

1 (88) [(87)] REAR YARD means a yard extending the full width of a lot between the
2 rear lot line and the rear setback line, excluding any area located within the
3 street side yard of a corner lot.

4 (89) [(88)] RECORD OWNER means the owner of real property as shown by the deed
5 records of the county in which the property is located.

6 (90) [(89)] RECREATIONAL VEHICLE means a vehicle or trailer designed for
7 temporary dwelling or recreational purposes, and includes travel trailers,
8 pick-up campers, camping trailers, motor coach homes, converted trucks and
9 buses, boats, and boat trailers.

10 (91) [(90)] RELEASE means:

11 (a) the written certification of the director that a site plan has been
12 approved, that the site plan complies with this title, and that the
13 conditions of approval for the site plan have been satisfied; or

14 (b) the written certification of the director and the presiding officer of the
15 Land Use Commission, that a plat has been approved, that the plat
16 complies with this title, and that the conditions of approval for the plat
17 have been satisfied.

18 (92) [(91)] RESPONSIBLE DIRECTOR means the director assigned the duties
19 and responsibilities under the applicable code section or by the city manager.

20 (a) the director of the Watershed Protection and Development Review
21 Department or the director's designee; or

22 (b) the director of the Planning and Development Review Department or
23 the director's designee for responsibilities arising under:

24 (i) Chapter 25-2, Subchapter A, B, or D; or

25 (ii) Chapter 25-3, except Article 3.

26 (93) [(92)] REVISION means a change in an approved or released plan that is initiated
27 by an applicant.

28 (94) [(93)] RIGHT-OF-WAY means land dedicated or reserved for streets, utilities, or
29 other public facilities.

30 (95) [(94)] ROADWAY means the portion of a street right-of-way used for vehicular
31 travel.

1 (96) [~~95~~] SCREENED means hidden from the view of a person standing at ground
2 level on an abutting site by an architectural or landscape feature that is, or
3 will grow to, at least six feet in height.

4 (97) [~~96~~] SECURE means either in a dedicated locked room, an area enclosed by a
5 fence with a locked gate, an area within view of an attendant or security
6 guard, and/or within 100 feet of an attendant or security guard. For
7 residential use enclosed private garage space is considered to be secure.

8 (98) [~~96~~] SETBACK LINE means a line within a lot parallel to and measured from a
9 corresponding lot line, forming the boundary of a yard and governing the
10 placement of structures and uses on the lot.

11 (99) [~~97~~] SIDE LOT LINE means a lot line intersecting the front lot line and
12 extending a minimum distance of 75 feet.

13 (100) [~~98~~] SIDEWALK means the paved portion of a pedestrian way.

14 (101) [~~99~~] SIDE YARD means a yard extending the depth of a lot from the front yard to
15 the rear lot line between the side lot line and the side setback line. For a
16 corner lot, a street side yard is a yard that extends from the front yard to the
17 rear lot line.

18 (102) [~~100~~] SITE means a contiguous area intended for development, or the area on
19 which a building has been proposed to be built or has been built. A site may
20 not cross a public street or right-of-way.

21 (103) [~~101~~] SITE PLAN means a plan for a development, other than a subdivision
22 construction plan, submitted by an applicant to demonstrate that the
23 development complies with the requirements of this title.

24 (104) [~~102~~] SMALL LOT means a lot with an area of less than 5,750 square feet.

25 (105) [~~103~~] SPECIAL EXCEPTION means the waiver of a requirement because of
26 vested rights established in accordance with the procedures prescribed by
27 Article 7, Division 3 (Special Exceptions).

28 (106) [~~104~~] STAFF means a City employee.

29 (107) [~~105~~] STANDARD LOT means a lot of at least 5,750 square feet and less than
30 10,000 square feet.

31 (108) [~~106~~] STREET LINE means a lot line abutting a street.

32 (109) [~~107~~] STREET YARD means a yard adjacent to a street and determined on the
33 basis of a street lot line.

1 (110) [(108)] STRUCTURAL ALTERATION means a change in the supporting
2 members of a building including load bearing walls, columns, girders, and
3 beams over eight feet long.

4 (111) [(109)] STRUCTURE means a building of any kind, or a piece of work artificially
5 built-up or composed of parts joined together in a definite manner.

6 (112) [(110)] SUBDIVIDE means:

7 (a) to divide land into two or more lots or sites for the purpose of sale or
8 development;

9 (b) to resubdivide an existing lot; or

10 (c) to combine of two or more lots into the same number or fewer lots
11 with different boundaries.

12 (113) [(111)] SUBORDINATE SIDE YARD, when used in reference to a small lot,
13 means the side yard having the smaller width.

14 (114) [(112)] SUBSTANDARD LOT means a lot or tract recorded by deed or plat that
15 does not comply with current area, width, or depth requirements, but that
16 complied with the requirements in effect when it was placed on record.

17 (115) [(113)] TECHNICAL CODE means the Uniform Building Code, the National
18 Electrical Code, the Uniform Mechanical Code, the Uniform Plumbing
19 Code, the Uniform Fire Code, the Guidelines for Solar Energy Installations,
20 the Uniform Housing Code, or the Uniform Code for the Abatement of
21 Dangerous Buildings, as adopted by the city council.

22 (116) [(114)] THROUGH LOT means a lot, other than a corner lot, abutting more than
23 one street.

24 (117) [(115)] TOWNHOUSE means a dwelling unit having a common wall with or
25 abutting one or more adjoining dwelling units in a townhouse group.

26 (118) [(116)] TOWNHOUSE GROUP means two or more contiguous townhouses.

27 (119) [(117)] TOWNHOUSE LOT means the portion of a townhouse development that is
28 intended for separate ownership as the location of a single townhouse and
29 associated private yard area.

30 (120) [(118)] TRANSPORTATION PLAN means the Austin Metropolitan Area
31 Transportation Plan or an equivalent plan adopted by the city council as part
32 of the Comprehensive Plan.

1 (121) [~~(119)~~] UPDATE means additional information, a plan, or a plat submitted by an
2 applicant in response to comments by a review entity.

3 (122) [~~(120)~~] USE means the conduct of an activity, or the performance of a function, on
4 a site or in a structure.

5 (123) [~~(121)~~] USE EASEMENT, when used in reference to a small lot, means an
6 easement granted by the owner of a small lot with the subordinate side yard
7 to the owner of a small lot with a dominant side yard along the common lot
8 line, and which allows the occupant of the dwelling unit on the lot having
9 the dominant side yard the use, enjoyment, and privacy of the dominant side
10 yard.

11 (124) [~~(122)~~] VALUE or VALUATION, when used in reference to a structure, means the
12 estimated cost to replace the structure in kind, based on current replacement
13 costs.

14 (125) [~~(123)~~] VARIANCE means a waiver of a provision of this title under Article 7,
15 Division 2 (Variances).

16 (126) [~~(124)~~] WATER CONTROL AND IMPROVEMENT DISTRICT means a district
17 created under Chapters 50 and 51 of the Water Code.

18 (127) [~~(125)~~] WATER DISTRICT means a district created under Title 4 of the Water
19 Code.

20 (128) [~~(126)~~] WORKING DAY excludes a Saturday, Sunday, or an official City holiday.

21 (129) [~~(127)~~] YARD means an open space on a lot adjoining a lot line.

22 (130) ZERO LOT LINE means a common lot line on which a wall of a structure
23 may be constructed.

24 (131) ZONING MAP means the zoning district map of the City as adopted by
25 ordinance.

26 **PART 2.** City Code Section 25-2-474 (*Required Findings*) is amended to read:

27 **§ 25-2-474 REQUIRED FINDINGS.**

28 (A) The Board of Adjustment may grant a variance from a requirement if it
29 determines that:

30 (1) the requirement does not allow for a reasonable use of property;

31 (2) the hardship for which the variance is requested is unique to the property and
32 is not generally characteristic of the area in which the property is located; and

1 (3) development under the variance does not:

2 (a) alter the character of the area adjacent to the property;

3 (b) impair the use of adjacent property that is developed in compliance with
4 the City requirements; or

5 (c) impair the purposes of the regulations of the zoning district in which the
6 property is located.

7 (B) The Board may grant a variance from a loading facility or off-street parking
8 if, in addition to the findings required by Subsection (A), the Board determines that:

9 (1) current or anticipated traffic volume generated by the use of the property or a
10 nearby property does not reasonably require strict compliance with and enforcement of
11 the requirement from which a variance is requested;

12 (2) development under the variance does not result in parking or loading on
13 public streets that interferes with the free flow of traffic on the streets; and

14 (3) development under the variance does not create a safety hazard or any other
15 condition that is inconsistent with the objectives of the Code.

16 (C) A variance granted under Subsection (B) applies only to the use for which
17 the variance was granted and does not run with the land on which the use is located.

18 (D) A variance granted under Subsection (B) must specify whether it includes
19 bicycle parking and the amount of bicycle parking required. An applicant may also seek
20 a waiver pursuant to Code Section § 25-6-477(F) to waive bicycle parking requirements.

21 **PART 3.** City Code Section 25-6-472 (*Parking Facility Standards*) is amended to read:

22 **§ 25-6-472 PARKING FACILITY STANDARDS.**

23 (C) A parking facility requirement is based on gross floor area of a building or
24 use served by the facility. For the purpose of calculating parking
25 requirements, gross floor area does not include enclosed or covered areas
26 used for off-street parking or loading, or shower facilities.

27 **PART 4.** City Code Section 25-6-474 (*Parking Facilities for Persons with Disabilities*)
28 is amended to read:

29 **§ 25-6-474 PARKING FACILITIES FOR PERSONS WITH DISABILITIES.**

30 (A) A site must have:

31 (1) a parking facility that is accessible to a person with disabilities;

- 1 (2) routes of travel that connect the accessible elements of the site; and
2 (3) the number of accessible parking spaces required by the Uniform
3 Building Code.

4 (B) A person may appeal the requirements of this section to the Board of
5 Adjustment.

6 (C) A variance granted under subsection (B) applies only to the use for which
7 the variance was granted and does not run with the land on which the use is
8 located.

9 (D) A variance granted under Subsection (B) must specify whether it includes
10 bicycle parking and the amount of bicycle parking required. An applicant
11 may also seek a waiver pursuant to Code Section § 25-6-477(F) to waive
12 bicycle parking requirements.

13 **PART 5.** Section 25-6-476 (*Parking for Mixed Use Developments*) is amended to read:

14 **§ 25-6-476 PARKING FOR MIXED USE DEVELOPMENTS.**

15 (A) This section applies to parking for motor vehicles and bicycles.

16 (B) A person may request an adjustment to the parking requirement for separate
17 uses located on one site or for separate uses located on adjoining or nearby
18 sites and served by a common parking facility.

19 (C) To apply for an adjustment under this section, an applicant must submit to
20 the director a site plan and transportation engineering report addressing the
21 following:

22 (1) the characteristics of each use and the differences in projected peak
23 parking demand, including days or hours of operation;

24 (2) potential reduction in vehicle movements resulting from the multi-
25 purpose use of the parking facility by employees, customers, or
26 residents of the uses served;

27 (3) potential improvements in parking facility design, circulation, and
28 access resulting from a joint parking facility; ~~and~~

29 (4) compliance with shared parking guidelines in the Transportation
30 Criteria Manual; and[-]

31 (5) detail the amount of bicycle parking to be provided.

32

- 1 (D) In determining whether to approve an adjustment under Subsection (B), the
2 director shall consider the factors included in Subsection (C).
- 3 (E) A decision of the director under this section may be appealed to the Land
4 Use Commission. The decision of the Land Use Commission may be
5 appealed to the city council.
- 6 (F) A parking space subject to adjustment under this section must be located in a
7 parking facility that provides similar use availability for all uses that the
8 parking facility is intended to serve.
- 9 (G) The director shall determine the type and number of bicycle spaces required
10 for a mixed use development at the time the director determines the bicycle
11 parking requirements under this section, or at the time a request for a waiver
12 is made under this section.

13 **PART 6.** City Code Section 25-6-477 (*Bicycle Parking*) is amended to read:

14 **§ 25-6-477 BICYCLE PARKING.**

15 [~~(A) In this section, “bicycle” includes a motorized bicycle.~~]

16 (A) [~~(B)~~] [~~An~~] Off-street [off-street] parking facilities [facility] for bicycles as
17 prescribed in Appendix A (Tables Of Off-Street Parking And Loading
18 Requirements) must be provided for each use on a site, and shall be
19 calculated prior to any reductions taken in this article for motor vehicle
20 parking.

21 (B) Any addition or enlargement of an existing building or use or any change of
22 occupancy or operation that increases the number of required motor vehicle
23 parking spaces above the existing spaces on an existing site requires
24 adherence to Appendix A, Part 2 (*Bicycles*) for the new use or expanded use
25 or change in occupancy.

26 (C) A required bicycle space must comply with the requirements of the
27 Transportation Criteria Manual.

28 (D) The location of an off-street bicycle parking facility shall [must]:

29 (1) Include a minimum of 50% of all required bicycle parking be secure
30 and located within 50 feet of the principal building entrance. [~~be as~~
31 convenient to building entrances as the motor vehicle parking facility;
32 and]

33 (2) The remainder of required bicycle parking may be located [not
34 interfere with pedestrian traffic.]

- 1 a. in a secure location within 50 feet of other building entryways
2 other than the principal building entrance; and/or
3
4 b. at employee only entrances; and/or
5 c. within a building; and/or
6 d. in a covered motor vehicle parking facility within 50 feet of a
7 street entrance.

8 3. The location of the closest bicycle parking facility must be no further
9 than the closest motor vehicle parking space, excluding accessible
10 parking spaces.

11 4. The first 50% satisfying the bicycle parking requirements may not be
12 obscured from view.

13 (E) A provision of this article that is applicable to off-street motor vehicle
14 parking also applies to bicycle parking, unless the provision conflicts with
15 this section.

16 (F) The city manager or his designee may waive a requirement relating to the
17 number or type of bicycle spaces or approve an alternate method of
18 compliance after considering the characteristics of the use, the site, and the
19 surrounding area. A waiver may not reduce the number of required bicycle
20 spaces to less than two.

21 **PART 7.** City Code Section 25-6-478 is amended to read:

22 **§ 25-6-478 MOTOR VEHICLE PARKING REDUCTIONS GENERAL.**

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

- 25 (1) Highway 183 from Burnet Road to Highway 71;
26 (2) Highway 71 from Highway 183 to Loop 1;
27 (3) Loop 1 from Highway 71 to Lake Austin Boulevard;
28 (4) Lake Austin Boulevard from Loop 1 to Exposition Boulevard;
29 (5) Exposition Boulevard from Lake Austin Boulevard to 38th Street;
30 (6) 38th Street from Exposition Boulevard to Loop 1;

- (7) Loop 1 from 38th Street to RM Road 2222;
- (8) RM Road 2222 from Loop 1 to Mesa Drive;
- (9) Mesa Drive from RM Road 2222 to Spicewood Springs Road;
- (10) Spicewood Springs Road from Mesa Drive to Loop 360;
- (11) Loop 360 from Spicewood Springs Road to Great Hills Trail;
- (12) Great Hills Trail from Loop 360 to Highway 183;
- (13) Highway 183 from Great Hills Trail to Braker Lane;
- (14) Braker Lane from Highway 183 to Burnet Road; and
- (15) Burnet Road from Braker Lane to Highway 183.

(B) This section does not apply:

- (1) to property in a central business (CBD) district or an area with a TOD district or regulatory plan, or downtown mixed use (DMU) district;
- (2) to a commercial, industrial, or civic use in a traditional neighborhood (TN) district;
- (3) to a corner store special use; neighborhood mixed use building special use; commercial, industrial, or civic use portion of a neighborhood urban center special use; or commercial or civic use portion of a residential infill special use;
- (4) to property in the university neighborhood overlay (UNO) district; or
- (5) if the off-street parking requirement has been modified under Section 25-6-473 (Modification Of Parking Requirement) or Section 25-6-476 (Parking For Mixed-Use Developments).

(C) Bicycle parking spaces shall be calculated as described by Appendix A (Tables Of Off-Street Parking And Loading Requirements) and shall be calculated prior to any reductions taken in this article for motor vehicle parking.

(D) For every five non-required bicycle parking spaces that meet the short or long-term bicycle parking standards, the motor vehicle parking requirement is reduced by one space. Bicycle parking may substitute for up to 25 percent

1 of required parking provided. This provision requires approval by the Public
2 Works Director or his designee.

3 (E) If a shower facility is provided on-site per the criteria below, the required
4 amount of motor vehicle parking may be reduced by 10%.

5 (1) For buildings with 5,000 to 19,999 square feet of gross floor area, a
6 minimum of one unisex shower and changing facility shall be
7 provided.

8 (2) For buildings with 20,000 to 99,999 square feet of gross floor area, a
9 minimum of one shower and changing facility per gender shall be
10 provided.

11 (3) For buildings with 100,000 or more square feet of gross floor area, a
12 minimum of two showers and changing facilities per gender shall be
13 provided.

14 (F) One space for each on-street parking space located adjacent to the site on a
15 public street, including spaces on Internal Circulation Routes that meet
16 public street standards.

17 (G) Up to 10 percent to preserve significant stands of trees or protected trees in
18 addition to those required to be preserved by the Code, pursuant to protection
19 measures specified in the Environmental Criteria Manual. If the applicant provides
20 more parking spaces than the minimum required, the additional parking spaces
21 may not result in the removal of significant stands of trees or protected trees.

22 (H) Twenty (20) spaces for every car-sharing vehicle provided in a program that
23 complies with the requirements prescribed by the Director by administrative rule.
24

25 (I) Reductions other than bicycle transportation related reductions in this section
26 may be combined with other parking reductions in this chapter as applicable
27 provided the total reduction for the site does not exceed 40%. Bicycle
28 transportation related reductions may result in excess of 40% with approval
29 by the Public Works Director or their designee.
30

31 **PART 8.** City Code Section 25-6-591 is amended to read:

32 **§ 25-6-591 PARKING PROVISIONS FOR DEVELOPMENT IN THE CENTRAL**
33 **BUSINESS DISTRICT (CBD) AND THE DOWNTOWN MIXED USE (DMU) AND**
34 **PUBLIC (P) ZONING DISTRICTS.**

1 (A) The requirements of this section apply to the:

2 (1) central business district (CBD);

3 (2) downtown mixed use (DMU) zoning district; and

4 (3) public (P) zoning district within the area bounded by Martin Luther
5 King, Jr., Boulevard; IH-35; Lady Bird Lake; and Lamar Boulevard.

6 (B) The requirements of this subsection apply within the zoning districts subject
7 to this section.

8 (1) Except for a minimum of two (2) bicycle parking spaces, vehicle off-
9 street parking is not required:

10 (a) for a use occupying a designated historic landmark or located in
11 an existing building in a designated historic district. Bicycle
12 parking shall be determined by the Director of Public Works or
13 his designee in accordance with section 25-6-477; or

14 (b) off-street motor vehicle parking is not required for a use occupying less than
15 6,000 square feet of floor space in a structure that existed on April 7, 1997.
16 An applicant may also seek a waiver pursuant to Code Section § 25-6-
17 477(F) to waive bicycle parking.

18
19 (2) Except as provided in Subsections (B)(3) and (C) of this section, the
20 minimum parking facility requirement is 20 percent of the number of
21 motor vehicle parking spaces required by Appendix A (Tables Of
22 Off-Street Parking And Loading Requirements) and the maximum
23 parking facility requirement is 60 percent of the number of motor
24 vehicle parking spaces required by Appendix A (Tables Of Off-Street
25 Parking And Loading Requirements). Bicycle parking requirements
26 shall be calculated prior to any reductions made by this article.

27 (3) A parking facility for a residential use must provide at least 60 percent
28 of the number of motor vehicle parking spaces required by Appendix
29 A (Tables Of Off-Street Parking And Loading Requirements). Bicycle
30 parking requirements shall be calculated prior to any reductions made
31 by this article.

32 (4) Except as provided in Subsections (C) and (D), a parking garage must
33 be separated from an adjacent street by a pedestrian-oriented use

1 described in Section 25-2-691 (Waterfront Overlay (WO) District
2 Uses) that fronts on the street at the ground level.

3 (5) A curb cut for a garage access must have a width of 30 feet or less.

4 (6) At the intersection of sidewalk and parking access lane, ten degree
5 cones of vision are required.

6 (C) The number of parking spaces allowed under Subsection (B)(2) of this
7 section may be increased:

8 (1) by the director if all parking spaces are contained in a parking
9 structure; or

10 (2) by the Land Use Commission if the criteria in Section 25-6-501(D)
11 (Off-Site Parking Allowed) are satisfied; and[-]

12 (3) only if bicycle parking is also increased proportionately.

13 (D) The Land Use Commission may waive the requirement of Subsection (B)(4)
14 of this section during the site plan review process after determining that:

15 (1) present and anticipated development in the area is not amenable to
16 access by pedestrians;

17 (2) the requirement does not allow a reasonable use of the property; or

18 (3) other circumstances attributable to the property make compliance
19 impractical.

20 (E) If a waiver is granted under Subsection (D), an area for which the
21 requirement is waived must be screened.

22 **PART 9.** A new section 25-6-656 (*Bicycle Parking Fund*) is added to read:

23 **Bicycle Parking Fund.**

24 (A) An applicant may request to pay a fee instead of installing bicycle
25 parking by filing a written request at the time the person submits a permit
26 application in the manner prescribed by the director. An applicant who has not
27 filed a request at the time of application, may later amend the application to request
28 to pay fee instead of installing bicycle parking.

29 (B) Fund use and administration. The Bicycle Parking Fund is collected
30 and administered by the Public Works Department—Neighborhood Connectivity
31 Division. The funds collected will be used to install bicycle parking and associated

1 improvements in the right-of-way in the same service area. The service area boundaries
2 shall be determined by the Planning and Development Review Department.

3 (C) For bicycle parking required under Section 25-6-477 (*Bicycle*
4 *Parking*), the director shall approve payment of a fee instead of installation of a
5 bicycle parking space if the director determines that:

6 (1) on the date the property was subdivided, the land development regulations
7 did not include a bicycle parking requirement; and

8 (2) there is not sufficient area on or in the premises to accommodate the minimum
9 required bicycle parking; and

10 (3) more than 50 percent of the block face on which the property is located has
11 available space for bicycle parking.

12 (D) The director may approve payment of a fee instead of installation of bicycle
13 parking if the director determines that installation is impractical because:

14 (1) installation of the bicycle parking would require the removal of a protected
15 tree or other major obstruction within the right-of-way;

16 (2) other unusual circumstances make the bicycle parking installation
17 requirement unreasonable or inappropriate.

18 (E) The amount of the fee is the current bicycle parking materials and installation
19 cost and will be determined by Administrative Rule.

20 (F) A fee paid under this section must be used to install bicycle parking in the same
21 service area, as established by the Administrative Rules.

22 (G) The City may refund the fee to the applicant if it is not spent or allocated for a
23 specific project within 10 years of the date of its collection.

24
25 **PART 11.** This ordinance takes effect on _____, 2012.
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PASSED AND APPROVED

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_____, 2012

Lee Leffingwell
Mayor

APPROVED: _____

Karen M. Kennard
City Attorney

ATTEST: _____

Shirley A. Gentry
City Clerk

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