

DRAFT (August 14, 2019)

Comparison of Urban Renewal Plan (URP) and City of Austin Land Development Code (LDC) Definitions

Updated August 14, 2019 by MAS for NHCD

The following definitions are offered for clarification of the planning intent of subsections of the Urban Renewal Plan - based on the MAS & NHCD’s May 13, 2019 redline of the URP.

The current proposal is that: “All definitions will be reviewed and deleted, if it is determined: 1) they are not used any place in the Urban Renewal Plan, 2) they are defined in the current Land Development Code, and/or 3) they are not defined in the applicable NCCD.” (NOTE: These numbers, 1 – 3, are referenced in the “Proposed Action” column below.)

This document is for discussion purposes. Further detail and information regarding language located in City's Land Development Code will be presented at the Urban Renewal Board's meeting on August, 19, 2019.

	URBAN RENEWAL PLAN	2019 LAND DEVELOPMENT CODE:	12 TH ST NCCD:	PROPOSED ACTION – reference #	8.19.2019 URB COMMENTS
1	"Building Code" means Chapter 25-12, Article 1, City Code.			Delete-2	
2	"City Code" means the Austin City Code.	“City Code”: 1-1-2 CODE or CITY CODE means this Code and incorporates future amendments.	N/A	Delete - 2	
3	"Civic Uses" means buildings which are defined by the uses performed therein, which uses include, the following: government administration services and offices, fire stations, public utilities offices, day care centers, public and private schools,	“Civic Uses" 25-2-6 Civic uses include the performance of utility, educational, recreational, cultural, medical, protective, and governmental functions, and other uses that are strongly vested with public or social importance.... For the full list: https://library.municode.com/tx/austin/codes/code_of_ordinances?nodeId=TIT25LADE_CH25-2ZO_SUBCHAPTER_A_ZONING_USES_DISTRICTS_MAP_DISTRICT_DESIGNATIONS_ART1ZOUS_S25-2-6CIUSDE	N/A	Delete - 2	

	URBAN RENEWAL PLAN	2019 LAND DEVELOPMENT CODE:	12 TH ST NCCD:	PROPOSED ACTION – reference #	8.19.2019 URB COMMENTS
	colleges, churches, other religious facilities and attendant structures.	25-3-4 MAJOR CIVIC USE includes Administrative and Business Offices use by a governmental entity, College and University Facilities use, Cultural Services use, Postal Facilities use, Private Primary Educational Facilities use, Private Secondary Educational Facilities use, Public Primary Educational Facilities use, Public Secondary Educational Facilities use, Religious Assembly use, Safety Services use, and Transportation Terminal use.			
4	"Community/Local Services" means the use of a site for provision of neighborhood services that include business support services, offices, consumer convenience services, dry cleaning, pharmacy, food store, and other general services allowed in a "LR" Neighborhood Commercial District, with the exception of the following non-permitted uses: medical offices exceeding 5,000 square feet, congregate living facilities, and off-site parking.	No exact match: Include these uses as part of a table of permitted uses for the underlying/base zoning.	N/A	Delete - 3	
5	"Community Parking" means a community parking space provided by a public or private entity in excess of the normal requirement, which is made available to other business uses within the URP. (Amended 11/2008)	<div>No exact match, although the Land Development Code, Chapter 25-3; Traditional Neighborhood Development (TND)contains the following:</div> <div>25-3-4(1) COMMUNITY PARKING FACILITY means an off-site parking lot or garage that provides required parking for some or all of the uses within a Neighborhood Center Area.</div> <div>(See also SHARED PARKING provisions, which are approved on a case-by-case basis, administratively.)</div>	N/A	Delete - 2	

	URBAN RENEWAL PLAN	2019 LAND DEVELOPMENT CODE:	12 TH ST NCCD:	PROPOSED ACTION – reference #	8.19.2019 URB COMMENTS
6	"Downtown & Entertainment-Oriented Retail" means the use of the site to provide retail goods and services typically associated with entertainment, dining and related activities, as referenced in the Central Business District (CBD) designation of the Land Development Code, excluding adult-oriented businesses, automotive rentals, automotive repair services, carriage stable, cocktail lounges, convenience storage, equipment repair services, funeral services, hotel-motel, liquor sales, medical offices exceeding 5,000 square feet, outdoor sports and recreation, service stations, pawn shops. (Amended April 2005)	No exact match	N/A	Delete – 3 Where certain, now non-complying land uses are currently operating, they may be “grandfathered” until they cease to operate, per the LDC.	
7	“FAR” means the floor-to-area ratio as defined in the Land Development Code.	(42) FLOOR AREA RATIO means the ratio of gross floor area to gross site area.	N/A	Delete - 2	
8	"Garden Apartment" means a dwelling unit in a building or cluster whose maximum net density does not exceed that provided for in the zoning ordinance under the Multi-Family Residences Low-Density District designation; a portion of the lot shall be open space, as defined in the Land Development Code, with the exception of natural foliage or accessory recreational facilities or walkways, which is accessible to all persons occupying a building on the lot and is not a part of the roof of any portion of any building.	No exact match, but similar is: 30-1-2 (81) TOWNHOUSE means a dwelling unit having a common wall with or abutting one or more adjoining dwelling units in a townhouse group.	N/A	Delete - 2	
9	"Ground-Floor Retail” means the use of a site as an establishment engaged in the retail sale of merchandise as allowable by the “LR” designation in the Land Development Code (with the exceptions to LR as stated elsewhere in this document), and that occupies the ground floor of the building in which it is situated, such that it can be seen and accessed by the public from the street.	(See also Pedestrian-Oriented Uses specified in the Waterfront Overlay District, Downtown Austin Plan, Subchapter E, etc.)	N/A	Further consideration needed: Consider retaining, but revising this definition, to allow any (or most) of the non-residential uses permitted in the DMU zoning district. Provide additional regulations, such ground floor finished floor level should be at adjacent sidewalk level; ground floor-to-floor height should be a minimum of 14 feet.	

	URBAN RENEWAL PLAN	2019 LAND DEVELOPMENT CODE:	12 TH ST NCCD:	PROPOSED ACTION – reference #	8.19.2019 URB COMMENTS
10	<p>“Home Office” means a house or other structure or a portion of any building or structure designed, arranged and used for living quarters for one or more persons living as a single housekeeping unit with cooking facilities, but not including units in hotels or other structures designed for hotel or boarding, wherein a home occupation is customarily carried out by an occupant of same dwelling unit as a secondary use as defined in the Land Development Code.</p>	<p>25-2-900 HOME OCCUPATIONS</p> <p>(A) A home occupation is a commercial use that is accessory to a residential use. A home occupation must comply with the requirements of this section.</p> <p>(B) A home occupation must be conducted entirely within the dwelling unit or one accessory garage.</p> <p>(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 provided for that person.</p> <p>(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 to comply with accessibility requirements.</p> <p>(E) A home occupation may not generate more than three vehicle trips each day of customer-related vehicular traffic.</p> <p>(F) The sale of merchandise directly to a customer on the premises is prohibited.</p> <p>(G) Equipment or materials associated with the home occupation must not be visible from locations off the premises.</p> <p>(H) A home occupation may not produce noise, vibration, smoke, dust, odor, heat, glare, fumes, electrical interference, or waste run-off outside the dwelling unit or garage.</p> <p>(I) Parking a commercial vehicle on the premises or on a street adjacent to residentially zoned property is prohibited.</p>	N/A	Delete 2	

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		<div>(J) Advertising a home occupation by a sign on the premises is prohibited, except as provided under Section 25-10-156 (Home Occupation Signs). Advertising the street address of a home occupation through signs, billboards, television, radio, or newspapers is prohibited.</div> <div>(K) The following are prohibited as home occupations:</div> <div>(1) animal hospitals, animal breeding;</div> <div>(2) clinics, hospitals;</div> <div>(3) hospital services;</div> <div>(4) contractors yards;</div> <div>(5) dance studios;</div> <div>(6) scrap and salvage services;</div> <div>(7) massage parlors other than those employing massage therapists licensed by the state;</div> <div>(8) restaurants;</div> <div>(9) cocktail lounges;</div> <div>(10) rental outlets;</div> <div>(11) equipment sales;</div> <div>(12) adult oriented businesses;</div> <div>(13) recycling centers;</div> <div>(14) drop-off recycling collection facilities;</div> <div>(15) an activity requiring an H-occupancy under Chapter 25-12, Article 1 (<i>Uniform Building Code</i>);</div> <div>(16) automotive repair services; and</div> <div>(17) businesses involving the repair of any type of internal combustion engine, including equipment repair services</div>			
11	"House-like Offices" means office and retail uses operating out of buildings that were originally built for residential use, but that have been converted for commercial use. Any exterior addition or alteration must be approved by the Urban Renewal Agency.	N/A	N/A	Delete - 2	
12	"House-like Studios" (or Arts and Crafts Studio) means dwellings that includes use of the site for the production of art work by the resident artist and the incidental sale of the art produced, limited to the use of hand tools, domestic mechanical equipment not exceeding two horsepower, or a single kiln not exceeding eight kilowatts, provided that the use does not impact any other use of property with noise, odor, dust, vibration, or other nuisance. This classification includes, but is not limited to painter's studios, ceramics studios, and custom jewelry studios.	N/A	N/A	Delete - 2	

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13	" Land Development Code " means Title 25, City Code. Where the Urban Renewal Plan is silent, the development regulations of the Land Development Code shall control. In all other instances, by law, the Urban Renewal Plan is the controlling document.		N/A	Retain	
14	" Landscape " means the planting and maintenance of live trees, shrubs, ground covers, and lawn areas, including the installation of irrigation systems, and as further described in the Land Development Code.	Not exact match: LANDSCAPED AREA means 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	N/A	Delete - Defined in LDC	
15	" Landscape Buffer " means landscape in that portion of a lot that has been designated by provision of the Land Development Code as open space for visual screening purposes, to separate different use districts, or to separate uses on one property from uses on other properties.		N/A	Delete - 2	
16	" Live-Work Mixed-Use Studio " means a building that provides for one or a combination of uses, including residential, retail and studio, as defined by the Land Development Code, as amended from time to time, with retail and/or studio on the ground floor. Studio, as used here in refers to the working and display space for an artist or artisan.	<p>No exact match, but land use called Art Gallery and Art Workshop exist. See also the International Residential Code (IRC) for definition of live-work space. See also Subchapter E: Commercial Design Standards' definition of Mixed-Use Building. See link below for Subchapter E:</p> <p>https://library.municode.com/tx/austin/codes/code_of_ordinances?nodeId=TIT25LADE_CH25-22O_SUBCHAPTER_EDESTMIUS</p>	N/A	Delete - 2	
17	" MOA " means that certain Memorandum of Agreement entered into on April 18, 1997, by and between the Texas State Historical Preservation Officer, the Advisory Council on Historic Preservation, and the City of Austin, as amended from time to time	N/A	N/A	Delete - This MOA has been terminated.	
		See Subchapter E Design Standards and Vertical Mixed-Use provisions. See link below:			

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18	" Mixed-Use " means a building that provides for a combination of uses, requiring retail or office uses; on the ground floor (except for the exclusion of pawn shops; automobile sales, rentals and repairs; gas stations and adult-oriented businesses), and some combination office/retail and/or office and residential uses on the other floors. Retail, office and residential uses referred to herein are as defined in the Land Development Code, as amended from time to time. Single-story buildings and buildings less than 2,000 square feet on East 12 th Street and single-story buildings on East 11 th Street will not be required to provide a combination of uses, provided the use is retail, office or residential (except for the exclusion of pawn shops; automobile sales, rentals and repairs; gas stations and adult-oriented businesses). Retail, office and residential uses referred to herein are as defined in the Land Development Code, as amended from time to time. (Amended 4/2005)	https://library.municode.com/tx/austin/codes/code_of_ordinances?nodeId=TIT25LADE_CH25-2ZO_SUBCHAPTER_EDESTMIUS	N/A	Delete - 2	
19	“Mixed-use Residential” means a combination of small-scale retail or office and residential uses as defined under “Mixed-use”. Small-scale as used here in refers to FAR's of .30 or less.	See Subchapter E Design Standards and Vertical Mixed-Use provisions. See link below:	N/A	Delete - 2	
		https://library.municode.com/tx/austin/codes/code_of_ordinances?nodeId=TIT25LADE_CH25-2ZO_SUBCHAPTER_EDESTMIUS			
20	" Neighborhood Conservation Combining District (NCCD) " - currently not defined in the Urban Renewal Plan	25-2-371 NEIGHBORHOOD CONSERVATION (NC) COMBINING DISTRICT REGULATIONS A regulation established by a neighborhood conservation (NC) combining district modifies use and site development regulations of a base district located in the NC combining district in accordance with a neighborhood plan. Also: COMBINING DISTRICT means a zoning district established by this title to prescribe regulations to be applied to a site in combination with regulations applicable to a base district.	N/A	“NCCD” – Neighborhood Conservation Combining District: The purpose of a Neighborhood Conservation Combining District (NCCD) is to establish development regulations to protect unique neighborhoods in order to preserve their character while allowing for controlled growth to occur. A NCCD clearly defines boundaries separating residential uses from commercial uses, and sets standards for redevelopment that are compatible with the unique character of the neighborhood. The NCCDs for East 11 th and 12 th Streets put in place the zoning to implement the development controls of Urban Renewal Plan.	

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21	“Net” means the result of a mathematical calculation that subtracts total deductions from the gross amount of space to derive the net value of the remainder.	N/A	N/A	Delete – 1	
22	"New Commercial Space" means the maximum number of square feet allowable per redevelopment project area, as profiled in figures 4-5 through 4-26.	N/A	N/A	Delete – 2; as it references the obsolete figures of the URP.	
23	"Office" means a building used for administrative services and offices as defined in the Land Development Code, as amended from time to time, but excluding Medical Offices exceeding 5,000 square feet.	“Office” is a commercial land use, not a building It includes the subcategories of Medical Office, Professional Office, and Administrative/Professional Office.	N/A	Delete – 2...add provision of Medical Office 5,000 SF limitation to the 11 th St NCCD.	
24	"Plaza" means a portion of a lot or parcel developed as open space, i.e., a space that is open and unobstructed from its lower level to the sky, with the exception of natural foliage or accessory recreational facilities or walkways, which is accessible to all persons occupying a building on the lot and is not a part of the roof of any portion of any building and which is improved to create a space open to the public.	25-3-4 PLAZA means open space at the intersection of important streets, set aside for civic purposes and commercial activity, including parking, its landscape consisting of durable pavement and formal tree plantings. 13-1-1 A publicly accessible on-site plaza (Plaza) is defined as a privately owned space provided and maintained by the property owner for public use in exchange for additional floor area. (from the Density Bonus Ordinance)	N/A	Consider retaining in some form – maybe refer to LDC definition from 13-1-1.	
		The City of Austin's Permitted Use Chart provides a list of permitted, conditional and prohibited uses for property based on the property's zoning. See link below:			

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25	<p>“Prohibited Uses” means on the East 12th Street corridor adult-oriented businesses, automobile rentals, automobile repair services, bail bond services, campground, carriage stable, cocktail lounges save and except for the property located at 1805 - 1812 East 12th Street, commercial plasma center, convenience storage, drop-off/recycling collection facility, drive-thru restaurant facilities, equipment repair services, equipment sales, exterminating services, kennels, commercial laundry services, liquor sales, pawn shop services, outdoor entertainment, outdoor recreation, service stations save and except for the property located at 1425 East 12th Street, telecommunication tower on ground, vehicle storage and veterinary (livestock) services. (Amended 11/2008)</p>	<p>file:///C:/Users/HarkinsS/Desktop/permitted_use_chart.pdf</p>	<p>1. Adult-Oriented Businesses 2. Automotive Rental 3. Automotive Repair 4. Automotive Sales 5. Automotive Washing 6. Bail Bond Services 7. Campground 8. Carriage Stable 9. Cocktail Lounge* 10. Laundry Service 11. Commercial Plasma Center 12. Convenience Storage 13. Drop-off recycling Collection Facility 14. Drive Through Services as an accessory use to a restaurant 15. Equipment Repair Services</p>	<p>Retain</p>	

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			16. Equipment Sales 17. Exterminating Services 18. Kennels 19. Liquor Sales 20. Pawn Shop Services 21. Outdoor Entertainment 22. Outdoor Recreation 23. Service Stations** 24. Telecommunication Tower (if sited on ground) 25. Vehicle Storage 26. Veterinary Services * Cocktail Lounge is a conditional use 1808-1812 E. 12th Street. ** Service station use is a permitted use for 1425 E. 12th Street.		
26	"Renovated Existing Lodge Building," means the existing lodge building known as 1017 East 11th Street, renovated and/or its successor structure(s).	N/A	N/A	Retain	
27	"Rental Flat' means a residential dwelling unit as defined in the Land Development Code, as amended from time to time.	No match – but could be any form of “residential dwelling unit”, which is defined in the LDC: DWELLING UNIT means a residential unit other than a mobile home providing complete, independent living facilities including permanent provisions for living, sleeping, eating, and cooking.	N/A	Delete - 2	

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28	“Residential-Scaled” means the size and architectural design of a new development is consistent with the scale and historic character of existing, adjacent or across-the-street, residential buildings in the immediate environs. Immediate environs refers to the nearest residential buildings located within four blocks east and west and the nearest residential buildings located within two blocks north or south within the Urban Renewal Area.	No exact match, although certain provisions of the Waterfront Overlay District, Subchapter E, certain NCCDs, historic districts and other ordinances do regulate scale and compatibility of new buildings within an existing historic context.	N/A	Delete – 3 Provisions for compatible scaling (height and setbacks) are already embedded in the NCCD Subdistrict regulations.	
29	"Service Alley" means any public or private dedicated way intended for vehicular service to the rear or side of property served by a street. Alleyway provides access for delivery and service to retail businesses, offices and residential units. Properties on the north side of East 11th Street must shall have their primary access from back the north-south side streets or East 11 th Street, unless special provisions made otherwise approved by the City of Austin. Public Works, for limited-off-hours, on-street deliveries, and no motor vehicular access is allowed from East 11th Street.	Street An alley is a passageway designed primarily to provide access to or from the rear or side of property otherwise abutting on a public street.	N/A	Delete – 2, but create similar access provision(s) in the to-be-updated11 th St NCCD.	
30	"Story" means a unit of measure as defined in the Building Code.	N/A	N/A	Delete – 2	
	MISCELLANEOUS NOTES:				
	Neighborhood Conservation Combining District: Preserves and protects older neighborhoods by allowing modifications to applicable development regulations in accordance with a neighborhood plan while allowing for controlled growth to occur. An NCC District clearly defines boundaries separating residential uses from commercial uses, and sets standards for redevelopment that is compatible with the unique character of the neighborhood.				
	Excerpts from the 12th St NCCD Ordinance:				
	"AN ORDINANCE REZONING AND CHANGING THE ZONING MAP TO ESTABLISH THE EAST 12TH STREET NEIGHBORHOOD				
	CONSERVATION (NCCD) COMBINING DISTRICT FOR THE PROPERTY LOCATED GENERALLY ALONG EAST 12TH STREET FROM IH-35				
	AND BRANCH STREET TO POQUITO STREET IN THE CENTRAL EAST AUSTIN, ROSEWOOD, AND CHESTNUT NEIGHBORHOOD PLAN				
	AREAS; AND TO MODIFY CERTAIN BASE DISTRICTS IN THE NCCD. "				
	"...Except as specifically provided by this plan, the land use regulations of the City Code apply to the East 12 Street NCCD If applicable, the requirements				
	of the East 11 and 12 Street Urban Renewal Plan apply to the East 12 Street NCCD. In the event of a conflict the more restrictive requirement applies....“				