

CITY OF AUSTIN, TEXAS

ORDINANCE NO. 960208-   C  

AN ORDINANCE AMENDING TITLE XIII (LAND DEVELOPMENT CODE) OF THE AUSTIN CITY CODE OF 1992 BY CREATING A "CURE" CENTRAL URBAN REDEVELOPMENT COMBINING DISTRICT; MODIFYING CERTAIN PARKING REQUIREMENTS; PROVIDING FOR SEVERABILITY; WAIVING THE REQUIREMENTS OF SECTIONS 2-2-3, 2-2-5, AND 2-2-7 OF THE AUSTIN CITY CODE OF 1992; AND PROVIDING AN EFFECTIVE DATE.

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

PART 1. That Section 13-2-1 (General Definitions) of the Austin City Code of 1992 is amended to add the following definition of "Central Urban Redevelopment" between the definitions of "Centerline" and "Change Of Use" as follows:

**CENTRAL URBAN REDEVELOPMENT (CURE)** means the redevelopment of existing structures under unified control, planned and redeveloped as a whole in a single redevelopment operation or a programmed phasing of redevelopment, within specific central urban areas pursuant to modified regulations.

PART 2. That Article II, Division 7 of Chapter 13-2 of the Austin City Code of 1992 is amended to create a new Part H to read as follows:

***Part H: Central Urban Redevelopment Combining District***

**SECTION 13-2-180 PURPOSE AND BOUNDARIES OF THE CURE CENTRAL URBAN REDEVELOPMENT COMBINING DISTRICT**

- (a) The CURE Central Urban Redevelopment Combining District is intended for combination with all base districts within specific central urban areas, in order to modify base district provisions as necessary to allow for appropriate uses.
- (b) The CURE combining district is appropriate for sustainable redevelopment of homes, multifamily housing, and small businesses located in the central urban area. The CURE combining district may also be applied to vacant land within the central urban area. The CURE combining district is appropriate to accommodate projects of high priority to the stability of urban neighborhoods such as affordable housing and small businesses that serve the neighborhood along principal transportation routes. The CURE combining district is appropriate if it enhances stability of neighborhoods, provides affordable housing, provides space for small businesses, improves the natural environment, and encourages high quality development with architectural design and proportion compatible with the neighborhood. The minimum age of existing development generally considered appropriate for the CURE combining district is ten years.
- (c) The CURE Central Urban Redevelopment Combining District may be applied only to properties located within the central urban area as shown in Figure 1. The official map of this area is on file with the Department of Planning and Development, and any uncertainty regarding the boundaries shall be resolved by the Director of the Department of Planning and Development.

**SECTION 13-2-181 MODIFICATIONS TO BASE DISTRICT REGULATIONS IN A CURE COMBINING DISTRICT**

Each ordinance zoning or rezoning property as a CURE combining district shall include a specific listing of the modifications to the base district regulations that the CURE combining district authorizes pursuant to Section 13-2-182.

**SECTION 13-2-182 ALLOWABLE MODIFICATIONS IN A CURE COMBINING DISTRICT**

The following modifications to regulations otherwise applicable in the base district may be included in an ordinance establishing a CURE combining district:

- (1) Modifications to permitted and conditional uses authorized in the base district.
- (2) Modifications to site development regulations applicable in the base district. The compatibility standards of Article VI, Division 4, Part A shall not be modified.
- (3) Modifications to off-street parking and loading requirements, sign regulations, principal roadway area regulations, and landscaping and screening regulations applicable within the base district.

**SECTION 13-2-183 DEVELOPMENT FEES IN A CURE COMBINING DISTRICT**

(a) When considering a CURE combining district, the unique nature of each proposal may require, under proper circumstances, a reduction or elimination of development fees. Among the development fees that may be avoided or partially avoided are the following:

- (1) Fees for development permits and inspections.
- (2) Capital recovery fees.
- (3) Parkland dedication fees.
- (4) Stormwater drainage and water quality fees.
- (5) Electric hook-up fees.

(b) Waivers or reductions of fees shall be by separate ordinance which shall comply with applicable legal requirements. Such ordinance may be processed concurrently with the zoning ordinance.

**PART 3.** That Section 13-2-1 (General Definitions) of the Austin City Code of 1992 is amended to delete the definition of "Off-Site Accessory Parking".

**PART 4.** That Section 13-2-3 (Commercial Uses Defined) of the Austin City Code of 1992 is amended to change the definition of "Off-Site Accessory Parking" to read as follows:

**OFF-SITE ACCESSORY PARKING** means parking spaces, together with driveways, aisles, turning and maneuvering areas, clearances, and similar features, located on a different site than the principal use.

**PART 5.** That Section 13-2-221 (Tables Of Uses Regulations) of the Austin City Code of 1992 relating to the "Uses Authorized In Commercial Base Districts" Table is amended to add "Off-Site Accessory Parking" as a conditional use in the following base districts: "CBD" and "DMU".

**PART 6.** That the Austin City Code of 1992 is amended to delete Section 13-2-223 (Additional Permitted Uses In CBD and DMU Districts).

**PART 7.** That Subsection (3) of Section 13-2-303 (Accessory Uses: Commercial Use Types) of the Austin City Code of 1992 is amended to read as follows:

- (3) A parking facility, but not to provide parking exceeding the maximum allowable parking requirements for a use located in the CBD and DMU districts unless approved by the Planning Commission upon a finding that the purpose statement of Section 13-5-106(a) is not applicable.

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**PART 8.** That Subsection (a) of Section 13-5-99 (Off-Site Parking) of the Austin City Code of 1992 is amended to read as follows:

(a) In accordance with the site plan review procedure for basic site plans, as described in Section 13-1-600 et seq. of this code, the Director of the Department of Planning and Development may approve locating all or a portion of the required or excess parking for a use on another site when both the primary use and accessory parking are located in a GO or less restrictive use district; however, shared off-site parking between a religious assembly use and an existing public primary or secondary educational facility, or between two or more religious assembly uses which do not conduct services on the same day, shall not require GO or less restrictive zoning, nor shall a site plan review procedure be required. The Director shall require only the minimum submission requirements necessary for review under this section (the location and number of existing and proposed off-street parking and loading spaces, and a calculation of applicable minimum requirements). Additional landscaping required by this chapter shall not be required if the sole purpose of the site plan is for shared or off-site parking on an existing parking lot. This section may not be used to provide parking which exceeds the maximum allowable parking requirements of these zoning regulations pursuant to this Article for a use located in the CBD or DMU districts unless the off-site parking is located in another district or the excess parking is approved by the Planning Commission upon a finding that the purpose statement of Section 13-5-106(a) is not applicable.

**PART 9.** That the heading of Section 13-5-106 of the Austin City Code of 1992 is amended to read as follows:

### **SECTION 13-5-106 SPECIAL PARKING AND LOADING PROVISIONS APPLICABLE TO CBD AND DMU DISTRICTS AND AREAS ELIGIBLE FOR A CURE COMBINING DISTRICT**

**PART 10.** That Subsection (b) of Section 13-5-106 of the Austin City Code of 1992 is amended to read as follows:

(b) Within the CBD and DMU Districts, the following provisions apply in lieu of the regulations established by Section 13-5-107:

- (1) No off-street parking is required for any use occupying a designated historic landmark or located in an existing building within a designated historic district.
- (2) No off-street parking is required for any use occupying an existing structure of less than 6,000 gross square feet of floor space.
- (3) Residential uses shall be required to provide at least 80% of the number of parking spaces otherwise required by Section 13-5-107.
- (4) Open parking garages shall be screened along street frontages.
- (5) Enclosed parking garages must be separated from the adjacent street by pedestrian oriented uses as defined in Section 13-2-228 fronting the adjacent street at the ground level. This provision may be waived or adjusted by the Planning Commission at the time of site plan approval upon a finding that the purpose statement of Section 13-5-106(a) is not applicable. All remaining areas shall be screened.
- (6) Curb cuts for garage access shall be no greater than 30 feet in width.
- (7) Clear ten degree cones of vision at the intersection of sidewalks and parking access lanes are required.

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- (8) The minimum number of parking spaces shall be 20% and the maximum number shall be 60% of the number of parking spaces otherwise required by Section 13-5-107. Allowable parking spaces may be increased without limit if all parking is contained within a parking structure or the excess parking is approved by the Planning Commission upon a finding that the purpose statement of Section 13-5-106(a) is not applicable.

PART 11. That Section 13-5-106 of the Austin City Code of 1992 is amended to create a new Subsection (d) to read as follows:

(d) Within the central urban area shown on Figure 1 to which a CURE combining district may be applied, except those zoned CBD or DMU, the following provisions apply in lieu of the regulations established by Section 13-5-107:

- (1) Any use occupying a designated historic structure or located within a designated historic district shall be required to provide at least 50% of the number of parking spaces otherwise required by Section 13-5-107.
- (2) Residential, Civic, and Commercial uses shall be required to provide at least 80% of the number of parking spaces otherwise required by Section 13-5-107.

PART 12. That if any provision, section, sentence, clause, or phrase of this ordinance, or the application of same to any person or set of circumstances is for any reason held to be unconstitutional, void, invalid, or for any reason unenforceable, the validity of the remaining portion of this ordinance or its application to other persons or sets of circumstances shall not be affected thereby, it being the intent of the City Council of the City of Austin in adopting this ordinance that no portion hereof or provision or regulation contained herein shall become inoperative or fail by reason of any unconstitutionality or invalidity of any other portion, provision or regulation.

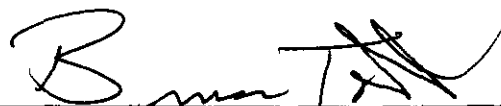
PART 13. That the requirements imposed by Sections 2-2-3, 2-2-5, and 2-2-7 of the Austin City Code of 1992, as amended, regarding the presentation and adoption of ordinances are hereby waived by the affirmative vote of at least five members of the City Council.

PART 14. That this ordinance shall become effective upon the expiration of ten days following the date of its final passage, as provided by the Charter of the City of Austin.

PASSED AND APPROVED:

February 8, 1996

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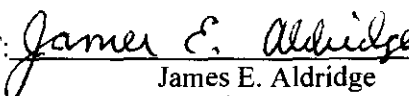
Bruce Todd  
Mayor

APPROVED:



Andrew Martin  
City Attorney

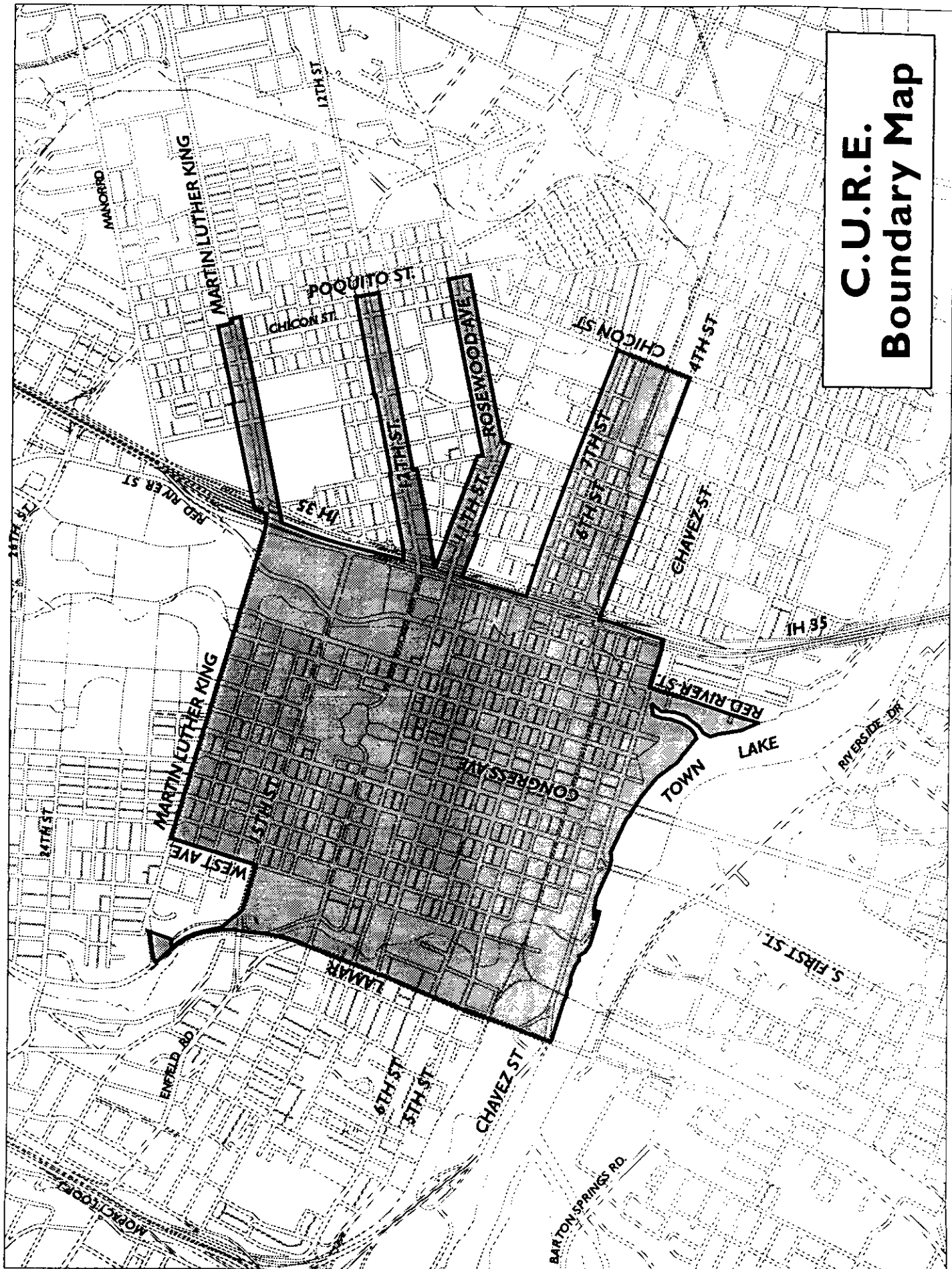
ATTEST:



James E. Aldridge  
City Clerk

8Feb96  
MT/me

960208-C



**C.U.R.E.  
Boundary Map**

"Figure 1"

PO#: 960208C

Ad ID#: 36M400600

Acct #: 4992499

**Austin American-Statesman**

Acct. Name: City Clerk

**AFFIDAVIT OF PUBLICATION**

THE STATE OF TEXAS  
COUNTY OF TRAVIS

Before me, the undersigned authority, a Notary Public in and for the County of Travis, State of Texas, on this day personally appeared:

Rebecca Fruit

Classified Advertising Agent of the *Austin American-Statesman*, a daily newspaper published in said County and State that is generally circulated in Travis, Hays, Burnet and Williamson Counties, who being duly sworn by me, states that the attached advertisement was published in said newspaper on the following dates, to wit:

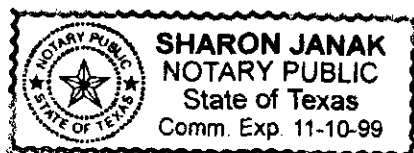
Date (s): March 7th, 1996

Class: 9980 Lines: 15 Cost: \$36.90

and that the attached is a true copy of said advertisement.

R. Jitt

SWORN AND SUBSCRIBED TO BEFORE ME, this the 7th day of Mar 1996.



Sharon Janak  
Notary Public in and for  
TRAVIS COUNTY, TEXAS

Sharon Janak  
(Name of Notary)

My Commission Expires: 11/10/99

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ING AN EFFECTIVE DATE.  
MAYOR BRUCE TODD  
AUSTIN, TEXAS