

**OPEN SPACE
PROPOSED ORDINANCE AMENDMENTS
DRAFT 1-25-11**

§ 25-1-21 DEFINITIONS

- (70) PRIVATE COMMON OPEN SPACE means a privately-owned outdoor or unenclosed area, located on the ground or on a roof, balcony, deck, porch, or terrace, designed and accessible for outdoor living, recreation, pedestrian access, or landscaping, and intended for use by the residents, employees, and/or visitors to a development.

PRIVATE PERSONAL OPEN SPACE means a privately-owned outdoor or unenclosed area, located on the ground or on a roof, balcony, deck, porch, or terrace, designed and accessible for outdoor living, recreation, pedestrian access, or landscaping, and intended for use solely by the individual residents of a condominium or multifamily dwelling unit.

**§ 25-2-560 MULTIFAMILY RESIDENCE LIMITED DENSITY (MF-1)
DISTRICT REGULATIONS.**

Source: Section 13-2-638; Ord. 990225-70; Ord. 031211-11.

**§ 25-2-561 MULTIFAMILY RESIDENCE LOW DENSITY (MF-2) DISTRICT
REGULATIONS.**

Source: Section 13-2-640; Ord. 990225-70; Ord. 031211-11.

**§ 25-2-562 MULTIFAMILY RESIDENCE MEDIUM DENSITY (MF-3)
DISTRICT REGULATIONS.**

Source: Section 13-2-641; Ord. 990225-70; Ord. 031211-11.

**§ 25-2-563 MULTIFAMILY RESIDENCE MODERATE-HIGH DENSITY (MF-4)
AND MULTIFAMILY RESIDENCE HIGH DENSITY (MF-5) DISTRICT
REGULATIONS.**

Source: Sections 13-2-642 and 13-2-643; Ord. 990225-70; Ord. 031211-11.

**§ 25-2-564 MULTIFAMILY RESIDENCE HIGHEST DENSITY (MF-6)
DISTRICT REGULATIONS.**

25-2-776 CONDOMINIUM RESIDENTIAL USE

- (F) Except as provided in Subsection (B), a condominium use with 10 or more dwelling units must comply with the open space requirements in Sec. 2.7 of Subchapter E.

(G) A condominium use that meets the affordability requirements of Sec. 4.3.3 of Subchapter E is not required to provide on-site open space if it is located within ¼ mile of an existing and developed public park or greenbelt.

(H) A condominium use with less than ten dwelling units must provide private personal open space equivalent to 5 percent of the net site area of the property. An area of private personal open space at ground level must contain at least 100 square feet and be not less than ten feet across in each direction. An area of private personal open space above ground level must contain at least 50 square feet and be not less than five feet across in each direction.

25-2-780 MULTIFAMILY RESIDENTIAL USE

(A) Except as provided in Subsection (B), a multifamily use with 10 or more dwelling units must comply with the open space requirements in Sec. 2.7 of Subchapter E.

(B) A multifamily use that meets the affordability requirements of Sec. 4.3.3 of Subchapter E is not required to provide on-site open space if it is located within ¼ mile of an existing and developed public park or greenbelt.

(C) A multifamily use with less than ten dwelling units must provide private personal open space equivalent to 5 percent of the net site area of the property. An area of private personal open space at ground level must contain at least 100 square feet and be not less than ten feet across in each direction. An area of private personal open space above ground level must contain at least 50 square feet and be not less than five feet across in each direction.

SUBCHAPTER E

§ 2.7. PRIVATE COMMON OPEN SPACE AND PEDESTRIAN AMENITIES.

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

2.7.2. Applicability. The following table summarizes the applicability of this section:

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

2.7. Private Common Open Space and Pedestrian Amenities	All roadway types	All site plans two acres in size or larger, and all multifamily and condominium uses except as provided in 25-2-776 and 25-2-780.
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2.7.3. Standards.

A. **Amenity Required.** All development subject to this section shall devote a minimum of five percent of the net site area to one or more of the following types of private common open space or pedestrian amenities:

1. A natural and undisturbed private common open space, for use of the residents, employees, and visitors to the development.
2. A landscape area other than one required by [Subchapter C, Article 9](#) (*Landscaping*), provided such landscaped area has a minimum depth and width of 20 feet and a minimum total area of 650 square feet. The area shall include pedestrian amenities.
3. A patio or plaza with outdoor seating areas, provided the patio or plaza has a minimum depth and width of 20 feet and a minimum total area of 650 square feet. The area shall include pedestrian amenities including fully or partially shaded spaces with flexible or permanent seating to support these places as gathering areas.
4. A play area with amenities and /or equipment suitable for children under nine years of age, provided the play area has a minimum depth and width of 20 feet and a minimum total area of 650 square feet. Play areas shall comply with the most current Consumer Product Safety Commission guidelines for playgrounds as well as ASTM International standards as applicable and shall have impediments between the activity area and any nearby vehicular drives or parking areas to minimize the opportunities for young children to wander into traffic. Such impediments may include berms, fencing, landscaping or other barriers as appropriate to the site and which meet safety standards. Play areas shall include partially-shaded areas with flexible or permanent seating for adult supervision.
5. Spaces that provide educational, historic, or cultural features, or sensory experiences such as culinary, therapeutic or sculptural gardens; soundscapes; and interactive water features
6. Wading pool or splash pad.

7. Water quality and storm water detention ponds designed as an amenity and approved by the Director.
8. A multi-use trail proposed in the City of Austin Trails Master Plan, Austin Parks and Recreation Long-Range Plan, Sidewalk Master Plan, or Bicycle Plan.
9. A combination of the above-listed amenities. (See Figure 44.)

[Click here for Figure 44:](#) Examples of open space amenities

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

1. Wetlands; native prairies or meadows
2. Flood hazard areas;
3. Lakes, rivers, and stream/riparian corridors;
4. Tree preservation areas (See Figure 45.); and
5. Karst areas.
6. Cultural or historically significant structures, landscapes, features and/or places
7. Agricultural lands used for cultivation of local produce

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 shall, to the maximum extent feasible, be located to adjoin, extend, and enlarge the presently existing or proposed trail, park, or other open area land. Public access easements may be required in order to guarantee public access to these facilities.

[Click here for Figure 45:](#) Example of tree preservation during construction

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

- 1; Open space in a required street, side or rear yard
2. Public or private streets or rights of way;
3. Off-street parking, loading areas, driveways, and service areas; and
4. Water quality and storm water detention ponds, unless designed as an accessible amenity and approved by the Director.

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

1. Common open space areas shall be located so as to be readily accessible and useable by residents or visitors in various locations of the development, unless the lands are sensitive natural resources and access should be restricted.
2. 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. An example of such topographic features would be the provision of a trail or private open area along a riparian corridor.
3. The surface of a required open space must be suitable for outdoor activities. A surface must consist of lawn, garden, flagstone, wood planking, concrete, or other serviceable, dust free material. Asphalt may be used for designated recreation areas such as multi-purpose trails, tennis courts, and basketball courts. Decomposed granite may be used if approved by the Director and if accessibility requirements are met. A combination of different materials is encouraged.
5. Except in the CBD, DMU, VMU and UNO zoning districts, not more than 30 percent of the required open space may be located on a roof, balcony, or other area above ground level. In determining the amount of open space on a roof, an area occupied by a vent, mechanical equipment or structure that does not enhance the usability of the space is excluded.

This subsection provides for the covering of a required open space.

a. 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 will not be considered manmade obstructions.

b. Open space above ground level may be covered, but must have at least one exterior side open and unobstructed, except for railings or balustrades.

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

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