types (continued)			
Use Type	Specific Use Standards	T5U	
		SS	SS-0
Entertainment and Recreation			
Park/Playground		P	P
Recreation: Community, Non-Profit		CUP	CUP
Studio: Art, Dance, Martial Arts, Music		P	P
Agriculture			
Community Agriculture	23-4E-6120	MUP	MUP
Automobile Related			
Parking Facility		CUP	CUP
Other			
Accessory Uses	23-4E-6040	P	P
Communications	23-4E-6110	P	P
Telecommunications	23-4E-6340	P	P
Utilities: Local		CUP	CUP
Transit Terminal		CUP	CUP
Temporary Uses		TUP	TUP
Special Uses	23-4E-6320	CUP	CUP

Key for Subsection N

P	Permitted Use	TUP	Temporary Use Permit Required
MUP	Minor Use Permit Required	N/A	Not Allowed
CUP	Conditional Use Permit Required		

23-4D-2170 T5 Urban (T5U)



A. General Intent

To provide a wide variety of housing choices which reinforce the walkable nature of the neighborhood, support neighborhood-serving retail and service uses adjacent to this zone, and support public transportation options. Buildings shall have the following form characteristics:

- Attached or Semi-detached

- Small to Large Lot Widths

- Block to Large Block Form

- Small to No Front Setbacks

- Small to No Side Setbacks

- Up to 6 Stories

- Terrace, Stoop, Lightwell, and Dooryard Frontages, and Shopfront Frontages in Open Sub-Zone only

B. Sub-Zone

T5U-Open Sub-Zone (T5U-O)
 The Open sub-zone provides the same building form but allows for a more diverse mix of uses on the ground floor, including service, commercial, and general retail uses.

C. Lot Size

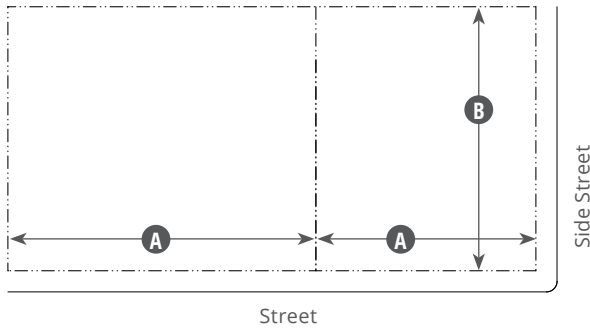
- Width 18' min.

- Depth 100' min. (75' min. when adjacent to alley)

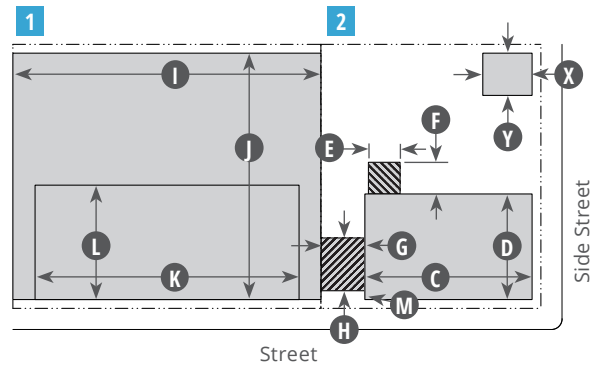
- See Subsection D for additional standards.

General note: The drawing above is intended to provide a brief overview of this Transect Zone and is illustrative only.

Lot Diagram



Building Envelope Diagram



Key for Diagrams

- ROW / Lot Line
- █ Rear Building Envelope
- █ Main Building Envelope
- █ Side Building Envelope

D. Building Types

Building Type	Lot		Building Envelope (max.)								
	Buildings per Lot (max.)	Units per Building (max.)	Width (min.) A	Depth (min.) B	Main		Rear		Side		
					Width C	Depth D	Width E	Depth F	Width, combined G	Depth H	
Block Form 2											
Rowhouse: Large ¹	1	3	18'	100' ²	28'	45'	14'	14'	4'	18'	
Courtyard Building ³	1	175 ^{4,5}	100'	100'	100'	40'	40'	100'	40'	32'	
Low-Rise	1	125 ^{4,5}	75'	100'	100'	60'	18'	18'	30'	30'	

Accessory Building Form 2

Accessory Dwelling Unit	1	1	—	—	28'	24'	N/A	N/A	N/A	N/A
-------------------------	---	---	---	---	-----	-----	-----	-----	-----	-----

Building Types	Lot		Floorplate (max.)								
	Buildings per Lot (max.)	Units per Acre (max.)	Width (min.) A	Depth (min.) B	Floors 1-3		Floors 4-5				
					Width I	Depth J	Width K	Depth L			
Large Block Form 1											
Mid-Rise	1	200 ⁵	75'	150'	275' ⁶	270'	150'	65'			

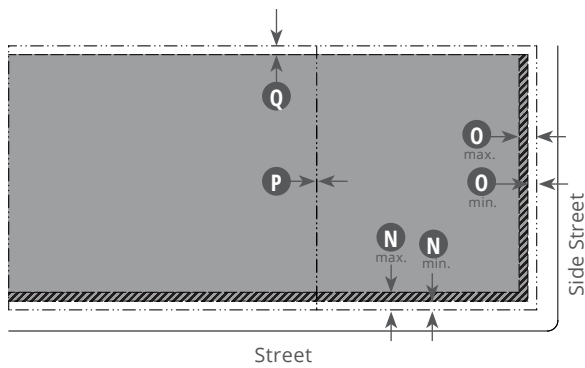
Notes

- The floorplate of any floor may not be larger than that of the floor below.
- Rear and side building envelopes shall be set back from the ROW/lot line farther than the main building envelope by 4' min. (M)
- ¹ Shall be built in a run with a min. of 4 and a max. of 12 attached buildings. Entire run shall not exceed 250' in length.
- ² 75' when adjacent to alley.
- ³ The Courtyard building type has additional open space standards. See Section 23-4D-2210.
- ⁴ Number designates units per acre (max.) rather than units per building (max.).
- ⁵ Maximum achievable when using the Affordable Housing Incentives Program.
- ⁶ Buildings wider than 150' shall be designed to read as a series of buildings no wider than 100' each.

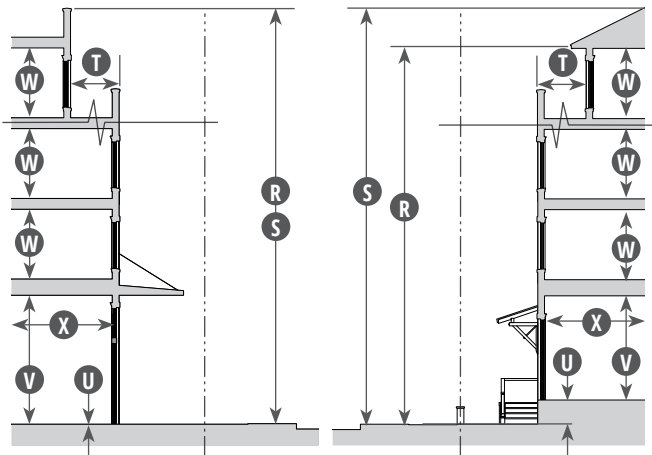
Key for Subsection D

- N/A = Not Allowed
- = No Requirement

Building Placement Diagram



Building Height Diagram



Key for Diagrams

- ROW / Lot Line
- Building Setback Line

- Buildable Area
- ▨ Facade Zone
- ▤ Accessory Building or Structure Only

E. Building Placement

Setback (Distance from ROW / Lot Line)	Front ^{1,2} N	Side St. ^{1,2} O	Side P	Rear Q
Primary Building				
Minimum	5'	5'	0'	5'
Maximum	10'	10'	—	—
Accessory Building or Structure				
Minimum	75'	5'	0'	5'
Primary Building Facade Within Facade Zone				
Front	75% min.			
Side Street	65% min.			

Miscellaneous

¹ Additional setback and/or easement may be required where street ROW or utilities easement is required.

² Sidewalk shall be extended into setback to meet building.

F. Height

Building Height	Stories (max.)	To Eave/Parapet (max.) R	Overall (max.) S
Primary Building, except:	6 ³	75' ³	85' ³
Rowhouse & Low-Rise	4	50'	60'
Accessory Building Form	1	—	—

³ Maximum achievable when using the Affordable Housing Incentives Program.

F. Height (continued)

Stepback (Distance from ROW / Lot Line)	Front T	Side St.	Side	Rear
All Buildings Abutting T3, T4, or Low to Medium Intensity Residential Zones along Shared Parcel Line Only				
Floors 2-3 (min.)	—	—	25'	25'
Floor 4 (min.)	—	—	50'	50'
Floor 5-6 (min.)	20'	20'	50'	50'

Primary Building

Ground Floor Finish Level^{4,5}

Height above Curb	U
Residential Uses	18" min.
Service or Retail Uses	6" max.

Ground floor lobbies and common areas in multi-unit buildings may have a 0" to 6" ground floor finish level.

Floor-to-Ceiling⁴

Level	Height	V
Ground Floor	14' min.	V
Upper Floor(s)	9' min.	W

Depth

Ground Floor Space	30' min.	X
--------------------	----------	----------

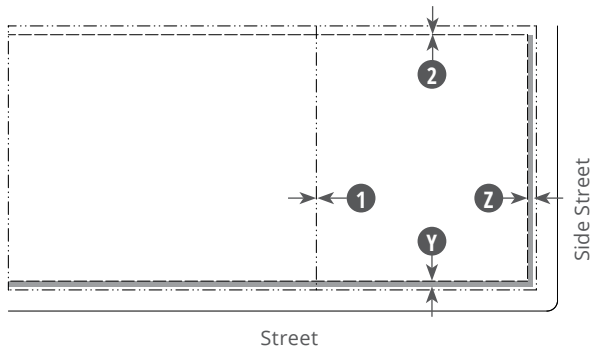
⁴ Buildings existing at the time of adoption of this Land Development Code and additions to those buildings are exempt.

⁵ Primary buildings located on lots sloping down and away from the street are exempt.

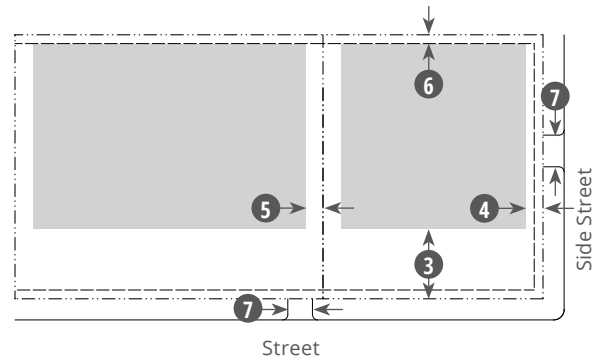
Key for Subsections E-F

- N/A = Not Allowed
- = No Requirement

Encroachments Diagram



Parking Diagram



Key for Diagrams

- ROW / Lot Line
- Building Setback Line

- Encroachment
- Parking Area
- ▨ Accessory Building or Structure Only

G. Encroachments

Encroachment Type	Front (max.) Y	Side St. (max.) Z	Side (max.) 1	Rear (max.) 2
Architectural Features	3'	3'	N/A	N/A

Encroachments are not allowed within a street ROW, alley ROW or across a Lot Line.

H. Frontages

Private Frontage Type	Front	Side St.	Standards
Stoop	A	A	23-2D-1070
Dooryard	A	A	23-2D-1080
Terrace ¹	A	A	23-2D-1100
Lightwell ¹	A	A	23-2D-1110
Shopfront ²	A	A	23-2D-1120

For non-residential uses, loading docks, overhead doors, and other service entries shall be screened and not be located on front street facades.

¹ Allowed only when necessary to accommodate grade change.

² Allowed only in T5U-Open sub-zone.

H. Frontages (continued)

Pedestrian Access

All units shall have pedestrian access from the front street, or for corner lots, from the front street or side street.

I. Parking

Setback (min.)	Front	Side St.	Side	Rear
	3	4	5	6
Ground Floor	40'	10'	10'	5'
Upper Floor	40'	40'	10'	5'
Parking Driveway	≤ 40 spaces		> 40 spaces	
Width	14' max.		18' max. 7	

Driveways may be shared between adjacent parcels.

When lot has adjacent alley, parking shall be accessed only from the alley.

Key for Subsections G-H

A = Allowed N/A = Not Allowed

I. Parking (continued)	
Use Type	Required Parking Spaces (min.)
Residential	
Residential, except:	1 per unit
Home Occupations	—
Bed and Breakfast	1, plus 1 per 2 bedrooms
Residential Support Services	
Residential Support Services	1, plus 1 per every 2 residents
Services	
Services, except:	1 per 500 sf after first 2,500 sf
Day Care	1 per 500 sf
Hotel/Motel	<10 units, 0.5/room; ≥10 units, 1/room
Medical Services	—
Civic and Public Assembly	
Library, Museum, or Public Art Gallery	1 per 500 sf after first 2,500 sf
Meeting Facility (public or private)	1 per 100 sf assembly area after first 1,200 sf
Public Safety Facility	As determined by Planning Director ¹
School	1.5 spaces per staff member, plus 1 space for each 3 students enrolled in grades 11 and 12, college, university, business school, or trade school

I. Parking (continued)	
Use Type	Required Parking Spaces (min.)
Restaurants and Bars	
Restaurants and Bars	1 per 100 sf for first 2,500 sf; 1 per 50 sf after first 2,500 sf
Retail	
Retail	1 per 500 sf after first 2,500 sf
Entertainment and Recreation	
Entertainment and Recreation, except:	As determined by Planning Director ¹
Studio: Art, Dance, Martial Arts, Music	—
Agriculture	
Agriculture	≤ 5,750 sf, —; >5,750 sf determined by Planning Director ¹
Automobile Related	
Automobile Related	As determined by Planning Director ¹
Other	
Other	As determined by Planning Director ¹

Notes

See Section 23-4E-3080 (Parking and Loading) for loading requirements, allowed parking reductions, and additional standards.

¹ In making a determination, the Planning Director shall consider the requirements applicable to similar uses, and the location and characteristics of the use.

Key for Subsection I

— = No Requirement

J. Impervious Cover

Impervious Cover	% (max.)	Standards
Impervious Cover	90%	23-3D-3
Building Cover	80%	

See Section 23-4E-4080 (Functional Green) for additional standards for projects with Impervious Cover exceeding 80%.

The maximum percentage of impervious cover allowed by this Section may not be attainable by a project due to unique site characteristics, such as trees, waterways, and steep slopes. Where necessary, the project shall reduce the amount of proposed impervious cover to comply with other requirements of this Title.

K. Required Open Space

Open Space Type	Width (min.)	Depth (min.)	Area per Unit (min.)
Common ¹	20'	20'	100 sf ²

Notes

Common open space requirement may be met by ground floor, upper floor, and/or roof common open space.

Common open space requirements shall not be met by open space provided in required front or side street setbacks, except when provided as an open space as set forth in Division 23-4C-2 (Civic and Open Spaces).

¹ The Courtyard Building building type has additional open space standards. See Section 23-4D-2210 (Supplementary Courtyard Building Type Standards).

² Or 5% of lot area, whichever is greater.

L. Signage

Total Signs	Number (max.)
Building Signs	2 per building
Ground Signs	1 per building

Sign Types	Number (max.)	Standards
------------	---------------	-----------

Building Signs

Awning/Canopy ¹	1 per awning	23-8B
Directory ¹	1 per building	23-8B
Hanging ¹	1 per establishment	23-8B
Marquee ¹	1 per building	23-8B
Projecting ¹	1 per establishment	23-8B
Wall ¹	1 per establishment	23-8B
Wall Mural ¹	2 per building	23-8B
Window ¹	1 per establishment	23-8B

Ground Signs

Landscape Wall ¹	1 per building	23-8B
-----------------------------	----------------	-------

Notes

See Chapter 23-8 (Signage) for exempt and temporary signage standards and additional standards.

¹ Not allowed for residential uses.

M. Site Constraints

Drainage	See Article 23-10E (Drainage).
Water Quality	See Article 23-3D (Water Quality).
Tree Protection	See Article 23-3C (Tree and Natural Area Protection).
Landscape	See Division 23-4E-4 (Landscape).

N. Use Types			
Use Type	Specific Use Standards	T5	
		U	U-O
Residential			
Residential Dwelling(s)		P	P
Cooperative Housing		P	P
Accessory Dwelling Unit	23-4E-6030	P	P
Bed and Breakfast	23-4E-6080	CUP	CUP
Senior/Retirement Housing:	23-4E-6300		
≤12 Residents		P	P
>12 Residents		MUP	MUP
Live/Work	23-4E-6190	P	P
Home Occupations	23-4E-6180	P	P
Short-term Rental	23-4E-6310	P	P
Residential Support Services			
Group Home:	23-4E-6170		
<7 Residents		P	P
7 to 15 Residents		CUP	CUP
Services			
Business and Financial/ Professional Services		N/A	P
Commercial Services: No Outside Storage		N/A	P
Personal Services		N/A	P
Day Care:			
Small (≤7 Children)		P	P
Large (>7 and <20 Children)		P	P
Hotel/Motel		N/A	P
Medical Services:			
≤5,000 sf		P	P
Pawn Shop		N/A	N/A

N. Use Types (continued)			
Use Type	Specific Use Standards	T5	
		U	U-O
Civic and Public Assembly			
Library, Museum, or Public Art Gallery			CUP CUP
Meeting Facility (public or private)			CUP CUP
Public Safety Facility			CUP CUP
School:	23-4E-6290		
Business, or Trade		P	P
College or University		P	P
Private Primary		P	P
Private Secondary		P	P
Public Primary		P	P
Public Secondary		P	P
Restaurants and Bars			
Bar/Nightclub:			
Level 1 – No Outside Seating, No Late Hours			MUP MUP
Level 2 – Late Hours and/or Outdoor Seating			CUP CUP
Micro-Brewery/Micro-Distillery/ Winery	23-4E-6210	MUP	MUP
Restaurant, except:		P	P
> 2,500 sf		?	?
With Alcohol Sales		MUP	MUP
With Outside Seating		MUP	MUP
Late Night Operation	23-4E-6270	CUP	CUP
Retail			
Food Sales (on or off site)		N/A	P
General Retail:			
<5,000 sf		N/A	P
With On-site Production		N/A	P

Table Continues on Next Page ----->

Key for Subsection N

P	Permitted Use	TUP	Temporary Use Permit Required
MUP	Minor Use Permit Required	N/A	Not Allowed
CUP	Conditional Use Permit Required		

N. Use Types (continued)			
Use Type	Specific Use Standards	T5	
		U	U-0
Entertainment and Recreation			
Park/Playground		P	P
Recreation: Community, Non-Profit		CUP	CUP
Studio: Art, Dance, Martial Arts, Music		P	P
Agriculture			
Community Agriculture	23-4E-6120	MUP	MUP
Automobile Related			
Parking Facility		CUP	CUP
Other			
Accessory Uses	23-4E-6040	P	P
Communications	23-4E-6110	P	P
Telecommunications	23-4E-6340	P	P
Utilities: Local		CUP	CUP
Transit Terminal		CUP	CUP
Temporary Uses		TUP	TUP
Special Uses	23-4E-6320	CUP	CUP

Key for Subsection N

P	Permitted Use	TUP	Temporary Use Permit Required
MUP	Minor Use Permit Required	N/A	Not Allowed
CUP	Conditional Use Permit Required		

23-4D-2180 T5 Main Street (T5MS)



A. General Intent

To provide a regional or urban neighborhood focal point. This zone accommodates retail, service, and residential uses in compact, walkable urban form. Buildings shall have the following form characteristics:

- Attached

- Small to Large Lot Widths

- Block to Large Block Form

- Small to No Front Setbacks

- Small to No Side Setbacks

- Up to 6 Stories

- Gallery, Terrace, and Shopfront Frontages, and Dooryard Frontage in Open Sub-Zone only

B. Sub-Zone

T5MS-Open Sub-Zone (T5MS-O)
 The Open sub-zone provides the same building form but allows for a more diverse mix of uses on the ground floor, including residential, thus enabling the retail and service area to mature over time.

C. Lot Size

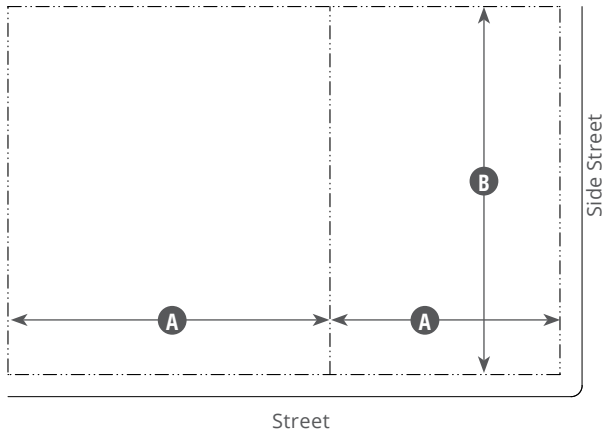
- Width 40' min.

- Depth 100' min. (75' min. when adjacent to alley)

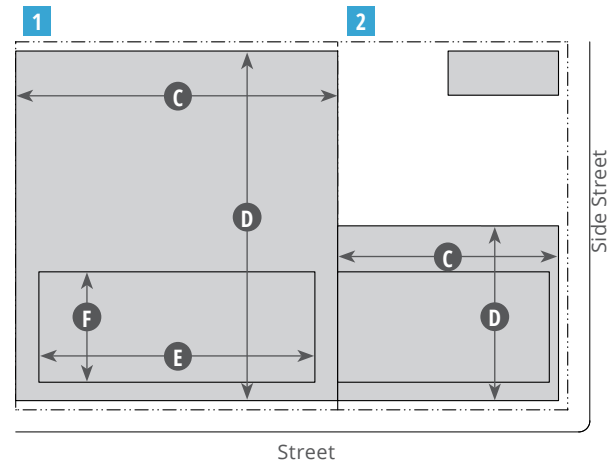
- See Subsection D for additional standards.

General note: The drawing above is intended to provide a brief overview of this Transect Zone and is illustrative only.

Lot Diagram



Building Envelope Diagram



Key for Diagrams

--- ROW / Lot Line

■ Main Building Envelope

D. Building Types

Building Type	Lot		Floorplate (max.)					
	Buildings per Lot (max.)	Units per Acre (max.)	Width (min.)	Depth (min.)	Floors 1-3		Floors 4-5	
			A	B	C	D	E	F
Block Form 2								
Main Street	1	275 ³	40'	100' ¹	275' ²	100'	—	65'
Live/Work	—	220 ³	18'					
Large Block Form 1								
Mid-Rise	1	275 ³	75'	100'	275' ²	275'	150'	65'

Notes

The floorplate of any floor may not be larger than that of the floor below.

¹ 75' when adjacent to alley.

² Buildings wider than 150' shall be designed to read as a series of buildings no wider than 100' each.

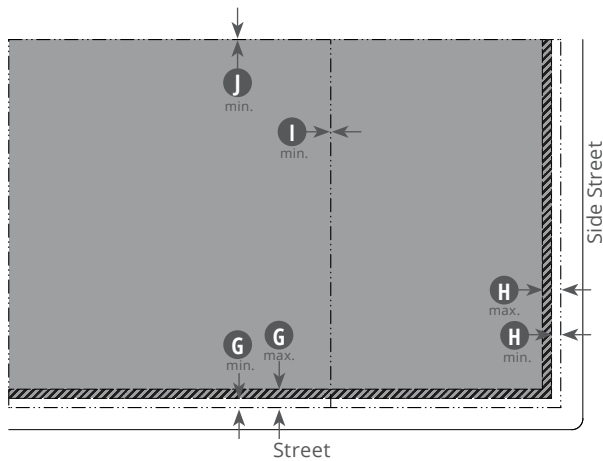
³ Maximum achievable when using the Affordable Housing Incentives Program.

Key for Subsection D

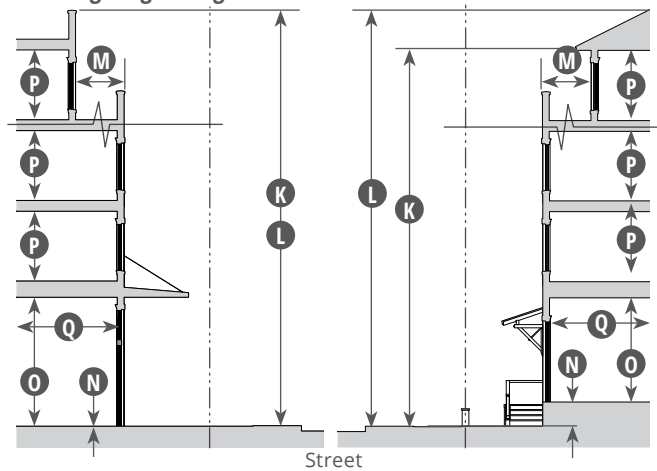
N/A = Not Allowed

— = No Requirement

Building Placement Diagram



Building Height Diagram



Key for Diagrams

- ROW / Lot Line
- Building Setback Line

■ Buildable Area

▨ Facade Zone

E. Building Placement

Setback (Distance from ROW / Lot Line)	Front ^{1,2} G	Side St. ^{1,2} H	Side I	Rear J
Primary Building				
Minimum	5'	5'	0'	0'
Maximum	10'	10'	—	—
Accessory Building or Structure				
Minimum	75'	0'	0'	0'
Maximum	—	—	—	—
Primary Building Facade Within Facade Zone				
Front	90% min.			
Side Street	75% min.			

Miscellaneous

Setback shall be defined by a building within 30' of corner along the front and along the side street.

A building form with a chamfered corner is allowed only on corner lots and if a corner entry is provided.

¹ Additional setback and/or easement may be required where street ROW or utilities easement is required.

² Sidewalk shall be extended into setback to meet building.

F. Height

Building Height	Stories (max.)	To Eave/Parapet Overall (max.)	
		K	L
Primary Building, except:	6 ³	75' ³	85' ³
Live/Work	4	50'	60'
Accessory Building Form	1	—	—

³ Maximum achievable when using the Affordable Housing Incentives Program.

F. Height (continued)

Stepback (Distance from ROW / Lot Line)	Front M	Side St.	Side	Rear
All Buildings Abutting T3 or Low to Medium Intensity Residential Zones along Shared Parcel Line Only				
Floors 2-3 (min.)	—	—	25'	25'
Floor 4 (min.)	—	—	50'	50'
Floor 5-6 (min.)	20'	20'	50'	50'
Primary Building				
Ground Floor Finish Level ^{4, 5}				
Height above Curb				N
Residential Uses		18" min.		
Service or Retail Uses		6" max.		

Ground floor lobbies and common areas in multi-unit buildings may have a 0" to 6" ground floor finish level.

Floor-to-Ceiling ⁴

Ground Floor	14' min.	O
Upper Floor(s)	9' min.	P

Depth

Ground Floor Space	30' min.	Q
--------------------	----------	----------

⁴ Buildings existing at the time of adoption of this Land Development Code and additions to those buildings are exempt.

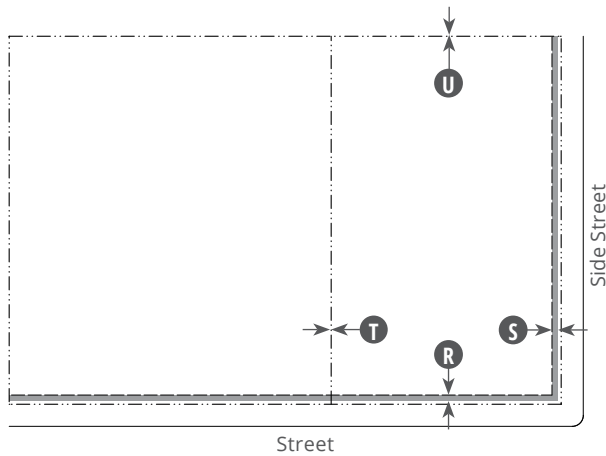
⁵ Primary buildings located on lots sloping down and away from the street are exempt.

Key for Subsections E-F

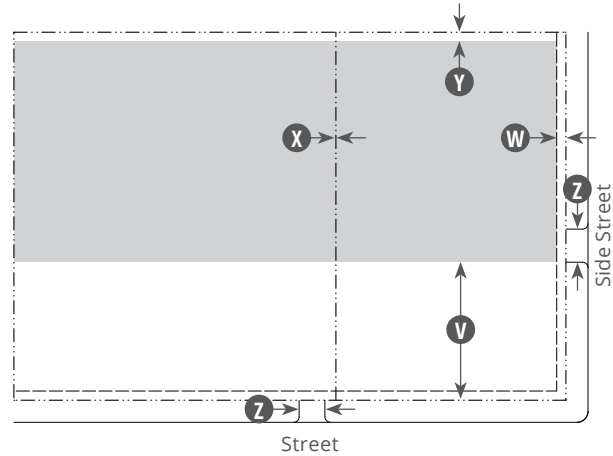
N/A = Not Allowed

— = No Requirement

Encroachments Diagram



Parking Diagram



Key for Diagrams

- ROW / Lot Line
- Building Setback Line

- Encroachment
- Parking Area

G. Encroachments

Encroachment Type	Front (max.) R	Side St. (max.) S	Side (max.) T	Rear (max.) U
Private Frontage				
Gallery ¹	14'	14'	N/A	N/A
Architectural Features	3'	3'	N/A	N/A

Encroachments are not allowed within a street ROW, alley ROW or across a Lot Line.

¹ Galleries may encroach into the street ROW to within 2' of the face of the curb, subject to approval by the Public Works Director in compliance with Chapter 14-11 (Use of Right-of-Way).

H. Frontages

Private Frontage Type	Front	Side St.	Standards
Dooryard ¹	A	A	23-2D-1080
Terrace ²	A	A	23-2D-1100
Shopfront	A	A	23-2D-1120
Gallery	A	A	23-2D-1130

For non-residential uses, loading docks, overhead doors, and other service entries shall be screened and not be located on front street facades.

¹ Allowed only in T5MS-Open sub-zone.

² Allowed only when necessary to accommodate grade change.

Key for Subsections G-H

A = Allowed N/A = Not Allowed

H. Frontages (continued)

Pedestrian Access

Pedestrian entrances must be provided at least every 50' along ground floor street facade and side street facade.

I. Parking

Setback (min.)	Front V	Side St. W	Side X	Rear Y
Ground Floor	75'	5'	0'	5'
Upper Floor	40'	40'	10'	5'
Parking Driveway	≤ 40 spaces		> 40 spaces	
Width	14' max.		18' max. Z	

Driveways may be shared between adjacent parcels.

When lot has adjacent alley, parking shall be accessed only from the alley.

I. Parking (continued)	
Use Type	Required Parking Spaces (min.)
Residential	
Residential, except:	1 per unit
Accessory Dwelling Unit	—
Home Occupations	—
Bed and Breakfast	1, plus 1 per 2 bedrooms
Residential Support Services	
Residential Support Services	1, plus 1 per every 2 residents
Services	
Services, except:	1 per 500 sf after first 2,500 sf
Day Care	1 per 500 sf
Drive Through, Retail or Service Facility	4 tandem stacking spaces for each drive-up window or device
Hospital	1 per bed, plus 1 per 750 sf
Hotel/Motel	1 per 2 bedrooms, plus 1 per 500 sf meeting space
Office	
Office	1 per 500 sf after first 2,500 sf
Civic and Public Assembly	
Government/Civic	As determined by Planning Director ¹
Library, Museum, or Public Art Gallery	1 per 500 sf after first 2,500 sf
Meeting Facility (public or private)	1 per 100 sf assembly area after first 1,200 sf
Public Safety Facility	—

I. Parking (continued)	
Use Type	Required Parking Spaces (min.)
Civic and Public Assembly (continued)	
School	1.5 spaces per staff member, plus 1 space for each 3 students enrolled in grades 11 and 12, college, university, business school, or trade school
Restaurants and Bars	
Restaurants and Bars	1 per 100 sf for first 2,500 sf; 1 per 50 sf after first 2,500 sf
Retail	
Retail	1 per 500 sf after first 2,500 sf
Entertainment and Recreation	
Entertainment and Recreation, except:	1 per 500 sf after first 2,500 sf
Park/Playground	As determined by Planning Director ¹
Recreation: Indoor, For Profit ≤1,000 sf	—
Agriculture	
Agriculture	≤ 5,750 sf, —; >5,750 sf determined by Planning Director ¹
Automobile Related	
Automobile Related	≤ 5,750 sf, —; >5,750 sf determined by Planning Director ¹
Other	
Other	As determined by Planning Director ¹

Notes

See Section 23-4E-3080 (Parking and Loading) for loading requirements, allowed parking reductions, and additional standards.

¹ In making a determination, the Planning Director shall consider the requirements applicable to similar uses, and the location and characteristics of the use.

Key for Subsection I

— = No Requirement

J. Impervious Cover

Impervious Cover	% (max.)	Standards
Impervious Cover	90%	23-3D-3
Building Cover	95%	

See Section 23-4E-4080 (Functional Green) for additional standards for projects with Impervious Cover exceeding 80%.

The maximum percentage of impervious cover allowed by this Section may not be attainable by a project due to unique site characteristics, such as trees, waterways, and steep slopes. Where necessary, the project shall reduce the amount of proposed impervious cover to comply with other requirements of this Title.

K. Required Open Space

Open Space Type	Width (min.)	Depth (min.)	Area per Unit (min.)
Common	20'	20'	100 sf ¹

Notes

Common open space requirement may be met by ground floor, upper floor, and/or roof common open space.

Common open space requirements shall not be met by open space provided in required front or side street setbacks, except when provided as an open space as set forth in Division 23-4C-2 (Civic and Open Spaces).

¹ Or 5% of lot area, whichever is greater.

L. Signage

Total Signs	Number (max.)	Standards
Building Signs	2 per building	
Ground Signs	1 per building	

Sign Types

Sign Types	Number (max.)	Standards
Building Signs		
Awning/Canopy ¹	1 per awning	23-8B
Directory ¹	1 per building	23-8B
Hanging ¹	1 per establishment	23-8B
Marquee ¹	1 per building	23-8B
Projecting ¹	1 per establishment	23-8B
Wall ¹	1 per establishment	23-8B
Wall Mural ¹	2 per building	23-8B
Window ¹	1 per establishment	23-8B

Notes

See Chapter 23-8 (Signage) for exempt and temporary signage standards and additional standards.

¹ Not allowed for residential uses.

M. Site Constraints

Drainage	See Article 23-10E (Drainage).
Water Quality	See Article 23-3D (Water Quality).
Tree Protection	See Article 23-3C (Tree and Natural Area Protection).
Landscape	See Division 23-4E-4 (Landscape).

N. Use Types			
Use Type	Specific Use Standards	T5	
		MS	MS-O
Residential			
Residential Dwelling(s)		P ¹	P
Cooperative Housing		P ¹	P
Accessory Dwelling Unit	23-4E-6030	P	P
Bed and Breakfast	23-4E-6080	P	P
Senior/Retirement Housing:	23-4E-6300		
≤12 Residents		P ¹	P
>12 Residents		P ¹	P
Live/Work	23-4E-6190	P	P
Home Occupations	23-4E-6180	P	P
Short-term Rental	23-4E-6310	P	P
Residential Support Services			
Group Home:	23-4E-6170		
<7 Residents		P ¹	P
7 to 15 Residents		CUP ¹	CUP
Services			
Alternative Financial Services	23-4E-6070	CUP	CUP
Animal Service/Boarding:			
Level 1		P	P
Business and Financial/ Professional Services		P	P
Commercial Services:			
No Outside Storage		P	P
With Incidental Outside Storage		P	N/A
Personal Services		P	P
Day Care:			
Small (≤7 Children)		P	P
Large (>7 and <20 Children)		P	P
Commercial		P	P

N. Use Types (continued)			
Use Type	Specific Use Standards	T5	
		MS	MS-O
Services (continued)			
Drive Through, Retail or Service Facility	23-4E-6140	CUP	CUP
Hospital		N/A	CUP
Hotel/Motel		P	P
Medical Services:			
≤5,000 sf		P	P
>5,000 sf		N/A	CUP
Pawn Shop		N/A	N/A
Office			
Office, General (non-medical)		P	P
Civic and Public Assembly			
Government/Civic		MUP	MUP
Library, Museum, or Public Art Gallery		P	P
Meeting Facility (public or private)		P	P
Public Safety Facility		P	P
School:	23-4E-6290		
Business, or Trade		P	P
College or University		P	P
Private Primary		P	P
Private Secondary		P	P
Public Primary		P	P
Public Secondary		P	P

Table Continues on Next Page - - - - ->

Notes

¹ Allowed on ground floor only behind other allowed street-facing ground floor use.

Key for Subsection N

P	Permitted Use	TUP	Temporary Use Permit Required
MUP	Minor Use Permit Required	N/A	Not Allowed
CUP	Conditional Use Permit Required		

N. Use Types (continued)			
Use Type	Specific Use Standards	T5	
		MS	MS-O
Restaurants and Bars			
Bar/Nightclub:			
Level 1 – No Outside Seating, No Late Hours		P	P
Level 2 – Late Hours and/or Outdoor Seating		MUP	MUP
Micro-Brewery/Micro-Distillery/Winery	23-4E-6210	MUP	MUP
Restaurant, except:		P	P
> 2,500 sf		N/A	CUP
With Alcohol Sales		MUP	MUP
With Outside Seating		MUP	MUP
Late Night Operation	23-4E-6270	CUP	CUP
Retail			
Food Sales (on or off site)		P	P
General Retail:			
<5,000 sf		P	P
>5,000 sf and <10,000 sf		P	P
With On-site Production		P	P
With Outside Storage			
≤2,000 sf	23-4E-6160	CUP	CUP
With Outside Storage			
>2,000 sf	23-4E-6160	N/A	N/A

N. Use Types (continued)			
Use Type	Specific Use Standards	T5	
		MS	MS-O
Entertainment and Recreation			
Entertainment:			
Indoor		MUP	MUP
Outdoor, Limited		MUP	MUP
Park/Playground		P	P
Recreation:			
Indoor, For Profit ≤1,000 sf		P	P
Indoor, For Profit >1,000 sf		CUP	P
Community, Non-Profit		CUP	CUP
Studio: Art, Dance, Martial Arts, Music		P	P
Agriculture			
Community Agriculture	23-4E-6120	MUP	MUP
Automobile Related			
Parking Facility		CUP	CUP
Other			
Accessory Uses	23-4E-6040	P	P
Communications	23-4E-6110	P	P
Telecommunications	23-4E-6340	P	P
Utilities: Local		CUP	CUP
Transit Terminal		CUP	CUP
Temporary Uses		TUP	TUP

Key for Subsection N

P	Permitted Use	TUP	Temporary Use Permit Required
MUP	Minor Use Permit Required	N/A	Not Allowed
CUP	Conditional Use Permit Required		

23-4D-2190 T6 Urban (T6U)



A. General Intent

To provide a vibrant, compact, high-intensity walkable urban environment that provides urban housing choices as well as a wide range of regional-center appropriate uses such as employment, retail, services, entertainment, civic, and public uses. The form and intensity is such that it supports public transportation alternatives with walking and biking as the primary means of getting around, and evolves over time. Buildings shall have the following form characteristics:

- Attached

- Small to Block Lot Widths

- Block to Large Block Form

- Small to No Front Setbacks

- Small to No Side Setbacks

- Up to 16 Stories

- Gallery, Terrace, and Shopfront Frontages

B. Sub-Zone

T6U–Restricted Sub-Zone (T6U–R)
 The Restricted sub-zone provides the same building form but requires retail and service uses at sidewalk level.

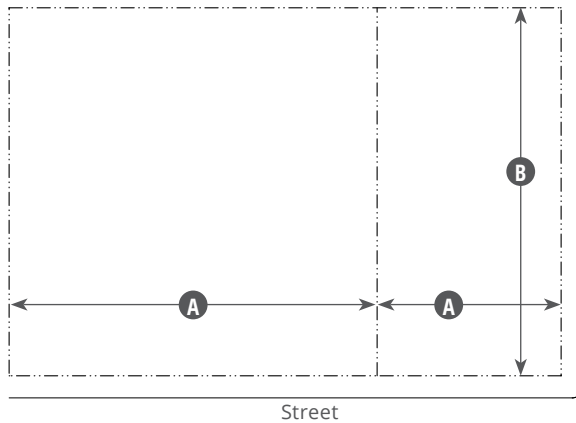
C. Lot Size

Width	40' min.
Depth	100' min. (75' min. when adjacent to alley)

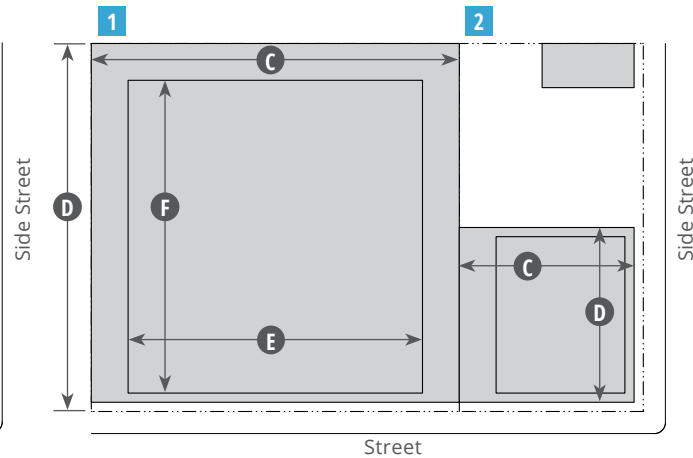
See Subsection D for additional standards.

General note: The drawing above is intended to provide a brief overview of this Transect Zone and is illustrative only.

Lot Diagram



Building Envelope Diagram



Key for Diagrams

--- ROW / Lot Line

■ Main Building Envelope

D. Building Types

Building Type	Lot		Floorplate (max.)						
	Buildings per Lot (max.)	Units per Acre (max.)	Width (min.) A	Depth (min.) B	Floors 1-5		Floors 6-8		Floors 9+
					Width C	Depth D	Width E	Depth F	Area
Block Form 2									
Main Street	1	600 ³	40'	100' ¹	275 ²	100'	—	65'	N/A
Large Block Form 1									
Mid-Rise	1	600 ³	75'	100'	300'	300'	150'	65'	N/A
High-Rise/Tower	1	700 ³	100'	100'	300'	300'	—	—	60% of site ⁴

Notes

The floorplate of any floor may not be larger than that of the floor below.

¹ 75' when adjacent to alley.

² Buildings wider than 150' shall be designed to read as a series of buildings no wider than 100' each.

³ Maximum achievable when using the Affordable Housing Incentives Program.

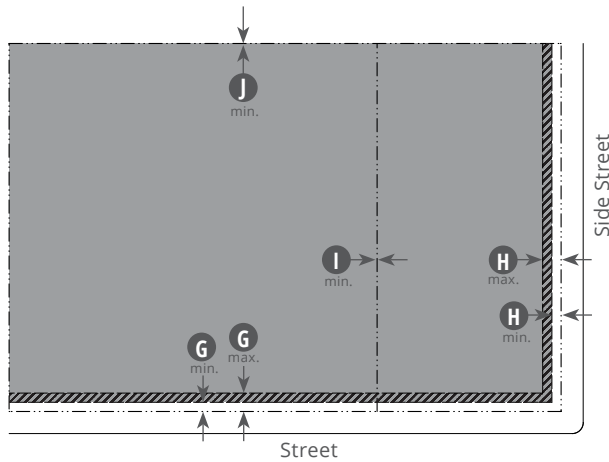
⁴ Or 30,000 square feet, whichever is less.

Key for Subsection D

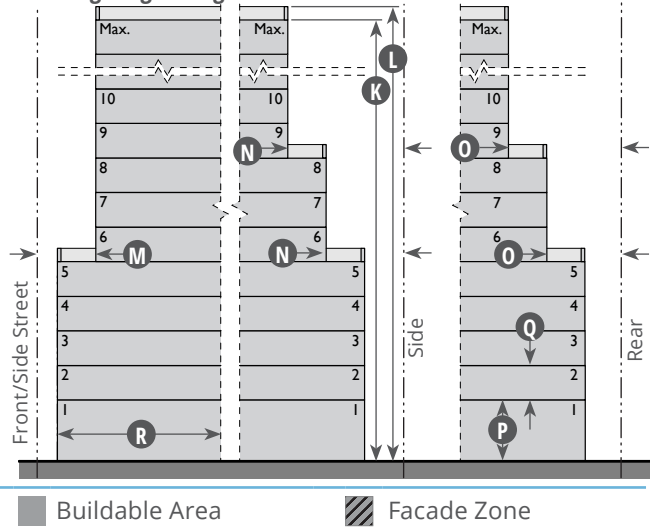
N/A = Not Allowed

— = No Requirement

Building Placement Diagram



Building Height Diagram



Key for Diagrams

- ROW / Lot Line
- Building Setback Line

E. Building Placement

Setbacks (Distance from ROW / Lot Line)	Front ^{1,2} G	Side St. ^{1,2} H	Side I	Rear J
Primary Building				
Minimum	5'	5'	0'	0'
Maximum	10'	10'	—	—
Accessory Building or Structure				
Minimum	75'	0'	0'	5'
Maximum ³	—	—	—	—
Primary Building Facade Within Facade Zone				
Front	95% min.			
Side Street	90% min.			

Miscellaneous

- ¹ Additional setback and/or easement may be required where street ROW or utilities easement is required.
- ² Sidewalk shall be extended into setback to meet building.
- ³ No maximum setback requirement for floors above the 5th floor.

F. Height

Building Height	Stories (max.)	To Eave/Parapet (max.) K	Overall (max.) L
Primary Building	16 ⁴	180' ⁴	—
Accessory Structure	1	—	—

⁴ Maximum achievable when using the Affordable Housing Incentives Program.

F. Height (continued)

Stepback (Distance from ROW / Lot Line)	Front M	Side St. M	Side N	Rear O
Floors 6-8 (min.)	10'	10'	20'	20'
Floors 9+ (min.)	10'	10'	30'	30'
Primary Building				
Ground Floor Finish Level^{5,6}				
Height above Curb				
Residential Uses		18" min.		
Service or Retail Uses		6" max.		

Ground floor lobbies and common areas in multi-unit buildings may have a 0" to 6" ground floor finish level.

Floor-to-Ceiling⁵

Ground Floor	14' min.	P
Upper Floor(s)	9' min.	Q

Depth

Ground Floor Space	30' min.	R
--------------------	----------	----------

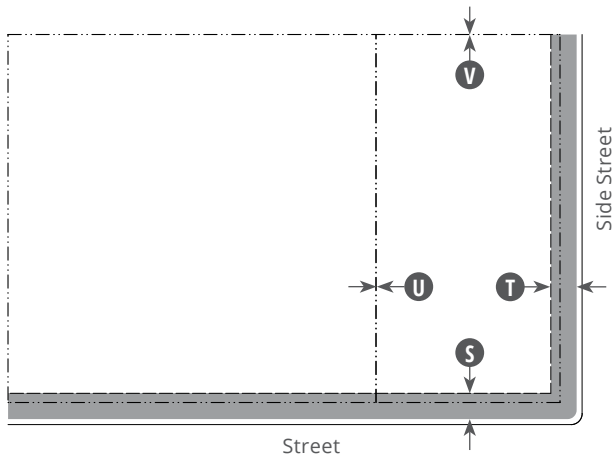
⁵ Buildings existing at the time of adoption of this Land Development Code and additions to those buildings are exempt.

⁶ Primary buildings located on lots sloping down and away from the street are exempt.

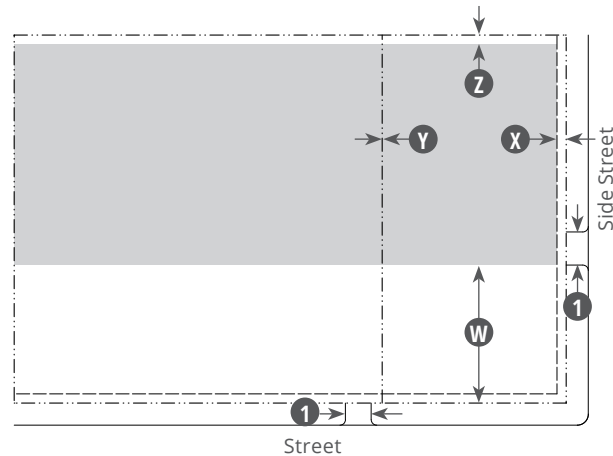
Key for Subsections E-F

- N/A = Not Allowed
- = No Requirement

Encroachments Diagram



Parking Diagram



Key for Diagrams

--- ROW / Lot Line
 --- Building Setback Line

■ Encroachment ■ Parking Area

G. Encroachments

Encroachment Type	Front (max.) S	Side St. (max.) T	Side (max.) U	Rear (max.) V
Private Frontage				
Gallery ¹	14'	14'	N/A	N/A
Architectural Features	3'	3'	N/A	N/A

Encroachments are not allowed within a street ROW, alley ROW or across a Lot Line.

¹ Galleries may encroach into the street ROW to within 2' of the face of the curb, subject to approval by the Public Works Director in compliance with Chapter 14-11 (Use of Right-of-Way).

H. Frontages

Private Frontage Type	Front	Side St.	Standards
Terrace ¹	N/A	A	23-2D-1100
Shopfront	A	A	23-2D-1120
Gallery	A	A	23-2D-1130

Loading docks, overhead doors, and other service entries shall be screened and not be located on front street facades.

¹ Allowed only when necessary to accommodate grade change.

H. Frontages (continued)

Pedestrian Access

Pedestrian entrances must be provided at least every 50' along ground floor street facade and side street facade.

I. Parking

Setback (min.)	Front W	Side St. X	Side Y	Rear Z
Ground Floor	75'	5'	0'	5'
Upper Floor	40'	40'	10'	5'
Parking Driveway	≤ 40 spaces		> 40 spaces	
Width	14' max.		18' max. ¹	

Driveways may be shared between adjacent parcels.

When lot has adjacent alley, parking shall be accessed only from the alley.

Key for Subsections G-H

A = Allowed N/A = Not Allowed

I. Parking (continued)	
Use Type	Required Parking Spaces (min.)
Residential	
Residential	—
Residential Support Services	
Residential Support Services	—
Services	
Services	—
Office	
Office	—
Civic and Public Assembly	
Civic and Public Assembly	—
Restaurants and Bars	
Restaurants and Bars	—

I. Parking (continued)	
Use Type	Required Parking Spaces (min.)
Retail	
Retail	—
Entertainment and Recreation	
Entertainment and Recreation	—
Agriculture	
Agriculture	—
Automobile Related	
Automobile Related	—
Other	
Other	—

Notes

See Section 23-4E-3080 (Parking and Loading) for loading requirements, allowed parking reductions, and additional standards.

Key for Subsection I

— = No Requirement

J. Impervious Cover

Impervious Cover	% (max.)	Standards
Impervious Cover	100%	23-3D-3
Building Cover	95%	

See Section 23-4E-4080 (Functional Green) for additional standards for projects with Impervious Cover exceeding 80%.

The maximum percentage of impervious cover allowed by this Section may not be attainable by a project due to unique site characteristics, such as trees, waterways, and steep slopes. Where necessary, the project shall reduce the amount of proposed impervious cover to comply with other requirements of this Title.

K. Required Open Space

Open Space Type	Width (min.)	Depth (min.)	Area per Unit (min.)
Common	20'	20'	100 sf ¹

Notes

Common open space requirement may be met by ground floor, upper floor, and/or roof common open space.

Common open space requirements shall not be met by open space provided in required front or side street setbacks, except when provided as an open space as set forth in Division 23-4C-2 (Civic and Open Spaces).

¹ Or 5% of lot area, whichever is greater.

L. Signage

Total Signs	Number (max.)
-------------	---------------

Building Signs	2 per building
Ground Signs	1 per primary building

Sign Types	Number (max.)	Standards
------------	---------------	-----------

Building Signs

Directory ¹	1 per building	23-8B
Awning ¹	1 per awning	23-8B
Canopy ¹	1 per canopy	23-8B
Marquee ¹	1 per building	23-8B
Projecting ¹	1 per establishment	23-8B
Suspended ¹	1 per establishment	23-8B
Wall ¹	1 per establishment	23-8B
Wall Mural ¹	2 per building	23-8B
Window ¹	1 per establishment	23-8B

Notes

See Chapter 23-8 (Signage) for exempt and temporary signage standards and additional standards.

¹ Not allowed for residential uses.

M. Site Constraints

Drainage	See Article 23-10E (Drainage).
Water Quality	See Article 23-3D (Water Quality).
Tree Protection	See Article 23-3C (Tree and Natural Area Protection).
Landscape	See Division 23-4E-4 (Landscape).

N. Use Types		
Use Type	Specific Use Standards	T6U
Residential		
Residential Dwelling(s)		P
Cooperative Housing		P
Accessory Dwelling Unit	23-4E-6030	P
Bed and Breakfast	23-4E-6080	P
Senior/Retirement Housing:	23-4E-6300	
≤12 Residents		P
>12 Residents		P
Live/Work	23-4E-6190	P
Home Occupations	23-4E-6180	P
Short-term Rental	23-4E-6310	P
Residential Support Services		
Group Home:	23-4E-6170	
<7 Residents		P
7 to 15 Residents		CUP
Services		
Alternative Financial Services	23-4E-6070	CUP
Animal Service/Boarding:		
Level 1		P
Business and Financial/ Professional Services		P
Commercial Services: No Outside Storage		P
Day Care:		
Small (≤7 Children)		P
Large (>7 and <20 Children)		P
Commercial		P

N. Use Types (continued)		
Use Type	Specific Use Standards	T6U
Services (continued)		
Drive Through, Retail or Service Facility	23-4E-6140	CUP
Hospital		MUP
Hotel/Motel		P
Medical Services:		
≤5,000 sf		P
>5,000 sf		CUP
Pawn Shop		P
Personal Services		P
Office		
Office, General (non-medical)		P
Civic and Public Assembly		
Government/Civic		MUP
Library, Museum, or Public Art Gallery		P
Meeting Facility (public or private)		P
Public Safety Facility		P
School:	23-4E-6290	
Business, or Trade		P
College or University		P
Private Primary		P
Private Secondary		P
Public Primary		P
Public Secondary		P

Table Continues on Next Page - - - - ->

Key for Subsection N

P	Permitted Use	TUP	Temporary Use Permit Required
MUP	Minor Use Permit Required	N/A	Not Allowed
CUP	Conditional Use Permit Required		

N. Use Types (continued)		
Use Type	Specific Use Standards	T6U
Restaurants and Bars		
Bar/Nightclub:		
Level 1 – No Outside Seating, No Late Hours		P
Level 2 – Late Hours and/or Outdoor Seating		P
Micro-Brewery/Micro-Distillery/Winery	23-4E-6210	P
Restaurant, except:		P
With Alcohol Sales		P
With Outside Seating		N/A
Late Night Operation	23-4E-6270	P
Retail		
Food Sales (on or off site)		P
General Retail:		
<5,000 sf		P
>5,000 sf and <10,000 sf		P
With On-site Production		P
With Outside Storage ≤2,000 sf	23-4E-6160	CUP
With Outside Storage >2,000 sf	23-4E-6160	N/A

N. Use Types (continued)		
Use Type	Specific Use Standards	T6U
Entertainment and Recreation		
Entertainment:		
Indoor		P
Outdoor, Limited		MUP
Park/Playground		P
Recreation:		
Community, Non-Profit		CUP
Indoor, For Profit ≤1,000 sf		P
Indoor, For Profit >1,000 sf		CUP
Studio: Art, Dance, Martial Arts, Music		P
Agriculture		
Community Agriculture		MUP
Automobile Related		
Parking Facility		CUP
Other		
Accessory Uses	23-4E-6040	P
Communications	23-4E-6110	P
Telecommunications		P
Utilities: Local		CUP
Transit Terminal		CUP
Temporary Uses		TUP

Key for Subsection N

P	Permitted Use	TUP	Temporary Use Permit Required
MUP	Minor Use Permit Required	N/A	Not Allowed
CUP	Conditional Use Permit Required		

23-4D-2200 T6 Urban Core (T6UC)



A. General Intent

To provide the most vibrant, compact, high-intensity walkable urban environment that offers urban housing choices as well as a wide range of regional-center appropriate uses such as employment, retail, services, entertainment, civic, and public uses. The form and intensity is such that it supports public transportation alternatives with walking and biking as the primary means of getting around, and evolves over time. Buildings shall have the following form characteristics:

- Attached

- Medium to Block Lot Widths

- Large Block Form

- Small to No Front Setbacks

- Small to No Side Setbacks

- Unlimited Stories

- Gallery, Shopfront, and Terrace Frontages

B. Sub-Zone

None

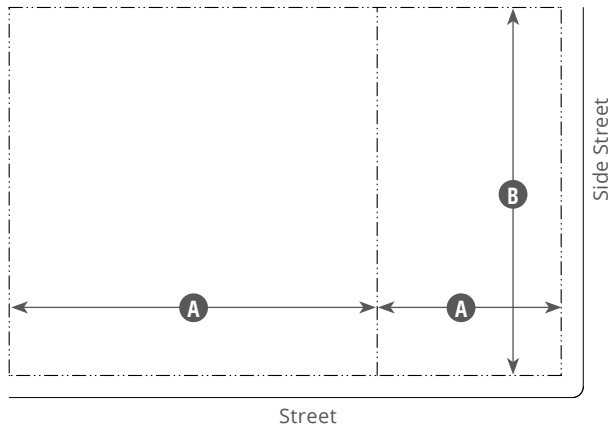
C. Lot Size

Width	75' min.
Depth	100' min.

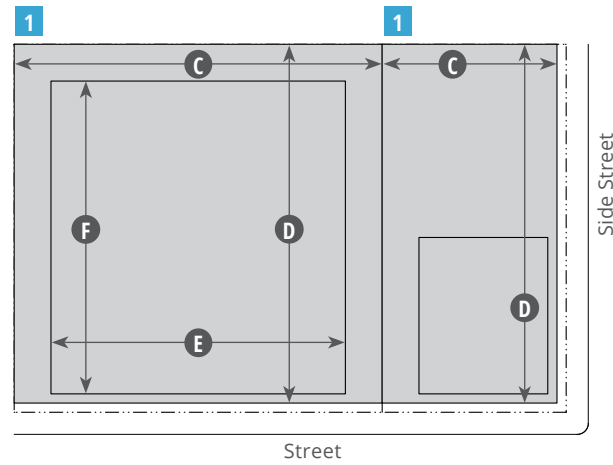
See Subsection D for additional standards.

General note: The drawing above is intended to provide a brief overview of this Transect Zone and is illustrative only.

Lot Diagram



Building Envelope Diagram



Key for Diagrams

--- ROW / Lot Line

■ Main Building Envelope

D. Building Types

Building Type	Lot		Floorplate (max.)						
	Buildings per Lot (max.)	Units per Acre (max.)	Width (min.) A	Depth (min.) B	Floors 1-5		Floors 6-8		Floors 9+ Area
					Width C	Depth D	Width E	Depth F	
Large Block Form 1									
Mid-Rise	1	—	75'	100'	300'	300'	150'	65'	N/A
High-Rise/Tower	1	—	100'	100'	300'	300'	—	—	60% of site ²

Notes

The floorplate of any floor may not be larger than that of the floor below.

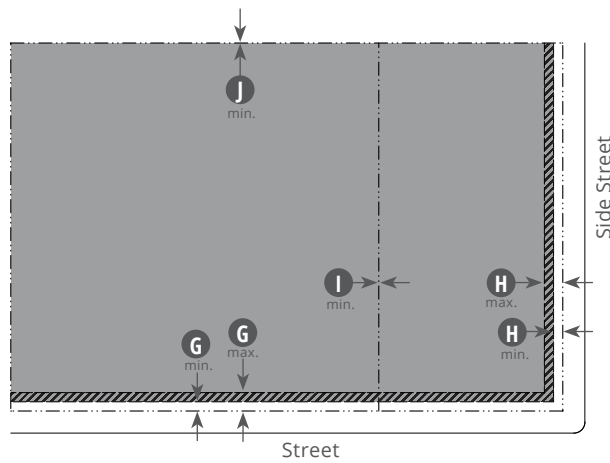
² Or 30,000 square feet, whichever is less.

Key for Subsection D

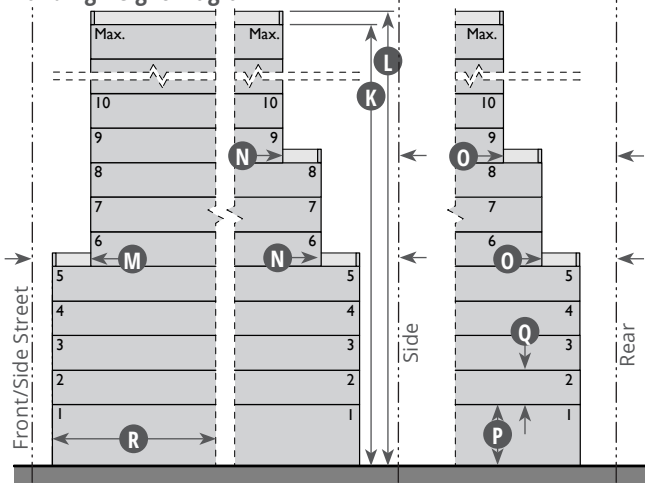
N/A = Not Allowed

— = No Requirement

Building Placement Diagram



Building Height Diagram



Key for Diagrams

- ROW / Lot Line
- Building Setback Line

- Buildable Area
- ▨ Facade Zone

E. Building Placement

Setbacks (Distance from ROW / Lot Line)	Front ¹ G	Side St. ¹ H	Side I	Rear ² J
Primary Building				
Minimum	5'	5'	0'	0'
Maximum ²	10'	10'	—	—
Accessory Building or Structure				
Minimum	75'	0'	0'	5'
Maximum	—	—	—	—
Primary Building Facade Within Facade Zone				
Front	95% min.			
Side Street	90% min.			

Miscellaneous

- ¹ Additional setback and/or easement may be required where street ROW or utilities easement is required.
- ² No maximum setback requirement for floors above the 5th floor.

F. Height

Building Height	Stories (max.)	To Eave/Parapet (max.) K	Overall (max.) L
Primary Building	—	—	—
Accessory Structure	1	—	—

F. Height (continued)

Stepback (Distance from ROW / Lot Line)	Front M	Side St. M	Side N	Rear O
Floors 6-8 (min.)	10'	10'	20'	20'
Floors 9+ (min.)	10'	10'	30'	30'
Primary Building				
Ground Floor Finish Level^{3, 4}				
Height above Curb				
Residential Uses		18" min. ⁴		
Service or Retail Uses		6" max.		

Ground floor lobbies and common areas in multi-unit buildings may have a 0" to 6" ground floor finish level.

Floor-to-Ceiling³

Ground Floor	14' min.	P
Upper Floor(s)	9' min.	Q

Depth

Ground Floor Space	30' min	R
--------------------	---------	----------

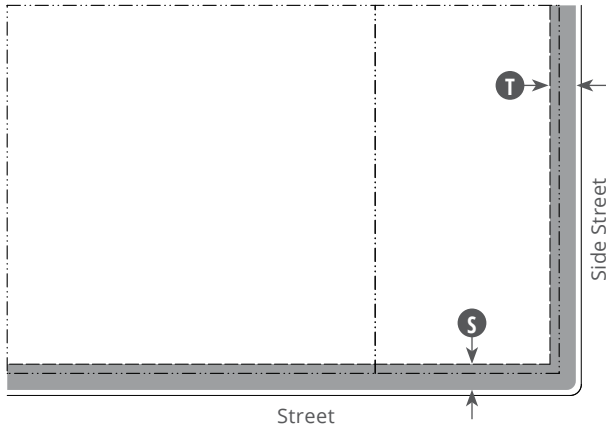
³ Buildings existing at the time of adoption of this Land Development Code and additions to those buildings are exempt.

⁴ Primary buildings located on lots sloping down and away from the street are exempt.

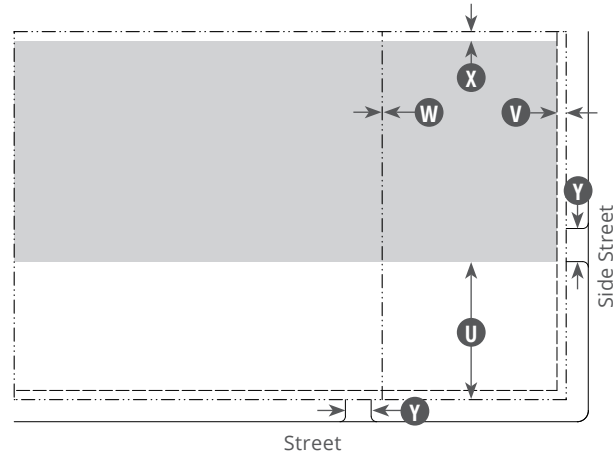
Key for Subsections E-F

- N/A = Not Allowed
- = No Requirement

Encroachments Diagram



Parking Diagram



Key for Diagrams

- ROW / Lot Line
- Building Setback Line
- Encroachment
- Parking Area

G. Encroachments

Encroachment Type	Front (max.) S	Side St. (max.) T
Private Frontage		
Gallery ¹	14'	14'
Architectural Features	3'	3'

Encroachments are not allowed within a street ROW, alley ROW or across a Lot Line.

¹ Galleries may encroach into the street ROW to within 2' of the face of the curb, subject to approval by the Public Works Director in compliance with Chapter 14-11 (Use of Right-of-Way).

H. Frontages

Private Frontage Type	Front	Side St.	Standards
Terrace ¹	N/A	A	23-2D-1100
Shopfront	A	A	23-2D-1120
Gallery	A	A	23-2D-1130

Loading docks, overhead doors, and other service entries shall be screened and not be located on front street facades.

¹ Allowed only when necessary to accommodate grade change.

H. Frontages (continued)

Pedestrian Access

Pedestrian entrances must be provided at least every 50' along ground floor street facade and side street facade.

I. Parking

Setback (min.)	Front U	Side St. V	Side W	Rear X
	Ground Floor	75'	5'	0'
Upper Floor	40'	40'	10'	5'
Parking Driveway	≤ 40 spaces		> 40 spaces	
Width	14' max.		18' max. Y	

Driveways may be shared between adjacent parcels.

When lot has adjacent alley, parking shall be accessed only from the alley.

Key for Subsections G-H

A = Allowed N/A = Not Allowed

I. Parking (continued)	
Use Type	Required Parking Spaces (min.)
Residential	
Residential	—
Residential Support Services	
Residential Support Services	—
Services	
Services	—
Office	
Office	—
Civic and Public Assembly	
Civic and Public Assembly	—
Restaurants and Bars	
Restaurants and Bars	—

I. Parking (continued)	
Use Type	Required Parking Spaces (min.)
Retail	
Retail	—
Entertainment and Recreation	
Entertainment and Recreation	—
Agriculture	
Agriculture	—
Automobile Related	
Automobile Related	—
Other	
Other	—

Notes

See Section 23-4E-3080 (Parking and Loading) for loading requirements, allowed parking reductions, and additional standards.

Key for Subsection I

— = No Requirement

J. Impervious Cover

Impervious Cover	% (max.)	Standards
Impervious Cover	100%	23-3D-3
Building Cover	95%	

See Section 23-4E-4080 (Functional Green) for additional standards for projects with Impervious Cover exceeding 80%.

The maximum percentage of impervious cover allowed by this Section may not be attainable by a project due to unique site characteristics, such as trees, waterways, and steep slopes. Where necessary, the project shall reduce the amount of proposed impervious cover to comply with other requirements of this Title.

K. Required Open Space

Open Space Type	Width (min.)	Depth (min.)	Area per Unit (min.)
Common	20'	20'	100 sf ¹

Notes

Common open space requirement may be met by ground floor, upper floor, and/or roof common open space.

¹ Or 5% of lot area, whichever is greater.

L. Signage

Total Signs	Number (max.)
Building Signs	2 per building
Ground Signs	1 per primary building

Sign Types	Number (max.)	Standards
------------	---------------	-----------

Building Signs

Awning/Canopy ¹	1 per awning	23-8B
Directory ¹	1 per building	23-8B
Hanging ¹	1 per establishment	23-8B
Marquee ¹	1 per building	23-8B
Projecting ¹	1 per establishment	23-8B
Wall ¹	1 per establishment	23-8B
Wall Mural ¹	No limit	23-8B
Window ¹	1 per establishment	23-8B

Notes

See Chapter 23-8 (Signage) for exempt and temporary signage standards and additional standards.

¹ Not allowed for residential uses.

M. Site Constraints

Drainage	See Article 23-10E (Drainage).
Water Quality	See Article 23-3D (Water Quality).
Tree Protection	See Article 23-3C (Tree and Natural Area Protection).
Landscape	See Division 23-4E-4 (Landscape).

N. Use Types		
Use Type	Specific Use Standards	T6UC
Residential		
Residential Dwelling(s)		P
Cooperative Housing		P
Accessory Dwelling Unit	23-4E-6030	P
Bed and Breakfast	23-4E-6080	P
Senior/Retirement Housing:	23-4E-6300	
≤12 Residents		P
>12 Residents		P
Live/Work	23-4E-6190	P
Home Occupations	23-4E-6180	P
Short-term Rental	23-4E-6310	P
Residential Support Services		
Group Home:	23-4E-6170	
<7 Residents		P
7 to 15 Residents		CUP
Services		
Alternative Financial Services	23-4E-6070	CUP
Animal Service/Boarding:		
Level 1		P
Business and Financial/ Professional Services		P
Commercial Services: No Outside Storage		P
Day Care:		
Small (≤7 Children)		P
Large (>7 and <20 Children)		P
Commercial		P

N. Use Types (continued)		
Use Type	Specific Use Standards	T6UC
Services (continued)		
Drive Through, Retail or Service Facility	23-4E-6140	CUP
Hospital		MUP
Hotel/Motel		P
Medical Services:		
≤5,000 sf		P
>5,000 sf		CUP
Pawn Shop		P
Personal Services		P
Office		
Office, General (non-medical)		P
Civic and Public Assembly		
Government/Civic		MUP
Library, Museum, or Public Art Gallery		P
Meeting Facility (public or private)		P
Public Safety Facility		P
School:	23-4E-6290	
Business, or Trade		P
College or University		P
Private Primary		P
Private Secondary		P
Public Primary		P
Public Secondary		P

Table Continues on Next Page - - - - - ➔

Key for Subsection N

P	Permitted Use	TUP	Temporary Use Permit Required
MUP	Minor Use Permit Required	N/A	Not Allowed
CUP	Conditional Use Permit Required		

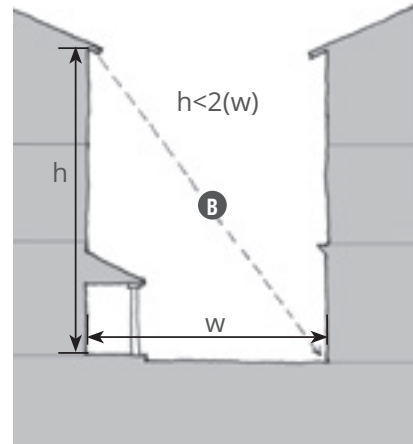
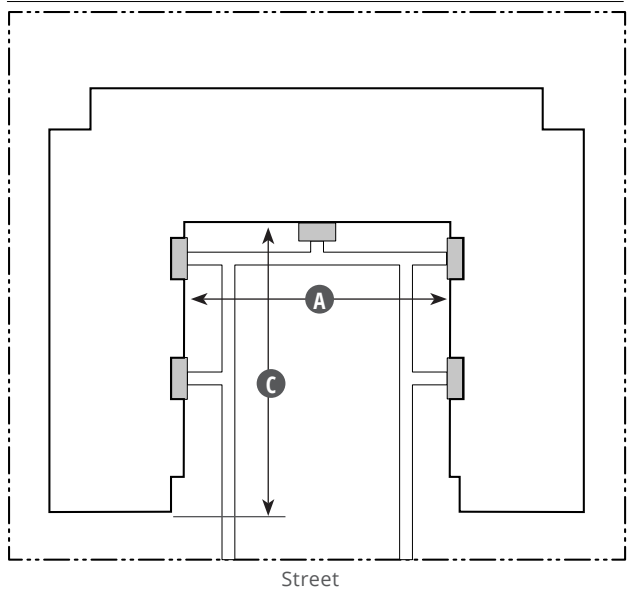
N. Use Types (continued)		
Use Type	Specific Use Standards	T6UC
Restaurants and Bars		
Bar/Nightclub:		
Level 1 – No Outside Seating, No Late Hours		P
Level 2 – Late Hours and/or Outdoor Seating		P
Micro-Brewery/Micro-Distillery/Winery	23-4E-6210	P
Restaurant, except:		P
With Alcohol Sales		P
With Outside Seating		N/A
Late Night Operation	23-4E-6270	P
Retail		
Food Sales (on or off site)		P
General Retail:		
<5,000 sf		P
>5,000 sf and <10,000 sf		P
With On-site Production		P
With Outside Storage ≤2,000 sf	23-4E-6160	CUP
With Outside Storage >2,000 sf	23-4E-6160	N/A

N. Use Types (continued)		
Use Type	Specific Use Standards	T6UC
Entertainment and Recreation		
Entertainment:		
Indoor		P
Outdoor, Limited		MUP
Park/Playground		P
Recreation:		
Community, Non-Profit		CUP
Indoor, For Profit ≤1,000 sf		P
Indoor, For Profit >1,000 sf		CUP
Studio: Art, Dance, Martial Arts, Music		P
Agriculture		
Community Agriculture	23-4E-6120	MUP
Automobile Related		
Parking Facility		CUP
Other		
Accessory Uses	23-4E-6040	P
Communications	23-4E-6110	P
Telecommunications	23-4E-6340	P
Utilities: Local		CUP
Transit Terminal		CUP
Temporary Uses		TUP

Key for Subsection N

P	Permitted Use	TUP	Temporary Use Permit Required
MUP	Minor Use Permit Required	N/A	Not Allowed
CUP	Conditional Use Permit Required		

23-4D-2210 Supplementary Courtyard Building Type Standards



Key for Diagrams

--- ROW / Lot Line

■ Frontage

A. Courtyard Building

Courtyard(s)	
Width	20' min.; 50' max. A
Width-to-Height Ratio ¹	1:2 min.; 2:1 max. B
Depth (from front of building)	50' min.; 150' max. C
Depth-to-Height Ratio ¹	1:1 to 3:1
Area (total)	400 sf min.; 50 sf/unit min.

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

Courtyard edges not defined by building shall be defined by a 3' stucco or masonry wall.

The proportions and orientation of these spaces should be carefully considered for solar orientation and user comfort.

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

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

A. Courtyard Building (continued)

Pedestrian Access

Passages through buildings and between buildings should be provided to connect multiple courtyards.

Pedestrian connections shall link all buildings to the public right-of-way, courtyards, and parking areas.

The main entry of ground floor units shall be directly off of a courtyard or a street.

No more than 3 units may enter from one stoop or corridor.

On corner lots, units in a secondary wing may enter from the side street.

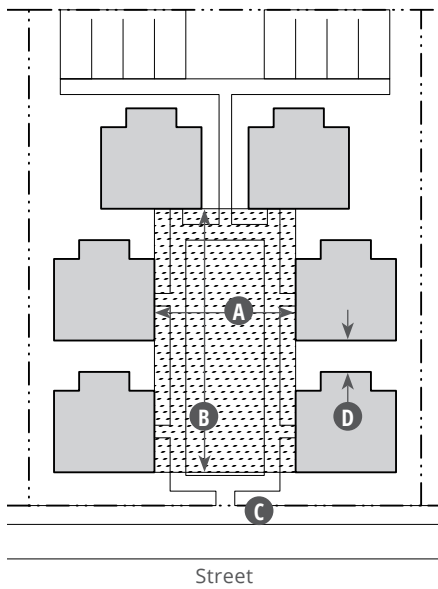
Courtyards shall be accessible from the front street.

Each unit may have an individual entry.

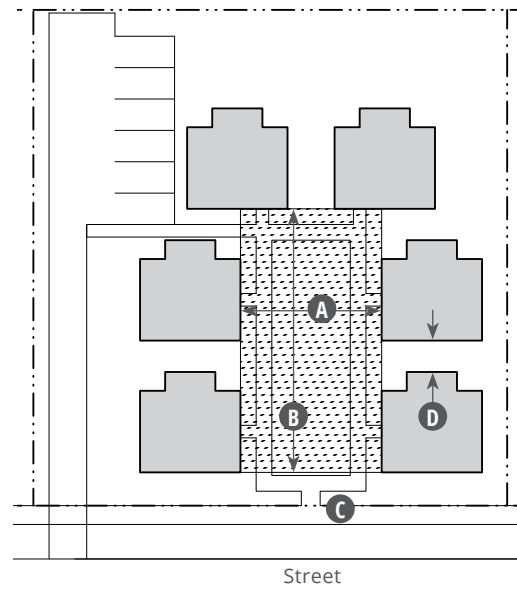
Stairs accessing upper floors may serve no more than three units.

23-4D-2220 Supplementary Cottage Court Building Type Standards

Parking Access from Alley



Parking Access from Front Street



Key for Diagrams

--- ROW / Lot Line

▨ Open Space

A. Cottage Court

Open Space

Width	20' clear, min.	A
Depth	75' clear, min.	B
Area	1000 sf min., total; 200 sf/unit min.	

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

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

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

Private rear yards shall be discouraged.

A. Cottage Court (continued)

Pedestrian Access

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

Units shall front on to the common court or the street.

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

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

Miscellaneous

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

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

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

Division 23-4D-3: Residential Non-Transect Zones

Contents

23-4D-3010	Intent	1
23-4D-3020	Applicability	1
23-4D-3030	Residential Zones.	2
23-4D-3040	Allowed Land Uses and Permit Requirements.	4
23-4D-3050	General to All Residential Non-Transect Zones	10
23-4D-3060	Rural Residential (RR) Zone	13
23-4D-3070	Very Low Density Residential (VLDR) Zone	14
23-4D-3080	Low Density Residential (LDR) Zone.	15
23-4D-3090	Low Medium Density Residential (LMDR) Zone	17
23-4D-3100	Low-Medium Density Residential – Small Lot (LMDR-SL) Zone	19
23-4D-3110	Medium Density Residential (MDR) Zone	20
23-4D-3120	Medium-High Density Residential (MHDR) Zone	21
23-4D-3130	High Density Residential (HDR) Zone.	22
23-4D-3140	Very High Density Residential (VHDR) Zone	23
23-4D-3150	Manufactured Home Parks (MHP) Zone	24

23-4D-3010 Intent

This Division provides regulatory standards governing land use and building form within the residential non-transect based zoning areas, and is a reflection of the community vision for implementing the intent of the Austin Comprehensive Plan. These standards are intended to ensure that proposed development is compatible with existing and future development on neighboring properties and produces an environment of desirable character, consistent with the Comprehensive Plan and any applicable area plan.

23-4D-3020 Applicability

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

23-4D-3030 Residential Zones

(A) Low to Medium Intensity Residential Zones

- (1) **Rural Residential (RR) Zone.** The RR Zone is the designation for low density residential uses on lots that are a least one acre. The RR Zone designation is appropriate in areas for which rural characteristics are desired or areas whose terrain or public service capacity require low density.
- (2) **Very Low Density Residential (VLDR) Zone.** The VLDR Zone is the designation for very low-density single-family residential uses on large lots. The VLDR Zone designation is appropriate to a use on land with sloping terrain or environmental limitations.
- (3) **Low Density Residential (LDR) Zone.** The LDR Zone is the designation for low-density residential uses on medium sized lots. The LDR Zone acts as a transition from lower intensity large lot single-family residential areas to medium density areas.
- (4) **Low-Medium Density Residential (LMDR) Zone.** The LMDR Zone is the designation for low-medium density residential uses. An LMDR Zone designation is appropriate in an existing or new single-family neighborhood that has small- to medium-sized lots. Residential uses in the LMDR Zone should be designed to conform to the characteristic of the existing neighborhood.
- (5) **Low-Medium Density Residential Small Lot (LMDR-SL) Zone.** The LMDR-SL Zone is the designation for medium density residential uses on small lots. The LMDR-Small Lot Zone development standards accommodate residential uses on small lots and should be compatible with existing adjacent residential areas.

(B) Medium to High Intensity Residential Zones

- (1) **Medium Density Residential (MDR) Zone.** The MDR Zone is the designation for moderate density residential uses on medium sized lots. A variety of medium density residential product types, such as duplexes, townhouses, and accessory dwelling units are allowed in the MDR Zone.
- (2) **Medium-High Density Residential (MHDR) Zone.** The MHDR Zone is the designation for medium density residential uses, such as townhouses, courtyard apartments, and quad-plexes on medium to large lots. The MHDR Zone acts as a transition between medium and higher intensity multi-family residential uses.
- (3) **High Density Residential (HDR) Zone.** The HDR Zone is the designation for a variety of multi-family and residential support service uses on medium to large lots. The HDR Zone supports high density housing in centrally located activity centers or corridors near transportation and commercial facilities.
- (4) **Very High Density Residential (VHDR) Zone.** The VHDR Zone is the designation for the highest density multi-family residential and residential support service uses. The VHDR Zone supports a variety of high density residential product types ideal for a centrally located activity center or corridor near supporting transportation and commercial facilities.

- (5) **Manufactured Home Parks (MHP) Zone.** The MHP Zone is the designation for manufactured home residence park and manufactured home uses. An MHP use is subject to standards that promote a residential environment and compatibility with adjoining residential neighborhoods.

23-4D-3040 Allowed Land Uses and Permit Requirements

- (A) **Allowed Land Uses.** The land uses allowed in the Residential Zones are provided in Table 23-4D-3040.A (Residential Zones Allowed Uses). Each land use listed in Table 23-4D-3040 is defined in Article 23-2M (Definitions and Measurements).
- (B) **Permit Required.** Land uses identified in Table 23-4D-3040.A (Residential Zones Allowed Uses) are subject to the permit requirement listed in the Table.
- (C) **Additional Standards.** Table 23-4D-3040.A provides references to additional standards for specific uses in Division 23-4E-6 (Specific to Use).

Table 23-4D-3040.A Residential Zones Allowed Uses

Residential											
Accessory Dwelling Unit	23-4E-6030	—	—	P	P	P	P	—	—	—	—
Bed and Breakfast	23-4E-6080	CUP	CUP	CUP	CUP	—	P	P	P	P	—
Cooperative Housing		—	—	—	CUP	—	MUP	P	P	P	—
Group Residential		—	—	—	—	—	CUP	MUP	P	P	—
Home Occupations	23-4E-6180	P	P	P	P	P	P	P	P	P	P
Live/Work	23-3E-6190	—	—	—	CUP	—	CUP	MUP	P	P	—
Manufactured Home Park		—	—	—	—	—	—	—	—	—	P
Multi-Family	23-4E-6240	—	—	—	—	—	MUP	P	P	P	—
Senior/Retirement Housing:											
≤12	23-4E-6300	—	—	MUP	P	—	P	P	P	P	—
>12	23-4E-6300	—	—	—	—	—	—	CUP	MUP	P	—
Single-Family		P	P	P	P	P	—	—	—	—	—
Short-term Rental	23-4E-6310	P	P	P	P	P	P	P	P	P	P
Two-Family Residential	23-3E-6350	—	—	—	P	P	P	—	—	—	—
Residential Support Services											
Emergency Shelter		—	—	—	—	—	—	—	—	—	—
Group Home:											
<7	23-4E-6170	P	P	P	P	P	P	P	P	P	P
7 to 15	23-4E-6170	CUP	CUP	CUP	MUP	MUP	MUP	P	P	P	P
Restricted	23-4E-6170	—	—	—	—	—	—	CUP	CUP	CUP	CUP
Residential Care Facility:											
Assisted Living		—	—	—	—	—	—	CUP	CUP	P	—
Skilled Nursing		—	—	—	—	—	—	—	CUP	CUP	—
Residential Support Services (continued)											
Transitional and Supportive Housing		—	—	—	—	—	—	—	CUP	CUP	—
Services											
Alternative Financial Services	23-4E-6070	—	—	—	—	—	—	—	—	—	—

Table 23-4D-3040.A Residential Zones Allowed Uses (continued)

Use	Specific to use	Low to Medium Intensity Zones					Medium to High Intensity Zones				
		RR	VLDR	LDR	LMDR	LMDR-SL	MDR	MHDR	HDR	VHDR	MHP
P= Permitted Use; MUP = Minor Use Permit Required; CUP= Conditional Use Permit Required; TUP=Temporary Use Permit; — = Use not allowed											
Animal Service/ Boarding:											
Level 1		—	—	—	—	—	—	—	—	—	—
Level 2		—	—	—	—	—	—	—	—	—	—
Level 3		CUP	—	—	—	—	—	—	—	—	—
Business and Financial/ Professional Services		—	—	—	—	—	—	—	—	—	—
Commercial Blood Plasma Center	23-4E-6100	—	—	—	—	—	—	—	—	—	—
Commercial Services:											
No Outside Storage		—	—	—	—	—	—	—	—	—	—
w/ Incidental Outside Storage		—	—	—	—	—	—	—	—	—	—
Day Care:											
Small ≤7		P	P	P	P	P	P	P	P	P	P
Large >7 and <20		CUP	CUP	CUP	MUP	CUP	MUP	P	P	P	P
Commercial		—	—	—	CUP	CUP	CUP	CUP	MUP	MUP	CUP
Drive Through, Retail, or Service Facility	23-4E-6140	—	—	—	—	—	—	—	—	—	—
Funeral/Mortuary Home (and incidental sales)		—	—	—	—	—	—	—	—	—	—
Hospital		—	—	—	—	—	—	—	CUP	CUP	—
Hotel/Motel		—	—	—	—	—	—	—	—	—	—
Medical Services		—	—	—	—	—	—	—	—	—	—
Pawn Shop		—	—	—	—	—	—	—	—	—	—
Personal Services:											
Non-restricted		—	—	—	—	—	—	—	—	—	—
Restricted		—	—	—	—	—	—	—	—	—	—
Personal Storage		—	—	—	—	—	—	—	—	—	—
Repair, Commercial (non-vehicular)		—	—	—	—	—	—	—	—	—	—
Office											
Office, General (non-medical)		—	—	—	—	—	—	—	—	—	—
Civic and Public Assembly											
Cemetery		—	—	—	—	—	—	—	—	—	—
Detention Facility		—	—	—	—	—	—	—	—	—	—

Table 23-4D-3040.A Residential Zones Allowed Uses (continued)											
Use	Specific to use	Low to Medium Intensity Zones					Medium to High Intensity Zones				
		RR	VLDR	LDR	LMDR	LMDR-SL	MDR	MHDR	HDR	VHDR	MHP
P= Permitted Use; MUP = Minor Use Permit Required; CUP= Conditional Use Permit Required; TUP=Temporary Use Permit; — = Use not allowed											
Government/Civic		—	—	—	—	—	—	—	—	CUP	—
Library, Museum, or Public Art Gallery		CUP	CUP	CUP	CUP	CUP	MUP	MUP	MUP	MUP	CUP
Meeting Facility (public or private)		CUP	CUP	CUP	CUP	CUP	CUP	CUP	MUP	MUP	CUP
Military Facility		—	—	—	—	—	—	—	—	—	—
Public Safety Facility		CUP	CUP	CUP	CUP	CUP	CUP	CUP	MUP	MUP	CUP
Religious Assembly Facility		P	P	P	P	P	P	P	P	P	P
School:											
Business, or Trade	23-4E-6290	—	—	—	—	—	—	—	—	—	—
College or University	23-4E-6290	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP
Private Primary	23-4E-6290	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP
Private Secondary	23-4E-6290	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP
Public Primary	23-4E-6290	P	P	P	P	P	P	P	P	P	P
Public Secondary	23-4E-6290	P	P	P	P	P	P	P	P	P	P
Restaurants and Bars											
Bar/Nightclub:											
Level 1	23-4E-6060	—	—	—	—	—	—	—	—	—	—
Level 2	23-4E-6060	—	—	—	—	—	—	—	—	—	—
Micro-Brewery/Micro-Distillery/Winery	23-4E-6210	—	—	—	—	—	—	—	—	—	—
Mobile Food Sales	23-4E-6220	—	—	—	—	—	—	—	—	—	—
Restaurant:											
w/o Alcohol Sales		—	—	—	—	—	—	—	—	—	—
w/ Alcohol Sales	23-4E-6060	—	—	—	—	—	—	—	—	—	—
Drive Through	23-4E-6140	—	—	—	—	—	—	—	—	—	—
Late Night Operation	23-4E-6060, 23-4E-6270	—	—	—	—	—	—	—	—	—	—
Retail											
Alcohol Sales:											
Beer and Wine Only	23-4E-6060	—	—	—	—	—	—	—	—	—	—
Liquor	23-4E-6060	—	—	—	—	—	—	—	—	—	—
Commercial Food Preparation		—	—	—	—	—	—	—	—	—	—

Table 23-4D-3040.A Residential Zones Allowed Uses (continued)

Use	Specific to use	Low to Medium Intensity Zones					Medium to High Intensity Zones				
		RR	VLDR	LDR	LMDR	LMDR-SL	MDR	MHDR	HDR	VHDR	MHP
P= Permitted Use; MUP = Minor Use Permit Required; CUP= Conditional Use Permit Required; TUP=Temporary Use Permit; — = Use not allowed											
Food Sales (on or off site)		—	—	—	—	—	—	—	—	—	—
General Retail:											
≤5,000 sq ft		—	—	—	—	—	—	—	—	—	—
>5,000 and ≤10,000 sq ft		—	—	—	—	—	—	—	—	—	—
>10,000 sf and ≤100,000 sq ft		—	—	—	—	—	—	—	—	—	—
>100,000 sq ft		—	—	—	—	—	—	—	—	—	—
w/ Onsite Production		—	—	—	—	—	—	—	—	—	—
w/ Outside Storage	23-4E-6160	—	—	—	—	—	—	—	—	—	—
Mobile Retail Sales	23-4E-6230	—	—	—	—	—	—	—	—	—	—
Entertainment and Recreation											
Adult Entertainment	23-4E-6050	—	—	—	—	—	—	—	—	—	—
Camping/RV Park	23-4E-6090	—	—	—	—	—	—	—	—	—	—
Convention Center	23-4E-6130	—	—	—	—	—	—	—	—	—	—
Entertainment:											
Indoor		—	—	—	—	—	—	—	—	—	—
Outdoor		—	—	—	—	—	—	—	—	—	—
Outdoor, Limited		CUP	CUP	—	—	—	—	—	—	—	—
Marina		—	—	—	—	—	—	—	—	—	—
Park/Playground		CUP	P	P	P	P	P	P	P	P	P
Recreation:											
Community, Non-profit		CUP	CUP	CUP	CUP	CUP	MUP	MUP	MUP	MUP	CUP
Indoor, For Profit		—	—	—	—	—	—	—	—	—	—
Outdoor, For Profit		—	—	—	—	—	—	—	—	—	—
Sports or Events Arena		See Section 23-4E-6330 for special permit requirements									
Studio: art, dance, martial arts, music		—	—	—	—	—	—	—	—	—	—
Industrial											
Agricultural Industry		—	—	—	—	—	—	—	—	—	—
Manufacturing and Storage:											
Light	23-4E-6200	—	—	—	—	—	—	—	—	—	—
General	23-4E-6200	—	—	—	—	—	—	—	—	—	—

Table 23-4D-3040.A Residential Zones Allowed Uses (continued)												
Use	Specific to use	Low to Medium Intensity Zones					Medium to High Intensity Zones					
		RR	VLDR	LDR	LMDR	LMDR-SL	MDR	MHDR	HDR	VHDR	MHP	
P= Permitted Use; MUP = Minor Use Permit Required; CUP= Conditional Use Permit Required; TUP=Temporary Use Permit; — = Use not allowed												
Restricted	23-4E-6200	—	—	—	—	—	—	—	—	—	—	—
Mining and Resource Extraction		—	—	—	—	—	—	—	—	—	—	—
Reverse Vending	23-4E-6280	—	—	—	—	—	—	—	—	—	—	—
Recycling Center, Collection:												
Collection and Transfer		—	—	—	—	—	—	—	—	—	—	—
Storage and Processing	23-4E-6250	—	—	—	—	—	—	—	—	—	—	—
Salvage/Junk Yard		—	—	—	—	—	—	—	—	—	—	—
Agriculture												
Animal Production		—	—	—	—	—	—	—	—	—	—	—
Agricultural Support		P	—	—	—	—	—	—	—	—	—	—
Community Agriculture	23-4E-6120	P	P	P	P	P	P	P	P	P	P	P
Indoor Crop Production		—	—	—	—	—	—	—	—	—	—	—
Plant Production		—	—	—	—	—	—	—	—	—	—	—
Stables		CUP	—	—	—	—	—	—	—	—	—	—
Automobile Related												
Automobile Sales, Rental, and Storage		—	—	—	—	—	—	—	—	—	—	—
Automobile Repair		—	—	—	—	—	—	—	—	—	—	—
Commercial Vehicle Storage and Dispatch		—	—	—	—	—	—	—	—	—	—	—
Gas Station	23-4E-6150	—	—	—	—	—	—	—	—	—	—	—
Heavy Equipment Sales:												
Sales, Rental, and Storage		—	—	—	—	—	—	—	—	—	—	—
Repair		—	—	—	—	—	—	—	—	—	—	—
Automobile Related (continued)												
Parking Facility		—	—	—	—	—	—	—	—	—	—	—
Recreational and Sports Vehicle Sales, Rental, and Storage		—	—	—	—	—	—	—	—	—	—	—
Innovation and Technology												

Table 23-4D-3040.A Residential Zones Allowed Uses (continued)

Use	Specific to use	Low to Medium Intensity Zones					Medium to High Intensity Zones					
		RR	VLDR	LDR	LMDR	LMDR-SL	MDR	MHDR	HDR	VHDR	MHP	
P= Permitted Use; MUP = Minor Use Permit Required; CUP= Conditional Use Permit Required; TUP=Temporary Use Permit; — = Use not allowed												
Research and Development:												
Non-restricted	23-4E-6260	—	—	—	—	—	—	—	—	—	—	—
Restricted	23-4E-6260	—	—	—	—	—	—	—	—	—	—	—
Other												
Accessory Uses	23-4E-6040	P	P	P	P	P	P	P	P	P	P	P
Communications	23-4E-6110	P	P	P	P	P	P	P	P	P	P	P
Helicopter and Other Non-fixed Wing Aircraft Facilities		—	—	—	—	—	—	—	—	—	—	—
Utilities:												
Local		CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP
Major		—	—	—	—	—	—	—	—	—	—	—
Telecommunications	23-4E-6340	P	P	P	P	P	P	P	P	P	P	P
Temporary Uses	23-4B-1050	TUP	TUP	TUP	TUP	TUP	TUP	TUP	TUP	TUP	TUP	TUP
Transportation Facilities		—	—	—	—	—	—	—	—	—	—	—
Transit Terminal		—	—	—	—	—	—	—	—	—	—	—
Special Uses		CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP

23-4D-3050 General to All Residential Non-Transect Zones

(A) **Parking Required.** Required off street parking in the Residential Non-Transect Zones is provided in Table 23-4D-3050.A (Parking Standards for Residential Zones).

Table 23-4D-3050.A Parking Standards for Residential Zones		
Use	Low to Medium Intensity Zones	Medium to High Intensity Zones
Residential		
All Residential	1 per unit	1 per unit
Residential Support Services		
Emergency Shelter	As determined by Planning Director ¹	As determined by Planning Director ¹
Group Home	1 plus 1 per every 2 bedrooms	1 plus 1/ per every 2 bedrooms
Residential Care Facility- Assisted Living	0.8 per bedroom	0.8 per bedroom
Lodging		
All lodging	1 per room/unit	1 per room/unit
Services		
All Services	1 per 350 sf	1 per 500 sf
Civic and Public Assembly		
All Civic and Public Assembly, except	As determined by Planning Director ¹	As determined by Planning Director ¹
Library, museum, or public art gallery Meeting Facility (public or private)	1 per 500 sf	1 per 500 sf
Entertainment and Recreation		
All Entertainment and Recreation	1 per 100 sf	1 per 100 sf
Agriculture		
All Agriculture, except	≤ 5,750 sf none required, >5,750 sf As determined by Planning Director ¹	≤ 5,750 sf none required, >5,750 sf As determined by Planning Director ¹
Animal Production	—	—
Indoor Crop Production	1 per 1,500 sf of production space plus 1 per 350 sf of office or business area	1 per 1,500 sf of production space plus 1 per 350 sf of office or business area
Other		
All Other Uses	As determined by Planning Director ¹	As determined by Planning Director ¹
Notes		
See Section 23-4E-3080 (Parking and Loading) for loading requirements, allowed parking reductions, and additional standards.		
¹ In making a determination, the Planning Director shall consider the requirements applicable to similar uses, and the location and characteristics of the use.		
Key for Subsection I		
— = No Requirement		

(B) **Urban Core Boundaries Defined.** The Urban Core is defined as the property depicted in Figure 23-4D-3050.1 (Urban Core Boundary Map) and located within the area bounded by:

- (1) Highway 183 from Loop 360 to Ben White Boulevard;
- (2) Ben White Boulevard from Highway 183 to South Interstate Highway 35;
- (3) South Interstate Highway 35 from Ben White Boulevard to William Cannon Drive;
- (4) William Cannon Drive from South Interstate Highway 35 to Manchaca Road;
- (5) Manchaca Road from William Cannon Drive to Ben White Boulevard;
- (6) Ben White Boulevard from Manchaca Road to Loop 360;
- (7) Loop 360 from Ben White Boulevard to Loop 1;
- (8) Loop 1 from Loop 360 to the Colorado River;
- (9) The Colorado River from Loop 1 to Loop 360; and
- (10) Loop 360 from the Colorado River to Highway 183.

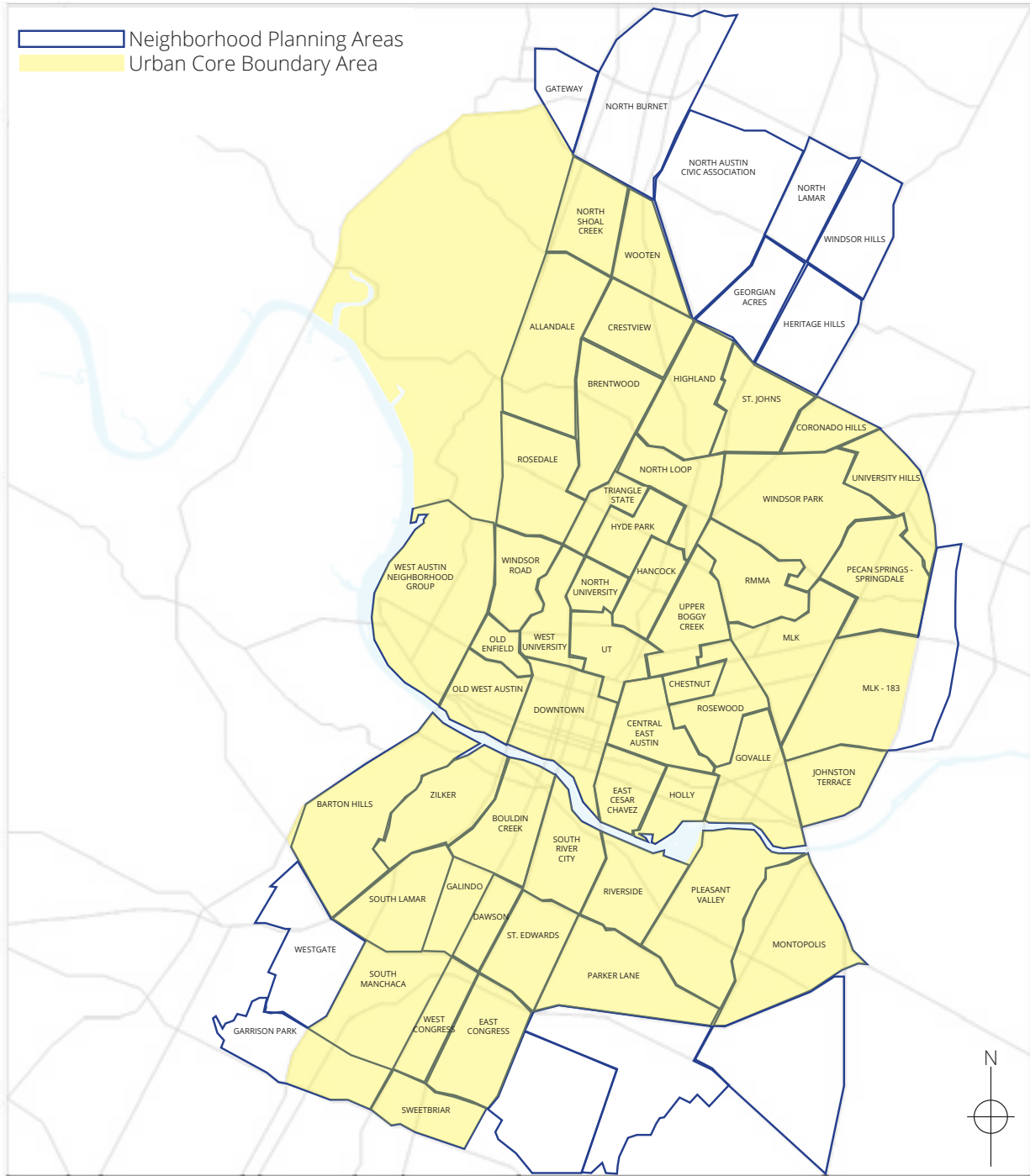


Figure 23-4D-3050.1: Urban Core Boundary Map

23-4D-3060 Rural Residential (RR) Zone

(A) Development Standards.

Table 23-4D-3060.A below describes the development standards in the RR Zone.

Lot Requirements				
Lot Size	1 acre min.			
Lot With for Lots that front on a cul-de-sac				
At the front lot line	33' min.			
At the front setback line	60' min.			
At all points 100 feet or more behind the front lot line	100' min.			
Impervious Cover ¹	25% max.			
Building Cover	20% max.			
¹ The maximum Impervious Cover may not be attainable due to unique site characteristics, such as trees, waterways, and steep slopes. Where necessary, the project shall reduce the impervious cover to comply with other requirements of this Title.				
Building Placement				
Setback (Distance from ROW / Lot Line)	Front ²	Side St.	Side	Rear
Minimum	40'	25'	10'	20'
² Where existing adjacent buildings are located in front of the minimum front setback, the building may be set to align with the average front yard setback of the four nearest principal residential structures located on the same side of the block that are built within fifty feet of the front lot line.				

Building Form Within Urban Core Boundary			
Height of Main and Accessory Buildings	Stories (max.)	To Eave / Parapet (max.)	Overall (max.)
Within 80' of Front Property Line	2	23'	35'
Beyond 80' of Front Property Line	1	15'	23'
Encroachments	Gable End	Dormers	
Within 60' of Front Property Line	30' length max.	15' combined length max.	
Building Form Beyond Urban Core Boundary			
Height	Overall (max.)		
Main Building	35'		
Accessory Structure	30'		
Additional Requirements			
Affordable Housing	See Article 23-3E		
Landscaping and Screening	See Division 23-4E-4		
Outdoor Lighting	See Division 23-4E-2		
Parking and Loading	See Division 23-4E-3		
Signage	See Chapter 23-8		

23-4D-3070 Very Low Density Residential (VLDR) Zone

(A) Development Standards.

Table 23-4D-3070.A below describes the development standards in the VLDR Zone.

Lot Requirements	
Lot Size	10,000 sf min.
Impervious Cover ¹	40% max.
Building Cover	35% max.

¹ The maximum Impervious Cover may not be attainable due to unique site characteristics, such as trees, waterways, and steep slopes. Where necessary, the project shall reduce the impervious cover to comply with other requirements of this Title.

Building Placement				
Setback (Distance from ROW / Lot Line)	Front ²	Side St.	Side	Rear ³
Minimum	25'	15'	5'	10'

² Where existing adjacent buildings are located in front of the minimum front setback, the building may be set to align with the average front yard setback of the four nearest principal residential structures located on the same side of the block that are built within fifty feet of the front lot line.

³ Rear setback is 5 feet for accessory structures with a maximum height of 15 feet.

Building Form Within Urban Core Boundary			
Height of Main and Accessory Buildings	Stories (max.)	To Eave / Parapet (max.)	Overall (max.)
Within 80' of Front Property Line	2	23'	35'
Beyond 80' of Front Property Line	1	15'	23'

Building Form Within Urban Core Boundary (continued)		
Encroachments	Gable End	Dormers
Within 60' of Front Property Line	30' length max.	15' combined length max.

Building Size	
The more restrictive shall apply between:	
Gross Floor Area (max.)	2,300 sf
Floor Area Ratio (max.)	0.4

Building Articulation	
Articulation is required for side walls on additions or new construction that are 15 feet or taller and located within 9 feet of the side lot line.	
Max. unarticulated side wall length	36'

Articulation, depth (min.)	4'
Articulation, length (min.)	10'

Building Form Beyond Urban Core Boundary	
Height	Overall (max.)
Main Building	35'
Accessory Structure	30'

Additional Requirements	
Affordable Housing	See Article 23-3E
Landscaping and Screening	See Division 23-4E-4
Outdoor Lighting	See Division 23-4E-2
Parking and Loading	See Division 23-4E-3
Signage	See Chapter 23-8

23-4D-3080 Low Density Residential (LDR) Zone

(A) Development Standards.

Table 23-4D-3080.A below describes the development standards in the LDR Zone.

Lot Requirements	
Lot Size	5,750 sf min.
Impervious Cover ¹	45% max.
Building Cover	40% max.

¹ The maximum Impervious Cover may not be attainable due to unique site characteristics, such as trees, waterways, and steep slopes. Where necessary, the project shall reduce the impervious cover to comply with other requirements of this Title.

Building Placement				
Setback (Distance from ROW / Lot Line)	Front ²	Side St.	Side	Rear ³
	Minimum	25'	15'	5'

² Where existing adjacent buildings are located in front of the minimum front setback, the building may be set to align with the average front yard setback of the four nearest principal residential structures located on the same side of the block that are built within fifty feet of the front lot line.

³ Rear setback is 5 feet for accessory structures with a maximum height of 15 feet.

Building Form Within Urban Core Boundary			
Height of Main and Accessory Buildings	Stories (max.)	To Eave / Parapet (max.)	Overall (max.)
Within 80' of Front Property Line	2	23'	35'
Beyond 80' of Front Property Line	1	15'	23'

Building Form Within Urban Core Boundary (continued)		
Encroachments	Gable End	Dormers
Within 60' of Front Property Line	30' length max.	15' combined length max.

Building Size	
The more restrictive shall apply between:	
Gross Floor Area (max.)	2,300 sf
Floor Area Ratio (max.)	0.4

Building Articulation	
Articulation is required for side walls on additions or new construction that are 15 feet or taller and located within 9 feet of the side lot line.	
Max. unarticulated side wall length	36'
Articulation, depth (min.)	4'
Articulation, length (min.)	10'

Building Form Beyond Urban Core Boundary	
Height	Overall (max.)
Main Building	35'
Accessory Structure	30'

Additional Requirements	
Affordable Housing	See Article 23-3E
Landscaping and Screening	See Division 23-4E-4
Outdoor Lighting	See Division 23-4E-2
Parking and Loading	See Division 23-4E-3
Signage	See Chapter 23-8

- (B) **Additional Impervious Cover.** The Building Official may approve impervious cover up to 55 percent on a lot if all of the following requirements are satisfied:
- (1) The principal use of the lot must be a residential use;
 - (2) The lot must be included in a plat that was recorded before January 2, 1989;
 - (3) The lot adjoins open space, including a golf course or regional park, and the open space:
 - (a) Does not contain a significant amount of impervious cover;
 - (b) Is not likely to be developed with a significant amount of impervious cover;
 - (c) Contains at least twice the area of the adjacent lot; and
 - (d) Is not separated from the lot by an impervious barrier, including street pavement or a paved plaza.
 - (4) A variance from a required building setback must not have been granted or requested, and the owner of the lot must agree not to request a variance from a required building setback.
 - (5) A development intensity transfer affecting the open space must not have been granted.
- (C) **Exceptions for Affordable Units.** Developments in the LDR Zone may qualify for a density bonus or other incentives if the development meets the applicable provisions of Article 23-3E (Affordable Housing Incentive Program).

23-4D-3090 Low Medium Density Residential (LMDR) Zone

(A) Development Standards.

Table 23-4D-3090.A below describes the development standards in the LMDR Zone.

Lot Requirements	
Lot Size	5,750 sf min.
Impervious Cover ¹	45% max.
Building Cover	40% max.

¹ The maximum Impervious Cover may not be attainable due to unique site characteristics, such as trees, waterways, and steep slopes. Where necessary, the project shall reduce the impervious cover to comply with other requirements of this Title.

Building Placement				
Setback (Distance from ROW / Lot Line)	Front ² Side St. Side Rear ³			
	Minimum	15'	15'	5'

² Where existing adjacent buildings are located in front of the minimum front setback, the building may be set to align with the average front yard setback of the four nearest principal residential structures located on the same side of the block that are built within fifty feet of the front lot line.

³ Rear setback is 5 feet for accessory structures with a maximum height of 15 feet.

Building Form Within Urban Core Boundary				
Height of Main and Accessory Buildings	Stories (max.)	To Eave / Parapet (max.)		Overall (max.)
		Within 80' of Front Property Line	2	
Beyond 80' of Front Property Line	1	15'	23'	

Building Form Within Urban Core Boundary (continued)		
Encroachments	Gable End	Dormers
Within 60' of Front Property Line	30' length max.	15' combined length max.

Building Size	
The more restrictive shall apply between:	
Gross Floor Area (max.)	2,300 sf
Floor Area Ratio (max.)	0.4

Building Articulation	
Articulation is required for side walls on additions or new construction that are 15 feet or taller and located within 9 feet of the side lot line.	
Max. unarticulated side wall length	36'
Articulation, depth (min.)	4'
Articulation, length (min.)	10'

Building Form Beyond Urban Core Boundary	
Height	Overall (max.)
Main Building	35'
Accessory Structure	30'

Additional Requirements	
Affordable Housing	See Article 23-3E
Landscaping and Screening	See Division 23-4E-4
Outdoor Lighting	See Division 23-4E-2
Parking and Loading	See Division 23-4E-3
Signage	See Chapter 23-8

- (B) **Additional Impervious Cover.** The Building Official may approve impervious cover up to 55 percent on a lot after determining that all of the following requirements are satisfied:
- (1) The principal use of the lot must be a residential use;
 - (2) The lot must be included in a plat that was recorded before January 2, 1989;
 - (3) The lot must adjoin open space, including a golf course or regional park, and the open space:
 - (a) Must not contain a significant amount of impervious cover;
 - (b) Is not be likely to be developed with a significant amount of impervious cover;
 - (c) Contains at least twice the area of the adjacent lots; and
 - (d) Is not be separated from the lot by an impervious barrier, including street pavement or a paved plaza.
 - (4) A variance from a required setback must not have been granted or requested and the owner of the lot must agree not to request a variance from a required building setback; and
 - (5) A development intensity transfer affecting the open space must not have been granted.
- (C) **Exceptions for Affordable Units.** Developments in the LMDR Zone may qualify for a density bonus or other incentives if the development meets the applicable provisions of Chapter 23-3E (Affordable Housing Incentive Program).

23-4D-3100 Low-Medium Density Residential – Small Lot (LMDR-SL) Zone

(A) Development Standards.

Table 23-4D-3100.A below describes the development standards in the LMDR-SL Zone.

Lot Requirements	
Lot Size	3,600 sf min.
Impervious Cover ¹	65% max.
Building Cover	55% max.

¹ The maximum Impervious Cover may not be attainable due to unique site characteristics, such as trees, waterways, and steep slopes. Where necessary, the project shall reduce the impervious cover to comply with other requirements of this Title.

Building Placement				
Setback (Distance from ROW / Lot Line)	Front ²	Side St.	Side	Rear
Minimum	10'	10'	5'	5'

² Where existing adjacent buildings are located in front of the minimum front setback, the building may be set to align with the average front yard setback of the four nearest principal residential structures located on the same side of the block that are built within fifty feet of the front lot line.

Building Form Within Urban Core Boundary ³			
Height of Main and Accessory Buildings	Stories (max.)	To Eave / Parapet (max.)	Overall (max.)
Within 80' of Front Property Line	2	23'	35'
Beyond 80' of Front Property Line	1	15'	23'

Building Form Within Urban Core Boundary ³ (continued)		
Encroachments	Gable End	Dormers
Within 60' of Front Property Line	30' length max.	15' combined length max.

³ Applies only to the portion of the lot located directly adjacent to a lot zoned VLDR or LDR.

Building Form Beyond Urban Core Boundary	
Height	Overall (max.)
Main Building	35'
Accessory Structure	30'

Additional Requirements	
Affordable Housing	See Article 23-3E
Landscaping and Screening	See Division 23-4E-4
Outdoor Lighting	See Division 23-4E-2
Parking and Loading	See Division 23-4E-3
Signage	See Chapter 23-8

23-4D-3110 Medium Density Residential (MDR) Zone

(A) Development Standards.

Table 23-4D-3110.A below describes the development standards in the MDR Zone.

Lot Requirements				
Lot Size	5,750 sf min.			
Impervious Cover ¹	55% max.			
Building Cover	40% max.			
¹ The maximum Impervious Cover may not be attainable due to unique site characteristics, such as trees, waterways, and steep slopes. Where necessary, the project shall reduce the impervious cover to comply with other requirements of this Title.				
Building Placement				
Setback (Distance from ROW / Lot Line)	Front ²	Side St.	Side	Rear
Minimum, except when:	15'	15'	5'	10'
Adjacent to any Low to Medium Intensity Residential Zone and/or T3 Transect Zone				
Lots ≤ 75' wide	15'	15'	10'	30'
Lots > 75' wide	15'	15'	20'	30'
² Where existing adjacent buildings are located in front of the minimum front setback, the building may be set to align with the average front yard setback of the four nearest principal residential structures located on the same side of the block that are built within fifty feet of the front lot line.				
Intensity				
Dwelling Units per Acre (max.)	12			
Exceptions for Affordable Units. Developments in the MDR Zone may qualify for a density bonus or other incentives if the development meets the applicable provisions of Chapter 23-3E (Affordable Housing Incentive Program).				
Building Form Within Urban Core Boundary				
Height of Main and Accessory Buildings	Stories (max.)	To Eave / Parapet (max.)	Overall (max.)	
Within 80' of Front Property Line	2	23'	35'	
Beyond 80' of Front Property Line	1	15'	23'	
Encroachments ³	Gable End/Shed Dormers			
Within 60' of Front Property Line	30' length max.	15' combined length max.		
Building Articulation				
Articulation is required for side walls on additions or new construction that are 15 feet or taller and located within 9 feet of the side lot line.				
Max. unarticulated side wall length		36'		
Articulation, depth (min.)		4'		
Articulation, length (min.)		10'		
³ Not to exceed overall maximum height.				
Building Form Beyond Urban Core Boundary				
Height	Overall (max.)			
Main Building	35'			
Accessory Structure	30'			
Additional Requirements				
Affordable Housing	See Article 23-3E			
Landscaping and Screening	See Division 23-4E-4			
Outdoor Lighting	See Division 23-4E-2			
Parking and Loading	See Division 23-4E-3			
Signage	See Chapter 23-8			

23-4D-3120 Medium-High Density Residential (MHDR) Zone

(A) Development Standards.

Table 23-4D-3120.A below describes the development standards in the MHDR Zone.

Lot Requirements

Lot Size	8,000 sf min.
Impervious Cover ¹	60% max.
Building Cover	50% max.

¹ The maximum Impervious Cover may not be attainable due to unique site characteristics, such as trees, waterways, and steep slopes. Where necessary, the project shall reduce the impervious cover to comply with other requirements of this Title.

Building Placement

Setback Minimum (Distance from ROW / Lot Line)	Front	Side St.	Side	Rear
Minimum, except when:	15'	15'	5'	10'
Adjacent to any Low to Medium Intensity Residential Zone and/or T3 Transect Zone				
Lots ≤ 75' wide	15'	15'	10'	30'
Lots > 75' wide	15'	15'	20'	30'

Intensity

Dwelling Units per Acre (max)	18
-------------------------------	----

Exceptions for Affordable Units. Developments in the MHDR Zone may qualify for a density bonus or other incentives if the development meets the applicable provisions of Chapter 23-3E (Affordable Housing Incentive Program).

Building Form

Height	Overall (max.)
Main Building	40'
Accessory Structure	30'

Building Height Stepback

Building height stepback required for portions of building adjacent to or across an alley from Low to Medium Intensity Residential Zone and/or T3 Transect Zone.

Distance from Lot Line of Triggering Property	Allowed Height
Within 50'	Less than or equal to 30'
50' or further	Set by Zone Standards

Additional Requirements

Affordable Housing	See Article 23-3E
Landscaping and Screening	See Division 23-4E-4
Outdoor Lighting	See Division 23-4E-2
Parking and Loading	See Division 23-4E-3
Signage	See Chapter 23-8

23-4D-3130 High Density Residential (HDR) Zone

(A) Development Standards.

Table 23-4D-3130.A below describes the development standards in the HDR Zone

Lot Requirements				
Lot Size	8,000 sf min.			
Impervious Cover ¹	70% max.			
Building Cover	60% max.			
¹ The maximum Impervious Cover may not be attainable due to unique site characteristics, such as trees, waterways, and steep slopes. Where necessary, the project shall reduce the impervious cover to comply with other requirements of this Title.				
Building Placement				
Setback Minimum (Distance from ROW / Lot Line)	Front	Side St.	Side	Rear
Minimum, except when:	10'	15'	5'	10'
Adjacent to any Low to Medium Intensity Residential Zone and/or T3 Transect Zone				
Lots ≤ 75' wide	15'	15'	10'	30'
Lots > 75' wide	15'	15'	20'	30'
Intensity				
Dwelling Units per Acre (max)	24			

Exceptions for Affordable Units. Developments in the HDR Zone may qualify for a density bonus or other incentives if the development meets the applicable provisions of Chapter 23-3E (Affordable Housing Incentive Program).

Building Form	
Height	Overall (max.)
Main Building	60'
Accessory Structure	30'
Building Height Stepback	
Building height stepback required for portions of building adjacent to or across an alley from Low to Medium Intensity Residential Zone and/or T3 Transect Zone.	
Distance from Lot Line of Triggering Property	Allowed Height
Within 50'	Less than or equal to 30'
50'-100'	Less than or equal to 40'
Greater than 100'	Set by Zone Standards
Additional Requirements	
Affordable Housing	See Article 23-3E
Landscaping and Screening	See Division 23-4E-4
Outdoor Lighting	See Division 23-4E-2
Parking and Loading	See Division 23-4E-3
Signage	See Chapter 23-8

23-4D-3140 Very High Density Residential (VHDR) Zone

(A) Development Standards

Table 23-4D-3140.A below describes the development standards in the VHDR Zone.

Lot Requirements	
Lot Size	8,000 sf min.
Impervious Cover ¹	80% max.
Building Cover	70% max.
See Section 23-4E-4080 (Functional Green) for developments with Impervious Cover greater than 75%.	

¹ The maximum Impervious Cover may not be attainable due to unique site characteristics, such as trees, waterways, and steep slopes. Where necessary, the project shall reduce the impervious cover to comply with other requirements of this Title.

Building Placement				
Setback Minimum (Distance from ROW / Lot Line)	Front	Side St.	Side	Rear
Minimum, except when adjacent to:	10'	15'	5'	10'
Low to Medium Intensity Residential Zone	15'	15'	50'	50'
Medium to High Intensity Residential Zone and/or T3 Transect Zone	15'	15'	25'	25'
Commercial Zone	15'	15'	15'	15'

Intensity	
Dwelling Unites per Acre (max)	54
Floor Area Ratio (max)	1.0

Exceptions for Affordable Units. Developments in the VHDR Zone may qualify for a density bonus or other incentives if the development meets the applicable provisions of Chapter 23-3E (Affordable Housing Incentive Program).

Building Form	
Height	Overall (max.)
Main Building	90'
Accessory Structure	30'

Building Form (continued)	
Building Height Stepback	
Building height stepback required for portions of building adjacent to or across an alley from Low to Medium Intensity Residential Zone and/or T3 Transect Zone.	

Distance from Lot Line of Triggering Property	Allowed Height
Within 50'	Less than or equal to 30'
50'-100'	Less than or equal to 40'
Greater than 100'	Set by Zone Standards

Landscaping	
Perimeter Planting Area when adjacent to:	
Front or Side Street	
Quantity and location of planting within front or side street setback must meet the standards established in Division 23-4E-4 (Landscaping and Screening).	

Side or Rear	Depth (min.)
Any Residential Zone or Transect Zone	First 20' of building setback,
Commercial Zone	First 10' of building setback

Building and Parking Lot Landscaping	
Foundation Planting Area for 75% of parking lot or parking aisle frontage	
1 story structure	10' min.
Greater than 1 story	20' min.

Planting Requirements and Additional Standards	
See Division 23-4E-4 (Landscaping and Screening)	

Additional Requirements	
Affordable Housing	See Article 23-3E
Outdoor Lighting	See Division 23-4E-2
Parking and Loading	See Division 23-4E-3
Signage	See Chapter 23-8

23-4D-3150 Manufactured Home Parks (MHP) Zone

(A) Development Standards

Table 23-4D-3150.A below describes the development standards in the MHP Zone.

Lot Requirements				
Park Size	90,000 sf (min.)			
Number of manufactured home spaces	20 (min.)			
Manufactured home space site size	4,500 sf (min.)			
See Section 23-4E-4080 (Functional Green) for developments with Impervious Cover greater than 75%.				
Building Placement				
Setback Minimum (Distance from ROW / Lot Line)	Front	Side St.	Side	Rear
Minimum, except when adjacent to:	25'	25'	10'	10'
Low to Medium Intensity Residential Zone	15'	15'	50'	50'
Medium to High Intensity Residential Zone and/or T3 Transect Zone	15'	15'	25'	25'
Commercial Zone	15'	15'	15'	15'
Intensity				
Density	N/A			
Building Form				
Building Height	35' max.			

Landscaping	
Perimeter Planting Area when adjacent to:	
Front or Side Street	
Quantity and location of planting within front or side street setback must meet the standards established in Division 23-4E-4 (Landscaping and Screening).	
Side or Rear	Depth (min.)
Any Residential Zone or Transect Zone	First 20' of building setback,
Commercial Zone	First 10' of building setback
Building and Parking Lot Landscaping	
Foundation Planting Area for 75% of parking lot or parking aisle frontage	
1 story structure	10' min.
Greater than 1 story	20' min.
Planting Requirements and Additional Standards	
See Division 23-4E-4 (Landscaping and Screening)	
Additional Requirements	
Affordable Housing	See Article 23-3E
Outdoor Lighting	See Division 23-4E-2
Parking and Loading	See Division 23-4E-3
Signage	See Chapter 23-8

(B) License Required

- (1) A person may not operate a manufactured home park without a manufactured home park license issued by the Planning Director.
- (2) The Planning Director may not issue a manufactured home park license unless:
 - (a) The Fire Chief approves the fire-fighting appliances, water supply, access ways, and all fire safety requirements; and
 - (b) The applicant holds a certificate of compliance with site plan improvements.
- (3) A license issued under this Section is void on the revocation or expiration of the site plan.

- (4) A manufactured home park licensee who sells, transfers, or disposes of an interest in or control of a manufactured home park shall:
 - (a) Give written notice to the Planning Director not later than the 14th day after the sale, transfer, or disposition; and
 - (b) Not later than the 10th day after giving notice under this Subsection, request that the Planning Director transfer the manufactured home park license.
 - (c) The Planning Director shall act on a license transfer request not later than the 10th day after receiving the request. The Planning Director shall approve a license transfer if the manufactured home park complies with the requirements of this Section.
 - (d) A manufactured home park license expires one year after the date issued.

(C) Additional Standards

- (1) A manufactured home park must provide direct access to a public street with a right-of-way at least 60 feet wide.
- (2) A manufactured home park must provide private, paved internal streets at least 30 feet wide for interior vehicular circulation. An internal street must be continuous and connect with other internal streets or with public streets, or provide a paved cul-de-sac having a diameter of at least 80 feet. An internal street ending in a cul-de-sac may not exceed 400 feet in length.
- (3) A manufactured home space must contain a minimum area of 2,500 square feet that is adjacent to an internal street designed to provide adequate space for moving a manufactured home into and out of the space.
- (4) At least one parking space must be located on each manufactured home space. A required off-street parking space that is not located on a manufactured home space may be located in a common parking area. Common parking areas must be located throughout the park to provide reasonable and convenient access to all manufactured home spaces.
- (5) A manufactured home and an attached accessory structure must be located at a distance of at least 10 feet from another manufactured home or other structure.
- (6) A manufactured home stand must be separated from the pavement of an internal street, common parking area, or other common areas by a minimum distance of 10 feet.
- (7) Except where the boundary of the park abuts a public right of way or the boundary of the park abuts another manufactured home development, a barrier that is at least six feet high must be erected and maintained along all boundaries of the park.
- (8) A manufactured home chassis may not rest more than three feet above the ground elevation at the low end, measured at 90 degrees to the frame.
- (9) Except for necessary driveways and walkways providing access to the park, there must be a required, landscaped street setback.
- (10) A manufactured home park must provide pedestrian access to and from each manufactured home space and all common facilities. A walkway that is designed separately from internal streets or parking areas must have a minimum paved width of two feet.

- (11) A manufactured home park must contain a minimum of 300 square feet of open space for each dwelling unit with, at least 150 square feet being located on each manufactured home space. Open space that is not located on a manufactured home space may be located in common open space areas distributed throughout the park in a manner that provides reasonable and convenient access to each manufactured home space.
- (12) Site development regulations for manufactured home subdivisions. A manufactured home subdivision designed for the placement of manufactured home dwellings on individually subdivided lots with frontage on a public street must comply with the site development regulations applicable to the LDR zone.
- (D) **Tie-down of Manufactured Homes.** An occupant of a manufactured home in a manufactured home subdivision or park shall secure the manufactured home in a manner that complies with the buildings criteria manual.
- (E) **Skirting, Porches, and Other Additions**
- (1) An occupant of a manufactured home in a manufactured home subdivision or park shall maintain skirting, porches, awnings, and other additions in good repair.
- (2) The space immediately beneath a manufactured home may be used for storage only if the storage area is supported by a base of impervious material and the stored items do not interfere with the inspection of the underside of the manufactured home or the area underneath the manufactured home.
- (F) **Other Responsibilities of Park Management**
- (1) A manufactured home owner or licensee shall operate the park in compliance with this Section and other applicable ordinances and shall provide adequate supervision to maintain the park, its facilities, and equipment in good repair and in a clean and sanitary condition.
- (2) The applicant or licensee shall notify park occupants of the provisions of this Section and their duties and responsibilities under this Section.
- (3) The applicant or licensee shall notify the Building Official of a violation of this Section.
- (G) **Notice to City**
- (1) A manufactured home owner or licensee shall furnish a list of manufactured homes located in the park, on a form prescribed by the Tax Assessor, to the appropriate County Tax Assessor on the first day of January, no later than January 11th. The list must include the name and address of the owner of the manufactured home; the make, length, width, and year of manufacture of the manufactured home; and manufactured home identification number.
- (2) The applicant or licensee shall furnish the information required under Subsection (G)(1) to the appropriate Tax Assessor no later than July 11th of each year. For manufactured homes that have been moved into the park after January 1, the applicant or licensee shall also furnish the information required under Subsection (G)(1) to the Tax Assessor. For manufactured homes that were moved out of the park after first January 1, including the date that the manufactured home was moved out of the park and the destination of that manufactured home.

- (H) **Other Responsibilities of Park Occupants.** An occupant of a manufactured home located in a manufactured home park shall comply with all requirements of this Section and shall maintain the manufactured home space, its facilities, and equipment in good repair and in a clean and sanitary condition. The occupant shall place the manufactured home in its manufactured home stand and install utility connections in accordance with the instructions of the park management and in compliance with applicable codes.
- (I) **Annual Register**
- (1) A manufactured home park owner or licensee shall maintain an annual register of park occupants that includes the following information:
 - (a) The name and address of each park resident;
 - (b) The resident's manufactured home registration data, including make, length, width, year of manufacture, and identification number;
 - (c) The location of each manufactured home in the park by space or lot number and street address; and
 - (d) The date of arrival and departure of each manufactured home.
 - (2) A register compiled under Subsection (I)(1) must be retained on the premises of the park for a period of at least three years after the close of the year for which it was compiled. An applicant or licensee shall make a register available for inspection at all reasonable times by the Building Official, the Health Authority, the Fire Chief, the Police Chief, the County Tax Assessor, or other city official whose duties require access to the information contained in the register.
- (J) **Access for Repairs.** An occupant of a manufactured home park shall provide to the owner or licensee access to any part of the park at reasonable times for the purpose of making the repairs or alterations necessary to comply with this Section.
- (K) **Permanent Residential Structures**
- (1) Except as otherwise provided Subsections (K)(2) and (K)(3), the Building Official may not issue a permit for the construction or occupancy of a permanent residential structure in a manufactured home park.
 - (2) An existing residential structure may be retained or a new residential structure may be constructed for the occupancy of the owner or operator of the park.
 - (3) An existing residence may be converted to a clubhouse, community center, or service building for use by the park residents.
 - (4) A person affected by the Building Official's denial of a permit to construct or occupy a permanent residential structure under this Section may appeal the denial to the Council.
- (L) **Site Requirements**
- (1) A manufactured home stand in a manufactured home park must be installed in a manner that prevents the stand from heaving, shifting, or settling unevenly in the event of frost, inadequate drainage, vibration, or other force acting on the superstructure.
 - (2) The exposed ground surface in a park must be paved, covered with stone screening or other solid material, or protected with a vegetative growth that is capable of preventing soil erosion and eliminating dust.

- (3) The ground surface in a park must be graded and equipped to drain all surface water in a safe, efficient manner.
- (4) Unless provided in current manufactured home models, a park may provide storage facilities with a minimum capacity of 200 cubic feet for each manufactured home space on a manufactured home space or in a compound located within 100 feet of a space. A storage facility provided by a park under this Subsection must be designed in a manner that enhances the appearance of the park and must be faced with masonry, porcelainized steel, baked enamel steel, or other material of equal fire resistance, durability, and appearance. Storage outside the perimeter wall of a manufactured home must be provided in the manner described in this Subsection.

(M) Street Construction; Traffic Access and Circulation; Parking

- (1) A manufactured home park owner or licensee shall construct and maintain internal streets in the park at the owner or licensee's expense.
- (2) A park owner or licensee shall install parking control signs, street name signs, and other traffic control devices in the park at the owner's or licensee's expense.
- (3) Internal streets must be designed for safe and convenient access to each space and to the common-use facilities for park residents and internal streets must be kept free of obstruction.
- (4) The Police Department may issue a citation for a violation of this Section and may impound vehicles occupying the park in violation of this Section.
- (5) The owner or licensee shall erect metal signs indicating that parking is prohibited on all sections of internal streets on which parking is prohibited. The sign type, size, height, and location must be approved by the City Manager before installation.
- (6) An internal street must be designed by a licensed professional engineer in compliance with the transportation criteria manual and must be approved by the Transportation Director before construction. Internal streets must be maintained by the owner or licensee free of cracks, holes, or other hazards.
- (7) An internal street must be designed and constructed in a manner that provides that no portion of a manufactured home is more than 200 feet from the internal street.
- (8) All streets in a park must be named and manufactured home spaces numbered to conform with block numbers on adjacent public streets. All street name signs must be of a reflective material and must be of a color and size contrasting with those on public streets. House numbers must be of reflective material. All street signs and manufactured home space numbers in a park must be of standard size and placement to facilitate locating addresses by emergency vehicles.
- (9) Interior streets must intersect adjoining public streets at approximately 90 degree angles and at locations that eliminate or minimize interference with traffic on the public streets.

(N) Street Lighting. The applicant or licensee shall provide street lighting along all internal streets in the manufactured home park.

(O) Fire Safety Standards

- (1) Liquefied petroleum gases may not be stored or dispensed in a manufactured home park unless they are handled and stored in compliance with the requirements of applicable City Codes.

- (2) Gasoline, fuel oil, or other flammable liquids may not be stored or dispensed in a park unless they are handled and stored in compliance with Division 23-11B-7 (Fire Code).
- (3) Approaches to manufactured homes must be kept clear.
- (4) The applicant or licensee shall instruct the park staff in the use of the fire protection equipment in the park and in their specific duties in the event of fire.
- (5) Water supply facilities for fire department operations must be connected to the city public water supply system unless the Council grants a special exception to use a private water supply system. If a private supply is used for service to the park, the private supply must be adequate for both domestic requirements and for fire fighting requirements established by the City. The Fire Chief shall determine the adequacy of the water supply for fire fighting requirements. A park owner or licensee may not use a private water supply unless it has sufficient volume and pressure to assure that the city water supply will not be required for fire fighting.
- (6) A park owner or licensee shall provide standard city fire hydrants located within 500 feet of all manufactured home spaces, measured along the driveways and streets. The fire hydrants are subject to periodic inspection by the Fire Chief. A park owner or licensee shall immediately notify the Fire Chief of a fire hydrant in need of repair.
- (7) A park owner or licensee shall provide an adequate system for the collection and safe disposal of rubbish that is approved by the Fire Chief and the Health Authority.
- (8) A park owner or licensee shall maintain the entire area of the park free of dry bush, leaves, and weeds.

(P) **Recreation Areas**

- (1) A manufactured home park must have at least one recreation area.
- (2) The applicant or licensee of a park shall provide a recreation area or recreational facility such as a playground, swimming pool, or community building for the use of the manufactured home residents in the park.
- (3) If a playground space is provided, the owner or licensee of the park shall designate the area as playground and protect the playground from traffic, thoroughfares, and parking areas. A playground space must be maintained in a sanitary condition and free of safety hazards.

- (Q) **Potable Water Supply.** The applicant or licensee of a manufactured home park shall provide an accessible, adequate, and safe potable water supply to the park. The applicant or licensee must connect the water supply for the park to the public supply of water unless the Council grants a special exception to use a private water supply system. If a private water supply is used for service to the park, the private water supply must be adequate for both domestic requirements and for fire fighting requirements established by the City.

(R) **Water Distribution System**

- (1) The park's water supply system must be connected by pipes to all manufactured homes, buildings, and other facilities requiring water.
- (2) The applicant or licensee of the park shall construct and maintain water piping, fixtures, and other equipment of the water distribution system in compliance with applicable state and City Codes.

- (S) **Standards for Water Riser Pipes and Connections.** Individual water riser pipes and connections must be installed and maintained in compliance with Division 23-11B-6 (Plumbing Code).
- (T) **Sewage Disposal**
- (1) The applicant or licensee of a manufactured home park shall provide an adequate and safe sewerage system to convey and dispose of sewage
 - (2) The sewer system and any sewer lines for a park must be constructed in compliance with Division 23-11B-6 (Plumbing Code). A proposed sewage disposal facility must be approved by the Health Authority before construction. Unless specific prior approval is obtained from the Health Authority and the Texas Natural Resource Conservation Commission, sewage treatment effluent may not be discharged into any waters of the State.
 - (3) The applicant or licensee of a park shall provide each manufactured home stand with one sewer riser pipe with a minimum diameter of four inches. The sewer riser pipe and other sewer connections must be installed and maintained in compliance with the plumbing code. The sewer riser pipe must be located on a manufactured home stand in a manner that causes the sewer connection to the manufactured home drain outlet to approximate a vertical position. The applicant or licensee of a park shall plug the sewer riser pipe on a manufactured home space when no manufactured home occupies the space and divert surface drainage away from the riser.
 - (4) **Electrical wiring and power lines.** Electrical wiring and power distribution lines in a manufactured home park shall be installed in compliance with Division 23-11B-4 (Electrical Code).
- (U) **Service Buildings and Other Community Service Facilities**
- (1) This Section applies to management offices, repair shops, storage areas, sanitary facilities, laundry facilities, indoor recreation areas, commercial uses supplying essential goods or services for the benefit and convenience of park occupants, and other community service facilities.
 - (2) A facility described in Subsection (U)(1) must comply with all applicable City Codes. The facility must be properly protected from damage by ordinary uses and by decay, corrosion, termites, and other destructive elements. Exterior portions of the structure must be constructed to prevent moisture from entering the structure.
 - (3) The applicant or licensee of a park shall furnish hot and cold water to every lavatory, sink, bathtub, shower, and laundry fixture and cold water to every water closet and urinal.
 - (4) The owner or licensee of a park shall maintain service buildings at a comfortable temperature. Between October 1 and May 1, the applicant or licensee shall use heating equipment in compliance with Division 23-11B-9 (Property Maintenance Code), if necessary, to maintain a comfortable temperature.
 - (5) A cooking shelter, barbecue pit, fireplace, wood-burning stove, or incinerator must be located, constructed, maintained, and used in a manner that minimizes fire hazards and smoke nuisance in the park and on neighboring property. A person may not start or maintain an open fire in a park except in a facility constructed for that purpose. A person may not leave an open fire unattended. A person may not use a fuel or burn material in an open fire that emits dense smoke or objectionable odors.

(V) **Refuse and Garbage Handling.** The applicant or licensee of a manufactured home park shall provide for the storage, collection, and disposal of refuse in the park in a manner that does not create a health hazard, rodent harborage, an insect breeding area, an accident or fire hazard, or air pollution.

(W) **Insect and Rodent Control**

- (1) The applicant or licensee of a manufactured home park shall maintain the grounds, buildings, and structures in a park free of insect and rodent harborage and infestation. The owner or licensee of a park may not use an extermination method or insect and rodent control that does not comply with the requirements of the Health Authority.
- (2) The applicant or licensee of a park shall maintain the park free of accumulations of debris that may provide rodent harborage or insect breeding areas.
- (3) The applicant or licensee of a park shall control the growth of brush, weeds, and grass in the park to prevent rodent and insect harborage or other pests, and the growth of noxious weeds detrimental to health. Open areas must be maintained free of heavy undergrowth.

(X) **Fuel Supply and Storage**

- (1) A natural gas piping system installed in a manufactured home park must be installed underground and maintained in compliance with applicable codes. An owner or licensee that provides piped gas to a manufactured home space shall cap the outlet in a manner that prevents the accidental discharge of gas and in compliance with the plumbing code when the outlet is not in use.
- (2) A liquefied petroleum gas system may not be installed in a park unless the available natural gas system is more than 1,000 feet from the park. A liquefied petroleum gas system must be maintained in compliance with applicable state statutes and City Codes.

This page intentionally left blank

Division 23-4D-4: Commercial Non-Transect Zones

Contents

23-4D-4010	Intent	1
23-4D-4020	Applicability	1
23-4D-4030	Commercial Zones	2
23-4D-4040	Allowed Uses and Permit Requirements	3
23-4D-4050	General to All Commercial Non-Transect Zones	11
23-4D-4060	Neighborhood Commercial (NC) Zone	23
23-4D-4070	Local Commercial (LC) Zone	25
23-4D-4080	General Commercial (GC) Zone	26
23-4D-4090	Regional Commercial Core (RC) Zone	27
23-4D-4100	Commercial Core (CC) Zone	28
23-4D-4110	Downtown Core (DC) Zone	29
23-4D-4120	Warehouse Commercial (WC) Zone	30
23-4D-4130	Service Commercial (SC) Zone	31
23-4D-4140	Highway Commercial (HC) Zone	32
23-4D-4150	Commercial Recreation (CR) Zone	33

23-4D-4010 Intent

This Division provides regulatory standards governing land use and building form within the commercial non-transect zones, and is a reflection of the community vision for implementing the intent of the Comprehensive Plan. These standards are intended to ensure that proposed development is compatible with existing and future development on neighboring properties and produces an environment of desirable character consistent with the Comprehensive Plan and any applicable area plan.

23-4D-4020 Applicability

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

23-4D-4030 Commercial Zones

(A) Restricted Commercial Zones

- (1) **Neighborhood Commercial (NC) Zone.** The NC Zone is the designation for low intensity neighborhood serving retail and office uses located within walking distance to residential neighborhoods. There are two sub-zones; NC-Limited (NC-L) and NC-Open (NC-O). The NC Zone provides convenient access to daily services and neighborhood amenities for local residents. Residential uses are allowed in the NC-O Zone only. Site development standards and performance standards applicable to uses in an NC Zone are designed to ensure that the use is compatible and complementary in scale and appearance with a neighborhood environment.
- (2) **Local Commercial (LC) Zone.** The LC Zone is the designation for medium intensity retail, office, medical, or service uses that serve the local community needs. There are two sub-zones; LC-Limited (LC-L) and LC-Open (LC-O). An LC Zone provides areas of employment, shopping, and daily services within convenient walking, biking, or driving distance from nearby neighborhoods. Residential uses are allowed in the LC-O sub-zone only.

(B) Retail and Office Commercial Zones

- (1) **General Commercial (GC) Zone.** The GC Zone is the designation for medium intensity retail, office, medical, or service uses that serve community and City-wide needs. A GC Zone provides opportunity for general commercial, auto, and service uses not allowed in the LC Zone. The GC Zone can act as a transition between suburban and urban areas.
- (2) **Regional Commercial (RC) Zone.** The RC Zone is the designation for medium-high intensity regional-serving retail, office, entertainment, and service uses. The RC Zone provides the opportunity for higher intensity commercial development but restricts certain uses to remain compatible with adjacent medium to medium-high density neighborhoods. The RC Zone draws visitors from the City and surrounding region, acting as a shopping and employment destination. The RC Zone is generally accessible from major thoroughfares and transit.

(C) Mixed Use Commercial Zones

- (1) **Commercial Core (CC) Zone.** The CC Zone is the designation for high density mixed-use commercial areas serving as employment, civic, or entertainment centers separate and distinct from the downtown. The CC Zone serves as a transition from neighborhoods to the Downtown Core (DC). However, as the City expands the CC Zone may be used to accommodate satellite activity or employment centers in other locations of the City. The standards of the CC Zone prevent satellite activity centers from competing with the cultural and historic significance of the DC. The CC Zone accommodates any combination of office, retail, commercial, and residential uses that are appropriate for a high intensity activity centers or corridors. The CC Zone also denotes an area into which the DC Zone or TS Zone may expand.
- (2) **Downtown Core (DC) Zone.** The DC Zone accommodates the highest intensity mixed-use commercial and civic uses and serves as the primary center of entertainment, employment, and civic life of the City. The DC Zone is intended to apply to the downtown to ensure it remains the center of Austin. The DC Zone accommodates any combination of office, retail, commercial, and residential uses appropriate within a high intensity activity center.

(D) Service and Highway Commercial Zones

- (1) **Warehouse Commercial (WC) Zone.** The WC Zone is the designation for low intensity office uses or warehouses for a building trade or other business that does not require a highly visible location or generate substantial volumes of heavy truck traffic or vehicular trips. Uses in a WC Zone may require special measures to be compatible with adjacent uses. The WC Zone is appropriate adjacent to or near major roadways, as determined in Chapter 23-9 (Transportation), or streets along nonresidential use blocks, a rail line, or employment uses. The WC Zone may be located adjacent to a residential zone where the density of the adjacent residential development is comparable to that of the WC Zone or if the physical conditions of the site allow for buffering and project design to mitigate potential adverse effects.
- (2) **Service Commercial (SC) Zone.** The SC Zone is the designation for a medium intensity commercial-service or commercial-industrial uses on medium size lots. The SC Zone accommodates service, storage, and auto-related businesses not appropriate in areas designed for retail or office uses. Uses in a SC Zone have operating characteristics or traffic related impacts that are incompatible with residential environments.
- (3) **Highway Commercial (HC) Zone.** The HC Zone is the designation for medium-to-high intensity uses on large lots that have operating and design characteristics benefiting from visibility or direct access from major intersections or highways, such as large-format retail stores generating high volume of local and regional traffic. The HC Zone accommodates major mixed-use service development that includes any combination of office, retail, commercial, and high density residential uses. Site development standards and performance standards applicable to a HC Zone are intended to reduce impacts of the larger scale uses and ensure adequate access within as well as to and from the site.

(E) Special Commercial Zones

- (1) **Commercial Recreation (CR) Zone.** The CR Zone is the designation for a commercial or recreation use that serves visitors to major recreational areas, including Lake Travis and Lake Austin. Site development standards applicable to a CR Zone use are intended to minimize visual and environmental disruptions of scenic views.

23-4D-4040 Allowed Uses and Permit Requirements

- (A) **Allowed Land Uses.** The land uses allowed in the Commercial Zones are provided in Table 23-4D-4040 (A) (Commercial Zones Allowed Uses). Each land use listed in Table 23-4D-4040 (A) is defined in Article 23-2M (Definitions and Measurements).
- (B) **Permit Required.** Land Uses identified in Table 23-4D-4040 (A) are subject to the permit standard listed in the Table.
- (C) **Additional Standards.** Table 23-4D-4040 (A) provides references, where applicable, to additional standards for specific uses in Division 23-4E-6 (Specific to Use).

Table 23-4D-4040.A Commercial Zones Allowed Uses											
Use	Specific to use	Restricted Commercial		Retail and Office Commercial		Mixed Use Commercial		Service and Highway Commercial			Special
		NC	LC	GC	RC	CC	DC	SC	HC	WC	CR
Residential											
Accessory Dwelling Unit	23-4E-6030	—	—	—	—	—	—	—	—	—	—
Bed and Breakfast	23-4E-6080	P	P	P	P	P	P	P	P	P	P
Cooperative Housing		—	—	—	—	P	P	—	P	—	—
Group Residential		—	—	—	—	P	P	—	P	—	—
Home Occupations	23-4E-6180	—	—	—	—	—	—	—	—	—	—
Live/Work	23-4E-6190	P	P	P	P	P	P	P	CUP	P	CUP
Manufactured Home Park		—	—	—	—	—	—	—	—	—	—
Multi-Family	23-4E-6240	P ¹	P ¹	P ¹	—	P	P	P ¹	P	—	—
Senior/Retirement Housing:											
≤12	23-4E-6300	P ¹	P ¹	P ¹	—	—	—	P ¹	—	—	—
>12	23-4E-6300	P ¹	P ¹	P ¹	—	—	—	P ¹	—	—	—
Single-Family		—	—	—	—	—	—	—	—	—	—
Short-term Rental	23-4E-6310	MUP	MUP	—	—	P	P	—	P	—	—
Two-Family Residential	23-4E-6350	P ¹	P ¹	P ¹	—	—	—	P ¹	—	—	—
Residential Support Services											
Emergency Shelter		P	P	P	P	—	—	P	P	P	—
Group Home:											
<7	23-4E-6170	P	P	P	P	P	P	P	P	—	—
7 to 15	23-4E-6170	P	P	P	P	P	P	P	P	—	—
Restricted	23-4E-6170	CUP	CUP	P	CUP	P	P	P	P	—	—
Residential Care Facility:											
Assisted Living		CUP	P	P	P	P	P	P	P	—	—
Skilled Nursing		CUP	P	—	P	—	—	P	—	P	—
Transitional and Supportive Housing		—	—	—	—	CUP	CUP	P	MUP	—	—
Services											
Alternative Financial Services	23-4E-6070	—	CUP	P	P	CUP	—	P	—	—	—
Services (continued)											
Animal Service/Boarding:											
Level 1		—	MUP	P	P	P	P	P	P	—	—
Notes											
¹ Allowed only in Open sub-zone.											

Table 23-4D-4040.A Commercial Zones Allowed Uses (continued)

Use	Specific to use	Restricted Commercial		Retail and Office Commercial		Mixed Use Commercial		Service and Highway Commercial			Special
		NC	LC	GC	RC	CC	DC	SC	HC	WC	CR
P= Permitted Use; MUP = Minor Use Permit Required; CUP= Conditional Use Permit Required; P/CUP = Conditional Use Permit Required Under Certain Circumstances; TUP=Temporary Use Permit; — = Use not allowed											
Level 2		—	—	CUP	CUP	—	—	P	P	MUP	—
Level 3		—	—	—	—	—	—	P	P	—	—
Business and Financial/ Professional Services		CUP	P	P	P	P	P	P	P	P	—
Commercial Blood Plasma Center	23-4E-6100	—	—	—	—	—	—	P/CUP	P/CUP	—	—
Commercial Services:											
No Outside Storage		—	—	—	—	P	P	P	P	P	—
w/ Incidental Outside Storage		—	—	—	—	—	—	P	P	P	—
Day Care:											
Small ≤7		P	P	P	P	P	P	P	P	P	—
Large >7 and ≤20		P	P	P	P	P	P	P	P	P	—
Commercial		P	P	P	P	P	P	P	P	P	CUP
Drive Through, Retail, or Service Facility	23-4E-6140	—	—	P	P	CUP	CUP	P	P	—	—
Funeral/Mortuary Home (and incidental sales)		—	—	P	—	P	P	P	P	—	—
Hospital		CUP	CUP	P	MUP	P	P	P	P	—	—
Hotel/Motel		CUP	CUP	P	MUP	P	P	P	P	P	CUP
Medical Services		MUP	P	P	P	P	P	P	P	P	—
Pawn Shop		—	—	—	—	—	—	P	P	P	—
Personal Services:											
Non-restricted		P	P	P	P	P	P	P	P	P	P
Restricted		—	—	MUP	MUP	MUP	CUP	P	P	P	—
Personal Storage		—	—	—	—	—	—	P	P	P	—
Repair, Commercial (non-vehicular)		CUP	P	P	P	P	P	P	P	P	—
Office											
Office, General (non-medical)		P	P	P	P	P	P	P	P	P	—

Notes

¹ Allowed only in Open sub-zone.

Table 23-4D-4040.A Commercial Zones Allowed Uses (continued)

Use	Specific to use	Restricted Commercial		Retail and Office Commercial		Mixed Use Commercial		Service and Highway Commercial			Special
		NC	LC	GC	RC	CC	DC	SC	HC	WC	CR
P= Permitted Use; MUP = Minor Use Permit Required; CUP= Conditional Use Permit Required; P/CUP = Conditional Use Permit Required Under Certain Circumstances; TUP=Temporary Use Permit; — = Use not allowed											
Civic and Public Assembly											
Cemetery		—	—	—	—	—	—	—	—	—	—
Detention Facility		—	—	—	—	—	—	—	—	P	—
Government/Civic		MUP	MUP	P	P	P	P	P	P	P	—
Library, Museum, or Public Art Gallery		P	P	P	P	P	P	P	P	P	P
Meeting Facility (public or private)		P	P	P	P	P	P	P	P	P	P
Military Facility		—	—	—	—	—	—	—	—	P	—
Public Safety Facility		P	P	P	P	P	P	P	P	P	—
Religious Assembly Facility		P	P	P	P	P	P	P	P	P	P
School:											
Business, or Trade	23-4E-6290	—	P	P	P	P	P	P	P	MUP	—
College or University	23-4E-6290	MUP	P	P	P	P	P	P	P	P	CUP
Private Primary	23-4E-6290	MUP	P	P	P	P	P	P	P	P	CUP
Private Secondary	23-4E-6290	MUP	P	P	P	P	P	P	P	P	CUP
Public Primary	23-4E-6290	P	P	P	P	P	P	P	P	P	CUP
Public Secondary	23-4E-6290	P	P	P	P	P	P	P	P	P	CUP
Restaurant and Bars											
Bar/Nightclub:											
Level 1	23-4E-6060	—	CUP	P	P	P	P	P	P	—	—
Level 2	23-4E-6060	—	—	CUP	MUP	P	P	P	MUP	—	—
Micro-Brewery/Micro-Distillery/Winery	23-4E-6210	—	—	MUP/CUP	MUP/CUP	P/CUP	P/CUP	P/CUP	MUP/CUP	P/CUP	—
Mobile Food Sales	23-4E-6220	—	P	P	P	P	P	P	P	P	P
Restaurant and Bars (continued)											
Restaurant:											
w/o Alcohol Sales		P	P	P	P	P	P	P	P	P	—

Notes

¹ Allowed only in Open sub-zone.

Table 23-4D-4040.A Commercial Zones Allowed Uses (continued)

Use	Specific to use	Restricted Commercial		Retail and Office Commercial		Mixed Use Commercial		Service and Highway Commercial			Special
		NC	LC	GC	RC	CC	DC	SC	HC	WC	
P= Permitted Use; MUP = Minor Use Permit Required; CUP= Conditional Use Permit Required; P/CUP = Conditional Use Permit Required Under Certain Circumstances; TUP=Temporary Use Permit; — = Use not allowed											
w/ Alcohol Sales	23-4E-6060	CUP	MUP	P	P	P	P	P	P	P	—
Drive Through	23-4E-6140	—	—	CUP	CUP	—	—	P	MUP	P	—
Late Night Operation	23-4E-6060, 23-4E-6270	—	—	CUP	CUP	P	P	P	MUP	P	—
Retail											
Alcohol Sales:	23-4E-6060										
Beer and Wine only		—	—	MUP	MUP	P	P	P	P	P	—
Liquor		—	—	—	—	P	P	P	P	P	—
Commercial Food Preparation		—	—	CUP	CUP	P	P	P	MUP	P	—
Food Sales (on or off site)		P	P	P	P	P	P	P	P	P	—
General Retail:											
≤5,000 sq ft		P	P	P	P	P	P	P	P	P	—
>5,000 and ≤10,000 sq ft		MUP	MUP	P	P	P	P	P	P	P	—
>10,000 and ≤100,000 sq ft		—	—	P	P	P	P	P	P	P	—
>100,000 sq ft		—	—	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP
w/ Onsite Production		—	CUP	P	P	P	P	P	P	P	P
w/ Outside Storage	23-4E-6160	—	—	CUP	CUP	—	—	P	P	MUP	—
Mobile Retail Sales	23-4E-6230	—	P	P	P	P	P	P	P	P	P
Entertainment and Recreation											
Adult Entertainment	23-4E-6050	—	—	—	—	P ¹ / CUP	P ¹ / CUP	P/ CUP	P/ CUP	—	—
Camping/RV Park	23-4E-6090	—	—	—	—	—	—	P	P	P	MUP
Convention Center	23-4E-6130	—	—	—	—	—	P	—	—	—	—
Entertainment and Recreation (continued)											
Entertainment:											
Indoor		—	—	P	MUP	P	P	P	P	P	MUP

Notes

¹ Allowed only in Open sub-zone.

Table 23-4D-4040.A Commercial Zones Allowed Uses (continued)

Use	Specific to use	Restricted Commercial		Retail and Office Commercial		Mixed Use Commercial		Service and Highway Commercial			Special
		NC	LC	GC	RC	CC	DC	SC	HC	WC	CR
P= Permitted Use; MUP = Minor Use Permit Required; CUP= Conditional Use Permit Required; P/CUP = Conditional Use Permit Required Under Certain Circumstances; TUP=Temporary Use Permit; — = Use not allowed											
Outdoor		—	—	CUP	—	—	—	MUP	MUP	—	CUP
Outdoor, Limited		—	—	MUP	MUP	MUP	MUP	P	MUP	P	CUP
Marina		—	—	—	—	—	—	—	—	—	P
Park/Playground		P	P	P	P	P	P	P	P	P	P
Recreation:											
Community, Non-profit		MUP	MUP	P	P	P	P	P	P	P	P
Indoor, For Profit		—	—	P	P	P	P	P	P	P	MUP
Outdoor, For Profit		—	—	P	P	P	P	P	P	P	MUP
Sports or Events Arena		See Section 23-4E-6330 for special permit requirements									
Studio: art, dance, martial arts, music		P	P	P	P	P	P	P	P	P	—
Industrial											
Agricultural Industry		—	—	—	—	—	—	—	—	—	—
Manufacturing and Storage:											
Light	23-4E-6200	—	—	MUP	MUP	P	P	P	P	P	—
General	23-4E-6200	—	—	—	—	—	—	—	—	CUP	—
Restricted	23-4E-6200	—	—	—	—	—	—	—	—	—	—
Mining and Resource Extraction		—	—	—	—	—	—	—	—	—	—
Reverse Vending	23-4E-6280	—	—	MUP	MUP	—	—	P	P	—	—
Recycling Center:											
Collection and Transfer		—	—	—	—	—	—	—	—	P	—
Storage and Processing	23-4E-6250	—	—	—	—	—	—	—	—	—	—
Salvage/Junk Yard		—	—	—	—	—	—	—	—	—	—
Agriculture											
Animal Production		—	—	—	—	—	—	—	—	—	—
Agricultural Support		—	—	—	—	—	—	—	—	—	—

Notes

¹ Allowed only in Open sub-zone.

Table 23-4D-4040.A Commercial Zones Allowed Uses (continued)

Use	Specific to use	Restricted Commercial		Retail and Office Commercial		Mixed Use Commercial		Service and Highway Commercial			Special
		NC	LC	GC	RC	CC	DC	SC	HC	WC	CR
P= Permitted Use; MUP = Minor Use Permit Required; CUP= Conditional Use Permit Required; P/CUP = Conditional Use Permit Required Under Certain Circumstances; TUP=Temporary Use Permit; — = Use not allowed											
Community Agriculture	23-4E-6120	P	P	P	P	P	P	P	P	P	P
Indoor Crop Production		—	—	—	—	—	—	P	—	—	—
Plant Production		—	—	—	—	—	—	—	—	—	—
Stables		—	—	—	—	—	—	—	—	—	—
Automobile Related											
Automobile Sales, Rental, and Storage		—	—	MUP	CUP	CUP	CUP	P	P	P	—
Automobile Repair		—	—	P	CUP	CUP	—	P	P	—	—
Commercial Vehicle Storage and Dispatch		—	—	MUP	CUP	CUP	CUP	P	P	P	—
Gas Station	23-4E-6150	—	—	MUP	CUP	CUP	CUP	P	P	P	CUP
Heavy Equipment Sales:											
Sales, Rental, and Storage		—	—	—	—	—	—	P	P	P	—
Repair		—	—	—	—	—	—	P	P	CUP	—
Parking Facility		—	CUP	P	MUP	CUP	CUP	P	P	P	—
Recreational and Sports Vehicle Sales, Rental, and Storage		—	—	—	—	—	—	—	P	—	P
Innovation and Technology											
Research and Development:											
Non-restricted	23-4E-6260	—	—	MUP	MUP	MUP	MUP	P	P	P	—
Restricted	23-4E-6260	—	—	—	—	—	—	—	—	—	—
Other											
Accessory Uses	23-4E-6040	P	P	P	P	P	P	P	P	P	P
Communications	23-4E-6110	P	P	P	P	P	P	P	P	P	CUP

Notes

¹ Allowed only in Open sub-zone.

Table 23-4D-4040.A Commercial Zones Allowed Uses (continued)												
Use	Specific to use	Restricted Commercial		Retail and Office Commercial		Mixed Use Commercial		Service and Highway Commercial			Special	
		NC	LC	GC	RC	CC	DC	SC	HC	WC	CR	
P= Permitted Use; MUP = Minor Use Permit Required; CUP= Conditional Use Permit Required; P/CUP = Conditional Use Permit Required Under Certain Circumstances; TUP=Temporary Use Permit; — = Use not allowed												
Helicopter and Other Non-fixed Wing Aircraft Facilities		CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP
Utilities:												
Local		P	P	P	P	P	P	P	P	P	P	CUP
Major		—	—	—	—	—	—	—	—	—	—	—
Telecommunications	23-4E-6340	P	P	P	P	P	P	P	P	P	P	P
Temporary Uses	23-4B-1050	TUP	TUP	TUP	TUP	TUP	TUP	TUP	TUP	TUP	TUP	TUP
Transportation Facilities		—	—	—	—	—	—	—	—	—	P	—
Transit Terminal		—	—	—	—	CUP	CUP	CUP	CUP	—	—	—
Special Uses		CUP	CUP	CUP	CUP	—	—	—	—	—	—	CUP

Notes

¹ Allowed only in Open sub-zone.

23-4D-4050 General to All Commercial Non-Transect Zones

- (A) **Applicability.** The standards of this Section apply to all proposed development in compliance with this Division, unless otherwise provided in this Section. When in conflict, the standards of this Section supersede the standards of the base zone.
- (B) **Utilities**
 - (1) All utility lines on a development site must be located underground. Utility lines within the right-of-way shall be placed underground or relocated to the rear of the site to the maximum extent practicable.
 - (2) Where electric utilities remain overhead and are located behind the curb, a 10-foot buffer shall be placed around the energized conductor so that no portion of the building comes within close proximity to potential electric hazards.
 - (3) 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 Subsection (a), below, may be used so that the trees can be located beneath, rather than offset from, the overhead electric utilities.
 - (a) The director 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 where conflicts may arise because of overhead utility lines.
- (C) **Building Frontage and Placement**

(1) Building Placement

- (a) Within Urban Core. A minimum 75 percent of the property net frontage length must contain building façade built to the setback line. If there is not enough building frontage to meet the 75 percent standards, active public frontage is required as provided in Subsection (C)(3), below. See Figure 23-4D-4050 (1) (Building Placement and Alternative) for reference.
- (b) Outside Urban Core. A minimum 40 percent of the property net frontage length must contain building façade built to the setback line. If there is not enough building frontage to meet the 40 percent standards, active public frontage is required as provided in Subsection (C)(3), below.
- (c) Exemptions. The following are exempt from the standards of Subsection (C)(1):
 - (i) Drive-throughs. If a drive-through business has only one access point to a public thoroughfare, a circulation lane maximum 20 feet wide may be provided between the building and the property line. However, there must be a public walkway that crosses the circulation lane providing direct pedestrian access to the building entrance visible from the property line.
 - (ii) Restaurant or Gas Stations. Building placement standards do not apply to redevelopment of an existing pad site restaurant or gas station use that remains as a restaurant or gas station and the development occurs within the existing site configuration.
 - (iii) Narrow Interior Lots. Narrow interior lots less than 65 feet wide with only a single point of access to a public roadway are exempt from building placement standards.

(2) Building Entrance

- (a) At least one pedestrian entrance must face and connect directly to the thoroughfare or Internal Circulation Route, except a building entrance should not be oriented to face a Low to Medium Intensity Residential Zone.
- (b) Building entrances should be located at intervals of no more than 75 feet along the elevation facing the principal street.
- (c) Exemptions. An entrance is not required if the following conditions are met:
 - (i) Minimum 80 percent of the net building frontage consists of building façade built to the minimum setback line;
 - (ii) The building has a continuous shaded sidewalk linking the sidewalk to the building entrance; and
 - (iii) The entrance is less than 100 feet from the property line.

(3) **Alternate Active Public Frontage.** As an option, active public frontage may be used to substitute in whole, or in part, for the placement standards in Subsection (C)(1). Active public frontage must conform to the standards of this Subsection. See Figure 23-4D-4050 (1) (Building Placement and Alternative) for reference.

(a) The portion of a building façade designated for active public frontage may be setback a maximum 20 feet from the setback line.

(b) Active public use areas must include one or more of the following amenities:

(i) Accessory outdoor dining, provided that the dining area is separated from the public right-of-way only with planters, shrubs, or fencing with a maximum height of 42 inches;

(ii) Balconies, pedestrian walkways, porches, accessible ramps, and stoops; provided that no such feature shall extend into the public right-of-way without a license agreement;

(iii) Terraces, provided that they have a maximum finished floor height of 24 inches above the sidewalk elevation and are surrounded by a guardrail that meets City specifications;

(iv) Landscape and water features;

(v) Plazas; and

(vi) Incidental display and sales.

(c) Any amenities provided in active public use areas must not obstruct the open pedestrian connection between the building's primary entrance and the sidewalk.

(D) Location of Off-Street Parking

(1) Parking Location Standards Within Urban Core

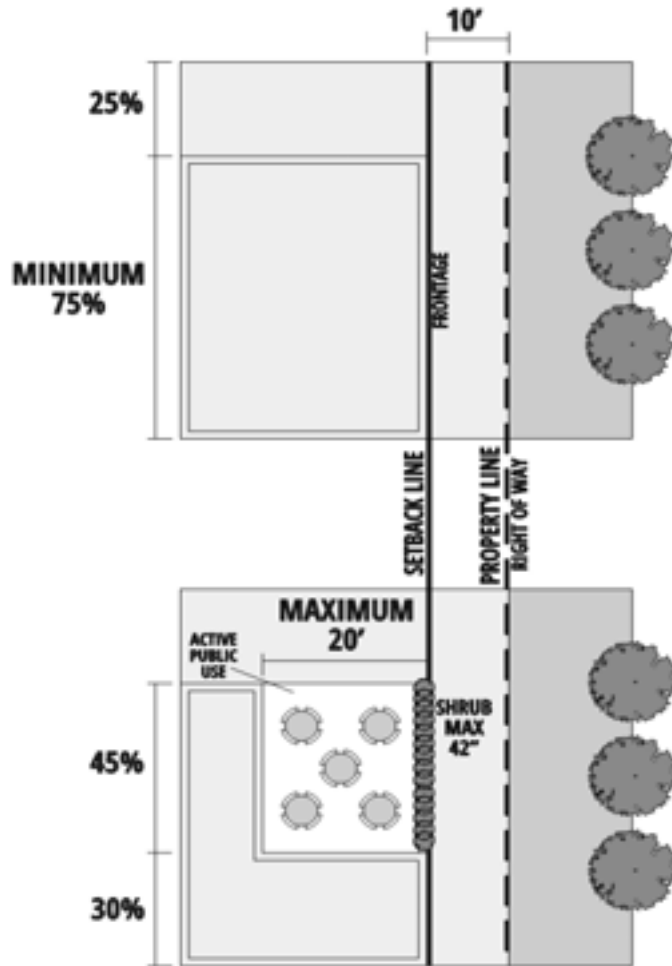


Figure 23-4D-4050 (1) Building Placement and Alternative

- (a) Off-street parking is prohibited between the building frontage and the front property line.
 - (b) Off-street parking is allowed between the building and the side property line and must be screened in compliance with Division 23-4E-3 (Parking and Loading).
 - (c) Exceptions. For sites 400 feet deep or less, off-street parking may be located between the building frontage and the property line if:
 - (i) At least 60 percent of the property's net frontage length is built up to the lot line;
 - (ii) A landscaped buffer is provided between the sidewalk and parking area; and
 - (iii) There is a public walkway that crosses the parking area providing direct pedestrian access to the building entrance visible from the property line.
- (2) **Parking Location Standards Outside Urban Core.** Off-street parking located between the building frontage and the front property line is allowed in compliance with the following standards:
- (a) A landscaped buffer must be provided between the sidewalk and parking area; and
 - (b) There must be a public walkway that crosses the parking area providing direct pedestrian access to the building entrance visible from the property line. No more than two drive aisles may cross the walkway.
- (3) **Corner Sites.** Surface parking is prohibited within the rectangular area formed by the setback lines as measured 100 feet back from the curb line corners (or the intersection of the curb line tangents), unless:
- (a) A landscaped buffer is provided between the sidewalk and parking area in compliance with Division 23-4E-4 (Landscape) of the LDC; and
 - (b) 100 percent of the building frontage that faces the principal street is built to the property line.

(E) Internal Circulation and Connectivity

- (1) **Applicability.** The standards of this Subsection apply to development on a site three acres or larger.
- (a) Exemptions. A 100 percent residential project outside the Urban Core is exempt from this Subsection if the following conditions are met:
 - (i) Sidewalks or pedestrian paths connect all buildings and all amenities; and
 - (ii) No internal block exceeds a perimeter measurement of 2,700 linear feet; and
 - (iii) Internal circulation for vehicular connectivity is provided.
- (2) **Internal Circulation Route.** An Internal Circulation Route that establishes blocks and forms an interconnected, grid-like transportation system must be provided for development subject to this section. An Internal Circulation Route must comply with the standards of this Subsection.
- (3) **Block Standards**
- (a) **Maximum Block Size.** A site must be divided into internal blocks no larger than three acres. The maximum length of any block face, as measured from intersection to intersection, must be 800 feet.

- (b) Exemptions from Maximum Block Size.
 - (i) Sites Over 15 Acres. On sites 15 acres or larger, the site may contain one block with a maximum area of 10 acres for each 30 acres (i.e., one 10-acre block on a site of between 15 to 30 acres, two 10-acre blocks on a site of between 30 to 60 acres, etc.). The maximum length of any block face, as measured from intersection to intersection must be 800 feet.
 - (ii) Office Sites in Drinking Water Protection Zone or Water Supply Watershed designated as a Neighborhood Office (NO), Limited Office (LP), or General Office (GO) zone.
 - (iii) Sites within Hill Country Roadway Overlay Zone are exempt from this Subsection, and must comply with the standards of 23-4D-7060 (Hill Country Roadway Overlay Zone).
- (c) 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 Planning Director determines that the Internal Circulation Routes are equivalent to a public street in terms of utilities, pavement design, and vehicle access standards. For the purpose of compliance with setback and minimum lot frontage standards, an Internal Circulation Route is considered equivalent to a public street.

(4) Project Circulation Plan

- (a) A Project Circulation Plan demonstrating the Internal Circulation Route must be submitted with a Site Plan application for projects subject to this Subsection.
- (b) The Project Circulation Plan must demonstrate that the project:
 - (i) Meets the applicable standards of this Subsection;
 - (ii) Integrates with existing and planned streets, bicycle and pedestrian facilities, and trails in the surrounding area; and
 - (iii) Is consistent with area mobility goals, as contained in the Transportation Plan or an approved collector plan.
- (c) Review and Approval
 - (i) A Project Circulation Plan must be reviewed and approved by the Transportation Director under the standards of this Subsection.
 - (ii) The Transportation Director may approve a Project Circulation Plan containing blocks bounded by railroad right-of-way, subdivision boundary lines, or natural features if no reasonable alternatives are available.
 - (iii) Revisions to the Project Circulation Plan may be approved by the Transportation Director after considering the circulation characteristics of a proposed development plan, the need for access to adjoining properties, and the compatibility of surrounding development.
 - (iv) The Transportation Director may waive the standard for a Project Circulation Plan if the Transportation Director finds that a plan is not necessary due to the nature of the proposed development on the site, the existence of surrounding incompatible development, or other factors unique to the property which make strict compliance infeasible.

(5) Internal Sidewalk Network

- (a) Sidewalks must be provided along both sides of all Internal Circulation Routes (whether built as public streets or as private drives) unless no buildable area exists on one side.
- (b) Where required, sidewalks must comply with the applicable standards for public sidewalks in Article 23-9E (Driveway, Sidewalk, Urban Trail, and Right-of-Way Construction).

(6) **Building Placement**

- (a) Buildings must be oriented along an Internal Circulation Route or the adjacent public roadway and must meet the placement standards as provided in Subsection (C)(1).
- (7) **Off-Street Parking.** Off-street parking is prohibited between the Internal Circulation Route and the corresponding street-facing facade line.
- (8) **On-Street Parking.** On-street parallel, head-in angle, and reverse 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 Transportation Director based on adopted administrative criteria. If the Internal Circulation Route is intended to accommodate bicycles, head-in and angle parking is not permitted.

(F) **Vehicular and Pedestrian Connections Between Sites**

- (1) **Applicability.** The requirements of this Subsection apply to development on a site three acres or larger.
- (2) **Requirements.** All sites or developments subject to this Subsection must:
 - (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.
- (3) **Additional Measures to Improve Connectivity.** All sites or developments subject to this Section must be developed in compliance with at least two of the options in Table 23-4D-4050 (A). However, if surface parking amounts to more than 125 percent of the parking required in Table 23-4D-4050 (C) (Parking Standards for Commercial Zones), compliance with at least three of the options in Table 23-4D-4050 (A) is required.

Table 23-4D-4050.A Additional Measures to Improve Connectivity

Option	Description/Comments
Pedestrian and Bicycle Access and Facilities	
Provide connection to adjacent residential development.	Provide connection 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.
Provide connections from adjacent parkland.	Provide connection and access from the trail or walkway system on adjacent parkland to the building entrance. The access points must be fully accessible during operating hours and must meet City standards for pedestrian and bike ways.
Provide easement for Multi-Use Trail.	Provide a public access easement for the construction of a multi-use trail connecting to or proposed in the City of Austin Trails Master Plan, Austin Parks and Recreation Long-Range Plan, Sidewalk Master Plan or Bicycle Path. Requires approval of the Public Works Director.
Provide shower and locker facilities for employees and increase required bicycle parking by 10%.	Enhance physical fitness opportunities and multi-modal connectivity.
Provide secure indoor bicycle storage in building or parking structure.	
Construct a sidewalk along a public street frontage to Core Transit Corridor standards.	Exceed applicable sidewalk standards (this should be a requirement for any project, applicable sidewalk standards should be changes to reflect what is wanted).
Limit curb cuts.	
Heat Island Effect Reduction	
Provide shaded sidewalks along 100% of all publicly visible building facades.	
Provide solar power shading devices in parking lots.	
Provide at least 10% of parking underground or within a parking structure.	
Other	
Incorporate a transit stop into the project.	
Locate internal utility lines in drive aisles or Internal Circulation Routes, rather than under parking areas.	

(G) Private Common Open Space

- (1) **Purpose.** Open air and semi-enclosed public gathering spaces act as central organizing elements in a large development. They also help to shape the relationship between different land uses and provide focal points and anchors for pedestrian activity. Goals and standards for common open space and pedestrian amenities complement this Title's standards for dedicated public open space and parks, and serve similar purposes.
- (2) **Applicability.** The standards of this Subsection apply to non-residential developments on a site three acres or larger, and all multi-family developments of 10 units or more, unless exempted under Section 23-4E-6240 (Multi-Family).
- (3) **Amenity Required.** A minimum of five percent of the gross site area of all developments subject to this Section must be devoted to one or more of the types of private common open space or pedestrian amenities as provided in Table 23-4D-4050 (B).

Table 23-4D-4050.B Open Space and Amenities				
Amenity Type	Minimum Depth	Minimum Width	Total Area (min.)	Additional Requirements
Natural and undeveloped private common open space	n/a	n/a	n/a	For use by residents, employees, and/or visitors for either active or passive recreation.
Landscape area	20 ft	20 ft	650 sf	Landscape area must be other than one required by Division 23-4E-4 (Landscape); Must include pedestrian amenities.
Patio or plaza with outdoor seating areas	20 ft	20 ft	650 sf	Must include fully or partially shaded spaces with seating. Must be patio, plaza, or seating other than as required to comply with Subsection (C)(3).
Play area suitable for children under 9	20 ft	20 ft	650 sf	Must comply with Consumer Product Safety Commission guidelines for playgrounds, ASTM International standards, impediments (e.g., fencing, landscaping) between vehicular drives and activity areas.
Spaces that provide educational, historic, or cultural features, such as culinary, therapeutic or sculptural gardens; soundscapes, and interactive water features	n/a	n/a	n/a	n/a
Swimming pools, wading pools, or splash pads	n/a	n/a	n/a	n/a
Water quality and storm water detention ponds	n/a	n/a	n/a	Must be designed as an amenity and approved by the Watershed Director.
Multi-use trail	n/a	n/a	n/a	Must be or proposed in the City of Austin Trails Master Plan, Austin Parks and Recreation Long-Range Plan, Sidewalk Master Plan, or Bicycle Plan, or other trail connections as approved by the Parks Director.
Basketball, tennis, volleyball, or other sport courts or playing fields	n/a	n/a	n/a	n/a
A transit plaza, on private property, that is.	n/a	n/a	n/a	Must be adjacent to a Capital Metro MetroRapid stop or station
A combination of the above-listed amenities	n/a	n/a	n/a	n/a

(4) Location Criteria

- (a) To the maximum extent feasible, the applicant shall give priority to the preservation of significant natural and scenic resources as private common open space. The Development Services Director will 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 (listed in no particular order):
 - (i) Wetlands;
 - (ii) Flood hazard areas;
 - (iii) Lakes, rivers, and stream/riparian corridors;
 - (iv) Tree preservation areas;
 - (v) Karst areas;
 - (vi) Cultural or historically significant structures, landscapes, features, and/or places; and
 - (vii) Agricultural lands used for cultivation of local produce.
- (b) Where private common open space areas, trails, parks, or other public spaces exist or are proposed in the City of Austin Trails Master Plan, Austin Parks and Recreation Long-Range Plan, Sidewalk Master Plan, or Bicycle Plan within or adjacent to the tract to be subdivided or developed, the private common open space or pedestrian amenity must be located to adjoin, extend, and enlarge the existing or proposed trail, park, or other open area. Public access easements may be required to guarantee public access to these facilities.
- (c) Where there is a BRT station adjacent to the tract to be developed, a portion of the private common open space or pedestrian amenity must, to the maximum extent feasible, be located to adjoin, extend, and enlarge the existing or permitted station. For sites greater than one acre, the open space should be a minimum of 150 square feet, plus an additional 100 square feet per acre over one, not to exceed 1,000 square feet. This will apply only outside the Downtown Core (DC) and Commercial Core (CC) Zones.

(5) Areas Not Credited. Land within the following areas shall not be counted towards private common open space or pedestrian amenities required by this Subsection:

- (i) Open space in a required street setback;
- (ii) Public or private streets or rights of way;
- (iii) Off-street parking, loading areas, driveways, and service areas; and
- (iv) Water quality and storm water detention ponds, unless designed as an accessible amenity and approved by the Parks Director.

(6) Design Criteria. Land set aside for private common open space or pedestrian amenities in compliance with this Subsection must meet the following design criteria:

- (a) Common open space areas shall be located to be readily accessible and useable, unless the land includes sensitive natural resources.
- (b) Open space areas shall be compact and contiguous unless the open space is used as a continuation of an existing trail, or specific or unique topographic features that are adjacent or adjoining require a different configuration.

- (c) The surface of a required open space must be suitable for outdoor activities, such as lawn or asphalt for designated recreation areas.
 - (d) Not more than 30 percent of the required open space may be located on a roof, balcony, or other area above ground level, except as provided in this Subsection. Required open-space cannot include areas occupied by structures or mechanical equipment.
 - (e) Maximum 50 percent of the required private common open space may be located on a roof, balcony, or other area above ground level if minimum 50 percent of the open space above ground level is designed as a vegetated or green roof.
 - (f) Private common open space on a roof, balcony, or other area above ground level must be screened from the view of adjacent property that is in a Low to Medium Intensity Residential Zone, in compliance with the standards in Division 23-4E-4 (Landscape).
 - (g) In a project where public access is allowed during normal business hours to a private above-ground common open space area, the total amount of required open space will be reduced by 10 percent.
 - (h) Not more than 50 percent of ground level open space may be covered by a fixed manmade obstruction, including a roof, balcony, or building projection. Roof gardens and sculptural elements that are accessible to the public are not to be considered manmade obstructions.
 - (i) Open space above ground level may be covered, but must have at least one exterior side open and unobstructed, except for railings or balustrades.
- (7) **Maintenance.** All private common open space or pedestrian amenity areas must be permanently maintained by the owners of the development.
- (8) **Fee In Lieu**
- (a) Instead of providing private common open space or pedestrian amenities as required in this Subsection, the applicant of a property may request approval to deposit with the City a nonrefundable cash payment to be used for the acquisition or improvement of open space that will serve residents of the development.
 - (b) The criteria for approving payment of a fee and the formula for calculating the fee amount shall be adopted by the Council, with a recommendation from the Parks Director.
 - (c) The Parks Director shall review a request for payment of a fee based on the adopted criteria and accept or deny the request no later than 15 days following its receipt.
- (H) **Parking Required.** Required off street parking in the commercial zones is provided in Table 23-4D-4050.B (Parking Standards for Commercial Zones).

Table 23-4D-4050.C Parking Standards for Commercial Zones	
Use	Required Parking Spaces (min.)
Residential	
All Residential, except:	1 per unit
Group Residential	1 plus 1 per every 2 bedrooms
Residential Support Services	
Emergency Shelter	As determined by Planning Director ¹
Group Home	1 plus 1 per every 2 bedrooms
Transitional and supportive housing	1 plus 1 per every 2 bedrooms
Residential Care Facility	0.8 per bedroom
Lodging	
All Lodging	1 per room/unit
Services	
All Services, except:	1 per 500 sf
Alternative Financial Services, Business and Financial/Professional Services	1 per 350 sf
Commercial Blood Plasma Center	1 per 275 sf
Drive Through (non restaurant)	4 tandem stacking spaces for each drive-up window or device
Funeral/Mortuary Homes	1 space per each 5 persons capacity
Hospital	1 per bed, plus 1 per 500 sf
Personal Storage	1 per 1,000 sf
Office	
Office, general (non-medical)	1 per 500 sf
Civic and Public Assembly	
All Civic and Public Assembly, except:	As determined by Planning Director ¹
Library, museum, or public art gallery	1 per 500 sf
Meeting Facility (public or private)	1 per 100 sf assembly area
School	1.5 spaces per staff member plus 1 space for each 3 students enrolled in grades 11 and 12
Restaurant and Bars	
All Restaurant and Bars, except:	1 per 100 sf if <2,500 sf; 1 per 50 sf if 2,500-10,000 sf; 1 per 25 sf if > 10,000
Micro-Brewery/Micro-Distillery/Winery	1 per 100 sf tasting area, 1 per 1,000 sf production area
Mobile Food Sales	None required

Notes

See Section 23-4E-3080 (Parking and Loading) for loading requirements, allowed parking reductions, and additional standards.

¹ In making a determination, the Planning Director shall consider the requirements applicable to similar uses, and the location and characteristics of the use.

Table 23-4D-4050.C Parking Standards for Commercial Zones (continued)

Use	Required Parking Spaces (min.)
Retail	
All Retail, except	1 per 350 sf
Mobile Retail Sales	None required
Entertainment and Recreation	
Adult Entertainment	1 per 350 sf
Camping/RV Park	1 plus 1 per camping site
Convention Center	As determined by Planning Director ¹
Entertainment	1 per 100 sf
Parks/Playgrounds	As determined by Planning Director ¹
Recreation	As determined by Planning Director ¹
Studio: art, dance, martial arts, music	1 per 500 sf
Industrial	
All Industrial, except	As determined by Planning Director ¹
Light and Heavy Industry	1 per 1,000 sf of manufacturing, warehouse plus 1 per 250 sf of office or business area
Agriculture	
All Agriculture	As determined by Planning Director ¹
Automobile Related	
Automobile sales, rental and storage	
Recreational and Sports Vehicle sales, rental and storage	1 per 500 sf indoor sales floor, 1 per 750 sf outdoor sales lot and storage
Automobile Repair	4 per service bay, plus 1 per 350 sf office space
Commercial Vehicle Storage and Dispatch	1 per 350 sf office/dispatch space
Gas Station (excludes repair)	1 per each 2 fueling bays plus 2 queue spaces per each fueling bay
Heavy Equipment sales, rental, repair and storage	1 per 1,000 sf plus 1 per 250 sf of office or business area
Parvking Facility	As determined by Planning Director ¹
Innovation and Technology	
All Innovation and Technology	1 space for each 275 sq. ft.
Other	
All Other Uses	As determined by Planning Director ¹

Notes
 See Section 23-4E-3080 (Parking and Loading) for loading requirements, allowed parking reductions, and additional standards.

¹ In making a determination, the Planning Director shall consider the requirements applicable to similar uses, and the location and characteristics of the use.

23-4D-4060 Neighborhood Commercial (NC) Zone

(A) Development Standards

Table 23-4D-4060 (A) below describes the development standards in the NC Zone.

Lot Requirements	Limited	Open
Lot Size		5,750 sf min.
Impervious Coverage ¹		60% max.
Building Coverage		40% max.
See Section 23-4E-4080 (Functional Green) for developments with impervious coverage greater than 75%.		

¹ The maximum impervious coverage may not be attainable due to unique site characteristics, such as trees, waterways, and steep slopes. Where necessary, the project shall reduce the impervious cover to comply with other requirements of this Title.

Building Placement				
Setback Minimum (Distance from ROW / Lot Line)	Front	Side St.	Side	Rear
Minimum, except when:	20'	15'	5'	5'
Adjacent to Any Low to Medium Intensity Residential Zone and/or T3 Transect Zone				
Lots ≤ 75' wide	15'	15'	10'	30'
Lots > 75' wide	15'	15'	20'	30'

Intensity ²	Limited	Open
Dwelling Units per Acre	n/a	12
Floor Area Ratio	0.5	0.5

² Residential uses are not included in the calculation of a building FAR. Residential units are allowed in addition to maximum FAR.

Building Form		
Building Height	Stories (max.)	Overall (max.)
Height	2	35'

Building Height Stepback
Building height stepback required for portions of building adjacent to or across an alley from Low to Medium Intensity Residential Zone and/or T3 Transect Zone.

Distance from Lot Line of Triggering Property	Allowed Height
Within 50'	Less than or equal to 30'
Greater than 50'	Set by Zone Standards

Landscaping

Perimeter Planting Area when adjacent to any Low to Medium Intensity Residential Zone:

Front or Side Street	
Lots ≤ 75' wide	None required
Lots > 75' wide	Quantity and location of planting within front or side street setback must meet the standards established in Division 23-4E-4 (Landscape).

Side or Rear	Depth (min.)
Lots ≤ 75' wide	First 10' of building setback
Lots > 75' wide	First 20' of building setback

Building and Parking Lot Landscaping	
For Lots > 75' wide: Foundation Planting Area for 75% of parking lot or parking aisle frontage	
1 story structure	10' min.
Greater than one story	20' min.

Planting Requirements and Additional Standards

See Division 23-4E-4 (Landscape)

Additional Requirements	
Affordable Housing	See Article 23-3E
Outdoor Lighting	See Division 23-4E-2
Parking and Loading	See Division 23-4E-3
Signage	See Chapter 23-8

Property adjacent to a Rural Residential (RR), or Very Low Density Residential (VLDR) Zone; and a development that exceeds a height of 35 feet shall:

- A building's exterior glass is required to be either clear or lightly tinted; and
- Exterior light illuminating a building above the second floor is prohibited.

(B) Special Requirements for Uses

- (1) Personal Services uses in the NC Zone may not exceed 5,000 square feet of gross floor area.
- (2) **Restaurants in the NC Zone**
 - (a) May not exceed 4,000 square feet;
 - (b) May operate only between the hours of 7:00 a.m. and 11:00 p.m.;
 - (c) May not have outside seating area in excess of 500 square feet;
 - (d) May not have outside seating area within 50 feet of an adjacent Low to Medium Intensity Residential Zone; and
 - (e) May not have outdoor amplified sound.

23-4D-4070 Local Commercial (LC) Zone

(A) Development Standards

Table 23-4D-4070 (A) below describes the development standards in the LC Zone.

Lot Requirements	Limited	Open
Lot Size	5,750 sf min.	
Impervious Coverage ¹	80% max.	
Building Coverage	60% max.	

See Section 23-4E-4080 (Functional Green) for developments with impervious coverage greater than 75%.

¹ The maximum impervious coverage may not be attainable due to unique site characteristics, such as trees, waterways, and steep slopes. Where necessary, the project shall reduce the impervious cover to comply with other requirements of this Title.

Building Placement				
Setback Minimum(Distance from ROW / Lot Line)	Front	Side St.	Side	Rear
Minimum, except when:	15'	15'	5'	5'
Adjacent to Any Low to Medium Intensity Residential Zone and/or T3 Transect Zone				
Lots ≤ 75' wide	15'	15'	10'	30'
Lots > 75' wide	15'	15'	20'	30'

Intensity ²	Limited	Open
Dwelling Units per Acre	N/A	18
Floor Area Ratio	1.0	1.0

² Residential uses are not included in the calculation of a building FAR. Residential units are allowed in addition to maximum FAR.

Building Form		
Building Height	Stories (max.)	Overall (max.)
Height	3	40'

Building Height Stepback
Building height stepback required for portions of building adjacent to or across an alley from Low to Medium Intensity Residential Zone and/or T3 Transect Zone.

Distance from Lot Line of Triggering Property	Allowed Height
Within 50'	Less than or equal to 30'
50'-100'	Less than or equal to 40'
Greater than 100'	Set by Zone Standards

Landscaping
Perimeter Planting Area when adjacent to any Low to Medium Intensity Residential Zone:

Front or Side Street	
Lots ≤ 75' wide	None required
Lots > 75' wide	Quantity and location of planting within front or side street setback must meet the standards in Division 23-4E-4 (Landscape).

Side or Rear	Depth (min.)
Lots ≤ 75' wide	First 10' of building setback
Lots > 75' wide	First 20' of building setback

Building and Parking Lot Landscaping
For Lots > 75' wide: Foundation Planting Area for 75% of parking lot or parking aisle frontage

1 story structures	10' min.
Greater than one story	20' min.

Planting Requirements and Additional Standards
See Division 23-4E-4 (Landscape)

Additional Requirements	
Affordable Housing	See Article 23-3E
Outdoor Lighting	See Division 23-4E-2
Parking and Loading	See Division 23-4E-3
Signage	See Chapter 23-8

Property adjacent to a Rural Residential (RR), or Very Low Density Residential (VLDR) Zone; and a development that exceeds a height of 35 feet shall:

- A building's exterior glass is required to be either clear or lightly tinted; and
- Exterior light illuminating a building above the second floor is prohibited.

23-4D-4080 General Commercial (GC) Zone

(A) Development Standards

Table 23-4D-4080 (A) below describes the development standards in the GC Zone.

Lot Requirements	Limited	Open
Lot Size	5,750 sf min.	
Impervious Coverage ¹	90% max.	
Building Coverage	75% max.	
See Section 23-4E-4080 (Functional Green) for developments with impervious coverage greater than 75%.		

¹ The maximum impervious coverage may not be attainable due to unique site characteristics, such as trees, waterways, and steep slopes. Where necessary, the project shall reduce the impervious cover to comply with other requirements of this Title.

Building Placement				
Setback Minimum (Distance from ROW / Lot Line)	Front	Side St.	Side	Rear
Minimum, except when:	10'	10'	5'	5'
Adjacent to Any Low to Medium Intensity Residential Zone and/or T3 Transect Zone				
Lots ≤ 75' wide	15'	15'	10'	30'
Lots > 75' wide	15'	15'	20'	30'

Intensity	Limited	Open
Dwelling Units per Acre	n/a	36
Floor Area Ratio	1.0	1.0

² Residential uses are not included in the calculation of a building FAR. Residential units are allowed in addition to maximum FAR.

Building Form	
Building Height	
Height	60' max.

Building Height Stepback
Building height stepback required for portions of building adjacent to or across an alley from Low to Medium Intensity Residential Zone and/or T3 Transect Zone.

Distance from Lot Line of Triggering Property	Allowed Height
Within 50'	Less than or equal to 30'
50'-100'	Less than or equal to 40'
Greater than 100'	Set by Zone Standards

Landscaping

Perimeter Planting Area when adjacent to any Low to Medium Intensity Residential Zone:

Front or Side Street	
Lots ≤ 75' wide	None required
Lots > 75' wide	Quantity and location of planting within front or side street setback must meet the standards established in Division 23-4E-4 (Landscape).

Side or Rear	Depth (min.)
Lots ≤ 75' wide	First 10' of building setback
Lots > 75' wide	First 20' of building setback

Building and Parking Lot Landscaping	
For Lots > 75' wide: Foundation Planting Area for 75% of parking lot or parking aisle frontage	
One story structure	10' min.
Greater than one story	20' min.

Planting Requirements and Additional Standards

See Division 23-4E-4 (Landscape)

Additional Requirements	
Affordable Housing	See Article 23-3E
Outdoor Lighting	See Division 23-4E-2
Parking and Loading	See Division 23-4E-3
Signage	See Chapter 23-8

23-4D-4090 Regional Commercial Core (RC) Zone

(A) Development Standards

Table 23-4D-4090 (A) below describes the development standards in the RC Zone.

Lot Requirements	
Lot Size	5,750 sf min.
Impervious Coverage ¹	95% max.
Building Coverage	90% max.
See Section 23-4E-4080 (Functional Green) for developments with impervious coverage greater than 75%.	

¹ The maximum impervious coverage may not be attainable due to unique site characteristics, such as trees, waterways, and steep slopes. Where necessary, the project shall reduce the impervious cover to comply with other requirements of this Title.

Building Placement				
Setback Minimum (Distance from ROW / Lot Line)	Front	Side St.	Side	Rear
Minimum, except when:	10'	10'	5'	5'
Adjacent to Any Low to Medium Intensity Residential Zone and/or T3 Transect Zone				
Lots ≤ 75' wide	15'	15'	10'	30'
Lots > 75' wide	15'	15'	20'	30'

Intensity	
Floor Area Ratio	2.0

Building Form	
Building Height	
Height	60' max.

Building Height Stepback
Building height stepback required for portions of building adjacent to or across an alley from Low to Medium Intensity Residential Zone and/or T3 Transect Zone.

Distance from Lot Line of Triggering Property	Allowed Height
Within 50'	Less than or equal to 30'
50'-100'	Less than or equal to 40'
Greater than 100'	Set by Zone Standards

Landscaping	
Perimeter Planting Area when adjacent to any Low to Medium Intensity Residential Zone:	

Front or Side Street	
Lots ≤ 75' wide	None required
Lots > 75' wide	Quantity and location of planting within front or side street setback must meet the standards established in Division 23-4E-4 (Landscape).

Side or Rear	Depth (min.)
Lots ≤ 75' wide	First 10' of building setback
Lots > 75' wide	First 20' of building setback

Building and Parking Lot Landscaping	
For Lots > 75' wide: Foundation Planting Area for 75% of parking lot or parking aisle frontage	
One story structure	10' min.
Greater than one story	20' min.

Planting Requirements and Additional Standards
See Division 23-3E-4 (Landscaping and Screening)

Additional Requirements	
Affordable Housing	See Article 23-3E
Outdoor Lighting	See Division 23-4E-2
Parking and Loading	See Division 23-4E-3
Signage	See Chapter 23-8

23-4D-4100 Commercial Core (CC) Zone

(A) Development Standards

Table 23-4D-4100 (A) describes the development standards in the CC Zone.

Lot Requirements				
Lot Size	N/A			
Impervious Coverage ¹	95% max.			
Building Coverage	95% max.			
See Section 23-4E-4080 (Functional Green) for developments with impervious coverage greater than 75%.				
¹ The maximum impervious coverage may not be attainable due to unique site characteristics, such as trees, waterways, and steep slopes. Where necessary, the project shall reduce the impervious cover to comply with other requirements of this Title.				
Building Placement				
Setback Minimum (Distance from ROW / Lot Line)	Front	Side St.	Side	Rear
Minimum	10'	10'	5'	5'
Intensity ²				
Dwelling Units per Acre	no max			
Floor Area Ratio	5.0			

² Residential uses are not included in the calculation of a building FAR. Residential units are allowed in addition to maximum FAR.

Building Form	
Building Height	
Height	120' max.
Building Height Stepback	
Building height stepback required for portions of building adjacent to or across an alley from Low to Medium Intensity Residential Zone and/or T3 Transect Zone.	
Distance from Lot Line of Triggering Property	Allowed Height
Within 50'	Less than or equal to 30'
50'-100'	Less than or equal to 40'
Greater than 100'	Set by Zone Standards
Additional Requirements	
Affordable Housing	See Article 23-3E
Landscaping and Screening	See Division 23-4E-4
Outdoor Lighting	See Division 23-4E-2
Parking and Loading	See Division 23-4E-3
Signage	See Chapter 23-8

23-4D-4110 Downtown Core (DC) Zone

(A) Development Standards

Table 23-4D-4110 (A) describes the development standards in the DC Zone.

Lot Requirements

Lot Size	N/A
Impervious Coverage ¹	100% max.
Building Coverage	100% max.
See Section 23-4E-4080 (Functional Green) for developments with impervious coverage greater than 75%.	

¹ The maximum impervious coverage may not be attainable due to unique site characteristics, such as trees, waterways, and steep slopes. Where necessary, the project shall reduce the impervious cover to comply with other requirements of this Title.

Building Placement

Setback Minimum (Distance from ROW / Lot Line)	Front	Side St.	Side	Rear
Minimum	0'	0'	0'	0'

Intensity

Dwelling Units per Acre	no max
Floor Area Ratio	8.0

² Residential uses are not included in the calculation of a building FAR. Residential units are allowed in addition to maximum FAR.

Building Form

Building Height

Height	no limit
--------	----------

Additional Requirements

Affordable Housing	See Article 23-3E
Landscaping and Screening	See Division 23-4E-4
Outdoor Lighting	See Division 23-4E-2
Parking and Loading	See Division 23-4E-3
Signage	See Chapter 23-8

23-4D-4120 Warehouse Commercial (WC) Zone

(A) Development Standards

Table 23-4D-4120 (A) describes the development standards in the WC Zone

Lot Requirements	
Lot Size	10,000 sf max.
Impervious Coverage ¹	70% max.
Building Coverage	50% max.
See Section 23-4E-4080 (Functional Green) for developments with impervious coverage greater than 75%.	

¹ The maximum impervious coverage may not be attainable due to unique site characteristics, such as trees, waterways, and steep slopes. Where necessary, the project shall reduce the impervious cover to comply with other requirements of this Title.

Building Placement				
Setback Minimum (Distance from ROW / Lot Line)	Front	Side St.	Side	Rear
	Minimum, except when:	25'	25'	5'
Adjacent to Any Low to Medium Intensity Residential Zone and/or T3 Transect Zone				
Lots ≤ 75' wide	15'	15'	10'	30'
Lots > 75' wide	15'	15'	20'	30'

Intensity ²	
Dwelling Units per Acre	?
Floor Area Ratio	0.5

² Residential uses are not included in the calculation of a building FAR. Residential units are allowed in addition to maximum FAR.

Building Form	
Building Height	
Height	25' max ³

³ Maximum height of 35 feet with Land Use Commission approval of a Conditional Use Permit.

Building Height Stepback
Building height stepback required for portions of building adjacent to or across an alley from Low to Medium Intensity Residential Zone and/or T3 Transect Zone.

Building Form (continued)	
Distance from Lot Line of Triggering Property	Allowed Height
Within 50'	Less than or equal to 30'
50'-100'	Less than or equal to 40'
Greater than 100'	Set by Zone Standards

Landscaping	
Perimeter Planting Area when adjacent to any Low to Medium Intensity Residential Zone:	
Front or Side Street	
Lots ≤ 75' wide	None required
Lots > 75' wide	Quantity and location of planting within front or side street setback must meet the standards established in Division 23-4E-4 (Landscape).

Side or Rear	Depth (min.)
Lots ≤ 75' wide	First 10' of building setback
Lots > 75' wide	First 20' of building setback

Building and Parking Lot Landscaping	
For Lots > 75' wide: Foundation Planting Area for 75% of parking lot or parking aisle frontage	
One story structure	10' min.
Greater than one story	20' min.

Planting Requirements and Additional Standards
See Division 23-4E-4 (Landscape)

Additional Requirements	
Affordable Housing	See Article 23-3E
Outdoor Lighting	See Division 23-4E-2
Parking and Loading	See Division 23-4E-3
Signage	See Chapter 23-8

A truck loading dock may not be located on the same building face as an office entrance.

An office use must face the street that provides primary access.

A construction sales and service use must not exceed 10,000 square feet of gross floor area.

23-4D-4130 Service Commercial (SC) Zone

(A) Development Standards

Table 23-4D-4130 (A) below describes the development standards in the SC Zone

Lot Requirements	
Lot Size	5,750
Impervious Coverage ¹	95% max.
Building Coverage	95% max.
See Section 23-4E-4080 (Functional Green) for developments with impervious coverage greater than 75%.	

¹ The maximum impervious coverage may not be attainable due to unique site characteristics, such as trees, waterways, and steep slopes. Where necessary, the project shall reduce the impervious cover to comply with other requirements of this Title.

Building Placement				
Setback Minimum (Distance from ROW / Lot Line)	Front	Side St.	Side	Rear
	Minimum, except when:	10'	10'	5'
Adjacent to Any Low to Medium Intensity Residential Zone and/or T3 Transect Zone				
Lots ≤ 75' wide	15'	15'	10'	30'
Lots > 75' wide	15'	15'	20'	30'

Intensity ²	Limited	Open
Dwelling Units per Acre	n/a	36
Floor Area Ratio	2.0	2.0

² Residential uses are not included in the calculation of a building FAR. Residential units are allowed in addition to maximum FAR.

Building Form	
Building Height	
Height	60' max.

Building Height Stepback
Building height stepback required for portions of building adjacent to or across an alley from Low to Medium Intensity Residential Zone and/or T3 Transect Zone.

Distance from Lot Line of Triggering Property	Allowed Height
Within 50'	Less than or equal to 30'
50'-100'	Less than or equal to 40'
Greater than 100'	Set by Zone Standards

Landscaping	
Perimeter Planting Area when adjacent to any Low to Medium Intensity Residential Zone:	

Front or Side Street	
Lots ≤ 75' wide	None required
Lots > 75' wide	Quantity and location of planting within front or side street setback must meet the standards established in Division 23-4E-4 (Landscape).

Side or Rear	Depth (min.)
Lots ≤ 75' wide	First 10' of building setback
Lots > 75' wide	First 20' of building setback

Building and Parking Lot Landscaping	
For Lots > 75' wide: Foundation Planting Area for 75% of parking lot or parking aisle frontage	
One story structure	10' min.
Greater than one story	20' min.

Planting Requirements and Additional Standards
See Division 23-4E-4 (Landscape)

Additional Requirements	
Affordable Housing	See Article 23-3E
Outdoor Lighting	See Division 23-4E-2
Parking and Loading	See Division 23-4E-3
Signage	See Chapter 23-8

Property adjacent to a Rural Residential (RR), or Very Low Density Residential (VLDR) Zone; and a development that exceeds a height of 35 feet shall:

- A building's exterior glass is required to be either clear or lightly tinted; and
- Exterior light illuminating a building above the second floor is prohibited.

23-4D-4140 Highway Commercial (HC) Zone

(A) Development Standards

Table 23-4D-4140 (A) below describes the development standards in the HC Zone.

Lot Requirements	
Lot Size	10,000
Impervious Coverage ¹	75% max.
Building Coverage	70% max.

See Section 23-4E-4080 (Functional Green) for developments with impervious coverage greater than 75%.

¹ The maximum impervious coverage may not be attainable due to unique site characteristics, such as trees, waterways, and steep slopes. Where necessary, the project shall reduce the impervious cover to comply with other requirements of this Title.

Building Placement				
Setback Minimum (Distance from ROW / Lot Line)	Front	Side St.	Side	Rear
	Minimum, except when:	30'	30'	15'
Adjacent to Any Low to Medium Intensity Residential Zone or a T3 Transect Zone as follows				
Lots ≤ 75' wide	15'	15'	10'	30'
Lots > 75' wide	15'	15'	20'	30'

Intensity ²	
Dwelling Units per Acre	54
Floor Area Ratio	3.0

² Residential uses are not included in the calculation of a building FAR. Residential units are allowed in addition to maximum FAR.

Building Form	
Building Height	
Height	80' max

Building Height Stepback
Building height stepback required for portions of building adjacent to or across an alley from Low to Medium Intensity Residential Zone and/or T3 Transect Zone.

Distance from Lot Line of Triggering Property	Allowed Height
50'	Between 30' and 40'
100'	Greater than 40'

Landscaping	
Perimeter Planting Area when adjacent to any Low to Medium Intensity Residential Zone:	

Front or Side Street	
Lots ≤ 75' wide	None required
Lots > 75' wide	Quantity and location of planting within front or side street setback must meet the standards established in Division 23-4E-4 (Landscape).

Side or Rear	Depth (min.)
Lots ≤ 75' wide	First 10' of building setback
Lots > 75' wide	First 20' of building setback

Building and Parking Lot Landscaping	
For Lots > 75' wide: Foundation Planting Area for 75% of parking lot or parking aisle frontage	
One story structure	10' min.
Greater than one story	20' min.

Planting Requirements and Additional Standards	
See Division 23-3E-4 (Landscaping and Screening)	

Additional Requirements	
Affordable Housing	See Article 23-3E
Outdoor Lighting	See Division 23-4E-2
Parking and Loading	See Division 23-4E-3
Signage	See Chapter 23-8

Additional Standards for HC Zone combined with a PDA	
Lot Size	10 acre min.
Floor Area Ratio	1 max.
Building Height	200' max.
Setback: Front	50'
Setback: Side Street	50'
Setback: Side	25'
Impervious Cover	55% max.
Building Cover	55% max.

23-4D-4150 Commercial Recreation (CR) Zone

(A) Development Standards

Table 23-4D-4150 (A) below describes the development standards in the CR Zone.

Lot Requirements				
Lot Size	N/A			
Impervious Coverage ¹	60% max.			
Building Coverage	25% max.			
See Section 23-4E-4080 (Functional Green) for developments with impervious coverage greater than 75%.				
¹ The maximum impervious coverage may not be attainable due to unique site characteristics, such as trees, waterways, and steep slopes. Where necessary, the project shall reduce the impervious cover to comply with other requirements of this Title.				
Building Placement				
Setback Minimum (Distance from ROW / Lot Line)	Front	Side St.	Side	Rear
	Minimum, except when	50'	50'	20'
Adjacent to Any Low to Medium Intensity Residential Zone or a T3 Transect Zone as follows				
Lots ≤ 75' wide	15'	15'	10'	30'
Lots > 75' wide	15'	15'	20'	30'
Intensity ²				
Dwelling Units per Acre	n/a			
Floor Area Ratio	0.25			
² Residential uses are not included in the calculation of a building FAR. Residential units are allowed in addition to maximum FAR.				
Building Form				
Building Height				
Height	40' max			
Building Height Stepback				
Building height stepback required for portions of building adjacent to or across an alley from Low to Medium Intensity Residential Zone and/or T3 Transect Zone.				
Distance from Lot Line of Triggering Property	Allowed Height			
50'	Greater than 30'			

Landscaping	
Perimeter Planting Area when adjacent to any Low to Medium Intensity Residential Zone:	
Front or Side Street	
Lots ≤ 75' wide	None required
Lots > 75' wide	Quantity and location of planting within front or side street setback must meet the standards established in Division 23-4E-4 (Landscape).
Side or Rear	Depth (min.)
Lots ≤ 75' wide	First 10' of building setback
Lots > 75' wide	First 20' of building setback
Building and Parking Lot Landscaping	
For Lots > 75' wide: Foundation Planting Area for 75% of parking lot or parking aisle frontage	
One story structure	10' min.
Greater than one story	20' min.
Planting Requirements and Additional Standards	
See Division 23-4E-4 (Landscape)	
Additional Requirements	
Affordable Housing	See Article 23-3E
Outdoor Lighting	See Division 23-4E-2
Parking and Loading	See Division 23-4E-3
Signage	See Chapter 23-8

- (B) **Property near Lake Austin.** This Subsection applies to property located within 1,000 feet horizontally of the shoreline of Lake Austin.
- (1) The areas within 75 feet of the shoreline are excluded from impervious cover calculations.
 - (2) Development is prohibited on land with a gradient that exceeds 35 percent. This prohibition does not apply to a pedestrian facility or a fence, driveway, road or utility that cannot be reasonably placed elsewhere.
 - (3) Impervious cover must not exceed:
 - (a) 20 percent on a slope with a gradient of 25 percent or less;
 - (b) 10 percent on a slope with a gradient of more than 25 percent and less than 35 percent; or
 - (c) 30 percent if impervious cover is transferred under Subsections (B)(4-6).
 - (4) Impervious cover may be transferred only:
 - (a) Between tracts within a CR Zone; and
 - (b) From land with a gradient of 35 percent or less, to land with a gradient of 15 percent or less.
 - (5) Land from which impervious cover is transferred may not be developed. The land must either remain undisturbed or be restored to a natural state.
 - (6) A transfer of impervious cover must be documented in a form approved by the City Attorney and is recorded in the county deed records.
- (C) **Improvements Prohibited.** A permanent improvement is prohibited within 75 feet of the shoreline of Lake Austin or Lake Travis, except for a bulkhead, retaining wall, pier, wharf, boathouse, non-mechanized pedestrian access facility, or marina constructed and maintained in compliance with applicable standards of this Title.
- (D) Outdoor storage of merchandise, material, or equipment is permitted if:
- (a) The outdoor storage is incidental to a use located on the premises;
 - (b) The storage area is located on the rear 50 percent of the site;
 - (c) The storage area does not exceed:
 - (i) 20 percent of the site; or
 - (ii) 50 percent of the site for a marina use, recreational equipment sales use, or recreational equipment maintenance and storage use; and
 - (d) The storage area is screened in compliance with the Environmental Criteria Manual and, except for watercraft, the stored items do not exceed the height of the screen.
- (E) The following merchandise may be displayed outdoors, except if located adjacent to a residential use:
- (1) Artwork or pottery;
 - (2) Flowers or plants;
 - (3) Food products;
 - (4) Handcrafted goods; and

- (5) Recreational equipment, including:
 - (a) Roller skates;
 - (b) Bicycles;
 - (c) Windsurf boards; and
 - (d) Watercraft.
- (F) Merchandise other than that described in Subsection (E) may be displayed outdoors during business hours if screened from view off-premises.
- (G) At least 40 percent of a site, excluding dedicated right-of-way, must be left in a natural state. Up to 25 percent of a natural area may be used as a sewage disposal field. A natural critical area identified in the Comprehensive Plan must be left in a natural state.
- (H) Landscaped areas at least 10 feet wide are required adjacent to public streets and Residential Zones. Landscaped areas must contain trees, shrubs, and ground cover, installed in compliance with the provisions of Division 23-4E-4 (Landscape).
- (I) Medians at least five feet wide are required between rows of parking spaces. Each median must contain either existing native trees or densely massed installed trees.
- (J) The noise level of live music may not exceed 70 decibels, measured at the property line.

This page intentionally left blank

Division 23-4D-5: Industrial Non-Transect Zones

Contents

- 23-4D-5010 Intent 1
- 23-4D-5020 Applicability 1
- 23-4D-5030 Industrial Zones 1
- 23-4D-5040 Allowed Land Uses and Permit Requirements 2
- 23-4D-5050 General to Industrial Non-Transect Zones 8
- 23-4D-5060 Flex Industrial (FI) Zone 10
- 23-4D-5070 General Industrial (GI) Zone 11
- 23-4D-5080 Heavy Industrial (HI) Zone 12
- 23-4D-5090 Research and Development (R&D) Zone 13

23-4D-5010 Intent

This Division provides regulatory standards governing land use and building form within the industrial non-transect zones, and is a reflection of the community vision for implementing the intent of the Comprehensive Plan. These standards are intended to ensure that proposed development is compatible with existing and future development on neighboring properties, and produces an environment of desirable character, consistent with the Comprehensive Plan and any applicable area plan.

23-4D-5020 Applicability

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

23-4D-5030 Industrial Zones

- (A) **Flex Industrial (FI) Zone.** The FI Zone is the designation for commercial and industrial uses, craftsman work spaces, limited assembly and storage, or live/work units that are compatible with the existing neighborhood context and can provide opportunities for infill development on small to medium sized lots. The FI Zone is less intense than other industrial zones and can mix with office uses, service uses, and retail uses.

- (B) **General Industrial (GI) Zone.** The GI Zone is the designation for commercial service uses, general manufacturing uses, research and development uses, or administrative uses that meet strict development and performance standards and are generally located on larger sites or in a planned industrial center.
- (C) **Heavy Industrial (HI) Zone.** The HI Zone is the designation for commercial service uses, research and development uses, administrative uses, or manufacturing uses generally located on a large site planned for major industrial development.
- (D) **Research and Development (R&D) Zone.** The R&D Zone is the designation for areas of the City appropriate for the development of a mix of professional and administrative facilities, research and testing institutions, light industrial/manufacturing uses, general warehousing and distribution, green technology facilities, and offices. In an R&D Zone the uses may be grouped in a campus or park like setting in keeping with the natural scenic beauty of the City.

23-4D-5040 Allowed Land Uses and Permit Requirements

- (A) **Allowed Land Uses.** The land uses allowed in the Industrial Zones are provided in Table 23-4D-5040 (A) (Industrial Zones Allowed Uses). Each land use listed in Table 23-4D-5040 (A) is defined in Article 23-2L (Definitions and Measurements).
- (B) **Permit Required.** Land uses identified in Table 23-3D-5040 (A) are subject to the permit requirement listed in the Table.
- (C) **Additional Standards.** Table 23-4D-5040 (A) provides references to, where applicable, additional standards for specific uses in Division 23-4E-6 (Specific to Use).

Table 23-4D-5040.A Industrial Zones Allowed Uses

Residential					
Accessory Dwelling Unit	23-4E-6030	—	—	—	—
Bed and Breakfast	23-4E-6080	—	—	—	—
Cooperative Housing		P	—	—	—
Group Residential		P	—	—	—
Home Occupation	23-4E-6180	—	—	—	—
Live/Work	23-4E-6190	P	MUP	—	—
Manufactured Home Park		—	—	—	—
Multi-Family	23-4E-6240	P	—	—	—
Senior/Retirement Housing:					
≤12	23-4E-6300	P	—	—	—
>12	23-4E-6300	P	—	—	—
Single-Family		—	—	—	—
Short-term Rental	23-4E-6310	—	—	—	—
Two-Family Residential	23-4E-6350	—	—	—	—
Residential Support Services					
Emergency Shelter		P	—	—	—
Group Home:					
<7	23-4E-6170	P	—	—	—
7 to 15	23-4E-6170	P	—	—	—
Restricted	23-4E-6170	P	—	—	—
Residential Care Facility:					
Assisted Living		P	—	—	—
Skilled Nursing		P	—	—	—
Transitional and Supportive Housing		P	CUP	—	—
Services					
Alternative Financial Services	23-4E-6070	P	—	—	—
Animal Service/Boarding:					
Level 1		P	—	—	—
Level 2		P	—	—	—
Level 3		P	P	—	—
Business and Financial/Professional Services		P	—	—	—
Commercial Blood Plasma Center	23-4E-6100	—	—	—	—
Services (continued)					
Commercial Services:					
No Outside Storage		P	P	—	—

Notes:

¹ Must comply with site development standards in Section 23-4D-4050(B) through 23-4D-4050(G)

Table 23-4D-5040.A Industrial Zones Allowed Uses (continued)					
Use	Specific to use	FI	GI	HI	RD
P= Permitted Use; MUP = Minor Use Permit Required; CUP= Conditional Use Permit Required; P/CUP = Conditional Use Permit Required Under Certain Circumstances; TUP=Temporary Use Permit; — = Use not allowed					
w/ Incidental Outside Storage		P	P	—	P
Day Care:					
Small ≤7		—	—	—	P
Large >7 and <20		—	—	—	—
Commercial		—	—	—	—
Drive Through, Retail, or Service Facility		—	—	—	P
Funeral/Mortuary Home (and incidental sales)		P	P	P	P
Hospital		—	—	—	—
Hotel/Motel		—	—	—	—
Medical Services		—	—	—	—
Pawn Shop		P	—	—	—
Personal Services:					
Non-restricted		P	—	—	—
Restricted		P	MUP	—	—
Personal Storage		P	P	—	P
Repair, Commercial (non-vehicular)		P	P	MUP	—
Office					
Office, General (non-medical)		P	P	P	P
Civic and Public Assembly					
Cemetery		—	—	—	—
Detention Facility		—	P	—	—
Government/Civic		P	—	—	P
Library, Museum, or Public Art Gallery		P	—	—	P
Meeting Facility (public or private)		P	—	—	P
Military Facility		—	—	—	—
Public Safety Facility		P	P	P	P
Religious Assembly Facility		P	—	—	P
Civic and Public Assembly (continued)					
School:					
Business, or Trade	23-4E-6290	P	—	—	—

Notes:

¹ Must comply with site development standards in Section 23-4D-4050(B) through 23-4D-4050(G)

Table 23-4D-5040.A Industrial Zones Allowed Uses (continued)

Use	Specific to use	FI	GI	HI	RD
P= Permitted Use; MUP = Minor Use Permit Required; CUP= Conditional Use Permit Required; P/CUP = Conditional Use Permit Required Under Certain Circumstances; TUP=Temporary Use Permit; — = Use not allowed					
College or University	23-4E-6290	P	—	—	—
Private Primary	23-4E-6290	P	—	—	—
Private Secondary	23-4E-6290	P	—	—	—
Public Primary	23-4E-6290	P	—	—	—
Public Secondary	23-4E-6290	P	P	—	—
Restaurant and Bars					
Bar/Nightclub:					
Level 1	23-4E-6060	—	—	—	—
Level 2	23-4E-6060	—	—	—	—
Micro-Brewery/Micro-Distillery/Winery	23-4E-6210	P/CUP ¹	P/CUP	—	P/CUP
Mobile Food Sales	23-4E-6220	P ¹	—	—	P
Restaurant:					
w/o Alcohol Sales		P ¹	—	—	P
w/ Alcohol Sales	23-4E-6060	P ¹	—	—	P
Drive Through	23-4E-6140	P ¹	—	—	P
Late Night Operation	23-4E-6060 and 23-4E-6270	P ¹	—	—	P
Retail					
Alcohol Sales:					
Beer and Wine Only	23-4E-6060	—	CUP	—	P
Liquor	23-4E-6060	—	CUP	—	P
Commercial Food Preparation		P ¹	P	P	P
Food Sales (on or off site)		P ¹	P	—	P
General Retail:					
≤5,000 sf		P ¹	—	—	P
>5,000 and ≤10,000 sf		P ¹	—	—	P
>10,000 and ≤100,000 sf		P ¹	MUP	—	P
>100,000 sf		CUP ¹	MUP	—	—
w/ Onsite Production		P ¹	P	—	P
w/ Outside Storage	23-4E-6160	P ¹	P	—	P
Mobile Retail Sales	23-4E-6230	P ¹	P	P	P
Entertainment and Recreation					
Adult Entertainment	23-4E-6050	P/CUP ¹	P/CUP	P/CUP	—
Camping/RV Park	23-4E-6090	P ¹	—	—	—

Notes:

¹ Must comply with site development standards in Section 23-4D-4050(B) through 23-4D-4050(G)

Table 23-4D-5040.A Industrial Zones Allowed Uses (continued)					
Use	Specific to use	FI	GI	HI	RD
P= Permitted Use; MUP = Minor Use Permit Required; CUP= Conditional Use Permit Required; P/CUP = Conditional Use Permit Required Under Certain Circumstances; TUP=Temporary Use Permit; — = Use not allowed					
Convention Center	23-4E-6130	—	—	—	—
Entertainment:					
Indoor		P ¹	—	—	—
Outdoor		MUP ¹	—	—	—
Outdoor, Limited		MUP ¹	—	—	—
Marina		—	—	—	—
Park/Playground		P ¹	—	—	—
Recreation:					
Community, Non-profit		P ¹	P	P	P
Indoor, For Profit		P ¹	—	—	—
Outdoor, For Profit		P ¹	—	—	—
Sports or Events Arena	See Section 23-4E-6330 for special permit requirements				
Studio: art, dance, martial arts, music		P ¹	—	—	—
Industrial					
Agricultural Industry		—	—	P	—
Manufacturing and Storage:					
Light	23-4E-6200	P	P	P	P
General	23-4E-6200	CUP	P	P	P
Restricted	23-4E-6200	—	CUP	P	CUP
Mining and Resource Extraction		—	CUP	P	—
Reverse Vending	23-4E-6280	P	P	P	—
Industrial (continued)					
Recycling Center:					
Collection and Transfer		P	P	P	P
Storage and Process	23-4E-6250	MUP	P	P	P
Salvage/Junk Yard		—	MUP	P	—
Agriculture					
Animal Production		—	—	—	—
Agricultural Support		CUP	MUP	MUP	—
Community Agriculture	23-4E-6120	P	P	P	P
Agriculture (continued)					
Indoor Crop Production		P	P	P	P
Plant Production		—	—	—	—
Notes:					
¹ Must comply with site development standards in Section 23-4D-4050(B) through 23-4D-4050(G)					

Table 23-4D-5040.A Industrial Zones Allowed Uses (continued)

Use	Specific to use	FI	GI	HI	RD
P= Permitted Use; MUP = Minor Use Permit Required; CUP= Conditional Use Permit Required; P/CUP = Conditional Use Permit Required Under Certain Circumstances; TUP=Temporary Use Permit; — = Use not allowed					
Stables		—	—	—	—
Automobile Related					
Automobile Sales, Rental, and Storage		P	P	P	—
Automobile Repair		P	P	P	—
Commercial Vehicle Storage and Dispatch		P	P	P	—
Gas Station	23-4E-6150	P	P	P	—
Heavy Equipment Sales:					
Sales, Rental, and Storage		P	P	P	—
Repair		P	P	P	—
Parking Facility		P	P	P	—
Recreational and Sports Vehicle Sales, Rental, and Storage		P	—	—	—
Innovation and Technology					
Research and Development:					
Non-restricted	23-4E-6260	P	P	P	P
Restricted	23-4E-6260	—	CUP	P	MUP
Other					
Accessory Uses	23-4E-6040	P	P	P	P
Communications	23-4E-6110	P	P	P	—
Helicopter and Other Non-fixed Wing Aircraft Facilities		CUP	CUP	CUP	CUP
Utilities:					
Local		P	P	P	P
Major		—	—	P	—
Telecommunications	23-4E-6340	P	P	P	P
Temporary Uses	23-4B-1050	TUP	TUP	TUP	TUP
Transportation Facilities		CUP	CUP	CUP	—
Transit Terminal		CUP	CUP	CUP	—
Special Uses		—	—	—	—

Notes:

¹ Must comply with site development standards in Section 23-4D-4050(B) through 23-4D-4050(G)

23-4D-5050 General to Industrial Non-Transect Zones

(A) **Parking Required.** Required off street parking in the Industrial Zones is provided in Table 23-3D-5050 (A) (Parking Standards for Industrial Zones).

Parking Standards for Industrial Zones	
Use	Parking Required (minimum)
Residential	
All Residential	1 per unit
Residential Support Services	
Emergency Shelter	As determined by Planning Director ¹
Group Home	1 plus 1 per every 2 bedrooms
Transitional and supportive housing	
Residential Care Facility- Assisted Living	0.8 per bedroom
Lodging	
All lodging	1 per room/unit
Services	
All Services, except:	1 per 500 sf
Business and Financial/Professional Services	1 per 350 sf
Drive Through (non restaurant)	4 tandem stacking spaces for each drive-up window or device
Funeral/Mortuary Homes	1 space per each 5 persons capacity
Personal Storage	1 per 1,000 sf
Office	
All Office	1 per 500 sf
Civic and Public Assembly	
All Civic and Public Assembly, except:	As determined by Planning Director ¹
Library, museum, or public art gallery	1 per 100 sf assembly area
School	1.5 spaces per staff member plus 1 space for each 3 students enrolled in grades 11 and 12
Restaurant and Bars	
All Restaurant and Bars, except	1 per 100 sf if <2,500 sf; 1 per 50 sf if 2,500-10,000 sf; 1 per 25 sf if > 10,000
Micro-Brewery/Micro-Distillery/Winery	1 per 100 sf tasting area, 1 per 1,000 sf production area
Mobile Food Sales	None required

Notes

See Section 23-4E-3080 (Parking and Loading) for loading requirements, allowed parking reductions, and additional standards.

¹ In making a determination, the Planning Director shall consider the requirements applicable to similar uses, and the location and characteristics of the use.

Parking Standards for Industrial Zones (continued)

Use	Parking Required (minimum)
Retail	
All Retail, except:	1 per 350 sf
Mobile Retail Sales	None required
Entertainment and Recreation	
Adult Entertainment	1 per 350 sf
Camping/RV Park	1 plus 1 per camping site
Entertainment	1 per 100 sf
Recreation- Community	As determined by Planning Director ¹
Studio: art, dance, martial arts, music	1 per 500 sf
Industrial	
All Industrial, except:	As determined by Planning Director ¹
Light and Heavy Industry	1 per 1,000 sf of manufacturing, warehouse plus 1 per 250 sf of office or business area
Agriculture	
Community Agriculture	As determined by Planning Director ¹
Automobile Related	
Automobile sales, rental and storage	1 per 500 sf indoor sales floor, 1 per 750 sf outdoor sales lot
Automobile Repair	4 per service bay, plus 1 per 350 sf office space
Commercial Vehicle Storage and Dispatch	1 per 350 sf office/dispatch space
Gas Station (excludes repair)	1 per each 2 fueling bays plus 2 queue spaces per each fueling bay
Heavy Equipment sales, rental, repair, and storage	1 per 1,000 sf plus 1 per 250 sf of office or business area
Parking Facility	As determined by Planning Director ¹
Innovation and Technology	
All Innovation and Technology	1 space for each 275 sq. ft.
Other	
All Other Uses	As determined by Planning Director ¹

Notes

See Section 23-4E-3080 (Parking and Loading) for loading requirements, allowed parking reductions, and additional standards.

¹ In making a determination, the Planning Director shall consider the requirements applicable to similar uses, and the location and characteristics of the use.

23-4D-5060 Flex Industrial (FI) Zone

(A) Development Standards

Table 23-4D-5060 (A) below describes the development standards in the FI Zone.

Lot Requirements				
Lot Size	5,750' min.			
Impervious Coverage ¹	80% max.			
Building Coverage	75% max.			
See Section 23-4E-4080 (Functional Green) for developments with impervious coverage greater than 75%.				
¹ The maximum impervious coverage may not be attainable due to unique site characteristics, such as trees, waterways, and steep slopes. Where necessary, the project shall reduce the impervious cover to comply with other requirements of this Title.				
Building Placement				
Setback Minimum (Distance from ROW / Lot Line)	Front	Side St.	Side	Rear
Minimum, except when adjacent to:	15'	10'	10'	10'
Low to Medium Intensity Residential Zone	-'	-	50'	50'
Medium to High Intensity Residential Zone or T3 Transect Zone	-	-	25'	25'
Commercial Zone	-	-	10'	10'
Intensity				
Dwelling Units per Acre	24 max.			
Floor Area Ratio	2.0			

Building Form	
Building Height	60' max.
Building Height Stepback	
Building height stepback required for portions of building adjacent to or across an alley from Low to Medium Intensity Residential Zone and/or T3 Transect Zone.	
Distance from Lot Line of Triggering Property	Allowed Height
50'	Between 30' and 40'
100'	Greater than 40'
Landscaping	
Perimeter Planting Area when adjacent to:	
Front or Side Street	
Quantity and location of planting within front or side street setback must meet the standards established in Division 23-4E-4 (Landscape).	
Side or Rear	Depth (min.)
Any Residential Zone or Transect Zone	first 20' of building setback
Commercial Zone	first 10' of building setback
Building and Parking Lot Landscaping	
Foundation Planting Area for 75% of parking lot or parking aisle frontage	
One story structure	10' min.
Greater than one story	20' min.
Planting Requirements and Additional Standards	
See Division 23-4E-4 (Landscape)	
Additional Requirements	
Affordable Housing	See Article 23-3E
Outdoor Lighting	See Division 23-4E-2
Parking and Loading	See Division 23-4E-3
Signage	See Chapter 23-8

23-4D-5070 General Industrial (GI) Zone

(A) Development Standards

Table 23-4D-5070 (A) below describes the development standards in the GI Zone.

Lot Requirements				
Lot Size	1 acres min.			
Impervious Coverage ¹	80% max.			
Building Coverage	50% max.			
See Section 23-4E-4080 (Functional Green) for developments with impervious coverage greater than 75%.				
1 The maximum impervious coverage may not be attainable due to unique site characteristics, such as trees, waterways, and steep slopes. Where necessary, the project shall reduce the impervious cover to comply with other requirements of this Title.				
Building Placement				
Setback Minimum (Distance from ROW / Lot Line)	Front	Side St.	Side	Rear
Minimum, except when adjacent to:	25'	25'	10'	10'
Low to Medium Intensity Residential Zone	15'	15'	50'	50'
Medium to High Intensity Residential Zone or T3 Transect Zone	15'	15'	25'	25'
Commercial Zone	15'	15'	15'	15'
Intensity				
Dwelling Units per Acre	n/a			
Floor Area Ratio	1.0			

Building Form	
Building Height	60' max.
Building Height Stepback	
Building height stepback required for portions of building adjacent to or across an alley from Low to Medium Intensity Residential Zone and/or T3 Transect Zone.	
Distance from Lot Line of Triggering Property	Allowed Height
50'	Between 30' and 40'
100'	Greater than 40'
Landscaping	
Perimeter Planting Area when adjacent to:	
Front or Side Street	
Quantity and location of planting within front or side street setback must meet the standards established in Division 23-4E-4 (Landscape).	
Side or Rear	Depth (min.)
Any Residential Zone or Transect Zone	first 20' of building setback
Commercial Zone	first 10' of building setback
Building and Parking Lot Landscaping	
Foundation Planting Area for 75% of parking lot or parking aisle frontage	
One story structure	10' min.
Greater than one story	20' min.
Planting Requirements and Additional Standards	
See Division 23-4E-4 (Landscape)	
Additional Requirements	
Affordable Housing	See Article 23-3E
Outdoor Lighting	See Division 23-4E-2
Parking and Loading	See Division 23-4E-3
Signage	See Chapter 23-8

23-4D-5080 Heavy Industrial (HI) Zone

(A) Development Standards

Table 23-4D-5080 (A) below describes the development standards in the HI Zone.

Lot Requirements

Lot Size	25 acres min.
Impervious Coverage ¹	80% max.
Building Coverage	75% max.
See Section 23-4E-4080 (Functional Green) for developments with impervious coverage greater than 75%.	

¹ The maximum impervious coverage may not be attainable due to unique site characteristics, such as trees, waterways, and steep slopes. Where necessary, the project shall reduce the impervious cover to comply with other requirements of this Title.

Building Placement

Setback Minimum (Distance from ROW / Lot Line)	Front	Side St.	Side	Rear
Minimum, except when adjacent to:	0'	0'	10'	10'
Low to Medium Intensity Residential Zone	15'	15'	50'	50'
Medium to High Intensity Residential Zone or T3 Transect Zone	15'	15'	25'	25'
Commercial Zone	15'	15'	15'	15'

Intensity

Dwelling Units per Acre	n/a
Floor Area Ratio	1.0

Building Form

Building Height	120' max.
-----------------	-----------

Building Height Stepback

Building height stepback required for portions of building adjacent to or across an alley from Low to Medium Intensity Residential Zone and/or T3 Transect Zone.

Distance from Lot Line of Triggering Property	Allowed Height
---	----------------

50'	Between 30' and 40'
100'	Greater than 40'

Landscaping

Perimeter Planting Area when adjacent to:

Front or Side Street

Quantity and location of planting within front or side street setback must meet the standards established in Division 23-4E-4 (Landscape).

Side or Rear	Depth (min.)
--------------	--------------

Any Residential Zone or Transect Zone	first 20' of building setback
Commercial Zone	first 10' of building setback

Building and Parking Lot Landscaping

Foundation Planting Area for 75% of parking lot or parking aisle frontage

One story structure	10' min.
Greater than one story	20' min.

Planting Requirements and Additional Standards

See Division 23-4E-4 (Landscape)

Additional Requirements

Affordable Housing	See Article 23-3E
Outdoor Lighting	See Division 23-4E-2
Parking and Loading	See Division 23-4E-3
Signage	See Chapter 23-8

23-4D-5090 Research and Development (R&D) Zone

(A) Development Standards

Table 23-4D-5090 (A) below describes the development standards in the R&D Zone.

Lot Requirements					
Lot Size	5 – 25 acres				
Impervious Coverage ¹	50% max.				
Building Coverage	40% max.				
See Section 23-4E-4080 (Functional Green) for developments with impervious coverage greater than 75%.					
¹ The maximum impervious coverage may not be attainable due to unique site characteristics, such as trees, waterways, and steep slopes. Where necessary, the project shall reduce the impervious cover to comply with other requirements of this Title.					
Building Placement					
Setback Minimum (Distance from ROW / Lot Line)					
	Front	Side St.	Side	Rear	
Minimum, except when adjacent to:	25'	10'	10'	10'	
Low to Medium Intensity Residential Zone	-	25"	5'	25'	
Medium to High Intensity Residential Zone or T3 Transect Zone	-	25'	25'	25'	
Commercial Zone	-	-	15'	15'	
Intensity					
Dwelling Units per Acre	n/a				
Floor Area Ratio	1.0 ²				
² The maximum floor area ratio is 0.25 in Drinking Water Protection Zone.					
Building Form		Building Height			90' max.
Building Height Stepback					
Building height stepback required for portions of building adjacent to or across an alley from Low to Medium Intensity Residential Zone and/or T3 Transect Zone.					
Distance from Lot Line of Triggering Property		Allowed Height			
50'		Between 30' and 40'			
100'		Greater than 40'			
Landscaping					
Perimeter Planting Area when adjacent to:					
Front or Side Street					
Quantity and location of planting within front or side street setback must meet the standards established in Division 23-4E-4 (Landscape).					
Side or Rear		Depth (min.)			
Any Residential Zone or Transect Zone		first 20' of building setback,			
Commercial Zone		first 10' of building setback			
Building and Parking Lot Landscaping					
Foundation Planting Area for 75% of parking lot or parking aisle frontage					
One story structure		10' min.			
Greater than one story		20' min.			
Planting Requirements and Additional Standards					
See Division 23-4E-4 (Landscape)					
Additional Requirements					
Affordable Housing		See Article 23-3E			
Outdoor Lighting		See Division 23-4E-2			
Parking and Loading		See Division 23-4E-3			
Signage		See Chapter 23-8			

(B) Side Interior and Rear Setbacks

- (1) For the portion of a site within 100 feet of property zoned as or used for a use permitted in a Low to Medium Density Residential Zone:
 - (a) The minimum street side yard setback is 100 feet;
 - (b) The minimum interior side yard setback is 100 feet; and
 - (c) The minimum rear yard setback is 50 feet.
- (2) For the portion of a site within 100 feet of property zoned as or used for a use permitted in a Medium to High Density Residential Zone:
 - (a) The minimum street side yard setback is 25 feet;
 - (b) The minimum interior side yard setback is 25 feet;
 - (c) The minimum rear yard setback is 25 feet.
- (3) For the portion of a site within 100 feet of property zones as or used for a use permitted in a Restricted Commercial, Retail and Office Commercial, or Special Commercial Zone:
 - (a) The minimum interior side yard setback is 15 feet; and
 - (b) The minimum rear yard setback is 15 feet.
- (4) For the portion of a site within 100 feet of property zoned as or used for a use permitted in a Mixed-Use Commercial or Industrial Zone:
 - (a) The minimum rear yard setback is 10 feet.

(C) **Height.** The height of a building may exceed 45 feet by one foot for each additional two feet that the building is set back beyond 100 feet from the front and side lot lines and beyond 50 feet from the rear lot line, up to a maximum height of 90 feet.

(D) **Floor Area Ratio.** The maximum floor area ratio is 0.25 to 1 in Drinking Water Protection Zone.

(E) Impervious Cover

- (1) The maximum impervious cover is 50 percent on land with a gradient of 15 percent or less.
- (2) Impervious cover is prohibited on land with a gradient greater than 15 percent.

Division 23-4D-6: Other Zones

Contents

23-4D-6010	Intent	1
23-4D-6020	Applicability	1
23-4D-6030	Other Zones Described.	2
23-4D-6040	Allowed Uses and Permit Requirements.	3
23-4D-6060	Agricultural (AG) Zone.	10
23-4D-6070	Aviation Services (AV) Zone	11
23-4D-6080	Development Reserve (DR) Zone	11
23-4D-6090	East Riverside Corridor (ERC) Zone.	12
23-4D-6100	North Burnet/Gateway (NBG) Zone	12
23-4D-6110	Open Space (OS) Zone	13
23-4D-6120	Public (P)	13
23-4D-6130	Planned Unit Development (PUD).	13

23-4D-6010 Intent

This Division provides regulatory standards governing land use and building form within the other non-transect zones, and is a reflection of the community vision for implementing the intent of the Comprehensive Plan. These standards are intended to ensure that proposed development is compatible with existing and future development on neighboring properties and produces an environment of desirable character, consistent with the Comprehensive Plan and any applicable area plan.

23-4D-6020 Applicability

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

23-4D-6030 Other Zones Described

- (A) **Agricultural (AG) Zone.** The AG Zone is the designation for agriculture uses or agriculture-related uses. The purpose of the AG Zone designation is to preserve areas of prime agricultural soils, concentrate urban development in and around growth centers, promote compact urban development, and preserve the environment and open spaces.
- (B) **Aviation Services Zone (AV) Zone.** The AV Zone is the designation for airport-related uses that require direct access to airport facilities or that support airport operations and services. An AV Zone designation is appropriate for major public airport facilities, including airport-related uses on public lands and on private lands adjoining airport facilities.
- (C) **Development Reserve (DR) Zone**
 - (1) Development reserve (DR) zone is a designation for a temporary use or a use that will not commit land to a particular use pattern or intensity.
 - (2) A DR zone designation may be applied to a use located on land for which:
 - (a) Adequate public services or facilities are not available;
 - (b) Economic, demographic, and geographic data is not available; or
 - (c) Land use and urban development policies have not been completed.
- (D) **East Riverside Corridor (ERC) Zone**
 - (1) The ERC Zone is the designation for an identified area of existing auto-oriented commercial and multi-family uses that are the subject of an approved master plan for redevelopment of the area into an urban mixed-use neighborhood that is more pedestrian friendly and takes advantage of access to existing and future transit options and the area's key position in the urban core.
 - (2) The ERC Zone designation is identified in the East Riverside Corridor Regulating Plan.
- (E) **North Burnet/Gateway (NBG) Zone**
 - (1) The NBG Zone is the designation for an identified area of existing low density, auto-oriented commercial, warehouse, and industrial uses that are the subject of an approved master plan for redevelopment of the area into a higher density urban mixed-use neighborhood that is more pedestrian friendly and takes advantage of the links to commuter rail transit and the area's key position in the urban core.
 - (2) The NBG Zone implements the North Burnet/Gateway neighborhood plan area.
- (F) **Open Space (OS) Zone.** The Open Space (OS) Zone applies to areas of the City that are appropriate for designation as public open space to allow for resource protection of the designated area in an essentially undeveloped state, and passive recreation uses.
- (G) **Public (P) Zone.** The P Zone is the designation for governmental, civic, public service, or public institution uses. A P Zone designation is appropriate for a use located on property used or reserved for a civic or public facility, regardless of ownership of the land on which the use is located. A P Zone designation may not be applied to government-owned property that is leased to a nongovernmental agency for a use other than a governmental service or for a use that supports a primary civic or public institutional use.

(H) Planned Unit Development (PUD) Zone

- (1) The PUD Zone is the designation for a large or complex single or multi-use development that is planned as a single contiguous development in compliance with unified control.
- (2) The purpose of a PUD Zone designation is to preserve the natural environment, encourage high quality development and innovative design, and ensure adequate public facilities and services for development within a PUD.
- (3) A PUD Zone designation provides greater design flexibility by permitting modifications of site development standards. Development in compliance with the site development standards applicable to a PUD must be superior to the development that would occur in compliance with conventional zoning and subdivision standards.
- (4) A PUD Zone must include at least 10 acres of land, unless the property is characterized by special circumstances, including unique topographic constraints.

23-4D-6040 Allowed Uses and Permit Requirements

- (A) **Allowed Land Uses.** The land uses allowed in the other zones are provided in Table 23-4D-6040.A (Other Zones Allowed Uses). Each land use listed in Table 23-4D-6040.A is defined in Article 23-2M (Definitions).
- (B) **Permit Required.** Land uses identified in Table 23-4D-6040.A are subject to the permit standard listed in the Table.
- (C) **Additional Standards.** Table 23-4D-6040.A provides references, where applicable to additional standards for specific uses in Division 23-4E-6 (Specific to Use).
- (D) **Zones Not Listed.** For zones not listed in Table 23-4D-6040.A, allowed land uses are described in the subsequent sections of this Division.

Table 23-4D-6040.A Other Zones Allowed Uses

Use	Specific to use	P	AG	AV	DR
Residential					
Accessory Dwelling Unit	23-4E-6030	P ¹	—	—	—
Bed and Breakfast	23-4E-6080	—	—	—	—
Cooperative Housing		P ¹	—	—	—
Group Residential		P ¹	—	—	—
Home Occupations	23-4E-6180	P ¹	—	—	—
Live/Work	23-4E-6190	P ¹	—	—	—
Manufactured Home Park		P ¹	—	—	—
Multi-Family	23-4E-6240	P ¹	—	—	—
Senior/Retirement Housing:					—
≤12	23-4E-6300	P ¹	—	—	—
>12	23-4E-6300	P ¹	—	—	—
Residential (continued)					
Single-Family		P ¹	MUP	—	P
Short-term Rental	23-4E-6310	—	—	—	—
Two-Family Residential	23-4E-6350	P ¹	—	—	—
Residential Support Services					
Emergency Shelter		P ¹	—	—	—
Group Home					
<7	23-4E-6170	P ¹	—	—	—
7 to 15	23-4E-6170	P ¹	—	—	—
Restricted	23-4E-6170	P ¹	—	—	—
Residential Care Facility					
Assisted Living		P ¹	—	—	—
Skilled Nursing		P ¹	—	—	—
Transitional and Supportive Housing		P ¹	—	—	—
Services					
Alternative Financial Services	23-4E-6070	—	—	—	—

- Notes**
- ¹ Allowed only if associated with an allowed service, civic or public assembly use.
 - ² Only allowed as an accessory use or in support of an allowed service, civic, public assembly, or entertainment and recreation use on the same site.
 - ³ If located within clear zones, approach areas, or lands reserved for future airport operations or related services.
 - ⁴ If related to aviation and require direct access to an airport facility or aviation services, including assembly or sale of aircraft, air frames, air craft engines, aircraft parts or associated components, radios or navigational equipment, and similar products or services.

Table 23-4D-6040.A Other Zones Allowed Uses (continued)

Use	Specific to use	P	AG	AV	DR
P= Permitted Use; MUP = Minor Use Permit Required; CUP= Conditional Use Permit Required; TUP=Temporary Use Permit; — = Use not allowed					
Animal Service/Boarding					—
Level 1		—	—	—	—
Level 2		—	—	—	—
Level 3		—	—	—	MUP
Business and Financial/Professional Services		P	—	P	—
Commercial Blood Plasma Center	23-4E-6100	—	—	—	—
Commercial Services					
No Outside Storage		—	—	—	—
w/ Incidental Outside Storage		—	—	—	—
Day Care					
Small ≤7		P	—	—	—
Large >7 and ≤20		P	—	—	—
Commercial		P	—	—	—
Drive Through, Retail, or Service Facility	23-4E-6140	—	—	—	—
Funeral/Mortuary Home (and incidental sales)		P	—	—	—
Hospital		P	—	—	—
Hotel/Motel		—	—	P	—
Medical Services		P	—	—	—
Pawn Shop		—	—	—	—
Personal Services					
Non-restricted		—	—	P	P
Restricted		—	—	—	—
Personal Storage		—	—	—	—
Repair, Commercial (non-vehicular)		—	—	P	—
Office					
Office, General (non-medical)		—	—	P	—
Civic and Public Assembly					
Cemetery		P	—	P	—

Notes

¹ Allowed only if associated with an allowed service, civic or public assembly use.

² Only allowed as an accessory use or in support of an allowed service, civic, public assembly, or entertainment and recreation use on the same site.

³ If located within clear zones, approach areas, or lands reserved for future airport operations or related services.

⁴ If related to aviation and require direct access to an airport facility or aviation services, including assembly or sale of aircraft, air frames, air craft engines, aircraft parts or associated components, radios or navigational equipment, and similar products or services.

Table 23-4D-6040.A Other Zones Allowed Uses (continued)

Use	Specific to use	P	AG	AV	DR
P= Permitted Use; MUP = Minor Use Permit Required; CUP= Conditional Use Permit Required; TUP=Temporary Use Permit; — = Use not allowed					
Detention Facility		P	—	P	—
Government/Civic		P	—	P	—
Library, Museum, or Public Art Gallery		P	—	P	—
Meeting Facility (public or private)		P	—	P	MUP
Military Facility		P	—	P	—
Public Safety Facility		P	—	P	—
Religious Assembly Facility		P	P	P	P
School:					
Business, or Trade	23-4E-6290	P	—	P	—
College or University	23-4E-6290	P	—	P	—
Private Primary	23-4E-6290	P	—	P	—
Private Secondary	23-4E-6290	P	—	P	—
Public Primary	23-4E-6290	P	—	P	—
Public Secondary	23-4E-6290	P	—	P	—
Restaurant and Bars					
Bar/Nightclub:					
Level 1	23-4E-6060	P ²	—	CUP	—
Level 2	23-4E-6060	—	—	CUP	—
Micro-Brewery/Micro-Distillery/Winery	23-4E-6210	—	—	CUP	—
Mobile Food Sales	23-4E-6220	—	—	CUP	—
Restaurant					
w/o Alcohol Sales		P ²	—	P	—
w/ Alcohol Sales	23-4E-6060	P ²	—	CUP	—
Drive Through:	23-4E-6140	—	—	CUP	—
Late Night Operation	23-4E-6060, 23-4E-6270	—	—	CUP	—

Retail

Alcohol Sales

Notes

- ¹ Allowed only if associated with an allowed service, civic or public assembly use.
- ² Only allowed as an accessory use or in support of an allowed service, civic, public assembly, or entertainment and recreation use on the same site.
- ³ If located within clear zones, approach areas, or lands reserved for future airport operations or related services.
- ⁴ If related to aviation and require direct access to an airport facility or aviation services, including assembly or sale of aircraft, air frames, air craft engines, aircraft parts or associated components, radios or navigational equipment, and similar products or services.

Table 23-4D-6040.A Other Zones Allowed Uses (continued)

Use	Specific to use	P	AG	AV	DR
P= Permitted Use; MUP = Minor Use Permit Required; CUP= Conditional Use Permit Required; TUP=Temporary Use Permit; — = Use not allowed					
Beer and Wine Only	23-4E-6060	P ²	—	CUP	—
Liquor	23-4E-6060	P ²	—	CUP	—
Commercial Food Preparation		P ²	—	—	—
Food Sales (on or off site)		P ²	—	P	—
General Retail					
≤5,000 sq ft		P ²	—	P	—
>5,000 and ≤10,000 sq ft		P ²	—	MUP	—
>10,000 sq ft and ≤100,00 sq ft		P ²	—	CUP	—
>100,000 sq ft		—	—	—	—
w/ Onsite Production		P ²	—	P ⁴	—
w/ Outside Storage	23-4E-6160	P ²	—	P ⁴	—
Mobile Retail Sales	23-4E-6230	P ²	—	P ⁴	—
Entertainment and Recreation					
Adult Entertainment	23-4E-6050	—	—	—	—
Camping/RV Park	23-4E-6090	P	—	—	—
Convention Center	23-4E-6130	—	—	—	—
Entertainment					
Indoor		P ²	—	P ³	—
Outdoor		P ²	—	—	—
Outdoor, Limited		P ²	—	—	—
Marina		P ²	—	—	—
Park/Playground		P	—	P ³	—
Recreation					
Community, Non-profit		P	—	P ³	—
Indoor, For Profit		P ²	—	P ³	—
Outdoor, For Profit		P ²	—	P ³	P

Entertainment and Recreation (continued)

Notes

- ¹ Allowed only if associated with an allowed service, civic or public assembly use.
- ² Only allowed as an accessory use or in support of an allowed service, civic, public assembly, or entertainment and recreation use on the same site.
- ³ If located within clear zones, approach areas, or lands reserved for future airport operations or related services.
- ⁴ If related to aviation and require direct access to an airport facility or aviation services, including assembly or sale of aircraft, air frames, air craft engines, aircraft parts or associated components, radios or navigational equipment, and similar products or services.

Table 23-4D-6040.A Other Zones Allowed Uses (continued)

Use	Specific to use	P	AG	AV	DR
P= Permitted Use; MUP = Minor Use Permit Required; CUP= Conditional Use Permit Required; TUP=Temporary Use Permit; — = Use not allowed					
Sports or Events Arena	See Section 23-4E-6330 for special permit requirements				
Studio: art, dance, martial arts, music		P ²	—	—	—
Industrial					
Agricultural Industry		—	CUP	—	—
Manufacturing and Storage					—
Light	23-4E-6200	P ²	—	P ⁴	—
General	23-4E-6200	P ²	—	P ⁴	—
Restricted	23-4E-6200	P ²	—	P ⁴	—
Mining and Resource Extraction		P ²	—	—	CUP
Reverse Vending	23-4E-6280	P ²	—	—	—
Recycling Center					
Collection and Transfer		P ²	—	—	—
Storage and Processing	23-4E-6250	P ²	—	—	—
Salvage/Junk Yard		P ²	—	—	—
Agriculture					
Animal Production		P	P	P ³	—
Agricultural Support		P	P	P ³	—
Community Agriculture	23-4E-6120	P	P	P ³	P
Indoor Crop Production		P	P	—	—
Plant Production		P	P	P ³	—
Stables		P	P	—	CUP
Automobile Related					
Automobile Sales, Rental, and Storage		P ²	—	P	—
Automobile Repair		P ²	—	P	—
Commercial Vehicle Storage and Dispatch		P ²	—	P	—
Gas Station	23-34-6150	P ²	—	P	—
Heavy Equipment Sales					

Notes

¹ Allowed only if associated with an allowed service, civic or public assembly use.

² Only allowed as an accessory use or in support of an allowed service, civic, public assembly, or entertainment and recreation use on the same site.

³ If located within clear zones, approach areas, or lands reserved for future airport operations or related services.

⁴ If related to aviation and require direct access to an airport facility or aviation services, including assembly or sale of aircraft, air frames, air craft engines, aircraft parts or associated components, radios or navigational equipment, and similar products or services.

Table 23-4D-6040.A Other Zones Allowed Uses (continued)

Use	Specific to use	P	AG	AV	DR
P= Permitted Use; MUP = Minor Use Permit Required; CUP= Conditional Use Permit Required; TUP=Temporary Use Permit; — = Use not allowed					
Sales, Rental, and Storage		P ²	—	P ⁴	—
Repair		P ²	—	P ⁴	—
Parking Facility		P ²	—	P	—
Recreational and Sports Vehicle Sales, Rental, and Storage		P ²	—	P ⁴	—
Innovation and Technology					
Research and Development					
Non-restricted	23-4E-6260	P ²	—	P ⁴	—
Restricted	23-4E-6260	P ²	—	P ⁴	—
Other					
Accessory Uses	23-4E-6040	P	P	P	P
Communications	23-4E-6110	P	P	P	P
Helicopter and Non-fixed Wing Aircraft Facilities		CUP	CUP	CUP	CUP
Utilities					
Local		P	P	P	P
Major		P	—	P	—
Telecommunications	23-4E-6340	P	P	P	P
Temporary Uses	23-4B-1050	TUP	TUP	TUP	TUP
Transportation Facilities		P	—	P	—
Transit Terminal		P	—	P	—
Special Uses		—	—	—	—

Notes

¹ Allowed only if associated with an allowed service, civic or public assembly use.

² Only allowed as an accessory use or in support of an allowed service, civic, public assembly, or entertainment and recreation use on the same site.

³ If located within clear zones, approach areas, or lands reserved for future airport operations or related services.

⁴ If related to aviation and require direct access to an airport facility or aviation services, including assembly or sale of aircraft, air frames, air craft engines, aircraft parts or associated components, radios or navigational equipment, and similar products or services.

23-4D-6060 Agricultural (AG) Zone

(A) Development Standards

Table 23-4D-6060.A below describes the development standards in the AG Zone.

Table 23-4D-6060.A Agricultural Zone Development Standards		
Development Standards	Standard	
Building Placement	Permitted Use	Conditional Use
Setbacks (min.)		
Front (ft)	100	40
Side Street (ft)	100	25
Side Interior (ft)	100	10
Rear (ft)	100	20 ¹
Lot Standards		
Lot Size (acres) (min.)	10	1 acre min; 1.5 acre max ²
Lot Size (min.)	-	100 ft
Impervious Coverage (max.)	-	The lesser of 12,500 sf or 25%
Building Coverage (max.)	-	The lesser of 10,000 sf or 20%
Building Form		
Height (ft) (max.)	60	35
Density (max.)		
Floor Area Ratio	-	-
Dwelling Units per Acre	-	1/lot
Additional		
Affordable Housing	See Article 23-3E	
Signage	See Chapter 23-8	
Landscaping and Screening	See Division 23-4E-4	
Outdoor Lighting	See Division 23-4E-2	
Parking and Loading ³	See Division 23-4E-3	

Notes

¹ The maximum distance from a rear lot line to the centerline of the nearest public road is 400 feet.

² Maximum one lot for each 10 acres of site area may be approved for a conditional use.

³ The minimum distance between driveways that serve conditional uses on the same site and on the same side of the road is 100 feet..

23-4D-6070 Aviation Services (AV) Zone

- (A) For publicly owned land in an AV Zone, this Title does not prescribe site development standards.
- (B) For privately owned land in an AV Zone:
 - (1) Site development standards are established by the approval of a Conditional Use Permit and site plan; and
 - (2) Approval of an aviation-related use may not be granted until the applicant obtains an airport use operating agreement for the intended activity.

23-4D-6080 Development Reserve (DR) Zone

(A) Development Standards

Table 23-4D-6080(A) below describes the development standards in the DR Zone.

Table 23-4D-6080.A Development Reserve Zone	
Development Standards	Standard
Building Placement	
Setbacks (min.)	
Front (ft)	25
Side Street (ft)	25
Side Interior (ft)	10
Rear (ft)	10
Lot Standards	
Lot Size (acres) (min.)	10
Lot Size (min.)	100
Impervious Coverage (max.)	15,000
Building Coverage (max.)	12,000
Building Form	
Height (ft) (max.)	35
Density (max.)	
Floor Area Ratio	-
Dwelling Units per Acre	-
Additional	
Affordable Housing	See Article 23-3E
Signage	See Chapter 23-8
Landscaping and Screening	See Division 23-4E-4
Outdoor Lighting	See Division 23-4E-2
Parking and Loading	See Division 23-4E-3

23-4D-6090 East Riverside Corridor (ERC) Zone

(A) Regulating Plan

- (1) Council by ordinance shall adopt and may at any time amend a regulating plan for the ERC Zone that:
 - (a) Establishes the allowed and conditional uses;
 - (b) Prescribes site development standards, including maximum and/or minimum development parameters;
 - (c) Prescribes standards for street, streetscape, and other public area improvements; and
 - (d) Establishes other appropriate standards or modifies or waives a standard of this Title.
- (2) Site development standards of the regulating plan are the only parts of the regulating plan that are standards of Chapter 23-4 (Zoning) for purposes of Division 23-2F-1 (Variances and Special Exceptions).
- (3) Amendments to the regulating plan, except as provided in Subsection (A)(4), are subject to the procedures prescribed by Division 23-2E-1 (Text Amendments).
- (4) Amendments to ERC Subdistrict Map of the regulating plan are subject to the Zoning Map Amendment procedures prescribed by Division 23-4B-3 (Zoning Map Designations and Amendments). Approved amendments to the ERC Subdistrict Map will also be reflected as necessary in other figures of the regulating plan.

23-4D-6100 North Burnet/Gateway (NBG) Zone

(A) Regulating Plan

- (1) Council by ordinance shall adopt and may at any time amend a regulating plan for the NBG Zone that:
 - (a) Establishes the allowed and conditional uses;
 - (b) Prescribes site development standards, including maximum and/or minimum development parameters;
 - (c) Prescribes standards for street, streetscape, and other public area improvements; and
 - (d) Establishes other appropriate standards or modifies or waives a standard of this Title.
- (2) Site development standards of the regulating plan are the only parts of the regulating plan that are standards of Chapter 23-4 (Zoning Code) for purposes of Division 23-2F-1 (Variances and Special Exceptions).
- (3) Amendments to the regulating plan, except as provided in Subsection (A)(4), are subject to the procedures prescribed by Division 23-2E-1 (Text Amendments).

- (4) Amendments to ERC Subdistrict Map of the regulating plan are subject to the Zoning Map Amendment procedures prescribed by Division 23-4B-3 (Zoning Map Designations and Amendments). Approved amendments to the ERC Subdistrict Map will also be reflected as necessary in other figures of the regulating plan.

23-4D-6110 Open Space (OS) Zone

- (A) **Allowed Uses.** The following uses are allowed in an OS Zone:
 - (1) Recreation areas, wildlife preserves, forest preserves, and waterfront areas;
 - (2) Parks, playgrounds, greenbelts and open space for active or passive recreation or enjoyment;
 - (3) Public or civic buildings, structures and parking facilities, pertinent and compatible with open land usages are allowed with a Conditional Use Permit;
 - (4) Accessory structures to the open space use including bathrooms, tool sheds, picnic structures or playgrounds are allowed with approval of a Minor Use Permit.
- (B) **Development Standards.** Development standards for any structures will be determined at the time of approval of the required use permit.

23-4D-6120 Public (P)

- (A) **Residential Uses.** When residential uses are allowed by Table 23-4D-6040.A the site development standards of the most comparable residential zone apply.
- (B) **Non Residential Uses**
 - (1) **For a site less than one acre.** The site development standards of the adjacent zone applies, except the minimum lot size standard does not apply to City-owned property.
 - (2) **For a site of one acre or more.** A Conditional Use Permit is required for non-residential uses on a site greater than one acre. The site development standards are established by the approval of a site plan.

23-4D-6130 Planned Unit Development (PUD)

- (A) **General Intent.** This Section provides the procedures and minimum standards for a Planned Unit Development (PUD) Zone to implement the goals of preserving the natural environment, encouraging high quality development and innovative design, and ensuring adequate public facilities and services. The PUD Zone is intended to enable applicants to produce superior development that achieves these goals to a greater degree than they would under conventional zoning and subdivision regulations. The PUD Zone also enables the development of projects with more flexible design standards to allow an applicant to address site specific geologic, environmental, and topographic features.
- (B) **Applicability.** This Section applies to all proposed PUD Zones except:
 - (1) **Planned Unit Developments Approved Before the Effective Date of this Title.**
A PUD Zone approved in compliance with standards applicable before the effective

date of this Title is governed by the previous standards, land use plan and adopting ordinance, and must be identified on the zoning map as a PUD Zone; or

(2) **Planned Unit Developments In The Extraterritorial Jurisdiction**

- (a) The Council may designate a PUD in the extraterritorial jurisdiction in compliance with State law.
- (b) A planned development must comply with all standards applicable to a PUD Zone in the City's zoning jurisdiction, unless otherwise agreed by the City and the landowners.
- (c) Uses allowed in a PUD in the extraterritorial jurisdiction are the uses described in an approved development agreement.

(C) **Allowed Land Uses and Development Standards**

- (1) The allowed uses, conditional uses, and site development standards for a PUD Zone are established by the ordinance zoning the subject property as a PUD Zone, the accompanying land use plan, and this Section. The Council may require development phasing or the construction of off-site infrastructure.
- (2) Property in a PUD Zone is subject to all other applicable regulations of this Title (i.e. sign regulations, parking standards, landscaping standards, etc.) as they exist at the time of a PUD ordinance, except as otherwise set forth in the PUD ordinance, and as they may be amended in the future.
- (3) **Criteria for Approval of a PUD Zone.** All applications for PUD Zone designation must comply with the following criteria and standards:
 - (a) The PUD Zone is consistent with the Comprehensive Plan and the intent of the City Code as well as this Title by requiring adequate standards necessary to protect the public health, safety and general welfare;
 - (b) Establish development standards that achieve equal or greater consistency with the purpose of the PUD Zone stated in Subsection (A) through the application of superior development standards to those which would be applied in compliance with conventional zoning and subdivision standards;
 - (c) Provide a total amount of open space that equals or exceeds 10 percent of the residential tracts, 15 percent of the industrial tracts, and 20 percent of the nonresidential tracts within the PUD, except that:
 - (i) A detention or filtration area is excluded from the calculation unless it is designed and maintained as an amenity; and
 - (ii) The required percentage of open space may be reduced for urban property with characteristics that make open space infeasible if other community benefits are provided;
 - (d) Comply with the City's Planned Development Green Building Program;
 - (e) Be consistent with applicable neighborhood plans, historic area and landmark standards, and compatible with adjacent property and land uses;
 - (f) Provide for environmental preservation and protection relating to air quality, water quality, trees, buffer zones and greenbelt areas, critical environmental features, soils, waterways, topography, and the natural and traditional character of the land;

- (g) Provide for public facilities and services that are adequate to support the proposed development including school, fire protection, emergency service, and police facilities;
- (h) Provide for appropriate transportation and mass transit connections to areas adjacent to the PUD Zone and mitigation of adverse cumulative transportation impacts with sidewalks, trails, and roadways;
- (i) Prohibit gated roadways;
- (j) Protect, enhance and preserve areas that include structures or sites that are of architectural, historical, archaeological, or cultural significance;
- (k) Include at least 10 acres of land, unless the property is characterized by special circumstances, including unique topographic constraints;
- (l) In addition, an applicant may propose additional benefits in support of the PUD Zone application such as, but not limited to, reductions in impervious cover, increased volumetric flood detention and drainage upgrades including rainwater harvesting, restoration of riparian vegetation, preservation of all heritage trees, compliance with the City's Great Streets Program or a successor program, installation of public art, or provides for or participates in programs to achieve affordable housing; and
- (m) A PUD containing a retail, commercial, or mixed use development must contain pedestrian-oriented uses as defined in Division 23-4E-7 (Additional General Standards).

(D) General Procedures

- (1) **Compliance Required.** An applicant who is seeking designation of property as a PUD Zone must demonstrate that the proposed development complies with this Section.
- (2) **Pre-Application Filing Procedures**
 - (a) **Development Assessment Report.** Prior to making an application for zone change approval for the proposed PUD Zone, the applicant must submit an application for a development assessment report in compliance with Section 23-2B-2050 (Development Assessment) with the Planning Director. Not later than the 11th day after issuance of the report, the Planning Director shall mail notice of the report to the Neighborhood Plan Contact Team and those entitled to notice in compliance with Section 23-2C-5020 (Notice of Administrative Decision).
 - (b) **Council Hearing.** The Planning Director shall present the development assessment report at a Council meeting. The development assessment report shall include the Director's recommendations regarding the criteria in Subsection (C)(3) and any other applicable standards or criteria. No later than the 11th day before the date of the meeting, the Planning Director shall mail notice of the meeting to those entitled to receive notice of the development assessment report.
 - (c) **Council Response.** The Council or individual Council members may supplement or respond to the recommendation of the Planning Director with comments identifying issues that should or must be addressed during subsequent review and consideration of the application. A comment does not obligate Council members to vote for or against approval of the proposed PUD Zone.
 - (d) **Fee Credit.** The Planning Director shall credit the fee for the development assessment toward the zoning application fee if the zoning application is filed

not later than one year after the applicant receives the development assessment report.

- (e) After the Council has provided recommendations on the development assessment report for a proposed PUD Zone application, the applicant may file an application for rezoning of the property to a PUD Zone in compliance with Article 23-4B (Zoning Administration and Procedures).

(3) **Application and Approval Procedures**

- (a) An application for a rezoning to a PUD Zone shall be filed and processed in compliance with Article 23-2B (Application Requirements). The application shall include the information and materials specified in the handout for Planned Unit Development (PUD) applications, including a land use plan, together with the required fee. It is the responsibility of the applicant to provide evidence in support of the required findings provided below.
- (b) An application for a rezoning to a PUD Zone shall be reviewed in compliance with Division 23-4B-3 (Zoning Map Designations and Amendments).
- (c) Review Authority
 - (i) Land Use Commission hearing and recommendation. The Land Use Commission shall hold a noticed public hearing to consider the application. The Commission shall recommend to the Council either approval, conditional approval or disapproval of the application.
 - (ii) Council hearing and decision. The Council shall hold a noticed public hearing to consider the application and the Commission's recommendation. The Council shall by ordinance approve, approve subject to conditions or deny the application. The Director shall notify the applicant in writing of the Council's decision.
 - (iii) The proposed development must comply with the standards of this Title, except that the Council may waive or modify a standard if the PUD ordinance identifies the waiver or modification; and the Council finds that the resulting development would achieve greater consistency with the purpose enumerated in Subsection (A) than development that would occur without the waiver or modification; the adverse effects of the waiver or modification are offset by other enforceable standards; and the objective of the waived or modified standard is substantially achieved.
- (d) Application Review and Approval
 - (i) Concurrent consideration of development applications. A preliminary plan or final plat may be processed concurrently with an application requesting a PUD Zone classification for a property.
 - (ii) Approval. The Council, Land Use Commission, or Planning Director may approve a preliminary subdivision plan, final plat, Site Plan, or Building Permit for development in a PUD Zone only if the proposed development complies with the standards of the land use plan associated with the PUD Zone designation.
 - (iii) Director's report. The Planning Director's report on a development application considered by the Land Use Commission or Council must include a determination of whether the application complies with the standards of the land use plan.

(4) **Land Use Plan Expiration and Amendment**

- (a) Expiration. A land use plan does not expire unless the property is rezoned to a zone other than PUD.
- (b) Substantial Amendment. A substantial amendment to a land use plan is a rezoning of the affected portion of the PUD Zone and requires Council approval. The following are substantial amendments:
 - (i) Adding a land use that is more intense than the existing allowed uses. An increase in land use intensity occurs if residential density is higher than authorized in the existing land use plan or a multi-family use is proposed along the periphery of the development;
 - (ii) Amending a site development standard;
 - (iii) Increasing the intensity of a land use adjacent to a platted single-family residential tract;
 - (iv) Amending a condition of approval of the PUD Zone;
 - (v) Increasing land use intensity in a phase of development of the PUD without decreasing land use intensity an equivalent amount in the phase of development;
 - (vi) Shifting development intensity in a manner that results in an "E" or "F" level of service on a roadway segment or intersection included in the traffic impact analysis for the PUD Zone; and
 - (vii) Amending a phasing schedule to establish a non-residential land use before establishing the residential development supported by the non-residential use.
- (c) Approval by Director. The Planning Director may approve an amendment to a land use plan that is not a substantial amendment described in Subsection (D)(4)(b).
 - (i) An applicant must submit a proposed amendment to the Planning Director with an application for approval of a Site Plan.
 - (ii) The Planning Director's decision on an amendment may be appealed to the Land Use Commission, and the Land Use Commission's decision may be appealed to the Council in compliance with Article 23-2I (Appeals).
- (d) Rezoning If Development Applications Expire or Are Not Approved. If a preliminary plan or Site Plan for a portion of the property is not approved within three years after the effective date of the ordinance approving the PUD Zone classification for the property or an approved preliminary plan or Site Plan expires, the Planning Director shall request that the Council take action to extend, remove, determine compliance with the schedule for development, or set a public hearing to consider a reversion of the property to its former zoning through legislative action.
- (e) Exceptions for Affordable Units. Developments in the PUD Zone may qualify for a density bonus or other incentives if the development meets the applicable provisions of Chapter 23-3E (Affordable Housing).

This page intentionally left blank

Division 23-4D-7: Overlay Zones

Contents

23-4D-7010	Intent	1
23-4D-7020	Applicability	1
23-4D-7030	Barton Springs Overlay Zone	3
23-4D-7040	Capitol View Corridor Overlay Zone	4
23-4D-7050	Downtown Civic Spaces Overlay Zone	5
23-4D-7060	Hill Country Roadway Overlay Zone	6
23-4D-7070	Historic Landmark and Historic Area Overlay Zones	13
23-4D-7080	Lake Austin Overlay Zone	17
23-4D-7090	Neighborhood Plan Overlay Zone	20
23-4D-7100	Planned Development Area Overlay Zone	22
23-4D-7110	University Neighborhood Overlay (UNO) Zone	25
23-4D-7120	Waterfront Overlay Zone	33
23-3D-7130	Overlay Zone Boundaries Described	49

23-4D-7010 Intent

This Division provides regulatory standards to govern land use and building form within the Overlay Zones. These standards are intended to ensure that proposed development is compatible with existing and future development to produce an environment of desirable character consistent with the Austin Comprehensive Plan.

23-4D-7020 Applicability

The Austin Comprehensive Plan along with the underlying zones guides appropriate densities in the overlay zones.

The following development standards apply to all proposed development and new land uses within overlay zones and must be considered in combination with the standards for the applicable base zone in Chapter 23-4D (Specific to Zones), and those in Article 23-4E (Supplemental to Zones). Where this Division is silent, the provisions in the applicable base zone in Division 23-4D-2 (Transect Zones), Division 23-4D-3 (Residential Zones), Division 23-4D-4 (Commercial Zones), Division 23-4D-5 (Industrial Zones), Division 23-4D-6 (Other Zones) and Article 23-4E (Supplemental to Zones) must apply. Table 23-4E-7020.A describes the applicable non-transect or transect zone for each overlay zone.

If there is a conflict between any standards, the provisions from this Division control over Division 23-4D-2 (Transect Zones), Division 23-4D-3 (Residential Zones), Division 23-4D-4

(Commercial Zones), Division 23-4D-5 (Industrial Zones), Division 23-4D-6 (Other Zones), and Article 23-4E (Supplemental to Zones). All other standards of Chapter 23-4 (Zoning) will remain in effect for those parcels in the overlay zones.

Table 23-4D-7020.A Applicability to Transect or Non-Transect Zones		
Section	Overlay Zone	Applicability (All Zones, Non-Transect Zones Only)
23-4D-7030	Barton Springs	All Zones
23-4D-7040	Capitol View Corridor	All Zones
23-4D-7050	Downtown Civic Spaces	All Zones
23-4D-7060	Hill Country Roadway	All Zones
23-4D-7070	Historic Landmark and Historic Area	All Zones
23-4D-7080	Lake Austin	All Zones
23-4D-7090	Neighborhood Plan	All Zones
23-4D-7100	Planned Development Area	Non-Transect Zones Only
23-4D-7110	University Neighborhood	Non-Transect Zones Only
23-4D-7120	Waterfront	All Zones

23-4D-7030 Barton Springs Overlay Zone**(A) Purpose and Applicability**

- (1) The purpose of the Barton Springs Zone (BSZ) Overlay Zone is to preserve the natural beauty of the Hill Country, protect the image and character of the neighborhoods in the zone, and reduce the negative effects of urbanization by restricting the scale and intensity of retail development.
- (2) The BSZ Overlay Zone applies to all property and uses within the Barton Springs Zone, as described in 23-3D-1030 (Descriptions Of Regulated Areas), except as provided in Subsection (B) below.

(B) Exceptions

- (1) This Section does not apply: to the retail uses on property listed in Subsection (B)(2) below:
 - (a) Property subject to a settlement agreement adopted by Council before December 6, 2003 that prescribes development standards;
 - (b) Property zoned as a Planned Unit Development before December 6, 2003; or
 - (c) Property subject to a Site Plan approved as a condition of zoning before December 6, 2003.
- (2) The following uses exempt from the standards of this Section include:
 - (a) Alcohol sales, beer and wine;
 - (b) Alcohol sales, liquor;
 - (c) Animal service/boarding, level 1;
 - (d) Animal service/boarding, level 2;
 - (e) Automobile repair;
 - (f) Automobile sales, rental, and storage;
 - (g) Commercial services;
 - (h) Food sales;
 - (i) Funeral/mortuary homes;
 - (j) Gas station;
 - (k) General retail;
 - (l) General retail with outside storage;
 - (m) General retail with onsite production;
 - (n) Heavy equipment sales;
 - (o) Library, museum, or public art gallery;
 - (p) Personal services, restricted;
 - (q) Recreational and sports vehicle sales, rental, and storage;
 - (r) Restaurant, drive-through;
 - (s) Restaurant, with or without alcohol sales; or
 - (t) Special use historic use.

(C) Gross Floor Area

- (1) A principal use and its accessory uses must not exceed 50,000 square feet, except that a principal food sales use and its accessory uses must not exceed 100,000 square feet of gross floor area.
- (2) A principal retail use exceeding 50,000 square feet on December 16, 2003 may be changed to another retail use if the existing impervious cover and gross floor area are not increased.
- (3) A use that exceeded the limitations in Subsection (C)(1) on December 16, 2003, may be expanded one time if the expansions is on the same lot and the expansions does not increase the required off-street parking to more than 120 percent of that required for the use on the later of March 1, 1984, or the date the use became nonconforming.

23-4D-7040 Capitol View Corridor Overlay Zone

(A) Purpose and Applicability

- (1) The purpose of the Capitol View Corridor (CVC) Overlay Zone is to preserve the view of the State Capitol Building by limiting the height of structures located within capitol view corridors.
- (2) The CVC overlay zone applies to all property in the capital view corridors described in Section 23-4D-7130 (Overlay Zone Boundaries Described).

(B) Height Limits

- (1) The maximum height allowed is the base zone or the elevation of the height plane delineating the corridor, whichever is lower.
- (2) The height limitation exceptions of Section 23-4E-7050(C) (Encroachments Above Maximum Height) do not apply to this Section.

23-4D-7050 Downtown Civic Spaces Overlay Zone**(A) Purpose and Applicability**

- (1) The purpose of the Downtown Civic Spaces (DCS) Overlay Zone is to protect the unique character and pedestrian accessibility and use of downtown civic spaces, including, but are not limited to parks, creeks, and historic thoroughfares.
- (2) The DCS Overlay Zone applies to all property zoned Commercial Core (CC) or Downtown Core (DC) that is:
 - (a) Located along Congress Avenue from First Street to Eleventh Street;
 - (b) Located along East Sixth Street from IH-35 to Congress Avenue; and
 - (c) Located within 60 feet of any creek or park within the downtown boundary, defined as Martin Luther King Jr. Boulevard to the north, IH-35 to the east, Lady Bird Lake to the south, and Lamar Boulevard to the west.

(B) Development Standards.**(1) Glazing**

- (a) Glass used on the first floor of a structure must have a visible transmittance rating of 0.6 or higher; and
- (b) Reflective surface building materials are prohibited.

(2) Parking

- (a) Surface parking lots, curb cuts, and unscreened garage openings are prohibited.
- (b) The Land Use Commission may waive the prohibition of this Subsection after determining that:
 - (i) Compliance with the prohibition is impractical;
 - (ii) The proposed development will not unreasonably impair pedestrian or vehicular movement; and
 - (iii) Adequate precautions have been made for public safety, convenience, and the aesthetic values of the overlay zone.

(3) Height

- (a) Along East Sixth Street between Congress Avenue and Brazos Street, the maximum allowed height is 45 feet.
- (b) Along Congress Avenue:
 - (i) Minimum height 30 feet
 - (ii) Maximum height 90 feet
- (c) Within 60 feet of any park subject to the standards of this Section:
 - (i) Maximum height 120 feet
- (d) Within 60 feet of any creek subject to the standards of this Section:
 - (i) Maximum height 60 feet
 - (ii) Surface parking lots, curb cuts, and unscreened garage openings are prohibited.

23-4D-7060 Hill Country Roadway Overlay Zone

(A) Purpose and Applicability

- (1) The purpose of the Hill Country Roadway Overlay Zone is to preserve and protect the City's scenic vistas visible from main roadways and ensure safe development along hillsides.
- (2) This Section applies to property located 1,000 feet or less from the center line of the following Hill Country Roadway Corridors:
 - (a) Loop 360, from US 290 West to US 183;
 - (b) RM 620, from SH 71 to Anderson Mill Road;
 - (c) RM 2222, from Highland Drive to RM 620;
 - (d) RM 2244, from Loop 360 to SH 71; and
 - (e) Southwest Parkway.

(B) Exceptions. This Section does not apply to development that:

- (1) Complies with a Site Plan approved by Council before January 27, 1986 or to a modification of the approved Site Plan if a zoning map amendment was approved to allow the modification;
- (2) Complies with a planned development area agreement approved by the Council before January 26, 1986.

(C) Voluntary Compliance

- (1) The applicant of a site on a Hill Country Roadway identified in Subsection (A) that is exempt in compliance with Subsection (B) may file a request with the Planning Director to apply this Section to the development.
- (2) The Planning Director shall make written recommendation to the Planning Commission regarding the provisions of this Section that shall be applied or waived by the Council. The Planning Director shall take into consideration existing land uses approved for the site in making the recommendation.
- (3) The Planning Commission shall make a recommendation to the Council on a request to apply this Section to a development.
- (4) If an applicant requests to comply with this Section, the Council may:
 - (a) Approve the application of the Section in its entirety;
 - (b) Approve the application of the Section and approve a waiver of certain provisions;
or
 - (c) Deny the application of the Section to the development.
- (5) Any waiver in compliance with Subsection (C)(4)(b) shall be to the minimum extent necessary to allow development to occur, based on the recommendations of the Planning Director and the Land Use Commission.

(D) Hill Country Roadway Corridor Files and Maps. The Watershed Director must maintain a file on each Hill Country Roadway Corridor identified in Subsection (A). Each file must contain:

- (1) A contour map of the corridor that shows each proposed or approved land use;
- (2) A copy of each Site Plan submitted in connection with development in each corridor, whether the Site Plan was subsequently approved, disapproved, or withdrawn;
- (3) A map that shows each scenic vista or overlook in each corridor that the Watershed Director has identified; and
- (4) A map that shows each segment of the corridor along which scenic vistas are prevalent.

(E) Development Standards

- (1) **Intensity Zones.** Corridors within the Hill Country Roadway Overlay Zone are classified as high, moderate, or low intensity according to Table 23-3D-7060.A.

Table 23-4D-7060.A Hill Country Roadway Corridor Intensity	
Applicable Intensity Zone	Location
High Intensity	<p>On Loop 360, within 3,500 feet of the intersection with US 290; or</p> <p>Within 1,000 feet of the intersection of two intersecting State maintained highways and has frontage on either both highways or one highway and an intersecting arterial or collector street.</p>
Moderate Intensity	<p>Not within a high intensity zone and has frontage on:</p> <ul style="list-style-type: none"> • Loop 350, north of RM 2222 and south of RM 2244; • Loop 360 1,200 feet of less from Westlake Drive; • RM 2222 east of RM 620 for 2.1 miles; • RM 620 from Comanche Trail to Anderson Mill Road; • RM 620 from Lohman’s Crossing to Steward Road; • A segment of a roadway accessible only from an arterial or collector street that is not a hill country roadway; or • A hill country roadway and is within 500 feet of an intersecting arterial or collector street, excluding the intersection of RM 2222 east of Loop 360.
Low Intensity	<p>Not within a high or moderate intensity zone.</p>

- (2) **Gross Site Area.** Gross site area includes all land dedicated for right-of-way in compliance with Section 23-9B-2 (Right-of-Way and Transportation Improvements) that is more than 60 feet from the centerline of a Hill Country Roadway.

(3) Floor Area Ratio

(a) The floor area ratio of non-residential buildings is provided in Table 23-3D-7060.B.

Table 23-4D-7060.B Floor Area Ratio		
Zone	Floor Area Ratio (maximum)	Floor Area Ratio w/ Development Bonus (maximum)
High Intensity Zone	< 15% gradient- 0.30	<15% gradient- 0.35
	>15% and <25% gradient- 0.12	>15% gradient- development bonus not allowed
	>25% and <35% gradient- 0.06	
Moderate Intensity Zone	< 15% gradient- 0.25	<15% gradient- 0.30
	>15% and <25% gradient- 0.10	>15% gradient- development bonus not allowed
	>25% and <35% gradient- 0.05	
Low Intensity Zone	< 15% gradient- 0.20	<15% gradient- 0.25
	>15% and <25% gradient- 0.08	>15% gradient- development bonus not allowed
	>25% and <35% gradient- 0.04	

(b) This Subsection does not apply to property in the Southwest Parkway Hill Country Road Overlay Zone.

(c) If a property or portion of a developed property covered by an approved Site Plan is condemned for right-of-way, the gross square footage allowed before the condemnation is the gross square footage allowed for the portion of the property remaining after the condemnation.

(4) Construction on Slopes. Development of property in a Hill Country Roadway Overlay Zone must comply with Chapter 23-8A-7 Division 3 (Construction on Slopes) and this Subsection. If a conflict exists between this Subsection and another Section of this Title, the more restrictive provision applies.

(a) Construction of a structure uphill of a slope with a gradient of 15 percent or more must use a pier and beam technique to construct the structure and must not include a vertical wall below the lowest finished floor elevation of the structure, except as necessary to screen mechanical equipment.

(b) Construction of a structure downhill of a slope with a gradient of 15 percent or more must not exceed a depth of eight feet for structural excavation.

(c) A cut or fill for a roadway, driveway, or structure may be restored by:

(i) Construction of a terraced wall and fill with a finished gradient of 100 percent. The wall must not exceed a height of four feet. More than one level of terracing may be constructed; or

(ii) Revegetation and restoration of the cut or fill to a slope have a finished gradient of 33 percent.

- (d) A cut or fill restored in compliance with Subsection (C)(3)(b) may not exceed eight feet in length. If additional restoration is required, a terrace that complies with Subsection (C)(3)(a) must be constructed between each eight-foot slope segment.
 - (e) Fill must blend with the natural contour of the slope.
- (5) **Building Height.** The maximum allowed height of buildings is provided in Table 23-4D-7060.C except if a development bonus is approved in compliance with Section 23-4E-9050, below.

Table 23-4D-7060.C Maximum Height	
Location	Height (maximum)
<200 ft. from the center line of a hill country roadway; or	28'
In a low intensity zone (except the Southwest Parkway roadway corridor)	
>200 ft. from the center line of a hill country roadway; and	40'
In a moderate intensity zone (except the Southwest Parkway roadway corridor)	
>200 ft. from the center line of a hill country roadway; and	53'
In a high intensity zone (except the Southwest Parkway roadway corridor)	
Southwest Parkway roadway corridor	60' or the height allowed in the base zone, whichever is less

- (6) **Utilities.** All on-site utilities must be located underground, unless otherwise required by the utility provider.
 - (7) **Building Materials**
 - (a) Buildings must be constructed of materials compatible with the environment of the Hill Country Roadway, including rock, stone, brick, and wood, as determined feasible by the Development Services Director.
 - (b) Buildings must not be constructed of reflective materials.
- (F) **Landscape**
- (1) **Native Tree Standards.** A Site Plan must provide a sufficient number of native or small native trees to reasonably compensate for the removal of:
 - (a) Each small native tree;
 - (b) Each native tree with a trunk diameter greater than six inches; and
 - (c) Each cluster of three or more native trees located within 10 feet of each other with trunk diameters greater than two inches.

(2) Roadway Vegetative Buffer Standards

- (a) Except as otherwise provided by this Section, vegetation within 100 feet of the dedicated right-of-way may not be cleared, unless the clearing is necessary to provide utilities and access to the site.
- (b) Except as otherwise provided by Subsection (F)(2)(d), in the roadway corridor along the Southwest Parkway:
 - (i) Vegetation within 50 feet of the dedicated right-of-way or drainage easement may not be cleared, unless the clearing is necessary to provide utilities and access to the site; and
 - (ii) A building must be at least 75 feet from the dedicated right-of-way or drainage easement.
- (c) After a public hearing, the Council may waive the standards of Subsection (F)(2)(b) for a site if the applicant dedicated the right-of-way or a drainage easement to the public at no cost.
- (d) Except as otherwise provided in Subsection (F)(2)(e), in a roadway corridor along a parkway identified in the transportation plan, other than Southwest Parkway:
 - (i) Vegetation within 25 feet of the dedicated right-of-way or drainage easement may not be cleared, unless the clearing is necessary to provide utilities and access to the site; and
 - (ii) A building must be at least 50 feet from the dedicated right-of-way or drainage easement.
- (e) An area described in this Section in which clearing is prohibited may not exceed 20 percent of the acreage of an applicant's property.

(3) Restoring Roadway Vegetative Buffer Standards

- (a) If vegetation in an area in which clearing is prohibited by Subsection (F)(2) has been substantially disturbed, it must be revegetated with native trees, shrubs, and grasses.
- (b) Not more than 50 percent of the area in which clearing is prohibited may be used for detention or sedimentation ponds or wastewater drain fields.

(4) Natural Area Standards

- (a) At least 40 percent of a site, excluding dedicated right-of-way, must be left in a natural state. Natural areas within parking medians and in an area in which clearing is prohibited by Subsection (F)(2) count toward this standard.
- (b) In complying with this Section, priority must be given to the protection of natural critical areas identified in the Austin Comprehensive Plan.
- (c) If this Section conflicts with another provision of this Title, the conflict must be resolved with the minimum departure from the standard of this Section. The resolution must receive approval from the Council. The Council must receive a recommendation from the Land Use Commission.
- (d) If an area required to be kept in a natural state by this Section is revegetated, not more than 25 percent of the area may be used for sewage disposal fields.

(5) Parking Lot Medians

- (a) A parking lot must have a median at least 10 feet wide containing existing native trees or dense massing of installed trees between each distinct parking area.

(6) Visual Screening Standards. Visual screening required by this article must:

- (a) Use existing vegetation or installed landscaping;
- (b) Include dense massing of trees, native understory vegetation, shrub massing, or berms; and
- (c) Allow for topographic changes.

(G) Development Bonus**(1) Intent.** A development bonus may be approved to:

- (a) Increase floor area ratio in compliance with Table 23-4D-7060(B);
- (b) Reduce required setback by maximum 25 feet; or
- (c) Increase maximum height up to:
 - (i) 40 feet in a low intensity zone;
 - (ii) 53 feet in a moderate intensity zone; or
 - (iii) 63 feet in a high intensity zone.

(2) Review Authority. The Land Use Commission shall review and approve applications for a development bonus in compliance with this Section.**(3) Findings.** The Land Use Commission may approve an application for a development bonus if one of the following conditions is met:

- (a) An unusual hardship exists, as defined in Subsection (G)(4), below; or
- (b) The proposed development, as constructed, will comply with 50 percent of the criteria identified in Subsection (G)(5), below.

(4) Unusual Circumstance. An unusual circumstance is demonstrated by:

- (a) An undue hardship caused by this Section, or by the cumulative effects of this Title, because of the configuration, topography, or location of the site; or
- (b) A condemnation for right-of-way, if a bonus allows the applicant to recapture square footage potential that was lost because of the condemnation.

(5) Criteria for Approval. In compliance Subsection (C)(2), the Land Use Commission shall determine if the proposed development:

- (a) Preserves a scenic vista and provides a place where the public can view the scenic vista;
- (b) Limits access to a roadway that is not a Hill Country Roadway if use of the roadway does not increase traffic in a residential area;
- (c) Limits access to a roadway that is not a Hill Country Roadway if use of the roadway does not increase traffic in a residential area;
- (d) Increases landscaping or a setback by more than 50 percent above the amount required for the development or increases a natural area;

- (e) Is a mixed-use development, particularly a mixed-use development that includes a residential use and a community facility;
 - (f) Reduces building mass by breaking up buildings;
 - (g) Uses pervious pavers although the development is not entitled to receive an impervious cover credit;
 - (h) Consolidates small lots to create a parcel that has at least 300 feet of frontage on a Hill Country Roadway;
 - (i) Uses pitched roof design features;
 - (j) Includes the construction or dedication of a public facility that is not required by a city ordinance, including a park, roadway and right-of-way, police department site, fire department site, emergency medical services facility site, or a regional drainage facility;
 - (k) Limits the construction of a building or parking area to an area with a slope that has a gradient of not more than 15 percent; or
 - (l) Uses an energy-conserving or a water-conserving device that reduces energy or water consumption below City standards.
- (6) **Appeals.** Decisions of the Land Use Commission may be appealed to the Council in compliance with Section 23-2I (Appeals).

23-4D-7070 Historic Landmark and Historic Area Overlay Zones**(A) Purpose and Applicability**

- (1) The purpose of a Historic Landmark (H) Overlay Zone is to protect, enhance, and preserve individual structures or sites that are of architectural, historical, archaeological, or cultural significance.
- (2) The purpose of a Historic Area (HD) Overlay Zone is to protect, enhance, and preserve areas that include structures or sites that are of architectural, historical, archaeological, or cultural significance.
- (3) The H and HD Zones apply to all historic sites, structures, or areas as approved in compliance with this Section.

(B) Contributing Structures

- (1) A contributing structure is one that contributes to the historic character of a Historic Area (HD) Overlay Zone, was built during the period of significance for the Zone, and which retains its appearance from that time.
- (2) An altered structure may be considered a contributing structure if the alterations are minor and the structure retains its historic appearance and contributes to the overall visual and historic integrity of the zone. A structure is designated as a contributing structure by the ordinance establishing the HD Overlay Zone.

(C) Limits on Applications for Historic Designation

- (1) The Historic Landmark Commission may consider no more than a total of three applications per month for an H Overlay Zone designation.
- (2) The Historic Landmark Commission may consider no more than one application per month for an H Overlay Zone designation of property located in any National Register or Local Historic District, unless there would otherwise be fewer than a total of three applications for an H Overlay Zone designation considered in that month.
- (3) Limitations in Subsections (C)(1)-(2) of this Section must not apply to applications initiated by the Historic Landmark Commission in response to a request for a Demolition or Relocation Permit.

(D) Historic Designation Criteria

- (1) The Council may designate a structure or site as an H Overlay Zone if the property:
 - (a) Is at least 50 years old and represents a period of significance of at least 50 years ago, unless the property is of exceptional importance as defined by National Register Bulletin 22, National Park Service (1996);
 - (b) Retains a high degree of integrity, as defined by the National Register of Historic Places, that clearly conveys its historical significance and does not include an addition or alteration which has significantly compromised its integrity; and
 - (c) Is individually listed in the National Register of Historic Places; or is designated as a Recorded Texas Historic Landmark, State Archeological Landmark, or National Historic Landmark; or demonstrates significance in at least two of the following categories:
 - (i) Architecture. The property embodies the distinguishing characteristics of a recognized architectural style, type, or method of construction; exemplifies technological innovation in design or construction; displays high artistic value

in representing ethnic or folk art, architecture, or construction; represents a rare example of an architectural style in the city; serves as an outstanding example of the work of an architect, builder, or artisan who significantly contributed to the development of the city, state, or nation; possesses cultural, historical, or architectural value as a particularly fine or unique example of a utilitarian or vernacular structure; or represents an architectural curiosity or one-of-a-kind building. A property located within a local historic district is ineligible to be nominated for landmark designation in compliance with the criterion for architecture, unless it possesses exceptional significance or is representative of a separate period of significance;

- (ii) Historical Associations. The property has long-standing significant associations with persons, groups, institutions, businesses, or events of historic importance which contributed significantly to the history of the city, state, or nation; or represents a significant portrayal of the cultural practices or the way of life of a definable group of people in a historic time;
 - (iii) Archeology. The property has, or is expected to yield, significant data concerning the human history or prehistory of the region;
 - (iv) Community Value. The property has a unique location, physical characteristic, or significant feature that contributes to the character, image, or cultural identity of the city, a neighborhood, or a particular group; or
 - (v) Landscape Feature. The property is a significant natural or designed landscape or landscape feature with artistic, aesthetic, cultural, or historical value to the City.
- (2) The Council may designate an area as a HD Overlay Zone if at least 51 percent of the principal structures within the proposed zone boundary are contributing to the historic character of the zone when the Historic Preservation Officer certifies that the zoning or rezoning application is complete;
 - (3) The Council may enlarge the boundary of an existing HD Overlay Zone if The additional structure, group of structures, or area adds historic, archeological, or cultural value to the zone.
 - (4) The Council may reduce the boundary of an existing HD Overlay Zone, except as limited by Subsection (D)(5) if:
 - (a) The structure to be excluded does not contribute to the historic character of the zone;
 - (b) Excluding the structure or area will not cause physical, historical, architectural, archeological, or cultural degradation of the zone; or
 - (c) A reasonable use of the structure that allows the exterior to remain in its original style does not exist.
 - (5) The minimum size for a Historic Area Overlay Zone is one block face.

(E) Application Standards

- (1) An application to designate a structure or site as an H or HD Overlay Zone must demonstrate that the structure, site, or area satisfies the criteria for designation and includes the information required by administrative rule.

- (2) A record applicant or the record applicant's agent filing an application for an applicant-initiated H Overlay Zone designation must affirm that no person involved in the matter was or will be compensated on a contingent fee basis or arrangement.
- (3) Prior to action by the Historic Landmark Commission, a preservation plan submitted as part of an application for an overlay zone shall be forwarded by the Historic Preservation Officer to the Austin Energy Green Builder (or successor) program for review and written recommendations. These recommendations must address the opportunity to incorporate sustainable elements listed in Subsection (G)(3). The recommendations shall be provided to all boards, commissions, and Council prior to public hearing and action on the application.

(F) Historic Landmark Commission Public Hearing, Review, and Recommendation

- (1) **Hearing Required.** The Historic Landmark Commission shall hold a public hearing according to Division 23-2D (Public Hearings) on a zoning or rezoning application that requests designation, amendment, or removal of a Historic Landmark Overlay Zone or Historic Area Overlay Zone
- (2) **Notice.** The Planning Director shall give notice of the public hearing in compliance with Section 23-2C-4020 (Type 1). The Planning Director shall also provide notice of the public hearing by posting signs on the property in compliance with Section 23-2C-3040 (Notification Signs).
- (3) **Review.** The Historic Landmark Commission shall review an application for a H or HD Overlay Zone using the criteria established in Subsection (D).
- (4) **Recommendation**
 - (a) The Historic Landmark Commission shall make a recommendation to the Land Use Commission on a zoning or rezoning application in compliance with this Section not later than the 14th day after the Historic Landmark Commission closes the public hearing on the application.
 - (b) The Planning Director shall forward the recommendation of the Historic Landmark Commission to the Land Use Commission and the Council.
- (5) **Contents.** If the Historic Landmark Commission recommends designation of an H or HD Overlay Zone, it shall send a recommendation to the Land Use Commission and the Council that includes:
 - (a) A statement of the reasons for recommending designation of the zone;
 - (b) A legal description of the boundary of the zone;
 - (c) Maps, photographs, and histories of the structures, sites, or areas located in the zone as required by administrative rule;
 - (d) Findings that support the criteria for designating the zone and that establish the importance of the zone; and
 - (e) A Historic Area District Preservation Plan, as described in Subsection (G)(2), and list of designated contributing structures as described in Section (B).
- (6) **Two-thirds approval.** If a record applicant of the property files a written statement protesting the zoning or rezoning to an H or HD Overlay Zone, the affirmative vote of two-thirds of the members of the Historic Landmark Commission is required to recommend zoning or rezoning property as a Historic Overlay Zone.

- (7) **Decision.** Following the Historic Landmark Commission review and recommendation of an application for an H or HD Overlay Zone, the Land Use Commission shall review and the Council will make a decision on the rezoning application in compliance with Division 23-4B-3 (Zoning Map Amendments).

(G) Historic Area Ordinance and Preservation Plan Standard

- (1) An ordinance zoning or rezoning property as an HD Overlay Zone must:

- (a) Describe the character-defining features of the zone;
- (b) Include a plan to preserve those features; and
- (c) List the designated contributing structures.

(2) A Preservation Plan

- (a) Modifies standards relating to building setbacks, building height, compatibility, landscaping, parking, or signs; or
 - (b) Prescribes standards relating to design, scale, architectural character, or materials for the exterior of a contributing structure or a new structure or public facilities, including street lighting, street furniture, signs, landscaping, utility facilities, sidewalks, and streets.
- (3) Consistent with the character-defining features of the zone described in compliance with Subsection (G)(1)(a), a preservation plan proposed in compliance with Subsection (G)(2) may allow and encourage applicants to utilize various external materials and mechanisms to promote sustainability, including but not limited to:
- (a) Roofing systems;
 - (b) Solar technologies;
 - (c) Energy generation and efficiency;
 - (d) Water collection and reuse;
 - (e) Rain-collection systems and drought-tolerant;
 - (f) Native and edible landscaping; and
 - (g) Gardens.

- (H) **Designation on Zoning Map.** The Planning Director shall add the letter "H" or "HD" as a suffix to the base zone designation on the zoning map to reflect a H or HD Overlay Zone, respectively.

(I) Notice of Designation to Tax Appraisal District

- (1) The Historic Preservation Officer shall file with the County Tax Appraisal District a copy of an ordinance zoning property as an H or HD Overlay Zone and notice stating that the Council has granted the historic designation.
- (2) The Historic Preservation Officer shall mail a copy of the notice described in Subsection (I)(1) to the notice applicant by certified mail.

- (J) **Medallions.** With the approval of the applicant, a person may place a medallion approved by the Historic Landmark Commission on a structure or site that is designated as an H Overlay Zone.

23-4D-7080 Lake Austin Overlay Zone

(A) Purpose and Applicability

- (1) The purpose of the Lake Austin (LA) Overlay Zone is to protect the scenic, recreational, and environmental benefits of Lake Austin by restricting the scale and intensity of development near Lake Austin.
- (2) The LA Overlay Zone applies to land within 1,000 feet of the shoreline of Lake Austin, as defined in compliance with Division 23-2M (Definitions) and is:
 - (a) Zoned Planned Unit Development (PUD) or Rural Residential (RR) on or after June 24, 2014; or
 - (b) Located on a site of one acre or more that is:
 - (i) Comprised of two or more lots combined on or after June 24, 2014; and
 - (ii) Zoned or rezoned Very Low Density Residential (VLDR), Low Density Residential (LDR), Low Medium Density Residential (LMDR), Low Medium Density Residential- small lot (LMDR-small lot), and Medium Density Residential (MDR).

(B) **Conflicts.** In the event of a conflict, the standards applicable to a Planned Unit Development (PUD) Zone control over the standards prescribed in this Section.

(C) Development Standards

Table 23-4D-7080.A below describes the development standards in the Lake Austin Overlay Zone.

Table 23-4D-7080.A Lake Austin Overlay Zone Development Standards	
Development Standards	Standard
Building Placement	
Setbacks (min.)	
Front (ft.)	40
Side Street (ft.)	25
Side Interior (ft.)	10
Rear (ft.)	20
Lot Standards	
Lot Size (acres) (min.)	1
Impervious Coverage ¹ (max)	See Subsection (F)
Building Coverage (max)	n/a
Building Form	
Height (ft.) (max)	35
Density (max)	
Dwelling Units per Acre	1 unit/lot
Other	
Affordable Housing	See Article 23-3E
Signs	See Chapter 23-8
Landscaping	See Division 23-4E-4

Table 23-4D-7080.A Lake Austin Overlay Zone Development Standards	
Development Standards	Standard
Outdoor Lighting	See Division 23-4E-2
Parking and Loading	See Division 23-4E-3

Notes:

1 The maximum percentage of impervious coverage allowed by the LDC may not be attainable by a development due to unique site characteristics, including, but are not limited to trees, waterways, and steep slopes. Where necessary, the development shall reduce the amount of proposed impervious cover to comply with other code standards.

- (D) **Shoreline Setback.** The standards of Table 23-4D-7080.A apply except, shoreline setbacks must be:
 - (1) 75 feet; or
 - (2) 25 feet, if:
 - (a) The lot is located in a subdivision plat recorded before April 22, 1982, or is a legal tract exempt from the standard to plat; and
 - (b) The distance between the shoreline and the front lot line, or the property line of a legal tract is 200 feet or less.
 - (3) No structures are allowed in a shoreline setback, except:
 - (a) A bulkhead, retaining wall, pier, wharf, boathouse pedestrian access facility, or marina constructed and maintained in compliance with applicable standards of this Title; and
 - (b) An on-site sewage facility constructed and maintained in compliance with the applicable standards of Chapter 15-5 (Private Sewage Facilities).
- (E) **Lot Width.** A lot that fronts a cul-de-sac and is included in a subdivision plat recorded after April 22, 1982, or is exempt from the standard to plat must have:
 - (1) A width of at least 33 feet at the front lot line;
 - (2) A width of at least 60 feet at the front setback line; and
 - (3) A width of at least 100 feet at all points 100 feet or more behind the front lot line.
- (F) **Impervious Cover**
 - (1) A shoreline setback area is excluded from impervious cover calculations.
 - (2) For a lot included in a subdivision plat recorded after April 22, 1982, impervious cover may not exceed:
 - (a) 20 percent on a slope with a gradient of 25 percent or less;
 - (b) 10 percent on a slope with a gradient of more than 25 percent and less than 35 percent; or
 - (c) 30 percent if impervious cover is transferred in compliance with Subsections (D)-(6).

- (3) For a lot included in a subdivision plat recorded before April 22, 1982, or a tract that is not required to be platted, impervious cover may not exceed:
 - (a) 35 percent on a slope with a gradient of 15 percent or less;
 - (b) 10 percent on a slope with a gradient of more than 15 percent and less than 25 percent;
 - (c) 5 percent on a slope with a gradient of more than 25 percent and less than 35 percent; or
 - (d) 40 percent if impervious cover is transferred in compliance with Subsections (D)(4)-(6).
 - (4) Impervious cover may be transferred only:
 - (a) Between tracts within an LA Overlay Zone; and
 - (b) From land with a gradient of 35 percent or less, to land with a gradient of 15 percent or less.
 - (5) Land from which impervious cover is transferred may not be developed. The land must either remain undisturbed or restored to a natural state.
 - (6) A transfer of impervious cover must be documented in a form approved by the Watershed Director and documented in the County deed records.
- (G) Slopes**
- (1) On a slope with a gradient of more than 15 percent, vegetation must be restored with native vegetation, as prescribed by the Environmental Criteria Manual, if it is disturbed or removed as a result of construction.
 - (2) On a slope with a gradient of more than 35 percent, development is prohibited except for the construction of a fence, driveway, road or utility that cannot be reasonably placed elsewhere, or a non-mechanized pedestrian facility, including, but are not limited to a foot path, sidewalk, or stairs.

23-4D-7090 Neighborhood Plan Overlay Zone

- (A) Purpose.** The purpose of the Neighborhood Plan (NP) Overlay Zone is to identify property that is within the boundary of an adopted Neighborhood Plan and must be developed in a manner consistent with the goals, policies, and objectives of the adopted Neighborhood Plan.
- (B) Applicability.** The Section applies to property that is located within the boundary of a Neighborhood Plan, adopted as an amendment to the Comprehensive Plan in compliance with Section 23-2E-2020 (Comprehensive Plan Amendments).
- (C) Neighborhood Plans Established**
- (1) Bouldin Creek;
 - (2) Brentwood/Highland Combined;
 - (3) Central Austin Combined (Hancock, North University, West University);
 - (4) Central East Austin (OCEAN);
 - (5) Central West Austin Combined (West Austin Neighborhood Group (WANG), Windsor Road);
 - (6) Chestnut;
 - (7) Crestview/Wooten Combined;
 - (8) Dawson;
 - (9) East Cesar Chavez;
 - (10) East MLK Combined (MLK, MLK-183, Pecan Springs/Springdale);
 - (11) East Riverside/Oltorf Combined (Parker Lane, Pleasant Valley, Riverside) (EROC);
 - (12) Govalle/Johnston Terrace;
 - (13) Great South River City (South River City, St. Edwards);
 - (14) Heritage Hills/Windsor Hills;
 - (15) Holly;
 - (16) Hyde Park;
 - (17) Montopolis;
 - (18) North Austin Civic Association (NACA);
 - (19) North Burnet/Gateway (Master Plan);
 - (20) North Lamar Combined (Georgian Acres, North Lamar);
 - (21) North Loop
 - (22) Oak Hill Combined (East Oak Hill, West Oak Hill);
 - (23) Old West Austin;
 - (24) Rosewood;
 - (25) South Austin Combined (Westgate, South Manchaca, Garrison Park);
 - (26) South Congress Combined (East Congress, Sweetbriar, West Congress);

- (27) St. John/Coronado Hills Combined;
- (28) Southeast Combined (Franklin Park, McKinney, Southeast);
- (29) University Hills/Windsor Park; and
- (30) Upper Boggy Creek.

(D) Allowed Uses and Property Development Standards. For property within an NP Overlay Zone, all permitted use restrictions, development standards, and other applicable standards or regulations governing development as provided within the Neighborhood Plan or accompanying ordinance shall apply. To the extent that the Neighborhood Plan or accompanying ordinance does not enumerate use restrictions, development standards, or other applicable regulations, the standards associated with the underlying base zone shall apply. If provisions of the adopted Neighborhood Plan or accompanying ordinance conflict with or do not correspond with the provisions of the underlying base zone, the provisions as contained in the adopted Neighborhood Plan or accompanying ordinance shall apply and supersede the underlying base zone requirements. If the Neighborhood Plan or accompanying ordinance is silent on a provision, this Title shall apply.

23-4D-7100 Planned Development Area Overlay Zone

- (A) **Purpose.** The purpose of a Planned Development Area (PDA) Overlay Zone is to:
- (1) Provide for industrial and commercial uses in certain commercial and industrial base zones; and
 - (2) Incorporate the terms of a Planned Development Area Agreement into a zoning ordinance following annexation of a property that is subject to a Planned Development Area Agreement.
- (B) **Applicability.** A Planned Development Area (PDA) Overlay Zone may be combined with the following base zones:
- (1) Industrial, Light (LI);
 - (2) Highway Commercial (HC);
 - (3) Industrial, Heavy (HI); and
 - (4) Research and Development (R&D).
- (C) **Effect of Zone.** Standards established by a PDA Overlay Zone modify:
- (1) Permitted or conditional uses allowed in the base zone;
 - (2) The site development standards applicable in the base zone; or
 - (3) Off-street parking or loading, sign, or landscaping or screening standards applicable in the base zone.
- (D) **Procedure.** Modifications to the base zone standards must be identified in the ordinance zoning or rezoning property as a PDA Overlay Zone.
- (E) **Performance Standards**
- (1) This Section applies to a Planned Development Area Agreement or Zone. The standards of this Section supersede conflicting provisions of a Planned Development Area Agreement or ordinance, if any.
 - (2) A Planned Area Development must not produce a dangerous or objectionable element, as described in this Section or a city administrative rule.
 - (3) Dangerous or objectionable elements include: dangerous, injurious, noxious, or objectionable noise, smoke, dust, odor, air pollution, heat, humidity, liquid or solid refuse or waste, light or glare, or other substance, condition, radiation, or element that adversely affects property, or the use of property in the vicinity. This excludes resource recovery systems using solid waste.
 - (4) A dangerous or objectionable element is measured as follows:
 - (a) Noise, vibration, light, glare, odor, or radiation is measured at the point on the source property line that has the highest readings, or at any other point where the existence of the elements may be more apparent. Noise levels are determined in compliance with Information on Levels of Environmental Noise Requisite to Protect Public Health and Welfare with an Adequate Margin of Safety, Environmental Protection Agency, 1974;
 - (b) Smoke or toxic or noxious matter is measured at the place of emission into the atmosphere; and

- (c) For open industrial operations described in Subsection (E)(5)(f), dust concentration is measured at ground level or a habitable elevation, and either at the property line or beyond it, whichever results in the highest measurement.
- (5) A dangerous or objectionable element must not exceed the following limits:
 - (a) Noise must not exceed 55 decibels LAN during daylight hours and 45 decibels LAN during night time hours, except for noise from a transportation facility or construction work;
 - (b) Earth borne vibrations must not exceed:
 - (i) The limits in Column I below; or
 - (ii) If the point of measurement is a residential area boundary line or within 80 feet of a residential area boundary line that is located in a street right-of-way, the limits in Column II below.

Table 23-4D-7100.A Frequency Cycles		
	Column I	Column II
Frequency Cycles Per Second	Displacement (inches)	Displacement (inches)
0 to 1	.0020	.0008
1 to 10	.0010	.0004
10 to 20	.0008	.0002
20 to 30	.0005	.0001
30 to 40	.0004	.0001
40 and over	.0003	.0001

- (c) A light or direct welding flash must not exceed 0.4 foot candles across the source property line. Light from these sources must be screened from an adjoining property.
- (d) Smoke must not be:
 - (i) As dark or darker in shade as that designated as No. 0 on the Ringlemann Chart, as published by the United States Bureau of Mines; or
 - (ii) Of an opacity that obscures an observer's view to a degree equal to or greater than smoke described in Subsection (E)(5)(d)(i).
- (e) An emission of particulates for each one acre of property in a Planned Development Area must not exceed:
 - (i) One pound during any one hour for particulates that are 44 microns or smaller; and
 - (ii) 0.05 pounds during any one hour for particulates that are larger than 44 microns.

- (f) Open industrial operations that involve dust-producing equipment, including sandblasting, paint spraying, gravel and concrete batching, and similar operations, must not produce dust in a concentration that exceeds one million particles for each cubic foot at the point of measurement.
 - (6) A Planned Development Area must comply with the standards for the storage, use, and manufacturing of explosives and hazardous materials in Chapter 6-2 (Hazardous Materials) and Chapter 23-11B-7 (Fire Code).
- (F) Standards for Planned Development Areas Approved before January 1, 1985**
- (1) A Planned Development Area approved before January 1, 1985, is a PDA Overlay Zone and is subject to the standards in effect on the date of approval.
 - (2) The Planning Director shall identify the area as a PDA Overlay Zone on the Zoning Map.

23-4D-7110 University Neighborhood Overlay (UNO) Zone

- (A) **Purpose.** The purpose of the University Neighborhood Overlay (UNO) Zone is to promote high density redevelopment in the area generally west of the University of Texas campus, encourage affordable housing, provide a mechanism for the creation of a densely populated but livable and pedestrian friendly environment, and protect the character of the predominantly single-family residential neighborhoods adjacent to the zone.
- (B) **Subdistricts.** The UNO Zone consists of the following subdistricts:
- (1) Inner West Campus subdistrict;
 - (2) Outer West Campus subdistrict;
 - (3) Guadalupe subdistrict; and
 - (4) Dobie subdistrict.
- (C) **Applicability**
- (1) The boundaries of the UNO Zone and each subdistrict are identified in Section 23-4D-7130 (Overlay Zone Boundaries Described).
 - (2) This Section applies to property in the UNO Zone if the applicant files a Site Plan and consents to the application of the overlay zone to the property.
 - (3) The standards of this Section supersede the other provisions of this Title, to the extent of conflict.
- (D) **Use Standards.** The following use standards supersede the standards of the base zone.
- (1) **Allowed Uses.** In addition to the uses allowed in the base zone, the following uses are allowed in the UNO Overlay Zone:
 - (a) Residential Uses in a non-residential base zone;
 - (b) Hotel-motel use;
 - (c) Multi-family use;
 - (d) Group residential use;
 - (e) Local uses as listed below, except that no drive-through facilities are allowed for these uses:
 - (i) Animal service/boarding, level 1;
 - (ii) Business and financial/professional services;
 - (iii) Commercial services;
 - (iv) Commercial food preparation, in conjunction with food sales or restaurant accessory use;
 - (v) Day care services (any);
 - (vi) Entertainment, indoor;
 - (vii) Food sales;
 - (viii) General retail sales;
 - (ix) General retail w/ onsite production;

- (x) Library, museum, or public art gallery;
- (xi) Medical services;
- (xii) Meeting facility;
- (xiii) Office, general;
- (xiv) Personal services;
- (xv) Recreation, indoor;
- (xvi) Repair, commercial (non-vehicular);
- (xvii) Restaurant (w/ or w/o alcohol sales);
- (xviii) School, business or trade school;
- (xix) Studio, art, dance, martial arts, and music; and
- (f) Commercial off-street structured parking in the Guadalupe, Dobie, or Inner West Campus subdistricts;
- (g) On-site surface parking if the Planning Director determines that:
 - (i) The only building on the site has 6,000 or fewer square feet of gross floor area;
 - (ii) The building was constructed before September 13, 2004; and
 - (iii) The parking area is screened from the thoroughfare by a six-foot tall solid wall.

(2) **Conditional Uses**

- (a) A bar/nightclub as an accessory use to a hotel-motel use with at least 50 rooms.

(3) **Prohibited Uses**

- (a) Commercial off-street surface parking lots;
- (b) Commercial off-street structured parking in the Outer West Campus subdistrict.

(E) **Standards for Specific Uses in an UNO Zone**

(1) **Multi-family residential use**

- (a) Each building must achieve at least a one star rating in compliance with the Austin Green Building program.
- (b) All ground floor dwelling units must be:
 - (i) Adaptable for use by a person with a disability; and
 - (ii) Accessible by a person with a disability from the on-site parking and common facility, if any.
- (c) At least 10 percent of the dwelling units must be accessible for a person with a mobility impairment.
- (d) At least two percent of the dwelling units must be accessible for a person with a hearing or visual disability.
- (e) Each multistory building must be served by an elevator, unless:

- (i) At least 25 percent of the site's dwelling units are located on the ground floor; or
 - (ii) For a site with fewer than 20 dwelling units, at least five percent of the dwelling units are located on the ground floor.
- (f) A parking space must be leased separately from a dwelling unit.

(2) **Local Uses**

- (a) In the Outer West Campus subdistrict, local uses listed in Subsection (D)(1) are not allowed in a residential base zone unless the property:
 - (i) Has an allowed building height of 75 feet or greater; or
 - (ii) Is zoned in compliance with the Section 23-4D-5100 (Historic Landmark and Historic Area Overlay Zones) and has an allowed building height of 65 feet or greater.
- (b) Maximum 20 percent of the gross floor area of a site may be used for local uses, except as provided in Subsection (E)(2)(c). At least one-half of the gross floor area of the local uses must be located at street level and accessible from a sidewalk or pedestrian walkway. In determining these percentages, a non-residential use that is accessory to the principal residential use or located in an H or HD Zone is excluded from the gross floor area of the local uses.
- (c) Up to 100 percent of the gross floor area of a structure may be used for local uses if the structure:
 - (i) Is a historic landmark and is located entirely in a subdistrict having an allowed building height of 65 feet or greater;
 - (ii) Was constructed before September 13, 2004, contains less than 10,000 square feet of gross floor area, is less than 65 feet in height, and is located in the Inner West Campus or Guadalupe subdistricts; or
 - (iii) Is less than 65 feet in height and located on:
 - (a) Guadalupe between Martin Luther King, Jr.. Blvd. and 29th Street;
 - (b) Martin Luther King, Jr.. Blvd. between Guadalupe Street and Rio Grande Street; or
 - (c) 24th Street between Guadalupe Street and Rio Grande Street.

- (3) **Commercial Parking.** The street level portion of a commercial off-street parking structure that is accessible from a sidewalk or pedestrian walkway must contain local uses for a depth of at least 18 feet. This standard does not apply to a portion of the structure used for an entrance or exit.

(4) **Ground Floor of a Building; including a parking garage**

- (a) The ground floor must include occupant space along minimum 75 percent of the net length of street frontage. Net length of street frontage is calculated by determining the cumulative length of the building at ground level adjacent to each street other than an alley, and then deducting the cumulative length of driveways, exit stairs, elevators, and utility equipment space.
- (b) For a site with frontage on more than one street, driveways, exit stairs and elevators must be located on a street that runs north and south, unless the

Planning Director determines that those features cannot reasonably be located along that street because of topographical conditions.

- (c) The ground floor of a building must not be more than five feet higher or lower than an adjacent public street sidewalk. This does not apply to the ground floor adjacent to an alley.
 - (d) The minimum distance between the finished ground floor of the building and the structural portion of the ceiling is 10 feet.
 - (e) The minimum depth of occupant space is 18 feet, measured from the outside face of the front exterior wall to the outside face of the rear interior wall.
- (5) A hotel/motel use is treated as a local use in compliance with this Section if it meets the following standards:
- (a) The hotel-motel use must be located on property that:
 - (i) Has frontage on Martin Luther King, Jr.. Boulevard. And is located between Pearl Street and Guadalupe Street; or
 - (ii) Has frontage on Guadalupe Street and is located between 22nd Street and Martin Luther King, Jr.. Boulevard.
 - (b) The maximum height must be no greater than 85 feet, unless a greater height is allowed in compliance with Subsection (F)(5).
 - (c) If a new hotel-motel use includes, shares, or incorporates adjacent existing property, then both the new hotel-motel use and the adjacent property must be:
 - (i) Included in a single Site Plan; and
 - (ii) Compliant with the streetscape standards in Section 23-9D-1010 (Standards For Design And Construction).
- (6) A hotel/motel use may be associated with multi-family residential, senior housing (≤ 12), or senior housing (> 12) uses.
- (F) **Development Standards.** The development standards of the base zone apply, except as provided below:
- (1) **Exempt from Standards.**
 - (a) Maximum Floor Area Ratios;
 - (b) Maximum building coverage percentages;
 - (c) Division 23-4E-4 (Landscape and Screening);
 - (d) For a multi-family residential use, minimum site area and open space standards.
 - (2) **Impervious Cover.** Maximum impervious cover is:
 - (a) 100 percent in the Inner West Campus and Guadalupe subdistricts;
 - (b) 90 percent or the percentage allowed in the base zone in the Outer West Campus subdistrict, whichever is greater; and
 - (c) 85 percent or the percentage allowed in the base zone in the Dobie subdistrict, whichever is greater.
 - (3) **Signs.** Special standards governing signs in the University Neighborhood Overlay Zone are located in Chapter 23-8 (Signage).

- (4) **Minimum Lot Area.** The minimum lot area is 2,500 square feet.
- (5) **Height**
 - (a) Maximum heights for structures are prescribed by Figure 23-4D-7110(1) except as provided in Subsections (F)(5)(b).
 - (b) An exterior building wall that faces a street must be at least 24 feet high.

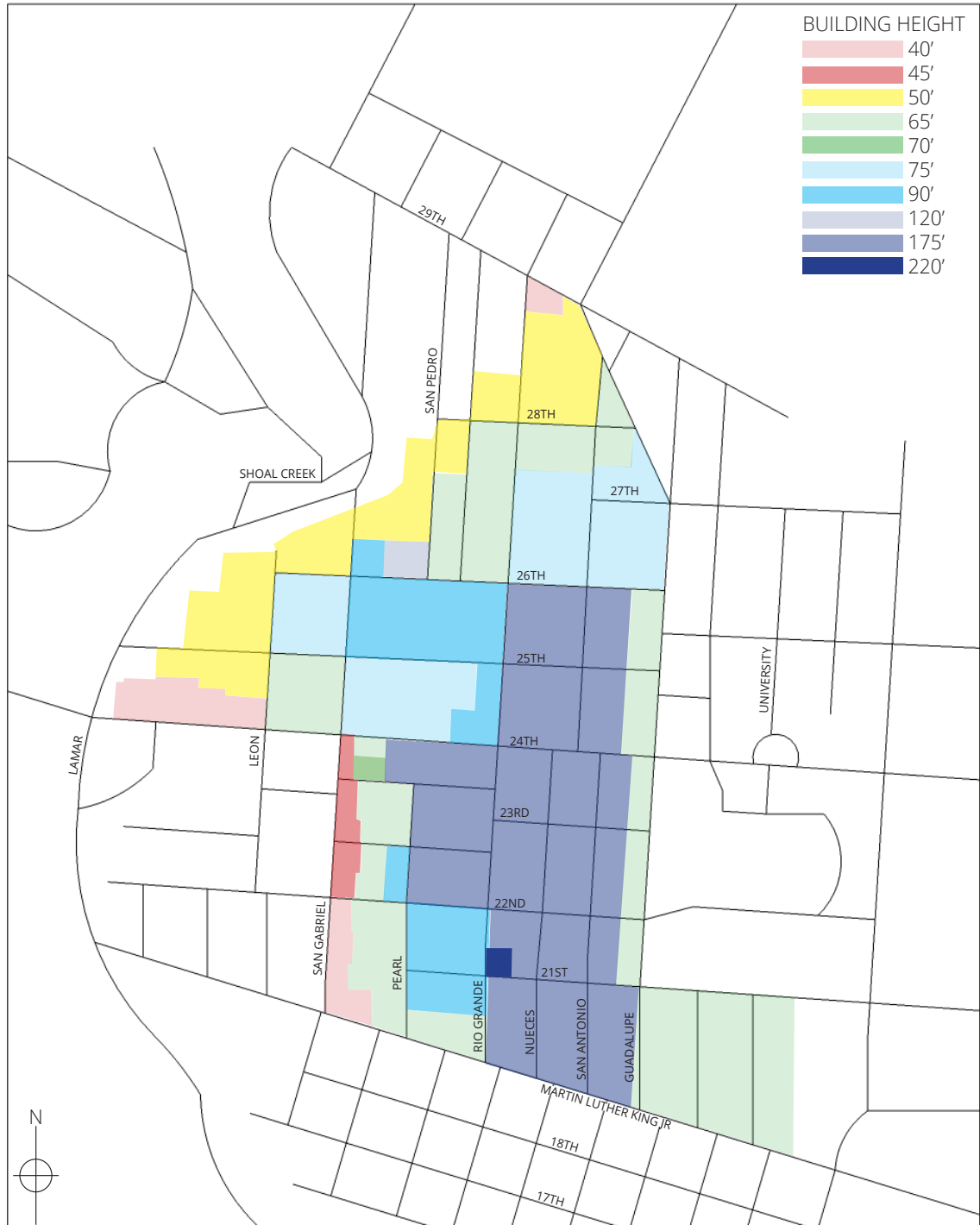


Figure 23-4D-7110(1): University Neighborhood Overlay Height Districts

- (6) **Setbacks.** The setback standards provided in Table 23-4D-7110.A shall apply. The Development Services Director may modify a maximum setback if it is determined that the modification is required to protect a historic structure or a tree designated as significant by the City Arborist.
- (a) The Development Services Director may modify a maximum setback if it is determined that the modification is required to protect a historic structure or a tree designated as significant by the City Arborist.

Table 23-4D-7110.A Setback Standards		
Setback	Minimum	Maximum
Front and Side Street		
Along Martin Luther King, Jr. Blvd. between Rio Grande Street and San Gabriel Street	10 ft	15 ft
For a public plaza or private common open space	none	45 ft
For pedestrian entry court or outdoor café	0 ft	0 ft
All other areas	0 ft	10 ft
Interior Side and Rear		
All	0 ft	none
Building placement		
From the front face of a curb	12 ft min.	none
From Centerline of the adjacent street	30 ft min.	none

- (7) **Wall Required.** A building or a solid masonry wall that is minimum six feet high is required to be located between any public or common open space area and a property located in a Low to Medium Intensity Residential Zone.
- (8) **Stepbacks and Envelope**
- (a) Exterior Wall Setbacks. If an exterior wall is adjacent to a street other than an alley and 65 feet in height or greater:
- (i) The portion of the wall greater than 65 feet must be set back from the property line by a distance of at least 12 feet; and
 - (ii) For the north side of a building, the portion of the building greater than 65 feet must be set back within a building envelope that is formed by a plane that extends from a point on the property line 65 feet high angled inward toward the building at an angle of 62 degrees above horizontal.
- (b) Subsection (F)(8)(a) does not apply to the 15 percent of the length of a building frontage, if that portion of the building frontage is used for an elevator or stairway.
- (c) A parapet must not extend more than five feet above the 65 foot stepback height described in Subsection (F)(8)(a) or more than five feet above the total building height.
- (d) A hotel/motel use in the Outer West Campus subdistrict must comply with the following standards, instead of complying with Subsections (F)(8)(a)-(c):
- (i) On property fronting Martin Luther King, Jr.. Boulevard, all buildings must fit within a building envelope delineated by a 45 degree angle starting at a height

of 60 feet above the grade of the property line adjacent to Martin Luther King, Jr.. Boulevard and extending to a maximum height of 85 feet;

- (ii) If the property abuts a historic property, open space measuring at least 50 feet deep for at least 50 feet along the street frontage beginning at the common boundary with the historic property must be provided. The open space may contain paving, parking, fountains, fences, patios, terraces, canopies, trellises, and landscaping; and
- (iii) If parking is provided on the site, 75 percent of the spaces must be below grade.

(9) Street Wall Area Occupant Space

- (a) At least 42 percent of the street wall area of a building must contain occupant space.
- (b) If a building has street wall areas on more than one street, at least 70 percent of the required occupant space must be on a street that runs east and west.
- (c) This Section does not apply to a commercial off-street parking structure.

(10) Streetscape Improvements

- (a) An applicant shall install a sidewalk minimum 12 feet wide along each street frontage adjacent to the site.
- (b) Sidewalks must be level with the top of the curb of the adjacent street, except to the minimum degree necessary to provide for drainage.
- (c) An applicant shall plant and maintain trees along an adjacent street right-of-way.
- (d) Trees must be spaced to create a nearly contiguous canopy when the trees reach maturity.
- (e) A tree must be in scale with the adjacent building.
- (f) A tree planted in a sidewalk area must have a tree grating.
- (g) An applicant shall provide pedestrian-scale lighting and street furnishings along an adjacent street right-of-way.
- (h) The Planning Director shall adopt rules prescribing the standards for tree planting and maintenance and the provision of pedestrian-scale lighting and street furnishings.
- (i) The Planning Director may require fiscal security to ensure compliance with this Section.

(11) Placement of Equipment and Trash Receptacles

- (a) Utility equipment, mechanical equipment, and large trash receptacles:
 - (i) Are prohibited in the area between a building and a street; and
 - (ii) Must not be visible from a street.
- (b) This Subsection applies to a site with frontage on an alley minimum 20 feet wide.
 - (i) A transformer room or utility vault must be adjacent to and accessible from the alley.

- (ii) A pump room, sprinkler room, or other utility or mechanical room must be adjacent to and accessible from the alley unless the Fire Chief determines that placing the room in another location is required because of a fire safety issue.

(12) Site Access

- (a) Vehicle Access
 - (i) East-west public streets. Maximum one curb cut for each 140 feet of street frontage.
 - (ii) North-south public streets. Maximum two curb cuts for each 140 feet of street frontage.
 - (iii) Corner lot. Must be from a public street or alley that runs north and south.
- (b) A site with access to an alley must use the alley or a parking structure for service and delivery access.
- (c) A site that does not have access to an alley must provide a service and delivery area that is at least 30 feet deep, measured from the front setback line or side setback line, as applicable.
- (d) A driveway turn radius must not exceed 15 feet unless the Fire Chief determines that a larger radius is required because of a fire safety issue.
- (e) The Transportation Director may waive or modify a standard of this Section if it is determined that the waiver or modification is necessary for adequate traffic circulation or public safety.

(G) Design Guidelines

- (1) A Site Plan must comply with the design guidelines prescribed by City administrative rule. An applicant shall file with the Site Plan drawings of all building elevations and streetscapes that demonstrate substantial compliance with the design guidelines.
- (2) The Development Services Director shall determine whether a Site Plan substantially complies with the design guidelines.
- (3) The Development Services Director may waive a provision of the design guidelines if it is determined that the provision is unreasonable or impractical as applied to the Site Plan and that, with the waiver, the Site Plan will still substantially comply with the design guidelines. A waiver in compliance with this Subsection must be the minimum departure from the provision necessary to avoid an unreasonable or impractical result.
- (4) An interested party may appeal to the Land Use Commission:
 - (a) A determination by the Development Services Director that a Site Plan substantially complies with the design guidelines; or
 - (b) A decision by the Development Services Director granting or denying a waiver in compliance with Subsection (G)(3).

- (H) **Exceptions for Affordable Units.** Developments in the UNO Zone may qualify for a density bonus or other incentives if the development meets the applicable provisions of Chapter 23-3E (Affordable Housing Incentive Program).

23-4D-7120 Waterfront Overlay Zone**(A) Purpose.**

- (1) The purpose of the Waterfront Overlay (WO) Zone is to promote the harmonious interaction and transition between urban development and the park land and shoreline of Town Lake and the Colorado River.
- (2) Decisions by the review authority and City boards regarding implementation of this Section shall be guided at all stages by the goals and policies of the Town Lake Corridor Study, including but not limited to the following:
 - (a) Ensure that zoning decisions in the Colorado River Corridor achieve the highest degree of land use compatibility by:
 - (i) Eliminating industrial uses from the confluence of Longhorn Dam;
 - (ii) Phasing out resource extraction; and
 - (iii) Providing the public visual and physical access to the Colorado River.
 - (b) Protect, enhance, and interpret natural values and environmentally sensitive areas of the Colorado River Corridor through:
 - (i) Appropriate mitigation for new development affecting identified landforms; and
 - (ii) Maintenance of natural shorelines and bluffs along the waterfront, except where otherwise required by subdistrict standards or for necessary stabilization.
 - (c) Recognize the potential of the waterfront as an open space connector, form-shaper of urban development, and focal point for lively pedestrian-oriented mixed uses as defined by the subdistrict goals of the Town Lake Corridor Study.

(B) Applicability

- (1) This Section applies to property in the Waterfront Overlay (WO) Zone, as defined in Section 23-4D-7130 (Overlay Zone Boundaries Described).
- (2) The standards of this Section do not apply to:
 - (a) A single-family or two-family use;
 - (b) A community events use; or
 - (c) The construction or reconstruction of existing or proposed development for which:
 - (i) A building permit was issued before July 18, 1986;
 - (ii) A certificate of occupancy was issued before July 18, 1986;
 - (iii) A Site Plan was approved before July 17, 1986, including a phased development or a special permit Site Plan;
 - (iv) A Site Plan was filed with the City before July 17, 1986 as a condition of zoning, and the Site Plan was previously approved by the Council or Town Lake Task Force; or
 - (v) Building plans were filed with the City before July 17, 1986.

- (3) The standards of this Section supersede the other provisions of this Title, to the extent of conflict.

(C) **Park and Area Boundaries**

- (1) **Community Park.** The following areas in Town Lake Park are community parks:

- (a) Tracts S-1, S-2, S-3A, S-4, S-6, S-7, S-8, S-9, N-1, N-2, N-3, N-4, N-5A, N-6, N-7, N-8, N-9, N-10, N-11, N-15, N-16A, and N-17A on the park classification map;
- (b) Park land in the area bounded on the north by the Colorado River, on the west by Pleasant Valley Road, on the south by the proposed extension of Lakeshore Boulevard, and on the east by the crest of the bluff of Country Club Creek;
- (c) Park land in the area bounded on the north by Lake Austin Boulevard, on the south by Town Lake, on the east by the MoPac Freeway, and on the west by the extension of the western boundary of Eilers Park;
- (d) The Holly Street Power Plant, when its current use ceases and it is dedicated as park land; and
- (e) Park land within 50 feet of the shoreline of Town Lake.

- (2) **Cultural Parks.** The following areas in Town Lake Park are cultural parks:

- (a) Tracts S-2D, S-3, S-4A, S-5, S-5A, S-5B, and S-5C on the park classification map;
- (b) Park land in the area bounded on the east by Dawson Road, on the west by Lamar Boulevard, on the south by Barton Springs Road, and on the north by Riverside Drive;
- (c) Park land in the area bounded on the north by Town Lake, on the south by Barton Springs Road, Barton Boulevard, and the westward extension of Linscomb Avenue, on the east by Lamar Boulevard, and on the west by Robert E. Lee Road and the hike and bike trail;
- (d) Park land north of the intersection of River Street and Bierce Street, known as the City Street and Bridge Yard; and
- (e) The Seaholm Power Plant and the Green Water Treatment Plant, including the water intake structures, when the current uses cease and the plants are dedicated as park land.

- (3) **Neighborhood Parks.** The following areas in Town Lake Park are neighborhood parks:

- (a) Tracts S-2A, S-10, N-5, N-16, and N-17 on the Park Classification Map;
- (b) Park land in the area bounded on the north by Town Lake, on the west by East Bouldin Creek, on the east by Blunn Creek, and on the south by Riverside Drive; and
- (c) Park land in the area bounded on the north by the Colorado River, on the east by Montopolis Drive, on the south by the extension of Grove Boulevard, and on the west by the crest of the bluff of Country Club Creek.

- (4) **Natural Areas.** The following areas in Town Lake Park are natural areas:

- (a) Tracts W-1, S-2B, S-2C, N-3A, and N-18 on the Park Classification Map;

- (b) Park land located between the Colorado River shoreline and the crest of the bluff north of the Colorado River, from Longhorn Dam to U.S. 183 (Montopolis Bridge); and
 - (c) Park land northeast of Town Lake from Tom Miller Dam to the west boundary of Eilers Park and southwest of Town Lake from Tom Miller Dam to the Austin Nature Center.
- (5) **Urban Waterfront Areas.** Tracts N-12, N-13, and N-14 on the park classification map are urban waterfront areas.

(D) **Procedures**

(1) **Waterfront Planning Advisory Board Role and Responsibilities**

- (a) The Waterfront Planning Advisory Board reviews and provides a recommendation to the Land Use Commission regarding each of the following approvals required for a proposed development within the Waterfront Overlay Zone:
 - (i) A variance in compliance with Subsection (E)(2);
 - (ii) A Conditional Use Permit in compliance with Section 23-4B-1020 (Conditional Use Permit);
 - (iii) A zoning or rezoning application in compliance with Section 23-2F-1010;
 - (iv) A proposed amendment to Title 23 that directly impacts the Waterfront Overlay Zone; and
 - (v) A proposed amendment to the comprehensive plan that directly impacts the Waterfront Overlay Zone.
 - (b) The Waterfront Planning Advisory Board shall consider a request for review and recommendation in compliance with Subsection (E)(1)(a) at the earliest meeting for which notice can be timely provided.
 - (c) If the Waterfront Planning Advisory Board fails to make a recommendation as required, the Land Use Commission may approve or deny the Site Plan without a recommendation from the Waterfront Planning Advisory Board.
- (2) **Site Plan.** The Park Director is required to review the Site Plan before the Site Plan may be approved. The Park Director shall determine:
- (a) Whether the Site Plan is compatible with adopted park design guidelines; and
 - (b) If significant historic, cultural, or archaeological sites are located on the property.

(E) **General Waterfront Overlay (WO) Standards**

- (1) **Allowed Uses.** Development in Town Lake areas is limited to the uses described in Table 23-4D-7120.A. An 'X' indicates the use is allowed.
- (2) **Additional Floor Area**
 - (a) In the WO Overlay Zone, a structure may exceed the maximum floor area allowed in the base zone as provided by this Section.
 - (i) Additional floor area in compliance with Subsection (b) is limited to 60 percent of the base zone maximum.
 - (ii) Additional floor area in compliance with Subsection (c-i) is limited to 20 percent of the base zone maximum.

Table 23-4D-7120.A Allowed Uses in Town Lake Park Areas

	Natural Area	Neighborhood Park	Community Park	Cultural Park	Urban Waterfront	Other
'X' Allowed Use; '-' Not Allowed						
Nature trails w/ interpretive signs and facilities	X	-	-	-	-	-
Surface parking with pervious material and access roads	X	X	X	-	-	X
Surface parking and parking structures	-	-	X	-	-	-
General park support and maintenance	X	X	X	X	X	X
Walking, exercise, and bicycle trails and/or sidewalks	-	X	X	X	X	X
Picnic facilities	-	X	X	-	-	X
Concessions primarily serving an adjacent neighborhood, including food vending, bicycle rentals, and sports equipment rentals	-	X	X	-	-	-
Concessions designed to attract individuals from throughout the City including boat rentals, food vending, dining facilities, sports facilities, and special recreational facilities	-	-	X	-	-	-
Concessions that are designed to attract people from throughout the city that are mobile, temporary or located in a building described in the town lake park plan, and that require a small amount of space, including pushcarts selling food or flowers, temporary vending stands for special events, and museum gift shops.	-	-	-	X	X	-
Cultural facilities primarily serving and adjacent neighborhood	-	X	X	X	-	-
Performance and special events facilities, areas, or plazas	-	-	X	X	X	-
Maintenance and improvement of environmental quality, including stream bank stabilization, fencing and wildlife and vegetation management	X	X	X	X	X	-
Municipal swimming pools and associated facilities	-	-	X	-	-	-
General neighborhood park uses, including playing fields, ball courts, swimming pools, and playscapes	-	X	X	X	-	-
Specialized facilities, including facilities that serve the persons with disabilities, private nonprofit recreational facilities that serve the general public, and private park enhancement facilities	-	-	X	-	-	-
An internal park road system, with grade-separated intersections if required	-	-	X	X	-	-
Athletic facilities, including multipurpose sports fields and exercise courses	-	-	X	-	-	-
Rowing facilities, boathouses, and similar water-related activities	-	-	-	-	X	-

- (iii) Total additional floor area in compliance with this Subsection is limited to 60 percent of the base zone maximum.
- (b) In a Low to Medium Intensity Residential, Medium to High Intensity Residential, or Restricted Commercial Zone, additional floor area for a residential use is allowed.
- (c) In any other zone, additional floor area for pedestrian-oriented uses is allowed if the pedestrian-oriented uses are on the ground floor of the structure and have unimpeded public access from a public right-of-way or park land. The pedestrian-oriented uses required in compliance with Section (G) and Subsection w(H) (2) are excluded from the additional floor area allowed in compliance with this Subsection.
- (d) In the North Shore Central subdistrict:
 - (i) An additional one-half square foot of gross floor area is allowed for each one square foot of gross floor area of a parking structure that is above grade; and
 - (ii) An additional one square foot of gross floor area is allowed for each one square foot of a parking structure that is below grade.
- (e) Additional gross floor area is allowed for each existing Category A tree, as determined by the Watershed Director's tree evaluation system, that is either left undisturbed or transplanted in compliance with the supervision of the City Arborist.
 - (i) A tree is considered undisturbed in compliance with this Subsection if the area within a circle centered on the trunk with a circumference equal to the largest horizontal circumference of the tree's crown is undisturbed.
 - (ii) A tree may be transplanted off-site if the Land Use Commission determines that the character of the site is preserved and approves the transplanting.
 - (iii) The allowed additional gross floor area is calculated by multiplying the undisturbed area described in Subsection (F)(2)(e)(i) by the base zone height limitation and dividing the product by 12.
- (f) Additional gross floor area is allowed for land or an easement dedicated to the City for public access to Town Lake or the Colorado River. The additional gross floor area is calculated by multiplying the square footage of the access area by the height limitation applicable to the property and dividing the product by 12.
- (g) Additional gross floor area is allowed for land that is restricted to create a side setback or restricted public access to Town Lake, the Colorado River, or a creek. The additional gross floor area is calculated by multiplying the square footage of the restricted area by the height limitation applicable to the property and dividing the product by 12.
- (h) An additional one square foot of gross floor area is allowed for each one square foot of area restricted to create a scenic vista of Town Lake, the Colorado River, or a creek.
- (i) If a new development is developed with less than the maximum allowable impervious cover, an additional one square foot of gross floor area is allowed for each one square foot of impervious cover less than the allowable maximum.

(3) In a Primary Setback Area

- (a) Parking areas and structures are prohibited, except as otherwise provided in this Subsection; and
 - (b) Park facilities, including picnic tables, observation decks, trails, gazebos, and pavilions, are allowed if the park facilities are located on public park land and impervious cover does not exceed 15 percent.
- (4) In a secondary setback area fountains, patios, terraces, outdoor restaurants, and similar uses are allowed, and impervious cover must not exceed 30 percent.

(5) Standards for parking areas

- (a) Surface parking must be placed along roadways, if practicable, and must be screened from views from Town Lake, the Colorado River, park land, and the creeks named in this Section.
- (b) An above ground parking structure must:
 - (i) Have a pedestrian scale and be either architecturally integrated with the associated building or screened from views from Town Lake, the Colorado River, park land, and the creeks named in this Section; and
 - (ii) Incorporate pedestrian oriented uses at ground level if it is adjacent to Town Lake, the Colorado River, park land, or a creek named in this Section.
- (c) Setback standards do not apply to a parking structure constructed below grade.

(6) Design standards for buildings

- (a) Exterior mirrored glass and glare-producing building materials are prohibited.
 - (b) A distinctive building top is required for a building that exceeds a height of 45 feet, except in the City Hall subdistrict. Distinctive building tops include cornices, stepped parapets, hipped roofs, mansard roofs, stepped terraces, and domes. To comply with the standards of Chapter 13-1, Article 4 (Heliports and Helicopter Operations), a flat roof is allowed.
 - (c) A building basewall is required for a building that fronts on Town Lake, Shoal Creek, or Waller Creek, that adjoins public park land or Town Lake, or that is across a street from public park land, except in the City Hall subdistrict. The basewall must not exceed a height of 45 feet.
 - (d) A building facade must not extend horizontally in an unbroken line for more than 160 feet.
- (7) Underground utility service is required, unless otherwise determined by the utility provider.
- (8) Trash receptacles, air conditioning or heating equipment, utility meters, loading areas, and external storage must be screened from public view.

(9) Special Standards for Public Works

- (a) Development of public works in Town Lake Park, including utility construction, flood control channels, and bridge improvements; and development of the right-of-way, including street, sidewalk, and drainage construction, must be consistent with the Town Lake Park Plan. Factors to be considered in determining consistency with the Town Lake Park Plan include park land access, road

alignment, utility placement, sidewalk design, railing design, sign design and placement, landscaping, and stormwater filtration.

- (b) The Watershed Director shall review an application for development of public works in Town Lake Park and shall work with the Parks Director to implement applicable recommendations by the Comprehensive Watershed Ordinance Task Force that were approved by the Council on May 22, 1986.
- (c) The Environmental Board shall review a development if the Watershed Director determines that the development offers an opportunity for a major urban water quality retrofit. If Land Use Commission review is required, the Environmental Board shall forward its comments to the Land Use Commission.
- (d) Streetscape improvements must be consistent with the Town Lake Park Plan. A streetscape improvement is an improvement to a public right-of-way, and includes sidewalks, trees, light fixtures, signs, and furniture. This Subsection applies to:
 - (i) Barton Springs Road, from Congress Avenue to MoPac Freeway;
 - (ii) Cesar Chavez Street, from MoPac Freeway to IH-35;
 - (iii) Congress Avenue, from Riverside Drive to First Street;
 - (iv) Grove Boulevard, from Pleasant Valley Road to Montopolis Drive;
 - (v) Guadalupe Street, from Cesar Chavez Street to Fifth Street;
 - (vi) Lakeshore Boulevard, from Riverside Drive to Montopolis Drive;
 - (vii) Lamar Boulevard, from the Union Pacific railroad overpass to Barton Springs Road;
 - (viii) Lavaca Street, from Cesar Chavez Street to Fifth Street;
 - (ix) South First Street, from Town Lake to Barton Springs Road; and
 - (x) Trinity Street, from Cesar Chavez Street to Fifth Street.
- (e) For a street described in Subsection (G)(9)(d), streetscape improvements that are consistent with the Town Lake Park Plan are required. A streetscape improvement is an improvement to a public right-of-way, and includes sidewalks, trees, light fixtures, signs, and furniture.

(F) Development Standards by Subdistrict

- (1) Development standards shall be as defined in the base zone, except as provided in Table 23-4D-7120.B (Development Standards for Subdistricts), or elsewhere in this Subsection.
- (2) **Auditorium Shores Subdistricts Standards**
 - (a) Gross Floor Area
 - (i) Within primary setback, 2,000 square feet;
 - (ii) Within secondary setback, 75,000 square feet.

Table 23-4D-7120.B Development Standards by Subdistrict

Auditorium Shores

Setbacks (min)

Primary Setback Line	
East of UPR, landward from Town Lake Shoreline	1,200 feet
West of UPR	Entire property

Secondary Setback Line

East of UPR	Northern boundary of ROW of Barton Spring Road
-------------	--

Building Form

Height (max)

primary setback	25 ft or base zone, whichever is lower
secondary setback-	60 ft or base zone, whichever is lower

Balcones Rock Cliff

Setbacks (min)

Primary Setback Line	
Landward of Town Lake shoreline	75 ft
Landward for a single-family lot platted before July 17, 1985 that is zoned RR or minimum 20,000 sf	50 ft

Impervious Coverage (max.)¹

Beyond primary or secondary setback	30%
-------------------------------------	-----

Building Form

Height (max)	35 ft or base zone, whichever is lower
--------------	--

Notes:

¹ The maximum percentage of impervious coverage allowed by the LDC may not be attainable by a project due to unique site characteristics, such as trees, waterways, and steep slopes. Where necessary, the project shall reduce the amount of proposed impervious cover to comply with other code requirements.

Table 23-4D-7120.B Development Standards by Subdistrict (continued)

Butler Shores

Setbacks (min)

Primary Setback Line	
Landward from Town Lake Shoreline	100 ft
South of southern boundary of Toorney Rd	35 ft
South of southern boundary of Barton Springs Road	35 ft
North of northern boundary of Barton Springs Road	35 ft
from Barton Creek centerline	100 ft

Secondary Setback Line

From primary setback line of Town Lake	100 ft
--	--------

Impervious Coverage (max.)¹

Gradient exceeds 25%	Impervious cover prohibited
----------------------	-----------------------------

Building Form

Height (max)

North of Barton Springs Rad-	96 ft or base zone, whichever is lower
South of Barton Springs Road,	60 ft or base zone, whichever is lower

City Hall

Setbacks (min)

Primary Setback Line	
Landward from Town Lake shoreline	100 ft

East Riverside

Setbacks (min)

Primary Setback Line	
Landward from Town Lake Shoreline	100 ft

Impervious Coverage (max.)¹

Beyond primary or secondary setback	50%
-------------------------------------	-----

Building Form

Height (max)	96 ft or base zone, whichever is lower
--------------	--

Table 23-4D-7120.B Development Standards by Subdistrict (continued)

Festival Beach	
Setbacks (min)	
Primary Setback Line	
Landward from Town Lake Shoreline	100 ft
Secondary Setback Line	
Landward from primary setback line	50 ft
Impervious Coverage (max.)¹	
Beyond primary or secondary setback	40%
Building Form	
Height (max)	60 ft or base zone, whichever is lower

Lamar

Setbacks (min)	
Primary Setback Line	
Landward from Town Lake Shoreline	100 ft
Johnson Creek Centerline	90 ft
Secondary Setback Line	
Landward from primary setback line	50 ft

Building Form

Height (max)	
Within 140 ft of Johnson Creek Centerline	35 ft or base zone, whichever is lower
Beyond 140 ft of Johnson Creek Centerline	60 ft or base zone, whichever is lower

Montopolis/River Terrace

Setbacks (min)	
Primary Setback Line	
Landward from the 430 foot contour line along Colorado Rive	150 ft
Secondary Setback Line	
Landward from primary setback line that is parallel to Town Lake shoreline	100 ft

Building Form

Height (max)	60 ft or base zone, whichever is lower
--------------	--

Table 23-4D-7120.B Development Standards by Subdistrict (continued)

North Shore Central

Setbacks (min)	
Primary Setback Line	
Landward from Town Lake Shoreline	100 ft
From Shoal Creek Centerline	60 ft
From Waller Creek Centerline	50 ft
Secondary Setback Line	
Landward from primary setback line	100 ft

Rainey Street

Setbacks (min)	
Primary Setback Line	
Landward from Town Lake Shoreline	150 ft
From Waller Creek Centerline	50 ft

Red Bluff

Setbacks (min)	
Primary Setback Line	
From the 450 foot contour line, from Pleasant Valley Road to the extension of Shady Lane and from the extension of Shady Lane to US 183	40 ft
Secondary Setback Line	
From the Primary Setback line	110 ft

Building Form

Height (max)	
Within secondary setback-	35 ft or base zone, whichever is lower

Notes:

¹ The maximum percentage of impervious coverage allowed by the LDC may not be attainable by a project due to unique site characteristics, such as trees, waterways, and steep slopes. Where necessary, the project shall reduce the amount of proposed impervious cover to comply with other code requirements.

Table 23-4D-7120.B Development Standards by Subdistrict (continued)

South Lakeshore

Setbacks (min)

Primary Setback Line	
Landward from Town Lake Shoreline	65 ft
South of Lakeshore Boulevard	50 ft

Building Form

Height (max)	60 ft or base zone, whichever is lower
--------------	--

South Shore Central

Setbacks (min)

Primary Setback Line	
Landward from Town Lake Shoreline	150 ft
Form East Boulding Creek Centerline	80 ft
North of northern ROW of Riverside Drive	35 ft

Secondary Setback Line

Landward from primary setback parallel to Town Lake shoreline	50 ft
From primary setback parallel to East Bouldin Creek centerline	130 ft

Building Form

Height (max)	
between primary and secondary setbacks	35 ft or base zone, whichever is lower
South of Riverside between S. Congress Avenue and East Bouldin Creek	45 ft or base zone, whichever is lower
Within 100 ft; or South Congress Avenue; or South First Street Avenue ROW	60 ft or base zone, whichever is lower
All other areas	96 ft or base zone, whichever is lower

Notes:

¹ The maximum percentage of impervious coverage allowed by the LDC may not be attainable by a project due to unique site characteristics, such as trees, waterways, and steep slopes. Where necessary, the project shall reduce the amount of proposed impervious cover to comply with other code requirements.

Table 23-4D-7120.B Development Standards by Subdistrict (continued)

Travis Heights

Setbacks (min)

Primary Setback Line	
Landward from Town Lake Shoreline	150 ft
Form East Boulding Creek Centerline	80 ft
Form East Blunn Creek Centerline	80 ft

Impervious Coverage (max.) ¹

Beyond primary or secondary setback	50%
-------------------------------------	-----

Building Form

Height (max)	
Between shoreline of Lady Bird Lake and Riverside Drive	45 ft or base zone, whichever is lower
All other structures	60 ft or base zone, whichever is lower

University/Deep Eddy

Setbacks (min)

Primary Setback Line	
Landward from Town Lake Shoreline, between Tom Miller Dam and Red Bud Trail	200 ft
Landward from Town Lake shoreline, between Red Bud Trail and MoPac Blvd	300 ft

Secondary Setback Line

Landward from primary setback line, between Tom Miller Dam and Red Bud Trail	50 ft
Landward from the primary setback line, between Red Bud Trail and MoPac Blvd	100 ft

Impervious Coverage (max.) ¹

Beyond primary or secondary setback	40%
-------------------------------------	-----

Building Form

Height (max)	
w/in primary, secondary, or 50 ft of a secondary setback line	35 ft
All other structures	60 ft or base zone, whichever is lower

Table 23-4D-7120.B Development Standards by Subdistrict (continued)

Zilker Park	
Setbacks (min)	
Primary Setback Line	
Landward from Town Lake Shoreline	100 ft
Secondary Setback Line	
Landward from primary setback line	700 ft
Impervious Coverage (max.)¹	
Beyond primary or secondary setback	40%
Building Form	
Height (max)	45 ft or base zone whichever is lower

Notes:

¹ The maximum percentage of impervious coverage allowed by the LDC may not be attainable by a project due to unique site characteristics, such as trees, waterways, and steep slopes. Where necessary, the project shall reduce the amount of proposed impervious cover to comply with other code requirements.

- (b) This Subsection applies to a non-residential use in a building adjacent to park land adjoining Town Lake.
 - (i) At least 60 percent of the wall area that is between two and 10 feet above grade on walls at ground level that are visible from park land or a public right-of-way that adjoins park land must be constructed of clear or lightly tinted glass. The glass must allow pedestrians a view of the interior of the building.
 - (ii) Entryways or architectural detailing is required to break the continuity of nontransparent basewalls.
- (3) **Balcones Rock Cliff Subdistrict Standards**
 - (a) Natural building materials are required for the exterior of a building visible from park land adjacent to Town Lake.
 - (b) At least 75 percent of a structure that is visible from the Town Lake shoreline must be screened with trees and shrubs native to the Balcones Cliff subdistrict and approved by the City Arborist.
- (4) **Butler Shores Subdistrict Standards**
 - (a) This Subsection applies to a non-residential use in a building adjacent to park land adjoining Town Lake.
 - (i) At least 60 percent of the wall area that is between 2 and 10 feet above grade that is visible from park land or a public right-of-way that adjoins park land, must be constructed of clear or lightly tinted glass. The glass must allow pedestrians a view of the interior of the building.
 - (ii) Entryways or architectural detailing is required to break the continuity of nontransparent basewalls.
 - (iii) Natural building materials are required for an exterior surface visible from park land adjacent to Town Lake.
 - (b) A building basewall is required for a structure on property adjacent to and oriented toward Barton Springs Road, with a maximum height of:
 - (i) Forty-five feet, if north of Barton Springs Road; or
 - (ii) Thirty five feet, if south of Barton Springs Road.
 - (c) The portion of a structure built above the basewall and oriented towards Barton Springs Road must fit within an envelope delineated by a 70 degree angle starting at a line along the top of the basewall with the base of the angle being a horizontal plane extending from the line parallel to and away from the surface of Barton Springs Road.
- (5) **Lamar Subdistrict Standards**
 - (a) Surface parking is prohibited, except for a parking area for buses, van pooling, the persons with disabilities, or public access to park land.
 - (b) A garage access point or curb cut is prohibited if the pattern or alignment of the surrounding, existing sidewalks would be disrupted.
- (6) **North Shore Central Subdistrict Standards**
 - (a) Surface parking is prohibited, except for a parking area for buses, van pooling, taxis, delivery services, commercial loading, public transportation, the persons with disabilities, or public access to park land.

- (b) The location of a garage access point or curb cut must minimize the disruption of pedestrian traffic on existing sidewalks.
- (c) A structure must fit within an envelope delineated by a 70 degree angle starting at a line 45 feet above the property boundary line nearest Town Lake, Shoal Creek, or Waller Creek, with the base of the angle being a horizontal plane extending from the line parallel to and away from the surface of Town Lake, Shoal Creek, or Waller Creek.
- (d) Non-residential uses in a building adjacent to Town Lake
 - (i) At least 60 percent of the wall area that is between 2 and 10 feet above grade that is visible from park land or a public right-of-way that adjoins park land, must be constructed of clear or lightly tinted glass. The glass must allow pedestrians a view of the interior of the building.
 - (ii) Entry ways or architectural detailing is required to break the continuity of nontransparent basewalls.
 - (iii) Natural building materials are required for an exterior surface visible from park land adjacent to Town Lake.
- (e) A building must not be constructed within 80 feet of the existing east curb line of Congress Avenue south of First Street.

(7) Rainey Street Subdistrict Standards

- (a) This Subsection applies to property in the Rainey Street Subdistrict zoned Downtown Core (DC) after April 17, 2005.
 - (i) Sidewalks not less than 10 feet wide must be provided along the street frontage for buildings located on Red River Street from Cesar Chavez Street to Driskill Street or River Street from I-35 to River Street's western terminus.
 - (ii) A use with a drive-through service is prohibited.
 - (iii) The maximum building height is 40 feet for a residential or mixed-use building.

(8) Red Bluff Subdistrict Standards. Natural building materials are required on the exterior surface of a building adjacent to Town Lake.

(9) South Shore Central Subdistrict Standards

- (a) This Subsection applies to a non-residential use in a building adjacent to park land adjoining Town Lake.
 - (i) At least 60 percent of the wall area that is between 2 and 10 feet above grade that is visible from park land or a public right-of-way that adjoins park land, must be constructed of clear or lightly tinted glass. The glass must allow pedestrians a view of the interior of the building.
 - (ii) Entryways or architectural detailing is required to break the continuity of nontransparent basewalls.
 - (iii) Natural building materials are required for an exterior surface visible from park land adjacent to Town Lake.

- (b) A building basewall is required for a structure on property adjacent to and oriented toward Riverside Drive, with a maximum height of:
 - (i) 45 feet, if north of Riverside Drive; or
 - (ii) 35 feet, if south of Riverside Drive.
- (c) The portion of a structure built above the basewall and oriented toward Riverside Drive must fit within an envelope delineated by a 70 degree angle starting at a line along the top of the basewall with the base of the angle being a horizontal plane extending from the line parallel to and away from the surface of Riverside Drive.

(10) **Travis Heights Subdistrict Standards.** Subsection (G)(1) applies only to structures located between Bouldin and Blunn Creeks.

(11) **University/Deep Eddy Subdistrict Standards**

- (a) For a primary setback area, a secondary setback area, or an area within 50 feet of a secondary setback line the floor area ratio cannot be increased in compliance with Subsection (G)(1).

(12) **City Hall Subdistrict Standards**

- (a) A surface parking area located at or above grade is prohibited, except for a parking area for buses, van pooling, taxis, delivery services, commercial loading, public transportation, persons with disabilities, or public access to park land.
- (b) The location of a garage access point or curb cut must minimize the disruption of pedestrian traffic on existing sidewalks.
- (c) The height of a structure must fit within an envelope delineated by a 70 degree angle starting at a line 45 feet above the property boundary line nearest Town Lake, with the base of the angle being a horizontal plane extending from the line parallel to and away from the surface of Town Lake, or must not exceed a height of 100 feet.
- (d) A non-residential use in a structure adjacent to Town Lake must have:
 - (i) At least 60 percent of the wall area that is between 2 and 10 feet above grade that is visible from park land or a public right-of-way that adjoins park land, must be constructed of clear or lightly tinted glass. The glass must allow pedestrians a view of the interior of the building;
 - (ii) Entry ways or architectural detailing, which is required to break the continuity of nontransparent basewalls; and
 - (iii) Natural building materials, which are required for an exterior surface visible from park land adjacent to Town Lake.

(G) **General Waterfront Overlay (WO) Zone Allowed Uses.** Uses allowed in the WO Zone shall be consistent with those defined in the base zone, except as modified in this Subsection.

(1) **Additional Allowed Uses**

- (a) A residential use that is allowed in any Residential Zone is also allowed in a commercial base zone.
- (b) A pedestrian-oriented use serves the public by providing goods or services, and include uses listed in Division 23-4E-7 (Additional General Standards). Additionally,

the Land Use Commission may make a determination to other pedestrian-oriented uses.

- (c) Pedestrian-oriented uses are allowed on the ground floor of a structure in a Medium to High Intensity Residential Zone, any Commercial Zone, or any Industrial Zone, and may be allowed by the Land Use Commission above the ground floor of a structure subject to approval by the Land Use Commission.
- (d) A determination by the Land Use Commission in compliance with Subsection (H) (1)(c) may be appealed to the Council. For the City Hall subdistrict, a determination in compliance with Subsection (H)(1)(b) may be appealed to the Council.

(2) **Conditional Uses by Subdistrict.** Table 23-4D-7120.C lists land use permit modifications from the base zone for certain subdistricts.

Table 23-4D-7120.C Land Use Regulations by Subdistrict					
	University/Deep Eddy	Red Bluff	East Riverside	Travis Heights	Rainey Street
'X' Prohibited use; 'CUP' Conditional Use Permit required. '-' No change from base zone regulations, unless otherwise provided in this Section					
Automobile sales, rental and storage	X	CUP	X	X	-
Automobile Repair	X	CUP	X	X	-
Gas Station (includes car wash)	X	CUP	X	X	-
Gas Station (excludes car wash)	CUP	-	CUP	CUP	-
Parking Facility	X	CUP	X	X	-
Commercial Service	-	P	X	X	-
Any Drive in Service	X	CUP	X	-	-
Hotel/Motel	CUP	-	CUP	CUP	-
Bar/Nightclub	-	-	-	-	CUP
Local Utilities	CUP	-	CUP	CUP	-
Heavy Industry	-	X	X	X	-
Agricultural Industry	-	X	X	X	-
Mining and Resource Extraction	-	X	-	-	-

(H) **Additional Use Standards by Subdistrict.** The following provides additional land use standards by Subdistrict. The standards of this Subsection shall be considered in combination with the land use standards of Subsection (G), above.

- (1) **North Shore Central Subdistrict.** A minimum of 50 percent of the net usable floor area of the ground level of a structure adjacent to Town Lake must be used for pedestrian-oriented uses. The Land Use Commission may allow an applicant up to five years from the date a Certificate of Occupancy is issued to comply with this standard.
- (2) **South Shore Central Subdistrict.** A minimum of 50 percent of the net usable floor area of the ground level of a structure adjacent to Town Lake must be used for pedestrian-oriented uses. The Land Use Commission may allow an applicant up to five years from the date a Certificate of Occupancy is issued to comply with this standard.
- (3) **Auditorium Shores Subdistrict, except for a community events use**
 - (a) A minimum of 50 percent of the net usable floor area of the ground level of a structure adjacent to Town Lake must be used for pedestrian-oriented uses. The Land Use Commission may allow an applicant up to five years from the date a Certificate of Occupancy is issued to comply with this standard.
 - (b) The area between the primary setback line and the secondary setback line must only be used for:
 - (i) Cultural services;
 - (ii) Day care services;
 - (iii) Park and recreation services;
 - (iv) Food sales; or
 - (v) Restaurant (limited) without drive-through service.
- (4) **Butler Shores Subdistrict.** A minimum of 50 percent of the net usable floor area of the ground level of a structure adjacent to Town Lake must be used for pedestrian-oriented uses. The Land Use Commission may allow an applicant up to five years from the date a certificate of occupancy is issued to comply with this standard.
- (5) **Zilker Park Subdistrict.** This subdistrict is limited to park-related structures.
- (6) **City Hall Subdistrict.** A minimum of 50 percent of the net usable floor area of the ground level of a structure adjacent to Town Lake must be used for pedestrian-oriented uses. The Land Use Commission may allow an applicant up to five years from the date a certificate of occupancy is issued to comply with this standard. This standard does not apply to a building used by the City for a governmental function.

23-4D-7130 Overlay Zone Boundaries Described

(A) Boundaries Of The Capitol View Corridors

- (1) In this Section:
 - (a) Texas Plane Coordinate means the Central Zone of the Texas State Coordinate Systems as defined by the U.S. Coast and Geodetic Survey, dated 1945 and revised in March 1978.
 - (b) Capitol Dome means the part of the State Capitol located more than 653 feet above sea level at Texas Plane Coordinate X-2818555.07, Y-230595.65, being the center of the dome.
- (2) The capitol view corridors and boundaries are:
 - (a) The South Mall of the University of Texas corridor includes the area below the plane formed by connecting the following two lines:
 - (i) The first line begins at an elevation of 594 feet above sea level at Texas Plane Coordinate X-2818794.86 Y-234376.98 and extends along a bearing of S 2° 7' 0.0" W for a distance of 3,790.248 feet to a point 100 feet from the center of the Capitol Dome and located at Texas Plane Coordinate X-2818654.87, Y-230589.32; and
 - (ii) The second line begins at an elevation of 594 feet above sea level at Texas Plane Coordinate X-2818628.71, Y-234341.64, and extends along a bearing of S 2° 39' 17.7" W for a distance of 3,748.053 feet to a point 100 feet from the center of the Capitol dome and located at Texas Plane Coordinate X-2818455.09, Y-230597.61.
 - (b) The Waterloo Park corridor includes the area below the plane formed by connecting the following two lines:
 - (i) The first line begins at an elevation of 496 feet above sea level at Texas Plane Coordinate X-2820189.70, Y-230799.91, and extends along a bearing of S 86° 21' 3.1" W for a distance of 1,650.373 feet to a point 100 feet from the center of the Capitol dome and located at Texas Plane Coordinate X-2818542.67, Y-230694.87; and
 - (ii) The second line begins at an elevation of 480 feet above sea level at Texas Plane Coordinate X-2820300.13, Y-229756.25, and extends along a bearing of N 67° 16' 4.1" W for a distance of 1,939.019 feet to a point 100 feet from the center of the Capitol dome and located at Texas Plane Coordinate X-2818511.73, Y-230505.53.
 - (c) The Woolridge Park corridor includes the area below the plane formed by connecting the following two lines:
 - (i) The first line at an elevation of 515 feet above sea level at Texas Plane Coordinate X-2816727.54, Y-229659.96, and extends along a bearing of N 60° 5' 58.0" E for a distance of 2,055.569 feet to a point 100 feet from the center of the Capitol dome and located at Texas Plane Coordinate X-2818509.50, Y-230684.66; and
 - (ii) The second line begins at an elevation of 536 feet above sea level at Texas Plane Coordinate X-2816925.57, Y-229291.91, and extends along a bearing of N 54° 4' 50.4" E for a distance of 2,089.263 feet to a point 100 feet from

the center of the Capitol dome and located at Texas Plane Coordinate X-2818617.55, Y-230517.56.

- (d) The French Legation corridor includes the area below the plane formed by connecting the following two lines:
- (i) The first line begins at an elevation of 539 feet above sea level at Texas Plane Coordinate X-2821177.01, Y-227894.81, and extends along a bearing of N 42° 37' 44.3" W for a distance of 3,765.605 feet to a point 100 feet from the center of the Capitol dome and located at Texas Plane Coordinate X-2818626.83, Y-230665.30; and
 - (ii) The second line begins at an elevation of 539 feet above sea level at Texas Plane Coordinate X-2821144.99, Y-227833.18, and extends along a bearing of N 44° 39' 68.5" W for a distance of 3,787.992 feet to a point 100 feet from the center of the Capitol dome and located at Texas Plane Coordinate X-2818482.12, Y-230527.25.
- (e) The Lamar Bridge corridor includes the area below the plane formed by connecting the following two lines:
- (i) The first line begins at an elevation of 460 feet above sea level at Texas Plane Coordinate X-2813589.52, Y-227457.92, and extends along a bearing of N 56° 44' 9.5" E for distance of 5,874.699 feet to a point 100 feet from the center of the Capitol dome and located at Texas Plane Coordinate X-2818596.90, Y-230686.48; and
 - (ii) The second line begins at an elevation of 460 feet above sea level at Texas Plane Coordinate X-2813419.55, Y-226934.03, and extends along a bearing of N 55° 25' 10.4" E for a distance of 6,308.017 feet to a point 100 feet from the center of the Capitol dome and located at Texas Plane Coordinate X-2818613.13, Y-230514.22.
- (f) The South Congress at East Live Oak corridor includes the area below the plane formed by connecting the following two lines:
- (i) The first line begins at an elevation of 574 feet above sea level at Texas Plane Coordinate X-2814945.42, Y-218622.48, and extends along a bearing of N 16° 19' 7.6" E for a distance of 12,505.861 feet to a point 100 feet from the center of the Capitol dome and located at Texas Plane Coordinate X-2818459.22, Y-230624.51; and
 - (ii) The second line begins at an elevation of 574 feet above sea level at Texas Plane Coordinate X-2815051.19, Y-218649.13, and extends along a bearing of N 16° 48' 23.4" E for a distance of 12,450.162 feet to a point 100 feet from the center of the Capitol dome and located at Texas Plane Coordinate X-2818651.03, Y-230567.50.
- (g) The MoPac Bridge corridor includes the area below the plane formed by connecting the following two lines:
- (i) The first line begins at an elevation of 498 feet above sea level of Texas Plane Coordinate X-2808602.196, Y-229824.15, and extends along a bearing of N 86° 08' 29.3" E for a distance of 10,331.327 feet to a point 100 feet from the center of the Capitol dome and located at Texas Plane Coordinates X-2818562.808, Y-230495.95; and

- (ii) The second line begins at an elevation of 485 feet above sea level at Texas Plane Coordinate X-2808930.31, Y-230333.64, and extends along a bearing of N 87° 50' 44.3" E for a distance of 9,628.852 feet to a point 100 feet from the center of the Capitol dome and located at Texas Plane Coordinate X-2818552.35, Y-230695.61.
- (h) The South Lamar at La Casa Drive corridor includes the area below the plane formed by connecting the following two lines:
 - (i) The first line begins at an elevation of 656 feet above sea level at Texas Plane Coordinate X-2806422.18, Y-219725.23, and extends along a bearing of N 47° 47' 22.8" E for a distance of 16,290.678 feet to a point 100 feet from the center of the Capitol dome and located at Texas Plane Coordinate X-2818488.35, Y-230670.13; and
 - (ii) The second line begins at an elevation of 656 feet above sea level at Texas Plane Coordinate X-2806443.28, Y-219708.55, and extends along a bearing of N 48° 24' 0.0" E for a distance of 16,286.017 feet to a point 100 feet from the center of the Capitol dome and located at Texas Plane Coordinate X-2818621.93, Y-230521.28.
- (i) The Barton Creek Pedestrian Bridge corridor includes the area below the plane formed by connecting the following two lines:
 - (i) The first line begins at an elevation of 445 feet above sea level at Texas Plane Coordinate X-2810872.3, Y-227047.993 and extends along a bearing of N 64° 30' 13.9" E for a distance of 8,465.138 feet to a point 100 feet from the center of the Capitol dome and located at Texas Plane Coordinate X-2818513.104, Y-230686.414; and
 - (ii) The second line begins at an elevation of 460 feet above sea level at Texas Plane Coordinate X-2812177.38, Y-227545.58, and extends along a bearing of N 65° 15' 5.2" E for a distance of 7,070.209 feet to a point 100 feet from the center of the Capitol dome and located at Texas Plane Coordinate X-2818598.22, Y-230505.43.
- (j) The Pleasant Valley Road at Lakeshore Drive corridor includes the area below the plane formed by connecting the following two lines:
 - (i) The first line begins at an elevation of 450 feet above sea level at Texas Plane Coordinate X-2826332.31, Y-219396.73, and extends along a bearing of N 34° 21' 30.0" W for a distance of 13,634.929 feet to a point 100 feet from the center of the Capitol dome and located at Texas Plane Coordinate X-2818637.21, Y-230652.69; and
 - (ii) The second line begins at an elevation of 450 feet above sea level at Texas Plane Coordinate X-2826129.04, Y-218986.86, and extends along a bearing of N 33° 32' 6.6" W for a distance of 13,861.422 feet to a point 100 feet from the center of the Capitol dome and located at Texas Plane Coordinate X-2818471.32, Y-230541.00.
- (k) The East Eleventh Street Threshold corridor includes the area below the plane formed by connecting the following two lines:
 - (i) The first line begins at an elevation of 517 feet above sea level at Texas Plane Coordinate X-281382.21, Y-228956.12, and extends along a bearing of N 61° 38' 31.4" W for a distance of 3,269.672 feet to a point 100 feet from the center

- of the Capitol dome and located at Texas Plane Coordinate X-2818504.91, Y-230509.14; and
- (ii) The second line begins at an elevation of 517 feet above sea level at Texas Plane Coordinate X-2821418.78, Y-228980.65 and extends along a bearing of N 58° 60' 12.7" W for a distance of 3,289.227 feet to a point 100 feet from the center of the Capitol dome and located at Texas plane Coordinate X-2818604.20, Y-230682.75.
- (l) The North-Bound Lanes of IH-35 between the Municipal Police and Courts Building and West Tenth Street corridor includes the area below the plane formed by connecting the following two lines:
- (i) The first line begins at an elevation of 501 feet above sea level at Texas Plane Coordinate X-2820624.99, Y-227858.68, and extends along a bearing of N 38° 3,433.34 feet to a point 100 feet from the center of the Capitol dome and located at Texas Plane Coordinate X-2818475.11, Y-230535.59; and
 - (ii) The second line begins at an elevation of 491 feet above sea level at Texas Plane Coordinate X-2820738.78, Y-228232.855, and extends along a bearing of N 49° 33' 37.2" W for a distance of 3,219.746 feet to a point 100 feet from the center of the Capitol dome and located at Texas Plane Coordinate X-2818627.946, Y-230664.138.
- (m) The South-Bound Lanes of the Upper Deck of IH-35 between Concordia College and the Martin Luther King Boulevard Overpass corridor includes the area below the plane formed by connecting the following two lines:
- (i) The first line begins at an elevation of 618 feet above sea level at Texas Plane Coordinate X-2822432.77, Y-233117.96, and extends along a bearing of S 55° 43' 8.2" W for a distance of 4,627.079 feet to a point 100 feet from the center of the Capitol dome and located at Texas Plane Coordinate X-2818609.48, Y-230511.74; and
 - (ii) The second line begins at an elevation of 648 feet above sea level at Texas Plane Coordinate X-2823639.09, Y-235471.26, and extends along a bearing of S 47° 0' 43.0" W for a distance of 7,045.415 feet to a point 100 feet from the center of the Capitol dome and located at Texas Plane Coordinate X-2818485.40, Y-230667.38.
- (n) The North-Bound Lanes of IH-35 between Waller Creek Plaza and the Municipal Police and Court Building corridor includes the area below the plane formed by connecting the following two lines:
- (i) The first line begins at an elevation of 498 feet above sea level of Texas Plane Coordinate X-2820389.72, Y-226977.21, and extends along a bearing of N 28° 17' 53.1" W for a distance of 4,058.419 feet to a point 100 feet from the center of the Capitol dome and located at Texas Plane Coordinate X-2818465.79, Y-230550.62; and
 - (ii) The second line begins at an elevation of 498 feet above sea level at Texas Plane Coordinate X-2820450.80, Y-227277.98, and extends along a bearing of N 28° 14' 42.1" W for a distance of 3,823.132 feet to a point 100 feet from the center of the Capitol dome and located at Texas Plane Coordinate X-2818641.53, Y-230645.90.

- (o) The North-Bound Lanes of IH-35 between Third Street and the Waller Creek Plaza corridor includes the area below the plane formed by connecting the following two lines:
 - (i) The first line begins at an elevation of 482 feet above sea level at Texas Plane Coordinate X-2820010.77, Y-225710.94, and extends along a bearing of N 17° 43' 6.5" W for a distance of 5,098.378 feet to a point 100 feet from the center of the Capitol dome and located at Texas Plane Coordinate X-2818459.13, Y-230567.46; and
 - (ii) The second line begins at an elevation of 495 feet above sea level at Texas Plane Coordinate X-2820205.46, Y-226432.65, and extends along a bearing of N 20° 20' 46.9" W for a distance of 4,479.853 feet to a point 100 feet from the center of the Capitol dome and located at Texas Plane Coordinate X-2818647.84, Y-230632.99.
- (p) The East Seventh Street Bridge Over the Texas-New Orleans Railroad corridor includes the area below the plane formed by connecting the following two lines:
 - (i) The first line begins at an elevation of 476 feet above sea level at Texas Plane Coordinate X-2829646.58, Y-224957.77, and extends along a bearing of N 62° 35' 42.1" W for a distance of 12,442.553 feet to a point 100 feet from the center of the Capitol dome and located at Texas Plane Coordinate X-2818600.39, Y-230684.79; and
 - (ii) The second line begins at an elevation of 476 feet above sea level at Texas Plane Coordinate X-2829633.60, Y-224932.05, and extends along a bearing of N 63° 23' 0.0" W for a distance of 12,442.674 feet to a point 100 feet from the center of the Capitol dome and located at Texas Plane Coordinate X-2818509.56, Y-230506.61.
- (q) The Longhorn Shores corridor includes the area below the plane formed by connecting the following two lines:
 - (i) The first line begins at an elevation of 435 feet above sea level at Texas Plane Coordinate X-2823082.973, Y-219866.265, and extends along a bearing of N 22° 23' 17.7" W for a distance of 11,647.863 feet to a point 100 feet from the center of the Capitol dome and located at Texas Plane Coordinate X-2818646.489, Y-230636.201; and
 - (ii) The second line begins at an elevation of 435 feet above sea level at Texas Plane Coordinate X-2822949.654, Y-219866.561, and extends along a bearing of N 22° 46' 44" W for a distance of 11,594.666 feet to a point 100 feet from the center of the Capitol dome and located at Texas Plane Coordinate X-2818462.531, Y-230557.772.
- (r) The Zilker Clubhouse corridor includes the area below the plane formed by connecting the following two lines:
 - (i) The first line begins at an elevation of 561 feet above sea level at Texas Plane Coordinate X-2807259.05, Y-230056.68, and extends along a bearing of N 86° 45' 42.0" E for a distance of 11,309.321 feet to a point 100 feet from the center of the Capitol dome and located at Texas Plane Coordinate X-2818550.31, Y-230695.53; and
 - (ii) The second line begins at an elevation of 561 feet above sea level at Texas Plane Coordinate X-2807248.18, Y-229969.74, and extends along a bearing

of N 87° 20' 15.0" E for distance of 11,324.650 feet to a point 100 feet from the center of the Capitol dome and located at Texas Plane Coordinate X-2818560.60, Y-230495.80.

- (s) The Red Bud Trail corridor includes the area below the plane formed by connecting the following two lines:
 - (i) The first line begins at an elevation of 684 feet above sea level at Texas Plane Coordinate X-2801662.96, Y-236155.75, and extends along a bearing of S 72° 6' 10.9" E for a distance of 17,783.936 feet to a point 100 feet from the center of the Capitol dome and located at Texas Plane Coordinate X-2818586.34, Y-230690.63; and
 - (ii) The second line begins at an elevation of 684 feet above sea level at Texas Plane Coordinate X-2801187.25, Y-236038.78, and extends along a bearing of S 71° 35' 16.8" E for a distance of 17,534.371 feet to a point 100 feet from the center of the Capitol dome and located at Texas Plane Coordinate X-2818524.03, Y-230500.59.
- (t) The Enfield Road corridor includes the area below the plane formed by connecting the following two lines:
 - (i) The first line begins at an elevation of 534 feet above sea level at Texas Plane Coordinate X-2814317.00, Y-232540.28, and extends along a bearing of S 64° 7' 24.8" E for a distance of 4,664.000 feet to a point 100 feet from the center of the Capitol dome and located at Texas Plane Coordinate X-2818513.37, Y-230504.76; and
 - (ii) The second line begins at an elevation of 534 feet above sea level at Texas Plane Coordinate X-2814166.24, Y-23616.36, and extends along a bearing of S 66° 27' 47.8" E for a distance of 4,827.718 feet to a point 100 feet from the center of the Capitol dome and located at Texas plane Coordinate X-2818596.90, Y-230686.48.
- (u) The Capitol of Texas Highway corridor includes the area below the plane formed by connecting the following two lines:
 - (i) The first line begins at an elevation of 850 feet above sea level at Texas Plane Coordinate X-2793153.22, Y-246055.75, and extends along a bearing of S 58° 62' 1.6" E for a distance of 29,736.832 feet to a point 100 feet from the center of the Capitol dome and located at Texas Plane Coordinate X-2818607.06, Y-230681.07; and
 - (ii) The second line begins at an elevation of 850 feet above sea level at Texas Plane Coordinate X-2792663.44, Y-245928.13, and extends along a bearing of S 59° 10' 35.3" E for a distance of 30,091.057 feet to a point 100 feet from the center of the Capitol dome and located at Texas Plane Coordinate X-2818504.12, Y-230509.60.
- (v) The 38th Street at Red River corridor includes the area below the plane formed by connecting the following two lines:
 - (i) The first line begins at an elevation of 609 feet above sea level at Texas Plane Coordinate X-2823695.84, Y-238333.37, and extends along a bearing of S 34° 12' 57.2" W for a distance of 9,290.302 feet to a point 100 feet from the center of the Capitol dome and located at Texas Plane Coordinate X-2818471.78, Y-230650.98; and

- (ii) The second line begins at an elevation of 609 feet above sea level at Texas Plane Coordinate X-2823785.05, Y-238418.94, and extends along a bearing of S 33° 9' 15.9" W for a distance of 9,410.983 feet to a point 100 feet from the center of the Capitol dome and located at Texas Plane Coordinate X-2818638.21, Y-230540.07.
- (w) The Robert Mueller Airport corridor includes the area below the plane formed by connecting the following two lines:
 - (i) The first line begins at an elevation of 603 feet above sea level at Texas Plane Coordinate X-2831475.74, Y-237087.29, and extends along a bearing of S 62° 55' 39.9" W for a distance of 14,460.117 feet to a point 100 feet from the center of the Capitol dome and located at Texas Plane Coordinate X-2818599.97, Y-230506.29; and
 - (ii) The second line begins at an elevation of 603 feet above sea level at Texas Plane Coordinate X-2831203.80, Y-237067.65, and extends along a bearing of S 63° 18' 20.5" W for a distance of 14,208.702 feet to a point 100 feet from the center of the Capitol dome and located at Texas Plane Coordinate X-2818509.52, Y-230684.67.
- (x) The Martin Luther King Jr.. Boulevard at IH-35 corridor includes the area below the plane formed by connecting the following two lines:
 - (i) The first line begins at an elevation of 570 feet above sea level at Texas Plane Coordinate X-2821822.13, Y-232059.98, and extends along a bearing of S 64° 15' 51.7" W for a distance of 3,582.5 feet to a point 100 feet from the center of the Capitol dome and located at Texas Plane Coordinate X-2818595.97, Y-230504.39; and
 - (ii) The second line begins at an elevation of 570 feet above sea level at Texas Plane Coordinate X-2821665.89, Y-232039.68, and extends along a bearing of S 66° 46' 10.3" W for a distance of 3,431.901 feet to a point 100 feet from the center of the Capitol dome and located at Texas Plane Coordinate X-2818512.97, Y-230686.35.
- (y) The Oakwood Cemetery corridor includes the area below the plane formed by connecting the following two lines:
 - (i) The first line begins at an elevation of 662 feet above sea level at Texas Plane Coordinate X-2823518.05, Y-231483.66, and extends along a bearing of S 78° 43' 9.6" W for a distance of 5,042.788 feet to a point 100 feet from the center of the Capitol dome and located at Texas Plane Coordinate X-2818572.69, Y-230497.21; and
 - (ii) The second line begins at an elevation of 662 feet above sea level at Texas Plane Coordinate X-2823496.42, Y-231576.82, and extends along a bearing of S 79° 54' 22.8" W for a distance of 5,038.813 feet to a point 100 feet from the center of the Capitol dome and located at Texas Plane Coordinate X-2818535.60, Y-230693.73.
- (z) The East 12th Street at IH-35 corridor includes the area below the plane formed by connecting the following two lines:
 - (i) The first line begins at an elevation of 525 feet above sea level at Texas Plane Coordinate X-2821503.64, Y-229689.85, and extends along a bearing of N 74° 46' 47.0" W for a distance of 3,086.184 feet to a point 100 feet from the center

of the Capitol dome and located at Texas Plane Coordinate X-2818525.71, Y-230500.05; and

- (ii) The second line begins at an elevation of 523 feet above sea level at Texas Plane Coordinate X-2821304.47, Y-229769.21, and extends along a bearing of N 71° 16' 29.8" W for a distance of 2,872.654 feet to a point 100 feet from the center of the Capitol dome and located at Texas Plane Coordinate X-2818583.86, Y-230691.41.

(B) Boundaries of the University Neighborhood Overlay (UNO) Zone

- (1) **University Neighborhood Overlay Zone Boundaries.** The UNO Zone includes property located within the area bounded:

- (a) On the north by a line along West 29th Street from Rio Grande Street to Guadalupe Street;
- (b) On the east by a line along Guadalupe Street from West 29th Street to West 21st Street; West 21st Street from Guadalupe Street to the eastern ally of University Avenue; the eastern alley of University Avenue from West 21st Street to West MLK Jr.. Boulevard;
- (c) On the south by a line along West MLK Jr.. Boulevard from the eastern alley of University Avenue to San Gabriel Street; and
- (d) On the west by a line along San Gabriel Street to West 24th Street; west along West 24th Street to the western lot line of lot One of the Resubdivision of a Portion of Outlot Forty-Three; north along the western lot line of lot One of the Resubdivision of a Portion of Outlot Forty-Three to the alley between Lamar Boulevard and Longview Street; north along the alley to West 25th Street; east along West 25th Street to Longview Street; north along Longview Street to the northern lot line of lot Fifteen, Block Five of the Subdivision of Outlots Forty-Three, Forty-Four, Forty-Five and Fifty-Five; east along the northern lot line of lot Fifteen, Block Five of the Subdivision of Outlots Forty-Three, Forty-Four, Forty-Five and Fifty-Five to the alley between Longview Street and Leon Street; north along the ally to the northern lot line of lot Twenty-Three, Block Four of the Subdivision of Outlots Forty-Three, Forty-Four, Forty-Five and Fifty-Five; east along the northern lot line of lot Twenty-Three, Block Four of the Subdivision of Outlots Forty-Three, Forty-Four, Forty-Five and Fifty-Five to the northern lot lines of lots Twenty-Nine, Thirty, Thirty-One, Thirty-Two, and Three of the Harwood Subdivision; along the northern lot lines of lots Twenty-Nine, Thirty, Thirty-One, Thirty-Two, and Three of the Harwood Subdivision to San Gabriel Street; north along San Gabriel Street to the northern lot line of the Graham Subdivision of Outlots Fifty-Nine, Sixty, Sixty-Four, and the North Half of Fifty-Two; along the northern lot line of the Graham Subdivision of Outlots Fifty-Nine, Sixty, Sixty-Four, and the North Half of Fifty-Two to a point 160' east of San Pedro Street of the southern lot line of lot One of the Gortons Addition; from this point north to a point 160' east of San Pedro Street on the northern lot line of lot Four of the Gortons Addition; east along the northern lot line of lot Four of the Gortons Addition to San Pedro Street; north along San Pedro Street to West 28th Street; west along 28th Street to Salado Street; north along Salado Street to an alley on the northern lot line of Outlot 67, Division D of the Graham Subdivision; east along the alley to Rio Grande Street; north along Rio Grande Street to West 29th Street.

(2) **University Neighborhood Overlay Zone Subdistrict Boundaries.** Figure 23-4D-7130(1) (University Neighborhood Overlay Zone Subdistricts) identifies the UNO Zone subdistrict boundaries.

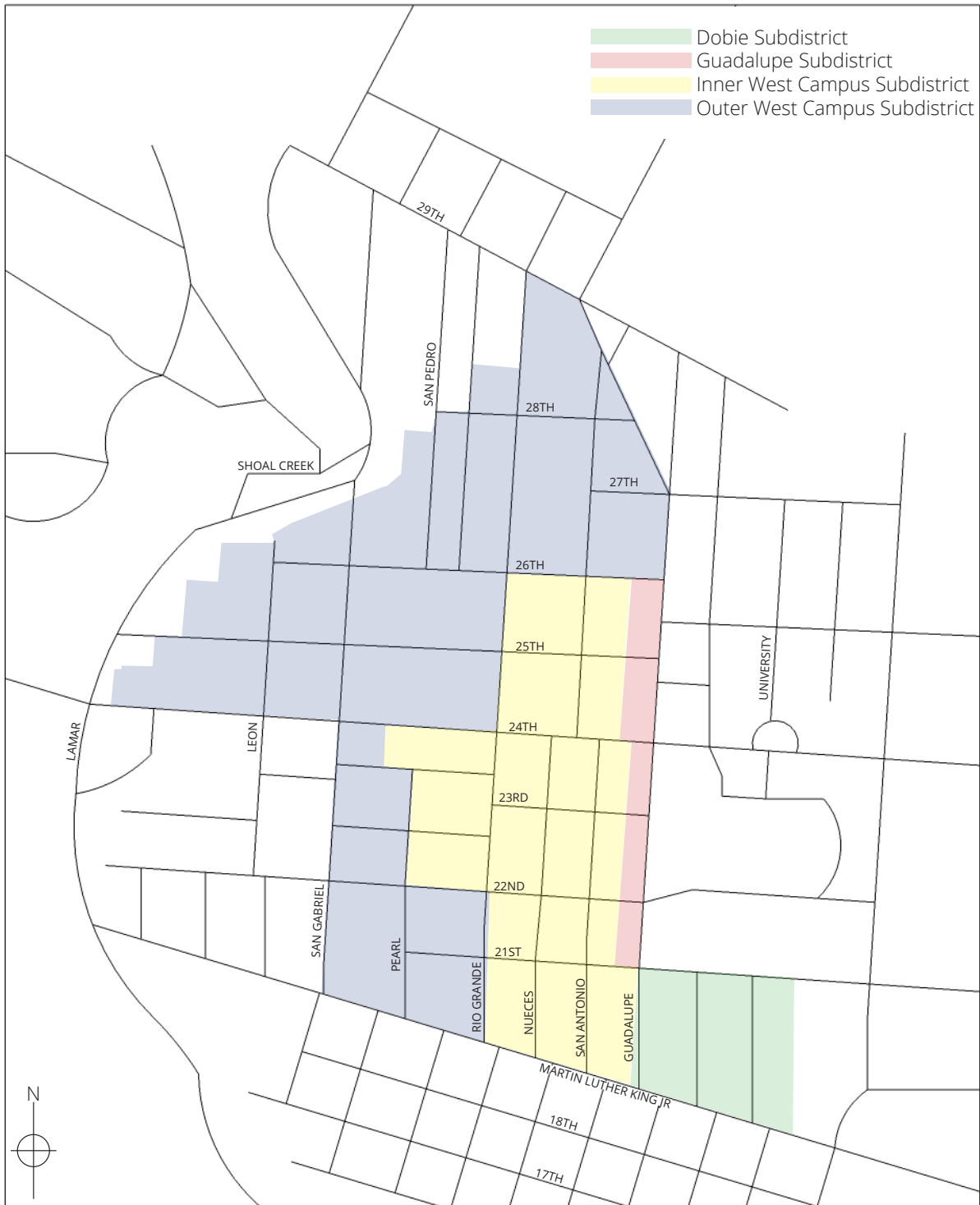


Figure 23-4D-7130(1); University Neighborhood Overlay Zone Subdistricts

- (C) **Waterfront Overlay (WO) Zone Boundaries.** The WO Zone includes the property located in the following subdistricts:
- (1) University/Deep Eddy subdistrict, which includes the property bounded by Lake Austin Boulevard on the north, the Town Lake shoreline on the south, MoPac Boulevard on the east, and Tom Miller Dam on the west;
 - (2) Lamar subdistrict, which includes the property bounded by the Missouri Pacific rail lines on the north, the Town Lake shoreline on the south, Lamar Boulevard on the east, and MoPac Boulevard on the west;
 - (3) North Shore Central subdistrict, which includes the property within the following boundaries:
 - (a) Eastern Area: beginning at the intersection of Cesar Chavez Street and Waller Creek, south along Waller Creek to Town Lake, west along Town Lake to a point due south of Colorado Street, north to and along Colorado Street to Second Street, east along Second Street to Trinity Street, south along Trinity Street to Cesar Chavez Street, and east along Cesar Chavez Street to the point of beginning; and
 - (b) Western Area: beginning at the intersection of the Town Lake shoreline and Lamar Boulevard, north along Lamar Boulevard to the Missouri Pacific rail lines, east along the Missouri Pacific rail lines to Nueces Street, south and east along Nueces Street to San Antonio Street, south along San Antonio Street to Cesar Chavez Street, due south to the Town Lake shoreline, and west along the Town Lake shoreline to the point of beginning;
 - (4) Rainey Street subdistrict, which includes the property bounded by First Street on the north, the Town Lake shoreline on the south, IH-35 on the east, and Waller Creek on the west;
 - (5) Festival Beach subdistrict, which includes the property bounded by the Town Lake shoreline on the south, Pleasant Valley Road on the east, IH-35 on the west, and Holly Street from IH-35 to Canadian Street, then north on Canadian Street to Willow Street, then east on Willow Street to Pleasant Valley Road on the north;
 - (6) Red Bluff subdistrict, which includes the property bounded by East First Street on the north, the Colorado River shoreline on the south, US 183 on the east, and Pleasant Valley Road on the west, except the portion of the property described as Lots 1 through 11 of the Bridgeview Business and Industrial Plaza subdivision, as shown on the plat recorded in Volume 77, pages 361-363, of the Plat Records of Travis County, Texas;
 - (7) Montopolis/River Terrace subdistrict, which includes the property bounded by the Colorado river shoreline on the north, the extension of Lakeshore Boulevard on the south, Highway 183 on the east, and Pleasant Valley Road on the west;
 - (8) South Lakeshore subdistrict, which includes the property bounded by the Town Lake shoreline on the north, the various and respective southern boundaries of all legal lots existing as of July 16, 1986, that abut the south public right-of-way of South Lakeshore Boulevard on the south, Pleasant Valley Road on the east, and the extension of Parker Lane on the west;
 - (9) East Riverside subdistrict, which includes the property bounded by the Town Lake shoreline on the north, Riverside Drive on the south, the extension of Parker Lane on the east, and IH-35 on the west;

- (10) Travis Heights subdistrict, which includes the property bounded by the Town Lake shoreline on the north, the various and respective southern boundaries of all legal lots existing as of July 17, 1986, that abut the south public right-of-way of East Riverside Drive on the south, IH-35 on the east, and East Bouldin Creek on the west;
- (11) South Shore Central subdistrict, which includes the property bounded by the Town Lake shoreline on the north, East Bouldin Creek on the south and east, and South First Street on the west;
- (12) Auditorium Shores subdistrict, which includes the property bounded by the Town Lake shoreline on the north, the various and respective southern boundaries of all legal lots existing as of July 17, 1986, that abut the south public right-of-way of Barton Springs Road on the south, South First Street on the east, and Lee Barton Drive on the west;
- (13) Butler Shores Subdivision which includes the property bounded by the Town Lake shoreline on the north, the various and respective southern boundaries of all legal lots existing as of July 17, 1986, that abut the south public right-of-way of Barton Springs Road on the south, Lee Barton Drive on the east, and the centerline of Barton Creek on the west;
- (14) Zilker Park subdistrict, which includes the property located within the boundaries of Zilker Park;
- (15) Balcones Rock Cliff subdistrict, which includes the property bounded by the Town Lake shoreline on the north, Stratford Drive and Bee Creek Preserve on the south, Zilker Park on the east, and Tom Miller Dam on the west; and
- (16) City Hall subdistrict, which includes the property bounded on the south by the Town Lake shoreline, on the north by Second Street, on the east by Colorado Street and a line extending south from Colorado Street to Town Lake, and on the west by San Antonio Street and a line extending south from San Antonio Street to Town Lake.

This page intentionally left blank

Article 23-4E: Supplemental to Zones

Contents

Division 23-4E-1: Private Frontages

23-4E-1010	Purpose
23-4E-1020	Applicability
23-4E-1030	Private Frontages Overview
23-4E-1040	Common Yard
23-4E-1050	Porch: Projecting
23-4E-1060	Porch: Engaged
23-4E-1070	Stoop
23-4E-1080	Dooryard
23-4E-1090	Forecourt
23-4E-1100	Terrace
23-4E-1110	Lightwell
23-4E-1120	Shopfront
23-4E-1130	Gallery

Division 23-4E-2: Outdoor Lighting

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

Division 23-4E-3: Parking and Loading

23-4E-3010	Purpose
23-4E-3020	Applicability
23-4E-3030	Calculations
23-4E-3040	Parking Limitations
23-4E-3050	Parking for Persons with Disabilities
23-4E-3060	Off-Street Motor Vehicle Parking Adjustments
23-4E-3070	Loading
23-4E-3080	Bicycle Parking
23-4E-3090	Parking Lot Design

Division 23-4E-4: Landscape

23-4E-4010	Purpose and Intent
23-4E-4020	Applicability

23-4E-4030	Landscape Requirements
23-4E-4040	Front Planting Zone
23-4E-4050	Foundation Buffer
23-4E-4060	Parking Area Tree Islands
23-4E-4070	Parking Area Landscape Medians
23-4E-4080	Parking Lot Perimeter Landscape Strips
23-4E-4090	Intermittent Visual Obstruction Buffer
23-4E-4100	Semi-Opaque Buffer
23-4E-4110	Opaque Buffer
23-4E-4120	Functional Green
23-4E-4130	Visual Screening
23-4E-4140	Submittal Requirements
23-4E-4150	Final Inspection
23-4E-4160	Landscape Maintenance
23-4E-4170	Planting & Soil Standards

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

23-4E-5010	Intent
23-4E-5020	Applicability
23-4E-5030	Permit Required for Construction
23-4E-5040	Structural Standards
23-4E-5050	Lighting and Electrical Standards
23-4E-5060	Site Development Standards for Docks, Marinas, and Other Lakefront Uses
23-4E-5070	City Licensing Standards for Docks, Marinas and Other Lakefront Uses
23-4E-5090	Enforcement and Registration

Division 23-4E-6: Specific to Use

23-4E-6010	Intent
23-4E-6020	Applicability
23-4E-6030	Accessory Dwelling Unit
23-4E-6040	Accessory Uses
23-4E-6050	Adult Entertainment
23-4E-6060	Alcohol Sales
23-4E-6070	Alternative Financial Services
23-4E-6080	Bed and Breakfast
23-4E-6090	Camping/RV Park
23-4E-6100	Commercial Blood Plasma Center
23-4E-6110	Communications
23-4E-6120	Community Agriculture
23-4E-6130	Convention Center

23-4E-6140	Drive Through
23-4E-6150	Gas Station
23-4E-4160	General Retail w/ Outside Storage
23-4E-6170	Group Home
23-4E-6180	Home Occupations
23-4E-6190	Live/Work
23-4E-6200	Manufacturing and Storage
23-4E-6210	Micro-Brewery/Micro-Distillery/Winery
23-4E-6220	Mobile Food Sales
23-4E-6230	Mobile Retail Sales
23-4E-6240	Multi-Family
23-4E-6250	Recycling Center
23-4E-6260	Research and Development
23-4E-6270	Restaurant, Late Night Operation
23-4E-6280	Reverse Vending
23-4E-6290	School
23-4E-6300	Senior/Retirement Housing
23-4E-4310	Short-term Rental
23-4E-6320	Special Uses
23-4E-6330	Sports or Events Arena
23-4E-6340	Telecommunications
23-4E-6350	Two-Family Residential

Division 23-4E-7: Additional General Standards

23-4E-7010	Intent
23-4E-7020	Applicability
23-4E-7030	Development near a Hazardous Pipeline
23-4E-7040	Dwelling Unit Occupancy Limit
23-4E-7050	Encroachments
23-4E-7060	Pedestrian Oriented Uses
23-4E-7070	Setback Exceptions

Division 23-4E-1: Private Frontages

Contents

23-4E-1010	Purpose	1
23-4E-1020	Applicability	1
23-4E-1030	Private Frontages Overview	1
23-4E-1040	Common Yard	4
23-4E-1050	Porch: Projecting	5
23-4E-1060	Porch: Engaged	6
23-4E-1070	Stoop	7
23-4E-1080	Dooryard	8
23-4E-1090	Forecourt	9
23-4E-1100	Terrace	10
23-4E-1110	Lightwell	11
23-4E-1120	Shopfront	12
23-4E-1130	Gallery	13

23-4E-1010 Purpose

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

23-4E-1020 Applicability

These standards apply to all private frontages within transect zones and shall be considered in combination with Section 23-4D-2 (Transect Zoning Districts) and in this Article.

23-4E-1030 Private Frontages Overview

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

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

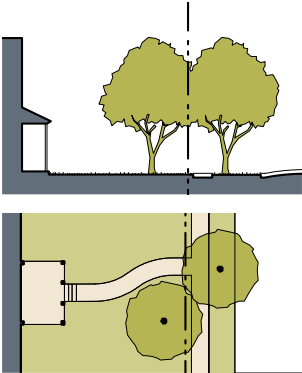
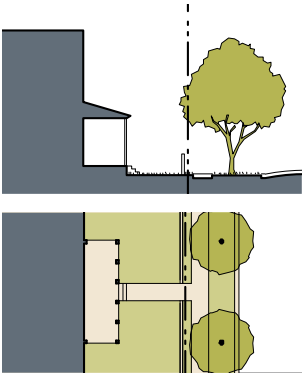
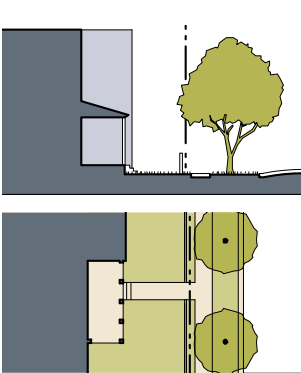
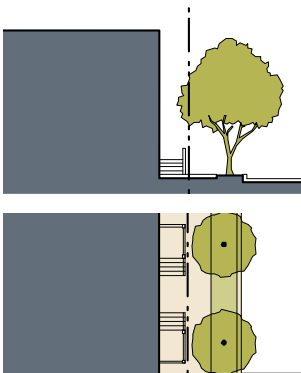
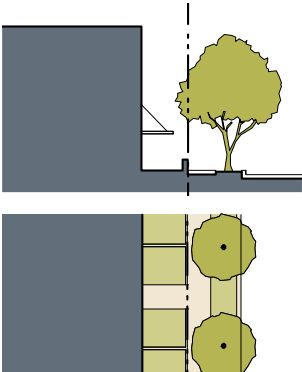
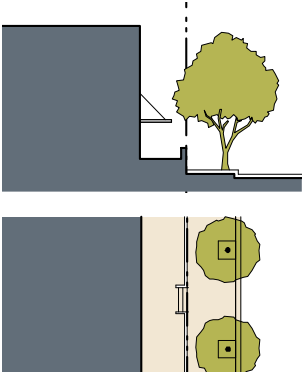
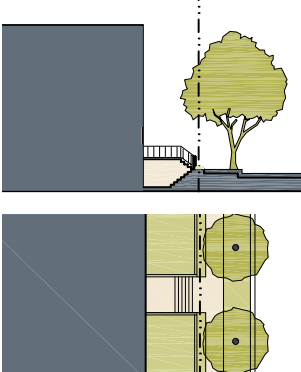
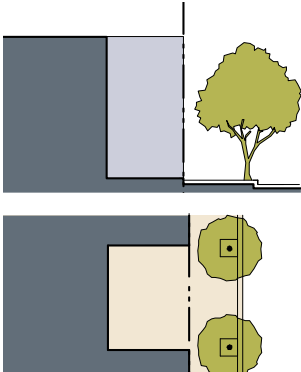
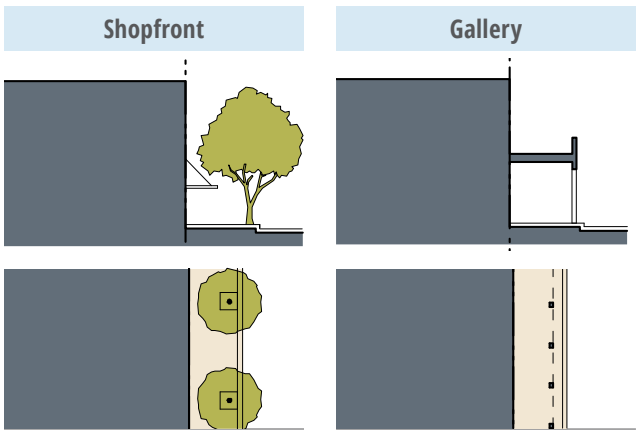
Common Yard	Porch: Projecting	Porch: Engaged	Stoop
			
<p>A common yard remains unfenced and is visually continuous with adjacent yards, supporting a common landscape and working in conjunction with the other private frontages. The main facade of the building has a large planted setback from the sidewalk.</p>	<p>A projecting porch has three sides open. The main facade of the building is set back from the sidewalk, resulting in a front yard that can be defined by a fence or hedge to spatially maintain the edge of the street.</p>	<p>An engaged porch has two adjacent sides of the porch attached to the building, while the other two sides are open. The main facade of the building is set back from the sidewalk, resulting in a front yard that can be defined by a fence or hedge to spatially maintain the edge of the street.</p>	<p>A stoop is elevated above the sidewalk to provide privacy within the building for buildings near the sidewalk. Stairs or ramps from the stoop may lead directly to the sidewalk or be side-loaded, running along the face of the building parallel to the facade.</p>
Dooryard	Terrace/ Loading Dock	Lightwell	Forecourt
			
<p>A dooryard is created when the main facade of the building is set back a small distance from the sidewalk. At the sidewalk, it is defined by a low wall or hedge. A dooryard is not for public circulation along the street. A dooryard may be raised, sunken, or at grade and is intended for ground-floor residential.</p>	<p>A terrace provides at-grade access while accommodating a grade change. Usually there are multiple sets of steps up to the terrace, as well as ramps. The main facade of the building is at or near the sidewalk, with an elevated terrace along the building for public circulation.</p>	<p>A lightwell buffers residential, retail or service uses from the sidewalk and removes the private yard from public encroachment. The main facade of the building is set back from the right-of-way by an elevated terrace or a sunken lightwell.</p>	<p>A forecourt can be used as an entry court or shared garden space for apartment buildings, or as additional shopping or restaurant seating area within retail and service areas. The building sits at or near the sidewalk and a small percentage of the building is set back, creating a small court space.</p>

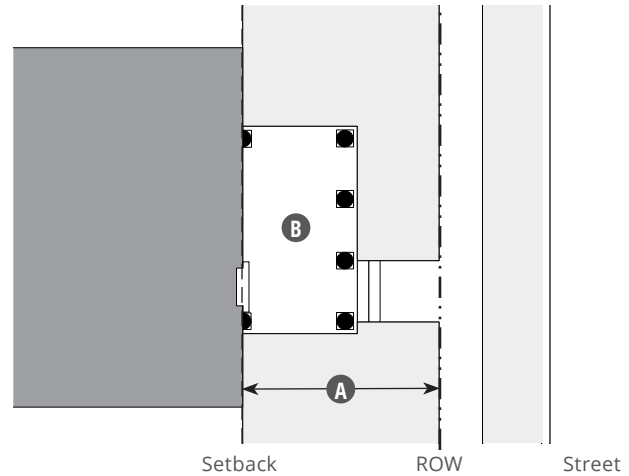
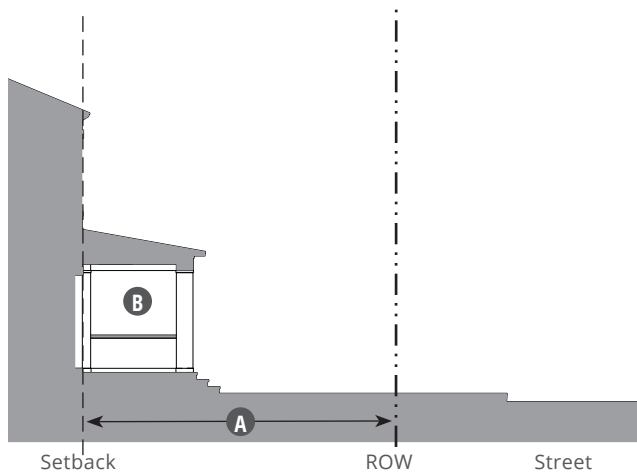
Table: 23-4E-1030.A Austin Private Frontage Types Overview (continued)



A shopfront is intended for retail or live/work use and has substantial glazing at the sidewalk level. It may include an awning that overlaps the sidewalk and may be used with other frontage types. The main facade of the building is at or near the sidewalk with an at-grade entrance along the public way. (Syn.: Retail Frontage, Awning.)

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

23-4E-1040 Common Yard



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

A. Description

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

B. Size

Depth Equal to minimum front setback **A**

C. Miscellaneous

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

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

D. Examples

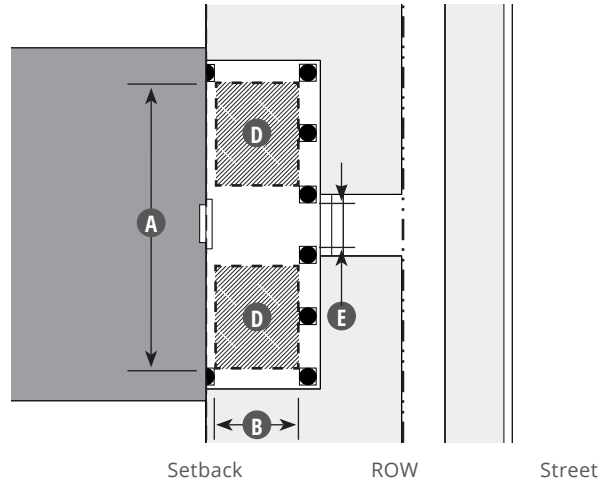
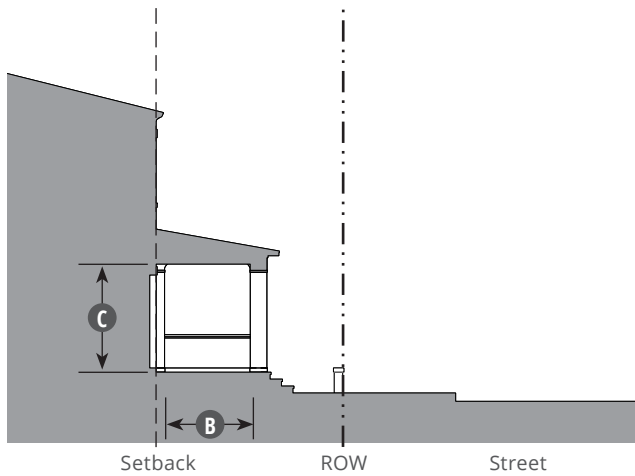


The front yards of these rowhouses form a continuous common yard.



Large detached houses with common yard frontage.

23-4E-1050 Porch: Projecting



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

A. Description

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

B. Size

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

C. Miscellaneous

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

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

D. Examples

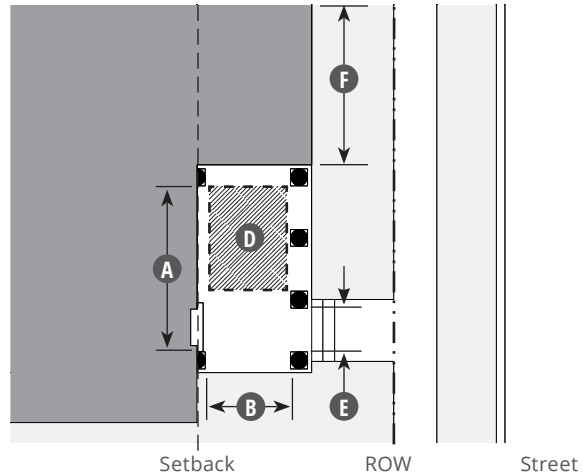
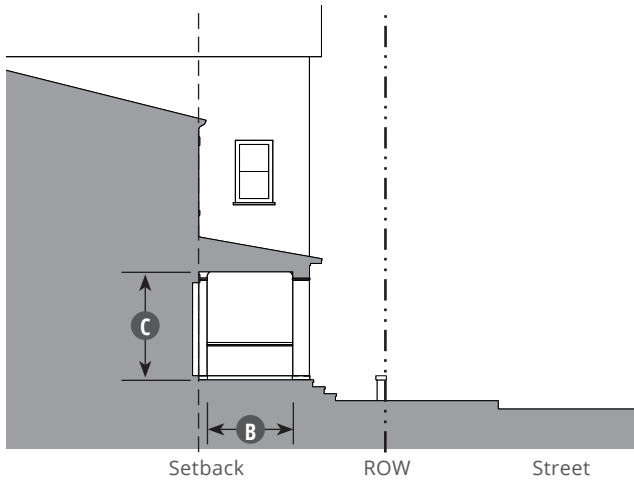


A wrap-around projecting porch defined by landscaping.



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

23-4E-1060 Porch: Engaged



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

A. Description

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

B. Size

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

C. Miscellaneous

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

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

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

D. Examples

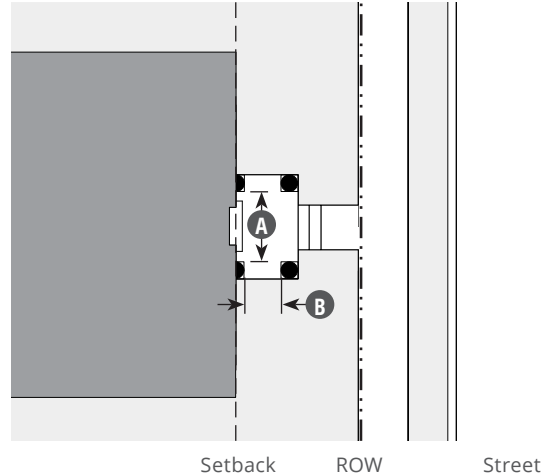
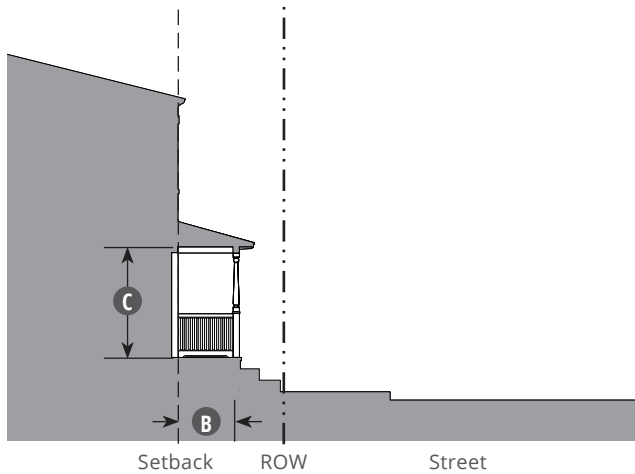


An engaged porch as an attached element leading up to the entrance.



An engaged porch separated from the sidewalk by landscape.

23-4E-1070 Stoop



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

A. Description

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

B. Size

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

C. Miscellaneous

Stairs may be perpendicular or parallel to the building facade.

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

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

Gates are not allowed.

D. Examples

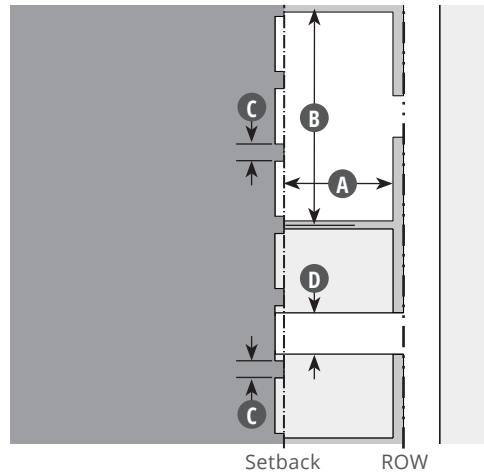
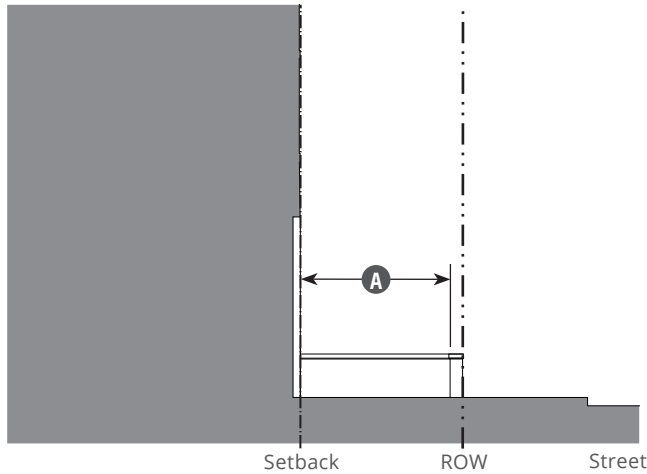


A stoop on a small detached house.



A stoop on a fourplex with a shared entry.

23-4E-1080 Dooryard



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

A. Description

The main facade of the building is set back a small distance, and the right-of-way is defined by a low wall, fence, or hedge, creating a small dooryard. The dooryard shall not provide public circulation along a public right-of-way. The dooryard may be raised, sunken, or at grade.

B. Size

Depth, clear	8' min.	A
Length	50' max.	B
Distance between glazing	4' max.	C
Ground floor transparency	50% min. ¹	
Depth of recessed entries	5' max.	
Path of travel, clear	3' wide min.	D

C. Miscellaneous

For Live/Work and Commercial Uses, these standards shall be used in conjunction with those for the Shopfront Frontage Type. In case of conflict between them, the Dooryard standards shall prevail.

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

Low walls used as seating are encouraged.

Each Dooryard shall provide access to only one ground floor entry.

¹For Live/Work and Commercial Uses only.

D. Examples

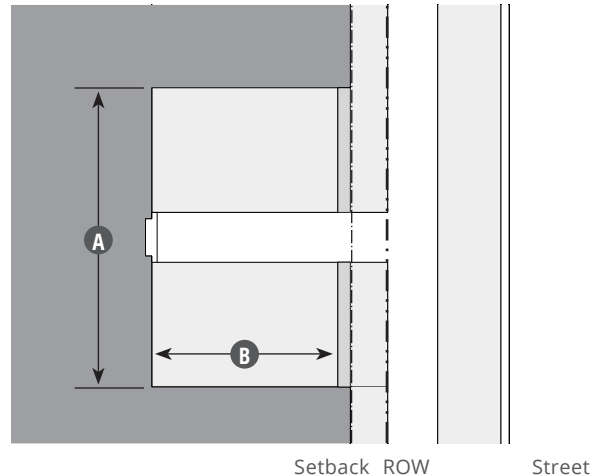
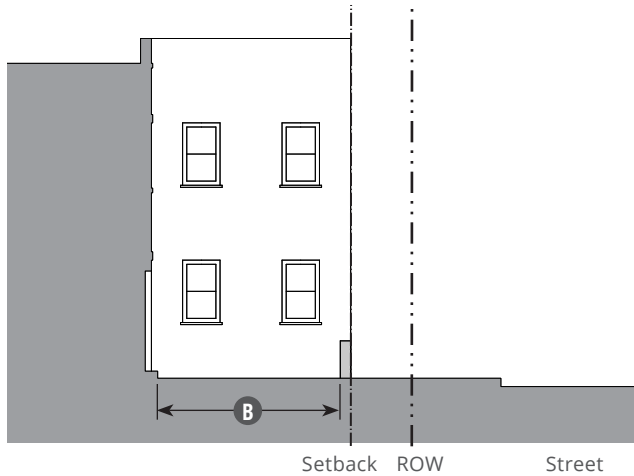


A series of small dooryards on a series of rowhouses.



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

23-4E-1090 Forecourt



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

A. Description

The main facade of the building is at or near the right-of-way and a small percentage is set back, creating a small court space where the adjacent sidewalk visually extends into the space. The space may be used as an entry court or shared garden space for apartment buildings, or as an additional shopping or restaurant seating area within commercial areas.

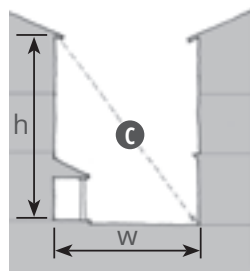
B. Size

Width, clear	12' min.	A
Depth, clear	12' min.	B
Ratio, Height to Width	3:2 max.	C

C. Miscellaneous

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

The proportions and orientation of these spaces should be carefully considered for solar orientation and user comfort.



D. Examples

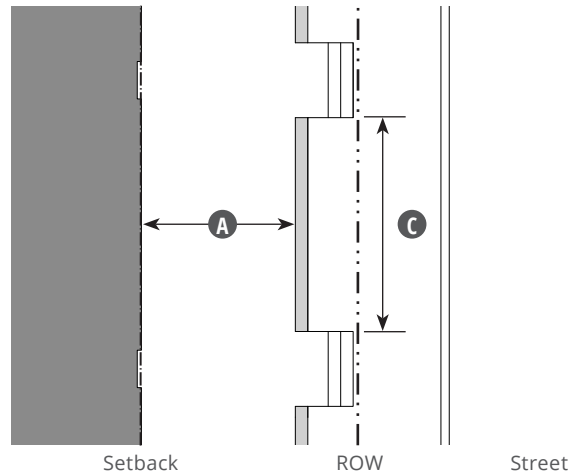
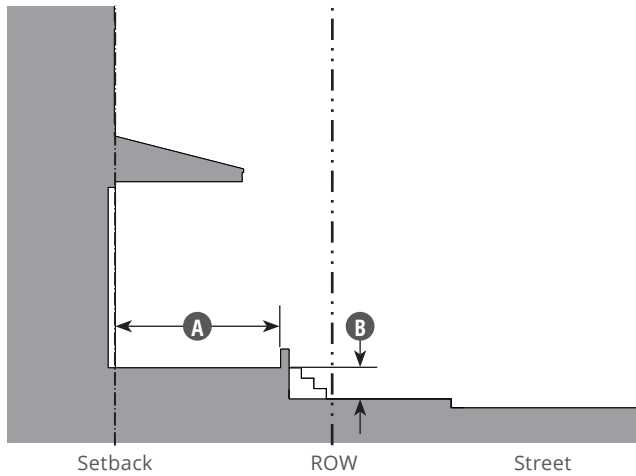


This residential forecourt provides a prominent entry yard and breaks down the massing along the street.



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

23-4E-1100 Terrace



Key - - - - ROW / Lot Line ····· Setback Line

A. Description

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

B. Size

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

C. Miscellaneous

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

Low walls used as seating are encouraged.

D. Examples

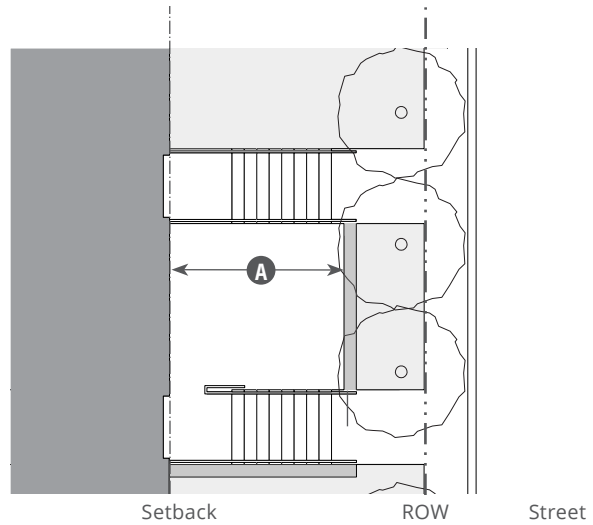
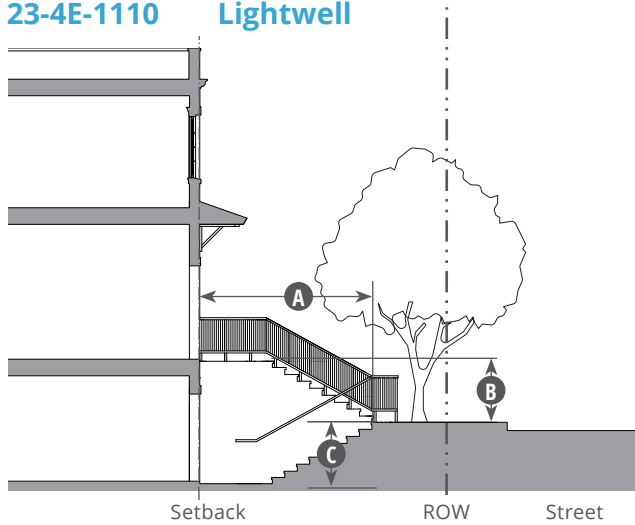


A terrace with outdoor seating that wraps around the building corner.



A terrace used to accommodate a change in grade.

23-4E-1110 Lightwell



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

A. Description

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

B. Size

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

C. Miscellaneous

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

D. Examples

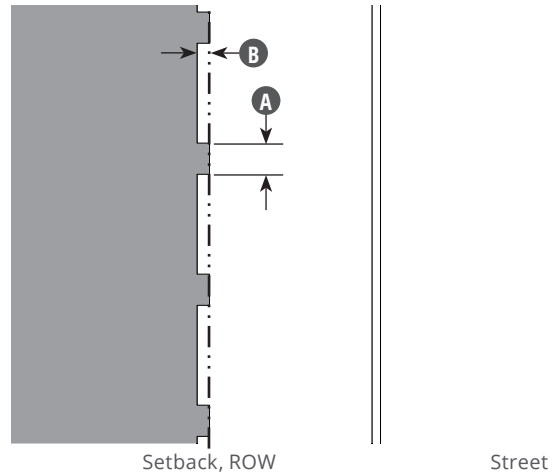
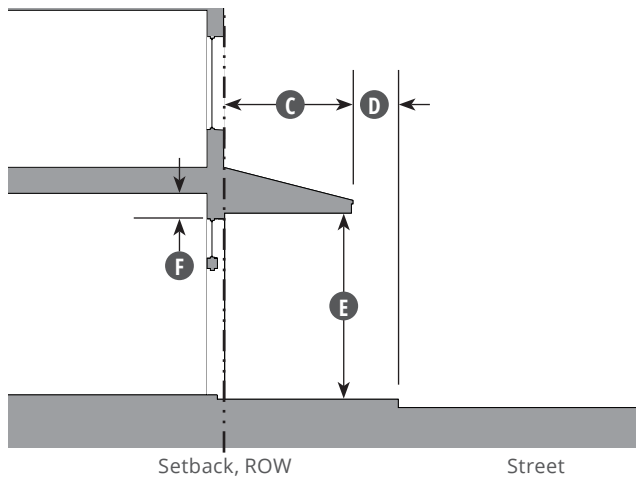


Lightwell with flanking entrances that lead to upper story housing.



Lightwell frontage for a rowhouse building.

23-4E-1120 Shopfront



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

A. Description

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

B. Size

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

C. Awning

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

D. Miscellaneous

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

E. Examples

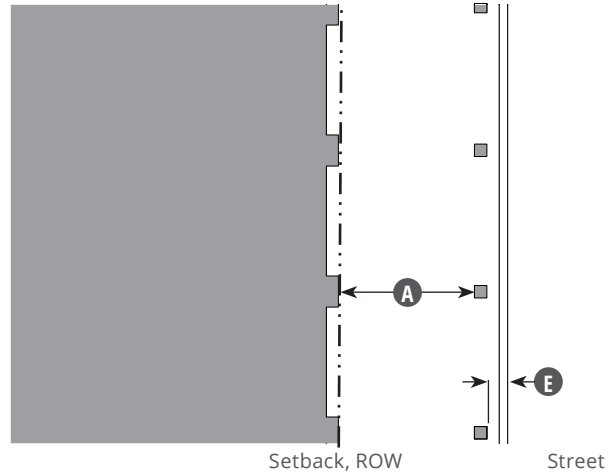
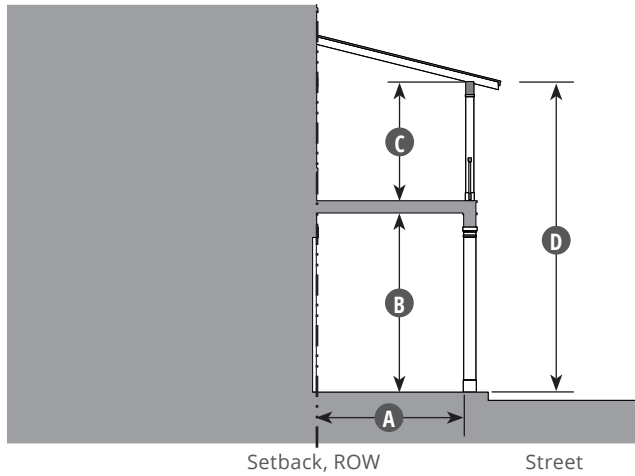


A series of shopfronts defined by columns along the building facade.



Vibrant shopfronts framed by awnings and a variety of signage.

23-4E-1130 Gallery



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

A. Description

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

B. Size

Depth, clear	8' min.	A
Ground floor height, clear	11' min.	B
Upper floor height, clear	9' min.	C
Height	2 Stories max.	D
Setback from curb	2' min.; 3' max.	E

C. Miscellaneous

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

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

Galleries must have a consistent depth along a frontage.

Galleries must project over a sidewalk.

D. Examples



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



A single-story gallery defining an outdoor seating area.

This page intentionally left blank

Division 23-4E-2: Outdoor Lighting

Contents

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

23-4E-2010 Intent

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

23-4E-2020 Applicability

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

23-4E-2030 Standards

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

(2) **Lighting of Building Facades**

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

Division 23-4E-3: Parking and Loading

Contents

23-4E-3010	Purpose.....	1
23-4E-3020	Applicability	1
23-4E-3030	Calculations	2
23-4E-3040	Parking Limitations	3
23-4E-3050	Parking for Persons with Disabilities	3
23-4E-3060	Off-Street Motor Vehicle Parking Adjustments	3
23-4E-3070	Loading	6
23-4E-3080	Bicycle Parking.....	7
23-4E-3090	Parking Lot Design.....	8

23-4E-3010 Purpose

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

23-4E-3020 Applicability

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

- (A) Parking and Loading Requirements apply to development of:
- (1) A new building;
 - (2) An enclosed addition that results in an increase in the gross floor area of 25 percent or more;
 - (3) A change in land use that increases the number of required parking spaces above the number of existing spaces;
 - (4) Addition of Residential Units, except for accessory dwelling, on the same lot as an Existing Dwelling; and/or
 - (5) A change of occupancy or operation that increases the number of required parking spaces above the existing number of spaces.

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

23-4E-3030 Calculations

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

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

23-4E-3040 Parking Limitations

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

23-4E-3050 Parking for Persons with Disabilities

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

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

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

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

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

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

(B) Parking Adjustments Requiring Planning Director Approval.

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

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

23-4E-3070 Loading

- (A) Required off-street loading facility must:
 - (1) Be maintained for the duration of the use or existence of the building requiring the facility; and
 - (2) Be used exclusively for the purpose of loading and unloading goods, materials, and supplies.

- (B) Off-street loading facility shall be provided for each use in a building or on a site as follows:

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

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

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

23-4E-3080 **Bicycle Parking**

(A) Applicability

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

(B) Required Spaces

Table 23-4E-3080.A Bicycle Parking Requirement	
Retail, Office, Service Uses	
Up to 10,000 gsf	2 spaces
Greater than 10,000 gsf	2 spaces plus an additional 1 per 1,000 gsf
Residential Development	
12 to 25 units	1 per x units
Greater than 25 units	1 per x units

(C) Location and Design

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

23-4E-3090 Parking Lot Design

The design of parking lots is handled in different Divisions of this Land Development Code. Standards related to parking stall width and depth and drive aisle width are found in the Transportation Criteria Manual. In the case of conflict between standards in this Division and the Transportation Criteria Manual, those in the Transportation Criteria Manual shall apply. Standards related to landscaping for parking lots are found in Division 23-4E-4 (Landscape).

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

Division 23-4E-4: Landscape

Contents

23-4E-4010	Purpose and Intent	1
23-4E-4020	Applicability	2
23-4E-4030	Landscape Requirements	3
23-4E-4040	Front Planting Zone	4
23-4E-4050	Foundation Buffer	5
23-4E-4060	Parking Area Tree Islands	6
23-4E-4070	Parking Area Landscape Medians	7
23-4E-4080	Parking Lot Perimeter Landscape Strips	8
23-4E-4090	Intermittent Visual Obstruction Buffer	9
23-4E-4100	Semi-Opaque Buffer	10
23-4E-4110	Opaque Buffer	11
23-4E-4120	Functional Green	12
23-4E-4130	Visual Screening	13
23-4E-4140	Submittal Requirements	14
23-4E-4150	Final Inspection	15
23-4E-4160	Landscape Maintenance	15
23-4E-4170	Planting & Soil Standards	16

23-4E-4010 Purpose and Intent

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

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

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

23-4E-4020 **Applicability**

(A) **Applicability/Exceptions**

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

(B) **Conflicts with Other Provisions**

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

(C) **Alternative Compliance**

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

23-4E-4030 Landscape Requirements



A. Overview of Landscape and Buffer Types

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

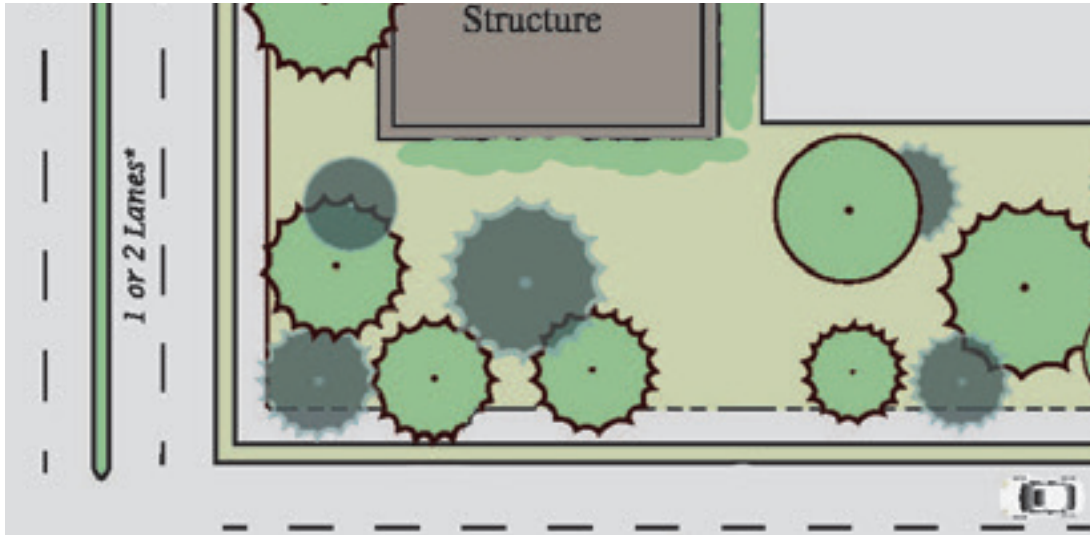
A. Overview of Landscape and Buffer Types (continued)

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

Notes

¹ Not shown in diagram

23-4E-4040 Front Planting Zone



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

A. Description

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

B. Applicability

The Front Planting Zone applies to all commercial and multi-family developments in Non-Transect zones and development in Transect zones located on a public right-of-way.

C. Size

Zone District	Landscape Area as % of front setback (min.)
---------------	---

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

Notes

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

D. Planting Requirement

Zone District	Quantity per Landscape Area (min.)	
	Shade trees	Ornamental trees

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

E. Miscellaneous

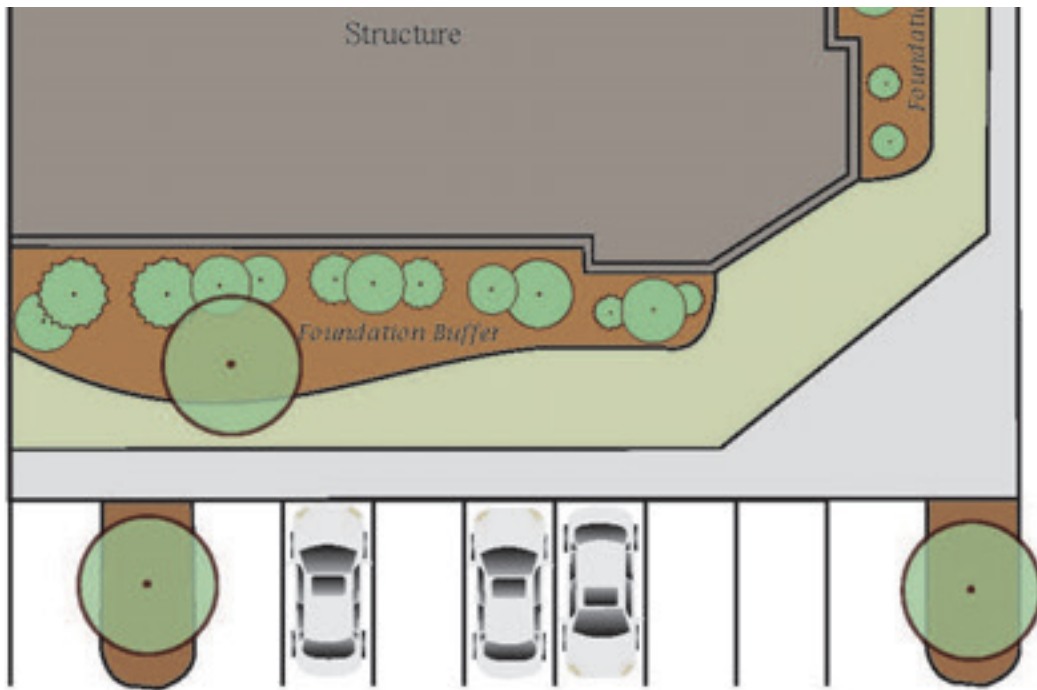
Required plantings (in chart below) must be located within the Front Planting Zone without conflict with structures, paving, or service utility spacing requirements.

Minimum soil volume requirements must be provided for all trees.

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

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

23-4E-4050 Foundation Buffer



Foundation Buffer **B**

A. Description

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

B. Applicability

A Foundation Buffer applies to all Conventional (Non-transect) zones.

C. Size

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

Notes

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

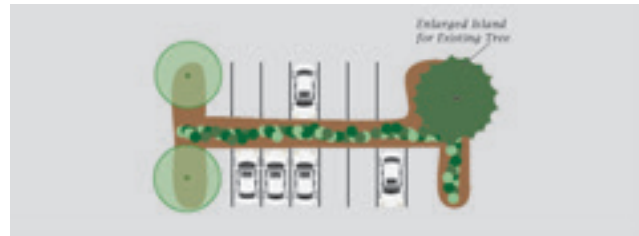
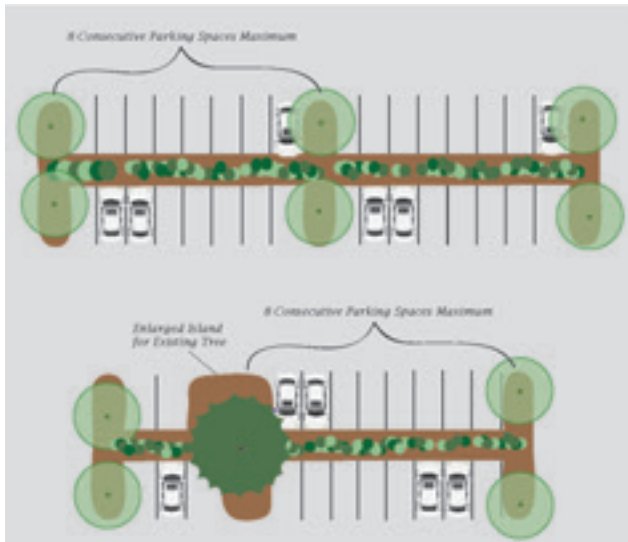
D. Planting Requirement

Plant Type	Quantity
Ornamental trees	5 per 100 linear feet
Perennial shrubs, grasses and/or groundcovers ²	45 per linear feet

Notes

² No more than 50% shall be small shrubs

23-4E-4060 Parking Area Tree Islands



A. Description

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

B. Applicability

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

C. Location

Location	Shade Tree (min.)
End along Parking Run	1
Middle of Parking Run ¹	1 every 8 parking spaces

Notes

¹ In order to preserve existing trees and foster context-based design flexibility, the number and location of tree islands can be reduced to the extent that not more than 12 parking spaces occur between tree islands and an average of one tree island per eight parking spaces is maintained.

D. Size

Tree Island

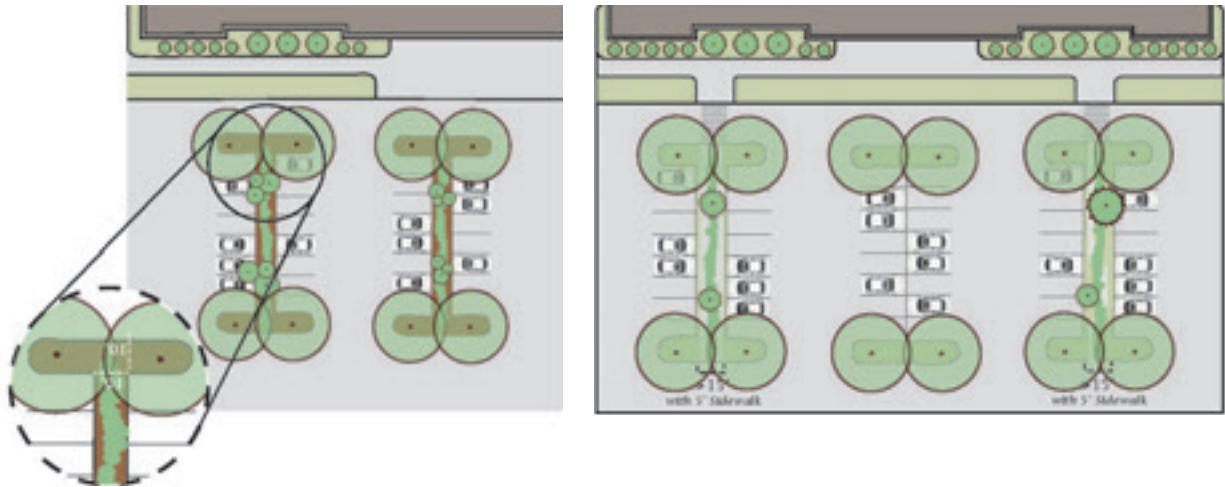
Tree Island with Proposed Shade Tree

Width (min.)	10'
Length (min.)	Entire length of parking space

Tree Island that Preserves Existing Tree

Width (min.)	10' or ½ critical root zone, whichever is greater
Length (min.)	Entire length of parking space or ½ critical root zone, whichever is greater

23-4E-4070 Parking Area Landscape Medians



A. Description

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

B. Applicability

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

C. Size

Landscape Median	Shade Tree	Preserved Existing Tree
Width (min.)	10'	10' or ½ critical root zone, whichever is greater
Length (min.)	Entire length of parking row	

Alternative Configuration

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

D. Beneficial Use of Stormwater

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

Comply with beneficial use of stormwater [Section 23-3D-6030] by integrating green stormwater infrastructure practices such as rain gardens, vegetative filter strips, berms, swales, rainwater harvesting, and rainwater harvesting with irrigation of landscaped areas.

23-4E-4080 Parking Lot Perimeter Landscape Strips

A. Description

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

B. Applicability

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

C. Size

Landscape Strip with	Width
Planting	10 feet

3 foot max height fences or walls and landscape 5 feet

D. Planting Materials

Planting Type

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

E. Screening Height

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

Where no fences or walls are used, small shrubs shall be used to form the continuous visual screen in the perimeter landscape strip.

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

23-4E-4090 Intermittent Visual Obstruction Buffer

A. Description

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

B. Applicability

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

C. Size

Buffer Width	25' min. ¹
--------------	-----------------------

Notes

¹ Temporary proposal. Will coordinate with Planning and Zoning Department compatibility setbacks.

D. Planting Materials

Trees per 100 linear feet	Aggregate Caliper (min.)
Shade Trees	9"
Ornamental trees	12"
Shrubs per 100 linear feet	Quantity
Shrubs	15

23-4E-4100 Semi-Opaque Buffer

A. Description

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

B. Applicability

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

C. Size

Buffer Width	25' min. ¹
--------------	-----------------------

Notes

¹ Temporary proposal. Will coordinate with Planning and Zoning Department compatibility setbacks.

D. Planting Materials

Trees per 100 linear feet	Aggregate Caliper (min.)
Shade Trees	12"
Ornamental trees	14"
Shrubs per 100 linear feet	Quantity
Shrubs	25

23-4E-4110 Opaque Buffer

A. Description

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

B. Applicability

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

C. Size

Buffer Width 25' min. ¹

Notes

¹ Temporary proposal. Will coordinate with Planning and Zoning Department compatibility setbacks.

D. Planting Materials

Trees per 100 linear feet	Aggregate Caliper (min.)
---------------------------	--------------------------

Shade Trees	18"
-------------	-----

Ornamental trees	20"
------------------	-----

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

Shrubs	55
--------	----

23-4E-4120 Functional Green



A. Description

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

B. Applicability

Functional Green landscape requirements apply to developments with impervious cover greater than 80%.

C. Requirements

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

23-4E-4130 Visual Screening

- (A) **General Requirements.** Screening shall be required to conceal specific areas of high visual or auditory impact or hazardous areas from off-site views. Such areas shall be screened at all times, unless otherwise specified, regardless of adjacent uses, zones, or other proximate landscape material.
- (B) **Items to be Screened.** The following areas shall be screened in accordance with this Section:
- (1) Large waste receptacles (e.g., dumpsters and cardboard recycling containers) and refuse collection areas;
 - (2) Loading and service areas;
 - (3) Outdoor storage areas (including, but not limited to, inoperable vehicles, appliances, tires, manufactured homes, building materials, equipment, raw materials, and aboveground storage tanks) located within 200 feet of a public right-of-way;
 - (4) Exterior shopping cart storage areas located adjacent to single-family development;
 - (5) Ground-level mechanical equipment and utility meters;
 - (6) Water quality and detention ponds, excluding rain gardens, biofiltration ponds, and wet ponds; and
 - (7) Telecommunication equipment and facilities.
- (C) **Screening Methods**
- (1) The following items are permitted for use as screening materials, and more than one method may be used on a development site:
 - (a) Vegetative materials that provide a fully-opaque screen to the minimum height necessary to fully screen the facility from off-site views; or
 - (b) An opaque fence or wall.
- (D) **Configuration of Vegetative Materials.** Where vegetative materials are used for screening a site feature in accordance with this Section, the vegetative materials shall:
- (1) Be planted around the perimeter of the site feature in a manner that screens it from all off-site views;
 - (2) Be configured in two staggered rows or other arrangement that provides maximum screening;
 - (3) Consist of upright, large, evergreen shrubs capable of reaching at least six feet in height within three years of planting; and
 - (4) Be spaced no farther than three feet on-center.
- (E) **Large Waste Receptacles and Refuse Collection Areas.** Except for facilities serving individual single-family detached dwellings, two-family dwellings, manufactured homes, and temporary waste receptacles, all large waste receptacles and refuse collection areas shall be subject to the following standards:
- (1) Depicted on Land Development Plan and Plan Submitted with Building Permit. The location and configuration of screening for large waste receptacles and refuse collection areas shall be depicted on all land development plans and on a plan submitted with an application for a building permit.

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

23-4E-4140 Submittal Requirements

(A) Site Analysis

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

(B) Landscape Plans

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

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

23-4E-4150 Final Inspection

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

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

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

(B) Maintenance of Landscape Materials

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

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

(C) Monitoring of Compliance with Landscape Standards

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

23-4E-4170 Planting & Soil Standards

Landscape Architect shall ensure that all plants thrive. New plantings provided in accordance with this section shall comply with the following standards:

(A) Plant Standards

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

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

Table 23-4E-4170.A Diversity Standards	
Number of Trees Required	Number of Different Species Required
2 to 19	At least 2 different species
20-39	At least 3 different species
40 or more	At least 4 different species

Species to be provided in roughly equal proportions

- (c) Aggregate Caliper Inch requirement. Where an Aggregate Caliper Inch (ACI) requirement is utilized to derive the required amount of landscape or tree cover, and the ACI figure includes a fraction, the applicant may:
 - (i) Utilize a tree or trees with a caliper inch measurement exceeding the minimum size at planting standard to meet the required ACI; or
 - (ii) Round the ACI figure upwards until the figure corresponds with a whole number of trees meeting the minimum size at time of planting standard.

(2) **Shrubs**

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

(3) **Materials**

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

(4) **Locations**

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

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

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

(B) Soil Composition

- (1) Soil Composition. Compacted soil and backfill material within Landscape Beds and planting areas throughout site shall be excavated to a minimum depth of 18 inches and replaced with a combination of native topsoil and blended soils
 - (a) Blend planting bed soils to provide specific portions of sandy soil, loamy soil, and organic compost for different areas of the landscape within the site.
 - (b) Actual portions in the mix should be based upon laboratory data. Soil should be formulated to provide optimal growing conditions for specified plants related to:
 - (i) Nutrients;
 - (ii) Soil structure/mechanics; and
 - (iii) Water availability/moisture retention.
- (2) Ground Stabilization. Disturbed areas and required landscape planting areas shall be stabilized and maintained per Section 23-3D-7020 (Development Completion).
- (3) Soil Volume for Proposed Trees
 - (a) Tree planting areas must be adequately sized to accommodate the necessary functions of air, nutrient and water uptake, and root space. All planting areas that contain proposed trees must meet the minimum tree soil volume requirements:

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

- (b) For proposed trees the minimum depth of a tree well shall be three (3) feet.
- (c) Trees must be spaced appropriately to provide individual minimum soil volume requirements except that:
 - (i) Shade trees can share (overlap) a maximum of 20 percent by being spaced closer together.

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

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

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

Contents

23-4E-5010	Intent	1
23-4E-5020	Applicability	1
23-4E-5030	Permit Required for Construction	2
23-4E-5040	Structural Standards	2
23-4E-5050	Lighting and Electrical Standards	3
23-4E-5060	Site Development Standards for Docks, Marinas, and Other Lakefront Uses	4
23-4E-5070	City Licensing Standards for Docks, Marinas and Other Lakefront Uses	7
23-4E-5090	Enforcement and Registration	7

23-4E-5010 Intent

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

23-4E-5020 Applicability

- (A) This Division applies to a structure or development:
- (1) In Lake Austin, Lady Bird Lake, or Lake Walter E. Long;
 - (2) Along the shore of Lake Austin in the area below 504.9 feet above mean sea level;
 - (3) Along the shore of Lady Bird Lake below 435 feet above mean sea level;
 - (4) Along the shore of Lake Walter E. Long; or
 - (5) Used for access to areas described in this Subsection.
- (B) The Planning Director shall implement and enforce this Division.

23-4E-5030 Permit Required for Construction

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

23-4E-5040 Structural Standards

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

23-4E-5050 Lighting and Electrical Standards

- (A) **General Lighting Standards.** A dock must be lighted as provided in this Section and in compliance with Division 23-11B-4 (Electrical Code). This Section does not apply to a dock located on an inlet or slough, unless the dock is on Bee Creek or Bull Creek.
- (B) **Lighting Standards for Certain Docks.** This Subsection applies to a dock that extends more than eight feet from the shoreline. The distance that a dock extends from a shoreline is measured perpendicular to the shoreline, and the shoreline length of a dock is the length of a dock measured parallel to the shoreline.
- (1) A dock must be continuously lighted with amber lights between sunset and sunrise each day.
 - (2) A dock must have at least one light station. The light station must be located on the end of the dock and on the side that is farthest from and parallel to the shoreline, except as otherwise provided in this Subsection. The light must be visible to a properly approaching watercraft.
 - (3) A dock that extends 30 feet or more from the shoreline, or that has a shoreline length of 25 feet or more, must have at least one light station on each side of the dock that does not face the shoreline.
 - (4) The standards of this Subsection apply if the Planning Director determines that a dock described in Subsection (B)(3) may be a navigational hazard between sunset and sunrise.
 - (a) A dock that extends less than 50 feet from the shoreline must have a light station half way between the shoreline and the end of the dock that is farthest from the shoreline.
 - (b) A dock that extends 50 feet or more from the shoreline must have light stations from the shoreline to the end of the dock at intervals of not more than 25 feet, except that a light station may not be located within eight feet of the shoreline.
 - (c) A dock that has a shoreline length of at least 25 feet but less than 50 feet must have a light station located at each end of the dock on the side farthest from the shoreline.
 - (d) A dock that has a shoreline length of 50 feet or more must have light stations located at intervals of not more than 25 feet along its length.
 - (e) Light stations are required at each end of the dock on the side farthest from the shoreline.
- (C) **Light Fixture Standards**
- (1) A required light station must have a two-bulb fixture with two working light bulbs that emit at least 112 lumens and not more than 400 lumens. Light bulbs or bulb covers must be amber, and white light must not radiate from the fixture. Weatherproof lamp holders and junction boxes are required. Each light fixture must be wired with a switch operated by a photoelectric cell so that the lights will operate automatically during the hours that the dock is required to be lighted.
 - (2) Wiring on a dock must be enclosed in rigid conduit or weatherproof flexible conduit with appropriate fittings.
 - (3) If lights other than those required by this Section are installed on a dock, only an amber navigation light may cast a beam of light outward from the dock.

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

23-4E-5060 Site Development Standards for Docks, Marinas, and Other Lakefront Uses

(A) General Standards

- (1) **Fence Standards.** A fence may not extend into the water beyond the shoreline unless the fence:
 - (a) Was part of a commercial livestock operation, other than raising domestic pets, existing on April 17, 1994;
 - (b) Is constructed of smooth wire or mesh;
 - (c) Extends no more than 40 feet beyond the shoreline;
 - (d) Includes a navigation buoy indicating "DANGER", in compliance with the Texas Water Safety Act, installed at the end of the fence, unless the fence does not extend further beyond the shoreline than an immediately adjacent dock; or
 - (e) Must be removed if the livestock operation ceases.
- (2) **Prohibited Uses.** Construction of a boat ramp is prohibited.

(B) Environmental Protection.

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

- (1) A retaining wall, bulkhead, or other erosion protection device must be designed and constructed to minimize wave return and wave action in compliance with the Environmental Criteria Manual.
- (2) A marine fuel facility or service station must comply with the standards of Chapter 6-2 (Hazardous Materials) and must be designed, maintained, and operated in a manner that prevents the spilling or leaking of fuel or petroleum products into the water.
- (3) The maintenance and repair of watercraft must be performed in a manner that prevents discharge of fuel, oil, or other pollutants into the water.
- (4) Containers of hazardous materials, fuel, oil, herbicides, insecticides, fertilizers or other pollutants must not be stored on docks extending into or above Lake Austin, Lady Bird Lake, or Lake Walter E. Long.
- (5) Construction of shoreline access structures must minimize disturbance to woody and herbaceous vegetation, preserve the tree canopy, and replace herbaceous ground cover to the extent practicable.
- (6) A marina or marine fuel service facility or service station must provide adequate fire protection approved by the Fire Chief of the Austin Fire Department in compliance with Division 23-11B-7 (Fire Code) and the National Fire Protection Association standards for marinas and boatyards.

(C) **Standards for Docks.** A dock or similar structure must comply with the following standards:

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

- (10) For purposes of determining the total number of motorboats that may be anchored, moored, or stored on a dock or over water, one personal watercraft is equivalent to one-half of a motorboat.
 - (11) Shoreline access, as defined in Article 23-2M (Definitions), must be screened from the view of adjacent Low to Medium Intensity Residential Zones. A person may comply with this Subsection by providing vegetation and tree canopy as prescribed by rule, and may supplement compliance with other screening methods prescribed by the rule. The applicant shall maintain the screening in compliance with this Section.
- (D) **Standards for a Marina or Cluster Dock.** A marina area or cluster dock must comply with the following standards:
- (1) A parking lot or permanent structure, other than a dock or a combined storage area on the water's edge, must be set back at least 100 feet from the shoreline.
 - (2) Sanitation facilities must be provided in compliance with the following standards:
 - (a) Permanent sanitation facilities are required for a marina or common area with 10 or more boat slips.
 - (b) Temporary or permanent sanitation facilities are required for a marina or common area with fewer than 10 boat slips.
 - (3) A facility operator shall remove garbage in a timely manner and provide for the on-site collection of garbage at a marina or common area and at least one garbage can with a capacity of at least 32 gallons for each four picnic units and for each four boat slips.
- (E) **Docks as an Accessory Use.** A dock is allowed as an accessory use to a residential use in compliance with this Subsection.
- (1) A dock may be located off-site.
 - (2) A dock must not include habitable space or living quarters or other elements not necessary to the function of a dock, including, but are not limited to space conditioning, sinks, toilets, or wastewater or potable water lines or connections.
 - (3) A dock may only include the following equipment or means of access:
 - (a) A storage closet;
 - (b) A roof;
 - (c) A second floor;
 - (d) Marine lockers;
 - (e) Railings;
 - (f) A non-potable water pump and hose bib;
 - (g) Electrical connections;
 - (h) Lighting and fans;
 - (i) Non-mechanized access, including a staircase, pedestrian bridge, gangway, and gates;
 - (j) Non-mechanized recreational equipment, including, but are not limited to slides or swings; and

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

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

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

23-4E-5090 Enforcement and Registration

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

This page intentionally left blank

Division 23-4E-6: Specific to Use

Contents

23-4E-6010	Intent	2
23-4E-6020	Applicability	2
23-4E-6030	Accessory Dwelling Unit.	3
23-4E-6040	Accessory Uses	4
23-4E-6050	Adult Entertainment	10
23-4E-6060	Alcohol Sales.	12
23-4E-6070	Alternative Financial Services	12
23-4E-6080	Bed and Breakfast.	13
23-4E-6090	Camping/RV Park.	15
23-4E-6100	Commercial Blood Plasma Center	17
23-4E-6110	Communications	17
23-4E-6120	Community Agriculture	18
23-4E-6130	Convention Center.	19
23-4E-6140	Drive Through	20
23-4E-6150	Gas Station	20
23-4E-4160	General Retail w/ Outside Storage	21
23-4E-6170	Group Home.	21
23-4E-6180	Home Occupations	22
23-4E-6190	Live/Work	23
23-4E-6200	Manufacturing and Storage.	25
23-4E-6210	Micro-Brewery/Micro-Distillery/Winery	26
23-4E-6220	Mobile Food Sales	26
23-4E-6230	Mobile Retail Sales	28
23-4E-6240	Multi-Family	31
23-4E-6250	Recycling Center	32
23-4E-6260	Research and Development.	32
23-4E-6270	Restaurant, Late Night Operation	32
23-4E-6280	Reverse Vending	33
23-4E-6290	School	34
23-4E-6300	Senior/Retirement Housing	34
23-4E-4310	Short-term Rental	35
23-4E-6320	Special Uses	39
23-4E-6330	Sports or Events Arena.	39
23-4E-6340	Telecommunications.	40
23-4E-6350	Two-Family Residential.	43

23-4E-6010 Intent

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

23-4E-6020 Applicability

- (A) The standards of this Division apply to all proposed development and must be considered in combination with all other applicable provisions of Title 23. If there is a conflict between any standards, the provisions of this Division control over Article 23-4D (Specific to Zones). If there is a conflict with any other requirements of this Title, the provision which is more restrictive or imposes higher standards or requirements shall control, so that in all cases the most restrictive provision shall apply
- (B) Table 23-4E-6020.A lists applicability of each Section.

Table 23-4E-6020.A Applicability to Transect or Non-Transect Zones		
Section	Use	Applicability(All Zones, Non-Transect Zones Only)
23-4E-6030	Accessory Dwelling Unit	All Zones
23-4E-6040	Accessory Uses	All Zones
23-4E-6050	Adult Entertainment	All Zones
23-4E-6060	Alcohol Sales	All Zones
23-4E-6070	Alternative Financial Services	All Zones
23-4E-6080	Bed and Breakfast	All Zones
23-4E-6090	Camping/RV Park	All Zones
23-4E-6100	Commercial Blood Plasma Center	All Zones
23-4E-6110	Communications	All Zones
23-4E-6120	Community Agriculture	All Zones
23-4E-6130	Convention Center	All Zones
23-4E-6140	Drive Through	All Zones
23-4E-6150	Gas Station	All Zones
23-4E-6160	General Retail with Outside Storage	All Zones
23-4E-6170	Group Home	All Zones
23-4E-6180	Home Occupations	All Zones
23-4E-6190	Live/Work	All Zones

Table 23-4E-6020.A Applicability to Transect or Non-Transect Zones (continued)		
Section	Use	Applicability(All Zones, Non-Transect Zones Only)
23-4E-6200	Manufacturing and Storage	All Zones
23-4E-6210	Micro-Brewery/Micro-Distillery/ Winery	All Zones
23-4E-6220	Mobile Food Sales	All Zones
23-4E-6230	Mobile Retail Sales	All Zones
23-4E-6240	Multi-Family	Non-Transect Zones
23-4E-6250	Recycling Center	All Zones
23-4E-6260	Research and Development	All Zones
23-4E-6270	Restaurant, Late Night Operation	All Zones
23-4E-6280	Reverse Vending	All Zones
23-4E-6290	School	All Zones
23-4E-6300	Senior /Retirement Housing	All Zones
23-4E-6310	Short-term Rental	All Zones
23-4E-6320	Special Uses	All Zones
23-4E-6330	Sports or Events Arena	All Zones
23-4E-6340	Telecommunications	All Zones
23-4E-6350	Two-Family	Non-Transect Zones

23-4E-6030 Accessory Dwelling Unit

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

Table 23-4E-6030.A Standards for Accessory Dwelling Units in Non-Transect Zones	
Requirement	Standard
Lot Area	Equivalent to a standard lot
Impervious Cover	Max. 45%
Building Coverage	Max. 40%
Building Height	30 ft and limited to 2 stories
Floor Area	(1) Max. 1,100 sf total or FAR of 0.15 (whichever is greater); and (2) Max. 550 sf on a second floor
Parking	Prohibited in front setback, except on a driveway

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

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

(B) Restrictive Covenant

- (1) The property owner shall sign a restrictive covenant before a notary public that runs with the land on a form prepared by the City affirming that the property owner shall:
 - (a) Occupy either the primary residence or the ADU; or
 - (b) If the property owner rents or leases a property with both a primary residence and an ADU to a third party, then neither the primary residence nor the ADU shall be sub-leased.
- (2) The restrictive covenant shall be submitted to the City prior to the issuance of a Building Permit for the ADU. The City shall record the restrictive covenant after the Building Permit has been issued.

23-4E-6040 Accessory Uses

(A) Applicability

- (1) This Section applies to accessory uses as allowed in Division 23-4D-3 (Residential Zones), 23-4D-4 (Commercial Zones), Division 23-4D-5 (Industrial Zones) and Division 23-4D-6 (Other Zones).
- (2) The standards applicable to a principal use apply to an accessory use, except as otherwise provided in this Section.

(B) Accessory Uses

- (1) An accessory use is a use or structure that:
 - (a) Is incidental to and customarily associated with a principal use;
 - (b) Unless otherwise provided, is located on the same site as the principal use; and
 - (c) May include parking for the principal use.
- (2) Table 23-4E-6040.A lists allowed accessory uses in compliance with this Section.

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

Accessory Uses to a Residential Use

Accessory Apartment
Accessory Dwelling Unit
Dock
Garage Sales subject to the requirements of Subsection (F).
Guest House
The keeping of dogs, cats, and similar small animals as household pets
Playhouses, patios, cabanas, porches, gazebos, and household storage buildings
Radio and television receiving antenna and dish-type satellite receivers
Recreational activities and facilities
Religious study meetings
Residential Convenience Service
Residential Tours subject to the requirements of Subsection (E)
Playhouses, patios, cabanas, porches, gazebos, and household storage buildings
Solar collectors
Vehicle Storage

Accessory Uses to a Commercial Use

Additional accessory uses in the Commercial Recreation (CR) Zone in Subsection (I)(5)
One dwelling unit subject to the requirements of Subsection (H)(4)
Parking facility
Retail, restaurant and bar, or entertainment and recreation use or industrial use that is otherwise prohibited in the base zone subject to the requirements of Subsection (H)(2)

Accessory Uses to an Industrial Use

Commercial use otherwise prohibited in the base zone subject to the requirements of Subsection (I)(1)
Major Utility
One dwelling unit subject to the requirements of Subsection (I)(4)
Parking facility
Major Utility

Accessory Uses to a Civic and Public Assembly Use

Cafeterias, dining halls, and similar
Columbarium subject to the requirements of Subsection (J)(6)
Gift shops, newsstands, and similar
One dwelling unit subject to the requirements of Subsection (J)(1)
Parking facilities
Refreshment stands, convenience food or beverage sales

Accessory Uses to an Agricultural Use

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

(C) **Development Standards.** The development standards of the base zone apply to an accessory use or an accessory structure allowed in compliance with this Section, except:

(1) **Accessory Structures in a Residential Zone**

- (a) Rear Setback. Minimum 5 feet.
- (b) Height. Maximum 15 feet.

(D) **Accessory Uses to a Principal Residential Use.** This Subsection prescribes the standards for an accessory use to a principal residential use.

- (1) A residential use includes a use in the Residential and Residential Support Services use categories.
- (2) A use other than one described in this Section is allowed as an accessory use if the Planning Director determines that the use is necessary, customary, appropriate, incidental, and subordinate to a principal use.
- (3) An accessory use must not generate more than 10 guest vehicles trips a day or 30 guest vehicle trips a week.
- (4) The following are allowed as an accessory use to a principal residential use:
 - (a) Recreational activities and recreational facilities for use by residents;
 - (b) Religious study meetings;
 - (c) Playhouses, patios, cabanas, porches, gazebos, and household storage buildings;
 - (d) Radio and television receiving antenna and dish-type satellite receivers;
 - (e) Solar collectors;
 - (f) The keeping of dogs, cats, and similar small animals as household pets;
 - (g) On-site sales as authorized by Subsection (E) or Subsection (F);
 - (h) A single accessory apartment in compliance with the standards of Subsection (G).
 - (i) Vehicle storage in compliance with Subsection (D)(5), below;
 - (j) A dock in compliance with Subsection 23-4E-5060(E) (Docks as Accessory Uses);
 - (k) A guest house if:
 - (i) The principal use is a single-family residential use;
 - (ii) It is located on a lot with at least 10,000 square feet of area; and
 - (iii) Is occupied only by occasional nonpaying guests of the permanent residents.
 - (l) An accessory dwelling unit in compliance with Section 23-4E-6030 (Accessory Dwelling Unit).
 - (m) A residential convenience service if:
 - (i) The principal use is a multi-family use or a mobile home park use;
 - (ii) It is operated as an integral part of the principal use;
 - (iii) Is not identifiable from outside the site; and
 - (iv) Is intended to be patronized solely by the residents of the principal use.

- (5) **Vehicle storage**
- (a) Maximum one motor vehicle for each licensed driver residing on the premises may be stored on the premises.
 - (b) A private garage for the storage of maximum four motor vehicles is allowed.
 - (c) A motor vehicle with a capacity of one ton or greater is prohibited, except for an antique vehicle or recreational vehicle.
 - (d) Maximum one commercial vehicle owned or operated by the resident may be stored on the premises that is less than or equal to 14,000 gross vehicle weight rating (GVWR).
 - (e) An inoperable motor vehicle must not be stored on any public right-of-way. A motor vehicle is inoperable if, for more than 72 hours, the vehicle:
 - (i) Does not have license plates or has license plates that have expired for more than 90 days;
 - (ii) Does not have a motor vehicle safety inspection sticker or has a motor vehicle inspection safety sticker that has expired for more than 90 days; or
 - (iii) Cannot be started or legally operated in a public right-of-way.
 - (f) Exceptions. The prohibition of Subsection (D)(5) does not apply to an antique or recreational vehicle stored at an owner's residence or a vehicle under repair for less than 60 days, if not more than one other vehicle is also under repair.
 - (g) Up to two vehicles that are either antique or recreational vehicles may be stored on the premises, if the storage area is not a health hazard and is either in an enclosed building or screened from public view with a solid wood fence or masonry wall at least six feet high.
- (E) **Residential Tours.** Participation on an annual or semi-annual tour is allowed as an accessory residential use subject to the standards of this Subsection and all other applicable standards.
- (1) As authorized by this Subsection, a tour is an organized event in which multiple residential properties are opened to members of the public for any lawful purpose, including the appreciation and study of architecture and the production and incidental sale of artwork by an individual responsible for making or producing the artwork.
 - (2) To qualify as an accessory use under this Subsection, a residential tour that includes the production or sale of art must comply with the following standards:
 - (a) A tour organizer shall provide the dates of the tour and the address of all participating properties to the Economic Director;
 - (b) A tour must not take place on more than six days per calendar year; and
 - (c) A residential property must not:
 - (i) Participate on a tour more than 12 days per calendar year;
 - (ii) Participate in more than three tours per calendar year;
 - (iii) Participate in a tour more than three days per week;
 - (iv) Include more than six guest artists, in addition to the primary artist; or

(v) Include a garage sale.

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

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

(G) **Accessory Apartments**

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

(H) **Accessory Uses to a Principal Commercial Use.** This Subsection prescribes the standards for an accessory use to a principal commercial use.

- (1) For this Subsection, a commercial use includes a use in any of the following categories:
 - (a) Automobile Related;
 - (b) Entertainment and Recreation;
 - (c) Innovation and Technology;
 - (d) Office;
 - (e) Retail;
 - (f) Restaurant and Bars; and
 - (g) Services.
- (2) A commercial or industrial use that is otherwise prohibited in the base zone is allowed as an accessory use if the use:
 - (a) Is operated primarily for the convenience of employees, clients, or customers of the principal use;
 - (b) Occupies less than 10 percent of the total floor area of the use;
 - (c) Is an integral part of the principal use; and

- (d) For an industrial use, is not located in the NC Zone or within 100 feet of any residential zone.
- (3) A parking facility is allowed as an accessory use.
- (4) One dwelling unit is allowed as an accessory use if not more than 50 percent of the building is used for the dwelling unit. An occupant is not required to be engaged in the principal use.
- (5) **Exceptions for the Commercial Recreation Zone.** The following provisions supersede the standards of this Subsection to the extent of conflict.
 - (a) The following are allowed as accessory uses in a Commercial Recreation Zone:
 - (i) Day care services >7 - ≤20 people;
 - (ii) Day care services ≤7 people;
 - (iii) Food sales;
 - (iv) General retail sales;
 - (v) Personal services;
 - (vi) Public safety facilities; and
 - (vii) Restaurant without alcohol sales.
 - (b) An accessory use, as described in Subsection (H)(5)(a), must not occupy more than 50 percent of the site area or the gross floor area of the structures on the site.
- (I) **Accessory Uses to a Principal Industrial Use.** This Subsection prescribes the standards for an accessory use to a principal industrial use.
 - (1) A retail, restaurant and bar, or entertainment and recreation use that is otherwise prohibited in the base zone is allowed as an accessory use if the use:
 - (a) Is operated primarily for the convenience of employees, clients, or customers of the principal use;
 - (b) Occupies less than 25 percent of the total floor area of the use; or
 - (c) Is an integral part of the principal use.
 - (2) A parking facility is allowed as an accessory use.
 - (3) A major utility facility is allowed as an accessory use if the facility is operated as an integral part of the principal use, and the facility is not a public utility under the Texas Public Utility Regulatory Act.
 - (4) For a warehouse use, a dwelling unit is allowed as an accessory use if the dwelling unit is occupied by a person engaged in security, leasing, or management for the principal use, and no more than 25 percent of the building is used for the dwelling unit.
- (J) **Accessory Uses to a Principal Civic and Public Assembly Use.** For a principal civic or public assembly use, the following are accessory uses:
 - (1) A dwelling unit that is occupied only by a family that has at least one member employed on-site for security, maintenance, management, supervision, or personal service;

- (2) Refreshment stands and convenience food or beverage sales that serve a public assembly use;
 - (3) Cafeterias, dining halls, and similar food services that are primarily for the convenience of employees, residents, clients, patients, or visitors;
 - (4) Gift shops, newsstands, and similar commercial activities primarily for the convenience of employees, residents, clients, patients, or visitors;
 - (5) Parking facilities, except a facility located in a Low to Medium Intensity Residential Zone must not exceed the minimum parking requirements; and
 - (6) A columbarium that:
 - (a) Is affiliated with a religious assembly use;
 - (b) Occupies maximum 10 percent of the site area or 10,000 square feet, whichever is less;
 - (c) Is oriented to the interior to the site; and
 - (d) Is not visible from public rights-of-way.
- (K) **Accessory Use to a Principal Agricultural Use.** For a principal agricultural use, accessory uses that are necessarily and customarily associated with the purpose and function of the agricultural use are allowed.

23-4E-6050 Adult Entertainment

(A) Purpose

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

(B) **Legislative Findings Regarding the Secondary Effects of Adult-Oriented Business.**

Based on evidence concerning the adverse secondary effects of Sexually Oriented Businesses on the community presented in hearings and in reports made available to the Council, and on findings incorporated in the cases of *City of Renton v. Playtime Theatres*,

Inc., 475 U.S. 41 (1986); *Young v. American Mini Theatres*, 427 U.S. 50 (1976); *FW/PBS, Inc. v. City of Dallas*, 493 U.S. 215 (1990); *Barnes v. Glen Theatre, Inc.*, 501 U.S. 560 (1991); *City of Erie v. Pap's A.M.*, 529 U.S. 277, 120 S. Ct. 1382 (2000); *City of Los Angeles v. Alameda Books, Inc.*, 122 S. Ct. 1728 (2002); *Baby Dolls Topless Saloons, Inc. v. City of Dallas*, 295 F.3d 471 (5th Cir. 2002); *LLEH, Inc. v. Wichita County, Texas*, 289 F.3d 358 (5th Cir. 2002); *Mitchell v. Commission on Adult Entertainment*, 10 F.3d 123 (3rd Cir. 1993); *Schultz v. City of Cumberland*, 228 F.3d 831 (7th Cir. 2000); *Hang On, Inc. v. City of Arlington*, 65 F.3d 1248 (5th Cir. 1995); *2300, Inc. v. City of Arlington*, 888 S.W.2d 123 (Tex. App. – Fort Worth, 1994); *Colacurcio v. City of Kent*, 163 F.3d 545 (9th Cir. 1998), cert denied, 529 U.S. 1053 (2000); *Kev, Inc. v. Kitsap County*, 793 F.2d 1053 (9th Cir. 1986); *Center for Fair Public Policy v. Maricopa County*, 336 F.3d 1153 (9th Cir. 2003); *DLS, Inc. v. Chattanooga*, 107 F.3d 403 (6th Cir. 1997); *Jake's, Ltd., Inc. v. Coates*, 384 F.3d 884 (8th Cir. 2002); and on studies, reports and/or testimony in other communities including, but not limited to: Phoenix, Arizona; Minneapolis, Minnesota; St. Paul, Minnesota; Houston, Texas; Indianapolis, Indiana; Dallas, Texas; Amarillo, Texas; Garden Grove, California; Los Angeles, California; Whittier, California; Austin, Texas; Seattle, Washington; Oklahoma City, Oklahoma; Cleveland, Ohio; Beaumont, Texas; Newport News, Virginia; Bellevue Washington; New York, New York; St. Croix County, Wisconsin; Kitsap County, Washington; Los Angeles, California Police Department (dated August 12, 2003); Arlington, Texas, License and Amortization Appeal Board hearings, 2001 and 2002; Arlington Community Health Profile (dated July 2003); a summary of land use studies compiled by the National Law Center for Children and Families; and also on findings from the Report of the Attorney General's Working Group On The Regulation Of Sexually Oriented Businesses (June 6, 1989, State of Minnesota), and the study entitled Survey of Texas Appraisers – Secondary Effects of Sexually-Oriented Businesses on Market Values by Cooper and Kelley and Crime Related Secondary Effects – Secondary Effects of "Off-Site" Sexually-Oriented Businesses by McCleary, June 2008, consistent with the findings of the Texas State Legislature that the unrestricted operation of certain sexually oriented businesses may be detrimental to the public health, safety, and welfare by contributing to the decline of residential and business neighborhoods and the growth of criminal activity, the City finds that:

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

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

- (C) **Advertisements and Displays.** On-premises advertisements, displays, or other promotional materials for an adult-oriented business that emphasize specified sexual activities or specified anatomical areas must not be visible from public or semi-public places outside the business.
- (D) **Permit Requirements**
 - (1) An adult entertainment use, excluding an adult lounge, is allowed by right in the SC or HC Zone and with a Conditional Use Permit in the DC or CC Zone.
 - (2) An adult lounge is allowed with a Conditional Use Permit in a SC, HC, DC or CC Zone.
- (E) **Location Restrictions.** An adult-oriented business must not be located on a lot:
 - (1) That is within 1,000 feet of a lot on which another adult-oriented business is located;
 - (2) That is within 1,000 feet of a lot on which a school, church, public park or playground, licensed day-care center, museum, or library is located; or
 - (3) Where 50 percent or more of the lots within a 1,000 foot radius are zoned or used for a residential use.

23-4E-6060 Alcohol Sales

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

23-4E-6070 Alternative Financial Services

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

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

23-4E-6080 Bed and Breakfast

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

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

(E) Operational Standards

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

(F) Location Requirements

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

(G) Number of Rental Units

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

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

(I) Parking Requirements

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

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

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

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

(K) **Waivers**

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

23-4E-6090 **Camping/RV Park**

- (A) **Applicability.** This Section applies to a campground used as a tourist or trailer camp.
- (B) **Applicability of Hotel Laws; Registration of Guests.** A recreational vehicle park shall be operated in conformity with State Law relating to hotels. A person staying in a recreational vehicle park shall register and give to the manager, operator, or person in charge the person's name, residence address, and automobile license plate number and the state in which it is registered.
- (C) **Site Plan Approval.** Approval of a Site Plan by the Health Authority is required before the Development Services Director may approve a Site Plan under this Section.
- (D) **Health Authority Approval Required**
 - (1) A person shall obtain a permit from the Health Authority to establish, maintain, or operate a recreational vehicle park, whether or not payment for use is required.
 - (2) The Health Authority shall inspect and issue a permit, in writing, for the establishment, operation and maintenance of a recreational vehicle park, as applicable.
 - (3) A permit issued under this Section is nontransferable and expires one year from the date of issuance. The permit fee shall be set by a separate ordinance.

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

(E) Technical Requirements

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

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

23-4E-6100 Commercial Blood Plasma Center

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

23-4E-6110 Communications

- (A) **Applicability.** For a communications use, the base zone standards are superseded by the standards of this Section.
- (B) **Exemptions.** Base zone standards for lot size, lot width, floor area ratio, and building coverage do not apply.
- (C) **Site Development Standards**
- (1) **Side Setback.** The minimum width of a side setback is the lesser of five feet or the width required by the site development standards for the base zone.
 - (2) **Front and Street Side Setbacks.** A structure must be set back at least 25 feet from a front or side street if the structure is located:
 - (a) In a Low to Medium Intensity Residential Zone;
 - (b) Adjacent to or across a thoroughfare from a Low to Medium Intensity Residential Zone; or
 - (c) Adjacent to or across a thoroughfare from an allowed residential or residential support service use.
 - (3) **Landscaping.** Minimum 50 percent of the setback areas must be landscaped, and one tree at least six feet in initial height is required in the front setback. The following landscaping standards do not apply:
 - (a) Section 23-4E-4060 (Surface Parking Area);
 - (b) Subsection 23-4E-4090 (Visual Screening);

- (c) Subsections 23-4E-4100 (Submittal Requirements); and
- (d) Subsection 23-4E-4110 (Final Inspection).
- (4) **Impervious Cover.** Impervious cover must not exceed the greater of the maximum percentage allowed by the applicable site development standards for the base zone:
 - (a) 95 percent for a site less than 2,500 square feet in size;
 - (b) 85 percent for a site at least 2,500 and maximum 3,600 square feet in size;
 - (c) 50 percent for a site at least 3,600 and maximum 5,000 square feet in size; or
 - (d) 45 percent for a site more than 5,000 square feet in size.
- (5) **Height.** Maximum 12 feet.
- (6) **Visual obstruction.** A structure's location must not create a visual obstruction to traffic.

23-4E-6120 Community Agriculture

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

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

- (8) Water conservation practices must be followed, at minimum, in compliance with Chapter 6-4 (Water Conservation) of the City Code.
- (9) The use of synthetic inputs is prohibited. An Integrated Pest Management Plan, developed in compliance with the Environmental Criteria Manual and approved by the Watershed Director, must be followed.
- (10) Agricultural and value-added agricultural products raised by the farmer or produced within the State of Texas may be sold from the site or distributed off-site to buyers. Agricultural products and value-added agricultural products produced off-site by someone other than the farmer cannot exceed 20 percent of the retail space by area.
- (11) The maximum number of full-time, non-seasonal employees is two for each full acre, plus two for the remaining portion of an acre, if any, and excluding the property owner.
- (12) The residential character of the lot and dwelling must be maintained.
- (13) A sign is allowed in compliance with Section 23-9E-1040 (Urban Farm Sign and Market Garden Signs).

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

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

23-4E-6130 Convention Center

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

23-4E-6140 Drive Through

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

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

23-4E-6150 Gas Station

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

23-4E-4160 General Retail w/ Outside Storage

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

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

23-4E-6170 Group Home

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

23-4E-6180 Home Occupations

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

- (1) An activity requiring an H-occupancy in compliance with Division 23-11B-1 (Building Code); and
- (2) Adult oriented businesses;
- (3) Animal breeding;
- (4) Animal service/boarding;
- (5) Automobile repair;
- (6) Bar/nightclub (any kind);
- (7) Businesses involving the repair of any type of internal combustion engine, including equipment repair services.
- (8) Commercial services, no outside storage;
- (9) Commercial services, w/ incidental outside storage;
- (10) Heavy equipment sales;
- (11) Hospital;
- (12) Medical services;
- (13) Personal services, restricted;
- (14) Recycling centers;
- (15) Rental outlets;
- (16) Restaurants (any kind);
- (17) Reverse vending;
- (18) Salvage/junk yard;

23-4E-6190 Live/Work

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

- (D) **Limitations on Use.** The non-residential component of a live/work development shall only be a use allowed within the applicable zone. A live/work unit shall not be established or used in conjunction with any of the following activities:
- (1) Adult-oriented businesses;
 - (2) Vehicle maintenance or repair (e.g., body or mechanical work, including boats and recreational vehicles), vehicle detailing and painting, upholstery, etc.);
 - (3) Storage of flammable liquids or hazardous materials beyond that normally associated with a residential use;
 - (4) Welding, machining, or any open flame work;
 - (5) Medical marijuana dispensary;
 - (6) Outdoor storage of materials;
 - (7) The use of welding equipment, fiberglass, or epoxy; and
 - (8) Any other activity or use as determined by the Planning Director not to be compatible with residential activities and/or to have the possibility of affecting the health or safety of live/work unit residents because of the potential for the use to create dust, glare, heat, noise, vibration, smoke, odor, noxious gasses, traffic, or other impacts, or would be hazardous because of materials, processes, products, or wastes.
- (E) **Residential Density.** Live/work units shall not exceed the density in the underlying zone.
- (F) **Occupancy Requirement.** The residential space within a live/work unit shall be occupied by at least one individual employed in the business conducted within the live/work unit.
- (G) **Design Standards**
- (1) **Floor Area Requirements**
 - (a) Residential Non-Transect Zones and Transect Zones. The floor area of the living space shall be at least 50 percent of the total floor area. All floor area other than that reserved for work space shall be reserved and regularly used for living space.
 - (b) Commercial and Industrial Non-Transect Zones. The floor area of the working space shall be at least 50 percent of the total floor area. All floor area other than that reserved for living space shall be reserved and regularly used for work space.
 - (2) **Separation and Access.** Access to each live/work unit shall be provided from a public thoroughfare or common access areas, corridors, or halls. The access to each unit shall be clearly separate from other live/work units or other uses within the building.
 - (3) **Location of Facilities for Commercial or Industrial Activities.** A live/work unit shall be designed to accommodate commercial or light industrial uses as evidenced by the provision of flooring, interior storage, ventilation, and other physical improvements of the type commonly found in exclusively commercial or light industrial facilities used for the same work activity.
 - (a) Residential Non-Transect Zones and Transect Zones. Non-residential space may be incorporated into the ground floor or upper floors of a live/work unit in compliance with Subsection (G)(1)(a).
 - (b) Commercial and Industrial Non-Transect Zones. In compliance with Subsection (G)(1)(b), non-residential space shall be incorporated into the ground floor of a live/work unit; the upper floors shall only be used for residential space.

- (4) **Integration of Living and Working Space.** Areas within a live/work unit that are designated as living space shall be an integral part of the live/work unit. The living space of a live/work unit should be accessed by means of an interior connection from the work space, but may have exterior access if designed in compliance with the Division 23-11B-1 (Building Code).
 - (5) **Mixed Occupancy Building.** If a building contains mixed occupancies of live/work units and other nonresidential uses, occupancies other than live/work shall meet all applicable requirements for those uses, and proper occupancy separations shall be provided between the live/work units and other occupancies, as determined by the Building Official.
 - (6) **Signage.** All signage for live/work units shall be in compliance with Chapter 23-8 (Signage).
 - (7) **Parking.** Parking shall be in compliance with Division 23-4E-3 (Parking and Loading). The Development Services Director may modify parking requirements for the use of existing structures with limited parking.
 - (8) **Landscaping.** All landscaping for live/work units shall be in compliance with Division 23-4E-4 (Landscape and Screening).
- (H) **Operating Requirements**
- (1) **Sale or Rental of Portions of Unit.** No portion of a live/work unit may be separately rented or sold as a commercial or industrial space for any person not living in the premises or as a residential space for any person not working in the same unit.
 - (2) **On-premises Sales.** On-premises sales of goods are limited to those produced within the live/work unit; provided, the retail sales activity shall be incidental to the primary production work within the unit. These provisions shall allow occasional open studio programs and gallery shows.
 - (3) **Nonresident Employees.** Up to two persons who do not reside in the live/work unit may work in the unit, unless this employment is prohibited, expanded, or limited by a Conditional Use Permit. The employment of three or more persons who do not reside in the live/work unit may be allowed, subject to Conditional Use Permit approval, based on an additional finding that the employment will not adversely affect parking and traffic conditions in the immediate vicinity of the unit.
 - (4) **Client and Customer Visits.** Client and customer visits to live/work shall be compatible with adjacent commercial or industrial uses, or adjacent residentially zoned areas.
- (I) **Changes in Use.** No Live/Work unit shall be changed to exclusively a residential or commercial use in any building unless the residential or commercial use is allowed in the zone in which the building is located.
- (J) **Required Findings.** Where a Conditional Use Permit is required for a live/work unit, approval shall require that the Development Services Director first make all of the following findings, in addition to meeting the requirements for Conditional Use Permit approval in Section 23-4B-1020 (Conditional Use Permits):
- (1) The establishment of live/work units will not conflict with nor inhibit residential, commercial, or industrial uses in the area where the development is proposed;

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

23-4E-6200 Manufacturing and Storage

(A) Additional Requirements for a Brewery/Winery/Distillery

- (1) **Permit Requirements.** The sale of beer, ale, wine, or distilled liquor produced on-site for on-site consumption:
 - (a) Is a allowed use, if the use is at least 540 feet from any single-family residential use, as measured from lot line to lot line;
 - (b) Is a conditional use, if the use is less than 540 feet from any single-family residential use, as measured from lot line to lot line; and
 - (c) Must not exceed 33 percent or 5,000 square feet of the total floor area of the principal developed use, whichever is less.
- (2) **Exceptions**
 - (a) Beer, ale, wine, or distilled liquor sold on-site may be consumed during a tour in an area exceeding 33 percent or 5,000 square feet of the total floor area of the principal developed use, whichever is less.
 - (b) Beer, ale, wine, or distilled liquor sold on-site may be consumed in an area exceeding 33 percent or 5,000 square feet of the total floor area of the principal developed use, whichever is less, if the use is located in Airport Overlay zones AO-1, AO-2, or AO-3.
 - (c) The Planning Commission may increase the square footage allowed in compliance with Subsection (A)(1)(c) during the Conditional Use Permit approval process.

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

- (A) **Conditional Use Permit Required.** A micro-brewery, micro-distillery or winery that is allowed in the base zone requires a Conditional Use Permit if they are located less than 540 feet from any single-family residential use, as measured from lot line to lot line.
- (B) **Maximum Tasting Area.** The area reserved for the sale and consumption of beer, ale, spirits or wine for on-site consumption shall not exceed 33 percent or 5,000 square feet of the total floor area of the micro-brewery, micro-distillery or winery use, whichever is less.
- (C) **Exceptions**
 - (1) Beer, ale, spirits or wine sold on-site may be consumed in an area exceeding 33 percent or 5,000 square feet of the total floor area of the micro-brewery, micro-distillery or winery, whichever is less, if the micro-brewery, micro-distillery or winery is located in Airport Overlay zones AO-1, AO-2, or AO-3.

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

23-4E-6220 Mobile Food Sales

- (A) **Applicability.** This Subsection applies to all mobile food establishments except those located on private property for three hours or less between the hours of 6:00 a.m. and 10:00 p.m.
- (B) **Permit Required.** Mobile food sales use operating in the public right-of-way must also comply with standards in Title 14 (Use of Streets and Public Property) in the City Code.
- (C) **Permit Not Required.** A Site Plan, Site Plan exemption, or Temporary Use Permit is not required for the operation of a mobile food establishment.
- (D) **Where Prohibited.** A mobile food establishment is not allowed:
 - (1) On private property, except as provided in this Section;
 - (2) Within 50 feet of a lot with a building that contains both a residential and commercial use; or
 - (3) Within 20 feet of a restaurant with or without alcohol.
- (E) **Operational Requirements.** A mobile food establishment must:
 - (1) Be licensed by the Health Authority;
 - (2) Not operate between the hours of 3:00 a.m. and 6:00 a.m.;
 - (3) Not contain a drive-through; and
 - (4) Be located on the same site as a restaurant which serves food provided by the restaurant may only operate between the hours of 6:00 a.m. and 10:00 p.m. if the mobile food establishment is located 300 feet or less from property in a Low to Medium Intensity Residential Zone.
- (F) **Noise.** The noise level of mechanical equipment or outside sound equipment used in association with a mobile food establishment must not exceed 70 decibels when measured at the property line that is across the thoroughfare from or abutting a residential use.
- (G) **Lighting.** Exterior lighting must be hooded or shielded so that the light source is not directly visible to a residential use.
- (H) **Signs.** Signs must be securely mounted to project no more than six inches from the exterior sides of the mobile food establishment.
- (I) **Debris and Litter**
 - (1) During business hours, the permit holder shall provide a trash receptacle for use by customers.
 - (2) The permit holder shall keep the area around the mobile food establishment clear of litter and debris at all times.
- (J) **Utilities**
 - (1) A permanent water or wastewater connection is prohibited.

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

(K) **Additional Optional Restrictions in a Neighborhood Association Area**

(1) **Application Procedures**

- (a) **Eligible Applicant.** The following persons may submit an application to the Planning Director requesting that the Council require mobile food establishments in a Neighborhood Association Area:
 - (i) For an area with an adopted Neighborhood Plan, the Chair of the official Planning Area Contact Team, or an officer of a Neighborhood Association if there is no official Planning Area Contact Team.
 - (ii) For an area without an adopted Neighborhood Plan, an officer of a Neighborhood Association.
 - (b) **Review and Decision.** The Planning Director shall accept an application made under this Subsection during February of each year. The Council shall consider the applications annually and make a decision.
 - (c) **Notice and hearing.** Notice of a public hearing on the application by the Council is required in compliance with Section 23-2C-4040 (Type 2 Public Hearing Notice). In addition, the notice must be:
 - (i) In English and Spanish; and
 - (ii) Mailed to each mobile food establishment licensed by the Health Authority and each registered neighborhood association.
 - (d) The Planning Director shall maintain a map that depicts the areas to which this Subsection applies.
 - (e) The standards of this Section may be added to an ordinance zoning or rezoning property as a Neighborhood Plan Overlay Zone in compliance with Section 23-4D-7100 (Neighborhood Plan Overlay Zone).
- (2) **Additional Minimum Distance Requirements.** A mobile food establishment must not be less than 50 feet from property in a Low to Medium Intensity Residential Zone or on which a residential use allowed in a Low to Medium Intensity Residential Zone is located.
- (3) **Additional Operational Requirements**
- (a) A mobile food establishment may operate between 6:00 a.m. and 10:00 p.m. if the mobile food establishment is more than 50 feet and less than 300 feet from a property in a Low to Medium Intensity Residential Zone.
 - (b) A mobile food establishment may operate between 6:00 a.m. and 3:00 a.m. if the mobile food establishment is more than 300 feet from a property in a Low to Medium Intensity Residential Zone
- (4) A mobile food establishment must comply with this Section within 60 days of the application approval or adoption of an ordinance rezoning the property to an NP Overlay Zone.

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

23-4E-6230 Mobile Retail Sales

- (A) **Applicability.** This Section does not apply to a mobile food establishment defined in Article 23-2M (Definitions) or to a mobile retail establishment that is located on private property for three hours or less between the hours of 6 a.m. and 11 p.m.
- (B) **Permit Not Required.** A Site Plan, Site Plan exemption, or Temporary Use Permit is not required for the operation of a mobile retail sales use.
- (C) **Time Limit.** A mobile retail establishment must not remain at the same location for more than 180 consecutive days.
- (D) **Application Procedure**
 - (1) A person shall not operate a mobile retail establishment until the Planning Director approves an application for the use in compliance with this Section.
 - (2) The Planning Director may approve establishment Mobile Retail use if all of the following is provided by the operator:
 - (a) The name and address of the mobile retail establishment owner;
 - (b) Proof of motor vehicle or trailer registration;
 - (c) A description of the items that the mobile retail establishment sells;
 - (d) Proof of sales tax;
 - (e) Proof of Texas Department of Licensing and Regulation license(s), if applicable for personal services use;
 - (f) An itinerary of the locations where sales occur;
 - (g) If at one location more than two hours, a written agreement from a business within 150 feet of the location to allow employees of the mobile retail establishment to use flushable restrooms or other facilities approved by the Health Authority during hours of operation;
 - (h) A fee, as established by separate ordinance; and
 - (i) Any other information reasonably required by the Planning Director to enforce this Section.
- (E) **Items and Services to be Sold.** An operator may only sell non-food retail items or services. Mobile retail establishments must only sell items or services allowed under a general retail, and personal service use. All sales items and supplies must be stored within the mobile unit.
- (F) **Location Requirements**
 - (1) A mobile retail establishment must be located minimum 50 feet from a lot with a building that contains both a residential and commercial use, except if located in a CC or DC Zone.

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

(G) Operational Requirements

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

(O) Revocation and Appeal

- (1) The Planning Director may revoke an approved application granted in compliance with this Section if an operator provides false information on an application or commits repeated violations of applicable law.
 - (2) In determining whether to revoke an approved application, the Planning Director shall consider the frequency of any repeated violations, whether a violation was committed intentionally or knowingly, and any other information relevant to the degree to which an operator has endangered the public health, safety, or welfare.
 - (3) An operator may appeal the Planning Director's decision to revoke an approved application to the Planning Commission.
 - (4) An operator shall file an appeal in compliance with this Section with the Planning Director no later than the 20th day following the date of the Planning Director's decision. The appeal must be on a form approved by the Planning Director.
 - (5) After notice and public hearing, the Planning Commission shall either uphold or overturn the decision of the Planning Director. In making its decision, the Planning Commission shall consider the criteria contained within this Section. The Planning Commission's decision shall be final on this matter.
- (P) Compliance Required; Offense.** An operator shall comply with this Section. The standards of this Section will be enforced in compliance with the enforcement provisions of Division 23-2J (Enforcement) as a Class C misdemeanor.

23-4E-6240 Multi-Family

- (A) Screening.** A wall, hedge, or solid fence, not less than five feet in height, is required along a side lot line that adjoins a required private setback.
- (B) Driveways**
- (1) The width of a driveway that serves only one unit and that is located in the front setback of the lot must not exceed 50 percent of the lot width.
 - (2) A driveway that serves more than one unit must not include more than 50 percent of the combined area of the required front setbacks of the units served by the driveway. The driveway must not have more than two points of vehicular access to a public thoroughfare.
- (C) Required Open Space**
- (1) **Ten or more dwelling units.** A multi-family use with 10 or more dwelling units in a building constructed after the effective date of this ordinance must comply with the standards of Subsection 23-3D-4050(G) (Private Common Open Space) except if:
 - (a) The development is located in:
 - (i) The University Neighborhood Overlay and the applicant elects to comply with Section 23-4D-7120 (University Neighborhood Overlay Zone) of this Chapter;
 - (ii) The CC Zone; or
 - (iii) The DC Zone;

- (b) The development is certified under a local, state, or federal affordable housing program and located within ¼ mile safe pedestrian travel distance of an existing and developed public park or multi-use trail, measured from the boundary of the site to the nearest public entrance of the park or multi-use trail; or
 - (c) In evaluating safe pedestrian travel distances in compliance with Subsection (C) (1)(b), consideration shall be given to factors affecting the suitability of the area for pedestrian travel, including physical or topographic barriers, traffic volumes, pedestrian crosswalks, and accessible routes compliant with the Americans with Disabilities Act.
- (2) **Less than 10 units.** A multi-family use with less than 10 dwelling units must provide private personal open space in compliance with the standards of this Subsection.
- (a) The open space must be a minimum of five percent of the gross site area of the property.
 - (b) An area of private personal open space at ground level must contain at least 100 square feet and must not be less than 10 feet across in each direction.
 - (c) An area of private personal open space above ground level must contain at least 50 square feet and must not be less than five feet across in each direction.
 - (d) The standards of this Subsection do not apply to a multi-family use located within a development that meets the standards in Subsection (A) of this Section.
- (3) **Exceptions for Affordable Units.** A multi-family use may qualify for a density bonus or other incentives if the project meets the applicable provisions of Chapter 23-3E (Affordable Housing).

23-4E-6250 Recycling Center

- (A) **Frontage.** A recycling center site must have at least 150 feet of frontage on a public thoroughfare.
- (B) **Outdoor Unloading Area.** An outdoor unloading area for recyclable materials must be at least 50 feet from a Commercial or Residential Zone.
- (C) **Screening.** The portion of a site used for truck maneuvering or the storage, bailing, processing, or other handling of recyclable material must be enclosed by an 8-foot-tall solid fence or wall with a non-glare finish.
- (D) **Loading/Unloading Area**
 - (1) A loading or unloading area or a truck maneuvering area must be paved.
 - (2) A facility operator shall keep the facility free of refuse and putrescence materials.
 - (3) A facility operator shall not use chemical or heating processes on the recyclable materials.

23-4E-6260 Research and Development

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

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

23-4E-6270 Restaurant, Late Night Operation

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

23-4E-6280 Reverse Vending

- (A) **Site Development Standards**
 - (1) A facility must be located in an enclosed structure or enclosable trailer, or be screened on three sides by a solid fence or wall not less than six feet high. This requirement does not apply to a single-feed reverse vending machine.
 - (2) A facility must be at least 100 feet from an adjoining property that is a Low to Medium Intensity Residential Zone.
 - (3) A sign that is visible to the public identifying the facility operator, its telephone number, its hours of operation, and the City of Austin Recycling Hotline telephone number is required.
 - (4) Storage and unloading areas must be paved.
- (B) **Operational Standards**
 - (1) A facility operator shall exchange a trailer that contains a facility for another trailer when the facility reaches its capacity. The operator shall place a replacement trailer in the exact location of the trailer it replaced, unless the trailer is in the fenced boundaries of a drop-off recycling collection facility site.
 - (2) Storage containers that are marked to identify the materials to be deposited are required. Coverable containers for paper and plastic products are required for an unenclosed facility. A sign near the containers stating materials must only be deposited between the hours of 7:00 a.m. and 10:00 p.m. is required.
 - (3) A facility operator shall remove all deposited materials from the facility at least once a week or when the containers for a material are full.

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

23-4E-6290 School

(A) Colleges, Universities or Private Schools

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

(B) Public Schools

- (1) **Applicability.** This Section applies to the development of a public primary or secondary school.
- (2) **Exempt from Standards.** Development described in Subsection (B)(1) is not required to comply with the standards of Chapter 23-4 (Zoning) limiting floor to area ratio.
- (3) **Development Standards.** Except as provided below, the standards of the base zone apply.
 - (a) **Setbacks.** Outside the boundaries of the Austin Independent School District, a public primary or secondary school may not be constructed closer than 25 feet from an adjoining residential use.
 - (b) Height within the boundaries of the Austin Independent School District may not exceed the lesser of:
 - (i) 60 feet;
 - (ii) 30 feet, if the facility is located within 50 feet of a Low to Medium Intensity Residential Zone or single-family use; or
 - (iii) 40 feet, if the facility is located within 100 feet of a Low to Medium Intensity Residential Zone or a single-family use.

- (c) Height outside the boundaries of the Austin Independent School District may not exceed the lesser of:
 - (i) Two stories or 30 feet, if the facility is located within 50 feet of a Low to Medium Intensity Residential Zone single-family use; or
 - (ii) Three stories or 40 feet, if the facility is located within 100 feet of a Low to Medium Intensity Residential Zone single-family use.
- (4) **Additional Standards in the General Industrial (GI) Zone.** Within the General Industrial (GI) Zone, public secondary schools are limited to the senior high school level.
- (5) **Fee Waivers.** Fees associated with the review of a Site Plan or Building Permit application required for public primary or secondary schools are waived.

23-4E-6300 Senior/Retirement Housing

- (A) **Building Standards.** Senior retirement housing facilities shall comply with the applicable standards established in Division 23-11B-1 (Building Code).
- (B) **Registry with AHA.** The owner of a senior/retirement housing use shall register the use with the Austin Housing Authority and other local agencies that provide housing assistance to elderly or physically handicapped persons.
- (C) **Additional Standards for Senior Housing/Retirement in an LDR or LMDR Zone.** The standards of the base zone apply, unless provided in Table 23-4E-6290.A (Additional Standards for Senior/Retirement Housing) apply.

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

23-4E-4310 Short-term Rental

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

- (ii) The owner resides at the licensed short-term rental property for the duration of any short-term rental of a partial unit;
- (iii) Maximum one partial unit at the property is simultaneously rented for any period less than 30 consecutive days; and
- (iv) Rental of the partial unit is limited to a single party of individuals;
- (b) Operate without a license as required by Subsection (D); or
- (c) Operate without providing notification to renters as required by Subsection (E).

(B) Type 2 Short-term Rental Regulations

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

(C) Type 3 Short-term Rental Regulations

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

(D) License requirements and procedures

- (1) This Subsection applies to a license as required in compliance with Subsections (A)-(C), above.
- (2) To obtain a license, the owner of a short-term rental use shall submit an application on a form provided for that purpose by the Housing Director. The application must include the following:
 - (a) A fee established by separate ordinance;
 - (b) The name, street address, mailing address, and telephone number of the owner of the property;
 - (c) The name, street address, mailing address, and telephone number of a local responsible contact for the property;
 - (d) The street address of the short-term rental use;
 - (e) Proof of property insurance;
 - (f) Proof of payment of hotel occupancy taxes due as of the date of submission of the application; and
 - (g) Any other information requested by the Housing Director.

- (3) The Housing Director will issue a license in compliance with this Section if:
- (a) The application includes all information required in compliance with Subsection (D)(2);
 - (b) The proposed short-term rental use complies with the standards of Subsections (A)-(C) above;
 - (c) For a Type 2 Short-Term Rental use, no more than three percent of the single-family, detached residential units within the census tract of the property are a Type 2 Short-Term Rental use as determined by the Housing Director in compliance with Subsection (F); and
 - (i) The structure has a valid Certificate of Occupancy or compliance, as required by Division 23-2H-4 (Certificates of Compliance and Occupancy); or
 - (ii) The structure has been determined by the Building Official not to pose a hazard to public health, safety, and welfare, based on a minimum life-safety inspection;
 - (d) For a Type 3 Short-Term Rental located in a non-commercial zone, no more than three percent of the total number of dwelling units at the property and no more than three percent of the total number of dwelling units located within any building or detached structure at the property are a Type 3 Short-Term Rental use as determined by the Housing Director in compliance with Subsection (F); and
 - (i) The structure and the dwelling unit at issue have a valid Certificate of Occupancy or Compliance, as required by Division 23-21-4 (Certificates of Compliance and Occupancy); or
 - (ii) The structure and the dwelling unit at issue have been determined by the Building Official not to pose a hazard to public health, safety, and welfare, based on a minimum life-safety inspection.
 - (e) For a Type 3 Short-Term Rental use located in a commercial zone, no more than 25 percent of the total number of dwelling units at the property and no more than 25 percent of the total number of dwelling units located within any building or detached structure at the property are a Type 3 Short-Term Rental use as determined by the Housing Director in compliance with Subsection (F); and
 - (i) The structure and the dwelling unit at issue have a valid Certificate of Occupancy or Compliance, as required by Division 23-2H-4 (Certificates of Compliance and Occupancy); or
 - (ii) The structure and the dwelling unit at issue have been determined by the building official not to pose a hazard to public health, safety, and welfare, based on a minimum life-safety inspection.
- (4) A license issued under this Subsection:
- (a) Is valid for a maximum of one year from the date of issuance, subject to a one-time extension of 30 days at the discretion of the Housing Director;
 - (b) May not be transferred by the property owner listed on the application and does not convey with a sale or transfer of the property; and
 - (c) Satisfies the requirement for a change of use permit from residential to short-term rental use.
- (5) A license may be renewed annually if the owner:

- (a) Pays a renewal fee established by separate ordinance;
 - (b) Provides documentation showing that hotel occupancy taxes have been paid for the licensed unit as required by Section 11-2-4 (Quarterly Reports; Payments) for the previous year; and
 - (c) Provides updates of any changes to the information required under Subsection (D)(2).
- (6) An advertisement promoting the availability of a short-term rental property in violation of the City Code is prima facie evidence of a violation and may be grounds for denial, suspension, or revocation of a license.
- (7) A person may advertise the availability of an unlicensed short term rental, the advertisement of which is not grounds for license denial if the Housing Director determines all of the following:
- (a) The person owns the property advertised or has obtained the owner's authorization to advertise the property for a short term rental solely to gauge public interest in the property for a short term rental use;
 - (b) The advertisement does not depict or describe availability of the property for uses or occupancy that would violate the City Code, except for the lack of a short term rental license; and
 - (c) The property advertised is not in operation as a short term rental.

(E) Notification Requirements

- (1) The Housing Director shall provide a packet of information with each license summarizing the restrictions applicable to the short-term rental use, including:
 - (a) The name and contact information of the local responsible contact designated in the application;
 - (b) Occupancy limits applicable under Subsection (F);
 - (c) Restrictions on noise applicable under Chapter 9-2 (Noise and Amplified Sound), including limitations on the use of amplified sound;
 - (d) Parking restrictions;
 - (e) Trash collection schedule;
 - (f) Information on relevant burn bans;
 - (g) Information on relevant water restrictions;
 - (h) Information on applicable requirements of the Americans with Disabilities Act; and
 - (i) Other guidelines and requirements applicable to short-term rental uses.
- (2) The applicant or operator of a short-term rental use must provide renters with a copy of the information packet provided in Subsection (D)(2) above and post the packet conspicuously in the common area of each dwelling rental unit included in the registration.
- (3) The Housing Director shall mail notice of the contact information for the local responsible contact to all properties within 100 feet of the short-term rental use, at the applicant or operator's expense.

(F) Determination of Short-Term Rental Density

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

23-4E-6320 Special Uses

- (A) Applicability.** This Section applies to a site if all of the following conditions are met:
- (1) The structure and land are zoned as a Historic Landmark (H) or Historic Area (HD) Overlay Zone;
 - (2) The property is owned and operated by a non-profit entity;
 - (3) The property is directly accessible from a thoroughfare with at least 40 feet of paving;
 - (4) The site has at least one acre of contiguous land area;
 - (5) At least 80 percent of the required parking is on site;
 - (6) A single commercial use does not occupy more than 25 percent of the gross floor area;
 - (7) Civic and public assembly uses occupy more than 25 percent of the gross floor area;
 - (8) Civic and public assembly uses occupy at least 50 percent of the gross floor area; and
 - (9) The property owner does not discriminate on the basis of race, color, religion, sex, national origin, sexual orientation, age, or physical disability in leasing the property.

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

23-4E-6330 Sports or Events Arena

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

23-4E-6340 Telecommunications

- (A) **Exempt.** A telecommunications tower used by a public agency exclusively for police, fire, emergency medical services, 911, or other public emergency communications is exempt from the standards of this Section.
- (B) **General Site Development Standards**
- (1) A telecommunication tower may exceed the height restrictions of the base zone.
 - (2) A telecommunication tower must be constructed in compliance with the most recent American National Standard Institute structural standards for steel antenna towers.
- (C) **Telecommunications Towers Allowed by Right in All Zones.** A telecommunication tower that complies with the standards of this Subsection is allowed in any zone, except as provided in Subsections (D)-(F).
- (1) The tower must be a replacement for a functioning:
 - (a) Utility pole or light standard within a utility easement or public right-of-way;

- (b) Recreation facility light pole; or
 - (c) Telecommunication tower.
- (2) The tower must be similar in appearance and function to the pole, standard, or tower that it replaces, except for the antennae.
- (3) The tower, including antenna array, must not exceed the height of either the original utility pole, light standard, or recreation facility pole by more than 10 feet or the original telecommunication tower and antenna array.
- (4) The tower must not obstruct a public sidewalk, public alley, or other public right-of-way.
- (D) **Telecommunications Allowed by Right in Some Zones.** A telecommunication tower in compliance with the standards of this Subsection is an allowed use in all zones except Low to Medium Intensity Residential Zones or an MHP Zone.
- (1) The tower must be located at least 200 feet from an MHP Zone or a Low to Medium Intensity Residential Zone.
- (2) The tower, excluding antenna array, must not exceed the following height:
- (a) 75 feet, for a tower less than 250 feet from an MHP Zone or a Low to Medium Intensity Residential Zone;
 - (b) 100 feet, for a tower at least 250, but less than 540, feet from an MHP Zone or a Low to Medium Intensity Residential Zone; or
 - (c) 120 feet, for a tower 540 feet or more from an MHP Zone or a Low to Medium Intensity Residential Zone.
- (E) **Telecommunications Allowed with a Conditional Use Permit in Some Zones.** A telecommunications tower that is not an allowed use in compliance with Subsection (D) is allowed with a Conditional Use Permit in all zones except Low to Medium Intensity Residential Zones or an MHP Zone, if the tower complies with the standards of this Subsection.
- (1) The tower must be located at least 75 feet from an MHP Zone or a Low to Medium Intensity Residential Zone.
- (2) The tower, excluding antenna array, must not exceed the following height:
- (a) 75 feet for a tower less than 100 feet from an MHP Zone or a Low to Medium Intensity Residential Zone;
 - (b) 100 feet, for a tower at least 100, but less than 200, feet from an MHP Zone or a Low to Medium Intensity Residential Zone;
 - (c) 120 feet, for a tower at least 200, but less than 300, feet from an MHP Zone or a Low to Medium Intensity Residential Zone; or
 - (d) A height set by the Land Use Commission, for a tower 300 feet or more from an MHP Zone or a Low to Medium Intensity Residential Zone.

- (F) **Site Development Standards for Certain Telecommunication Towers.** A telecommunication tower described in Subsections (D) or (E) must comply with the standards of this Subsection.
- (1) The tower must not be located:
 - (a) On or within 300 feet of property that is zoned as Historic Landmark (H) or Historic Area (HD) Overlay Zone or included in a National Register District;
 - (b) Within 50 feet of a day care (commercial) use; or
 - (c) Within 50 feet of a residential dwelling unit.
 - (2) The tower must be of monopole construction and designed to accommodate at least two antenna array.
 - (3) The antenna array must not exceed tower height by more than 10 feet.
 - (4) Guys and guy anchors must be at least 20 feet from adjoining property.
 - (5) The tower must be enclosed by security fencing and screened from thoroughfare view by landscaping at least six feet high.
 - (6) The tower must be identified by a sign visible from outside the screened area. The sign must state in letters at least two inches high the name and telephone number of the tower manager and the Federal Communications Commission license number.
 - (7) The distance from a tower to a zone is measured along a straight line from the center of the tower base to the nearest property line of the zone.
- (G) **Excluded Properties by Zone.** In this Section, a reference to an MHP Zone or a Low to Medium Intensity Residential Zone does not include property that is:
- (1) Vacant and/or unplatted;
 - (2) Used for a public or private primary or secondary school;
 - (3) Used for a college or university;
 - (4) Owned by The United States, the State of Texas, a county, or the City;
 - (5) Used primarily for religious assembly;
 - (6) Used for a cemetery; or
 - (7) Used for a non-residential, nonconforming use.
- (H) **Special Standards**
- (1) An application to construct a telecommunication tower described in Subsections (D) or (E) must be accompanied by an affidavit that includes:
 - (a) A description of the search area for the tower location;
 - (b) The elevation required for the antenna array; and
 - (c) The reasons that the antenna array cannot be located on an existing tower or other structure.
 - (2) An applicant who prepares an affidavit required by Subsection (H)(1) shall record the name and address of each person the applicant contacts in attempting to locate the antenna array on an existing tower or other structure. If requested by the City Manager, the applicant shall disclose to the City Manager the recorded information.

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

23-4E-6350 Two-Family Residential

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

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

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

(C) Additional requirements in the LMDR Zone

- (1) On a lot with a lot area of less than 10,000 square feet, the use must not exceed 4,000 square feet of gross floor area or contain more than six bedrooms.
- (2) On a lot with a lot area of 10,000 square feet or more, the use must not exceed a floor area ratio of 0.57.

Division 23-4E-7: Additional General Standards

Contents

23-4E-7010 Intent 1

23-4E-7020 Applicability 1

23-4E-7030 Development near a Hazardous Pipeline 2

23-4E-7040 Dwelling Unit Occupancy Limit 4

23-4E-7050 Encroachments 5

23-4E-7060 Pedestrian Oriented Uses 6

23-4E-7070 Setback Exceptions 6

23-4E-7010 Intent

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

23-4E-7020 Applicability

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

23-4E-7030 Development near a Hazardous Pipeline

- (A) **Restrictions on Uses near a Hazardous Pipeline.** A use requiring evacuation assistance is prohibited in a structure intended for human occupancy that is located within 500 feet of a hazardous pipeline. This prohibition does not apply to a structure that is located at least 200 feet from a hazardous pipeline if the Council determines, after receiving a recommendation from the Fire Chief, that:
- (1) The structure has a performance-based design that provides an adequate time period for occupant evacuation to a safe place in the event of a pipeline leak or fire associated with the pipeline, after considering:
 - (a) The standards of Division 23-11B-7 (Fire Code) and the 2000 edition of the National Fire Protection Association 101 Life Safety Code;
 - (b) The site and structure design;
 - (c) The structure's building materials;
 - (d) The structure's distance from the pipeline;
 - (e) The use of radiant energy barriers;
 - (f) Access to the site and the structure by emergency responders;
 - (g) Available on-site resources for emergency responders;
 - (h) The topography and other natural features;
 - (i) The use of the structure; and
 - (j) The evacuation capability of the occupants;
 - (2) The structure incorporates a system for the early detection and notification of a pipeline leak, if the Fire Chief determines that an appropriate system is commercially available; and
 - (3) The performance-based design for occupant evacuation and the early detection and notification system are certified and sealed by an engineer registered in Texas.
- (B) **Restrictions on Development near a Hazardous Pipeline**
- (1) New construction, as defined in Article 23-2M (Definitions), within 200 feet of a hazardous pipeline is prohibited, unless the Fire Chief determines that:
 - (a) The new construction has a performance-based design that provides a minimum one-hour time period for occupant evacuation to a safe place in the event of a pipeline leak or a fire associated with the pipeline, in compliance with Division 23-11B-7 (Fire Code) or the 2000 edition of the National Fire Protection Association 101 Life Safety Code; and
 - (b) The new construction incorporates a system for the early detection and notification of a pipeline leak, if the Fire Chief determines that an appropriate system is commercially available; and
 - (c) The performance-based design for occupant evacuation and the early detection and notification system are certified and sealed by an engineer registered in Texas; or
 - (d) The new construction complies with the standards for construction near a pipeline prescribed by the Fire Criteria Manual.

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

23-4E-7040 Dwelling Unit Occupancy Limit

- (A) **Maximum Occupancy.** Maximum six unrelated adults may reside in a dwelling unit, unless otherwise provided in this Section.
- (B) **Maximum Occupancy in a Two-Family Residential Use.** Maximum three unrelated adults may reside in a two-family residential use, except this Subsection does not apply to:
 - (1) Uses that were established or received a Building Permit before June 5, 2003 and have not been remodeled after June 5, 2003 to increase gross floor area more than 69 square feet unless to complete construction authorized before that date or to comply with the American Disabilities Act.
- (C) **Maximum Occupancy for a Site with an Accessory Dwelling Unit or Secondary Apartment Special Use.** Maximum four unrelated adults may reside in the principal structure and maximum two unrelated adults may reside in the accessory dwelling unit or secondary apartment, except this Subsection does not apply to uses that were established or received a Building Permit before November 18, 2004 and have not been remodeled after November 18, 2004 to increase gross floor area more than 69 square feet unless to complete construction authorized before that date or to comply with the American Disabilities Act.
- (D) **Maximum Occupancy Senior/Retirement Housing or Group Residential.**
 - (1) Maximum 10 unrelated adults may reside in a dwelling unit if:
 - (a) At least 51 percent of the adults are 60 years of age or older;
 - (b) The adults are self-caring and self-sufficient and participate in the daily operation of the dwelling unit; or
 - (c) The adults live together as a single, non-profit housekeeping unit.
 - (2) The Land Use Commission may approve a Conditional Use Permit to allow the occupancy of unrelated adults in excess of this Subsection.

23-4E-7050 Encroachments

- (A) **Encroachment Prohibited.** A required setback must be open and unobstructed from finished grade to the sky, except as otherwise provided in this Section.
- (B) **Encroachments into Required Setback.** The following encroachments are allowed.
- (1) A window sill, belt course, cornice, flue, chimney, eave, box window, or cantilevered bay window may project maximum two feet into a required setback. The two-foot limitation does not apply to a feature required for a passive energy design.
 - (2) Uncovered steps or a porch or stoop that maximum three feet above ground level may project a maximum of three feet into a required setback.
 - (3) A parking area may be located in a required setback, otherwise prohibited by the base zone.
 - (4) In a residential zone, a pool, including a swimming pool, reflecting pool, or fountain, may be located in a required internal side or rear setback.
 - (5) Landscaping may be located in a required setback.
 - (6) In a Medium to High Density Residential Zone or Low to Medium Intensity Residential Zone, a covered porch that is open on three sides may project a maximum of five feet into a required front setback.
 - (7) A ramp for a new or an existing single-family or two-family residential use may be constructed in a required setback if:
 - (a) A person with a disability requires access to a dwelling entrance that meets the standards of Section 23-11B-11 (Residential Code), Section R320.6 (Visitable dwelling entrance);
 - (b) The ramp is maximum 48 inches wide, the landing is maximum 60 inches, does not have a roof or walls, and the Building Official determines the ramp will not pose a threat to public health and safety; or
 - (c) The encroachment into the required setback is the minimum amount necessary to provide access, does not extend more than three feet into a side setback, and is not located in a rear setback unless the unit is on a corner lot or accessible from a rear alley.
- (C) **Encroachments Above Maximum Height**
- (1) **Applicability.** This Subsection applies to parapet walls, chimneys, vents, and mechanical or safety features including fire towers, stairways, elevator penthouses, heating or cooling equipment, solar installations, and protective covers; and ornamental towers, cupolas, domes, and spires that are not designed for occupancy.
 - (2) **Encroachment Allowed.** A structure described in this Subsection may exceed a base zone height limit by the greater of:
 - (a) 15 percent;
 - (b) The amount necessary to comply with a federal or state regulation;
 - (c) For a stack or vent, the amount necessary to comply with generally accepted engineering standards; or
 - (d) For a spire, 30 percent.

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

23-4E-7060 Pedestrian Oriented Uses

- (A) A pedestrian-oriented use serves the public by providing goods or services, and includes the following uses:
 - (1) Library, Museum, or public art gallery;
 - (2) General retail w/ onsite production;
 - (3) Bar/nightclub;
 - (4) Business and financial/professional services;
 - (5) Day care (small, large, or commercial);
 - (6) Food sales;
 - (7) General retail;
 - (8) Hotel/Motel;
 - (9) Park/playgrounds;
 - (10) Residential uses;
 - (11) Restaurants with or without alcohol sales and without drive-through service; and
 - (12) Other uses as determined by the Land Use Commission.

23-4E-7070 Setback Exceptions

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

- (1) **The front setback standard of the base zone;**
- (2) **For an interior lot:**
 - (a) If the lots on both sides of an interior lot are legally developed, the minimum front setback of the interior lot is equal to the average of the setbacks of the principal structures on the adjacent lots.
 - (b) If only one lot on a side of an interior lot is legally developed, the minimum front setback of the interior lot is equal to the setback of the principal structure on the adjacent lot, or
- (3) **For a corner lot:**
 - (a) If the lot on the side of the corner lot is legally developed, the minimum front setback of the corner lot is equal to the setback of the principal structure on the adjacent lot.
 - (b) If the lot on the side of the corner lot is vacant, the minimum front setback of the corner lot is equal to the average setbacks of the principal structures on the other lots on the block on the same side of the thoroughfare.
- (B) **Front and Thoroughfare Side Setback Exemption in Certain Commercial Zones.** The Council may, by ordinance, designate a location in a Restricted Commercial or Service and Highway Commercial Zone that are exempt from the minimum front or thoroughfare side setback standards of the base zone. To make a determination in compliance with this Subsection, the Council shall determine that:
 - (1) The location contains at least two non-residential uses that were developed as a neighborhood shopping center or business center in compliance with previous standards;
 - (2) The construction of a new building in compliance with the current front or thoroughfare side setback standards would be incompatible with existing buildings;
 - (3) At least half of the total lot area that is developed in the area is used for non-residential uses; and
 - (4) At least half of the structures in the area do not comply with current front or side thoroughfare setback standards.
- (C) **Rear Setback Standard of a Through Lot.** A rear setback of a through lot must follow the minimum front setback standards of the applicable zone.

This page intentionally left blank

Subdivision

web version low resolution images



This page intentionally left blank

Contents**Article 23-5A: Introduction**

Division 23-5A-1: Subdivision Compliance and Intent

- 23-5A-1010 Intent
- 23-5A-1020 Compliance
- 23-5A-1030 Exception from Platting Requirements
- 23-5A-1040 Temporary Exemption from Platting Requirements

Article 23-5B: Subdivision Procedures

Division 23-5B-1: Procedure Generally

- 23-5B-1010 Land Use Commission Rules
- 23-5B-1020 Action Within 30 Days
- 23-5B-1030 Original Tract Requirement
- 23-5B-1040 Board and Commission Review of Requests associated with Subdivision Application
- 23-5B-1050 Variance Filing and Consideration
- 23-5B-1060 Variance Determination
- 23-5B-1070 Infrastructure Construction or Fiscal Surety for Plat Approval
- 23-5B-1080 Acceptance of Offered Dedication
- 23-5B-1090 Withdrawal and Resubmittal

Division 23-5B-2: Preliminary Plans

- 23-5B-2010 Preliminary Plan Requirement
- 23-5B-2020 Master Development Plan
- 23-5B-2030 Concurrent Applications
- 23-5B-2040 Previously Approved Preliminary Plan
- 23-5B-2050 Staff Review of Application for Preliminary Plan Approval
- 23-5B-2060 Commission Action on Preliminary Plan
- 23-5B-2070 Council Action on Preliminary Plan
- 23-5B-2080 Effect of Preliminary Plan Approval
- 23-5B-2090 Denial of Preliminary Plan Approval
- 23-5B-2100 Changes to an Approved Preliminary Plan
- 23-5B-2110 Expiration of Approved Preliminary Plan

Division 23-5B-3: Final Plats and Plat Vacations

- 23-5B-3010 Land Included in Plat
- 23-5B-3020 Review of Application for Plat Approval; Expiration
- 23-5B-3030 Scheduling of Application for Plat Approval; Expiration
- 23-5B-3040 Plat Approval Authority and Criteria

23-5B-3050	Recordation
23-5B-3060	Effect of Preliminary Plan Expiration.
23-5B-3070	Expiration of Plat Vacations.
23-5B-3080	Replat Required
23-5B-3090	Documenting Exemptions from Parkland Dedication

Division 23-5B-4: Subdivision Construction Plan

23-5B-4010	Updates and Release of Subdivision Construction Plan
23-5B-4020	Expiration of Subdivision Construction Plan
23-5B-4030	Construction Management and Certification

Article 23-5C: Platting Requirements

Division 23-5C-1: Property Markers, Easements, and Alleys

23-5C-1010	Property Markers
23-5C-1020	Easements and Alleys
23-5C-1030	Easements in Areas Adjoining Proposed Subdivision
23-5C-1040	Hazardous Pipelines

Division 23-5C-2: Lots

23-5C-2010	Access to Lots
23-5C-2020	Through Lots in a Single-Family Subdivision.
23-5C-2030	Lot Arrangement
23-5C-2040	Lot Size
23-5C-2050	Flag Lots
23-5C-2060	Townhouse Lots
23-5C-2070	Small Lots
23-5C-2080	Single-Family Attached Lots

Division 23-5C-3: Utilities

23-5C-3010	Water Lines
23-5C-3020	Wastewater Lines
23-5C-3030	Gas Lines
23-5C-3040	Installation of Lines
23-5C-3050	Requests for Utility Service
23-5C-3060	Independent Utility Districts and Private Water and Sewer Corporations.
23-5C-3070	Subdivisions Where Water or Wastewater Services are not Available
23-5C-3080	Private On-Site Sewage Facility
23-5C-3090	Street Lights

Article 23-5A: Introduction

Contents

Division 23-5A-1: Subdivision Compliance and Intent

- 23-5A-1010 Intent
- 23-5A-1020 Compliance
- 23-5A-1030 Exception from Platting Requirements
- 23-5A-1040 Temporary Exemption from Platting Requirements

This page intentionally left blank

Division 23-5A-1: Subdivision Compliance and Intent

Contents

23-5A-1010	Intent	1
23-5A-1020	Compliance	1
23-5A-1030	Exception from Platting Requirements	1
23-5A-1040	Temporary Exemption from Platting Requirements	2

23-5A-1010 Intent

The provisions of this chapter are intended to implement the policies of the Austin Comprehensive Plan; Create a built-environment that is visually interesting, livable, environmentally sustainable, supported by a strong foundation of infrastructure, and promotes healthy lifestyles; Establish a development process that is cost-effective, market-driven, predictable and flexible; and create a development pattern that supports an intermodal, connected, and reliable transportation system that is safe for all users.

23-5A-1020 Compliance

- (A) Except as provided in Subsection (C), in the zoning jurisdiction, a subdivision shall comply with all requirements of this title.
- (B) Except as provided in Subsection (C), in the extraterritorial jurisdiction, a subdivision shall comply with the requirements of:
 - (1) Chapter 23-1, (General Requirements And Procedures);
 - (2) Chapter 23-6, (Reservation And Dedication Of Right-Of-Way), (Street Design) and (Sidewalks);
 - (3) Article 23-7B (Drainage);
 - (4) Article 23-7C (Water Quality);
 - (5) Article 23-8E (Tree And Natural Area Protection);
 - (6) Division 23-7A-1 (Utility Service); and
 - (7) the portions of the Development Criteria Manuals that relate to the City Code provisions described in this subsection.
- (C) In the portion of the city’s extraterritorial jurisdiction that is within Travis County, a subdivision shall comply with Title 30 (Austin/Travis County Subdivision Regulations).

23-5A-1030 Exception from Platting Requirements

- (A) The applicable Director may except a parcel of land from the requirement to plat if the Director determines that the parcel existed in its current configuration before becoming subject to the City’s jurisdiction over subdivision of land.

- (B) The Director may except a parcel of land from the requirement to plat if the Director determines that the parcel:
- (1) contains a health or safety hazard associated with a private sewage facility or private water well or other conditions that adversely affect public health, safety or welfare; and
 - (2) existed in its current configuration on August 8, 1992; and
 - (3) was served by a private sewage facility or private water well on August 8, 1992; and
 - (4) is located on an existing street; and
 - (5) complies with the requirements of this title for roadway frontage.
- (C) The Director may except a parcel of land from the requirement to plat if the Director determines that the parcel:
- (1) is five acres or less, and
 - (2) existed in its current configuration on August 31, 1987; and
 - (3) was receiving utility service that was authorized under the rules of the utility provider on August 31, 1987; and
 - (4) is located on an existing street; and
 - (5) complies with the requirements of this title for roadway frontage.
- (D) In the full-purpose limits of the city, the Director may except a parcel of land from the requirement to plat if the Director determines that the parcel:
- (1) is five acres or less; and
 - (2) existed in its current configuration on January 1, 1995; and
 - (3) was receiving utility service that was authorized under the rules of the utility provider on January 1, 1995; and
 - (4) is located on an existing street; and
 - (5) complies with the requirements of this title for roadway frontage.
- (E) An applicant shall demonstrate to the Director that a parcel is excepted under this section from the requirement to plat. An applicant shall provide the Director with the current deed to the property, an adequate legal description, and proof of ownership.
- (F) If the Director excepts a parcel from the requirement to plat, the Director shall certify the parcel's exception. The exception shall become void with the recordation of a legal plat.
- (G) An approval to extend or change utility service to a parcel is not a certification under this section or an approval of a plat.

23-5A-1040 Temporary Exemption from Platting Requirements

- (A) The Director may temporarily exempt a parcel of land from the requirement to plat if the Director determines that the sole use of the parcel is as a community garden. An applicant shall provide the Director with the information and documentation necessary to establish the exemption.

- (B) If the sole use of an exempted parcel changes from a community garden, an exemption under this section expires.
- (C) A parcel temporarily exempted under this section shall be platted before it may be used for a purpose other than as a community garden.

This page intentionally left blank

Article 23-5B: Subdivision Procedures

Contents

Division 23-5B-1: Procedure Generally

23-5B-1010	Land Use Commission Rules
23-5B-1020	Action Within 30 Days
23-5B-1030	Original Tract Requirement
23-5B-1040	Board and Commission Review of Requests associated with Subdivision Application
23-5B-1050	Variance Filing and Consideration
23-5B-1060	Variance Determination
23-5B-1070	Infrastructure Construction or Fiscal Surety for Plat Approval
23-5B-1080	Acceptance of Offered Dedication
23-5B-1090	Withdrawal and Resubmittal

Division 23-5B-2: Preliminary Plans

23-5B-2010	Preliminary Plan Requirement
23-5B-2020	Master Development Plan
23-5B-2030	Concurrent Applications
23-5B-2040	Previously Approved Preliminary Plan
23-5B-2050	Staff Review of Application for Preliminary Plan Approval
23-5B-2060	Commission Action on Preliminary Plan
23-5B-2070	Council Action on Preliminary Plan
23-5B-2080	Effect of Preliminary Plan Approval
23-5B-2090	Denial of Preliminary Plan Approval
23-5B-2100	Changes to an Approved Preliminary Plan
23-5B-2110	Expiration of Approved Preliminary Plan

Division 23-5B-3: Final Plats and Plat Vacations

23-5B-3010	Land Included in Plat
23-5B-3020	Review of Application for Plat Approval; Expiration
23-5B-3030	Scheduling of Application for Plat Approval; Expiration
23-5B-3040	Plat Approval Authority and Criteria
23-5B-3050	Recordation
23-5B-3060	Effect of Preliminary Plan Expiration.
23-5B-3070	Expiration of Plat Vacations.
23-5B-3080	Replat Required

23-5B-3090 Documenting Exemptions from Parkland Dedication

Division 23-5B-4: Subdivision Construction Plan

23-5B-4010 Updates and Release of Subdivision Construction Plan

23-5B-4020 Expiration of Subdivision Construction Plan

23-5B-4030 Construction Management and Certification

Division 23-5B-1: Procedure Generally

Contents

23-5B-1010	Land Use Commission Rules	1
23-5B-1020	Action Within 30 Days	1
23-5B-1030	Original Tract Requirement	1
23-5B-1040	Board and Commission Review of Requests associated with Subdivision Application	2
23-5B-1050	Variance Filing and Consideration	3
23-5B-1060	Variance Determination	3
23-5B-1070	Infrastructure Construction or Fiscal Surety for Plat Approval	4
23-5B-1080	Acceptance of Offered Dedication	4
23-5B-1090	Withdrawal and Resubmittal	4

23-5B-1010 Land Use Commission Rules

The Planning Commission and the Zoning and Platting Commission may each adopt rules of procedure in accordance with Chapter 1-2 of the Austin City Code. Adopted rules are effective when filed with the City Clerk.

23-5B-1020 Action Within 30 Days

- (A) The requirements of this section are mandated by Local Government Code, Section 212.009 and supersede any contrary provisions of the City Code.
- (B) The Director shall schedule an application for preliminary plan or plat approval for consideration by the Land Use Commission or Council not later than the 30th calendar day after the application is filed.
- (C) The Land Use Commission or Council shall act on an application for preliminary plan or plat approval not later than the 30th calendar day after the application is filed.
- (D) The Council shall act on an appeal of Land Use Commission action on an environmental variance that is associated with a preliminary plan not later than the 30th calendar day after the Land Use Commission action.

23-5B-1030 Original Tract Requirement

- (A) An original tract is a tract that:
 - (1) is a legal lot or tract; or
 - (2) was a legal lot or tract before being subdivided in violation of ordinance requirements.
- (B) An applicant shall include all land in the original tract in an application for preliminary plan or plat approval.

- (C) The Land Use Commission may waive the requirement of Subsection (B) if the Land Use Commission determines that granting the waiver will comply with Subsections (D)(1)-(4).
- (D) The Director may waive the requirement of Subsection (B) if the Director determines that:
 - (1) subdividing only a portion of the original tract will not substantially impair the orderly planning of roads, utilities, drainage, and other public facilities;
 - (2) the portion of the original tract contiguous to the area to be subdivided has direct access to a public street, or the applicant has provided access to a public street by dedicating right-of-way at least 50 feet wide;
 - (3) a reasonable use of the balance of the original tract is possible; and
 - (4) the applicant has mailed, by certified mail, to all owners of land that is a portion of the original tract and contiguous to the land included in the application a request that each owner provide written confirmation to the Director that:
 - (a) the owner's land is not a legal lot or tract; and
 - (b) the owner shall plat the land before the City may approve a development permit or a utility company may provide initial or additional service.
- (E) In making a determination under Subsection (D)(3) that a reasonable use of the balance of the original tract is possible, the Director may require that the applicant provide a schematic land plan of the balance of the original tract. The Director may not require that the applicant provide detailed engineering information.
- (F) An interested party may appeal the Director's determination under this section to the Land Use Commission.
- (G) An applicant who satisfies the requirement of Subsection (D)(2) by dedicating right-of-way to provide access to a public street is not required to construct improvements within the right-of-way, but shall provide an approved street name for the right-of-way.

23-5B-1040 Board and Commission Review of Requests associated with Subdivision Application

- (A) The Director shall determine whether Board or Commission review of a request associated with an application for preliminary plan or plat approval is required under this section. The Director shall schedule an associated request for Board or Commission review on the earliest available date after expiration of the initial review period for the application for preliminary plan or plat approval.
- (B) The following Board or Commission shall review an associated request before the Land Use Commission may consider the application or the associated request:
 - (1) the Urban Transportation Commission and the Environmental Board shall review a request for an amendment to the Transportation Plan;
 - (2) the Water and Wastewater Commission and, if requested by the City Council, the Environmental Board shall review a request for an amendment to the City's water or wastewater service area boundary; and
 - (3) the Water and Wastewater Commission shall review a request for City cost participation in construction of water or wastewater facilities.

23-5B-1050 Variance Filing and Consideration

- (A) An applicant may request a variance from Article 23-4C (Platting Requirements), in accordance with the procedures in Article 23-2M (Variance Process).
- (B) An applicant shall file an application for a variance from a subdivision requirement when the applicant submits an application for preliminary plan approval, or if a preliminary plan is not required, when the applicant files an application for final plat approval.
- (C) An applicant may file an application for a variance after filing an application for approval of a preliminary plan or plat if the need for the variance becomes apparent after staff review.
- (D) An applicant may not file an application for a variance less than seven days before a deadline for placing the application for preliminary plan or plat approval on the agenda of a Board or Commission.
- (E) The Land Use Commission shall concurrently consider an application for a variance and an application for preliminary plan or plat approval, unless the applicant requests a separate public hearing on the application for a variance and pays the required notice fee. The Director shall schedule a requested separate hearing on an application for a variance for the first available meeting of the Land Use Commission after Board or Commission review of the application for a variance is complete.
- (F) The requirement of Article 23-2D (Public Hearings) that the Land Use Commission hold a public hearing not later than 45 days after the date an application for a variance is filed does not apply to an application for a variance from a subdivision requirement.

23-5B-1060 Variance Determination

- (A) The Land Use Commission shall grant a variance from a requirement of Article 23-4C (Platting Requirements) if the Land Use Commission determines that:
 - (1) enforcement of the requirement would deny the owner all reasonable use of the land; and
 - (2) Exceptional or extraordinary circumstances apply to the property which do not apply generally to other properties in the same zone or vicinity, and result from lot size or shape, topography, or other circumstances over which the applicant has no control; and
 - (3) The variance is necessary so the applicant can enjoy a property right, the nature of which owners of properties in the same zone or vicinity possess; and
 - (4) The variance is not materially detrimental to the purposes of this Ordinance, or to property in the zone or vicinity in which the property is located, or otherwise conflict with the objectives of any City plan or policy; and
 - (5) The variance requested is the minimum variance which would alleviate the hardship.
- (B) For a mass housing project, a planned unit development, or similar neighborhood unit, the Land Use Commission may grant a variance from a requirement of Article 23-4C (Platting Requirements) if the Land Use Commission determines the development will provide light and air, vehicular and pedestrian circulation, and recreational facilities that are at least equal to the requirements of this title. An applicant shall provide the Land Use Commission with a written report documenting compliance with this subsection.

23-5B-1070 Infrastructure Construction or Fiscal Surety for Plat Approval

- (A) Before the Land Use Commission or Council may approve a plat, the subdivider shall:
 - (1) construct the streets, utilities, and drainage facilities in compliance with the requirements of this title; or
 - (2) provide fiscal security under Section 23-2B-4 (Fees and Fiscal Security) for subdivision improvements that serve the public interest as determined under Subsection (B) or (C).
- (B) after receiving the recommendation of the Director, the Land Use Commission shall determine the subdivision improvements that serve the public interest, except as provided in Subsection (C).
- (C) if the council may approve a plat, after receiving the recommendation of the Director, the council shall determine the subdivision improvements that serve the public interest.
- (D) Fiscal security provided under this section may be used by the City to construct the subdivision improvements that serve the public interest.

23-5B-1080 Acceptance of Offered Dedication

- (A) Approval of a plat is not an acceptance by the City of an offered dedication. Disapproval or denial of a plat is a refusal by the City to accept an offered dedication shown on a plat.
- (B) The City may accept an offered dedication only by the action of an authorized official.
- (C) The Director and the Director of the Public Works Department may accept for the City an offered dedication of a street by jointly issuing a certificate of acceptance.
- (D) A street may not be accepted unless it is surfaced, curbed, and guttered with the required utilities and drainage facilities installed. The City's entry, use, or improvement under a fiscal security agreement is not an acceptance of an offered dedication.
- (E) Except as provided in a fiscal security agreement, an officer or employee of the City may not use or improve a street unless the street has been accepted by the City.

23-5B-1090 Withdrawal and Resubmittal

An applicant may request the withdrawal and resubmittal of a preliminary plan application or final plat application. The request may be approved if the request complies with the following:

- (1) A written request was received by the Case Manager prior to the expiration date, and
- (2) The applicant submits the application back to the city within 10 business days from the date the application would expire.

Division 23-5B-2: Preliminary Plans

Contents

23-5B-2010	Preliminary Plan Requirement	1
23-5B-2020	Master Development Plan	1
23-5B-2030	Concurrent Applications.	2
23-5B-2040	Previously Approved Preliminary Plan.	2
23-5B-2050	Staff Review of Application for Preliminary Plan Approval	2
23-5B-2060	Commission Action on Preliminary Plan	3
23-5B-2070	Council Action on Preliminary Plan	3
23-5B-2080	Effect of Preliminary Plan Approval	3
23-5B-2090	Denial of Preliminary Plan Approval	4
23-5B-2100	Changes to an Approved Preliminary Plan	4
23-5B-2110	Expiration of Approved Preliminary Plan	5

23-5B-2010 Preliminary Plan Requirement

- (A) A preliminary plan shall be approved before a final plat may be approved, except as provided in Subsection B.
- (B) A plat may be approved without a preliminary plan if each lot abuts an existing dedicated public street and the Director determines that:
 - (1) a new street or an extension of a street is not necessary to provide adequate traffic circulation;
 - (2) the applicant has dedicated additional right of way necessary to provide adequate street width for an existing street abutting a lot; and
 - (3) drainage facilities are not necessary to prevent flooding, or if necessary, the applicant has arranged for the construction of drainage facilities.
- (C) A preliminary plan shall not be submitted unless required by the Land Development Code.

23-5B-2020 Master Development Plan

- (A) If a preliminary plan is part of an applicant’s plan for a larger development, the applicant shall file a master development plan with the Director when the first application for preliminary plan approval is filed.
- (B) A master development plan may be in schematic form, shall include the applicant’s entire development, and shall provide for the safe and orderly extension of roads, utilities, drainage, and other public facilities.

23-5B-2030 Concurrent Applications

- (A) An applicant shall file the following applications, if required, concurrently with an application for preliminary plan approval:
 - (1) zoning or rezoning to a planned unit development district;
 - (2) amendment to the Comprehensive Plan;
 - (3) amendment to the city's water and wastewater service area boundary;
 - (4) city cost participation in facilities associated with the preliminary plan;
 - (5) waiver or variance from the requirements for dedication or reservation of right-of-way; and
 - (6) extension of water or wastewater service.
- (B) Council approval is required for a preliminary plan that requires a concurrent rezoning to a planned unit development district.

23-5B-2040 Previously Approved Preliminary Plan

- (A) Approval of a preliminary plan supersedes a previously approved preliminary plan for the same land.
- (B) An applicant may not include land from a previously approved preliminary plan in a subsequent application for approval of a preliminary plan unless all the land, except land contained in an approved plat, is included in the application.
- (C) The Director may waive the requirement of Subsection (B) if the Director determines that including only a portion of the previously approved preliminary plan does not substantially impair the orderly planning of roads, utilities, drainage, or other public facilities.
- (D) An interested party may appeal the Director's decision under Subsection (C) to the Land Use Commission.

23-5B-2050 Staff Review of Application for Preliminary Plan Approval

- (A) The Director shall promptly deliver a copy of an application for preliminary plan approval to each reviewing department or agency.
- (B) A reviewing department or agency shall prepare and deliver to the Director a written report of comments and recommendations regarding an application for preliminary plan approval before the expiration of the staff review period described in this section.
- (C) Initial staff review period for an application for preliminary plan approval is established by the Director by administrative rule under Article 23-2B (Application and Review).
- (D) An applicant may file with the Director an update to an application for preliminary plan approval not later than one year after the application was filed, unless days have been added under Article 23-2B (Application and Review).

- (E) The staff review period of an update to an application for preliminary plan approval is established by the Director by administrative rule, under Article 23-2B (Application and Review).

23-5B-2060 Commission Action on Preliminary Plan

- (A) The Director shall schedule an application for preliminary plan approval for public hearing and consideration by the Land Use Commission on the first available meeting after the Director determines that:
 - (1) staff review and Board or Commission review is complete;
 - (2) if applicable, the applicant has obtained a commitment for water or wastewater service from the entity providing the service; and
 - (3) for land located in the zoning jurisdiction, the land is zoned for the uses proposed.
- (B) Except as provided in Subsection (C), the Land Use Commission shall approve an application for preliminary plan approval that complies with the Comprehensive Plan and the requirements of this title.
- (C) If an application for preliminary plan approval was filed concurrently with concurrent rezoning to a planned unit development district, the Land Use Commission shall recommend approval or disapproval of the preliminary plan and the concurrent application to Council.

23-5B-2070 Council Action on Preliminary Plan

- (A) If a concurrent rezoning to a planned unit development district was filed with a preliminary plan, the Council shall consider and act on the preliminary plan and the concurrent application after receiving a recommendation from the Land Use Commission.
- (B) The Land Use Commission's decision on an application for preliminary plan approval that is connected with a request for a variance from an environmental regulation may be reviewed by Council if the Land Use Commission's decision on the variance is appealed to the Council.
- (C) The Council shall approve a proposed preliminary plan that complies with the Comprehensive Plan and the requirements of this title.

23-5B-2080 Effect of Preliminary Plan Approval

Approval of a preliminary plan establishes a mutual commitment on behalf of the City and the applicant to:

- (A) the subdivision layout for plat approval, including the location and width of proposed streets, lots, blocks, and easements shown on the preliminary plan; and
- (B) the availability of utilities to serve the subdivided land to the extent shown on the preliminary plan.

23-5B-2090 Denial of Preliminary Plan Approval

The Director shall deny an application for preliminary plan approval that does not comply with the criteria for approval, one year after the application is filed, unless the applicant has submitted a written request to the Director for review of the application by the Land Use Commission. If the applicant submits a request for review by the Land Use Commission, the Director shall schedule the application for consideration by the Land Use Commission, and the Land Use Commission shall determine whether the preliminary plan satisfies the criteria for approval.

23-5B-2100 Changes to an Approved Preliminary Plan

- (A) The owners of all land within an approved preliminary plan that is not included in an approved final plat and that is affected by a proposed change shall request the change.
- (B) Except as provided in Subsections (C) and (D), Land Use Commission approval is required for a change to an approved preliminary plan. An applicant shall file a new application if a change requires Land Use Commission approval.
- (C) The Director may approve a minor deviation from an approved preliminary plan if the Director determines that the minor deviation complies with the requirements of this subsection. An applicant shall identify the proposed minor deviation on a copy of the preliminary plan submitted to the Director. A formal application is not required.
 - (1) minor deviation may not:
 - (a) remove a property restriction or subdivision note;
 - (b) modify a waiver or variance;
 - (c) change an easement, except with the Director's approval;
 - (d) increase impervious cover;
 - (e) modify a conservation easement, common area, green space, or other open space shown on the preliminary plan;
 - (f) affect property outside the proposed plat;
 - (g) increase the number of lots;
 - (h) change the use of a lot; or
 - (i) change the basic street layout.
 - (2) Except as provided in Subsection (C)(1), a minor deviation may:
 - (a) change lot size or configuration;
 - (b) change street width or alignment; or
 - (c) change a utility or access easement.
- (D) The Director may approve a minor revision to an approved preliminary plan if the Director determines that the minor revision complies with the requirements of this subsection. An applicant shall request a minor revision in an application submitted to the Director.
 - (1) A minor revision may not:
 - (a) remove a property restriction or subdivision note;

- (b) modify a waiver or variance;
 - (c) change an easement, except with the Director's approval;
 - (d) increase impervious cover;
 - (e) modify a conservation easement, common area, green space, or other open space shown on the preliminary plan;
 - (f) affect property outside the preliminary plan; or
 - (g) increase the number of dwelling units.
- (2) Except as provided in Subsection (D)(1), a minor revision may:
- (a) include a minor deviation;
 - (b) change the street layout;
 - (c) increase in the number of lots; or
 - (d) modify a subdivision to accommodate a change in use resulting from rezoning or land acquisition through eminent domain.
- (3) The Director may determine that other changes similar in scope and effect to those described in Subsection (D)(2) are minor revisions.
- (E) The Director shall provide the Land Use Commission with an approved minor deviation or minor revision before the Land Use Commission considers approval of the plat.

23-5B-2110 Expiration of Approved Preliminary Plan

An approved preliminary plan expires five years after the date the application is submitted.

This page intentionally left blank

Division 23-5B-3: Final Plats and Plat Vacations

Contents

23-5B-3010	Land Included in Plat.	1
23-5B-3020	Review of Application for Plat Approval; Expiration	1
23-5B-3030	Scheduling of Application for Plat Approval; Expiration.	2
23-5B-3040	Plat Approval Authority and Criteria	2
23-5B-3050	Recordation	3
23-5B-3060	Effect of Preliminary Plan Expiration.	3
23-5B-3070	Expiration of Plat Vacations.	4
23-5B-3080	Replat Required	4
23-5B-3090	Documenting Exemptions from Parkland Dedication.	4

23-5B-3010 Land Included in Plat

An application for approval of a plat may include all or a portion of the land included in an approved preliminary plan. If platted in phases, each phase shall comply with Section 23-4C-204 "Subdivision Access Streets".

23-5B-3020 Review of Application for Plat Approval; Expiration

- (A) The Director shall promptly deliver a copy of an application for plat approval to each reviewing department or agency.
- (B) After the application is filed, a reviewing department or agency shall prepare and deliver to the Director a written report of comments and recommendations regarding an application for plat approval not later than the deadline established by the Director under Article 23-2B (Application and Review).
- (C) After the application is filed, the Director shall determine whether an application for plat approval complies with the criteria for approval and give notice under Article 23-2C (Notice) of the determination not later than the deadline established by the Director under Article 23-2C (Notice). If the Director recommends disapproval, the notice shall state the reasons for the recommendation.
- (D) An applicant may file with the Director an update to an application for plat approval not later than one year after the application is filed, unless days have been added under Division 23-2B-2 (Review Procedures).
- (E) After the update is filed, the Director shall determine whether an update to an application for plat approval complies with the criteria for approval and give notice under Article 23-2C (Notice) of the determination no later than the deadline established by the Director under Article 23-2B (Application and Review). If the Director recommends disapproval, the notice shall state the reasons for the recommendation.

- (F) An application for plat approval expires one year after filing if the Director determines that the application does not comply with the criteria for approval, unless the applicant has submitted a written request to the Director for review of the application by the Land Use Commission. If the applicant requests review by the Land Use Commission, the Land Use Commission shall determine whether the application complies with the criteria for approval and approve or deny the application.

23-5B-3030 Scheduling of Application for Plat Approval; Expiration

- (A) The Director shall schedule an application for plat approval for consideration by the Land Use Commission or Council after:
- (1) the Director determines that the application complies with the criteria for approval;
 - (2) the Director determines under Division 23-2B-4 (Fees and Fiscal Security) the amount of fiscal security required as a condition of plat recordation;
 - (3) the owners of the land included in the proposed plat sign the plat and each owner's signature is acknowledged; and
 - (4) the Director approves subdivision construction plans for the proposed plat, or the applicant includes the following note on the proposed plat:

"The owner of this subdivision and the owner's successors and assigns are responsible for construction of subdivision improvements that comply with City of Austin regulations. The owner understands that plat vacation or replatting may be required, at the owner's expense, if plans to construct this subdivision do not comply with the regulations."
- (B) An application for plat approval expires on the 90th day after the Director's determination under Subsection (A)(1) unless Subsections (A)(2) through (4) are satisfied.

23-5B-3040 Plat Approval Authority and Criteria

- (A) Approval authority is as follows:
- (1) The Land Use Commission may approve a plat, except as provided in Subsections (A)(2) and (3).
 - (2) The Council may approve a plat if an applicant files with the Director a request for concurrent consideration by the Council of a preliminary plan and a plat.
 - (3) The Director may approve a plat:
 - (a) that consists of four or fewer lots fronting on an existing street and does not create a new street, or is an amending plat described in Chapter 212 of the Local Government Code;
 - (b) for which water and wastewater service for development on the proposed lots is available within 200 feet of the site; and
 - (c) for which a variance is not required.
- (B) To approve a plat vacation, the approval authority shall find:

- (1) The resulting lots comply with the minimum dimensional standards of the applicable zoning district, including but not limited to lot size, lot width, lot depth, frontage and setbacks; and
 - (2) A concurrent replat application has been submitted, if the vacation will create any unplatted land.
- (C) To approve an amending plat, the approval authority shall find:
- (1) The amended lots comply with the minimum dimensional standards of the applicable zoning district, including but not limited to lot size, lot width, lot depth, frontage and setbacks; and
 - (2) The amending plat does not contain any unplatted land.
- (D) The Director shall approve a resubdivision plat that consists of four or fewer lots fronting on an existing street and does not create a new street, after notice is sent as pursuant to Article 23-3C (Notice).
- (E) The Director, Land Use Commission, or Council shall approve a plat that complies with the Comprehensive Plan and the requirements of this title.
- (F) Approval of a plat is conditioned on the applicant's posting the fiscal security required by this title in the amount determined by the Director. After the Director certifies on the plat that the applicant has posted the fiscal security:
- (1) the presiding officer of the Land Use Commission shall endorse the plat to certify the Land Use Commission's approval;
 - (2) the Mayor shall endorse the plat to certify the Council's approval; or
 - (3) the Director shall endorse the plat to certify the Director's approval.
- (G) Approval of a plat expires on the 90th day after the approval date if the Director has not certified that the applicant has posted fiscal security.

23-5B-3050 Recordation

- (A) The Director shall record an approved plat in each county where land included in the plat is located.
- (B) The Director may not record a plat located in the extraterritorial jurisdiction unless the appropriate county has approved the plat.
- (C) An applicant shall provide all of the items and fees required to record the plat with the County Clerk within 80 business days from the date of plat approval.
- (D) An application for plat approval expires on the 81st business day after such approval unless Subsection (C) of this section is satisfied.

23-5B-3060 Effect of Preliminary Plan Expiration.

When an approved preliminary plan expires, a pending application for plat approval expires.

23-5B-3070 Expiration of Plat Vacations.

An application to vacate a plat expires one year after approval.

23-5B-3080 Replat Required

A replat shall be submitted concurrently with a plat vacation application if that vacation would result in unplatted land.

23-5B-3090 Documenting Exemptions from Parkland Dedication

- (A) In approving a subdivision or site plan that is required to dedicate parkland under Article 23-8F (Parkland Dedication), the Director may require a notation on the plat or site plan indicating that land has been dedicated or a fee in-lieu paid as required by this article.
- (B) If an application for a preliminary plan or final plat is submitted for a non-residential development that is exempt from this chapter under Division 23-8F-1(Applicability), the Director may require a plat notation stating that any subsequent residential development within the subdivision is required to dedicate parkland or make payment in-lieu of dedication as required by Article 23-8F(Parkland Dedication) or other applicable ordinance.
- (C) If a plat note prohibiting residential uses was required by the City of Austin in order to document an exemption from parkland dedication for a non-residential subdivision on or after July 25, 1985, the applicant may amend the plat in order to conform the notation with the plat note authorized under Subsection (A) or (B) of this section.

Division 23-5B-4: Subdivision Construction Plan

Contents

23-5B-4010	Updates and Release of Subdivision Construction Plan	1
23-5B-4020	Expiration of Subdivision Construction Plan	1
23-5B-4030	Construction Management and Certification.	2

23-5B-4010 Updates and Release of Subdivision Construction Plan

- (A) An applicant may file an update to a subdivision construction plan application not later than one year after the date the application is filed.
- (B) The Director may release a subdivision construction plan if:
 - (1) the Director approves the subdivision construction plan; and
 - (2) the applicant posts the required fiscal security as required by the Director.
- (C) The Director's release of a subdivision construction plan authorizes the applicant to begin development in accordance with the plan.

23-5B-4020 Expiration of Subdivision Construction Plan

- (A) A subdivision construction plan expires three years after the date of its approval unless:
 - (1) the Land Use Commission sets a later expiration date when it approves the plat;
 - (2) before the plan expires, site work is commenced and diligently pursued to completion; or
 - (3) the Director extends the expiration date under Subsection (B).
- (B) An applicant may request that the Director extend the expiration date of a subdivision construction plan by filing a written request and justification with the Director before the expiration date.
 - (1) The Director may extend the expiration date of the plan once for a period of one year if the Director determines:
 - (a) there is good cause for the extension;
 - (b) there has not been a significant change in development conditions affecting the plan; and
 - (c) the plan continues to comply with the criteria for its approval and release.
 - (2) An interested party may appeal the Director's decision under this subsection to the Land Use Commission.
 - (3) The Director shall give notice under Division 23-2C-4 (Notice Of Public Hearings or Public Meetings) of the Land Use Commission's consideration of an appeal.
 - (4) The Land Use Commission shall conduct a public hearing on an appeal before taking action.

- (5) An interested party may appeal the Land Use Commission's decision under this subsection to the Council

23-5B-4030 Construction Management and Certification

- (A) Construction management for a subdivision is governed by Article 23-2H (Construction Management and Certificates).
- (B) Issuance of a certificate of compliance for a subdivision is governed by Division 23-2H-4 (Certificates of Compliance and Occupancy).

Article 23-5C: Platting Requirements

Contents

Division 23-5C-1: Property Markers, Easements, and Alleys

- 23-5C-1010 Property Markers
 - 23-5C-1020 Easements and Alleys
 - 23-5C-1030 Easements in Areas Adjoining Proposed Subdivision
 - 23-5C-1040 Hazardous Pipelines
-

Division 23-5C-2: Lots

- 23-5C-2010 Access to Lots
 - 23-5C-2020 Through Lots in a Single-Family Subdivision.
 - 23-5C-2030 Lot Arrangement
 - 23-5C-2040 Lot Size
 - 23-5C-2050 Flag Lots
 - 23-5C-2060 Townhouse Lots
 - 23-5C-2070 Small Lots
 - 23-5C-2080 Single-Family Attached Lots
-

Division 23-5C-3: Utilities

- 23-5C-3010 Water Lines
- 23-5C-3020 Wastewater Lines
- 23-5C-3030 Gas Lines
- 23-5C-3040 Installation of Lines
- 23-5C-3050 Requests for Utility Service
- 23-5C-3060 Independent Utility Districts and Private Water and Sewer Corporations.
- 23-5C-3070 Subdivisions Where Water or Wastewater Services are not Available
- 23-5C-3080 Private On-Site Sewage Facility
- 23-5C-3090 Street Lights

This page intentionally left blank

Division 23-5C-1: Property Markers, Easements, and Alleys

Contents

23-5C-1010	Property Markers	1
23-5C-1020	Easements and Alleys	1
23-5C-1030	Easements in Areas Adjoining Proposed Subdivision	1
23-5C-1040	Hazardous Pipelines	1

23-5C-1010 Property Markers

A surveyor shall mark each boundary corner, intermediate property corner, curve point, and angle point of a subdivision with a permanent marker identified in the most recent edition of the Manual of Practice for Land Surveying in Texas, published by the Texas Society of Professional Surveyors. One boundary corner shall be marked with a concrete monument, unless a concrete monument exists on an adjacent platted subdivision within 1,300 feet of the proposed plat. Permanent markers along boundary lines may be spaced not more than 1,300 feet apart.

23-5C-1020 Easements and Alleys

Easements for public utilities and drainage ways shall be retained in all subdivisions in the widths and locations determined necessary by the Director. All easements shall be dedicated to public use for the named purpose and shall be aligned to minimize construction and future maintenance costs.

23-5C-1030 Easements in Areas Adjoining Proposed Subdivision

If the Director determines that easements in areas adjoining a proposed subdivision are necessary to provide adequate drainage or utility service, the subdivider shall obtain the easements or make arrangements with the City to obtain them.

23-5C-1040 Hazardous Pipelines

- (A) A subdivider shall determine whether a hazardous pipeline crosses a proposed subdivision.
- (B) A subdivider shall depict on the plat a restricted pipeline area, if any.
- (C) A residential lot that is less than one acre in size may not include a restricted pipeline area.
- (D) In calculating minimum lot area under this chapter, a restricted pipeline area is excluded.
- (E) A person may not place a structure or excavate within a restricted pipeline area.
 - (1) This prohibition does not apply to:

- (a) The pipeline or an appurtenance;
 - (b) A facility that produces, consumes, processes, or stores the product transported by the pipeline, including a power generation facility;
 - (c) A utility line that crosses the restricted pipeline area, including an appurtenance to the line;
 - (d) A utility service connection;
 - (e) A road;
 - (f) Surface parking lot; or
 - (g) A structure or excavation that the Director determines does not disturb the pipeline or impede its operation.
- (2) Before a person may place a road, surface parking lot, or utility line in a restricted pipeline area, the person shall deliver to the Director a certification by a registered engineer stating that the proposed construction activity and structure are designed to prevent disturbing the pipeline or impeding its operation.
- (F) A person who seeks to convey a lot containing a restricted pipeline area shall, before title is transferred, deliver to the proposed grantee a document describing the restricted pipeline area, the limitations on its development, and the name and address of the pipeline owner or operator.
- (G) For a plat that includes a restricted pipeline area, a plat note restating Subsection (E) is required.

Division 23-5C-2: Lots

Contents

23-5C-2010	Access to Lots.	1
23-5C-2020	Through Lots in a Single-Family Subdivision.	1
23-5C-2030	Lot Arrangement	1
23-5C-2040	Lot Size	1
23-5C-2050	Flag Lots	2
23-5C-2060	Townhouse Lots.	2
23-5C-2070	Small Lots	3
23-5C-2080	Single-Family Attached Lots.	4

23-5C-2010 Access to Lots

Each lot in a subdivision shall abut a dedicated public street.

23-5C-2020 Through Lots in a Single-Family Subdivision.

A through lot in a single-family residential subdivision is permitted if access to one of the abutting streets is prohibited. If one of the streets abutting a through lot is an arterial, access to the arterial is prohibited unless the Director determines that topography or property size justify access to the arterial.

23-5C-2030 Lot Arrangement

The side lines of lots shall be approximately at right angles to straight street lines or radial to curved street lines. An arrangement placing adjacent lots at right angles to each other may be disallowed by the Director.

23-5C-2040 Lot Size

- (A) In the zoning jurisdiction, the site development regulations for the zoning district or the transect in which a lot is located determine minimum lot area and minimum lot width.
- (B) In the extraterritorial jurisdiction, residential lot requirements are as follows:
 - (1) Minimum lot area is:
 - (a) In a subdivision served by a public wastewater system or central wastewater disposal unit:
 - (i) 5,750 square feet; or

- (ii) 6,900 square feet for a corner lot; or
 - (b) In a subdivision with private on-site sewage facilities, as determined by Texas Administrative Code Title 30, Chapter 285 (On-Site Sewage Facilities);
- (2) Minimum lot width is:
 - (a) 50 feet for an interior lot;
 - (b) 60 feet for a corner lot; or
 - (c) 33 feet for a lot on a cul-de-sac or curved street; and
- (3) 3. Minimum lot frontage is:
 - (a) 20 feet; or
 - (b) 30 feet, if a culvert is required for a driveway approach.
- (C) The Director may reduce the minimum lot frontage prescribed by Subsection (B) if the Director determines that access to the lot is restricted to a joint use driveway.

23-5C-2050 Flag Lots

- (A) The minimum width of a flag lot is:
 - (1) 20 feet; or
 - (2) 15 feet if:
 - (a) Two or more contiguous lots share a common driveway and sufficient area is available outside the drive on each lot for utility installation; or
 - (b) The applicant can demonstrate access through an alternative route.
- (B) Limitations on shared driveways:
 - (1) In single-family or duplex subdivisions, flag lot designs may be used where no more than two dwelling units utilize a shared driveway.
 - (2) For property zoned for uses other than single-family residential or duplex residential, flag lot designs are permitted if the Director determines that the subdivision conforms to the fire code, utility design criteria, plumbing code and requirements for access.
- (C) All residential subdivisions utilizing a flag lot design shall submit a driveway plan and a utility plan for review and approval with the final plat application.
- (D) All addresses for residential lots utilizing a flag lot design shall be displayed at their closest point of access to a public street for emergency responders. The final plat shall contain a note to this effect.

23-5C-2060 Townhouse Lots

- (A) This section applies to a subdivision with townhouse lots.
- (B) Common areas shall be identified on the plat. An applicant shall provide for maintenance of and payment of taxes on common areas.

- (C) An applicant shall submit to the Director a legal opinion that describes the rights and duties of the owners, the legal status of common areas and facilities, and the provisions for taxation and maintenance of the common areas.
- (D) In the extraterritorial jurisdiction, an applicant shall submit to the Director a site plan showing the locations and dimensions of buildings, accessory uses, and other improvements.

23-5C-2070 Small Lots

- (A) Applicability
 - (1) This Section applies to a subdivision with small lots.
- (B) A small lot subdivision may not be approved unless service is available to each lot in the subdivision from public water and wastewater systems.
- (C) A small lot subdivision shall comply with the following requirements:
 - (1) Minimum lot area is:
 - (a) 3,600 square feet, except for a corner lot; and
 - (b) 4,500 square feet for a corner lot.
 - (2) Minimum lot width is:
 - (a) 40 feet for an interior lot, or 35 feet if access to the lot is provided by a joint access driveway at the front of the lot or by a paved alley or paved private access easement at the rear of the lot;
 - (b) 50 feet for a corner lot, or 45 feet if access to the lot is provided by a joint access driveway at the front of the lot or by a paved alley or paved private access easement at the rear of the lot; and
 - (c) 40 feet for a lot on a cul-de-sac or curved street, except it may be 33 feet at the front lot line.
 - (3) A lot may have one zero lot line.
 - (a) A zero lot line is not allowed on a front or street-side lot line.
 - (b) A maintenance easement is required in the dominant side yard of a lot.
 - (c) A use easement is required in the subordinate side yard of a lot.
 - (4) A lot that is less than 50 feet wide and that fronts on a collector street shall have a paved alley or paved private access easement along the rear property line.
 - (5) A lot may not front on an arterial street.
 - (6) Underground utility service to all lots is required.
 - (7) Maintenance of a common area or access easement is the responsibility of the adjoining property owner or the homeowners' association, in accordance with the required Declaration of Covenants, Easements, and Restrictions.
- (D) The Director may not record a plat of a small lot subdivision unless a Declaration of Covenants, Easements, and Restrictions or similar document has been approved by

the city attorney, recorded, and referenced on the plat. The document shall contain the following:

- (1) A statement that the subdivision is developed under this section (23-4C-2070, as amended) and incorporating the requirements of this section by reference;
- (2) Provisions for the maintenance easements and use easements required by this section; and
- (3) Provisions obligating the adjoining property owner or the homeowners' association to maintain common areas and access easements.

23-5C-2080 Single-Family Attached Lots

- (A) Applicability
 - (1) This Section applies to new single-family attached lots and to the conversion of existing structures to single-family attached units.
- (B) Single-family attached lots may be created only in multiples of two lots per site, and each lot shall be served by public water and wastewater systems.
- (C) A lot may have one zero lot line.
 - (1) A zero lot line is not allowed on a front or street-side lot line.
 - (2) A maintenance easement is required in the dominant side yard of a lot.
 - (3) A use easement is required in the subordinate side yard of a lot.
- (D) A lot shall comply with the following requirements:
 - (1) Minimum lot width is:
 - (a) 25 feet, except for a lot on a cul-de-sac or curved street; and
 - (b) 20 feet on a cul-de-sac or curved street.
- (E) A plat of a single family attached subdivision may not be recorded unless a Declaration of Covenants, Easements, and Restrictions or similar document has been approved by the city attorney, recorded, and referenced on the plat. The document shall:
 - (1) Require that development and use of the lots comply with this title;
 - (2) Require that construction of a dwelling unit comply with Article 23-10B, Division 1 (Building Code), Division 4 (Electrical Code), Division 5 (Mechanical Code), Division 6 (Plumbing Code), and Division 7 (Fire Code).

Division 23-5C-3: Utilities

Contents

23-5C-3010	Water Lines	1
23-5C-3020	Wastewater Lines	1
23-5C-3030	Gas Lines	2
23-5C-3040	Installation of Lines	2
23-5C-3050	Requests for Utility Service	2
23-5C-3060	Independent Utility Districts and Private Water and Sewer Corporations.	2
23-5C-3070	Subdivisions Where Water or Wastewater Services are not Available	3
23-5C-3080	Private On-Site Sewage Facility	3
23-5C-3090	Street Lights	3

23-5C-3010 Water Lines

- (A) A subdivision within 100 feet of a public water system shall be connected to the public water system. The Director may waive this requirement.
- (B) If a subdivision is to be served by a public water system:
 - (1) approval of the water system plans by the applicable Director is required;
 - (2) installation of the water system shall comply with the requirements of this title, the Utilities Criteria Manual, details, specifications, standard products lists, and applicable State regulations; and
 - (3) water lines, service connections, and water meters to serve each lot shall be installed before a lot may be occupied.

23-5C-3020 Wastewater Lines

- (A) A subdivision within 100 feet of a public wastewater system shall be connected to the public wastewater system. In the extraterritorial jurisdiction, the Director may waive this requirement. In the zoning jurisdiction, this requirement may be waived under Section 23-7A (Water and Wastewater).
- (B) If a subdivision is to be served by a public wastewater system, the following is required before a lot may be occupied
 - (1) Approval of the wastewater system plans by the applicable Director;
 - (2) Installation of the wastewater system in compliance with the requirements of this title, the Utilities Criteria Manual, standard details, specifications, standards products list, and applicable State regulations; and
 - (3) Installation and acceptance by the City of the wastewater lines, service lines and cleanouts.

23-5C-3030 Gas Lines

If natural gas from a public utility is available within 2,000 feet of a subdivision, the subdivider shall:

- (A) prepare plans for installation of natural gas lines to serve each lot and install the portions of the lines that are under a street or alley; or
- (B) place a note on the plat stating that natural gas lines have not been installed.

23-5C-3040 Installation of Lines

A subdivider shall arrange with the appropriate utility departments and utility companies for the construction of water, wastewater, and gas utility lines unless the city manager approves the installation of utility lines by another entity.

23-5C-3050 Requests for Utility Service

- (A) To have municipal water or wastewater service extended to land within the extraterritorial jurisdiction, a landowner shall file with the Director of the Water and Wastewater Utility a written request for:
 - (B) Extension of service; and
 - (1) If the land is not covered by the utility's certificate of convenience and necessity, annexation by the City.
- (C) The City may record an owner's request in the county deed records.

23-5C-3060 Independent Utility Districts and Private Water and Sewer Corporations.

- (A) This section applies to a subdivision that is to receive retail water or wastewater service from an entity other than the City's Water and Wastewater Utility.
- (B) A plat may not be approved unless the subdivider has complied with the requirements of this subsection.
 - (1) The subdivider shall provide the Director with a copy of a contract between the subdivider and the utility service provider that provides for installing utility lines and furnishing adequate utility service.
 - (2) Water or wastewater system plans shall comply with the requirements of this title and the Utilities Criteria Manual.
 - (3) Approval of water or wastewater system plans by the Director of the Water and Wastewater Utility and the Texas Natural Resource Commission is required.
- (C) Approval of the construction of water or wastewater facilities by the Director of the Water and Wastewater Utility is required. A City inspector may inspect the facilities during construction. The Director of the Water and Wastewater Utility may require that the subdivider pay an inspection fee.

23-5C-3070 Subdivisions Where Water or Wastewater Services are not Available

- (A) A plat may not be approved unless the subdivider has complied with the requirements of this section, if applicable.
- (B) If a subdivision is not to be served by a water utility, the subdivider shall provide the Director with evidence that water suitable for human consumption may be obtained from surface or subsurface sources on the land. The evidence may include the results of tests and borings, and statements from local and state health authorities, water engineers, and other competent authorities. If the subdivider proposes a private water supply for the subdivision, the plans and specification shall be prepared by a registered professional engineer and approved by the Director of the Water and Wastewater Utility and the Texas Natural Resource Conservation Commission.
- (C) If a subdivision is not to be served by a sanitary sewer utility and the use of private on-site sewage facilities has not been approved by the local health authority, the subdivider shall construct a community sewage collection and treatment system that serves each lot. The system shall be designed and located in accordance with the regulations of the Texas Natural Resource Conservation Commission and the local health authority. Approval by the Director of the Water and Wastewater Utility of the plans for the system is required.

23-5C-3080 Private On-Site Sewage Facility

A subdivision that is to be served by private on-site sewage facilities shall comply with Chapter 15-5 (Private Sewage Facilities) of the City Code.

23-5C-3090 Street Lights

- (A) A plat may not be approved unless the subdivider has complied with the requirements of this section, if applicable.
- (B) This section applies to the residential portion of a subdivision if the subdivision is located:
 - (1) At least partially inside the City limits; or
 - (2) Outside the City limits, and the subdivider has requested annexation.
- (C) A subdivider shall pay street lighting charges to the Electric Utility Department. The Director may waive this requirement if the Director determines that street lighting is not necessary, the requirement imposes an unreasonable hardship on the applicant, or obtaining payment for street lighting is impractical.
- (D) The City shall use a payment collected under this section to install street lights in the residential areas of the subdivision for which it was collected.
- (E) The City shall refund a payment collected under this section to the subdivider if the City does not install street lights within two years after the date the subdivider makes the payment.
- (F) This section does not require the City to install street lights in a subdivision that has not been annexed.

This page intentionally left blank

Site Plan

web version low resolution images



This page intentionally left blank

Contents

Article 23-6A: Purpose and Applicability

Division 23-6A-1: Purpose and Applicability

- 23-6A-1010 Purpose
 - 23-6A-1020 Applicability
-

Division 23-6A-2: Exemptions

- 23-6A-2010 Exemptions from Site Plan Review

Article 23-6B: Site Plan Review and Filing Requirements

Division 23-6B-1: Application Review and Approval

- 23-6B-1010 Application Requirements
 - 23-6B-1020 Notice of Application
 - 23-6B-1030 Review and Appeals
 - 23-6B-1040 Phasing Authorization
 - 23-6B-1050 Advanced Site Preparation Plan
-

Division 23-6B-2: Submittal Waivers

- 23-6B-2010 Small Projects
 - 23-6B-2020 Residential Heavy Site Plan
-

Division 23-6B-3: Release

- 23-6B-3010 Release of Site Plan
- 23-6B-3020 Revisions to Released Site Plans
- 23-6B-3030 Extension of a Released Site Plan
- 23-6B-3040 Construction Management and Certification

Article 23-6C: Expiration

Division 23-6C-1: Expiration

- 23-6C-1010 Expiration of Site Plan
- 23-6C-1020 Expiration of Site Plan Phase
- 23-6C-1030 Effect of Site Plan Expiration

This page intentionally left blank

Article 23-6A: Purpose and Applicability

Contents

Division 23-6A-1: Purpose and Applicability

- 23-6A-1010 Purpose
 - 23-6A-1020 Applicability
-

Division 23-6A-2: Exemptions

- 23-6A-2010 Exemptions from Site Plan Review

This page intentionally left blank

Division 23-6A-1: Purpose and Applicability

Contents

23-6A-1010	Purpose.....	1
23-6A-1020	Applicability	1

23-6A-1010 Purpose

- (A) The purpose of this Chapter is to provide the powers, duties, and procedures for review and approval of a Site Plan.
- (B) Review of a Site Plan for new development ensures that all approved site and structural development:
 - (1) Promotes the orderly development of the City in compliance with the goals and policies of the Comprehensive Plan, other applicable plans, the standards specified in this Title, and other adopted rules/criteria;
 - (2) Protects the environmental characteristics of the site;
 - (3) Contributes to and preserves the character of the City;
 - (4) Supports the economic vitality of the community by ensuring that new development is compatible with existing development;
 - (5) Ensures the proper placement, extension, and sizing of infrastructure to provide reliable service and minimize customer outages during maintenance and repair; and
 - (6) Ensures public health, safety, and welfare.

23-6A-1020 Applicability

A Site Development Permit must be approved and released to authorize the development of a property, a change of use of a property, and before a Building Permit is issued under Division 23-7B-3 (Building Permit Issuance, Appeal, Expiration, and Extension). Exemptions to Site Plan review are described in Division 23-6A-2 (Exemptions).

This page intentionally left blank

Division 23-6A-2: Exemptions

Contents

23-6A-2010 Exemptions from Site Plan Review 1

23-6A-2010 Exemptions from Site Plan Review

The Development Services Director shall determine whether a development is exempt from Site Plan review in compliance with this Division if the development does not increase the extent to which the development is nonconforming under Section 23-2G-1020 (Nonconforming Status) or require a Variance under Section 23-4B-4010 (Variances) or other approval from a City board or commission. The Development Services Director may require an applicant to submit the information necessary to make this determination. Table 23-6A-2010.A (Site Plan Exemptions) describes the developments and activities that are exempt from Site Plan review.

Table 23-6A-2010.A: Site Plan Exemptions	
Allowed Site Plan Exemptions	Standards for Grant of Exemption
Antenna placement (initial) by a provider of personal wireless services, as defined by United State Code Title 47, Section 332(c)(7)(C)	See Subsection 23-6B-1020 (E) for noticing requirements
Change of Use, unless Adult Entertainment	Provided the new use complies with the off-street parking and the travel demand management (TDM) requirements of this Title.
Clearing and area max. 15 feet wide for surveying and testing	Provided the clearing does not result in the removal of a tree protected under Article 23-3C (Urban Forest Protection and Replenishment).
Commercial Portable Building on Existing Impervious Cover	Provided the following conditions apply: (1) The building does not impede or divert drainage; and (2) The site complies with the landscaping requirements of this Title.
Docks and bulkheads repair, maintenance, replacement, or modification	Provided the following conditions apply: (1) The dock or bulkhead was legally constructed; (2) The work does not increase the existing footprint; (3) The work does not add, change, or replace structural components, including walls, load bearing beams, piers, or pilings; and (4) For a bulkhead, the repair does not exceed 25 percent of the bulkhead or the portion of the bulkhead on a lot or tract; and no repair to the bulkhead was done without a Site Plan in the previous three years.
Fence construction	Provided the fence does not obstruct the flow of water.

Table 23-6A-2010(A): Site Plan Exemptions (continued)	
Allowed Site Plan Exemptions	Standards for Grant of Exemption
Interior Alteration of an Existing Building	Provided the alteration does not increase the floor area, lot coverage, or height of the building.
Limited Construction less than 1,000 square feet and the area of construction is less than 3,000 square feet, if no previous exemption has been granted	<p>Provided the following conditions apply:</p> <ul style="list-style-type: none"> (1) Construction is not for a new drive-in service or additional lanes for an existing drive-in service, unless the Development Services Director determines that it will have an insignificant effect on traffic circulation and surrounding land uses; (2) Construction does not result in the removal of a tree protected under Article 23-3C (Urban Forest Protection and Replenishment); and (3) Construction is not located in the 100-year floodplain, unless the Watershed Director determines that it would have an insignificant effect on the waterway.
Relocation or Demolition of a Structure or Foundation	<p>Provided the following conditions apply:</p> <ul style="list-style-type: none"> (1) The foundation or structure does not cover more than 10,000 square feet of site area in compliance with a Demolition Permit; (2) The relocation or demolition does not result in the removal of a tree protected under Article 23-3C (Urban Forest Protection and Replenishment); and (3) The site is not cleared.
Restoration of a Damaged Building	<p>Provided:</p> <ul style="list-style-type: none"> (1) The damage is caused by fire, explosion, flood, tornado, riot, act of the public enemy, or accident of any kind; and (2) Restoration commences within one year of the date of the damage.
Construction or alteration of a single-family residential structure, single-family attached residential structure, two-family residential structure, secondary apartment special use structure, or an accessory structure	<p>Provided the following conditions apply:</p> <ul style="list-style-type: none"> (1) Not more than two residential structures are constructed on a legal lot or tract; and (2) A proposed improvement is not located in the 100-year flood plain, or the Director determines that the proposed improvement will have an insignificant effect on the waterway.
Subdivision Infrastructure	Provided the infrastructure is constructed in compliance with approved construction plans.
Tree removal	Provided that the tree removal is in compliance with Article 23-3C (Urban Forest Protection and Replenishment).
Minor site development or construction that the Development Services Director determines are similar to the other exemptions described in this Section.	

Article 23-6B: Site Plan Review and Filing Requirements

Contents

Division 23-6B-1: Application Review and Approval

- 23-6B-1010 Application Requirements
 - 23-6B-1020 Notice of Application
 - 23-6B-1030 Review and Appeals
 - 23-6B-1040 Phasing Authorization
 - 23-6B-1050 Advanced Site Preparation Plan
-

Division 23-6B-2: Submittal Waivers

- 23-6B-2010 Small Projects
 - 23-6B-2020 Residential Heavy Site Plan
-

Division 23-6B-3: Release

- 23-6B-3010 Release of Site Plan
- 23-6B-3020 Revisions to Released Site Plans
- 23-6B-3030 Extension of a Released Site Plan
- 23-6B-3040 Construction Management and Certification

This page intentionally left blank

Division 23-6B-1: Application Review and Approval

Contents

23-6B-1010	Application Requirements	1
23-6B-1020	Notice of Application.	2
23-6B-1030	Review and Appeals	2
23-6B-1040	Phasing Authorization	3
23-6B-1050	Advanced Site Preparation Plan	3

23-6B-1010 Application Requirements

- (A) An application for a Site Plan review shall be filed with the Development Services Director. The application shall include the information and materials specified in the most current Department publication for the review of Site Plan applications.
- (B) A Site Plan application shall be reviewed in compliance with Article 23-2B (Application Requirements). During the review process, the Review Authority may require the submittal of additional information or revised plans, in which case the applicant shall be notified in writing of any revisions or required additional information.
- (C) Prior to submitting a Site Plan application for review, an applicant may request a Site Plan Assessment so that a general assessment of a proposed development's compliance with this Title and other applicable policies and standards can be made. The purpose of a Site Plan Assessment is to:
 - (1) Familiarize the Development Services Director, and staff from other City Departments, as may be applicable, with the development proposal;
 - (2) Determine application requirements and familiarize the applicant with the review process and procedures;
 - (3) Identify any potential problems as early in the process as possible; and
 - (4) Identify land use and development policies which may affect the development proposal.
- (D) An application for Site Plan review has the following two parts:
 - (1) A Planning Element that includes information necessary to ensure that the Site Plan application complies with goals and policies of the Comprehensive Plan and that the proposed use and general site layout complies with this Title and the applicable development standards for the Zone.
 - (2) A Construction Element that provides detailed information on, for example, the building structure, grading, detention, water quality, air quality, drainage, and filtration aspects of the site design. When reviewing the Construction Element, the Development Services Director will, at a minimum, consider the extent to which the application addresses nuisances to properties and structures adjacent to the development site, pedestrian and vehicular safety both on and off-site, drainage, and water quality, conflicts with existing and future utilities, easements, construction and maintenance considerations, and applicable City and State regulations.

23-6B-1020 Notice of Application

- (A) The Development Services Director will give notice in compliance with Section 23-2C-5010 (Notice of Application) of the filing of an application for Site Plan review, unless it is exempt from Site Plan review under Division 23-6A-2 (Exemptions) or as otherwise prescribed in this Section.
- (B) No notice is required for Small Projects described in Section 23-6B-2010 (Small Projects) and Residential Heavy Site Plans described in Section 23-6B-2020 (Residential Heavy Site Plans).
- (C) For an application to construct a telecommunication tower described in Section 23-4E-6340 (Telecommunications):
 - (1) The Development Services Director shall send notice of the application to each registered neighborhood organization in whose boundaries the proposed tower is located and to each property owner within 300 feet of the centerline of the proposed tower. The notice must include the tower location, the name and telephone number of the tower owner, and the telephone number of the Development Services Department.
 - (2) The Development Services Director shall post a sign in compliance with Section 23-2C-3040 (Notification Signs) at the street right-of-way nearest the proposed tower location. The sign must state that an application to construct a telecommunication tower at that location has been filed and include the name and telephone number of the tower owner.
- (D) For an application for initial placement of an antenna by a provider of personal wireless services, as defined by United States Code Title 47, Section 332(c)(7)(C), that is exempt from the requirement for a Site Plan in compliance with Section 23-6A-2010 (Exemptions from Site Plan Review), the Development Services Director shall mail notice of the exemption application not later than the seventh day after the application is filed to each property owner located within 300 feet of the proposed antenna and the registered neighborhood organization where the antenna is located.

23-6B-1030 Review and Appeals

- (A) The Development Services Director shall review and approve or reject the applicant's filing of an update to the Site Plan in compliance with Subsection (B), or deny the Site Plan if the time period for filing an update in compliance with Subsection (B) has expired.
- (B) An applicant may file an update to a site plan not later than one year after the date the application is filed.
- (C) The Development Services Director shall give written notification of the determination to each interested party not later than the deadline established by the Development Services Director under Section 23-2B-1040 (Update and Expiration). If the Development Services Director rejects a Site Plan, the notice must include the reasons that the Site Plan does not comply with the requirements of this Title. With permission of the interested party, this notice may be provided electronically.

- (D) If the Development Services Director rejects a Site Plan application, the applicant may appeal the Development Services Director's interpretation or application of a standard of this Title to the Board of Adjustment by filing a written objection with the Development Services Director.

23-6B-1040 Phasing Authorization

- (A) Phasing authorization allows a new development for which Site Plan review is requested to be constructed in designated development phases. Any applicant submitting a Site Plan application of review may apply for phasing authorization.
- (B) The Development Services Director may allow the applicant to defer the submittal of detailed engineering and drainage plans for future phases if the initial Site Plan application contains sufficient preliminary engineering and drainage information to determine whether the development complies with the requirements of this Title.
- (C) **Review Authority.**
 - (1) If the date proposed for beginning construction on the final phase is four years or less after the Site Development Permit application is submitted, the Development Services Director will review the application to determine if the additional time may be approved.
 - (2) If the date proposed for beginning construction on the final phase is more than four years after the Site Development permit application is submitted, the Land Use Commission will review the application to determine if the additional time may be approved.
- (D) The Review Authority will approve a request for phasing authorization if the following requirements are met:
 - (1) The entire development is conducive to phasing, and each proposed phase is a discrete and substantial part of the entire development;
 - (2) Each development phase independently and cumulatively complies with all applicable requirements of this Title and the standards established in applicable Technical Codes; and
 - (3) Each development phase independently satisfies the requirements of Section 23-6B-3010 (Release of Site Plan).

23-6B-1050 Advanced Site Preparation Plan

- (A) Authorization for an Advanced Site Preparation Plan allows the applicant to begin site development while an application for a Site Development Permit is under review.
- (B) Prior to applying for Advanced Site Preparation Plan authorization, an applicant must receive Advanced Site Preparation Plan certification from the Development Services Director. The Development Services Director will adopt rules for Advanced Site Preparation Plan certification that include standards for certification, the amount and type of training required, and rules for the suspension and revocation of certification, including the provision of graduated sanctions.

- (C) The Development Services Director will authorize a request for an Advanced Site Preparation Plan if the following requirements are met:
 - (1) The preconstruction conference required in compliance with Section 23-2H-1020 (Preconstruction Conference) is not waived;
 - (2) The Site Plan is located within the boundaries of an urban or suburban watershed;
 - (3) The Site Plan requires a Certificate of Compliance or Occupancy;
 - (4) The Site Plan does not require consideration by a Board or Commission at a public hearing;
 - (5) The authorization for an Advanced Site Preparation Plan does not jeopardize the environment and the public health, safety, and welfare;
 - (6) The applicant has posted a cash fiscal surety for the required erosion and sedimentation controls and revegetation for the development;
 - (7) If the Advanced Site Preparation Plan authorization expires or is revoked, the applicant has authorized the City to draw on the cash fiscal security, enter the development site, and restore the development site to its original condition;
 - (8) If required, the other government entities have approved the Advanced Site Preparation Plan authorization; and
 - (9) Preparation of the site will not negatively impact location and spacing requirements of utility infrastructure.
- (D) An approved Advanced Site Prep Plan authorization will be revoked if a corresponding Site Plan application is denied or the Development Services Director determines that the site development does not comply with the requirements of the Advanced Site Prep Plan authorization.
- (E) A person whose Advanced Site Preparation Plan certification is suspended or revoked may appeal the decision according to Article 23-2I (Appeals).

Division 23-6B-2: Submittal Waivers

Contents

23-6B-2010	Small Projects	1
23-6B-2020	Residential Heavy Site Plan	2

The Development Services Director may waive the submittal requirements for Site Plan review for applications if it is determined that the requirement is not essential to demonstrate compliance with this Title. A record of submittal requirements that are waived in compliance with this Division must be kept by the Development Services Director.

23-6B-2010 Small Projects

- (A) The following are considered Small Projects:
- (1) Construction of a building or parking area less than 10,000 square feet in area, including areas for construction; clearing; grading; construction equipment access; driveway reconstruction; landscaping; temporary installations such as portable buildings, construction trailers, storage areas for building materials, spoil disposal areas, erosion and sedimentation controls or construction entrances; and other areas the Development Services Director determines are part of a construction site; provided that the project does not require a Variance from any water quality standards established in Division 23-3D-2 (Exceptions and Variances) and is less than 5,000 square feet of new or redeveloped impervious cover.
 - (2) Construction of a storm sewer not more than 30 inches in diameter that is entirely in a public right-of-way or an easement;
 - (3) A development that does not require an increase in the size of a utility line as determined by the Water Utility Director;
 - (4) Construction of a left turn lane on a divided street;
 - (5) Construction of street intersection improvements;
 - (6) Widening a public street to provide a deceleration lane if additional right-of-way is not required;
 - (7) Depositing less than two feet of earth fill, if the site is not in a 100-year floodplain or other environmental setback and the fill is not to be deposited within the dripline of a protected tree;
 - (8) Construction of a boat dock as an accessory use to a single-family residential use, duplex residential use, two-family residential use, or secondary apartment special use if shoreline modification, including bulkheads, or dredging of no more than 25 cubic yards is required;
 - (9) Construction of a retaining wall, if the wall is less than 100 feet in length and less than eight feet in height, and the back fill does not reclaim a substantial amount of land except land that has eroded because of the failure of an existing retaining wall;

- (10) The replacement of buildings and structures removed because of right-of-way condemnation;
- (11) The construction of a telecommunications tower described in Section 23-4E-6340 (Telecommunications); and
- (12) Construction of Shoreline Access, including but are not limited to stairs, lifts, trams, incline elevators or escalators, that is less than 50 feet in length and is constructed on slopes with a gradient of less than 35 percent; and
- (13) Minor development that the Development Services Director determines is similar to that described in Subsection (A)(1)-(12).

23-6B-2020 Residential Heavy Site Plan

The Development Services Director may waive Site Plan submittal requirements for residential applications of three to nine units in a Transect Zone in an Urban Watershed.

Division 23-6B-3: Release

Contents

23-6B-3010	Release of Site Plan	1
23-6B-3020	Revisions to Released Site Plans	1
23-6B-3030	Extension of a Released Site Plan	2
23-6B-3040	Construction Management and Certification.	3

23-6B-3010 Release of Site Plan

- (A) The Development Services Director will release a Site Development Permit after:
 - (1) The Site Plan has been approved;
 - (2) The applicant has posted the required fiscal security with the Development Services Director; and
 - (3) The time period for filing an appeal of the approval has expired, or each interested party has signed and submitted a written waiver of the right to appeal to the Development Services Director.
- (B) The Development Services Director's release of a Site Development Permit authorizes the applicant to develop the site in compliance with the Site Plan as approved by the Review Authority. A Building Permit issued any time after the Site Plan's release, but before the Site Plan expires under [Division 23-6C-1 \(Expiration\)](#), is required to construct a building.
- (C) Release of a Site Development Permit voids any previously approved site plan for property included in the released Site Plan.

23-6B-3020 Revisions to Released Site Plans

- (A) An applicant may file a new application for Site Plan approval to revise a released Site Development Permit.
- (B) If the Land Use Commission considers a request to revise a Planning Commission approved Site Plan and imposes additional conditions, the applicant may withdraw the request and develop the property in compliance with the previously approved Site Plan.
- (C) The Development Services Director may approve a minor revision to a released Site Plan in response to a written request from an applicant. The Development Services Director's approval of a minor revision shall be in writing. A minor revision to a released Site Plan:
 - (1) Does not have a significant effect on a neighboring property, the public, or a person who will occupy or use the proposed development;
 - (2) Will not cause a change in the character of the development;
 - (3) Will not result in a significant increase in impacts on utility infrastructure or traffic on roadways adjacent or external to the development;
 - (4) Is necessary to relocate approved building floor area or parking areas out of a condemned right-of-way area; or
 - (5) Is necessary to comply with the Americans with Disabilities Act.

23-6B-3030 Extension of a Released Site Plan

- (A) An applicant may request that the Development Services Director extend a Site Development Permit for a released Site Plan by filing an extension request with the Development Services Director before the Site Development Permit expires.
- (B) The Development Services Director must give notice in compliance with Section 23-2C-5010 (Notice of Application) of a request for an extension in compliance with this Section.
- (C) The Development Services Director may extend the expiration date of a released Site Plan one time for a period of one year if:
 - (1) The Development Services Director determines that:
 - (a) The Site Plan substantially complies with the requirements that apply to a new application for Site Plan approval;
 - (b) The applicant filed the original application for Site Plan approval with the good faith expectation that the site plan would be constructed;
 - (c) The applicant constructed at least one structure shown on the original Site Plan that is suitable for permanent occupancy; or
 - (d) The applicant has constructed a significant portion of the infrastructure required for development of the original Site Plan; and
 - (2) The Development Services Director determines that:
 - (a) If a traffic impact analysis was submitted with the application for Site Plan approval:
 - (i) The assumptions and conclusions of the traffic impact analysis are valid; or
 - (ii) If the assumptions and conclusions are not valid, the applicant has submitted an addendum to the traffic impact analysis that demonstrates that traffic impacts as identified by staff will be satisfactorily mitigated; or
 - (b) If a traffic impact analysis was not submitted with the application for site plan approval, the applicant demonstrates that traffic impacts as identified by staff will be satisfactorily adequately mitigated.
- (D) The Land Use Commission may grant subsequent extensions to previously approved site plans following the same guidelines that the Development Services Director used to grant the first one-year extension.

- (E) A Site Plan associated with a development that has expired as defined in compliance with Division 23-2K-2 (Vested Rights Approvals), the Development Services Director may extend the expiration date of the Site Plan one time for a period of one year in compliance with the requirements of this Subsection.
- (1) If the Site Plan substantially complies with the requirements that would apply to a new application, the Development Services Director may grant an extension provided that the criteria in Subsection (C) are satisfied.
 - (2) If the Site Plan does not substantially comply with the requirements that would apply to a new application, the Development Services Director may grant an extension if there is good cause for the requested extension, such as financial hardship or circumstances beyond the applicant's control, and:
 - (a) The applicant filed the original application for site plan approval with the good faith expectation that the site plan would be constructed; and
 - (b) The requirements for a traffic impact analysis in compliance with Subsection (C)(2) have been met; and
 - (c) One of the following requirements is met:
 - (i) The applicant constructed at least one structure shown on the original site plan that is suitable for permanent occupancy; or
 - (ii) The applicant has constructed a significant portion of the infrastructure required for development of the original Site Plan.

23-6B-3040 Construction Management and Certification

Construction management and the issuance of Certificates of Compliance and Certificates of Occupancy are governed by Article 23-2H (Construction Management and Certificates).

This page intentionally left blank

Article 23-6C: Expiration

Contents

Division 23-6C-1: Expiration

- 23-6C-1010 Expiration of Site Plan
- 23-6C-1020 Expiration of Site Plan Phase
- 23-6C-1030 Effect of Site Plan Expiration

This page intentionally left blank

Division 23-6C-1: Expiration

Contents

23-6C-1010	Expiration of Site Plan	1
23-6C-1020	Expiration of Site Plan Phase	1
23-6C-1030	Effect of Site Plan Expiration	1

23-6C-1010 Expiration of Site Plan

- (A) A Site Plan expires three years after the date of its approval, except as follows:
- (1) Building Permits have been issued to construct all the buildings shown on the Site Plan, and those Building Permits are in effect until the work is completed and Certificates of Occupancy have been issued;
 - (2) Building permits are not required to finish development of the Site Plan, provided any required site work is begun and diligently pursued to completion, and a Certificate of Compliance or Certificate of Occupancy is issued in compliance with Division 23-2H-3 (Site Construction); or
 - (3) A request for an extension of a released Site Plan is granted in compliance with Section 23-6B-3030 (Extension of Released Site Plan).

23-6C-1020 Expiration of Site Plan Phase

- (A) Any phase of a phased Site Plan expires on the expiration date determined in compliance with Section 23-6B-1040 (Phasing Authorization) unless:
- (1) Building Permits required to construct all the buildings shown in the phase are issued, and those Building Permits are in effect until the work is completed and certificates of occupancy are issued; or
 - (2) If Building Permits are not required to finish development of the phase, any required site work on the phase is begun and diligently pursued to completion, and a Certificate of Compliance or Certificate of Occupancy is issued in compliance with Division 23-2H-3 (Site Construction).
- (B) If the first phase of a phased Site Plan expires, the entire Site Plan expires.

23-6C-1030 Effect of Site Plan Expiration

If an approved Site Plan required in compliance with this Chapter expires, the Development Services Director must not issue a Building Permit, Certificate of Occupancy, or Certificate of Compliance for the use or development of the land.

This page intentionally left blank

Building, Demolition, and Relocation Permits; Special Requirement Permits For Historic Structures



This page intentionally left blank

Contents

Article 23-7A: General Provisions

Division 23-7A-1: General Provisions

- 23-7A-1010 Jurisdiction
- 23-7A-1020 Historic Landmarks And Contributing Structures In Local Historic Districts

Article 23-7B: Building And Demolition Permits

Division 23-7B-1: Building and Demolition Permits Generally

- 23-7B-1010 Building Permit Requirement
- 23-7B-1020 Existing Buildings
- 23-7B-1030 Limited Building Permit
- 23-7B-1040 Licensed Contractor Required
- 23-7B-1050 Asbestos Survey Required For Certain Permits
- 23-7B-1060 Construction And Demolition Materials Diversion Required

Division 23-7B-2: Building Permit Applications

- 23-7B-2010 Permit Application
- 23-7B-2020 Departmental Review
- 23-7B-2030 Review Periods
- 23-7B-2040 Verification Of Utility Service

Division 23-7B-3: Building Permit Issuance, Appeal, Expiration, and Extension

- 23-7B-3010 Expiration And Extension Of Demolition Permit

Division 23-7B-4: Inspection and Maintenance

- 23-7B-4010 Building Permit Inspections

Article 23-7C: Relocation Permits

Division 23-7C-1: Relocation Permits Generally

- 23-7C-1010 Relocation Permit Requirement
- 23-7C-1020 Permit Application
- 23-7C-1030 Departmental Review
- 23-7C-1040 Inspection
- 23-7C-1050 Permit Issuance
- 23-7C-1060 Permits May Not Be Transferred

Division 23-7C-2: Relocation Requirements

- 23-7C-2010 Moving Contractor Required
- 23-7C-2020 Cutting Trees

Article 23-7D: Special Requirement Permits For Historic Structures

Division 23-7D-1: Historic Structures Generally

- 23-7D-1010 Certificate Of Appropriateness Required
- 23-7D-1020 Building, Demolition, And Relocation Permits And Certificates Of Appropriateness Relating To Certain Buildings, Structures Or Sites
- 23-7D-1030 Pendency Of Designation
- 23-7D-1040 Notice To Historic Preservation Officer Regarding Certain Permits And Site Plans
- 23-7D-1050 Duty To Preserve And Repair
- 23-7D-1060 Demolition By Neglect Procedure
- 23-7D-1070 Enforcement And Penalties

Division 23-7D-2: Applications for Certifications

- 23-7D-2010 Action On A Certificate Of Appropriateness
- 23-7D-2020 Action On An Application For Demolition Or Relocation
- 23-7D-2030 Appeal
- 23-7D-2040 Changes Prohibited
- 23-7D-2050 Tolling Of Time Limits For Action

Article 23-7A: General Provisions

Contents

Division 23-7A-1: General Provisions

- 23-7A-1010 Jurisdiction
- 23-7A-1020 Historic Landmarks And Contributing Structures In Local Historic Districts

This page intentionally left blank

Division 23-7A-1: General Provisions

Contents

23-7A-1010	Jurisdiction	1
23-7A-1020	Historic Landmarks And Contributing Structures In Local Historic Districts	1

23-7A-1010 Jurisdiction

- (A) This chapter applies to property in the City’s zoning jurisdiction.
- (B) The provisions of this chapter relating to plumbing, electric, and mechanical permits apply to structures connected to the City’s electric and water and wastewater utilities.

23-7A-1020 Historic Landmarks And Contributing Structures In Local Historic Districts

The Building Official may not issue a building, demolition, or relocation permit unless the requirements of Article 23-7D-1020 (Special Permit Requirements For Historic Structures) have been satisfied, if applicable.

A person may not change, restore, remove, or demolish an exterior architectural feature of a designated historic landmark, a structure for which a landmark designation is pending under Section 23-7D-1030, or a contributing structure in a local historic district unless the requirements of Article 23-7D-1020 (Special Permit Requirements For Historic Structures) have been satisfied.

This page intentionally left blank

Article 23-7B: Building And Demolition Permits

Contents

Division 23-7B-1: Building and Demolition Permits Generally

- 23-7B-1010 Building Permit Requirement
 - 23-7B-1020 Existing Buildings
 - 23-7B-1030 Limited Building Permit
 - 23-7B-1040 Licensed Contractor Required
 - 23-7B-1050 Asbestos Survey Required For Certain Permits
 - 23-7B-1060 Construction And Demolition Materials Diversion Required
-

Division 23-7B-2: Building Permit Applications

- 23-7B-2010 Permit Application
 - 23-7B-2020 Departmental Review
 - 23-7B-2030 Review Periods
 - 23-7B-2040 Verification Of Utility Service
-

Division 23-7B-3: Building Permit Issuance, Appeal, Expiration, and Extension

- 23-7B-3010 Expiration And Extension Of Demolition Permit
-

Division 23-7B-4: Inspection and Maintenance

- 23-7B-4010 Building Permit Inspections

This page intentionally left blank

Division 23-7B-1: Building and Demolition Permits Generally

Contents

23-7B-1010	Building Permit Requirement	1
23-7B-1020	Existing Buildings.	1
23-7B-1030	Limited Building Permit	2
23-7B-1040	Licensed Contractor Required.	2
23-7B-1050	Asbestos Survey Required For Certain Permits	2
23-7B-1060	Construction And Demolition Materials Diversion Required.	2

23-7B-1010 Building Permit Requirement

- (A) Unless a technical code exempts an activity from its permitting requirements, a person may not perform the following activities unless the person first obtains the appropriate permit from the Building Official:
- (B) An activity regulated by Chapter 23-11 (Technical Codes), Division 23-11B-1 (Building Code), Division 23-11B-4 (Electrical Code), Division 23-11B-5 (Mechanical Code), Division 23-11B-6 (Plumbing Code), or Division 23-11B-11 (Residential Code);
 - (1) constructing or structurally altering a pier or other structure in or along the shores of:
 - (a) Lake Austin below an elevation of 504.9 feet above mean sea level;
 - (b) Lady Bird Lake below an elevation of 435.0 feet above mean sea level; or
 - (c) Lake Walter E. Long;
 - (2) altering the shoreline or bed of Lake Austin, Lady Bird, or Lake Walter E. Long by filling or dredging;
 - (3) constructing, altering, or repairing a sidewalk, curb, gutter, or driveway approach on property under a person's control or in public right-of-way adjoining property under a person's control;
 - (4) erecting, moving, or structurally altering or repairing an outdoor sign; or
 - (5) causing or permitting the activities described in this section to occur.
- (C) Except as provided in Article 23-7D-1020 (Special Permit Requirements For Historic Structures), a permit may be issued for a demolition or removal of any part of a structure.

23-7B-1020 Existing Buildings

- (A) Work performed on existing buildings must comply with the requirements of Division 23-11B-1 (Building Code).

23-7B-1030 Limited Building Permit

- (A) The Building Official may issue a limited building permit to authorize construction of a portion of a building, structure, or building service equipment before the plans and specifications for the entire project have been submitted or approved if the applicant files information and detailed statements describing the activity to be performed and the Building Official determines that the activity complies with this title.
- (B) The permittee under a limited building permit proceeds with construction at the permittee's risk. A limited building permit does not guarantee that a permit for the entire building or structure will be approved. A permittee does not acquire vested rights under a permit issued under this section.
- (C) The Building Official shall provide a permittee with written documentation stating that the permittee does not acquire vested rights under a limited building permit.

23-7B-1040 Licensed Contractor Required

Unless state law or the technical codes exempt an activity from the permitting or licensing requirements, the following activity must be performed by a licensed contractor:

- (1) activity for which a plumbing, electrical, solar, or mechanical permit is required; and
- (2) activity for which a sidewalk, curb, gutter, or driveway approach permit is required.

23-7B-1050 Asbestos Survey Required For Certain Permits

- (A) Any development must comply with applicable provisions of the Texas Department of State Health Services Asbestos Program.

23-7B-1060 Construction And Demolition Materials Diversion Required

- (A) Except as provided in Subsection (D), each person that applies for a building permit or demolition permit for activities described in Subsection (C) must acknowledge the person's need to comply with this Section and Chapter 15-6, Article 9 (Construction and Demolition Materials Diversion Program) before a building or demolition permit is issued.
- (B) This section is applicable in the City's zoning jurisdiction.
- (C) Except as provided in Subsection (D), construction and demolition materials diversion is required for:
 - (1) construction projects that exceed 5,000 square feet of new, added, or remodeled floor area; and
 - (2) beginning October 1, 2019, commercial and multifamily projects that require a demolition permit.
- (D) Construction and demolition materials diversion is not required for the following activities:
 - (1) projects for which only mechanical, electrical, or plumbing permits are required; or

- (2) work for which a building or demolition permit is not required.

This page intentionally left blank

Division 23-7B-2: Building Permit Applications

Contents

23-7B-2010 Permit Application	1
23-7B-2020 Departmental Review	1
23-7B-2030 Review Periods	1
23-7B-2040 Verification Of Utility Service	2

23-7B-2010 Permit Application

An applicant for a building permit must submit an application on a form prescribed by the Building Official. The application must include the information required in Division 23-11B-1 (Building Code) and Building Criteria Manual.

23-7B-2020 Departmental Review

The Building Official shall submit each application for a building permit to appropriate City departments for review. Each department shall determine whether an application complies with regulations enforced by the department and shall provide its determination to the Building Official.

23-7B-2030 Review Periods

The Building Official shall approve or disapprove an application for the following permits by the deadlines adopted by administrative rule.

Type of permit:

- (1) Commercial buildings, new construction;
- (2) Commercial buildings, remodeling and finish-outs;
- (3) Residential, new construction;
- (4) Residential, remodeling of a complying structure;
- (5) Residential, remodeling of a non-complying structure;
- (6) Sign, other than a nonconforming off-premise sign;
- (7) Replacement of nonconforming off-premise sign;
- (8) Repair of nonconforming off-premise sign;
- (9) Demolition; and
- (10) Relocation.

23-7B-2040 Verification Of Utility Service

When an applicant files an application for a building permit, the applicant must submit verification in the manner prescribed by the Building Official that utilities for the proposed development are available.

Division 23-7B-3: Building Permit Issuance, Appeal, Expiration, and Extension

Contents

23-7B-3010 Expiration And Extension Of Demolition Permit 1

23-7B-3010 Expiration And Extension Of Demolition Permit

- (A) Except as provided in Subsection (C) of this section, a demolition permit expires if:
 - (1) work authorized by the permit does not begin within two years from the date the permit is issued, except as provided in Subsection (C); or
 - (2) the demolition is not complete within six months from the date work begins.
- (B) The Building Official may grant a single one-year extension of a demolition permit if the permittee requests the extension before the permit expires. An extension must be requested in writing.
- (C) If a demolition permit expires after work has begun, a subsequent demolition permit issued for the same structure expires if the work is not complete within six months or a lesser time if required by the building official based on public health and safety.
- (D) An active demolition permit does not prevent expiration of a site plan under Division 23-6C-1 (Expiration).

This page intentionally left blank

Division 23-7B-4: Inspection and Maintenance

Contents

23-7B-4010 Building Permit Inspections..... 1

23-7B-4010 Building Permit Inspections

- (A) Once the required permits are obtained, it is the responsibility of the contractor to obtain all the required inspections as per Chapter 25-12.
- (B) The building official may require additional inspections if the Building Official determines that a hazardous condition exists. An inspection under this subsection must be performed by an inspector approved by the Building Official.

This page intentionally left blank

Article 23-7C: Relocation Permits

Contents

Division 23-7C-1: Relocation Permits Generally

- 23-7C-1010 Relocation Permit Requirement
 - 23-7C-1020 Permit Application
 - 23-7C-1030 Departmental Review
 - 23-7C-1040 Inspection
 - 23-7C-1050 Permit Issuance
 - 23-7C-1060 Permits May Not Be Transferred
-

Division 23-7C-2: Relocation Requirements

- 23-7C-2010 Moving Contractor Required
- 23-7C-2020 Cutting Trees

This page intentionally left blank

Division 23-7C-1: Relocation Permits Generally

Contents

23-7C-1010 Relocation Permit Requirement.....	1
23-7C-1020 Permit Application	1
23-7C-1030 Departmental Review	1
23-7C-1040 Inspection	2
23-7C-1050 Permit Issuance	2
23-7C-1060 Permits May Not Be Transferred.....	2

23-7C-1010 Relocation Permit Requirement

- (A) Except as provided in Subsection (B), a person must obtain a relocation permit to move a building regulated by this title from one site to another or along public right-of-way.
- (B) A relocation permit is not required to move a building that:
 - (1) is specifically designed and constructed to be portable;
 - (2) has a loaded height of not more than 14 feet and a loaded width of not more than 14 feet;
 - (3) is relocated on the same site.

23-7C-1020 Permit Application

A person must submit an application on the appropriate form prescribed by the Building Official.

23-7C-1030 Departmental Review

- (A) The Building Official shall submit each application for a relocation permit to affected city departments for review. The departments shall provide the building official with a recommendation on issuance of the permit.
- (B) The applicant may amend the application if it is disapproved.

23-7C-1040 Inspection

The Building Official shall ensure that inspections are accomplished in accordance with the technical codes adopted by the City.

23-7C-1050 Permit Issuance

The Building Official shall issue a relocation permit if the Building Official determines that:

- (1) the proposed relocation complies with applicable regulations;
- (2) the applicant has paid required fees and deposits; and
- (3) the applicant has obtained all required building permits.

23-7C-1060 Permits May Not Be Transferred

A permittee may not transfer or attempt to transfer a permit or right granted under this division unless the new moving contractor meets the qualifications of Division 23-7C-2.

Division 23-7C-2: Relocation Requirements

Contents

23-7C-2010 Moving Contractor Required	1
23-7C-2020 Cutting Trees.....	1

23-7C-2010 Moving Contractor Required

A building may be moved only by a moving contractor who is bonded and insured in accordance with City rules.

23-7C-2020 Cutting Trees

A permittee may not cut or trim a tree or shrub located on or over:

- (1) a public right-of-way or public land without written permission from the City Arborist; or
- (2) private property without written permission of the applicant or person in control of the property and City Arborist for protected trees as defined in 25-8.

This page intentionally left blank

Article 23-7D: Special Requirement Permits For Historic Structures

Contents

Division 23-7D-1: Historic Structures Generally

- 23-7D-1010 Certificate Of Appropriateness Required
 - 23-7D-1020 Building, Demolition, And Relocation Permits And Certificates Of Appropriateness Relating To Certain Buildings, Structures Or Sites
 - 23-7D-1030 Pendency Of Designation
 - 23-7D-1040 Notice To Historic Preservation Officer Regarding Certain Permits And Site Plans
 - 23-7D-1050 Duty To Preserve And Repair
 - 23-7D-1060 Demolition By Neglect Procedure
 - 23-7D-1070 Enforcement And Penalties
-

Division 23-7D-2: Applications for Certifications

- 23-7D-2010 Action On A Certificate Of Appropriateness
- 23-7D-2020 Action On An Application For Demolition Or Relocation
- 23-7D-2030 Appeal
- 23-7D-2040 Changes Prohibited
- 23-7D-2050 Tolling Of Time Limits For Action

This page intentionally left blank

Division 23-7D-1: Historic Structures Generally

Contents

23-7D-1010	Certificate Of Appropriateness Required	1
23-7D-1020	Building, Demolition, And Relocation Permits And Certificates Of Appropriateness Relating To Certain Buildings, Structures Or Sites	2
23-7D-1030	Pendency Of Designation	4
23-7D-1040	Notice To Historic Preservation Officer Regarding Certain Permits And Site Plans.....	5
23-7D-1050	Duty To Preserve And Repair.....	5
23-7D-1060	Demolition By Neglect Procedure	6
23-7D-1070	Enforcement And Penalties	7

23-7D-1010 Certificate Of Appropriateness Required

- (A) A Certificate of Appropriateness is issued by the City approving work on, relocation of, or demolition of a historic landmark, or a contributing structure within a local historic area (HD) combining district.
- (B) Until a person obtains a certificate of appropriateness from the Historic Landmark Commission or the Historic Preservation Officer, the person may not:
 - (1) change, restore, rehabilitate, alter, remove, or demolish an exterior architectural or site feature of a designated historic landmark or a contributing structure within a locally designated historic district, whether or not a building or demolition permit is required, and including but not limited to the replacement of windows, doors, exterior siding materials, installation of shutters or exterior lighting, or the replacement of roof materials; or
 - (2) change, restore, rehabilitate, alter, remove, or demolish an exterior architectural or site feature of a structure for which a designation is pending under Section 23-7D-1030 (Pendency Of Designation).
- (C) The Historic Preservation Officer may administratively approve certain applications for a Certificate of Appropriateness, including projects which consist of:
 - (1) ordinary repair or maintenance that does not involve changes in architectural and historical value, style, or general design;
 - (2) an accurate restoration or reconstruction of a documented missing historic architectural element of the structure or site, unless a variance or waiver is requested; or
 - (3) changes to the exterior paint color of a historic landmark; or
 - (4) an application for work that does not visually affect the historic character of the structure or site from an adjacent public street, and is limited to the construction of:
 - (a) a ground-floor, one-story rear addition or rear outbuilding
 - (b) a two-story rear addition to a two-story building, so long as the addition is not visible from an adjacent public street; or

- (c) a pool, deck, fence, back porch enclosure, or other minor feature which does not affect the historic context or character of the property.
- (5) signage which conforms to any applicable sign design standards for the property.
- (D) A criminal penalty for a violation of this section applies only to a person who has actual or constructive notice that:
 - (1) the structure is a designated historic landmark or contributing structure within any locally designated historic district; or
 - (2) a designation is pending under Section 23-7D-1030 (Pendency Of Designation).

23-7D-1020 Building, Demolition, And Relocation Permits And Certificates Of Appropriateness Relating To Certain Buildings, Structures Or Sites

- (A) In this section “National Register Historic District” means an area designated in the Federal Register under the National Historic Preservation Act of 1966, as amended, for which maps depicting the area are available for inspection by the public online and at the Planning and Zoning Department.
- (B) Except as provided in Subsection (C), this section applies to a building, structure, or site:
 - (1) located in a National Register Historic District;
 - (2) listed in a professionally prepared survey of historic structures approved by the historic preservation officer;
 - (3) individually listed in the National Register of Historic Places;
 - (4) designated as a Recorded Texas Historic Landmark, a State Archeological Landmark, or a National Historic Landmark;
 - (5) designated as a historic landmark (H) combining district;
 - (6) located within a historic area (HD) combining district; or
 - (7) determined by the Historic Preservation Officer to have met the designation criteria under Subsection (C-2) as a historic landmark.
- (C) This section does not apply to a structure if the Historic Preservation Officer determines that the structure:
 - (1) is less than 50 years old;
 - (2) does not meet at least two of the criteria for designation as a historic landmark (H) combining district prescribed by Section 25-2-352(A)(3)(b) (Historic Designation Criteria); and
 - (3) is not a contributing structure within a National Register Historic District or in a historic area (HD) combining district.
- (D) When the Building Official receives an application requesting a building permit, relocation permit, or demolition permit for a structure to which this section applies, the Building Official shall immediately:
 - (1) notify the Historic Preservation Officer; and
 - (2) upon receipt of notification by the historic preservation officer that the application will be placed upon the Historic Landmark Commission’s agenda, the Building Official

shall post a sign on the site and notify property owners, residents, and registered neighborhood associations in accordance with Division 23-2C-5 (Notice of Application and Administrative Decisions).

- (E) The Historic Landmark Commission shall hold a public hearing on an application described in Subsection (D) within 60 days of receipt of a complete application.
- (F) The Building Official shall not issue a building permit, relocation permit, or demolition permit for a structure to which this section applies until the earlier of:
 - (1) the date the Historic Landmark Commission makes a decision not to initiate a historic zoning designation case regarding the structure;
 - (2) the date on which the Historic Landmark Commission approves an application for a certificate of appropriateness, or an application for a demolition or relocation or makes a recommendation on a building permit in a National Register Historic District;
 - (3) the expiration of 75 days after the date of the first Historic Landmark Commission meeting at which the application is posted on the agenda; or
 - (4) the expiration of 180 days after receipt of a complete application for total demolition of a contributing structure within a National Register Historic District or a pending historic area (HD) combining district.
 - (5) Need another expiration date for National Register Historic District that will not impact local Historic District applications in process.
- (G) If the Historic Landmark Commission makes a decision to initiate a historic zoning designation case, a designation becomes pending on the structure under Section 23-7D-1030 (Pendancy of Designation).
- (H) The Historic Preservation Officer may administratively approve applications for each of the following:
 - (1) Building permits for minor projects on properties located within a National Register Historic District are permitted in only the following situations:
 - (a) construction of a one-story ground-floor rear addition or rear outbuilding;
 - (b) construction of a two-story rear addition to a two-story building or structure if the addition is not visible from an adjacent public street; or
 - (c) construction of a pool, deck, fence, back porch enclosure, or other minor feature which does not affect the historic context or character of the property.
 - (2) Demolition, relocation, or building permits for properties determined non-contributing to the historic character of a National Register Historic District.
- (I) The Building Official may not release a demolition or relocation permit for a building or structure deemed contributing to a National Register Historic District or a historic area (HD) combining district until the Historic Landmark Commission has reviewed and made recommendations on the application for a building permit for the site, unless the Building Official determines that demolition or relocation is necessary for reasons related to public safety.

23-7D-1030 Pendency Of Designation

- (A) A building, structure, or site is subject to this article if a designation as a historic landmark is pending. A permit issued for a building, structure, or site while a designation as a historic landmark is pending is void.
- (B) A designation is pending under Subsection (A) on the occurrence of the earliest of the following:
 - (1) two members of the Historic Landmark Commission direct the historic preservation officer in writing or a valid vote of the Historic Landmark Commission at a public meeting to place the building, structure, or site on the Historic Landmark Commission's agenda for consideration of whether the building, structure, or site should be designated as a historic landmark; or
 - (2) a Historic Landmark Commission agenda is posted that includes the Historic Landmark Commission's consideration of whether the building, structure, or site should be designated as a historic landmark.
 - (3) a Historic Landmark Commission agenda is posted that includes the Historic Landmark Commission's consideration of an application for a demolition, relocation, or building permit concerning the building, structure, or site.
- (C) A written order issued by a member of the Historic Landmark Commission or a valid vote of the Historic Landmark Commission under Section (B-1) must address:
 - (1) whether the structure should be considered for historic zoning;
 - (2) whether the status quo of the structure should be maintained pending historic zoning proceedings; and
 - (3) whether, if the status quo is not maintained pending historic zoning proceedings, the zoning of the structure as historic may become moot.
- (D) A designation is no longer pending if:
 - (1) the Historic Landmark Commission issues a certificate of appropriateness for the work proposed in the application, or releases the applicant's demolition, relocation, or building permit, as applicable;
 - (2) the Historic Landmark Commission does not make a final decision on whether to recommend designation of the structure as a historic landmark by the 75th day after the date of the first Historic Landmark Commission meeting at which an item is posted on the agenda for action on an application for demolition, relocation, or a building permit; or
 - (3) the Historic Landmark Commission makes a final decision to recommend that the structure not be designated a historic landmark; or
 - (4) the Council makes a final decision not to designate the structure as a historic landmark.
- (E) The historic preservation officer shall provide the Building Official with a copy of each written order, agenda, or preservation plan described in Subsection (B), as promptly as practicable. The failure to do so does not validate a building permit, relocation permit, or demolition permit issued without notice of the written order or agenda.

- (F) An applicant or owner entitled to notice under this section may appeal the Historic Landmark Commission action under this section to Council consistent with the requirements of Section 23-7D-2030 (Appeal).

23-7D-1040 Notice To Historic Preservation Officer Regarding Certain Permits And Site Plans

- (A) The Building Official must notify the historic preservation officer before the Building Official may issue a permit for a structure over 50 years old.

23-7D-1050 Duty To Preserve And Repair

- (A) The applicant, or other person having legal custody and control of a designated historic landmark or contributing structure in a local historic district or National Register Historic District, shall preserve the historic landmark or contributing structure against decay and deterioration and shall keep it free from any of the following defects:
 - (1) parts which are improperly or inadequately attached so that they may fall and injure persons or property;
 - (2) deteriorated foundation as defined in the Building Code;
 - (3) defective or deteriorated, as defined in the Building Code floor supports or floor supports that are insufficient to carry the loads imposed;
 - (4) walls, partitions, or other vertical supports that split, lean, list, or buckle due to defect or deterioration or are insufficient to carry the loads imposed;
 - (5) ceilings, roofs, ceiling or roof supports, or other horizontal members which sag, split, or buckle due to defect or deterioration or are insufficient to support the loads imposed;
 - (6) fireplaces and chimneys which list, bulge, or settle due to defect or deterioration or are of insufficient size or strength to carry the loads imposed;
 - (7) deteriorated, crumbling, or loose exterior stucco or mortar, rock, brick, or siding;
 - (8) broken, missing, or rotted roofing materials or roof components, window glass, sashes, or frames, or exterior doors or door frames; or
 - (9) any fault, defect, or condition in the structure which renders it structurally unsafe as defined by the Building Code or not properly watertight.
- (B) The applicant or other person having legal custody and control of a designated historic landmark or contributing structure in a local historic district or National Register Historic District shall, in keeping with the City's minimum housing standards, repair the landmark or structure if it is found to have any of the defects listed in Subsection (A) of this section
- (C) The applicant or other person having legal custody and control of a designated historic landmark, or a building, object, site, or contributing structure in a Local Historic District or National Register Historic District, shall keep the property clear of all vermin, weeds, fallen trees or limbs, debris, abandoned vehicles, and all other refuse as specified under the City Code Chapter 9-1 (Abandoned Property and Vehicles), and Chapter 10-5 (Miscellaneous Public Health Regulations), Articles 2, 3, and 4.

- (D) The applicant of a residence with a homestead exemption as defined under state law may apply to Council for an exemption from the requirements of this section. Council may grant an exemption on a showing of financial inability to comply with the requirements of this section. An exception under this subsection may be limited in time and may be subject to terms and conditions deemed necessary by Council.

23-7D-1060 Demolition By Neglect Procedure

- (A) Demolition by neglect means lack of maintenance of any building or structure designated or pending designation as a historic landmark (H) or any building or structure designated by ordinance as contributing to a historic area (HD) combining district or National Register Historic District, that results in deterioration and threatens the preservation of the structure.
- (B) The historic preservation officer and the Historic Landmark Commission are authorized to work with the applicant to devise a plan to stabilize, maintain, rehabilitate, and preserve a structure subject to this section, and identify resources available before taking enforcement action under this section.
- (C) Except as provided in Subsection (C), the following procedures apply to enforcement of this chapter.
- (1) The Historic Landmark Commission or the historic preservation officer may initiate an investigation of whether a property is being demolished by neglect.
 - (2) Upon initiation of an investigation, the historic preservation officer shall, in writing:
 - (a) attempt to meet with the applicant to inspect the structure and discuss the resources available for financing any necessary repairs;
 - (b) ask Code Compliance staff to investigate the condition of the structure and prepare a report detailing conditions that affect the long-term preservation of the structure; and
 - (c) prepare a written report for the Historic Landmark Commission on the condition of the structure, and the repairs needed to maintain and stabilize the structure. The historic preservation officer will further report on meetings and agreements between the historic preservation office and the applicant to address issues affecting the long-term preservation of the structure, including agreements on the amount of time needed to complete the repairs.
 - (3) The Historic Landmark Commission shall review the historic preservation officer's report and may vote to certify the property as a demolition by neglect case.
 - (4) If the Historic Landmark Commission certifies the property as a demolition by neglect case, the historic preservation officer shall take the following actions:
 - (a) Send notice to the applicant or the applicant's agent, by certified mail, describing the required repairs and specifying:
 - (i) that repairs must be started within 60 days; and
 - (ii) a date by which repairs must be completed, as determined by the historic preservation officer.
 - (b) Meet with the applicant within 90 days after the notice is sent, to discuss progress in making repairs and consider any issues that may delay completion of repairs.

- (5) The Historic Preservation Officer may refer a demolition by neglect case to the Building and Standards Commission, the City Attorney, or the appropriate City department for enforcement action to prevent demolition by neglect if the applicant fails to:
 - (a) start repairs by the deadline set in the notice;
 - (b) make continuous progress toward completion; or
 - (c) complete repairs by the deadline set in the notice.
 - (6) The Historic Preservation Officer shall provide notice of a referral under Subsection (B-5) of this section to the applicant. The applicant may appeal the historic preservation officer's referral to Council.
- (D) If immediate enforcement is necessary to prevent imminent destruction or harm to a designated historic landmark or contributing structure, the historic preservation officer may refer the contributing structure or landmark to the appropriate City department to enforce this chapter and to seek correction of any condition prohibited under Section 23-7D-1050 (Duty to Preserve and Repair).

23-7D-1070 Enforcement And Penalties

- (A) A person may not violate a requirement of this article. Pursuant to Section 214.0015 (Additional Authority Regarding Substandard Buildings) of the Texas Local Government Code, a person who violates a requirement of this article commits a civil offense, and is civilly liable to the City in an amount not to exceed \$1,000 per day for each violation or an amount not to exceed \$10 per day for each violation if the property is the applicant's lawful homestead.
- (B) A person who violates this article commits an offense. An offense under this article is a Class C misdemeanor punishable as provided in Section 1-1-99 (Offenses; General Penalty).
- (C) An action to enforce the requirements of this article may include injunctive relief and may be joined with enforcement of applicable City technical codes under Chapter 23-11 (Technical Codes).
- (D) If a building, object, site or structure covered by this section is required to be demolished as a public safety hazard and the applicant has received two (2) or more notices of violation under Subsection 23-7D-1060 (Demolition by Neglect Procedure), no application for a permit for a project on the property may be considered for a period of three years from the date of demolition of the structure.

This page intentionally left blank

Division 23-7D-2: Applications for Certifications

Contents

23-7D-2010 Action On A Certificate Of Appropriateness	1
23-7D-2020 Action On An Application For Demolition Or Relocation	1
23-7D-2030 Appeal	2
23-7D-2040 Changes Prohibited.	2
23-7D-2050 Tolling Of Time Limits For Action	2

23-7D-2010 Action On A Certificate Of Appropriateness

- (A) If the Historic Landmark Commission determines that the proposed work will not adversely affect a significant architectural or historical feature of the designated historic landmark or contributing structure within a historic area (HD) combining district:
 - (1) the Historic Landmark Commission shall issue a certificate of appropriateness; and
 - (2) the Historic Landmark Commission shall provide the certificate to the Building Official not later than the 30th day after the date of the public hearing.
 - (3) The Building Official shall provide the certificate to the applicant not later than the fifth day after the day the Building Official receives the certificate from the commission.
- (B) If the Historic Landmark Commission determines that the proposed work will adversely affect or destroy a significant architectural or historical feature of the designated historic landmark or contributing structure within a historic area (HD) combining district:
 - (1) the Historic Landmark Commission shall notify the Building Official that the application has been disapproved; and
 - (2) the Historic Landmark Commission shall, not later than the 30th day after the date of the public hearing notify the applicant of:
 - (a) the disapproval; and
 - (b) the changes in the application that are necessary for the Historic Landmark Commission’s approval.
- (C) In making a determination under this section, the Historic Landmark Commission shall consider the United States Secretary of the Interior’s Standards for Rehabilitation, 36 Code of Federal Regulations Section 67.7(b).

23-7D-2020 Action On An Application For Demolition Or Relocation

- (A) This section applies to an application (A) demolition or relocation under Division 23-7D-1020 (Building, Demolition, And Relocation Permits And Certificates Of Appropriateness Relating To Certain Buildings, Structures Or Sites).

- (B) The Historic Landmark Commission may consider:
 - (1) the reasonableness of the cost of restoration or repair;
 - (2) the existing or potential usefulness, including economic usefulness, of the building;
 - (3) the purpose of preserving the structure as a historic landmark;
 - (4) the character of the neighborhood or historic district; and
 - (5) other factors the Historic Landmark Commission determines to be appropriate.
- (C) The Historic Landmark Commission shall release the application for demolition or relocation to the Building Official if the Historic Landmark Commission determines that:
 - (1) the interest of historic preservation will not be adversely affected by the demolition or relocation; or
 - (2) the interest of historic preservation can be best served by the removal of the structure to another identified location.
- (D) The Building Official shall notify the applicant not later than the fifth day after the certificate is issued.

23-7D-2030 Appeal

- (A) An applicant may appeal an action of the Historic Landmark Commission under Division 23-7D-2010 (Action On A Certificate Of Appropriateness) or Division 23-7D-2010 (Action On An Application for Demolition or Relocation). An interested party may appeal a decision of the Historic Landmark Commission to demolish a designated historic landmark.
- (B) A decision by the land use commission on an appeal may be appealed to Council.
- (C) Except as provided by Subsection (D), an appeal must be made in accordance with the appeal procedures in Chapter 23-1X (Appeals).

23-7D-2040 Changes Prohibited

- (A) An applicant cannot deviate from a design that has been approved after the Historic Landmark Commission or Historic Preservation Office review of a National Register Historic District building or demolition permit or after a certificate of appropriateness has been issued for a historic landmark or a contributing structure within a historic area (HD) combining district unless another application is submitted, the change is approved by the Historic Landmark Commission or the Historic Preservation Office, and the applicant receives a certificate of appropriateness for the change.
- (B) The procedure for obtaining a certificate of appropriateness for a change is the same as for obtaining the initial certificate of appropriateness.

23-7D-2050 Tolling Of Time Limits For Action

For purposes of the time limits for action in Divisions 23-7D-1020 (Building, Demolition, And Relocation Permits And Certificates Of Appropriateness Relating To Certain Buildings, Structures Or Sites), 23-7D-1030 (Pendency of Designation, and 23-7D-2010 (Action On A Certificate Of Appropriateness), a postponement requested or agreed to by the applicant or delegated agent tolls the running of the time limit from the date of the request until the date of the meeting to which the case has been postponed.

This page intentionally left blank



This page intentionally left blank

Contents**23-9A Purpose and Applicability**

- 23-9A-1010 Purpose
- 23-9A-1020 Applicability
- 23-9A-1030 Interpretations
- 23-9A-1040 Sign Definitions
- 23-9A-1050 Sign Measurements

23-9B Sign Permits and Procedures

- 23-9B-1010 Sign Registration
- 23-9B-1020 Sign Installation Permit
- 23-9B-1030 Inspection
- 23-9B-1040 Enforcement & Implementation
- 23-9B-1050 Authorization to Exceed Size or Height Restriction
- 23-9B-1060 Variances
- 23-9B-1070 Nonconforming Signs

23-9C Regulations Applicable to All Zones

- 23-9C-1010 Signs allowed in all Zones without a Sign Installation Permit
- 23-9C-1020 Signs Prohibited in all Zones
- 23-9C-1030 Signs Prohibited in the Right of Way
- 23-9C-1040 General Requirements

23-9D Regulations Applicable to Certain Sign Zones

- 23-9D-1010 Sign Zones Described; Hierarchy Established
- 23-9D-1020 Determination of Applicable Sign Zone
- 23-9D-1030 Regulations Applicable to Transect Zones
- 23-9D-1040 Regulations Applicable to Non-Transect Zones

23-9E Other Sign Types

Due to the Supreme Court's decision in Reed v. Town of Gilbert and several subsequent lower court decisions, the draft Sign Regulations prepared by the consultant team require further revisions. Anticipated release date for these provisions is April 2017

Table 23-8B-2020.A: Austin Sign Types Overview for Transect Zones



Awning/Canopy Sign
A traditional shopfront fitting intended to protect merchants' wares, keep shopfront interiors shaded and cool in hot weather, and reduce glare for better visibility of interior.



Directory Sign
A sign that provides a listing of establishments within a building or series of buildings, entrance, and parking locations.



Hanging Sign
A sign mounted to the underside of beams or ceilings of a porch, breezeway, or similar covered area. These signs are small, pedestrian scaled, and easily read from both sides.



Landscape Wall Sign
A sign attached to freestanding walls that contain landscaping and are often used to mark a place of significance or the entrance to a site.



Marquee Sign
A vertical sign that is located either along the building's street facade, where it projects perpendicular to the facade, or at the corner of the building, where it projects at a 45 degree angle.



Pole/Monument Sign
A variety of signs that are not attached to a building and have an integral support structure. Two varieties allowed: Monument and Pole.



Projecting Sign
A sign mounted perpendicular to a building's facade. These signs are small, pedestrian-scaled, and easily read from both sides.



Roof Sign
A sign mounted atop a sloping roof in instances where no walls exist to accommodate a building-mounted sign.



Wall Sign
A sign mounted flat against the facade, consisting of individual cut letters applied directly to the building, raised letters on a panel, or letters painted directly on the surface of the building.



Wall Mural Sign
A flat sign against a secondary facade, typically along a side street, alley, or paseo. These signs are typically painted directly on the building and contain a combination of text and graphic elements.



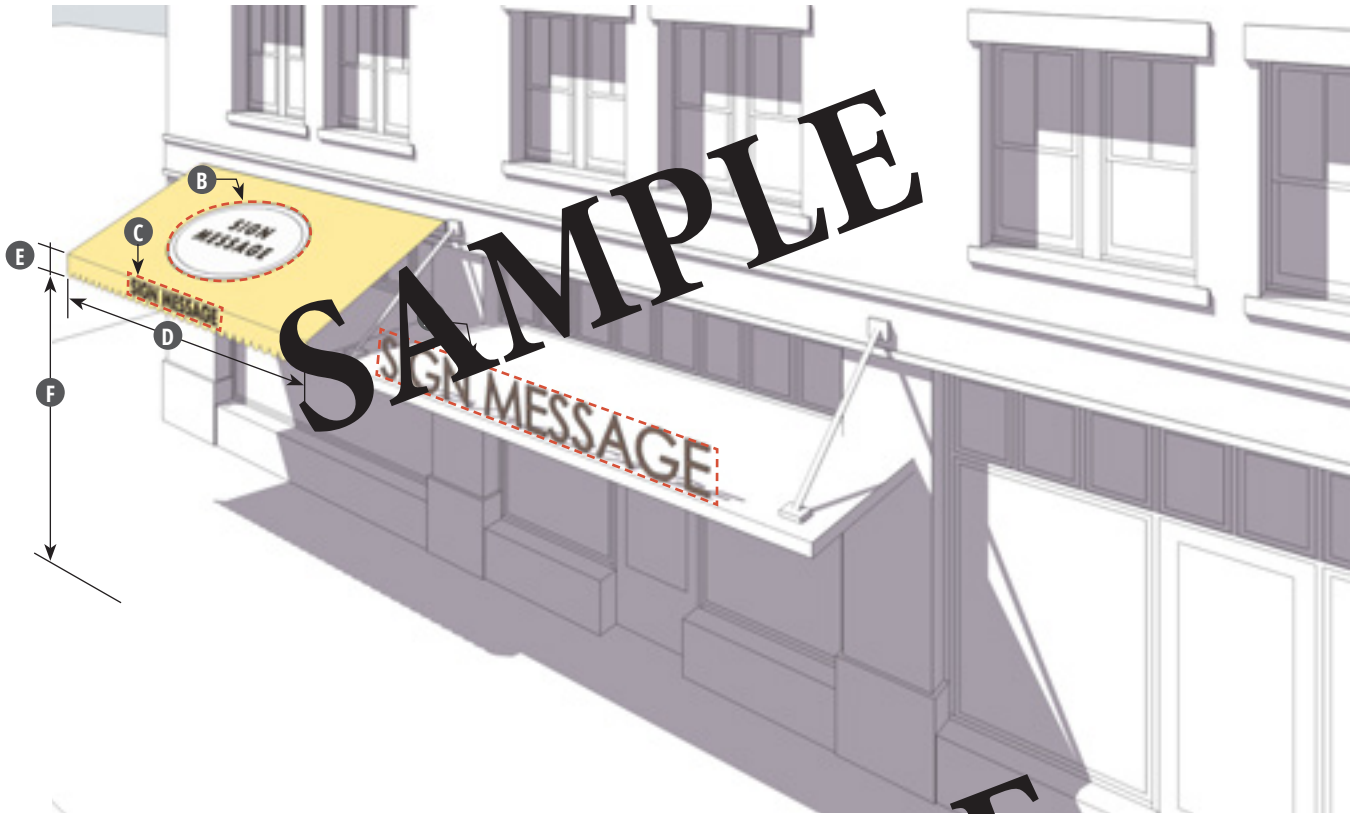
Window Sign
A sign consisting of professionally painted individual letters and designs applied directly on the inside of a window.



Yard Sign
A sign mounted on a porch or in a yard between the public right-of-way and the building facade.

A. Awning/Canopy Signs

- T3NE T3N T4N T4MS T5N T5U T5MS T6U T6UC



Description

The Awning/Canopy Sign Type is a traditional shopfront fitting and can be used to protect merchants' wares and keep shopfront interiors shaded and cool in hot weather. Retail tenant signs may be painted, screen printed, or applied on the awning.

Location

Clear height 8' min. **F**
 Signs per Awning 1 projecting, or 1 valance and 1 sloping plane, max.

Size

Projecting		
Signable Area	1 sf per linear foot of shopfront max.	A
Sloping Plane		
Signable Area	25% coverage max.	B
Valance		
Signable Area	75% coverage max.	C
Width	Shopfront width, max.	D
Height	8" min.; 16" max.	E

Miscellaneous

Close-ended awnings are not allowed.
 Vinyl or plastic awnings are not allowed.

Key **T#** Allowed **T#** By Director **T#** Not Allowed

This page intentionally left blank

Transportation



This page intentionally left blank

Contents**Article 23-9A: General Provisions****Division 23-9A-1: General Provisions**

- 23-9A-1010 Intent
- 23-9A-1020 Subdivisions in Travis County Portion of Extraterritorial Jurisdiction
- 23-9A-1030 Variances

Article 23-9B: Right-Of-Way and Transportation Improvements**Division 23-9B-1: General Provisions**

- 23-9B-1010 Applicability
- 23-9B-1020 Establishing Building Lines
- 23-9B-1030 Measuring Setbacks
- 23-9B-1040 Proportionality Of Required Infrastructure
- 23-9B-1050 Dedication And Reservation Of Right-Of-Way
- 23-9B-1060 Constructing A Structure Or Improvement In Reserved Right-Of-Way Prohibited
- 23-9B-1070 Agreement For Temporary Use of Reserved Right-Of-Way
- 23-9B-1080 Alignment
- 23-9B-1090 Appeal Of Director's Decision For Dedication Or Reservation Of Right-Of-Way

Article 23-9C: Transportation Impact Analysis and Mitigation**Division 23-9C-1: Offsite Transportation Improvements**

- 23-9C-1010 Mitigation Of Transportation Impacts
- 23-9C-1020 Establishing Building Lines

Division 23-9C-2: Traffic Impact Analysis and Neighborhood Impact Analysis

- 23-9C-2010 Traffic Impact Analysis Described
- 23-9C-2020 Traffic Impact Analysis Required
- 23-9C-2030 Neighborhood Traffic Impact Analysis Described
- 23-9C-2040 Neighborhood Traffic Impact Analysis Required
- 23-9C-2050 Qualitative Active Mode Analysis For Development Projects
- 23-9C-2060 Standards For Traffic Impact Analysis
- 23-9C-2070 Waiver Authorized

Division 23-9C-3: Approval Process

- 23-9C-3010 Action On Application
- 23-9C-3020 Application Modification Based On Traffic Analysis
- 23-9C-3030 Appeal Of Director Action

Article 23-9D: Street Design

Division 23-9D-1: Roadways Generally

23-9D-1010	Standards For Design And Construction
23-9D-1020	Street Names
23-9C-1030	Street Signs

Division 23-9D-2: Roadways In Water Supply Rural Watersheds Or Water Supply Suburban Watershed

23-9D-2010	Applicability
23-9D-2020	Streets In Critical Water Quality Zone Or Water Quality Buffer Zone
23-9D-2030	Street Cross-Section Design
23-9D-2040	Modifications To Street Design

Article 23-9E: Driveway, Sidewalk, Urban Trail, And Right-Of-Way Construction

Division 23-9E-1: Construction License

23-9E-1010	License Required
23-9E-1020	Application; Bond
23-9E-1030	License Approval Standard
23-9E-1040	License Fee
23-9E-1050	License Term; Suspension and Revocation

Division 23-9E-2: Right-Of-Way Permit

23-9E-2010	Permit Required For A Project
23-9E-2020	Application
23-9E-2030	Permit For Driveway Approach
23-9E-2040	Driveway Approach Design
23-9E-2050	Automatic Revocation
23-9E-2060	Automatic Suspension
23-9E-2070	Enforcement

Division 23-9E-3: General Design and Maintenance Requirements

- 23-9E-3010 Compliance Required
- 23-9E-3020 Design and Construction Standards
- 23-9E-3030 Establishing Line and Grade
- 23-9E-3040 Alternate Materials, Designs, and Construction Standards
- 23-9E-3050 Removing Existing Curb Openings or Driveway Approaches
- 23-9E-3060 Relocation or Replacement of Certain Facilities or Trees
- 23-9E-3070 Inspection Procedures
- 23-9E-3080 Roadway Maintenance
- 23-9E-3090 Driveway Maintenance
- 23-9E-3100 Defective Conditions or Special Uses

Division 23-9E-4: Conditions for Approval of Development Applications

- 23-9E-4010 Existing Driveway
- 23-9E-4020 Driveway Closing and Curb Construction
- 23-9E-4030 Alleyways

Division 23-9E-5: Sidewalks & Urban Trails

- 23-9E-5010 Sidewalk and/or Urban Trail Installation in Subdivisions
- 23-9E-5020 Sidewalk and/or Urban Trail Installation with Site Plans
- 23-9E-5030 Sidewalk Installation and/or Urban Trail with Building or Relocation Permit
- 23-9E-5040 Payment Instead of Sidewalk and/or Urban Trail Installation or Reconstruction
- 23-9E-5050 Sidewalk Requirements

Article 23-9F: Access to Major Roadways

Division 23-9F-1: Access to Major Roadways

- 23-9F-1010 Minimum Frontage for Access for Existing Streets
- 23-9F-1020 Minimum Frontage for Access for Planned or Newly Constructed Streets
- 23-9F-1030 Property Subject to Condemnation
- 23-9F-1040 Joint-Use Driveways

Article 23-9G: Transportation Demand Management

Division 23-9G-1: Transportation Demand Management

23-9G-1010	Purpose
23-9G-1020	Applicability
23-9G-1030	Requirements
23-9G-1040	Monitoring, Reporting, and Compliance
23-9G-1050	Fees
23-9G-1060	Program Standards

Article 23-9H: Connectivity

Division 23-9H-1: Connectivity

23-9H-1010	Applicability
23-9H-1020	Street Alignment and Connectivity
23-9H-1030	Dead End Streets
23-9H-1040	Block Length
23-9H-1050	Subdivision and Site Plan Access

Article 23-9I: Road Utility Districts

Division 23-9I-1: Approval of Petition

23-9I-1010	Applicability
23-9I-1020	Pre-Application Process
23-9I-1030	Contents of Petition
23-9I-1040	Conditions for Approval
23-9I-1050	Review Process
23-9I-1060	City Council Review and Action
23-9I-1070	Annexation Petitions and Petitions for Construction of Facilities Outside the Road Utility District

Division 23-9I-2: Construction of Facilities

23-9I-2010	Submittal of Construction Plans
23-9I-2020	Approval of Bond-Financed Activities
23-9I-2030	Construction Inspection
23-9I-2040	Notice of Conveyance
23-9I-2050	Representation by City Manager

Article 23-9A: General Provisions

Contents

Division 23-9A-1: General Provisions

- 23-9A-1010 Intent
- 23-9A-1020 Subdivisions In Travis County Portion Of Extraterritorial Jurisdiction
- 23-9A-1030 Variances

This page intentionally left blank

Division 23-9A-1: General Provisions

Contents

23-9A-1010	Intent	1
23-9A-1020	Subdivisions in Travis County Portion of Extraterritorial Jurisdiction	1
23-9A-1030	Variances.....	1

23-9A-1010 Intent

- (A) The Vision of the Transportation Chapter is to provide guidance for transportation that help the City of Austin:
 - (1) Grow as a compact, connected city,
 - (2) Use green infrastructure to protect environmentally sensitive areas and integrate nature into the city,
 - (3) Provide paths to prosperity for all,
 - (4) Develop as an affordable and healthy community,
 - (5) Sustainably manage water resources, and other environmental resources,
 - (6) Think creatively and work together.
- (B) The Goals of the Transportation Chapter are to:
 - (1) Promote Complete Streets to serve all roadway users, pedestrians, bicyclists, transit riders, and motorists regardless of age or ability.
 - (2) Provide safe and efficient movement of people, goods, and services.
 - (3) Integrate roadways into the existing and future context of the adjacent land uses and the built environment.

23-9A-1020 Subdivisions in Travis County Portion of Extraterritorial Jurisdiction

Title 30 (Austin/Travis County Subdivision Regulations) prescribes transportation requirements for a subdivision in the portion of the city's extraterritorial jurisdiction that is within Travis County. Title 30 (Austin/Travis County Subdivision Regulations) supersedes this chapter to the extent of conflict.

23-9A-1030 Variances

- (A) Prior to submitting a variance request through the process described below, the applicant must request the City traffic engineer to provide a documented professional opinion statement regarding the variance request. This documentation must accompany the request for variance.

- (B) The variance request and application shall comply with Division 23-2F-1 Variances and Special Exceptions.
- (C) Approval criteria. The Board of Adjustment or Land Use Commission may grant a variance from a requirement if it determines that:
 - (1) An unusual condition exists that is unique to the property that would deprive the owner of rights commonly enjoyed by other property owners similarly situated in the same zoning district; and
 - (2) The unusual condition shall not arise from a previous Code violation or rely only on loss of profit or financial need; and
 - (3) Is the minimum change necessary to avoid the deprivation of a privilege given to other property owners and to allow a reasonable use of the property; and
 - (4) Development under the variance will not create a safety hazard or any other condition that is inconsistent with the objectives of the Code.

Article 23-9B: Right-Of-Way and Transportation Improvements

Contents

Division 23-9B-1: General Provisions

23-9B-1010	Applicability
23-9B-1020	Establishing Building Lines
23-9B-1030	Measuring Setbacks
23-9B-1040	Proportionality Of Required Infrastructure
23-9B-1050	Dedication And Reservation Of Right-Of-Way
23-9B-1060	Constructing A Structure Or Improvement In Reserved Right-Of-Way Prohibited
23-9B-1070	Agreement For Temporary Use of Reserved Right-Of-Way
23-9B-1080	Alignment
23-9B-1090	Appeal Of Director's Decision For Dedication Or Reservation Of Right-Of-Way

This page intentionally left blank

Division 23-9B-1: General Provisions

Contents

23-9B-1010	Applicability	1
23-9B-1020	Establishing Building Lines	1
23-9B-1030	Measuring Setbacks	1
23-9B-1040	Proportionality Of Required Infrastructure	2
23-9B-1050	Dedication And Reservation Of Right-Of-Way	2
23-9B-1060	Constructing A Structure Or Improvement In Reserved Right-Of-Way Prohibited	2
23-9B-1070	Agreement For Temporary Use of Reserved Right-Of-Way	2
23-9B-1080	Alignment	3
23-9B-1090	Appeal Of Director's Decision For Dedication Or Reservation Of Right-Of-Way	3

23-9B-1010 Applicability

- (A) Except as provided in Subsection (B), this article applies to land for which an owner files an application for:
- (1) Zoning or rezoning;
 - (2) Preliminary plan or final plat approval;
 - (3) Site plan approval;
 - (4) A minor revision of an approved site plan.
- (B) This article does not apply to an application for:
- (1) A development permit for a lot in the extraterritorial jurisdiction of the City; or
 - (2) A site plan application for a developed property or a site plan revision application for a property with an approved site plan that is filed to relocate facilities from an area of the property to be condemned for right-of-way.

23-9B-1020 Establishing Building Lines

The provisions of this article relating to the reservation and dedication of right-of-way, do not preclude the City from establishing a building line on a right-of-way under state law.

23-9B-1030 Measuring Setbacks

A setback line prescribed under this title is measured from the boundary of the right-of-way adjacent to the property.

23-9B-1040 Proportionality Of Required Infrastructure

Section A will discuss the requirement for the applicant's costs for offsite infrastructure improvements be roughly proportionate, per state law, to the project's impact on the transportation network.

Section B will discuss the role of the director to issue a written determination of the applicant's roughly proportionate share of infrastructure costs prior to approval of an application.

Section C will discuss the role of the director to issue a written list of all required infrastructure improvements prior to approval of an application.

Section D will discuss the role of the director to adopt administrative guidelines and requirements for applicants to aid in making proportionality determinations and identifying required infrastructure improvements .

Anticipated completion of this section is expected to be April 2017.

23-9B-1050 Dedication And Reservation Of Right-Of-Way

Except as provided in Section 23-9B-1070 (Agreement for Temporary Use of Reserved Right-Of-Way), a person may not erect a structure or make an improvement in a reserved right-of-way.

Section A will discuss the City's ability to require reservation or dedication of right-of-way and public access easements for public use as a condition of approval of an application.

Section B will discuss the extent and location of dedication or reservation be in conformance with the Transportation Plan.

Section C will discuss required dedications and easements be subject to rough proportionality per state law.

Section D will discuss the director's ability to defer dedication and reservation from one stage of development process to a later one.

Anticipated completion of this section is expected to be April 2017.

23-9B-1060 Constructing A Structure Or Improvement In Reserved Right-Of-Way Prohibited

Except as provided in Section 23-9B-1070 (Agreement for Temporary Use of Reserved Right-Of-Way), a person may not erect a structure or make an improvement in a reserved right-of-way.

23-9B-1070 Agreement For Temporary Use of Reserved Right-Of-Way

- (A) The City may, by written agreement issued by the Transportation Director, or designee, authorize use of reserved right-of-way for a temporary structure or improvement, including a parking area, landscaping, and sign.

- (B) The agreement must contain:
 - (1) An expiration date or trigger for the use of the right-of-way;
 - (2) The method the City will use to notify the property owner that a temporary improvement must be removed;
 - (3) A requirement that the property owner replace the improvements on the remainder of the property when the temporary improvements are removed, if the improvements are required by the City Code;
 - (4) The applicant's address for notification; and
 - (5) A penalty for failure to remove a temporary improvement within the specified time for the removal.
- (C) The applicant must post adequate escrow so that the City can remove temporary improvements if the developer is unable to complete the work.

23-9B-1080 Alignment

- (A) The Transportation Director shall determine and approve the alignment of right-of-way during:
 - (1) The review and approval process for a development application; or
 - (2) If a property owner files an appeal to the dedication and reservation requirements under Section 23-9B-1090 (Appeal of Director's Decision for Dedication or Reservation of Right-of-Way).
- (B) The alignment of right-of-way is based on:
 - (1) The alignment established in the Transportation Plan, collector plan, or Capital Improvement Project; and
 - (2) Engineering criteria, including grade, sight distance, turning radii, curvature, and the existence of a flood plain.
- (C) In an area designated for a state roadway project, alignment may be established by the Texas Department of Transportation or their authorized agent.
- (D) For an existing or platted street, the alignment is based on:
 - (1) The existing centerline established before an additional dedication from the opposite side of the right-of-way occurs; or
 - (2) If the centerline of the street is proposed to be shifted from its present alignment, the proposed right-of-way centerline.
- (E) If the alignment for a roadway cannot be determined under Subsection (D), the right-of-way shall be established equally on each side of the centerline of the existing roadway.

23-9B-1090 Appeal Of Director's Decision For Dedication Or Reservation Of Right-Of-Way

- (A) An applicant may appeal the requirement to dedicate or reserve right-of-way to the Land Use Commission.

- (B) An owner of property who does not have a development application pending with the City may appeal to the Land Use Commission the requirements of this article if 15 percent or more of the property is or would be subject to the dedication of right-of-way requirements under Section 23-9B-1050 (Dedication or Reservation of Right-of-Way).

Article 23-9C: Transportation Impact Analysis and Mitigation

Contents

Division 23-9C-1: Offsite Transportation Improvements

- 23-9C-1010 Mitigation Of Transportation Impacts
 - 23-9C-1020 Establishing Building Lines
-

Division 23-9C-2: Traffic Impact Analysis and Neighborhood Impact Analysis

- 23-9C-2010 Traffic Impact Analysis Described
 - 23-9C-2020 Traffic Impact Analysis Required
 - 23-9C-2030 Neighborhood Traffic Impact Analysis Described
 - 23-9C-2040 Neighborhood Traffic Impact Analysis Required
 - 23-9C-2050 Qualitative Active Mode Analysis For Development Projects
 - 23-9C-2060 Standards For Traffic Impact Analysis
 - 23-9C-2070 Waiver Authorized
-

Division 23-9C-3: Approval Process

- 23-9C-3010 Action On Application
- 23-9C-3020 Application Modification Based On Traffic Analysis
- 23-9C-3030 Appeal Of Director Action

This page intentionally left blank

Division 23-9C-1: Offsite Transportation Improvements

Contents

23-9C-1010	Mitigation Of Transportation Impacts.....	1
23-9C-1020	Establishing Building Lines	1

23-9C-1010 Mitigation Of Transportation Impacts

Section A will discuss the role of the director to require an applicant to construct or fund offsite improvements to mitigate traffic impacts of his or her development.

Section B will discuss the role of the director to require an applicant to construct or fund offsite improvements to mitigate traffic impacts of his or her development if a development does not require a traffic impact analysis, under certain conditions.

Section C will discuss the role of the director to require an applicant to construct or fund offsite improvements to mitigate traffic impacts identified in a traffic impact analysis.

Section D will discuss the requirement that offsite improvements not exceed the roughly proportionate share of infrastructure costs per state law.

Section E will discuss transportation demand management as a mitigation strategy.

Anticipated completion of this section is expected to be April 2017.

23-9C-1020 Establishing Building Lines

This section will discuss the establishment of building lines consistent with right-of-way needs established by the Transportation Plan.

Anticipated completion of this section is expected to be April 2017.

This page intentionally left blank

Division 23-9C-2: Traffic Impact Analysis and Neighborhood Impact Analysis

Contents

23-9C-2010	Traffic Impact Analysis Described.	1
23-9C-2020	Traffic Impact Analysis Required.	1
23-9C-2030	Neighborhood Traffic Impact Analysis Described	1
23-9C-2040	Neighborhood Traffic Impact Analysis Required	1
23-9C-2050	Qualitative Active Mode Analysis For Development Projects	2
23-9C-2060	Standards For Traffic Impact Analysis	2
23-9C-2070	Waiver Authorized.	2

23-9C-2010 Traffic Impact Analysis Described

This section will define the role and contents of a traffic impact analysis.
 Anticipated completion of this section is expected to be March 2017.

23-9C-2020 Traffic Impact Analysis Required

Section A will discuss the threshold for requiring a traffic impact analysis.
 Section B will discuss the role of the director to require the applicant to submit a supplemental traffic impact analysis.
 Section C will discuss the timeline to submit a required supplemental traffic impact analysis.
 Anticipated completion of this section is expected to be March 2017.

23-9C-2030 Neighborhood Traffic Impact Analysis Described

This section will define the role and contents of a neighborhood traffic analysis.
 Anticipated completion of this section is expected to be March 2017.

23-9C-2040 Neighborhood Traffic Impact Analysis Required

Section A will discuss the threshold for requiring a traffic impact analysis.
 Section B will discuss the requirement for an applicant to conduct a traffic count for streets affected by a proposed development.
 Section C will define a residential, local, and collector street.
 Section D will discuss how planned unit development zoning is considered.

Section E will discuss how street segments are considered.

Anticipated completion of this section is expected to be March 2017.

23-9C-2050 Qualitative Active Mode Analysis For Development Projects

Section A will discuss the requirement for traffic impact analysis to include pedestrian and bicycle modes for land uses generating these types of trips.

Section B will discuss the requirement for transportation demand management analysis on applicable development projects.

Anticipated completion of this section is expected to be March 2017.

23-9C-2060 Standards For Traffic Impact Analysis

Section A will discuss the role of the director to determine the geographic area and scope to be included in a traffic impact analysis.

Section B will discuss the requirement of a traffic impact analysis to be performed under the supervision of a professional engineer registered in the State of Texas.

Section C will discuss the role of the director to determine whether a traffic impact analysis has met requirements of this article.

Section D will discuss the requirement of a traffic impact analysis to describe and provide supporting documentation of the assumptions, methodology, data, findings, and recommendations.

Section E will discuss the requirement for a traffic impact analysis to be signed and sealed by a professional engineer registered in the State of Texas who has supervised the study.

Anticipated completion of this section is expected to be March 2017.

23-9C-2070 Waiver Authorized

Section A will discuss the role of the director to determine waive the requirement to submit a traffic impact analysis.

Section B will discuss the role of the director to provide reasoning for waiving the requirement to submit a traffic impact analysis.

Section C will discuss the need to mitigate adverse impacts from a proposed development even if a waiver is granted.

Section D will discuss the need for impacts from a proposed development with a waiver granted not create unacceptable operating conditions or endanger public safety.

Anticipated completion of this section is expected to be March 2017.

Division 23-9C-3: Approval Process

Contents

23-9C-3010	Action On Application	1
23-9C-3020	Application Modification Based On Traffic Analysis	1
23-9C-3030	Appeal Of Director Action	1

23-9C-3010 Action On Application

Section A will discuss the role of council or director to deny a development application if it is shown to create unacceptable operating conditions or endanger public safety.

Section B will discuss the role of council or director to deny a development application if it is shown to exceed desirable operating conditions or endanger public safety.

Section C will discuss the role of council to approve a zoning application that would otherwise be denied under Section B.

Anticipated completion of this section is expected to be April 2017.

23-9C-3020 Application Modification Based On Traffic Analysis

This section will discuss the ability for an applicant to modify a development application to reduce traffic impacts identified in a traffic impact analysis or neighborhood traffic analysis.

Anticipated completion of this section is expected to be April 2017.

23-9C-3030 Appeal Of Director Action

Section A will discuss the ability of an applicant to appeal the director’s denial of a site plan.

Section B will discuss the role of the Land Use Commission or council to approve a site plan.

Anticipated completion of this section is expected to be April 2017.

This page intentionally left blank

Article 23-9D: Street Design

Contents

Division 23-9D-1: Roadways Generally

- 23-9D-1010 Standards For Design And Construction
 - 23-9D-1020 Street Names
 - 23-9C-1030 Street Signs
-

Division 23-9D-2: Roadways In Water Supply Rural Watersheds Or Water Supply Suburban Watershed

- 23-9D-2010 Applicability
- 23-9D-2020 Streets In Critical Water Quality Zone Or Water Quality Buffer Zone
- 23-9D-2030 Street Cross-Section Design
- 23-9D-2040 Modifications To Street Design

This page intentionally left blank

Division 23-9D-1: Roadways Generally

Contents

23-9D-1010	Standards For Design And Construction	1
23-9D-1020	Street Names	1
23-9C-1030	Street Signs	1

23-9D-1010 Standards For Design And Construction

- (A) All streets shall comply with the Transportation Plan.
- (B) Except as provided in Subsections (C) and (D), a roadway, street, street intersection, or alley, whether public or private, shall be designed and constructed in accordance with the Transportation Criteria Manual and City of Austin Standards and Standard Specifications.
- (C) The applicable director may approve a roadway or street that is less than the standard width if a street of narrower width is warranted.
- (D) A roadway, street, or alley must be designed and constructed in accordance with county requirements if it is located in a subdivision that is more than two miles from the city limits and has a density of less than two and one-half lots or dwelling units for each acre.
- (E) The city traffic engineer, or applicable director shall reject any proposed design that creates safety issue(s) and jeopardizes public safety within the City’s street system.

23-9D-1020 Street Names

New streets shall be named to provide continuity of name with existing streets and to prevent conflict with identical or similarly spelled or pronounced names in other parts of the planning jurisdiction.

23-9C-1030 Street Signs

- (A) The installation and location of a street sign is determined by the most recent version of the Texas Manual on Uniform Control Devices.
- (B) The subdivider shall provide the City with street name signs for street intersections with traffic signals.
- (C) The subdivider shall provide and install pole mounted street name signs at street intersections without traffic signals.

This page intentionally left blank

Division 23-9D-2: Roadways In Water Supply Rural Watersheds Or Water Supply Suburban Watershed

Contents

23-9D-2010	Applicability	1
23-9D-2020	Streets In Critical Water Quality Zone Or Water Quality Buffer Zone.	1
23-9D-2030	Street Cross-Section Design	1
23-9D-2040	Modifications To Street Design	1

23-9D-2010 **Applicability**

This division applies to a subdivision if a part of the subdivision is in a water supply rural watershed or water supply suburban watershed.

23-9D-2020 **Streets In Critical Water Quality Zone Or Water Quality Buffer Zone**

The right-of-way and street design for a street located in a critical water quality zone, water quality buffer zone, or an upland zone must comply with the alternative geometric design criteria for streets without curbs and gutters prescribed in the Transportation Criteria Manual.

23-9D-2030 **Street Cross-Section Design**

An applicant must designate the type of street cross-section design to be used at the time that the application is filed.

23-9D-2040 **Modifications To Street Design**

The applicable director may modify a curb and gutter requirement or the minimum width of a right-of-way prescribed in the Transportation Criteria Manual for a street after considering:

- (A) A report from the applicable director that assesses the adequacy with which a proposed alternative design deals with storm water drainage, traffic safety, and general public welfare;
- (B) The applicant’s written statement in support of the modification; and
- (C) The applicant’s preliminary plan for street construction under the proposed modification.

This page intentionally left blank

Article 23-9E: Driveway, Sidewalk, Urban Trail, And Right-Of-Way Construction

Contents

Division 23-9E-1: Construction License

23-9E-1010	License Required
23-9E-1020	Application; Bond
23-9E-1030	License Approval Standard
23-9E-1040	License Fee
23-9E-1050	License Term; Suspension and Revocation

Division 23-9E-2: Right-Of-Way Permit

23-9E-2010	Permit Required For A Project
23-9E-2020	Application
23-9E-2030	Permit For Driveway Approach
23-9E-2040	Driveway Approach Design
23-9E-2050	Automatic Revocation
23-9E-2060	Automatic Suspension
23-9E-2070	Enforcement

Division 23-9E-3: General Design and Maintenance Requirements

23-9E-3010	Compliance Required
23-9E-3020	Design and Construction Standards
23-9E-3030	Establishing Line and Grade
23-9E-3040	Alternate Materials, Designs, and Construction Standards
23-9E-3050	Removing Existing Curb Openings or Driveway Approaches
23-9E-3060	Relocation or Replacement of Certain Facilities or Trees
23-9E-3070	Inspection Procedures
23-9E-3080	Roadway Maintenance
23-9E-3090	Driveway Maintenance
23-9E-3100	Defective Conditions or Special Uses

Division 23-9E-4: Conditions for Approval of Development Applications

23-9E-4010	Existing Driveway
23-9E-4020	Driveway Closing and Curb Construction
23-9E-4030	Alleyways

23-9E-5: Sidewalks & Urban Trails

- 23-9E-5010 Sidewalk and/or Urban Trail Installation in Subdivisions
- 23-9E-5020 Sidewalk and/or Urban Trail Installation with Site Plans
- 23-9E-5030 Sidewalk Installation and/or Urban Trail with Building or Relocation Permit
- 23-9E-5040 Payment Instead of Sidewalk and/or Urban Trail Installation or Reconstruction
- 23-9E-5050 Sidewalk Requirements

Division 23-9E-1: Construction License

Contents

23-9E-1010	License Required	1
23-9E-1020	Application; Bond	1
23-9E-1030	License Approval Standard	2
23-9E-1040	License Fee	2
23-9E-1050	License Term; Suspension and Revocation	2

23-9E-1010 License Required

- (A) A person must establish that a person is qualified to construct, alter, remove, or repair a sidewalk, curb, gutter, driveway approach, street pavements, medians, or pedestrian way by obtaining a right-of-way construction license.
- (B) A person may not obtain a permit under Section 23-9E-2010 (Permit Required For A Project) to engage in an activity described in Subsection (A) unless a person is licensed under this division.
- (C) A contractor or agent of a franchise holder must comply with the licensing requirements in this division in order to perform work described in this division.
- (D) A licensee shall retain general supervision of all work engaged in under a license.
- (E) A person may not transfer or assign a license issued under this division.

23-9E-1020 Application; Bond

- (A) To obtain a right-of-way construction license, a person must submit an application to the applicable director on a prescribed form.
- (B) An application under Subsection (A) must be accompanied by a bond in a form approved by the city attorney and in an amount established by the applicable director. The bond must be payable to the City and issued by a surety authorized to do business in Texas.
- (C) The bond submitted under Subsection (B) must contain the following provisions:
 - (1) The bond is issued for the use and benefit of the City and all persons who may suffer injury resulting from the construction performed under the license;
 - (2) The principal protects the City and all persons from damage or injury arising from negligence in the performance of work under the contract;
 - (3) The principal protects the City and all persons from damage or injury arising from failure to faithfully observe and comply with the City requirements for construction or repair work; and
 - (4) The term of the bond is effective for the term of the license.
- (D) The applicable director shall base the amount of the bond on:

- (1) The cost of the applicant's past projects and the projected cost of future projects; and
- (2) The potential damage to a right-of-way that the activity of the applicant may cause.

23-9E-1030 License Approval Standard

The applicable director may approve a license if:

- (A) The applicable director determines that the applicant is qualified to perform the work based on the applicant's experience; and
- (B) The applicant has provided the bond required by this division.

23-9E-1040 License Fee

- (A) Except as provided by Subsection (B), an applicant must pay a license fee before a right-of-way construction license is issued.
- (B) A holder of a City franchise is not required to pay a license fee.

23-9E-1050 License Term; Suspension and Revocation

- (A) Except as otherwise provided by Subsection (B) and (C), a license issued under this division is effective on the date of issuance and remains effective for one year from the date of issuance.
- (B) If a bond required by this division lapses or is terminated, suspended, or revoked, the license issued to the contractor is automatically suspended. The contractor may not resume construction described by Section 23-9E-1010 (License Required) until the applicable director reinstates or renews the license or issues a new license.
- (C) The applicable director may suspend or revoke a license based on the licensee's failure to follow permit terms or conditions.

Division 23-9E-2: Right-Of-Way Permit

Contents

23-9E-2010	Permit Required For A Project.....	1
23-9E-2020	Application	2
23-9E-2030	Permit For Driveway Approach.....	2
23-9E-2040	Driveway Approach Design	2
23-9E-2050	Automatic Revocation	3
23-9E-2060	Automatic Suspension	3
23-9E-2070	Enforcement.....	3

23-9E-2010 Permit Required For A Project

- (A) Except as provided by Subsection (C), a person must obtain a right-of-way permit in accordance with Chapter 14-11 to:
 - (1) Construct, alter, repair, or remove a sidewalk, curb, gutter, median, pavement, driveway approach, pedestrian way, or any other facility in the public right-of-way; or
 - (2) Remove a tree from public right-of-way; or
 - (3) Temporarily use the right of way to:
 - (a) Block, direct, impede, or reroute pedestrian and vehicular traffic; or
 - (b) Place a barricade or other traffic control device in a right-of-way; (refer to 14-11 Division 2. - Temporary Use of Right-of-Way.)
 - (4) Conduct Grading, or excavation as defines by chapter 14-11-161 (refer to Article 2 Division 3, Excavation in Right of Way)
- (B) A separate permit is required for each lot, tract of land, or street block on which activity described in Subsection (A) occurs.
- (C) A right of way permit is not required, if the work occurs outside of City accepted right of way and:
 - (1) Is performed in accordance with an approved site plan; or
 - (2) Is performed as part of the construction of a new subdivision plan if the construction:
 - (a) Is included on the subdivision's approved street and drainage construction plans, and
 - (b) The proposed construction occurs at the time that construction of the street and drainage systems occurs; or
 - (3) Is a minor repair or construction, as determined by the applicable director; or
 - (4) Will be performed by a public utility or franchise holder.
- (D) A person may not transfer or assign a permit issued under this division.

23-9E-2020 Application

To obtain a right-of-way permit, a licensed contractor must file an application with the applicable director in accordance with Chapter 14-11.

23-9E-2030 Permit For Driveway Approach

- (A) Except as provided in Subsection (C), the applicable director may approve a driveway approach unless the applicable director determines that the proposed driveway will have an adverse effect on vehicle and pedestrian traffic and public safety.
- (B) To determine the effect of a proposed driveway, the applicable director shall consider:
 - (1) The topography of the land;
 - (2) Land use, including the intensity of development, potential trip generation, the mix of vehicles, and turning movement;
 - (3) Function of the public street, including the design and layout of the street, proximity to traffic signals, sight distance, operating speed, traffic volume, entrance/exit ramps, and frontage roads;
 - (4) The location of a nearby street or driveway;
 - (5) The site plan, including the uses, on-site circulation, path delineation, the existence of parking stalls, building location, and loading facility location; and,
 - (6) The potential increase in traffic routed onto a street as a result of the driveway installation.
- (C) The applicable director may not issue a permit for a driveway approach for:
 - (1) A driveway that provides access to or cut a curb that fronts on Lamar Boulevard between West 24th Street and West 30th Street; and,
 - (2) A project that provides for parking between an established curb line or edge of paving and the property line of the adjacent property, unless specifically directed by the council.
- (D) A person may not construct a type 2 driveway approach (which is defined in the Transportation Criteria Manual) to provide access to angle or head-in parking for which a portion of the pedestrian way is required to maneuver in or out of a space.
- (E) An applicant may appeal a decision of the applicable director under this section to the Land Use Commission. In making a determination on an appeal filed under this section, the Land Use Commission shall consider the factors in Subsection (B).

23-9E-2040 Driveway Approach Design

The design of a driveway approach must:

- (A) Comply with an approved administrative site plan; or
- (B) Be approved by the applicable director.

23-9E-2050 Automatic Revocation

A permit is automatically revoked if the applicable director determines that an applicant falsified information in a governmental record submitted under this division or omitted information required under this division.

23-9E-2060 Automatic Suspension

- (A) A permit is automatically suspended if:
- (1) Construction performed under the permit results in damage to or interferes with public utility equipment or service, a storm water drainage facility, a public structure, traffic signal systems and communication, or a tree in a pedestrian way; and
 - (2) The permittee did not obtain consent of the owner of the utility service, drainage facility, public structure, traffic signal system, or pedestrian way before performing the construction activity.
- (B) The applicable director may only reinstate a permit after determining that the permit holder has:
- (1) Provided compensation for the damage; and/or
 - (2) Eliminated the interference; or
 - (3) Repaired the damage to the satisfaction of the owning entity.

23-9E-2070 Enforcement

The applicable director shall:

- (A) Regulate the placement of improvements and facilities on public property;
- (B) Order the removal of an unauthorized obstruction or encroachment from public property and if necessary, remove the obstruction or encroachment at the responsible party's expense; and
- (C) Suspend or revoke a permit issued under this division if the applicable director determines that the permittee has violated the terms of the permit.
- (D) Place a hold on a certificate of occupancy or temporary certificate of occupancy until permit requirements are met, which may include payment of any assessed fees.

This page intentionally left blank

Division 23-9E-3: General Design and Maintenance Requirements

Contents

23-9E-3010	Compliance Required	1
23-9E-3020	Design and Construction Standards	1
23-9E-3030	Establishing Line and Grade	1
23-9E-3040	Alternate Materials, Designs, and Construction Standards.....	2
23-9E-3050	Removing Existing Curb Openings or Driveway Approaches	2
23-9E-3060	Relocation or Replacement of Certain Facilities or Trees.....	2
23-9E-3070	Inspection Procedures	2
23-9E-3080	Roadway Maintenance	3
23-9E-3090	Driveway Maintenance.....	3
23-9E-3100	Defective Conditions or Special Uses.....	3

23-9E-3010 Compliance Required

- (A) Construction authorized by a permit issued under this article must comply with the requirements of Article 23-2H (Construction Management and Certificates) and this division.
- (B) The permittee shall retain general supervision of all work engaged in under a permit.

23-9E-3020 Design and Construction Standards

- (1) The design, construction, alteration, or repair of a sidewalk, driveway approach, pavement, appurtenance on public property, or other facility to provide access to adjoining property must comply with the Transportation Criteria Manual.
- (2) The design, construction, alteration, or repair of a curb or gutter must comply with the Drainage Criteria Manual and the Transportation Criteria Manual.

23-9E-3030 Establishing Line and Grade

- (A) The permittee shall establish the line and grade for construction performed under this division and shall set, preserve, and protect the line and grade stakes.
- (B) The city manager may require the permittee to set line and grade stakes under the direct supervision of a registered public surveyor or professional engineer registered in the State of Texas.

23-9E-3040 Alternate Materials, Designs, and Construction Standards

- (A) The applicable director may approve an alternative material, design, or method of construction that deviates from requirements of this article or the Transportation Criteria Manual if the applicable director determines that the alternative is safe, durable, and equivalent to the requirements set out in this article and the Transportation Criteria Manual.
- (B) Materials, designs, or methods of construction approved under Subsection (A) must be used and installed in accordance with the terms of approval.

23-9E-3050 Removing Existing Curb Openings or Driveway Approaches

A person who constructs a new driveway approach shall:

- (A) Remove an existing curb opening or driveway approach on the same property if the opening or approach is not required;
- (B) Match a new curb, gutter, or sidewalk, to the existing adjoining curb grade and alignment; and
- (C) Install a new curb, gutter, or sidewalk, if required, at the same time that the new driveway approach is installed.

23-9E-3060 Relocation or Replacement of Certain Facilities or Trees

- (A) A permittee shall pay the cost of relocating a public utility's stormwater drainage improvement, water and waste water facilities, electrical equipment, traffic signal equipment, communications equipment, or trees required by the permittee's proposed construction.
- (B) If relocating or replacing a tree is required as a condition of a right-of-way construction permit, the permit shall comply with the requirements of the applicable director.

23-9E-3070 Inspection Procedures

The applicable director shall establish a procedure for the inspection of construction authorized under a permit. The inspection procedures must provide for the following:

- (A) Phase 1: Inspection of all elements that constitute the project to include but not limited to: inspection of materials, material testing, line and grade, forms, reinforcing steel, drainage and subgrade before a final course of material is placed; and
- (B) Phase 2 inspection: final inspection of construction, including cleanup.
- (C) All projects designated as SP (Sites) or C8 (Subdivisions) shall have plans prepared by a Professional Engineer licensed in Texas. These plans shall be submitted to the Inspection Intake office of Development Services. It is expected that these plans shall be complete in conveying the intent of the designer and shall follow current acceptable standards of working documents. It is expressly understood that the plans have been appropriately

reviewed and approved by the appropriate city department not including the inspection group or department.

23-9E-3080 Roadway Maintenance

The applicable director shall repair and maintain the roadways and facilities in the right-of-way.

23-9E-3090 Driveway Maintenance

The person owning any property abutting a driveway approach shall be responsible for repair and maintenance of the driveway approach consistent with appropriate and applicable standards for construction in the public right-of-way.

23-9E-3100 Defective Conditions or Special Uses

It shall be the duty of any person making special use of any sidewalk, pedestrian way, curb, gutter, or driveway approach for the purpose of ingress/egress, downspout drains, or any other special use of any character, to keep such sidewalk, pedestrian way, curb, gutter, or driveway approach abutting such property in a good and safe condition and free from any defects and hazards of any kind and character.

This page intentionally left blank

Division 23-9E-4: Conditions for Approval of Development Applications

Contents

23-9E-4010	Existing Driveway	1
23-9E-4020	Driveway Closing and Curb Construction	1
23-9E-4030	Alleyways	1

23-9E-4010 Existing Driveway

The applicable director shall require an existing driveway to conform with this article and the Transportation Criteria Manual as a condition of approval for an application for zoning, rezoning, site plan approval, or site plan exemption.

23-9E-4020 Driveway Closing and Curb Construction

- (A) Based on the criteria of Transportation Criteria Manual, the applicable director may:
 - (1) Require a driveway closing or curb or sidewalk construction as a condition of approval of an administrative site plan or site plan exemption; or
 - (2) Recommend that driveway closing or curb or sidewalk construction be required as a condition of zoning or rezoning.
- (B) The applicable director may require partial or complete closure of an existing driveway that creates safety issue(s) to the City's street system. Construction of curb and/or sidewalk consistent with the Transportation Criteria Manual shall be required as part of any driveway closure.

23-9E-4030 Alleyways

- (A) If a lot, or any portion of a site, is adjacent to an alley, then access for trash and loading shall be taken from the alley, unless otherwise approved by the applicable director.
- (B) The applicable director may require an existing, unpaved alley to be paved for all or a portion of its length if access from an alley is proposed in an application for zoning, rezoning, site plan, or building permit approval.

This page intentionally left blank

Division 23-9E-5: Sidewalks & Urban Trails

Contents

23-9E-5010	Sidewalk and/or Urban Trail Installation in Subdivisions	1
23-9E-5020	Sidewalk and/or Urban Trail Installation with Site Plans	1
23-9E-5030	Sidewalk Installation and/or Urban Trail with Building or Relocation Permit	1
23-9E-5040	Payment Instead of Sidewalk and/or Urban Trail Installation or Reconstruction	1
23-9E-5050	Existing Sidewalk Code Language.	2

23-9E-5010 Sidewalk and/or Urban Trail Installation in Subdivisions

Section A will discuss the Installation and reconstruction of sidewalks/curb ramps and urban trails for subdivisions.

Section B will discuss the inclusion of proposed and existing sidewalks and urban trails in preliminary subdivision plan and final plat.

Anticipated completion of this section is expected to be September 2017.

23-9E-5020 Sidewalk and/or Urban Trail Installation with Site Plans

This section will discuss the installation and reconstruction of sidewalks/curb ramps and/or urban trails for site plans.

Anticipated completion of this section is expected to be September 2017.

23-9E-5030 Sidewalk Installation and/or Urban Trail with Building or Relocation Permit

This section will discuss the installation and reconstruction of sidewalks/curb ramps and urban trails for building/relocation permits.

Anticipated completion of this section is expected to be September 2017.

23-9E-5040 Payment Instead of Sidewalk and/or Urban Trail Installation or Reconstruction

Section A will discuss procedures for requesting payment of fees in lieu of installing sidewalks and/or urban trails.

Section B will discuss factors that the applicable director may consider when determining whether or not to grant payment of fees in lieu of installing sidewalks and/or urban trails.

Section C will discuss the fee amount for sidewalks and/or urban trails.

Section D will discuss where the fees for sidewalks and/or urban trails can be used (ie service areas).

Section E will discuss the time line in which the fees must be spent.

Anticipated completion of this section is expected to be September 2017.

23-9E-5050 Sidewalk Requirements

The classifications of roadway types in this section will be coordinated through the Transportation Plan.

- (A) In order to create an environment that is supportive of pedestrian and transit mobility, public sidewalks shall be located along both sides of all Core Transit Corridors in accordance with the requirements of this section.
 - (1) Compliance with this section is required for all sites with frontage along a Core Transit Corridor regardless of principal street designation or building placement requirements, but a development located on one side of a street or right-of-way is not required to provide sidewalks on the opposite side of the street or right-of-way.
 - (2) A development that complies with the Great Streets standards adopted by Resolution No. 040205-14, as now or hereafter amended, is exempt from the requirements of this section and may seek any reimbursements available under the Great Streets Development program.
 - (3) For development that is subject to the requirements of this section, no sidewalk shall be less than 15 feet in width, unless otherwise approved as part of the Alternative Equivalent Compliance process.
 - (4) 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.
- (B) Sidewalks shall consist of two zones: a planting zone located adjacent to the curb, and a clear zone. The following standards shall apply to these zones:
 - (1) Planting Zone:
 - (i) The planting zone shall have a minimum width of eight feet (from face of curb) and shall be continuous and located adjacent to the curb.
 - (ii) The zone shall be planted with street trees at an average spacing not greater than 30 feet on center. The director 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 where conflicts may arise because of overhead utility lines.
 - (iii) 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:

- (i) The clear zone shall be a minimum width of seven feet, shall be hardscaped, shall be located adjacent to the planting zone, and shall comply with ADA and Texas Accessibility Standards.
 - (ii) 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.
- (C) Public sidewalks shall be located along both sides of all Urban Roadways in accordance with the requirements of this section.
 - (1) Compliance with this section is required for all sites with frontage along an Urban Roadway regardless of principal street designation or building placement requirements, but a development located on one side of a street or right-of-way is not required to provide sidewalks on the opposite side of the street or right-of-way.
 - (2) A development that complies with the Great Streets standards adopted by Resolution No. 040205-14, as now or hereafter amended, is exempt from the requirements of this section and may seek any reimbursements available under the Great Streets Development program.
- (D) For development that is subject to the requirements of this section, sidewalks shall be no less than 12 feet in width, unless otherwise approved as part of the Alternative Equivalent Compliance process.
 - (1) The 12-foot minimum requirement shall apply regardless of the available right-of-way.
 - (2) Where required, the sidewalk shall extend onto private property to fulfill the 12-foot minimum requirement, with a sidewalk easement provided.
- (E) Sidewalks shall consist of two zones: a planting zone located adjacent to the curb, and a clear zone. The following standards apply:
 - (1) Planting Zone:
 - (i) The planting zone shall have a minimum width of seven feet and shall be continuous and located adjacent to the curb.
 - (ii) In addition, the planting zone is intended for the placement of street furniture including seating, street lights, waste receptacles, fire hydrants, traffic signs, newspaper vending boxes, bus shelters, bicycle racks, public utility equipment such as electric transformers and water meters, and similar elements in a manner that does not obstruct pedestrian access or motorist visibility.
 - (2) Clear Zone:
 - (i) The clear zone shall be a minimum width of five feet, shall be hardscaped, shall be located adjacent to the planting zone, and shall comply with ADA and Texas Accessibility Standards.
 - (ii) The clear zone shall be unobstructed for a minimum width of five feet and a minimum height of eight feet.
- (F) Public sidewalks shall be located along both sides of all Suburban Roadways in accordance with the requirements of this section.
 - (1) Compliance with this section is required for all sites with frontage along an Suburban Roadway regardless of principal street designation or building placement requirements, but a development located on one side of a street or right-of-way is not required to provide sidewalks on the opposite side of the street or right-of-way.

- (2) Sidewalks and supplemental zones shall comply with the standards for sidewalks along Urban Roadways above.

Article 23-9F: Access to Major Roadways

Contents

Division 23-9F-1: Access to Major Roadways

- 23-9F-1010 Minimum Frontage for Access for Existing Streets
- 23-9F-1020 Minimum Frontage for Access for Planned or Newly Constructed Streets
- 23-9F-1030 Property Subject to Condemnation
- 23-9F-1040 Joint-Use Driveways

This page intentionally left blank

Division 23-9F-1: Access to Major Roadways

Contents

23-9F-1010	Minimum Frontage for Access for Existing Streets	1
23-9F-1020	Minimum Frontage for Access for Planned or Newly Constructed Streets	1
23-9F-1030	Property Subject to Condemnation	2
23-9F-1040	Joint-Use Driveways	2

23-9F-1010 Minimum Frontage for Access for Existing Streets

- (A) In this section, “major roadway” means a roadway that is designated in the transportation plan or in a roadway plan approved by the appropriate county.
- (B) Except as provided in Subsection (C), a subdivision plat or a site plan may not provide for direct access from a lot to a major roadway unless the lot contains 330 feet or more of frontage on the major roadway and alternative access is not available.
- (C) The applicable director shall permit access to a major roadway from a property with less than 330 feet of frontage on a major roadway if the property is subject to right-of-way condemnation and if:
 - (1) The property possessed more than 330 feet of frontage on the roadway before condemnation;
 - (2) The proposed driveway is not located in a controlled access area;
 - (3) The proposed driveway is the lesser of 100 feet or 60 percent of the frontage from the intersection; and
 - (4) The applicable director determines that the driveway does not create a public safety hazard.
- (D) The applicable director may require joint access to a major roadway for adjoining lots that have insufficient frontage to allow a driveway approach for each lot under the requirements of the Transportation Criteria Manual.

23-9F-1020 Minimum Frontage for Access for Planned or Newly Constructed Streets

- (A) In this section, “major roadway” means a roadway that is designated in the transportation plan or in a roadway plan approved by the appropriate county.
- (B) A subdivision plat or a site plan may not provide a full-purpose driveway on a “major roadway” unless the applicable director approves an engineering study submitted by the applicant’s engineer that demonstrates a full-purpose driveway is safe based on geometric and traffic analyses.
- (C) If a full-purpose driveway is not approved under conditions in Subsection (B), a right-in, right-out driveway may be permitted if the applicable director approves an engineering study submitted by the applicant’s engineer that demonstrates a right-in, right-out driveway is safe based on geometric and traffic analyses.

23-9F-1030 Property Subject to Condemnation

On the request of a condemning authority or property owner before acquisition of a right-of-way occurs, the applicable director may modify the access requirements of this division and the Transportation Criteria Manual for a property that is subject to right-of-way condemnation if the modification does not create a public safety hazard or have an adverse effect on traffic operation.

23-9F-1040 Joint-Use Driveways

- (A) In this division, joint-use driveway means a driveway located entirely or partially on a tract of land that is available for use by an adjoining tract of land as ingress or egress to a public street.
- (B) Vehicular access to a tract of land through a joint-use driveway is permitted as an alternative to direct access to an abutting public or private street.
- (C) A joint-use driveway used as alternative access for a single-family residential use may serve not more than eight dwelling units.

Article 23-9G: Transportation Demand Management

Contents

Division 23-9G-1: Transportation Demand Management

23-9G-1010	Purpose
23-9G-1020	Applicability
23-9G-1030	Requirements
23-9G-1040	Monitoring, Reporting, and Compliance
23-9G-1050	Fees
23-9G-1060	Program Standards

This page intentionally left blank

Division 23-9G-1: Transportation Demand Management

Contents

23-9G-1010	Purpose	1
23-9G-1020	Applicability	1
23-9G-1030	Requirements	1
23-9G-1040	Monitoring, Reporting, and Compliance	2
23-9G-1050	Fees	2
23-9G-1060	Program Standards	2

23-9G-1010 Purpose

The TDM Program set forth in this division requires projects subject to its requirements to incorporate design features, incentives, and tools to encourage residents, tenants, employees, and visitors to travel by sustainable transportation modes, such as transit, walking, ride-sharing, and biking, thereby reducing vehicle trips associated with these developments. The goals of the TDM Program are to help ease congestion as Austin grows, and to promote better environmental, health, and safety outcomes, consistent with local policies.

23-9G-1020 Applicability

- (A) Except as provided in Subsection (B) shall apply to any Development Project that results in at least 300 daily trips or optionally any Development Project generating under 300 daily trips.
- (B) Depending on the development size, an applicant may choose to use a standardized TDM plan outlined by the City and documented in the Transportation Criteria Manual
- (C) When determining whether a Development Project shall be subject to the TDM Program, the Development Project shall be considered in its entirety. A Development Project shall not seek multiple applications for building permits to evade the applicability of the TDM Program.

23-9G-1030 Requirements

- (A) An applicant shall submit a proposed TDM Plan along with the Development Project’s first site plan application. The proposed TDM Plan shall document the Development Project’s proposed compliance with this Article and the TDM Program Standards in the Transportation Criteria Manual.
- (B) The proposed TDM Plan shall be reviewed in conjunction with the approval of the first site plan application for the Development Project.

- (C) Compliance with the TDM Program, including compliance with a finalized TDM Plan, shall be included as a Condition of Approval of the Development Project. Compliance with the TDM Program may not be waived, reduced, or adjusted.
- (D) Upon application of a property owner, after a TDM Plan is finalized and the associated building or site permit has been issued, a Development Project's TDM Plan may be modified in accordance with procedures and standards in the TDM Program Standards.

23-9G-1040 Monitoring, Reporting, and Compliance

- (A) Prior to issuance of a certificate of occupancy of any type, the property owner shall facilitate a site inspection by the applicable director's department staff to confirm that all approved physical improvement measures in the Development Project's TDM Plan have been implemented and/or installed. The property owner shall also provide documentation that all approved programmatic measures in the Development Project's TDM Plan will be implemented. The process and standards for determining compliance shall be specified in the TDM Program Standards.
- (B) Throughout the life of the Development Project, the property owner shall:
 - (1) Maintain a TDM coordinator, as defined in the TDM Program Standards, who shall coordinate with the City on the Development Project's compliance with its approved TDM Plan.
 - (2) Allow City staff access to the relevant portions of the property to conduct site visit, surveys, inspection of physical improvements, and/or other empirical data collection, and facilitate in-person, phone, and /or e-email or web-based interviews with residents, tenants, employees, and/or visitors. City staff shall provide advance notice of any request for access and shall use all reasonable efforts to protect personal privacy during visits and in the use of any data collected during this process.
 - (3) Submit periodic compliance reports to the applicable director's department, as required by the TDM Program Standards.
- (C) Non-Compliance: Failure to comply with the approved TDM Plan will result in annual fine, as documented in the TDM Program Standards.

23-9G-1050 Fees

- (A) Transportation Demand Management Program fees. The fee for review of a Development Project's Transportation Demand Management Plan is documented in the Transportation Criteria Manual.

23-9G-1060 Program Standards

- (A) The Transportation Demand Management Program Standards, or TDM Program Standards, shall be documented in the Transportation Criteria Manual.
- (B) The applicable director's department shall update the TDM Program Standards from time to time to reflect best practices in the field of Transportation Demand Management.

- (C) When updating the TDM Program Standards, the applicable director's department shall consider the purpose of the TDM Program, as documented in the Purpose section of this Article.

This page intentionally left blank

Article 23-9H: Connectivity

Contents

Division 23-9H-1: Connectivity

- 23-9H-1010 Applicability
- 23-9H-1020 Street Alignment and Connectivity
- 23-9H-1030 Dead End Streets
- 23-9H-1040 Block Length
- 23-9H-1050 Subdivision and Site Plan Access

This page intentionally left blank

Division 23-9H-1: Connectivity

Contents

23-9H-1010	Applicability	1
23-9H-1020	Street Alignment and Connectivity.....	1
23-9H-1030	Dead End Streets.....	1
23-9H-1040	Block Length.....	1
23-9H-1050	Subdivision and Site Plan Access	2

23-9H-1010 Applicability

This article applies to land for which an owner files an application for:

- (A) Zoning or rezoning;
- (B) Preliminary plan or final plat approval; or
- (C) Site plan approval.
- (D) A minor revision of an approved site plan;

23-9H-1020 Street Alignment and Connectivity

- (A) Streets shall be aligned with and connect to existing streets on adjoining properties unless the Land Use Commission determines that the Comprehensive Plan, topography, requirements of traffic circulation, environmental features, or other considerations make it desirable to depart from the alignment or connection.
- (B) Streets shall be stubbed to adjoining properties when connection is not possible.

23-9H-1030 Dead End Streets

- (A) A street shall not terminate in a dead end street unless the director determines that the requirements of Subsection (C) are met.
- (B) Land Use Commission approval is required for a dead-end street more than 1,320 feet long.
- (C) The director may approve a dead end street described in the Transportation Criteria Manual if the director determines that topography, density, or unusual conditions necessitate a different design and adequate multi-modal traffic circulation is provided.

23-9H-1040 Block Length

- (A) A block shall not exceed 660 feet in length, except as provided in this section.

- (B) A residential or commercial use block that is parallel and adjacent to a major roadway, as determined by the applicable director, may be up to 1,320 feet in length, and;
- (C) Any block that is more than 660 feet in length must be transected by a pedestrian path that is located not less than 300 feet from each block end. The pedestrian path must be not less than ten (10) feet wide, comply with City standards for a sidewalk or urban trail, and be located within an easement or right-of-way, as determined by the director, that is not less than 15 feet wide. The director may modify this requirement if the director determines that the pedestrian path cannot comply with the Americans with Disabilities Act.
- (D) An industrial use block may be up to 2,000 feet in length if adjacent to major roadway and the director determines that there is adequate multi-modal traffic circulation and utility service.
- (E) The director may waive a block length restriction if the director determines that the proposed block length adequately meets the requirements of multi-modal traffic circulation, utility service, topography, and the Comprehensive Plan.
- (F) An applicant may appeal the director's denial of a waiver under this section to the Land Use Commission.

23-9H-1050 Subdivision and Site Plan Access

- (A) Except as otherwise provided in this section:
 - (1) A new subdivision or site plan shall have at least two public access streets;
 - (2) Each of the two access streets shall connect to a different external street, or stubbed out to adjacent properties, and
 - (3) A stubbed out street will include signage indicating this is a location of a future street extension.
- (B) A subdivision or site plan may have only one access street if the Director determines that:
 - (1) The access street provides access to not more than 30 dwelling units;
 - (2) The subdivision has an additional pedestrian and bike access; and
 - (3) The access street has a paved width of at least 26 feet and is not more than 1,200 feet in length.
- (C) A single access street may be longer than 2,000 feet and serve more than 30 dwellings if the access street:
 - (1) Does not cross an area with a high wildland fire protection rating, as determined in accordance with the Austin-Travis County Community Wildfire Protection Plan, dated October 17, 2014, and adopted on November 6, 2014, and
 - (2) Does not cross a low water crossing; and
 - (3) Does not contain slopes in excess of 10%.
- (D) A new subdivision or site plan may have only one access street if the Director determines that providing more than one access street is undesirable, unnecessary, or impractical after considering:
 - (1) Traffic safety;

- (2) Flood and fire safety; and
- (3) The environmental effect of a cut or fill, waterway crossing, or other surface disturbance necessary to provide more than one access street.

This page intentionally left blank

Article 23-9I: Road Utility Districts

Contents

Division 23-9I-1: Approval of Petition

- 23-9I-1010 Applicability
 - 23-9I-1020 Pre-Application Process
 - 23-9I-1030 Contents of Petition
 - 23-9I-1040 Conditions for Approval
 - 23-9I-1050 Review Process
 - 23-9I-1060 City Council Review and Action
 - 23-9I-1070 Annexation Petitions & Petitions for Construction of Facilities Outside the Road Utility District
-

Division 23-9I-2: Construction of Facilities

- 23-9I-2010 Submittal of Construction Plans
- 23-9I-2020 Approval of Bond-Financed Activities
- 23-9I-2030 Construction Inspection
- 23-9I-2040 Notice of Conveyance
- 23-9I-2050 Representation by City Manager

This page intentionally left blank

Division 23-9I-1: Approval of Petition

Contents

23-9I-1010	Applicability	1
23-9I-1020	Pre-Application Process	1
23-9I-1030	Contents of Petition	2
23-9I-1040	Conditions for Approval	2
23-9I-1050	Review Process	2
23-9I-1060	City Council Review and Action	3
23-9I-1070	Annexation Petitions and Petitions for Construction of Facilities Outside the Road Utility District	3

23-9I-1010 Applicability

- (A) This division applies to a petition by a proposed road utility district for approval or modification of a preliminary plan for a road facility that the district intends to convey to the City or to a county in the City’s extraterritorial jurisdiction.
- (B) A road utility district under Subsection (A) is a district created under Article III, Section 52 of the Texas Constitution and Chapter 441 of the Transportation Code.

23-9I-1020 Pre-Application Process

- (A) An applicant shall notify the city manager, in writing, of the applicant’s intent to file a petition at least 30 days before filing the petition with the City. If an applicant intends to convey facilities to a county rather than to the City, the applicant shall notify the city manager, in writing, at least 30 days before filing the petition with the county. Notice under this section is effective on receipt by the city manager.
- (B) If the applicant intends to convey facilities to a county rather than to the City, the applicant must submit the information required by the Administrative Criteria Manual along with the notice filed under Subsection (A).
- (C) The city manager shall schedule a meeting with the applicant, City staff, and representatives of the county in which the road utility district will be established to discuss the applicant’s preliminary plan and the City’s requirements for approval. The meeting may not be scheduled for a date later than the 10th day after the city manager receives notification under Subsection (A).
- (D) Except as otherwise determined by the city manager, the City shall not accept the petition before the 31st day after receiving notice of the applicant’s intent to file a petition.

23-9I-1030 **Contents of Petition**

- (A) The applicant shall file with the city manager a petition and the additional documents required by the Administrative Criteria Manual.
- (B) The statutory review period established by state law begins when the city manager determines that an application is complete.

23-9I-1040 **Conditions for Approval**

- (A) The council may approve a petition filed under Section 23-6I-103 (Contents Of Petition) if:
 - (1) the preliminary plan is consistent with the Transportation Plan;
 - (2) proposed road construction and improvements comply with City requirements for roadways and drainage;
 - (3) the construction and improvement of roadways comply with the general land use plan for the proposed road utility district that is consistent with the Comprehensive Plan and this title;
 - (4) the roadway project complies with the City's policies relating to archaeological site preservation, watershed protection, and other environmental policies in the Comprehensive Plan and this title;
 - (5) a preliminary plan demonstrates the applicant's financial ability to complete construction of a proposed roadway; and
 - (6) if a preliminary plan proposes to convey an existing roadway or roadway under construction to the City, the plan demonstrates that the roadway will be subject to construction plan review and inspection by the City during construction.
- (B) At or before the time an application is filed, property owners in a proposed road utility district must:
 - (1) petition the City for limited or full purpose annexation, at the City's option, if the road utility district adjoins the City boundary; or
 - (2) if the road utility district is in the City's two mile extraterritorial jurisdiction at the time of application, agree to petition for annexation at the time the road utility district becomes contiguous to the City boundary;

23-9I-1050 **Review Process**

- (A) The city manager shall forward a copy of the petition to appropriate departments and to the:
 - (1) Urban Transportation Commission;
 - (2) Environmental Commission; and
 - (3) Planning Commission.
- (B) A department that receives a copy of a petition from the city manager shall submit a report on the petition to the city manager not later than the 30th day after the date the petition is filed with the City.

- (C) Each board and commission identified in Subsection (A) shall review the petition and provide a recommendation on the petition to the city manager.
- (D) After receiving recommendations from the boards and commissions, the city manager shall request the council to set a public hearing to consider the petition.
- (E) The council shall set the public hearing during a regularly scheduled meeting of the council.

23-91-1060 City Council Review and Action

The council shall approve or deny a petition before the expiration of the statutory review period. Council's approval of a petition is conditioned on execution of a consent agreement by the City and by the petitioner as representative of each owner of property in the proposed road utility district. The consent agreement must require the road utility district to submit to the city manager, after creation, a list of directors and an annual report of road utility district activities.

23-91-1070 Annexation Petitions and Petitions for Construction of Facilities Outside the Road Utility District

- (A) A petition for annexation of land by a road utility district and a petition to construct or improve a roadway facility outside of the road utility district is subject to the review procedure established by this division.
- (B) Except as provided in Subsection (C), a petition described under Subsection (A) is subject to the criteria in Section 23-91-104 (Conditions For Approval).
- (C) The council may shorten the time period for consideration of a petition.

This page intentionally left blank

Division 23-9I-2: Construction of Facilities

Contents

23-9I-2010	Submittal of Construction Plans	1
23-9I-2020	Approval of Bond-Financed Activities	1
23-9I-2030	Construction Inspection	1
23-9I-2040	Notice of Conveyance	2
23-9I-2050	Representation by City Manager	2

23-9I-2010 Submittal of Construction Plans

- (A) If the City approves a preliminary plan and agrees to accept the conveyance of facilities after construction, the road utility district shall submit construction plans conforming to the requirements in the Administrative Criteria Manual to the applicable director for review at least 45 days before construction begins.
- (B) The applicable director shall schedule a meeting between City staff members and road utility district representatives not later than the 15th day after receipt of the construction plans to discuss the proposed construction plans and requirements for City approval.

23-9I-2020 Approval of Bond-Financed Activities

- (A) Before constructing a facility that is financed by bonds issued under or other state law, the road utility district shall submit construction plans to the applicable director for approval.
- (B) The applicable director shall provide the road utility district with written comments that assess the degree to which the plans comply with the requirements of this article.
- (C) The road utility district shall make the corrections as requested by the applicable director and shall submit four sets of revised plans for review by the applicable director.
- (D) The applicable director shall approve the plans if the plans comply with the City specifications.

23-9I-2030 Construction Inspection

- (A) After approval of construction plans, but before commencement of construction, representatives of the road utility district shall meet with the applicable director to discuss inspection by the City during the construction process.
- (B) City employees shall make periodic visits to the construction site to observe the progress and quality of the work and to determine if that the work is proceeding according to the plans and specifications. The applicable director may review all laboratory, shop, and mill tests of materials conducted by the road utility district at any time.

- (C) If the work does not comply with the construction plans, the applicable director shall give notice of the failure to comply to the road utility district. The applicable director may give notice that approval of the construction plans may be suspended and appropriate enforcement actions taken unless the work is brought into compliance within a specific period.
- (D) The road utility district shall retain the services of a firm experienced in construction inspection and quality control. The applicable director must approve the scope of services to be performed by the firm.
- (E) The scope of services must:
 - (1) Include at least one qualified resident construction inspector;
 - (2) Require quality control testing of materials and installations that meets the minimum requirements for sampling and testing established by the Texas Department of Transportation; and
 - (3) Require that quality control testing include job control tests and record tests.

23-91-2040 Notice of Conveyance

The road utility district shall give written notice to the City of its intent to convey a completed facility. The notice shall be given not later than the 10th day before the date of a public hearing before the road utility district board of directors, to determine if the facility is completed as specified in the road utility district's approved plan.

23-91-2050 Representation by City Manager

- (A) The city manager shall represent the City before the Texas Transportation Commission in all proceedings authorized or required by applicable state law.
- (B) The city manager shall represent the City in proceedings before the road utility district related to conveying facilities by the road utility district.

Infrastructure

web version low resolution images



This page intentionally left blank

Contents**Article 23-10A: Utility Service****Division 23-10A-1: General Provisions**

- 23-10A-1010 Applicability
- 23-10A-1020 Service Area of Austin Water
- 23-10A-1030 Service Outside Service Area Prohibited
- 23-10A-1040 Regulation of a Wastewater Treatment Plant Not Owned by the City

Division 23-10A-2: Extension of Service, General Provisions

- 23-10A-2010 Applicability
- 23-10A-2020 Service Extension Application
- 23-10A-2030 Review and Approval Process
- 23-10A-2040 Approval of a Service Extension Request
- 23-10A-2050 Environmental Resource Inventory
- 23-10A-2060 Approval of Improvements
- 23-10A-2070 Construction of Improvements
- 23-10A-2080 Expiration of Service Extension Request Approval
- 23-10A-2090 Service Commitment Transfer Not Permitted
- 23-10A-2100 Development Compliance

Division 23-10A-3: Extension of Service, Cost Participation

- 23-10A-3010 Eligible Projects
- 23-10A-3020 Amount of Cost Participation
- 23-10A-3030 Request for Cost Participation
- 23-10A-3040 Approval Process for Cost Participation
- 23-10A-3050 Cost Participation Requirements
- 23-10A-3060 Cost Participation Payment
- 23-10A-3070 Agreement

Division 23-10A-4: Tap Permits

- 23-10A-4010 Tap Permit Required
- 23-10A-4020 Property Required to be in Utility Service Area
- 23-10A-4030 Application for Tap Permit; Fees; Capacity
- 23-10A-4040 Action on Application for Tap Permit
- 23-10A-4050 Tap Permit Not Transferable
- 23-10A-4060 Connection Delay
- 23-10A-4070 Expiration of Tap Permit
- 23-10A-4080 Refund of Tap Permit Fee
- 23-10A-4090 Temporary Tap Permits for a City-supported Community Garden

Article 23-10B: Water Districts

Division 23-10B-1: General Provisions

- 23-10B-1010 Applicability
 - 23-10B-1020 Minimum Land Requirements; Economic Viability
 - 23-10B-1030 Creation of District Inside City
-

Division 23-10B-2: Procedure for Creation

- 23-10B-2010 Review of a Petition
 - 23-10B-2020 Preapplication Review
 - 23-10B-2030 Petition Filed; Notice of Petition
 - 23-10B-2040 Designation as City Service or Non-City Service District
 - 23-10B-2050 Review of Petition by City Employees
 - 23-10B-2060 Review by Certain Boards and Commissions
 - 23-10B-2070 Distribution of Reports
 - 23-10B-2080 Public Hearing Before City Council
 - 23-10B-2090 Initial Action by City Council
 - 23-10B-2100 Copies of Land Use Plan Required
 - 23-10B-2110 Council Action on Annexation Petition
 - 23-10B-2120 Request for Utility Service After City Consent Denied
 - 23-10B-2130 Subdivision Approval
 - 23-10B-2140 Construction of Article
-

Division 23-10B-3: Conditions and Restrictions on Consent to Creation of District

- 23-10B-3010 General Provisions
 - 23-10B-3020 Conditions and Restrictions Generally
 - 23-10B-3030 Conditions and Restrictions Applicable to a City Service District
 - 23-10B-3040 Bond-related Provisions
 - 23-10B-3050 Utility Rates in a Municipal Utility District
 - 23-10B-3060 Annexation by City of Water District Territory
-

Division 23-10B-4: Out-of-district Service

- 23-10B-4010 Applications Not Covered by This Section
- 23-10B-4020 Application For Out-of-District Service
- 23-10B-4030 Notice of Application
- 23-10B-4040 Board and Commission Review; Council Action
- 23-10B-4050 Administrative Approval of an Out-of-District Service Application
- 23-10B-4060 Emergency Out-of-District Service

Division 23-10B-5: Amendment to a Consent Document or an Agreement with a Water District

- 23-10B-5010 Application for Amendment of Agreement
- 23-10B-5020 Notice of Application
- 23-10B-5030 Board and Commission Review; Council Action
- 23-10B-5040 Administrative Approval of a Revision to a Land Use Plan
- 23-10B-5050 Contents of Application for Revision of Land Use Plan
- 23-10B-5060 Administrative Action on Application to Revise Approved Land Use Plan

Division 23-10B-6: Water District Bond Issuance

- 23-10B-6010 Applicability
- 23-10B-6020 City Approval Required
- 23-10B-6030 Application for Approval of a District Bond
- 23-10B-6040 Notice of Application
- 23-10B-6050 Department and Commission Review
- 23-10B-6060 Auditor Review; Release of Official Statement
- 23-10B-6070 Action on Application by City Council

Article 23-10C: Water and Wastewater Capital Recovery Fees

Division 23-10C-1: General Provisions

- 23-10C-1010 Applicability
- 23-10C-1020 Adoptions by Reference
- 23-10C-1030 Accounts

Division 23-10C-2: Fee Established

- 23-10C-2010 Assessment and Collection of Impact Fees Authorized
- 23-10C-2020 Assessment
- 23-10C-2030 Amount of Fee
- 23-10C-2040 Computation of Impact Fees to be Collected
- 23-10C-2050 Collection of Fee
- 23-10C-2060 Installment Payment of Impact Fee

Division 23-10C-3: Determination of Service Units

- 23-10C-3010 Service Units Where A Meter is Purchased
- 23-10C-3020 Fire Demand Meters

Division 23-10C-4: Exemptions

- 23-10C-4010 Exemptions from Impact Fee
- 23-10C-4020 Central System Cutover Exemption
- 23-10C-4030 Wastewater Impact Fee Exemption for Consumption Meter
- 23-10C-4040 Water Impact Fee Exemptions for Annexed Property
- 23-10C-4050 Wastewater Impact Fee Exemptions for Annexed Property
- 23-10C-4060 Exemption for City-Supported Community Gardens
- 23-10C-4070 Exemption for Certain Affordable Housing

Division 23-10C-5: Discounts and Adjustments

- 23-10C-5010 Refunds
- 23-10C-5020 Expiration of Tap Permit

Article 23-10D: Reclaimed Water

Division 23-10D-1: Reclaimed Water

- 23-10D-1010 Applicability
- 23-10D-1020 Availability of Reclaimed Water Service
- 23-10D-1030 Reclaimed Water Service Application
- 23-10D-1040 Application Review
- 23-10D-1050 Approval Required for System Design and Operation
- 23-10D-1060 Backflow Prevention
- 23-10D-1070 Storage
- 23-10D-1080 Reclaimed Water Agreement
- 23-10D-1090 Discontinuance of Service
- 23-10D-1100 Utility Responsibilities
- 23-10D-1110 User Responsibilities
- 23-10D-1120 Use of Reclaimed Water
- 23-10D-1130 Inspection of Reclaimed Water Construction
- 23-10D-1140 Identification of Reclaimed Water Facility
- 23-10D-1150 Prohibitions
- 23-10D-1160 Rates and Charges
- 23-10D-1170 Meter Readings
- 23-10D-1180 Billing
- 23-10D-1190 Water Right
- 23-10D-1200 Offenses

Article 23-10E: Drainage

Division 23-10E-1: General Provisions

- 23-10E-1010 Intent
- 23-10E-1020 Applicability Of Article
- 23-10E-1030 Obstruction Of Waterways And Drainage Easements Prohibited
- 23-10E-1040 Duty To Maintain Unobstructed Waterways And Drainage Easements
- 23-10E-1050 Standing Water Declared A Nuisance
- 23-10E-1060 Computation Of Stormwater Runoff

Division 23-10E-2: Drainage Studies; Floodplain and Floodway Delineation

- 23-10E-2010 Director Authorized To Require Drainage Studies
- 23-10E-2020 Director Authorized To Require Erosion Hazard Zone Analysis
- 23-10E-2030 Floodplain Maps, Delineation, And Depiction

Division 23-10E-3: Standards for Approval

- 23-10E-3010 Criteria For Approval Of Development Applications
- 23-10E-3020 Certificate Of Engineer Required For Certain Alterations And Improvements
- 23-10E-3030 Approval Of Certain Permits And Certificates
- 23-10E-3040 Design And Construction Of Drainage Facilities And Improvements
- 23-10E-3050 Enclosed Storm Drains, Bridges, And Culverts
- 23-10E-3060 Supplemental Standards For Development Applications In Certain Planning Areas

Division 23-10E-4: Special Standards in Zoning Jurisdiction

- 23-10E-4010 Applicability Of Division
- 23-10E-4020 Encroachment On Floodplain Prohibited
- 23-10E-4030 General Exceptions
- 23-10E-4040 Standards In Central Business Area
- 23-10E-4050 Standards For Parking Areas
- 23-10E-4060 Standards In The 25-Year Floodplain

Division 23-10E-5: Responsibilities of Applicant or Owner

- 23-10E-5010 Stormwater Conveyance And Drainage Facilities
- 23-10E-5020 Dedication Of Easements And Rights-Of-Way
- 23-10E-5030 Detention Basin Maintenance And Inspection

This page intentionally left blank

Article 23-10A: Utility Service

Contents

Division 23-10A-1: General Provisions

- 23-10A-1010 Applicability
 - 23-10A-1020 Service Area of Austin Water
 - 23-10A-1030 Service Outside Service Area Prohibited
 - 23-10A-1040 Regulation of a Wastewater Treatment Plant Not Owned by the City
-

Division 23-10A-2: Extension of Service, General Provisions

- 23-10A-2010 Applicability
 - 23-10A-2020 Service Extension Application
 - 23-10A-2030 Review and Approval Process
 - 23-10A-2040 Approval of a Service Extension Request
 - 23-10A-2050 Environmental Resource Inventory
 - 23-10A-2060 Approval of Improvements
 - 23-10A-2070 Construction of Improvements
 - 23-10A-2080 Expiration of Service Extension Request Approval
 - 23-10A-2090 Service Commitment Transfer Not Permitted
 - 23-10A-2100 Development Compliance
-

Division 23-10A-3: Extension of Service, Cost Participation

- 23-10A-3010 Eligible Projects
- 23-10A-3020 Amount of Cost Participation
- 23-10A-3030 Request for Cost Participation
- 23-10A-3040 Approval Process for Cost Participation
- 23-10A-3050 Cost Participation Requirements
- 23-10A-3060 Cost Participation Payment
- 23-10A-3070 Agreement

Division 23-10A-4: Tap Permits

- 23-10A-4010 Tap Permit Required
- 23-10A-4020 Property Required to be in Utility Service Area
- 23-10A-4030 Application for Tap Permit; Fees; Capacity
- 23-10A-4040 Action on Application for Tap Permit
- 23-10A-4050 Tap Permit Not Transferable
- 23-10A-4060 Connection Delay
- 23-10A-4070 Expiration of Tap Permit
- 23-10A-4080 Refund of Tap Permit Fee
- 23-10A-4090 Temporary Tap Permits for a City-supported Community Garden

Division 23-10A-1: General Provisions

Contents

23-10A-1010	Applicability	1
23-10A-1020	Service Area of Austin Water	1
23-10A-1030	Service Outside Service Area Prohibited	1
23-10A-1040	Regulation of a Wastewater Treatment Plant Not Owned by the City	1

23-10A-1010 Applicability

This Article applies in the planning jurisdiction of the City of Austin unless stated otherwise in this Article.

23-10A-1020 Service Area of Austin Water

The service area of the Austin Water is coterminous with the water, reclaimed water, and wastewater impact fee service area established by the Council under Article 23-10C (Water And Wastewater Capital Recovery Fees), including each amendment or revision of the area.

23-10A-1030 Service Outside Service Area Prohibited

The City may not provide water or wastewater service outside the service area of the Austin Water unless the Council by ordinance waives the prohibition.

23-10A-1040 Regulation of a Wastewater Treatment Plant Not Owned by the City

The City will exercise its powers and duties given to it under the Texas Water Code.

This page intentionally left blank

Division 23-10A-2: Extension of Service, General Provisions

Contents

23-10A-2010	Applicability	1
23-10A-2020	Service Extension Application	1
23-10A-2030	Review and Approval Process	2
23-10A-2040	Approval of a Service Extension Request	3
23-10A-2050	Environmental Resource Inventory	3
23-10A-2060	Approval of Improvements	3
23-10A-2070	Construction of Improvements	3
23-10A-2080	Expiration of Service Extension Request Approval	4
23-10A-2090	Service Commitment Transfer Not Permitted	5
23-10A-2100	Development Compliance	5

23-10A-2010 Applicability

This Division does not apply to a service extension that is constructed as part of a project serving a property for which the Water Utility Director determines that the water or wastewater system that will serve the property can provide suitable and sufficient service in accordance with the Utilities Criteria Manual, and:

- (1) the nearest point on the property’s boundary is 100 feet or less from an accessible water or wastewater system; or
- (2) the Water Utility Director determines that a suitable service connection can be made in compliance with the Utilities Criteria Manual to a water or wastewater main on the opposite side of an undivided city or county roadway.

23-10A-2020 Service Extension Application

- (A) A service extension request application is required to:
- (1) connect a property to a City utility system if an accessible water or wastewater main is more than 100 feet from the property’s boundary;
 - (2) connect a property to a water transmission or wastewater interceptor within 100 feet of the property’s boundary, unless an exception is approved by the Water Utility Director;
 - (3) provide utility service to a property if an existing main or facility is unsuitable or insufficient to provide service to the property;
 - (4) provide service from a decentralized wastewater system to a property where the Water Utility Director recommends the City operate and maintain that decentralized wastewater system.

- (B) A person must submit an application for a service extension to the Water Utility Director. The Water Utility Director may not accept an application if the application is not complete and the applicant has not paid the required non-refundable fee.
- (C) An application for approval of a service extension must:
 - (1) include a general description of the location, size, and capacity of the service extension;
 - (2) be accompanied by a request for annexation of the property by the City if the land is not covered by the City's certificate of convenience and necessity; and
 - (3) include other information as required by the Water Utility Director.
- (D) If either water or wastewater service is to be provided by an entity other than the City, the applicant may be required to submit evidence of a commitment from the other entity to provide the appropriate level of service (including fire flow) required for the proposed land use. The evidence must be in the form of:
 - (1) a contract with the entity;
 - (2) a letter from the entity; or
 - (3) the minutes of the relevant meeting of the governing body of the entity.
- (E) Except as provided by Section 23-10A-1030 (Service Outside Service Area Prohibited), the Water Utility Director may not accept an application for a service extension if the property to be served by the service extension is not in the service area of Austin Water.

23-10A-2030 Review and Approval Process

- (A) **Administrative Review.** An administrative review will be conducted to determine the completeness of a service extension applications. Within a time period established by state law, notification will be sent to an applicant indicating whether an application is administratively complete or if additional information is required.
- (B) **Technical Review.** After an application is determined to be administratively complete, a technical review will be conducted. Technical review may include, but is not limited to, a determination of the service requirements for the subject property, the system capacity, cost participation, and type of improvements necessary to provide service to the property. Additional information may be required from the applicant for completion of technical review.

During technical review a professional engineer employed by Austin Water shall determine the size of a water or wastewater main or the capacity of a facility that is roughly proportionate to the size or capacity that is required to serve the proposed development in accordance with Section 212.904 of the Texas Local Government Code (Apportionment of Municipal Infrastructure Costs).
- (C) **Notification of Approval.** Upon completion of the technical review, and subject to the approval requirements of Section 23-10A-2040 (Approval of Service Extension Request), notification of approval of the service extension request will be sent to the applicant.
- (D) An approved service extension request is not a reservation of capacity in the system but an acknowledgement of the intent to serve.

- (E) **Deficient or Inactive Applications.** Unless approved by the Water Utility Director, a service extension application is deemed rejected on the first anniversary of the date the Water Utility Director provides initial written notice to the applicant stating that:
- (1) the application is administratively incomplete or is technically deficient; or
 - (2) due to the applicant's inactivity, the Water Utility Director has placed the application on inactive status.

23-10A-2040 Approval of a Service Extension Request

- (A) Except as provided in Subsection (B), Council approval of a service extension request or amendment of an unexpired, approved service extension request is required.
- (B) The Water Utility Director may approve an application for a service extension request or amendment of an unexpired service extension request if:
- (1) the Water Utility Director determines that sufficient capacity exists or will be available to meet the projected demands of the property to be served; and
 - (2) the property is located:
 - (a) in the desired development zone; or
 - (b) in the drinking water protection zone and within the full purpose corporate limits.

23-10A-2050 Environmental Resource Inventory

- (A) An applicant for a service extension request shall perform an environment resource inventory if required by the Water Utility Director.
- (B) An applicant is responsible for the cost of the environmental resource inventory.

23-10A-2060 Approval of Improvements

- (A) After a request for a service extension has been approved, an applicant must submit the construction plans for needed improvements and a copy of the approved service extension request to the Water Utility Director for review and approval of the size, capacity, routing, and location of the improvements.
- (B) The Water Utility Director may approve the size, capacity, routing, and location of an improvement only if it complies with the Utilities Criteria Manual (or equivalent standards as determined by the Water Utility Director), and with each applicable City requirement.

23-10A-2070 Construction of Improvements

An applicant for a service extension request shall construct improvements in accordance with the requirements of the City and provide information determined by the Water Utility Director to be necessary to demonstrate that construction of the service extension complies with the requirements of the City.

23-10A-2080 Expiration of Service Extension Request Approval

- (A) This Subsection applies to a service extension request approved before April 17, 2000.
- (1) Unless extended under this Subsection or Subsection (D), the approval of a service extension request remains in effect until the latest of:
 - (a) the date on which the preliminary plan expires for the property to be served by the service extension;
 - (b) the second anniversary of the date on which the service extension request was approved if, on or before that date:
 - (i) a preliminary plan for the property to be served has not been approved; and
 - (ii) construction of the service extension has not begun; or
 - (c) the third anniversary of the date on which the service extension request was approved, if:
 - (i) on or before that date a preliminary plan for the property to be served has not been approved; and
 - (ii) construction of the service extension began before the second anniversary of the date on which the service extension request was approved but, on or before the third anniversary of that date, construction of the service extension has not been completed and accepted for operation and maintenance by the City.
 - (2) If construction of a service extension begins while the approval is in effect under Paragraph (1), the Water Utility Director may extend the approval of a service extension request for the period of time estimated to be necessary to complete construction of the service extension.
- (B) This Subsection applies to a service extension request approved after April 17, 2000, and on or before March 31, 2013.
- (1) Except as set forth in Paragraph(2) of this Subsection, an approved service extension request expires on the latest of:
 - (a) 120 days after the date of its approval;
 - (b) for a project with a pending development application, the date the application expires; or
 - (c) for a project with an approved development application, the date the approval expires.
 - (2) For a project with a recorded plat, the service extension request does not expire.
 - (3) If a project's intensity, proposed land uses, or anticipated water or wastewater demands change, any such change must be reported to the Water Utility Director and there must be an application for the amended service extension request unless the Water Utility Director determines the change is not so substantial as to require an amendment.
- (C) This Subsection applies to a service extension request approved on or after April 1, 2013.
- (1) Except as set forth in Paragraph (2) of this Subsection, an approved service extension request expires on the latest of:

- (a) 180 days after the date of its approval;
 - (b) for a project with a pending development application, the date the application expires; or
 - (c) for a project with an approved development application, the date the approval expires.
- (2) For a project with a recorded plat, the service extension request does not expire for the portion of the property that was platted.
- (3) If a project's intensity, proposed land uses, lot configuration, or anticipated water or wastewater demands change, any such change must be reported to the Water Utility Director and there must be an application for the amended service extension request unless the Water Utility Director determines the change is not so substantial as to require an amendment.
- (D) Under this Section, if the approval of a service extension request requires cost participation from the City under a cost participation contract approved by the Council:
- (1) construction of the service extension begins on the date that fiscal security is posted or money is deposited in compliance with the contract; and
 - (2) the service extension request approval is extended until construction of the service extension is complete and the City accepts the mains and facilities constructed under the contract.

23-10A-2090 Service Commitment Transfer Not Permitted

A service commitment may not be transferred from one property to another.

23-10A-2100 Development Compliance

Development of a project for which a service extension request is approved must comply with the terms of the approved service extension request and all City requirements pertaining to water conservation.

This page intentionally left blank

Division 23-10A-3: Extension of Service, Cost Participation

Contents

23-10A-3010	Eligible Projects	1
23-10A-3020	Amount of Cost Participation	1
23-10A-3030	Request for Cost Participation	3
23-10A-3040	Approval Process for Cost Participation	3
23-10A-3050	Cost Participation Requirements	3
23-10A-3060	Cost Participation Payment	4
23-10A-3070	Agreement	4

23-10A-3010 Eligible Projects

- (A) An entity that agrees to construct a water or wastewater main or a facility that on acceptance will become part of the City water and wastewater system may apply to the City for cost participation in a water or wastewater main or a facility if the main or facility is oversized at the request of the City to serve additional property. Cost participation is not permitted for a wastewater main or wastewater facility that provides service within the drinking water protection zone.
- (B) Under this Section cost participation will apply:
 - (1) if the improvement is a water main and has a diameter of more than 8 inches;
 - (2) if the improvement is a wastewater main and has a diameter of more than 8 inches; or
 - (3) if the improvement is a pump station, reservoir, lift station, force main or wastewater treatment plant.

23-10A-3020 Amount of Cost Participation

Tables 23-10A-3020.A and 23-10B-3020.B below set forth the percentage of cost participation in the hard costs of an oversized water or wastewater main. The percentage of cost participation is based on the increased percentage in pipe diameter due to oversizing established under Section 23-10A-3030 (Request for Cost Participation). Cost participation is determined by multiplying the percentage set forth in Tables 23-10A-3020.A and 23-10B-3020.B by the hard costs of an oversized line.

- (A) The following table sets forth the amount of cost participation for the hard costs associated with an oversized water main:

Table 23-10A-3020.A: Amount of Cost Participation (Water)

Minimum Required Pipe Diameter for the Property (inches)	Percentage of Cost Participation Based on Oversized Pipe Diameter							
	8	12	16	24	30	36	42	48
8	0%	33%	50%	66%	73%	78%	81%	83%
12	-	0%	25%	50%	60%	66%	71%	75%
16	-	-	0%	33%	47%	56%	62%	66%
24	-	-	-	0%	20%	33%	43%	50%
30	-	-	-	-	0%	17%	29%	37%
36	-	-	-	-	-	0%	14%	25%
42	-	-	-	-	-	-	0%	12%
48	-	-	-	-	-	-	-	0%

(B) The following table sets forth the amount of cost participation for the hard costs associated with an oversized wastewater main:

Table 23-10A-3020.B: Amount of Cost Participation (Wastewater)

Minimum Required Pipe Diameter for the Property (inches)	Percentage of Cost Participation Based on Oversized Pipe Diameter									
	8	12	15	18	21	24	30	36	42	48
8	0%	33%	47%	56%	62%	66%	73%	78%	81%	83%
12	-	0%	20%	33%	43%	50%	60%	66%	71%	75%
15	-	-	0%	17%	29%	37%	50%	58%	64%	69%
18	-	-	-	0%	14%	25%	40%	50%	57%	62%
21	-	-	-	-	0%	12%	30%	42%	50%	56%
24	-	-	-	-	-	0%	20%	33%	43%	50%
30	-	-	-	-	-	-	0%	17%	29%	37%
36	-	-	-	-	-	-	-	0%	14%	25%
42	-	-	-	-	-	-	-	-	0%	12%
48	-	-	-	-	-	-	-	-	-	0%

(C) The amount of cost participation for hard costs for pump stations, reservoirs, wastewater treatment plants, lift stations, force mains and other facilities will be calculated on the percentage of oversizing of the treatment capacity or pumping capacity.

(D) The amount of cost participation for soft costs may not exceed 15% of the hard costs calculated under Subsections (A), (B) and (C) of this Section.

- (E) Notwithstanding the above, under no circumstance shall cost participation under this Section exceed the amount authorized by Council, unless Council provides authorization for additional cost participation.

23-10A-3030 Request for Cost Participation

During the technical review of the application, a determination by the City will be made on whether oversizing of water or wastewater mains or facilities serving additional property in the area will be necessary. If oversizing of any water or wastewater mains or facilities is necessary, the applicant will be required to submit a written request for City cost participation to the Water Utility Director prior to approval of a service extension request.

23-10A-3040 Approval Process for Cost Participation

- (A) The Water Utility Director shall review each request for cost participation.
- (B) The Water Utility Director may recommend approval of a request for cost participation only if the Water Utility Director determines that:
 - (1) the property to be served is in the service area of Austin Water;
 - (2) the size of each proposed main or facility complies with the planning criteria of Austin Water and final design and routing will comply with the Utilities Criteria Manual;
 - (3) funds for cost participation are available from an identified source or that funds will be available to meet the proposed payment schedule; and
 - (4) the proposed main or facility is an appropriate extension or addition to the water and wastewater utility system.
- (C) During the technical review the Water Utility Director, in consideration of a construction cost estimate provided by the applicant's engineer, will establish the terms of the cost participation. The Water Utility Director will provide a recommended not-to-exceed amount for cost participation, which amount will be an estimate based on the percentages for cost participation in Section 23-10A-3020 (Amount of Cost Participation).
- (D) The Water and Wastewater Commission shall make a recommendation on the request for cost participation.
- (E) The Water Utility Director shall forward the request and the Water and Wastewater Commission recommendation to the Council for final action.

23-10A-3050 Cost Participation Requirements

- (A) An entity constructing a water or wastewater main or a facility that is eligible for cost participation may not receive a cost participation payment for the main or facility unless the entity complies with each requirement or regulation of the City, including but not limited to requirements relating to:
 - (1) the public advertising of the main or facility;
 - (2) the bidding on the main or facility;

- (3) a performance or payment bond for the main or facility;
 - (4) posting of fiscal security as set forth in the developer agreement required by Section 23-10A-3070 (Agreement);
 - (5) completion and acceptance; and
 - (6) a warranty on the main or facility.
- (B) The entity constructing the main or facility is not end to receive a cost participation payment until the entity submits documentation showing the entity's compliance with each requirement described by Subsection (A).

23-10A-3060 Cost Participation Payment

- (A) **Desired Development Zone.** For cost participation relating to an improvement associated with a service extension request in the desired development zone, the City shall pay its portion of the cost 90 days after the date the City accepts the improvement.
- (B) **Drinking Water Protection Zone.** For cost participation relating to a water improvement associated with a water service extension request to a tract in the drinking water protection zone, the City shall pay its portion of the cost in four equal annual installments, without interest, with the first payment to be made on March 1 of the second year after the year in which the City accepts the improvement.

23-10A-3070 Agreement

- (A) An applicant for cost participation must enter into an agreement with the City before the City may make a cost participation payment.
- (B) The Water Utility Director shall determine the terms of the agreement.

Division 23-10A-4: Tap Permits

Contents

23-10A-4010	Tap Permit Required	1
23-10A-4020	Property Required to be in Utility Service Area	1
23-10A-4030	Application for Tap Permit; Fees; Capacity	1
23-10A-4040	Action on Application for Tap Permit	2
23-10A-4050	Tap Permit Not Transferable	2
23-10A-4060	Connection Delay	2
23-10A-4070	Expiration of Tap Permit	2
23-10A-4080	Refund of Tap Permit Fee	3
23-10A-4090	Temporary Tap Permits for a City-supported Community Garden	3

23-10A-4010 Tap Permit Required

A person may not connect a property to the City's water or wastewater utility system unless the person holds a tap permit issued by the Water Utility Director approving the connection.

23-10A-4020 Property Required to be in Utility Service Area

The Water Utility Director may not issue a tap permit for property that is located outside the City's water and wastewater utility service area unless the Council by ordinance waives the prohibition.

23-10A-4030 Application for Tap Permit; Fees; Capacity

- (A) An applicant for a tap permit must apply to Austin Water on a form approved by the Water Utility Director.
- (B) An application for a tap permit must include:
 - (1) the name, title, address and telephone number of the applicant;
 - (2) a description of the property for which the tap permit is to be issued;
 - (3) documentation demonstrating that the property that is the subject of the tap permit application is:
 - (a) a legal lot under state law and local subdivision requirements; and
 - (b) located in:
 - (i) the City's water and wastewater impact fee service area; or

- (ii) an area covered by an agreement for the wholesale sale of water between the City and another utility service provider that authorizes the City to issue tap permits under the agreement;
 - (4) If applicable, documentation that engineered tap plan has been approved;
 - (5) if applicable, documentation that the applicant's service extension has been approved; and
 - (6) other information that the Water Utility Director determines is necessary to process the application.
- (C) An application for a tap permit must be accompanied by the payment of:
- (1) the tap permit fee, connection fee, and capital recovery fee set by the Council under separate ordinance; and
 - (2) other fees required to be paid at the time the Water Utility Director issues the permit.
- (D) The Water Utility Director may not approve an application for a tap permit if existing facilities do not have actual capacity to serve the new connection.

23-10A-4040 Action on Application for Tap Permit

- (A) On approval of an application for a tap permit, the Water Utility Director shall issue a tap permit to the applicant.
- (B) If the Water Utility Director denies a tap permit, the Water Utility Director must be notify the applicant of the denial, stating the grounds for the denial.

23-10A-4050 Tap Permit Not Transferable

A water or wastewater tap permit issued under this Division is issued for a specific property or service address. The permit may not be transferred to another property or service address.

23-10A-4060 Connection Delay

- (A) The Water Utility Director may delay an applicant's connection of an exchange or septic tank cutover if the system does not have sufficient capacity for the connection.
- (B) If a connection is delayed under Subsection (A), the Water Utility Director shall extend the time for connection until there is sufficient capacity.

23-10A-4070 Expiration of Tap Permit

- (A) Except as provided in Section 23-10A-4060 (Connection Delay) and Subsection (B), a tap permit expires on the second anniversary of the date on which the permit is issued unless:
 - (1) the connection authorized by the permit is made before the second anniversary date; or

- (2) on the second anniversary date the permit holder has a building permit, plumbing permit, and/or an unexpired site plan for the property or service address for which the tap permit is issued.
- (B) The Water Utility Director may extend a tap permit if, before the second anniversary of the date the permit was issued, the permit holder submits a written application for the extension that demonstrates that good cause exists for the extension.
- (C) The Water Utility Director may not extend a tap permit for more than 90 days beyond the second anniversary of the date the permit is issued.
- (D) Under Subsection (B), “good cause” means circumstances of financial hardship or a danger to human health or safety.

23-10A-4080 Refund of Tap Permit Fee

- (A) The Water Utility Director may refund a tap permit fee.
- (B) To obtain a refund of a tap permit fee, a permit holder, before the expiration date of the permit, must:
 - (1) submit an application for the refund to the Water Utility Director stating the grounds for the refund;
 - (2) tender the tap permit at the time the refund application is submitted;
 - (3) submit documentation of the amount of the tap permit fee and the payment of the fee;
 - (4) submit other information the Water Utility Director considers necessary to process the application; and
 - (5) tender a canceled building permit if a building permit was issued.

23-10A-4090 Temporary Tap Permits for a City-supported Community Garden

- (A) In this Section, city-supported community garden and garden permit have the meanings assigned by Section 14-7-1 (Definitions).
- (B) A tap permit issued for a city-supported community garden is a temporary permit. A tap permit issued for a city-supported community garden remains valid only while the garden permit is valid.
- (C) If the garden permit terminates and the parcel of land is no longer exempt under Section 23-5A-1040 (Temporary Exemption From Platting Requirements), Austin Water shall remove the tap from the city-supported community garden.
- (D) If the garden permit terminates and the parcel of land is a legal lot, Austin Water may remove the tap from the city-supported community garden unless:
 - (1) the owner or the user of the legal lot submits an application for a tap; and
 - (2) the Water Utility Director approves a tap permit.
- (E) An applicant under Subsection (D) must pay the fees for each tap for which an application is submitted, including any impact fee.

This page intentionally left blank

Article 23-10B: Water Districts

Contents

Division 23-10B-1: General Provisions

- 23-10B-1010 Applicability
 - 23-10B-1020 Minimum Land Requirements; Economic Viability
 - 23-10B-1030 Creation of District Inside City
-

Division 23-10B-2: Procedure for Creation

- 23-10B-2010 Review of a Petition
 - 23-10B-2020 Preapplication Review
 - 23-10B-2030 Petition Filed; Notice of Petition
 - 23-10B-2040 Designation as City Service or Non-City Service District
 - 23-10B-2050 Review of Petition by City Employees
 - 23-10B-2060 Review by Certain Boards and Commissions
 - 23-10B-2070 Distribution of Reports
 - 23-10B-2080 Public Hearing Before City Council
 - 23-10B-2090 Initial Action by City Council
 - 23-10B-2100 Copies of Land Use Plan Required
 - 23-10B-2110 Council Action on Annexation Petition
 - 23-10B-2120 Request for Utility Service After City Consent Denied
 - 23-10B-2130 Subdivision Approval
 - 23-10B-2140 Construction of Article
-

Division 23-10B-3: Conditions and Restrictions on Consent to Creation of District

- 23-10B-3010 General Provisions
 - 23-10B-3020 Conditions and Restrictions Generally
 - 23-10B-3030 Conditions and Restrictions Applicable to a City Service District
 - 23-10B-3040 Bond-related Provisions
 - 23-10B-3050 Utility Rates in a Municipal Utility District
 - 23-10B-3060 Annexation by City of Water District Territory
-

Division 23-10B-4: Out-of-district Service

- 23-10B-4010 Applications Not Covered by This Section
- 23-10B-4020 Application For Out-of-District Service
- 23-10B-4030 Notice of Application
- 23-10B-4040 Board and Commission Review; Council Action
- 23-10B-4050 Administrative Approval of an Out-of-District Service Application
- 23-10B-4060 Emergency Out-of-District Service

Division 23-10B-5: Amendment to a Consent Document or an Agreement with a Water District

- 23-10B-5010 Application for Amendment of Agreement
- 23-10B-5020 Notice of Application
- 23-10B-5030 Board and Commission Review; Council Action
- 23-10B-5040 Administrative Approval of a Revision to a Land Use Plan
- 23-10B-5050 Contents of Application for Revision of Land Use Plan
- 23-10B-5060 Administrative Action on Application to Revise Approved Land Use Plan

Division 23-10B-6: Water District Bond Issuance

- 23-10B-6010 Applicability
- 23-10B-6020 City Approval Required
- 23-10B-6030 Application for Approval of a District Bond
- 23-10B-6040 Notice of Application
- 23-10B-6050 Department and Commission Review
- 23-10B-6060 Auditor Review; Release of Official Statement
- 23-10B-6070 Action on Application by City Council

Division 23-10B-1: General Provisions

Contents

23-10B-1010	Applicability	1
23-10B-1020	Minimum Land Requirements; Economic Viability	1
23-10B-1030	Creation of District Inside City	1

23-10B-1010 Applicability

This Article applies to:

- (1) the creation of a District in the planning jurisdiction of the City of Austin;
- (2) the request by an existing District to annex or include territory in a District;
- (3) an amendment to a District consent document or an agreement with a District; and
- (4) a District bond issuance.

23-10B-1020 Minimum Land Requirements; Economic Viability

- (A) A District may not contain less than 100 acres of territory.
- (B) A District must contain an amount of territory sufficient to assure the economic viability of the District.
- (C) An applicant seeking consent to the creation of a District or to include territory in an existing District must submit information to demonstrate the economic viability of the proposed or existing District.

23-10B-1030 Creation of District Inside City

- (A) A District may be created inside the municipal limits of the City only if:
 - (1) the written consent of the City is obtained;
 - (2) creation of the District complies with this Article.
- (B) Territory located inside the full purpose municipal boundary of the City may be included in a proposed District only if:
 - (1) the territory is 1,000 feet or less from a major thoroughfare; and
 - (2) the area of the territory does not exceed five percent of the total amount of territory in the proposed District.

This page intentionally left blank

Division 23-10B-2: Procedure for Creation

Contents

23-10B-2010	Review of a Petition	1
23-10B-2020	Preapplication Review	1
23-10B-2030	Petition Filed; Notice of Petition	1
23-10B-2040	Designation as City Service or Non-City Service District	2
23-10B-2050	Review of Petition by City Employees	2
23-10B-2060	Review by Certain Boards and Commissions	2
23-10B-2070	Distribution of Reports	2
23-10B-2080	Public Hearing Before City Council	3
23-10B-2090	Initial Action by City Council	3
23-10B-2100	Copies of Land Use Plan Required	3
23-10B-2110	Council Action on Annexation Petition	4
23-10B-2120	Request for Utility Service After City Consent Denied	4
23-10B-2130	Subdivision Approval	4
23-10B-2140	Construction of Article	4

23-10B-2010 Review of a Petition

- (A) The City shall review a petition filed with the City for the City’s consent to:
 - (1) the creation of a District; or
 - (2) the annexation of territory to a District.
- (B) The review by the City of the petition must comply with this Division.

23-10B-2020 Preapplication Review

- (A) A person who intends to file a petition for the creation of a District may discuss the proposed District in a preapplication review with City employees before the petition is filed.
- (B) To request a preapplication review, a person must notify the City Manager of the person’s intent to file a petition in writing at least 30 days before the date the person files the petition with the City.

23-10B-2030 Petition Filed; Notice of Petition

- (A) A petition for the creation of a District must be filed with the City Manager.

- (B) The City Manager shall give notice under Division 23-2C-5 (Notice Of Applications And Administrative Decisions) of a petition filed under this Section.

23-10B-2040 Designation as City Service or Non-City Service District

On the filing of a request for the consent of the City to the creation of a District, the City Manager shall designate the proposed District as a city service district or a non-city service district.

23-10B-2050 Review of Petition by City Employees

- (A) Employees of the appropriate City departments shall:
- (1) review the petition; and
 - (2) prepare a report on the petition.
- (B) A report prepared under Subsection (A) may include appropriate recommendations.
- (C) The City Manager shall send a copy of each report prepared under Subsection (A) to:
- (1) the City Clerk;
 - (2) the person who filed the petition;
 - (3) each department that participated in the review; and
 - (4) each member of the:
 - (a) Water and Wastewater Commission;
 - (b) Planning Commission;
 - (c) Environmental Commission;
 - (d) Parks and Recreation Board; and
 - (e) Urban Transportation Commission.

23-10B-2060 Review by Certain Boards and Commissions

Each board and commission identified in Section 23-10B-2050(C) (4) (Review Of Petition By City Employees) shall review the petition and prepare a recommendation on the petition.

23-10B-2070 Distribution of Reports

- (A) The City Manager shall:
- (1) compile the City department reports and board and commission recommendations into one volume; and
 - (2) send a copy of the compilation to:
 - (a) each member of the Council;

- (b) the City Clerk;
 - (c) the City Attorney;
 - (d) each department that reviewed the petition; and
 - (e) the person who filed the petition.
- (B) The copy of the compilation sent to the City Clerk is available for public inspection.

23-10B-2080 Public Hearing Before City Council

- (A) The Council shall set and hold a public hearing on the petition before the expiration of the period established by state law.
- (B) A public hearing required by Subsection (A) must be held during a regularly scheduled Council meeting.

23-10B-2090 Initial Action by City Council

- (A) After the conclusion of the public hearing required by Section 23-10B-2080 (Public Hearing Before City Council) and before the expiration of the period state law establishes for review of the petition, the Council by resolution may:
 - (1) deny consent to the creation of the District; or
 - (2) grant initial consent to creation of the District, specifying each condition necessary for final consent.
- (B) If the Council grants initial consent to the creation of a District, the Council shall instruct the City Attorney to prepare the documents required for final consent by the Council, including a consent ordinance and required agreements.
- (C) The City Attorney shall:
 - (1) draft the required documents; and
 - (2) before the time the Council is scheduled to grant final consent, send a copy of the documents to the:
 - (a) Council;
 - (b) City Clerk; and
 - (c) person who filed the petition.

23-10B-2100 Copies of Land Use Plan Required

- (A) Before the 15th day after the date the Council grants final consent to the creation of a District, the person who filed the petition for creation shall provide to the City Manager one copy, in a City approved format, of the land use plan approved by the Council.
- (B) Each copy of the approved land use plan must state on its face the date that the Council approved the land use plan. One copy of the approved land use plan must be on mylar (or in an other City approved format) and capable of being reproduced.

23-10B-2110 Council Action on Annexation Petition

The Council shall act on a petition for consent to the annexation of territory by a District before the 91st day after the date the petition is filed, except as may be otherwise required by state law.

23-10B-2120 Request for Utility Service After City Consent Denied

- (A) If the Council does not grant consent to the creation of or annexation of territory to a District, the person who filed the creation or annexation petition may request the City to provide the water or wastewater service that the District proposed to provide.
- (B) A request under Subsection (A) must be filed with the City Manager.
- (C) The City and the person filing the request shall enter into a negotiation to agree to terms of a contract under which the City shall provide the requested water or wastewater service.
- (D) A contract negotiated under Subsection (C) must be reviewed by the Water and Wastewater Commission and the Planning Commission. Each commission shall make a recommendation on the proposed contract to the Council.
- (E) The Council shall act on the proposed contract before the 121st day after the date the request for City service is filed.

23-10B-2130 Subdivision Approval

The Planning Commission may not approve a preliminary plan or final plat of subdivision in a District that does not comply with a resolution or ordinance adopted in connection with the consent by the City to the creation of the District or an agreement entered into in connection with the consent of the City to the creation of the District.

23-10B-2140 Construction of Article

- (A) To the extent of conflict between this Division and another regulation of the Code, the other Code regulation prevails.
- (B) This Article does not exempt any development located in the territory of a District or undertaken on behalf of a District from any applicable provision of this Code.

Division 23-10B-3: Conditions and Restrictions on Consent to Creation of District

Contents

23-10B-3010	General Provisions	1
23-10B-3020	Conditions and Restrictions Generally	1
23-10B-3030	Conditions and Restrictions Applicable to a City Service District.....	2
23-10B-3040	Bond-related Provisions	2
23-10B-3050	Utility Rates in a Municipal Utility District	3
23-10B-3060	Annexation by City of Water District Territory	3

23-10B-3010 General Provisions

- (A) The Council may impose a condition or restriction on a District in connection with the consent of the City to the creation of a District in accordance with this Article, applicable City Council resolutions and ordinances, and applicable state law.
- (B) A condition or restriction imposed in connection with the consent of the City to the creation of a District must be included in a resolution, agreement, or ordinance that pertains to the District.

23-10B-3020 Conditions and Restrictions Generally

- (A) This Section applies to each District.
- (B) The plans and specifications for a facility to be financed or constructed by or on behalf of a District must be approved by the City before construction begins. Fees may be charged for the review and approval of the plans and specifications. The facility must be constructed in accordance with the approved plans and specifications.
- (C) The City may inspect the construction of a facility financed or constructed by or on behalf of a District as determined necessary by the City to ensure compliance with the approved plans and specifications and any applicable requirement. The City may charge a fee for an inspection.
- (D) A District shall prepare and file with the City Manager:
 - (1) a certified copy of each annual audit of the District;
 - (2) an annual report describing the status of construction by or on behalf of the District; and
 - (3) minutes of all District board meetings.
- (E) A District may not provide any service outside the boundary of the District without the approval of the Council.
- (F) A District may not annex territory to or exclude territory from the District without the approval of Council.

- (G) All territory and each easement for a District facility must be dedicated to the public, the District, and each successor of the District.

23-10B-3030 Conditions and Restrictions Applicable to a City Service District

- (A) This Section applies to a city service District.
- (B) If a District receives or will receive water or wastewater service from the City, the District shall adopt and enforce as a District rule Chapter 6-4 (Water Conservation), Chapter 15-10 (Wastewater Regulations), and Division 23-11B-6 (Plumbing Code).
- (C) A District may not support or encourage:
- (1) an attempt to incorporate a municipality in the District; or
 - (2) an attempt by a municipality other than the City to annex territory in the District.
- (D) A wastewater treatment plant constructed by or on behalf of a city service District must irrigate plant effluent, if the plant would otherwise discharge:
- (1) over the Edwards Aquifer recharge zone; or
 - (2) in the Barton Creek watershed.
- (E) A city service District shall concurrently submit to the City Manager a certified copy of each document the District submits to the Texas Co Commission on Environmental Quality, its successors, or another applicable agency of the state.

23-10B-3040 Bond-related Provisions

- (A) The following provisions must be included in a District consent agreement.
- (1) A District must pledge the revenue and ad valorem taxes of the District to the payment of the principal of and interest on all bonds issued by the District.
 - (2) A bond may be issued by a District only for a purpose authorized by state law.
 - (3) A bond issued by a District for one purpose may not be used for another purpose.
 - (4) The City, to insure the economic vitality of a District and to the extent authorized by the laws of this state, may limit the amount of bonds the District may issue.
 - (5) To insure compliance by a District with each applicable condition or restriction imposed in connection with the consent of the City to the creation of the District, the Council is entitled to approve the issuance or sale of a District bond before the District issues a bid invitation for the bond. If the District is not in compliance with each applicable condition:
 - (a) the Council may not approve the issuance or sale of the bond; and
 - (b) the District may not issue or sell the bond.
 - (6) Each bond issued by a District must include a call provision that permits the District to redeem the bond at par.

- (7) A District may not spend the proceeds of a bond or incur any indebtedness for the purpose of providing service to territory outside the boundary of the District without the approval of the Council.
- (8) The net effective interest rate of a bond issued by a District may not exceed 102 percent of the highest average interest rate reported by the Daily Bond Buyer in its weekly "20 Bond Index" during the one month period preceding the date that notice of sale is given.
- (B) In consenting to the creation of a District, the City may impose an additional condition or restriction on the terms, provisions, or sale of a bond or note of the District. A condition or restriction imposed under this Subsection may not cause the bond or note to be unmarketable.

23-10B-3050 Utility Rates in a Municipal Utility District

- (A) The consent of the City to the creation of a municipal utility district shall be conditioned on a contract between the City and the municipal utility district. The contract must:
 - (1) include adequate detail as required by the laws of this state; and
 - (2) provide that at the time the City annexes the territory of the municipal utility district, water and wastewater rates established for property in the municipal utility district shall be sufficient to fully compensate the City for assuming the indebtedness of the municipal utility district after the municipal utility district is dissolved.
- (B) A water or wastewater rate established under a contract required by Subsection (A) shall be based on the water or wastewater rate established for other customers in the boundary of the City and shall include a component based on the monthly debt retirement payment assumed by the City. A water or wastewater rate may be recalculated as provided in the contract.
- (C) A water or wastewater rate established under a contract required by Subsection (A) must remain in effect until:
 - (1) the bonded indebtedness of the District is fully retired; and
 - (2) the City is fully compensated, regardless of whether a bond of the District is called.
- (D) The written consent of the City to the creation of a municipal utility district shall specify the date by which at least 90 percent of the water, wastewater, drainage, and road improvements for which bonds of the municipal utility district are issued must be installed or completed.

23-10B-3060 Annexation by City of Water District Territory

- (A) The consent of the City to the creation of a District may include a provision relating to the timing and conditions of annexation by the City, for full or limited purposes, of the territory in the District.
- (B) The consent of the City to the creation of a municipal utility district may provide that the City and the municipal utility district shall enter into an allocation agreement relating to annexation by the City of the territory in the municipal utility district. An allocation agreement entered into under this Subsection:

- (1) must be in compliance with the applicable law of this state; and
 - (2) may include a term or condition that is determined by the City to be necessary.
- (C) On annexation of the territory in a District, the City may:
- (1) permit the District to continue to exist in accordance with the laws of the state;
 - (2) dissolve the District in accordance with the laws of the state; or
 - (3) permit the District to continue to exist in accordance with an allocation agreement entered into in compliance with the laws of the state.

Division 23-10B-4: Out-of-district Service

Contents

23-10B-4010	Applications Not Covered by This Section.	1
23-10B-4020	Application For Out-of-District Service	1
23-10B-4030	Notice of Application	1
23-10B-4040	Board and Commission Review; Council Action.	2
23-10B-4050	Administrative Approval of an Out-of-District Service Application	2
23-10B-4060	Emergency Out-of-District Service	3

23-10B-4010 Applications Not Covered by This Section

- (A) This Division does not apply to an application requesting that a District provide water or wastewater utility service to a site outside of the boundaries of the District if the site proposed to be served by the District:
 - (1) is located in the service area of Austin Water;
 - (2) is separated geographically from City water or wastewater facilities by the District; and
 - (3) can be served by a facility:
 - (a) financed by contract bonds; and
 - (b) located in or immediately adjacent to the District.
- (B) A person requesting service described in Subsection (A) must apply under Division 23-10A-2 (Extension of Service, General Provisions) and Division 23-10A-3 (Extension of Service, Cost Participation).

23-10B-4020 Application For Out-of-District Service

- (A) An application requesting that a District provide water or wastewater utility service to a site outside of the boundary of the District must be filed with the City Manager and the Water Utility Director by the person receiving the service.
- (B) An application filed under this Division includes each document required by City rules.

23-10B-4030 Notice of Application

On receipt of an application filed under this Division, the City Manager shall notify the:

- (1) Council;
- (2) City Clerk; and
- (3) presiding officer of the Planning Commission.

23-10B-4040 Board and Commission Review; Council Action

- (A) This Section does not apply to an application filed under this Division that meets the criteria established in Section 23-10B-1050(A) (Administrative Approval Of Out-Of-District Service Application).
- (B) The City Manager shall submit an application filed under this Division to each of the following boards and commissions determined by the City Manager to have an interest in the application:
 - (1) Parks and Recreation Board;
 - (2) Urban Transportation Commission;
 - (3) Water and Wastewater Commission; or
 - (4) Environmental Commission.
- (C) The City Manager shall submit an application filed under this Division to the Planning Commission.
- (D) Each department, board, or commission that reviews an application filed under this Division shall send its recommendation on the application to the Council not later than the 60th day after the date the application is filed with the City Manager.
- (E) The Council shall act on an application filed under this Division not later than the date of the second regular Thursday meeting of the Council that is to be held after the date that the Council receives the final recommendations required by Subsection (D).

23-10B-4050 Administrative Approval of an Out-of-District Service Application

- (A) The City Manager may approve an application filed under this Division if:
 - (1) the site that is to receive the proposed water or wastewater service is not:
 - (a) in or proposed to be brought into the service area of Austin Water;
 - (b) in an area:
 - (i) that could be served by a facility for which the issuance of a water or wastewater bond by the City or District has been authorized; or
 - (ii) in which the City or a District has called an election on the issuance of a water or wastewater bond; or
 - (c) in a District or the certificated service area of a private utility approved by the Texas Commission on Environmental Quality unless the District or private utility has released the site; and
 - (2) the District proposing to provide the water or wastewater service is not connected or proposed to be connected to:
 - (a) the water or wastewater system of the City; or
 - (b) a water or wastewater facility to which the City has made a capital contribution.
- (B) An applicant requesting administrative approval of an application filed under this Division must submit:

- (1) documentation demonstrating that the proposed water or wastewater service complies with Subsection (A); and
 - (2) 10 copies of each document required by City rules to accompany the application.
- (C) The City Manager must approve or deny an application filed under this Division before the 15th day after the date the application is filed.

23-10B-4060 Emergency Out-of-District Service

- (A) To prevent or alleviate a danger to the public health and safety, the City Manager may approve a request that a District provide water or wastewater utility service to a site outside of the boundary of the District.
- (B) The Council shall review a request made under Subsection (A) during the first regular Thursday meeting of the Council that is held after the City Manager approves the request.

This page intentionally left blank

Division 23-10B-5: Amendment to a Consent Document or an Agreement with a Water District

Contents

23-10B-5010	Application for Amendment of Agreement.	1
23-10B-5020	Notice of Application.	1
23-10B-5030	Board and Commission Review; Council Action	1
23-10B-5040	Administrative Approval of a Revision to a Land Use Plan.	2
23-10B-5050	Contents of Application for Revision of Land Use Plan.	2
23-10B-5060	Administrative Action on Application to Revise Approved Land Use Plan	3

23-10B-5010 Application for Amendment of Agreement

- (A) An application to amend a consent document or an agreement between a District and the City must be filed with the City Manager by a party to the document or agreement or a successor in interest to that party.
- (B) An application filed under this Section includes each document required by City rules.

23-10B-5020 Notice of Application

- (A) On receipt of an application filed under this Section, the City Manager shall notify the:
 - (1) Council;
 - (2) City Clerk; and
 - (3) presiding officer of the Planning Commission.
- (B) If the application filed under this Division requests a revision of a land use plan, the City Manager shall give notice of the application under Division 23-2C-5 (Notice Of Applications and Administrative Decisions).

23-10B-5030 Board and Commission Review; Council Action

- (A) This Section does not apply to an application for a revision to a land use plan that meets the criteria established in Section 23-10B-5040(A) (Administrative Approval Of A Revision To A Land Use Plan).
- (B) The City Manager shall submit an application filed under this Division to the Planning Commission.
- (C) The City Manager shall submit an application filed under this Division to each of the following boards and commissions determined by the City Manager to have an interest in the application:
 - (1) Parks and Recreation Board;
 - (2) Urban Transportation Commission;

- (3) Water and Wastewater Commission; or
- (4) Environmental Commission.
- (D) Each department, board, or commission that reviews an application filed under this Division shall send its recommendation on the application to the Council not later than the 60th day after the date the application is filed with the City Manager.
- (E) The Council shall act on an application filed under this Division not later than the date of the second regular Thursday meeting of the Council that is to be held after the date that the Council receives the final recommendations required by Subsection (D).

23-10B-5040 Administrative Approval of a Revision to a Land Use Plan

- (A) The City Manager shall approve a revision to an approved land use plan if the proposed revision:
 - (1) includes only land uses shown on the approved land use plan, unless the City Manager determines that a proposed use would be a permitted use in the most restrictive zoning district of the City that would permit the use on the site covered by the revision; and
 - (2) will not:
 - (a) increase residential density above the maximum residential density established by the approved land use plan;
 - (b) increase the area of nonresidential land use above the maximum established by the approved land use plan;
 - (c) increase development intensity in a water quality zone above the intensity shown on the approved land use plan;
 - (d) increase the City's commitment for water and wastewater service above the level required to serve the uses identified on the approved land use plan or the level established in an agreement with the City;
 - (e) require an amendment to the Transportation Plan or result in the misalignment of a road connecting to land adjacent to land in an approved preliminary plan or final plat; or
 - (f) in the opinion of the City Manager:
 - (i) increase traffic above the capacity of existing or funded roadways in the territory of the District;
 - (ii) be incompatible with land uses in or adjacent to the District; or
 - (iii) negatively affect a publicly dedicated parkland or a greenbelt area.
- (B) Under Subsection (A)(2)(b), land that is dedicated or used for a public purpose or a civic use is considered to be a residential land use.

23-10B-5050 Contents of Application for Revision of Land Use Plan

An applicant requesting administrative approval of a revision of a land use plan must submit:

- (1) documentation demonstrating that the proposed revision complies with Section 23-10B-5040(A) (Administrative Approval Of A Revision To A Land Use Plan);
- (2) a tabular comparison of the approved and proposed land use plan comparing:
 - (a) each utility requirement as described in the relevant consent agreement;
 - (b) land uses by acreage;
 - (c) the number of dwelling units by residential category; and
 - (d) residential density in each residential category; and
- (3) 15 folded copies of the proposed land use plan.

23-10B-5060 Administrative Action on Application to Revise Approved Land Use Plan

- (A) The City Manager must approve or deny a revision to an approved land use plan before the 21st day after the date the application was filed.
- (B) On approval of a revision to an approved land use plan, the person who applied for approval of the revision shall submit a copy of the revised land use plan to the City Manager. The copy must be on mylar and capable of being reproduced.
- (C) The effective date of a revised land use plan approved under this Section is the date that the plan is signed by the City Manager.

This page intentionally left blank

Division 23-10B-6: Water District Bond Issuance

Contents

23-10B-6010	Applicability	1
23-10B-6020	City Approval Required	1
23-10B-6030	Application for Approval of a District Bond	1
23-10B-6040	Notice of Application.	1
23-10B-6050	Department and Commission Review	1
23-10B-6060	Auditor Review; Release of Official Statement	2
23-10B-6070	Action on Application by City Council	2

23-10B-6010 Applicability

This Division applies to a District created with the consent of the City after March 20, 1980, that issued bonds after December 19, 1985.

23-10B-6020 City Approval Required

A District may not issue a bond unless the Council approves the issuance of the bond.

23-10B-6030 Application for Approval of a District Bond

A District that proposes to issue bonds must file an application for approval of the issuance with the City Manager. An application filed under this Section includes all documents required by City rules.

23-10B-6040 Notice of Application

On receipt of an application filed under Section 23-10B-6030 (Application For Approval of a District Bond) the City Manager shall:

- (1) notify the Council and the presiding officer of the Water and Wastewater Commission of the application; and
- (2) send one copy of the application to the presiding officer of the Water and Wastewater Commission.

23-10B-6050 Department and Commission Review

(A) The City Manager shall designate departments of the City to review the application.

- (B) Each designated department shall complete its review of the application not later than the 45th day after the date the application is filed.

23-10B-6060 Auditor Review; Release of Official Statement

- (A) The City Auditor shall review the preliminary and final official statements of the District that include the City's financial statements and audited opinion.
- (B) Until the City Auditor completes the required review, an official statement described in Subsection (A) may not be disclosed to a person, other than:
 - (1) an employee of the City; or
 - (2) a consultant who is assisting the District to structure the issuance of a District bond.

23-10B-6070 Action on Application by City Council

The Council shall act on an application filed under this Division not later than the date of the second regular Thursday meeting of the Council held after the date the Council receives the recommendations of the Water and Wastewater Commission and each designated department of the City.

Article 23-10C: Water and Wastewater Capital Recovery Fees

Contents

Division 23-10C-1: General Provisions

- 23-10C-1010 Applicability
 - 23-10C-1020 Adoptions by Reference
 - 23-10C-1030 Accounts
-

Division 23-10C-2: Fee Established

- 23-10C-2010 Assessment and Collection of Impact Fees Authorized
 - 23-10C-2020 Assessment
 - 23-10C-2030 Amount of Fee
 - 23-10C-2040 Computation of Impact Fees to be Collected
 - 23-10C-2050 Collection of Fee
 - 23-10C-2060 Installment Payment of Impact Fee
-

Division 23-10C-3: Determination of Service Units

- 23-10C-3010 Service Units Where A Meter is Purchased
 - 23-10C-3020 Fire Demand Meters
-

Division 23-10C-4: Exemptions

- 23-10C-4010 Exemptions from Impact Fee
 - 23-10C-4020 Central System Cutover Exemption
 - 23-10C-4030 Wastewater Impact Fee Exemption for Consumption Meter
 - 23-10C-4040 Water Impact Fee Exemptions for Annexed Property
 - 23-10C-4050 Wastewater Impact Fee Exemptions for Annexed Property
 - 23-10C-4060 Exemption for City-Supported Community Gardens
 - 23-10C-4070 Exemption for Certain Affordable Housing
-

Division 23-10C-5: Discounts and Adjustments

- 23-10C-5010 Refunds
- 23-10C-5020 Expiration of Tap Permit

This page intentionally left blank

Division 23-10C-1: General Provisions

Contents

23-10C-1010	Applicability	1
23-10C-1020	Adoptions by Reference	1
23-10C-1030	Accounts	1

23-10C-1010 Applicability

- (A) Except as provided by this Section, this Article applies to new development in the water and wastewater impact fee service area.
- (B) The impact fee applicable to new development outside the water and wastewater impact fee service area shall be set by agreement. The agreement may provide the amount of the fee, the method of collection of the fee, and other terms and conditions.
- (C) A contract for water or wastewater service to a wholesale customer or other political subdivision of the State of Texas shall provide for collection of impact fees and transmittal of collections to the City of Austin in accordance with this Article.
- (D) This Article does not supersede a contract with a political subdivision or wholesale customer that was in effect on June 18, 1990, and which provides for the collection of impact fees and the transmittal of collections to the City.

23-10C-1020 Adoptions by Reference

- (A) The following are adopted and incorporated by reference:
 - (1) Impact Fee Land Use Assumptions;
 - (2) the designation of the water and wastewater impact fee service area; and
 - (3) Impact Fee Capital Improvements Plan for Water and Wastewater Facilities.
- (B) Documents adopted by reference shall be kept on file by the City Clerk.

23-10C-1030 Accounts

- (A) The Director of the Financial and Administrative Services Department shall establish accounting controls to ensure compliance with Section 395.024 of the Local Government Code.
- (B) The Director of the Financial and Administrative Services Department shall establish separate interest-bearing accounts for impact fees collected for water facilities and for impact fees collected for wastewater facilities.
- (C) Funds may be disbursed as reasonably necessary to carry out the purposes of this Article; provided that a fee shall be expended within a reasonable period of time, not to exceed 10 years, from the date the fee is deposited into the account.

- (D) The Director of the Financial and Administrative Services Department shall maintain records for each account that:
- (1) show the source and disbursement of fees;
 - (2) the number of service units for which fees are received; and
 - (3) ensure that refunds from each account are properly made.

Division 23-10C-2: Fee Established

Contents

23-10C-2010	Assessment and Collection of Impact Fees Authorized	1
23-10C-2020	Assessment	1
23-10C-2030	Amount of Fee	1
23-10C-2040	Computation of Impact Fees to be Collected	2
23-10C-2050	Collection of Fee	2
23-10C-2060	Installment Payment of Impact Fee	2

23-10C-2010 Assessment and Collection of Impact Fees Authorized

- (A) This Article levies a water impact fee and a wastewater impact fee to be assessed and collected in accordance with Chapter 395 of the Local Government Code.
- (B) The Water Utility Director shall collect the water impact fee and the wastewater impact fee on new development in accordance with Chapter 395 of the Local Government Code and this Article.

23-10C-2020 Assessment

- (A) This Section applies to the assessment of the water impact fee and the wastewater impact fee.
- (B) This Article assesses an impact fee on new development at the time of final plat approval.
- (C) If an applicant obtains a final approval for replatting, this Article assesses an impact fee at the time of the replatting.
- (D) For a development which received final plat approval before June 18, 1990, and which is not replatted, this Article assesses an impact fee as of June 20, 1990.
- (E) An application for an amended plat made under Local Government Code Section 212.016 or the City's subdivision rules is not subject to a reassessment of the impact fee.
- (F) The Texas Local Government Code provides for an exception to platting and Section 25-4-2 of the City's Code outlines authorized exceptions from platting requirements. The date that the property has applied and been approved by the City as exempted from the formal subdivide/platting process will be the date that is used to assess water and wastewater impact fees.

23-10C-2030 Amount of Fee

The amount of the impact fee to be assessed for each service unit and the amount of the impact fee to be collected for each service unit shall be set by ordinance.

23-10C-2040 Computation of Impact Fees to be Collected

- (A) The impact fees to be collected for new development are calculated by:
 - (1) adding the number of service units attributable to all meters purchased for the development;
 - (2) multiplying the total number of service units by the fee to be collected for each service unit for water or wastewater service; and
 - (3) subtracting any applicable credits or discounts allowable under this Article for water or wastewater service from the product derived under Subsection (A)(2).
- (B) If the property owner increases the number of service units for a development, the additional impact fees to be collected for the new service units shall be determined using the method set out in this Section, and the fees and credits or discounts in effect at the time the additional meters are purchased. The additional fee shall be collected at the time the additional meters are purchased.
- (C) If the property owner decreases the number of service units for a development under an unexpired site plan, the property owner is entitled to a credit of the impact fee at that property for the amounts represented by the decrease in service units based on the fee to be collected for each service unit and credits or discounts in effect at the time the fee was paid.

23-10C-2050 Collection of Fee

- (A) Except as provided by Section 23-10C-2060 (Installment Payment Of Impact Fee), or by a contract with a wholesale customer or with another political subdivision, the impact fee due for new development shall be collected:
 - (1) at the time the City approves a site plan or building plan review; or
 - (2) for land platted outside the corporate boundaries of the City, at the time an application for a tap permit is filed.
- (B) A tap permit may not be issued unless the applicant has paid the impact fee.

23-10C-2060 Installment Payment of Impact Fee

- (A) The Water Utility Director may allow an applicant to make installment payments of an impact fee in accordance with this Section.
- (B) The applicant must make written application for approval to make payment of an impact fee on an installment basis on a form promulgated for this purpose by the Water Utility Director.
- (C) The applicant must be:
 - (1) the owner of a single family residence occupied by the applicant as a homestead; or
 - (2) a community garden that is not a qualified community garden.

- (D) The applicant must demonstrate that the payment of the full amount of the impact fee at the time the tap permit is approved will cause the applicant undue financial hardship in accordance with standards promulgated by the Water Utility Director.
- (E) The property for which connection is sought:
 - (1) may not be used for a commercial or industrial purpose;
 - (2) must be within the City's impact fee service area; and
 - (3) must be a legal lot in compliance with applicable state law and local subdivision requirements.
- (F) An applicant who is eligible under this Section to pay an impact fee on an installment basis shall:
 - (1) pay a minimum of 10 percent of the applicable impact fee and all connection fees at the time the tap permit is approved; and
 - (2) execute an installment payment agreement on a form promulgated by the Water Utility Director and approved by the City Attorney which must contain, at a minimum, the following provisions:
 - (a) the written promise of the applicant to pay the balance of the impact fee owed in equal annual installments over a payment term not to exceed five years at an interest rate of seven percent with each installment due and payable on the anniversary date of the approval of the tap permit until paid;
 - (b) terms and conditions as the City Attorney shall deem favorable, necessary, or required to enforce the agreement in the event of a default, including the right to disconnect service upon default and any other remedies authorized by law; and
 - (c) other provisions the City Attorney considers necessary to document the transaction, protect the interests of the City, and comply with applicable law.

This page intentionally left blank

Division 23-10C-3: Determination of Service Units

Contents

23-10C-3010	Service Units Where A Meter is Purchased	1
23-10C-3020	Fire Demand Meters	1

23-10C-3010 Service Units Where A Meter is Purchased

- (A) This Section applies to the determination of service units for both water and wastewater service.
- (B) Service units shall be determined by the size and type of the water meter purchased according to the following schedule:

Table 23-10C-3010.A		
Meter Size (Inch)	Type	Service Units
5/8	Positive Displacement	1
¾	Positive Displacement	1.5
1	Positive Displacement	2.5
1½	Positive Displacement	5
1 ½	Turbine	9
2	Positive Displacement	8
2	Turbine	16
3	Compound	17.5
3	Turbine	35
4	Compound	30
4	Turbine	65
6	Compound	67.5
6	Turbine	140
8	Turbine	240
10	Turbine	350
12	Turbine	440

23-10C-3020 Fire Demand Meters

- (A) No service units shall be attributed to a tap that provides only fire protection capacity.
- (B) If a meter is purchased to provide both fire and domestic demand, the number of service units shall be determined based upon the size and type of meter that would be required to provide for domestic demand only as determined by the American Water Works Association or its successor agency.

This page intentionally left blank

Division 23-10C-4: Exemptions

Contents

23-10C-4010	Exemptions from Impact Fee	1
23-10C-4020	Central System Cutover Exemption	1
23-10C-4030	Wastewater Impact Fee Exemption for Consumption Meter	2
23-10C-4040	Water Impact Fee Exemptions for Annexed Property	2
23-10C-4050	Wastewater Impact Fee Exemptions for Annexed Property	2
23-10C-4060	Exemption for City-Supported Community Gardens	2
23-10C-4070	Exemption for Certain Affordable Housing	3

23-10C-4010 Exemptions from Impact Fee

- (A) An impact fee may not be collected for a connection that is used to provide only fire protection capacity.
- (B) An impact fee may not be collected for a connection for a state owned building or property that is entirely occupied by a state agency.
- (C) An impact fee may not be collected for non-residential construction funded, wholly or partly, by the City's community development block grant program.
- (D) An impact fee may not be collected for:
 - (1) the exchange of an existing 5/8-inch meter serving an existing duplex residence for two 5/8-inch meters serving the two dwelling units of the duplex residence, provided there are no additions or modifications to the existing duplex residence other than those necessary to comply with this Article; or
 - (2) the exchange of a connection for another connection, if the exchange will result in an equivalent or lesser number of service units on the property for which the connection was originally purchased. The number of service units to be exchanged shall be determined in accordance with Section 23-10C-3010 (Service Units Where A Meter Is Purchased).
- (E) If one 5/8-inch meter is serving more than one single-family detached residence on the same lot, the owner of one of the single-family detached residences being served by the existing meter may obtain a separate 5/8-inch meter without paying an additional impact fee.

23-10C-4020 Central System Cutover Exemption

- (A) At the time of the connection to the City's water system, a water impact fee may not be collected for the existing development that receives service from a central water supply system that is:
 - (1) owned by a person other than the City; and

- (2) is to be connected to the City's water system.
- (B) At the time of the connection to the City's wastewater system, a wastewater impact fee may not be collected for the existing development that receives service from a wastewater treatment plant that is:
 - (1) owned by a person other than the City; and
 - (2) is to be connected to the City's wastewater system.

23-10C-4030 Wastewater Impact Fee Exemption for Consumption Meter

A wastewater impact fee may not be collected for a meter used to monitor water that is used exclusively for consumption and such water cannot enter the City's wastewater system.

23-10C-4040 Water Impact Fee Exemptions for Annexed Property

A water impact fee may not be collected at the time a City tap permit is paid on a water connection for property full-purposed annexed for a period of six years from the date of annexation, if residential structure(s) on the property were served by an existing on-site water well. The water impact fee waiver shall only apply to the same residential structure(s) on the property at the time of annexation.

23-10C-4050 Wastewater Impact Fee Exemptions for Annexed Property

A wastewater impact fee may not be collected at the time a City tap permit is paid on a wastewater connection for annexed property for a period of six years from the date of annexation, if residential structure(s) on the property were served by an existing on-site sewage facility. The wastewater impact fee waiver shall only apply to the same residential structure(s) on the property at the time of annexation.

23-10C-4060 Exemption for City-Supported Community Gardens

- (A) In this Section, city-supported community garden and garden permit have the meanings assigned by Section 14-7-1 (Definitions) of the City Code.
- (B) An impact fee may not be assessed on a city-supported community garden.
- (C) The Director of the department designated under Section 14-7-1 (Definitions) shall determine if the parcel of land is issued a garden permit.
- (D) If the garden permit on a parcel of land terminates, the Director of the department designated under Section 14-7-1 (Definitions) shall notify the Water Utility Director and the Planning Director of the change in status.
- (E) After a garden permit terminates on a parcel of land and if the tap is not removed in accordance with Section 23-10A-4090 (Temporary Tap Permit for a City-Supported Community Garden):

- (1) a user of the parcel of land shall pay any impact fees on the parcel of land within 30 calendar days; and
- (2) if the impact fee is not paid as required under Paragraph (1), the Water Utility Director must notify the user that:
 - (a) if the parcel of land had a temporary exemption from the platting requirements before the garden permit was terminated, the user must plat the parcel of land before Austin Water can continue service;
 - (b) the delinquent impact fee on the parcel of land must be paid within 15 calendar days; and
 - (c) the failure to secure legal lot status or to pay the impact fee is grounds for terminating water service; and
- (3) if, following the notice under Paragraph (2), legal lot status is not obtained or the impact fee is not paid as required under Paragraph (2), the water service may be disconnected.

23-10C-4070 Exemption for Certain Affordable Housing

- (A) The community development officer may exempt not more than 1,500 service units (as prescribed by Austin Water) of affordable housing constructed each fiscal year from the requirement to pay impact fees under this Article. Service units of affordable housing within the development known as the Robert Mueller Municipal Airport development that are granted exemptions from paying impact fees do not count against the annual cap of 1,500.
- (B) The community development officer shall establish guidelines for the selection of the service units to receive an exemption under this Section. The guidelines must include a requirement for a written application.
- (C) To be eligible for an exemption under this Section, affordable housing must:
 - (1) meet design and construction guidelines established by the community development officer for habitability, affordability, accessibility, water conservation, and energy efficiency;
 - (2) be served by existing City infrastructure and services; and
 - (3) be a newly constructed single family home, condo, townhome, or multifamily housing unit located within the corporate limits of the City that is:
 - (a) approved for assistance under an affordable housing program funded with Community Development Block Grant or federal HOME program assistance funds administered by the City;
 - (b) approved for assistance under a program for affordable housing construction funding or down payment assistance administered by the Austin Housing Finance Corporation; or
 - (c) approved under guidelines for non-assisted affordable housing units established by the community development officer that meet the requirements of this Section.

- (D) To receive an exemption under this Section, an applicant who is approved for an exemption must provide to the community development officer an agreement, a restrictive covenant, a deed of trust, a promissory note, or other documents determined to be necessary by the City Attorney to establish an enforceable obligation by the applicant to:
 - (1) pay to the City an amount equal to the impact fee otherwise applicable to the housing unit if the applicant does not comply with this Section and applicable guidelines;
 - (2) reserve by covenant the applicable affordable dwelling units for the duration of the affordability period prescribed by Subsection (E); and
 - (3) pay liquidated damages that will fairly compensate the City for any breach.
- (E) To retain an exemption under this Section, a unit of affordable housing must comply with the requirements of Article 23-3E (Affordable Housing Incentive Program).
- (F) If an applicant who receives an exemption under this Section does not comply with Subsection (E), defaults on its obligations under documents executed under Subsection (D), or does not perform in accordance with the conditions for receipt of the exemption, the City may initiate legal proceedings to recover the impact fees that would have applied to the housing unit and damages. Funds recovered for impact fees shall be deposited in the impact fee account of the Austin Water. Damages collected to compensate the City for loss of affordable housing units shall be deposited into the S.M.A.R.T. Housing CIP Fund account of the Neighborhood Housing and Community Development Department.
- (G) Before the Water Utility Director may issue a tap permit authorizing connection to the City water or wastewater system for a property receiving an exemption under this Section, the community development officer must provide a written certification to the Water Utility Director identifying each service address of the affordable housing unit.
- (H) The community development officer may revoke a certification under Subsection (G) if the applicant does not finish construction of the approved affordable housing unit:
 - (1) within 15 months after certification; or
 - (2) for a multifamily housing unit, 24 months after certification.
- (I) This Section does not require a refund by Austin Water of impact fees to the entity that previously paid.
- (J) An exemption under this Section may not be assigned or transferred by the applicant to another property.

Division 23-10C-5: Discounts and Adjustments

Contents

23-10C-5010	Refunds	1
23-10C-5020	Expiration of Tap Permit	1

23-10C-5010 Refunds

- (A) If a refund is made under Section 395.025 of the Local Government Code, the tap permit shall be cancelled and all connection fees previously collected shall be refunded. If a building permit has been issued for the property, the canceled building permit must be presented before the refund may be made.
- (B) If a previously purchased but uninstalled water meter for which the impact fee has been paid is replaced with a smaller meter, the City shall refund a portion of impact fee payments based on the difference in service units of the two meter sizes and the fee for each service unit at the time of the original fee payment.
- (C) A request for a refund shall be submitted to the Water Utility Director on a form provided by the City. The Water Utility Director must respond to the requestor with a decision on the request not later than the 31st day after the receipt of the request. The response must include the reasons for the decision. If a refund is due to the requestor, the Water Utility Director shall notify the Director of Financial and Administrative Services that a refund payment is due to the requestor.

23-10C-5020 Expiration of Tap Permit

- (A) An impact fee may not be refunded if the tap permit for which it is paid expires.
- (B) If the tap permit or building permit for a property for which an impact fee has been paid expires, and a new application is filed for the same property, the applicant is end to receive a credit in the amount of the fee paid.
- (C) Except as provided by Subsection (B), an impact fee is not transferable to a property or service unit other than the one for which it is paid.

This page intentionally left blank

Article 23-10D: Reclaimed Water

Contents

Division 23-10D-1: Reclaimed Water

- 23-10D-1010 Applicability
- 23-10D-1020 Availability of Reclaimed Water Service
- 23-10D-1030 Reclaimed Water Service Application
- 23-10D-1040 Application Review
- 23-10D-1050 Approval Required for System Design and Operation
- 23-10D-1060 Backflow Prevention
- 23-10D-1070 Storage
- 23-10D-1080 Reclaimed Water Agreement
- 23-10D-1090 Discontinuance of Service
- 23-10D-1100 Utility Responsibilities
- 23-10D-1110 User Responsibilities
- 23-10D-1120 Use of Reclaimed Water
- 23-10D-1130 Inspection of Reclaimed Water Construction
- 23-10D-1140 Identification of Reclaimed Water Facility
- 23-10D-1150 Prohibitions
- 23-10D-1160 Rates and Charges
- 23-10D-1170 Meter Readings
- 23-10D-1180 Billing
- 23-10D-1190 Water Right
- 23-10D-1200 Offenses

This page intentionally left blank

Division 23-10D-1: Reclaimed Water

Contents

23-10D-1010	Applicability	1
23-10D-1020	Availability of Reclaimed Water Service	1
23-10D-1030	Reclaimed Water Service Application	2
23-10D-1040	Application Review	2
23-10D-1050	Approval Required for System Design and Operation	2
23-10D-1060	Backflow Prevention	2
23-10D-1070	Storage	3
23-10D-1080	Reclaimed Water Agreement	3
23-10D-1090	Discontinuance of Service	3
23-10D-1100	Utility Responsibilities	4
23-10D-1110	User Responsibilities	4
23-10D-1120	Use of Reclaimed Water	4
23-10D-1130	Inspection of Reclaimed Water Construction	5
23-10D-1140	Identification of Reclaimed Water Facility	5
23-10D-1150	Prohibitions	5
23-10D-1160	Rates and Charges	6
23-10D-1170	Meter Readings	6
23-10D-1180	Billing	6
23-10D-1190	Water Right	6
23-10D-1200	Offenses	7

23-10D-1010 Applicability

This Article applies in the planning jurisdiction of the City of Austin except as otherwise provided in this Article.

23-10D-1020 Availability of Reclaimed Water Service

- (A) The Water Utility Director may make reclaimed water available to properties within the service area as the Utility extends the reclaimed water distribution system.
- (B) The Water Utility Director shall prescribe design requirements for reclaimed water facilities, the manner of construction, the method of operation, and conditions of service.
- (C) The Water Utility Director may refuse to provide service for the following reasons:

- (1) reclaimed water service would be detrimental to the potable water system;
 - (2) City supply of treated wastewater is inadequate to meet the anticipated needs of the proposed use area;
 - (3) required fees have not been paid;
 - (4) reclaimed water service to the area would not benefit the City;
 - (5) the proposed use is inappropriate for reclaimed water; or
 - (6) known safeguards are not in place to protect the public health or the environment.
- (D) In determining whether to provide reclaimed water service to an applicant, the Water Utility Director may consider the following factors:
- (1) the existence of a reclaimed water main adjacent to or near the premises of an applicant; and
 - (2) the applicant's offer to pay the cost of service extension.

23-10D-1030 Reclaimed Water Service Application

An applicant for a subdivision plat, building permit, site plan, water service extension, or water connection within the service area may submit an application to use reclaimed water. The Water Utility Director shall prescribe an application form for reclaimed water service.

23-10D-1040 Application Review

- (A) The Water Utility Director shall review an application for reclaimed water service and investigate the proposed service. The investigation may include a site visit with the user to determine the feasibility of reclaimed water service.
- (B) The Water Utility Director shall determine whether the application meets the requirements of this Article and of the Commission.

23-10D-1050 Approval Required for System Design and Operation

- (A) A user must submit design drawings and specifications to the Water Utility Director for approval before the user may construct or retrofit an onsite facility that will use or receive reclaimed water.
- (B) A user must submit to the Utility drawings of the final installed onsite reclaimed water system and the entire approved use area before beginning operation.

23-10D-1060 Backflow Prevention

A user must install a backflow prevention assembly as identified by Austin Water before reclaimed water service can be provided.

23-10D-1070 Storage

A user must design storage facilities used for storing reclaimed water in accordance with 30 Texas Administrative Code, Chapter 210.

23-10D-1080 Reclaimed Water Agreement

- (A) If the Water Utility Director approves the application, the Utility may enter a reclaimed water service agreement with a user.
- (B) A reclaimed water agreement must incorporate the requirements of this Article and additional utility standards, if any, prescribed by the Water Utility Director.
- (C) The user must sign the reclaimed water agreement acknowledging that the user is responsible for onsite activities and must agree to hold the City harmless from claims arising out of user's operation and maintenance of reclaimed water service.

23-10D-1090 Discontinuance of Service

- (A) The City may discontinue reclaimed and potable water service to a user if the user:
 - (1) violates this Article;
 - (2) fails to pay water bills;
 - (3) tampers with the service;
 - (4) cross-connects with a potable water source;
 - (5) refuses to permit an authorized City representative to enter its premises to inspect the user's reclaimed water system; or
 - (6) performs an act that may be detrimental to the water or wastewater system.
- (B) If a user vacates a service address, the user must give the City notice before the date the user wants utility service to be disconnected.
- (C) A user who seeks to discontinue service must pay for the reclaimed water used until the service is discontinued.
- (D) A user may not reconnect a discontinued service without the Water Utility Director's approval.
- (E) If a user reconnects a discontinued service without the Water Utility Director's approval, the Utility may remove the service and charge an additional fee.
- (F) The Utility may not charge a fee for discontinued reclaimed water service.
- (G) A user may apply for reinstatement of service after paying the fees or charges authorized by this Article.
- (H) The Water Utility Director shall charge a fee for service reinstatement.

23-10D-1100 Utility Responsibilities

- (A) The Utility and its authorized agents, employees, or contractors are responsible for the operation, management, and control of the offsite facilities and the oversight of reclaimed water.
- (B) The Utility shall:
 - (1) obtain necessary Commission permits for the offsite use of reclaimed water under 30 Texas Administrative Code, Chapter 210;
 - (2) conduct reclaimed water quality assessments to comply with the requirements of the regulatory agencies; and
 - (3) inspect the user's onsite facilities and their operations for conformance with this Article.
- (C) Before the Utility requests Council approval to construct new reclaimed water satellite facilities the Utility shall request the recommendations of the Water and Wastewater Commission, Environmental Commission, and Land Use Commission.

23-10D-1110 User Responsibilities

- (A) A user may not make a connection to existing Utility facilities without the approval of the Water Utility Director.
- (B) A user is responsible for constructing an onsite service line to an established point of connection.
- (C) A user shall provide supervision of onsite facilities to assure compliance with this Article and Chapter 15-1 (Cross-Connection Regulations) of the City Code.
- (D) A user shall provide access at reasonable times for inspections.

23-10D-1120 Use of Reclaimed Water

- (A) A user may use reclaimed water for the following purposes:
 - (1) turf and general landscape irrigation;
 - (2) non-food processing industrial processes;
 - (3) non-residential toilet and urinal flushing;
 - (4) construction activities;
 - (5) vehicle washing;
 - (6) air conditioning cooling towers; and
 - (7) other uses authorized by the Water Utility Director.
- (B) A user may use reclaimed water only in areas authorized by the Water Utility Director.
- (C) A user may not give, sell, trade, or transfer reclaimed water to another area without the written approval of the Water Utility Director.

- (D) A user may not discharge airborne or surface reclaimed water from the user's property, other than to a wastewater treatment system or wastewater collection system, without obtaining a permit from the Commission authorizing the discharge. The user must notify the Utility of the permit application.
- (E) A user who uses reclaimed water for cooling or processing must discharge the water to a sanitary sewer or use another method of discharge approved by the Water Utility Director.
- (F) A user may not interrupt reclaimed water service in a portion of the Utility system without the approval of the Water Utility Director. The Water Utility Director may direct, inspect, and determine the time for an interruption of service to an existing system.
- (G) Reclaimed water used for domestic, cooling, or other non-irrigation purposes will be treated the same as potable water as it relates to wastewater billing.

23-10D-1130 Inspection of Reclaimed Water Construction

- (A) The Utility may inspect, remove, or secure devices installed by the user to control reclaimed water.
- (B) Utility personnel may inspect during normal business hours without notice to the user.
 - (1) The Utility and regulatory agencies may make periodic unannounced inspections of the onsite reclaimed water system.
 - (2) The user and its operations personnel shall cooperate with inspectors and assist in performing operational tests.
- (C) An onsite reclaimed water system must pass an operational test before the Utility may approve the system.
- (D) The Water Utility Director may grant user final approval for reclaimed water service if:
 - (1) the Water Utility Director approves the drawings;
 - (2) the system passes an inspection and cross connection control test; and
 - (3) the user makes corrections required by the Utility.

23-10D-1140 Identification of Reclaimed Water Facility

A user must identify reclaimed water facilities in accordance with utility standards.

23-10D-1150 Prohibitions

A user may not:

- (1) use reclaimed water for a purpose not approved in the reclaimed water agreement;
- (2) use or apply reclaimed water for a purpose, including approved uses, directly or by windblown spray, to an area other than that approved in the reclaimed water agreement;

- (3) use hose bibs on an onsite reclaimed water system unless the Director approves the use of hose bibs; or
- (4) allow obstructions to impede access to meter boxes or other facilities.

23-10D-1160 Rates and Charges

- (A) The Utility shall charge the rate provided by separate ordinance for the following:
 - (1) reclaimed water fee;
 - (2) tap fee;
 - (3) meter set charges;
 - (4) engineering or inspection fees;
 - (5) reconnection fee; and
 - (6) service reinstatement fee.
- (B) A user of reclaimed water service must pay an additional fee set by separate ordinance for discharge of reclaimed water to the sanitary sewer.

23-10D-1170 Meter Readings

If a reclaimed water meter fails to register or registers inaccurately, the Utility may charge an average daily consumption rate based on a reading of the meter when in use and registering accurately during the same season or as close to the same season as is reasonably possible.

23-10D-1180 Billing

- (A) The Utility may bill for reclaimed water monthly.
- (B) An active account becomes delinquent when full payment is not received in the Utility customer service office by the due date on the bill.
- (C) The Utility may discontinue a delinquent account, regardless of location, until the billing is paid.

23-10D-1190 Water Right

The delivery of reclaimed water by the Utility and the acceptance and use of the reclaimed water by the user is not a transfer by the Utility or an acquisition by the user of a water right.

23-10D-1200 Offenses

- (A) A person commits an offense if the person knowingly violates any provision of this Article.

- (B) An offense under this subsection is a Class C misdemeanor punishable by a fine not to exceed \$2000.
- (C) Each instance of a violation of this Article is a separate offense.

This page intentionally left blank

Article 23-10E: Drainage

Contents

Division 23-10E-1: General Provisions

- 23-10E-1010 Intent
 - 23-10E-1020 Applicability Of Article
 - 23-10E-1030 Obstruction Of Waterways And Drainage Easements Prohibited
 - 23-10E-1040 Duty To Maintain Unobstructed Waterways And Drainage Easements
 - 23-10E-1050 Standing Water Declared A Nuisance
 - 23-10E-1060 Computation Of Stormwater Runoff
-

Division 23-10E-2: Drainage Studies; Floodplain and Floodway Delineation

- 23-10E-2010 Director Authorized To Require Drainage Studies
 - 23-10E-2020 Director Authorized To Require Erosion Hazard Zone Analysis
 - 23-10E-2030 Floodplain Maps, Delineation, And Depiction
-

Division 23-10E-3: Standards for Approval

- 23-10E-3010 Criteria For Approval Of Development Applications
 - 23-10E-3020 Certificate Of Engineer Required For Certain Alterations And Improvements
 - 23-10E-3030 Approval Of Certain Permits And Certificates
 - 23-10E-3040 Design And Construction Of Drainage Facilities And Improvements
 - 23-10E-3050 Enclosed Storm Drains, Bridges, And Culverts
 - 23-10E-3060 Supplemental Standards For Development Applications In Certain Planning Areas
-

Division 23-10E-4: Special Standards in Zoning Jurisdiction

- 23-10E-4010 Applicability Of Division
 - 23-10E-4020 Encroachment On Floodplain Prohibited
 - 23-10E-4030 General Exceptions
 - 23-10E-4040 Standards In Central Business Area
 - 23-10E-4050 Standards For Parking Areas
 - 23-10E-4060 Standards In The 25-Year Floodplain
-

Division 23-10E-5: Responsibilities of Applicant or Owner

- 23-10E-5010 Stormwater Conveyance And Drainage Facilities
- 23-10E-5020 Dedication Of Easements And Rights-Of-Way
- 23-10E-5030 Detention Basin Maintenance And Inspection

This page intentionally left blank

Division 23-10E-1: General Provisions

Contents

23-10E-1010	Intent	1
23-10E-1020	Applicability Of Article	1
23-10E-1030	Obstruction Of Waterways And Drainage Easements Prohibited	1
23-10E-1040	Duty To Maintain Unobstructed Waterways And Drainage Easements	2
23-10E-1050	Standing Water Declared A Nuisance.	2
23-10E-1060	Computation Of Stormwater Runoff	2

23-10E-1010 Intent

Austin’s unique combination of intense rainstorms, steep slopes, and slow-draining soils makes it especially prone to severe flooding conditions. On undeveloped land, stormwater runoff is dispersed across the landscape, where it is slowed and absorbed by vegetation, soil, wetlands, and uneven terrain, especially along a waterway’s natural banks and floodplains. When development increases impervious cover, removes these natural features, and pipes or channelizes stormwater flows, the land loses this natural storage capacity and stormwater runoff travels more quickly into receiving streams, rivers, and storm drains, leading to increased flooding and erosion. Furthermore, development within the floodplain or erosion hazard zone has the potential for placing people, property, and infrastructure at risk. Drainage regulations ensure the health, safety, and welfare of the public and properties through management of stormwater, preservation of waterways, and control of soil erosion such that no adverse impacts occur as a result of development.

23-10E-1020 Applicability Of Article

- (A) Except as provided in Subsection (B), this Article applies in the planning jurisdiction.
- (B) For a preliminary plan, final plat, or subdivision construction plan in the portion of the City’s extraterritorial jurisdiction that is within Travis County:
 - (1) this Article does not apply; and
 - (2) Title 30 (Austin/Travis County Subdivision Regulations) governs.

23-10E-1030 Obstruction Of Waterways And Drainage Easements Prohibited

Unless authorized by a development application approved in compliance with Title 23, a person may not place, or cause to be placed, an obstruction in a waterway or drainage easement.

23-10E-1040 Duty To Maintain Unobstructed Waterways And Drainage Easements

The person in control of real property traversed by a waterway or drainage easement shall keep the waterway or drainage easement free from an obstruction that is not authorized by a development application approved in compliance with Title 23. The City may access the drainage easement to perform necessary maintenance, but is not obligated to maintain the drainage easement.

23-10E-1050 Standing Water Declared A Nuisance

A pool of standing water in a waterway that is caused by an unauthorized obstruction in the waterway is declared to be a nuisance.

23-10E-1060 Computation Of Stormwater Runoff

Stormwater runoff must be computed on the basis of a fully developed contributing drainage area or watershed as determined in compliance with the Drainage Criteria Manual.

Division 23-10E-2: Drainage Studies; Floodplain and Floodway Delineation

Contents

23-10E-2010	Director Authorized To Require Drainage Studies	1
23-10E-2020	Director Authorized To Require Erosion Hazard Zone Analysis	1
23-10E-2030	Floodplain Maps, Delineation, And Depiction	1

23-10E-2010 Director Authorized To Require Drainage Studies

- (A) The Director may require the applicant to provide, at the applicant's expense and as a condition for development application approval, a drainage study for the total area to be ultimately developed.
- (B) The drainage study must be in compliance with the Drainage Criteria Manual.
- (C) If a drainage study is required by this Section, the City may not accept for review a development application for any portion of the proposed development until the Director has received the required drainage study.

23-10E-2020 Director Authorized To Require Erosion Hazard Zone Analysis

- (A) The Director may require the applicant to provide, at the applicant's expense and as a condition for development application approval, an analysis to establish the erosion hazard zone if the proposed development is:
 - (1) within 100 feet of the centerline of a waterway with a drainage area of 64 acres or greater; or
 - (2) located where significant erosion is present.
- (B) The erosion hazard zone analysis must be in compliance with the Drainage Criteria Manual.
- (C) If an erosion hazard zone analysis is required by this Section, the City may not accept for review a development application for any portion of the proposed development until the Director has received the required erosion hazard zone analysis.

23-10E-2030 Floodplain Maps, Delineation, And Depiction

- (A) The Watershed Protection Department shall designate and maintain official floodplain maps.
- (B) If an official floodplain map is not delineated, the applicant shall calculate the boundaries of the 100-year floodplain in compliance with the Drainage Criteria Manual and submit the calculation to the Director for approval.
- (C) If the Director determines that FEMA regulations require a submission to the agency of a request for a flood insurance rate map revision, the Director may require that the revision request to FEMA be submitted by the applicant.

- (D) The applicant shall depict, as applicable:
- (1) on a preliminary plan or subdivision construction plan:
 - (a) a 100-year floodplain;
 - (b) a FEMA floodplain; and
 - (c) a drainage easement or proposed drainage easement;
 - (2) on a final plat:
 - (a) a drainage easement; and
 - (b) a portion of a FEMA floodplain that is outside a drainage easement;
 - (3) on a site plan, including site plan exemption or general permit:
 - (a) a 100-year floodplain;
 - (b) a FEMA floodplain; and
 - (c) a drainage easement; or
 - (4) on a residential building permit:
 - (a) a 100-year floodplain;
 - (b) a FEMA floodplain; and
 - (c) a drainage easement.
- (E) If a portion of a FEMA floodplain is outside a drainage easement, the applicant shall, on a final plat:
- (1) identify the portion of the FEMA floodplain that is outside the drainage easement, including the community and panel number of the flood insurance rate map; and
 - (2) include a note that:
 - (a) refers the reader to federal regulations governing development in a FEMA floodplain;
 - (b) states that flood insurance may be required; and
 - (c) describes efforts to revise the flood insurance rate map.

Division 23-10E-3: Standards for Approval

Contents

23-10E-3010	Criteria For Approval Of Development Applications	1
23-10E-3020	Certificate Of Engineer Required For Certain Alterations And Improvements	2
23-10E-3030	Approval Of Certain Permits And Certificates	2
23-10E-3040	Design And Construction Of Drainage Facilities And Improvements	2
23-10E-3050	Enclosed Storm Drains, Bridges, And Culverts	2
23-10E-3060	Supplemental Standards For Development Applications In Certain Planning Areas	3

23-10E-3010 Criteria For Approval Of Development Applications

- (A) A development application may not be approved unless:
- (1) the proposed development application demonstrates sufficient capacity for the design flood, as determined in compliance with the Drainage Criteria Manual;
 - (2) each proposed improvement is sufficiently strong to resist:
 - (a) external pressure caused by earth or building; and
 - (b) internal pressure or abrasion caused by water or debris;
 - (3) the proposed grades will not permit stormwater to gather in a pool that may become stagnant, excluding variable pools in creek beds as a result of natural channel design;
 - (4) temporary and permanent measures to control erosion are sufficient to minimize siltation of the waterway, as determined in compliance with the Environmental Criteria Manual; and
 - (5) the proposed development:
 - (a) will not result in additional adverse flooding impact on other property;
 - (b) to the greatest extent feasible, preserves the natural and traditional character of the land and the waterway located within the 100-year floodplain;
 - (c) except as provided by Subsection (C), includes on-site control of the two-year peak flow, as determined in compliance with the Drainage Criteria Manual and the Environmental Criteria Manual;
 - (d) will not result in erosion impacts on other property;
 - (e) locates all proposed improvements outside the erosion hazard zone, unless protective works are provided as prescribed in the Drainage Criteria Manual; and
 - (f) reduces the post-development peak flow rate of discharge to match the peak flow rate of discharge for undeveloped conditions as prescribed in the Drainage Criteria Manual.
- (B) At the City's sole discretion, the Director may approve participation in the Regional Stormwater Management Program as prescribed in the Drainage Criteria Manual if the site can demonstrate:

- (1) no additional adverse impact from flood or erosion potential; and
- (2) adequate downstream flood conveyance capacity.
- (C) A proposed development may provide off-site control of the two-year peak flow, if the off-site control will not cause:
 - (1) an adverse water quality impact from increased in-stream peak flow; or
 - (2) streambank erosion.

23-10E-3020 Certificate Of Engineer Required For Certain Alterations And Improvements

- (A) The Director may not accept any plan or specification for a proposed alteration or improvement of a bed or bank of a waterway unless the plan or specification is accompanied by a certificate bearing the seal of an engineer certifying that:
 - (1) the hydraulic and structural design is adequate; and
 - (2) the proposed alteration or improvement complies with the ordinances of this City, the Drainage Criteria Manual, and the laws of this state.
- (B) Subsection (A) does not prohibit the Director from accepting a plan or specification for a minor alteration or improvement that, in the judgment of the Director, does not require certification by an engineer.

23-10E-3030 Approval Of Certain Permits And Certificates

If a development application requires the completion or partial completion of a drainage improvement before a building may be constructed on a lot, a building permit or certificate of compliance may not be issued for the lot unless the Director approves the issuance.

23-10E-3040 Design And Construction Of Drainage Facilities And Improvements

- (A) The design and construction of a drainage facility or improvement must:
 - (1) be in compliance with the Drainage Criteria Manual; and
 - (2) provide for maintenance and protection from erosion in compliance with the Environmental Criteria Manual.

23-10E-3050 Enclosed Storm Drains, Bridges, And Culverts

- (A) The Director shall approve the plans and specifications for a storm drain, bridge, or culvert.
- (B) The City may inspect the construction of each storm drain, bridge, or culvert.

23-10E-3060 Supplemental Standards For Development Applications In Certain Planning Areas

- (A) The standards of this Section supplement the criteria in Section 23-10E-3010 (Criteria for Approval of Development Applications) for development within the area bound by Oltorf to the north, the Union Pacific railroad tracks to the east, Highway 290/Ben White Boulevard to the south, and South Lamar and Manchaca Road to the west.
- (B) The Director may determine that a development will have no additional adverse flooding impact to other property, as required by Section 23-10E-3010(A)(5) (Criteria for Approval of Development Applications), only if the Director finds that:
 - (1) for development that will alter or impact stormwater flow:
 - (a) the determination is substantiated by detailed hydraulic and hydrologic analyses that model downstream impacts, within a scope deemed appropriate by the Director based on the scale and intensity of the development; and
 - (b) is submitted by an engineer under seal; and
 - (2) existing peak flow rate will be reduced by at least 10 percent for proposed development or redevelopment that would exceed 45 percent impervious cover, as calculated based on gross site area.
- (C) In addition to all other applicable standards, a development application must comply with the standards of this Section.
 - (1) Except as provided in Paragraph (C)(2), an application for development of a new or existing duplex, single-family attached, two-family residential, secondary apartment, or condominium residential use must include scaled drawings and a grading plan identifying:
 - (a) finished floor elevations;
 - (b) driveway and sidewalk locations;
 - (c) building footprint; and
 - (d) location of all stormwater discharge.
 - (2) The standards of Paragraph (C)(1) do not apply to development of a single-family residential use on a platted lot if impervious cover will not exceed 45 percent, as calculated based on gross site area.
 - (3) For development of a single-family residential subdivision:
 - (a) the construction plans for subdivision infrastructure must include a concept plan identifying building footprints and the location of sidewalks and driveways for each lot within the subdivision; and
 - (b) a grading plan for each lot, consistent with the subdivision construction plans, if applicable, must be provided at the time of development and building permit review.
- (D) The standards of this Section do not:
 - (1) affect implementation of the Regional Stormwater Management Program, as prescribed in the Drainage Criteria Manual; or

- (2) prohibit the Director from waiving detention standards, as prescribed in the Drainage Criteria Manual, if an applicant provides offsite improvements that result in an overall improvement of flooding conditions within the affected watershed.

Division 23-10E-4: Special Standards in Zoning Jurisdiction

Contents

23-10E-4010	Applicability Of Division	1
23-10E-4020	Encroachment On Floodplain Prohibited	1
23-10E-4030	General Exceptions	2
23-10E-4040	Standards In Central Business Area	2
23-10E-4050	Standards For Parking Areas	3
23-10E-4060	Standards In The 25-Year Floodplain	3

23-10E-4010 Applicability Of Division

This Division applies in the zoning jurisdiction.

23-10E-4020 Encroachment On Floodplain Prohibited

- (A) Except as provided in Section 23-10E-4060 (Standards in the 25-Year Floodplain), a development application may not be approved if a proposed building or parking area encroaches on the 25-year floodplain.
- (B) Except as provided in Sections 23-10E-4030 (General Exceptions), 23-10E-4040 (Standards in Central Business Area), and 23-10E-4050 (Standards for Parking Areas), a development application may not be approved if a proposed building or parking area encroaches on the 100-year floodplain.
- (C) The Director may grant a variance to Subsection (A) or (B) if the Director determines that:
 - (1) The finished floor elevation of a proposed building is at least two feet above the 100-year floodplain;
 - (2) Normal access to a proposed building is by direct connection with an area above the regulatory flood datum, as prescribed in Chapter 23-11, Article 23-11B, Division 23-11B-1 (Building Code);
 - (3) A proposed building complies with the standards in Chapter 23-11, Article 23-11B, Division 23-11B-1, Appendix G (Flood Resistant Construction) and Section 1612 (Flood Loads);
 - (4) The development compensates for the floodplain volume displaced by the development;
 - (5) The development improves the drainage system by exceeding the standards of Section 23-10E-3010 (Criteria for Approval of Development Applications), as demonstrated by a report provided by the applicant and certified by an engineer;
 - (6) The variance is required by unique site conditions; and
 - (7) Development allowed by the variance does not result in additional adverse flooding impact on other property.

- (D) The Director shall prepare written findings to support the grant or denial of a variance request in compliance with This Section.

23-10E-4030 General Exceptions

- (A) A development application with a proposed building or parking area that encroaches on the 100-year floodplain may be approved if the encroachment is:
- (1) A parking area that is smaller than 5,000 square feet or an unoccupied structure that has an area of less than 1,000 square feet, and the Director determines that the proposed development:
 - (a) Will not have an adverse effect on the 100-year floodplain or surrounding properties; and
 - (b) Otherwise complies with the standards of this Title;
 - (2) A single-family or duplex residential structure in a subdivision:
 - (a) Recorded before September 25, 1983; and
 - (b) In which only one residential structure is built on a single lot; or
 - (3) a building authorized by a waterway development permit issued in compliance with Chapter 9-10 before September 25, 1983.
- (B) A development application that may be approved in compliance with This Section must:
- (1) Comply with the flood proofing standards of Chapter 23-11, Article 23-11B, Division 23-11B-1 (Building Code); and
 - (2) Result in no additional adverse flooding impact on other properties, as determined by the Director.

23-10E-4040 Standards In Central Business Area

- (A) This Section establishes standards that apply in the central business area.
- (B) In This Section, central business area means the area bounded by Interstate Highway 35, Riverside Drive, Barton Springs Road, Lamar Boulevard, and 15th Street.
- (C) A development application with a proposed building or parking area that encroaches on the 100-year floodplain may be approved if:
- (1) The floor slab of a proposed building is at least two feet above the 100-year floodplain;
 - (2) Normal access to that building is by direct connection with an area above the regulatory flood datum, as defined by Chapter 23-11, Article 23-11B, Division 23-11B-1 (Building Code);
 - (3) Development associated with construction of the building compensates for any floodplain volume displaced by that construction; and
 - (4) The applicant demonstrates by means of a study certified by an engineer that the construction of the building and development activities associated with that building improves the drainage system by exceeding the minimum standards of Sections 23-

10E-1030 (Obstruction of Waterways and Drainage Easements Prohibited), 23-10E-1040 (Duty to Maintain Unobstructed Waterways and Drainage Easements), and 23-10E-1050 (Standing Water Declared a Nuisance).

- (D) The Director may waive a standard of Subsection (C) if:
 - (1) The applicant submits:
 - (a) A written request identifying the standard to be waived; and
 - (b) A justification for the waiver prepared by an engineer certifying that waiving the standard will not result in additional adverse flooding of other property; and
 - (2) The Director determines that:
 - (a) The waiver is required by unique site conditions;
 - (b) The waiver is a minimum departure from the standards of Subsection (C); and
 - (c) Waiving the standard will not result in additional adverse flooding of other property.
- (E) A development application that may be approved in compliance with This Section must comply with the flood proofing standards of Chapter 23-11, Article 23-11B, Division 23-11B-1 (Building Code).

23-10E-4050 Standards For Parking Areas

- (A) This Section establishes standards that apply to the development of a parking area.
- (B) A development application with a proposed parking area that encroaches on the 100-year floodplain may be approved if:
 - (1) The level of water detention or waterflow in the parking area during the 100-year storm does not exceed:
 - (a) An average depth of eight inches; or
 - (b) A maximum depth of 12 inches at any point; and
 - (2) Appropriate signs, approved by the Director, are posted to notify persons that the water detention or waterflow in the parking lot may exceed a depth of eight inches.
- (C) Notwithstanding the standards of Subsection (B), a development application with a proposed parking area that encroaches on the 100-year floodplain may be approved if the parking area is:
 - (1) Accessory to a single-family or duplex residential structure on a lot in a subdivision recorded before September 25, 1983;
 - (2) Authorized by a waterway development permit issued in compliance with Chapter 9-10 before September 25, 1983; or
 - (3) In the 100-year floodplain of:
 - (a) Lady Bird Lake; or
 - (b) The Colorado River downstream from Longhorn Dam.

23-10E-4060 Standards In The 25-Year Floodplain

- (A) This Section establishes standards that apply to development in the 25-year floodplain.
- (B) A development application with a proposed building or parking area that encroaches on the 25-year floodplain may be approved if:
 - (1) The building or parking area is located on parkland, a golf course, or other public or recreational land;
 - (2) The building, if any, is either:
 - (a) A restroom or bath facility, concession stand, tool shed, or pump house, with an area of less than 1,000 square feet; or
 - (b) A dock that is located in the 25-year floodplain of Lady Bird Lake, Lake Walter E. Long, or Lake Austin and constructed, or proposed to be constructed, in compliance with the standards of this Title;
 - (3) The parking area, if any, is smaller than 5,000 square feet; and
 - (4) The Director determines that the proposed development:
 - (a) Will not result in additional adverse flooding impact on other properties; and
 - (b) Otherwise complies with the standards of this Title.
- (C) A development application approved in compliance with This Section must comply with the flood proofing standards of Chapter 23-11, Article 23-11B, Division 23-11B-1 (Building Code).

Division 23-10E-5: Responsibilities of Applicant or Owner

Contents

23-10E-5010	Stormwater Conveyance And Drainage Facilities.	1
23-10E-5020	Dedication Of Easements And Rights-Of-Way	1
23-10E-5030	Detention Basin Maintenance And Inspection.	2

23-10E-5010 Stormwater Conveyance And Drainage Facilities

- (A) The applicant is responsible for the conveyance of all stormwater flowing through the property, including stormwater that:
 - (1) Is directed to the property by other developed property; or
 - (2) Naturally flows through the property because of the topography.
- (B) Future upstream development must be accounted for as determined in compliance with the Drainage Criteria Manual.
- (C) If the construction or improvement of a storm drainage facility is required along a property line that is common to more than one property owner, the applicant is, at the time the property is developed, responsible for each required facility on either side of the common property line.
- (D) The responsibility of the applicant includes the responsibility to dedicate or obtain the dedication of any right-of-way or easement necessary to accommodate the required construction or improvement of the storm drainage facility.
- (E) If an applicant proposes to develop only a portion of that property, a stormwater drainage facility to serve that portion of the property proposed for immediate development or use is required, unless the Director determines that construction or improvement of a drainage facility outside that portion of the property to be developed is essential to the development or use of the property to be developed.
- (F) The applicant shall provide adequate off-site drainage improvements to accommodate the full effects of the development. The City may assist the applicant in the acquisition of an interest in property necessary to provide an off-site improvement, if the applicant:
 - (1) By affidavit, certifies that a bona fide attempt to provide the off-site drainage improvements has not been successful; and
 - (2) Provides an adequate guarantee that the applicant will:
 - (a) Finance the entire cost of acquiring the necessary property interest; and
 - (b) Retain full responsibility for construction of the required off-site improvement.

23-10E-5020 Dedication Of Easements And Rights-Of-Way

- (A) The applicant shall dedicate to the public an easement or right-of-way for a drainage facility, open or enclosed, and stormwater flow to the limits of the 100-year floodplain, as prescribed in the Drainage Criteria Manual.

- (B) An easement or right-of-way required by Subsection (A) must be of sufficient width to provide continuous access for the operation, maintenance, or repair of a drainage facility, as prescribed in the Drainage Criteria Manual.
- (C) The applicant shall dedicate any additional easement or right-of-way that is necessary to allow continuous access for the operation, maintenance, or rehabilitation of a drainage facility.
- (D) A part of a lot or tract of land that is located in an easement or right-of-way required by This Section may be included as part of the area of the lot or tract of land in the calculation of density or impervious cover.
- (E) For property in the full-purpose limits of the City, the Director may grant a variance to Subsection (A) if the Director determines:
 - (1) Development with the variance does not result in additional adverse flooding of other property; and
 - (2) The development:
 - (a) Is allowed by a variance granted in compliance with Section 23-10E-4020(C) (Encroachment on Floodplain Prohibited);
 - (b) Is allowed in a floodplain in compliance with Section 23-10E-4030 (General Exceptions), Section 23-10E-4040 (Standards in Central Business Area), Section 23-10E-4050 (Standards for Parking Areas), or Section 23-10E-4060 (Standards in the 25-Year Floodplain);
 - (c) Is not a building or parking area; or
 - (d) Is a nonconforming use, as defined by Chapter 23-11, Article 23-11B, Division 23-11B-1, Appendix G, Section G102.3 (Nonconforming Uses).

23-10E-5030 Detention Basin Maintenance And Inspection

- (A) For a commercial, civic, industrial, or multi-family development:
 - (1) The record owner of the development shall maintain the detention basin serving the development in compliance with the Drainage Criteria Manual, whether or not the basin is located on the same property as the development. The record owner shall provide the City proof of the right to access and maintain the basin if it is not located on the same property as the development.
 - (2) If more than one development is served by a single detention basin, the record owners of the basin and all developments served by the basin shall be jointly and severally responsible for maintenance of the basin in compliance with the Drainage Criteria Manual.
 - (3) The City shall inspect each detention basin that is not a subsurface basin at least once every three years to ensure that the basin is being maintained in compliance with the Drainage Criteria Manual. If the basin fails inspection requiring an additional inspection, the Director may charge a re-inspection fee.
 - (4) The record owner of a subsurface detention basin shall provide the Watershed Protection Department with a maintenance plan and an annual report from an engineer verifying that the basin is in proper operating condition.

- (B) For a duplex or single-family development:
- (1) The City shall be responsible for maintenance of the detention basin only after the basin has been accepted for maintenance by the City.
 - (2) The City will accept a detention basin for maintenance upon determining that it meets all standards of the Drainage Criteria Manual.
 - (3) Until the City accepts a detention basin for maintenance, the record owner(s) of the basin and the development served shall maintain the basin in compliance with the Drainage Criteria Manual.
- (C) The Watershed Protection Department may authorize an alternative arrangement for maintenance of a detention basin in compliance with the Drainage Criteria Manual. If an alternative arrangement is approved by the Director, the City Attorney shall determine whether an agreement is necessary; the agreement must be approved by the City Attorney and filed of record.

This page intentionally left blank

Technical Codes

(work in-progress)

web version low resolution images



This page intentionally left blank

Contents

Article 23-11A Introduction

Article 23-11B Technical Codes

Division 23-11B-1 Building Code

Division 23-11B-2 Food Establishments

Division 23-11B-3 Reserved

Division 23-11B-4 Electrical Code

Division 23-11B-5 Mechanical Code

Division 23-11B-6 Plumbing Code

Division 23-11B-7 Fire Code

Division 23-11B-8 Solar Energy Code

Division 23-11B-9 Property Maintenance Code

Division 23-11B-10 Reserved

Division 23-11B-11 Residential Code

Division 23-11B-12 Energy Code

Article 23-11C Administration of Technical Codes

Revisions to the Technical Manuals are beyond the scope of CodeNEXT and will need to be updated after City Council takes action on the Code. The process to amend the Technical Manuals remains the same and will continue to be done via a rules posting process.

This page intentionally left blank