

## ORDINANCE AMENDMENT REVIEW SHEET

### **Amendment:** C20-2023-010 Eliminate Minimum Parking Requirements

**Description:** Amendment to City Code Title 25 (Land Development Code) to eliminate the minimum number of off-street motor vehicle parking spaces currently required except for accessible spaces.

**Background:** Initiated by City Council [Resolution No. 20230504-022](#)

On May 4, 2023, City Council directed staff to eliminate minimum off-street vehicle parking requirements in the City from City Code Title 25 (Land Development Code) through [Resolution 20230504-022](#). Per the resolution, “[t]he City Manager is directed to return with recommendations for developments proposing no on-site parking that allow for accessible spaces on-street, adjacent to or reasonably nearby the development and located on an accessible route. The recommendations should ensure accessible spaces comply with all design, accessibility, and location requirements of the ADA [Americans with Disabilities Act] and FHA [Fair Housing Act], as appropriate.” Council directed the City Manager to return with an ordinance for Council consideration by December 31, 2023.

Minimum parking space requirements are established primarily in Chapter 25-6 (Transportation) and related Appendix A of the Land Development Code (“LDC”). There are numerous references throughout Title 25 to Appendix A for specific areas of the City, and Appendix A includes requirements other than minimum motor vehicle parking space requirements, such as requirements for off-street loading and unloading and bicycle parking. Additionally, there are parking requirements addressed in several other chapters of Title 25.

### **Summary of Proposed Code Amendments:**

The proposed amendments to the LDC include:

- Remove the motor vehicle off-street minimum parking space requirements from Chapter 25-6, Article 7 (Off-Street Parking and Loading);
- Update Chapter 25-6, Article 7 (Off-Street Parking and Loading) with appropriate text edits to remove references to minimum motor vehicle parking space requirements found in Appendix A, Part 1;
- Update Chapter 25-6, Article 7 (Off-Street Parking and Loading) to clarify that accessible spaces must still be provided for development;
- Update the table in Appendix A to address the need to maintain a catalog of previous parking requirements that are referenced throughout the LDC for purposes such as calculating the number of accessible spaces, maintaining off-street loading and unloading requirements, addressing nonconforming uses, and establishing parking maximums in certain districts and certain zoning categories;
- Remove additional motor vehicle off-street minimum parking space requirements from other code sections within Title 25, as well as additional references to minimum motor vehicle parking space requirements throughout Title 25.

**Proposed Text Amendment(s):**

The following 42 sections of Title 25 are affected by the proposed changes but do not directly eliminate minimum parking requirements. Most of the changes to these sections remove references to minimum parking requirements or provide minor clarifications based on other changes:

**Chapter 25-1 – General Requirements and Procedures**

- Article 2. Definitions; Measurements
  - § 25-1-21 Definitions

**Chapter 25-2 - Zoning**

**Subchapter A – Zoning Uses, Districts, and Map**

- Article 2. Zoning Districts
  - § 25-2-91 Purposes of Commercial Districts Designations
  - § 25-2-121 Purposes of Industrial District Designations
  - § 25-2-181 Corridor Overlay (COR) District Purpose and Boundaries

**Subchapter B – Zoning Procedures; Special Requirements for Certain Districts**

- Article 2. Special Requirements for Certain Districts
  - § 25-2-312 CURE Combining District Regulations
  - § 25-2-356 Historic Area Combining District Regulations
  - § 25-2-441 Planned Development Areas Generally

**Subchapter C – Use and Development Regulations**

- Article 1. General Provisions
  - § 25-2-474 Required Findings
- Article 3. Additional Requirements for Certain Districts
  - § 25-2-766.14 Parking Regulations (Transit-Oriented Development District Regulations)
  - § 25-2-773 Duplex Residential Use
- Article 4. Additional Requirements for Certain Uses
  - § 25-2-807 Special Use in Historic District
  - § 25-2-818 Mobile Retail Establishments
  - § 25-2-865 Light Manufacturing Use
- Article 5. Accessory Uses
  - § 25-2-897 Accessory Uses for a Principal Civic Use
- Article 6. Accessory Uses
  - § 25-2-924 Conditions of Approval
- Article 7. Nonconforming Uses
  - § 25-2-947 Nonconforming Use Regulation Groups
- Article 10. Compatibility Standards
  - § 25-2-1052 Exceptions

**Subchapter E – Design Standards and Mixed Use**

- Article 2. Site Development Standards
  - § 2.3 Connectivity Between Sites
    - 2.3.1 Improvements to Encourage Pedestrian, Bicycle, and Vehicular Connectivity
- Article 4. Mixed Use
  - § 4.3.3 Vertical Mixed Use Buildings
    - 4.3.3.F and .G
    - 4.3.5.A

- 4.3.5.B.5.a and .c
- 4.3.5.C.1.a and .b
- 4.3.5.C.2.a and .b
- 4.3.5.C.5

Subchapter F – Residential Design and Compatibility Standards

- Article 3. Definitions and Measurement
  - § 3.3.2 Gross Floor Area
  - 3.3.2

**Chapter 25-5 – Site Plans**

- Article 1. Site Plans Generally
  - § 25-5-2 Site Plan Exemptions
- Article 3. Land Use Commission Approved Site Plans
  - § 25-5-145 Evaluation of Conditional Use Site Plan

**Chapter 25-6 – Transportation**

- Article 7. Off-Street Parking and Loading
  - § 25-6-472 Parking Facility Standards
  - § 25-6-473 Modification of Parking Requirement
  - § 25-6-476 Parking for Mixed Use Developments
  - § 25-6-477 Bicycle Parking
  - § 25-6-478 Motor Vehicle Reductions General
  - § 25-6-501 Off-Site Parking
  - § 25-6-502 Application and Approval
  - § 25-6-531 Off-Street Loading Facility Required
  - § 25-6-532 Off-Street Loading Standards
  - § 25-6-591 Parking Provisions for Development in the Central Business District (CBD), the Downtown Mixed Use (DMU) District, the Public (P) Zoning Districts, and the University Neighborhood Overlay (UNO) District
  - § 25-6-601 Parking Requirements for University Neighborhood Overlay District

Changes to the following 17 sections of Title 25 explicitly remove minimum motor vehicle parking requirements from the LDC and provide additional clarifications related to accessible space requirements:

**Chapter 25-2 - Zoning**

Subchapter C – Use and Development Regulations

- Article 2. Principal Use and Development Regulations
  - § 25-2-519 Commercial-Residential Development
- Article 3. Additional Requirements for Certain Districts
  - § 25-2-772 Single-Family Attached Residential Use
  - § 25-2-780 Multifamily Residential Use
- Article 4. Additional Requirements for Certain Uses
  - § 25-2-831 College or University
- Article 5. Accessory Uses
  - § 25-2-900 Home Occupations
- Article 14. Mobile Homes and Tourist or Trailer Camps
  - § 25-2-1205 Site Development Regulations for Mobile Home Parks

#### Subchapter D – Neighborhood Plan and Combining Districts

- Article 6. Neighborhood Mixed Use Building Special Use
  - § 25-2-1504 Neighborhood Mixed Use Building Regulations
- Article 7. Residential Infill and Neighborhood Urban Center Special Uses
  - § 25-2-1556 Multifamily and Condominium Regulations
  - § 25-2-1566 Commercial Use Parking Requirements

#### Subchapter E – Design Standards and Mixed Use

- Article 4. Mixed Use
  - § 4.3 Vertical Mixed Use Buildings
    - 4.3.3.E Height, Dimensional and Parking Requirements

#### Chapter 25-3 – Traditional Neighborhood District

- Article 4. General Development Standards
  - § 25-3-83 Parking

#### Chapter 25-4 – Subdivision

- Article 3. Platting Requirements
  - § 25-4-232 Small Lot Subdivisions
  - § 25-4-233 Single-Family Attached Residential Subdivision

#### Chapter 25-6 – Transportation

- Article 7. Off-Street Parking and Loading
  - § 25-6-471 Off-Street Parking Facility Required
  - § 25-6-474 Parking Facility for Persons with Disabilities
  - § 25-6-593 Provisions for Property in the Central Urban Redevelopment (CURE) Combining District Area
  - § 25-6-611 Parking Requirements for a Transit Oriented Development District

#### **Staff Recommendation:** Recommended.

This amendment is consistent with City goals around housing affordability and it aligns with the Parking section of the Austin Strategic Mobility Plan, which reads (bold added for emphasis):

“Effective management of parking can improve mobility, safety, the environment, and affordability. Parking management is closely tied to **land use regulations** and curb management practices, and as such, they **should both be written to encourage better parking management**. Land use regulations should be written to ensure new developments accommodate different travel options, not just people in cars. Parking requirements should focus on maximums instead of minimums, and parking spaces should be offered to buyers and renters separately from rent or housing purchase, a practice known as ‘unbundling.’”

Another section reads, “[m]inimum parking requirements have resulted in an overabundance of parking in many locations throughout Austin and have continued to encourage people to drive to their destination. **These parking spaces are expensive to build and maintain**, and promote automobile use even when short trips can be easily accessed by walking, bicycling, or by taking transit. More efficient use of our land should be considered when building new developments and when remodeling older properties. **Zoning codes should be modified to:**

**reduce parking requirements;** promote shared and off-site parking among neighboring properties; utilize unbundling of parking in conjunction with site-specific TDM plans; and to support walkable, mixed-use developments to lessen the need for parking. Unbundling of parking, for example, would help manage demand on the transportation network by only providing parking for those who use it and decrease project costs for the creation of affordable housing. **Affordable housing, creative and music venues, and small, local businesses in neighborhoods especially would benefit from reductions in parking requirements.”**

Recent data have shown that surface parking lots can cost up to \$10,000 per space to build and structured parking can cost up to \$60,000 per space to build. Indicators for achieving our parking goals include decreasing the number of parking spaces per capita and increasing the percentage of developments that opt for parking reductions available in the Land Development Code.

Staff met and worked with Americans Disabled for Attendant Programs Today (ADAPT) of Texas to ensure that the accessible space requirements are maintained and strengthened where appropriate. The revised code language regarding accessible spaces dictates that no development applications would be able to provide fewer accessible spaces than are currently required, and developments formerly required to provide fewer than 525 total spaces per Code would be required to provide zero to two more accessible spaces. Larger developments, those formerly required to provide more than 525 spaces, could be required to provide more than two additional accessible spaces, though the change would represent less than one percent of total parking spaces provided.

Lastly, Title 25 is not the only document that includes parking regulations. The following documents also include minimum parking requirements that are separate from the Land Development Code:

- Title 30 (Austin/Travis County Subdivision Regulations) - ETJ
  - § 30-2-232 Small Lot Subdivisions
  - § 30-2-233 Single-Family Attached Residential Subdivision
- Transit-Oriented Development (TOD) Regulating Plan
  - [Lamar Boulevard/Justin Lane TOD Station Area Plan](#)
  - [MLK TOD Station Area Plan](#)
  - [Plaza Saltillo TOD Station Area Plan](#)
- Regulating Plans
  - [North Burnet/Gateway Zoning District](#)
  - [East Riverside Corridor Zoning District](#)
  - *South Central Waterfront (in development)*
- Neighborhood Conservation Combining District (NCCD)
  - [Hyde Park](#)
  - [North Hyde Park](#)
  - [North University](#)
  - [Fairview Park](#)
  - [11<sup>th</sup> Street](#)
  - [12<sup>th</sup> Street](#)
- Planned Unit Development (PUD) Agreements

Title 30 includes two sections that include minimum parking requirements related to subdivision platting for land in the portion of the City's extraterritorial jurisdiction within Travis County, including areas annexed by the City for limited purposes. The two sections are as follows, with the clauses including minimum parking requirements included:

§ 30-2-232 SMALL LOT SUBDIVISIONS.

- (C) A small lot subdivision must comply with the following requirements:
  - (15) Two off-street parking spaces are required for each dwelling unit.

§ 30-2-233 SINGLE-FAMILY ATTACHED RESIDENTIAL SUBDIVISION.

- (E) A lot must comply with the following requirements:
  - (12) At least two off-street parking spaces are required for a dwelling. The driveway may count as one of the spaces.

Title 25 contains provisions that are identical to Sections 30-2-232 and 30-2-233. They are Sections 25-4-232 (Small Lot Subdivisions) and 25-4-233 (Single-Family Attached Residential Subdivision). Staff recommends that § 25-4-232 and § 25-4-233 be amended to remove minimum motor vehicle parking requirements from those sections. Likewise, staff also recommends that similar amendments be made to Sections 30-2-232 and 30-2-233 in Title 30. However, any amendment to Title 30 requires joint action by Travis County before an amendment can take effect. Staff has reached out to Travis County staff to determine if those proposed changes will be considered by the Commissioners Court. Until City staff receives that direction from the County, Title 30 cannot be changed. City staff are continuing to push for this change to create consistent parking standards for all development projects.

The three TOD and two other adopted regulating plans refer back to the LDC for their parking requirements. All of them refer to a ratio, or percentage, of LDC-required parking to determine their minimum parking requirement. The proposed changes to the LDC would eliminate those requirements (e.g., 60 percent of 0 required parking spaces would be 0 required parking spaces), but that could lead to confusion in the regulating plans. For the purposes of enforcement, these proposed changes would apply to the regulating plans and TODs; however, for clarity, those regulating plans and TODs will be modified following the adoption of this proposed ordinance (C20-2023-010) to ensure transparency and consistency with the LDC around required parking. The proposed code changes also provide authority to the Director to waive parking requirements administratively or reduce them as necessary.

Additionally, the South Central Waterfront Regulating Plan is in development right now, and the proposed text has been reviewed and modified to be consistent with the proposed Title 25 changes.

For the NCCDs, the 11<sup>th</sup> Street and 12<sup>th</sup> Street areas do not include any additional parking requirements as compared to the LDC. The other four NCCDs do have additional requirements, and they are as follows:

### **Hyde Park**

- Part 7 (General Provisions): 17.g.2 requires two spaces per dwelling unit in the Residential District and the West 38<sup>th</sup> Street District
- Part 8 (Residential District): 16 requires an additional parking space for each new full bathroom constructed if there are at least five bathrooms in a duplex
- Part 9 (Speedway District): 17 requires an additional parking space for each new full bathroom constructed if there are at least five bathrooms in a duplex

### **North Hyde Park**

- Part 7 (Residential District): 13 requires an additional parking space for each new full bathroom constructed if there are at least five bathrooms in a duplex
- Part 8 (Avenue A District): 11 requires an additional parking space for each new full bathroom constructed if there are at least five bathrooms in a duplex

### **North University**

- Part 6 (General Provisions): 7.g requires a parking space for each bedroom in a dwelling unit for a multi-family use
- Part 6 (General Provisions): 7.j requires an additional parking space for each new full bathroom constructed if there are at least five bathrooms in a duplex
- Part 8 (Speedway District): 7.c requires a parking space for each bedroom plus an extra 10 percent for visitor parking for Lots 8-14, Block 6, Fruth Addition
- Part 13 (Waller Creek / Seminary District): 8 requires a parking space per dwelling unit associated with college/university facilities, a parking space for two residents in a dorm, and one space per 1,000 square feet for all other uses

### **Fairview Park**

- Part 6: B.4 requires a parking space for each unit in a duplex
- Part 6: I.6 requires a parking space for each room/suite for a bed and breakfast

Given the limited scope of these requirements and the potential complexity in making these changes, staff is not proposing that they be repealed with this code amendment. However, staff will be revisiting each of these ordinances to make minimum parking requirements consistent with the rest of the City per the LDC and the Council resolution. Additionally, per authority given to the Director, staff has flexibility to waive parking requirements or reduce them as necessary, even as low as zero parking spaces. For clarity, staff will pursue amendments to the NCCD ordinances.

Lastly, there are specifically negotiated parking requirements as part of Planned Unit Development (PUD) agreements. Many of these agreements likely decreased the off-street parking space requirements that were in place at the time the agreements were signed, but there are also likely PUD agreements that increased off-street parking space requirements for certain uses or provided a specific amount of parking spaces for adjacent uses (e.g., parkland). As PUD agreements have been specifically negotiated and are legal agreements, the proposed code changes would not supersede parking requirements included in PUD agreements.

If a PUD agreement includes parking requirements, staff will continue to enforce those requirements, unless city council or the director approves an amendment to the agreement. If



parking requirements were an "element of superiority" (i.e., a key condition of approval for the PUD), the applicant will have to apply for a "substantial amendment" pursuant to Section 3.1.2 of Chapter 25-2 (Zoning). Only City Council can approve these types of amendments. If parking requirements were not an element of superiority for approval of the PUD, the applicant may apply to the director for an administrative amendment per Section 3.1.3 of Chapter 25-2 (Zoning).

If an applicant wishes to pursue the removal of a minimum parking requirement that is an element of superiority for approval of the PUD zoning district, staff will generally support those changes after review of the context by which the requirement exists and any need for a substitute element of superiority is assessed.

Lastly, the Urban Transportation Commission, as part of their support for the staff recommendation, included a provision to increase bicycle parking at a scale that aligns with ASMP commute period mode split goals. Those changes are not shown as part of the proposed ordinance due to time constraints but will be reviewed by staff as part of potential future updates for City Council consideration.

**Board and Commission Action:**

August 29<sup>th</sup>, 2023, briefing to the Planning Commission, no action

September 20<sup>th</sup>, 2023, recommended by the Codes and Ordinances Joint Committee, 5-2

October 3<sup>rd</sup>, 2023, recommended by the Urban Transportation Commission, 8-0

October 10<sup>th</sup>, 2023, to be reviewed by the Planning Commission

**Council Action:**

Resolution 20230504-022 passed on May 4, 2023, 10-1

To be considered on November 2<sup>nd</sup>, 2023

**Sponsor Department:** Transportation and Public Works Department

**City Staff:**

Dan Hennessey, [Dan.Hennessey@austintexas.gov](mailto:Dan.Hennessey@austintexas.gov), (512) 974-1305 (Case Manager)



## WORKING DRAFT SUBJECT TO CHANGE

---

### CHAPTER 25-1. GENERAL REQUIREMENTS AND PROCEDURES

#### *ARTICLE 2. DEFINITIONS; MEASUREMENTS*

##### § 25-1-21 DEFINITIONS

- (1) ACCESSIBLE SPACE means a parking space for an individual with a disability that complies with the Americans with Disabilities Act (ADA) and Fair Housing Act Amendments (FHAA), as appropriate.

NOTE: All other definitions will be re-numbered accordingly.

### CHAPTER 25-2. ZONING.

#### ***SUBCHAPTER A. ZONING USES, DISTRICTS, AND MAP; DISTRICT DESIGNATIONS.***

##### *ARTICLE 1. ZONING USES.*

NO CHANGES TO ARTICLE 1.

##### *ARTICLE 2. ZONING DISTRICTS.*

##### **Division 1. Districts Generally.**

NO CHANGES TO DIVISION 1.

##### **Division 2. Residential Base Districts.**

NO CHANGES TO DIVISION 2.

##### **Division 3. Commercial Base Districts.**

##### § 25-2-91 PURPOSES OF COMMERCIAL DISTRICTS DESIGNATIONS.

The purposes of the commercial district designations are to:

- (1) reserve areas for offices, retail stores, and service establishments that provide a broad range of goods and services to residents of Austin and the surrounding area;
- (2) promote the grouping of office and commercial uses that are convenient for the public and that benefit the uses in a district;
- (3) ensure adequate access and off-street [parking and] loading for office and commercial uses and minimize traffic congestion and other adverse effects on nearby land uses;

## WORKING DRAFT SUBJECT TO CHANGE

---

- (4) encourage high standards of site planning, architecture, and landscape design for office and commercial development in the City;
- (5) facilitate the planning for and provision of infrastructure improvements to meet traffic, commercial, and public service needs generated by the residents of Austin; and
- (6) promote energy conservation.

Source: Section 13-2-60; Ord. 990225-70; Ord. 031211-11.

### Division 4. Industrial Base Districts.

#### § 25-2-121 PURPOSES OF INDUSTRIAL DISTRICT DESIGNATIONS.

The purposes of the industrial district designation are to:

- (1) reserve areas for industrial use and protect the uses from intrusion by dwellings and other incompatible uses;
- (2) protect residential, commercial, and nuisance-free nonhazardous industrial uses from the adverse effects of certain industrial uses;
- (3) ensure adequate access and off-street ~~[parking and]~~ loading and minimize traffic congestion and other adverse effects on nearby land uses; and
- (4) facilitate the planning for and provision of infrastructure improvements to meet traffic, commercial, and public service needs generated by the residents of the City.

Source: Section 13-2-80; Ord. 990225-70; Ord. 031211-11.

### Division 5. Special Purpose Base Districts.

NO CHANGES TO DIVISION 5.

### Division 6. Combining and Overlay Districts.

#### § 25-2-181 CORRIDOR OVERLAY (COR) DISTRICT PURPOSE AND BOUNDARIES.

- (A) The purpose of the corridor overlay (COR) district is to increase housing capacity and support transit investments on certain roadways by relaxing compatibility regulations ~~[and reducing parking minimums]~~.
- (B) The boundaries of the COR district are identified in Section 25-2-769.03 (*Corridor Roadways*).

Source: Ord. No. 20221201-056 , Pt. 2, 12-12-22.

## ARTICLE 3. ZONING MAP.

NO CHANGES TO ARTICLE 3.

**WORKING DRAFT SUBJECT TO CHANGE**

---

***SUBCHAPTER B. ZONING PROCEDURES; SPECIAL REQUIREMENTS FOR CERTAIN DISTRICTS.******ARTICLE 1. ZONING PROCEDURES GENERALLY.***

NO CHANGES TO ARTICLE 1.

***ARTICLE 2. SPECIAL REQUIREMENTS FOR CERTAIN DISTRICTS.*****Division 1. Central Urban Redevelopment Combining Districts.****§ 25-2-312 CURE COMBINING DISTRICT REGULATIONS.**

- (A) A regulation established by a CURE combining district may modify:
- (1) permitted or conditional uses authorized in the base district;
  - (2) except for Subchapter C, Article 10 (*Compatibility Standards*), the site development regulations applicable in the base district; or
  - (3) off-street parking [design regulations](#), ~~or~~ [off-street](#) loading regulations, sign regulations, or landscaping or screening regulations applicable in the base district.
- (B) A modification to the base district regulations must be identified in the ordinance zoning or rezoning property as a CURE combining district.
- (C) The CURE combining district may not be used to modify maximum floor area ratio or maximum height within the area bounded by Martin Luther King, Jr., Boulevard, Interstate Highway 35, Lady Bird Lake and Lamar Boulevard.

Source: Sections 13-2-181 and 13-2-182; Ord. 990225-70; Ord. 030306-48A; Ord. 031211-11; Ord. 20130627-105.

**Division 2. Conditional Overlay Combining Districts.**

NO CHANGES TO DIVISION 2.

**Division 3. Historic Landmarks And Historic Area Districts.****§ 25-2-356 HISTORIC AREA COMBINING DISTRICT ORDINANCE.**

- (A) An ordinance zoning or rezoning property as a historic area (HD) combining district must:
- (1) describe the character-defining features of the district;
  - (2) adopt supplemental standards, if any; and

## WORKING DRAFT SUBJECT TO CHANGE

---

- (3) list the designated contributing structures.
- (B) Supplemental standards:
  - (1) may modify regulations relating to building setbacks, building height, compatibility, landscaping, parking [design](#), or signs;
  - (2) may prescribe regulations relating to design, scale, or architectural character of, or materials for:
    - (a) the exterior of a contributing structure or a new structure; and
    - (b) public facilities, including street lighting, street furniture, signs, landscaping, utility facilities, sidewalks, and streets; and
  - (3) must be consistent with the historic design standards and be based on the features and characteristics of the district.

Source: Ord. 041202-16; 20090806-068; Ord. No. 20221115-049 , Pt. 6, 11-28-22.

### Division 5. Planned Unit Developments.

NO CHANGES TO SUBDIVISION 5.

### Division 6. Planned Development Areas.

#### § 25-2-441 PLANNED DEVELOPMENT AREAS GENERALLY.

- (A) A planned development area (PDA) combining district may be combined with the following base districts:
  - (1) industrial park;
  - (2) limited industrial services;
  - (3) commercial highway services;
  - (4) major industry; and
  - (5) research and development.
- (B) Regulations established by a PDA combining district may modify:
  - (1) permitted or conditional uses authorized in the base district;
  - (2) except for Subchapter C, Article 10 (*Compatibility Standards*), the site development regulations applicable in the base district; or
  - (3) off-street parking [design](#) or loading regulations, sign regulations, or landscaping or screening regulations applicable in the base district.
- (C) Modifications to the base district regulations must be identified in the ordinance zoning or rezoning property as a PDA combining district.

Source: Sections 13-2-151, 13-2-152, 13-2-153; Ord. 990225-70; Ord. 030306-48A; Ord. 031211-11.

TITLE 25. - LAND DEVELOPMENT.  
CHAPTER 25-2. - ZONING.  
SUBCHAPTER C. USE AND DEVELOPMENT REGULATIONS.

---

***SUBCHAPTER C. USE AND DEVELOPMENT REGULATIONS.***

***ARTICLE 1. GENERAL PROVISIONS.***

**§ 25-2-474 REQUIRED FINDINGS.**

- (A) The Board of Adjustment may grant a variance from a requirement if it determines that:
- (1) the requirement does not allow for a reasonable use of property;
  - (2) 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
  - (3) development under the variance does not:
    - (a) alter the character of the area adjacent to the property;
    - (b) impair the use of adjacent property that is developed in compliance with the City requirements; or
    - (c) impair the purposes of the regulations of the zoning district in which the property is located.
- (B) The Board may grant a variance from a loading facility or off-street parking [design requirements](#) if, in addition to the findings required by Subsection (A), the Board determines 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.
- (C) A variance granted under Subsection (B) 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) A variance granted under Subsection (B) shall not apply to bicycle parking. An applicant may also seek a waiver pursuant to Code Section § 25-6-477(F) (*Bicycle Parking*) to waive bicycle parking.

Source: Section 13-2-834; Ord. 990225-70; Ord. 031211-11; Ord. 20130523-104.

TITLE 25. - LAND DEVELOPMENT.  
 CHAPTER 25-2. - ZONING.  
 Division 2. Requirements for All Districts.

---

**ARTICLE 2. PRINCIPAL USE AND DEVELOPMENT REGULATIONS.**

**Division 1. Regulation Tables.**

**NO CHANGES TO DIVISION 1.**

**Division 2. Requirements for All Districts.**

**§ 25-2-519 COMMERCIAL-RESIDENTIAL DEVELOPMENT.**

- (A) In this section:
- (1) COMMERCIAL-RESIDENTIAL DEVELOPMENT means a development certified under Section 25-1-755 (*Certification*) and participating in the Residential in Commercial Development Program.
  - (2) LIGHT RAIL LINE means a street that is described in Section 4.3.2.E. (*Where Allowed*) of Subchapter E (*Design Standards and Mixed Use*) as a site located along a light rail line.
  - (3) TRANSIT CORRIDOR means a roadway that is defined in Article 5 (*Definitions*) of Subchapter E (*Design Standards and Mixed Use*) as a core transit corridor or a core transit corridor, future.
- (B) Except as provided in Subsection (C), a commercial-residential development is a permitted use under Section 25-2-491 (*Permitted, Conditional, and Prohibited Uses*) in the following commercial base districts:
- (1) Commercial Liquor Sales (CS-1);
  - (2) General Commercial Services (CS);
  - (3) Community Commercial (GR);
  - (4) Neighborhood Commercial (LR);
  - (5) General Office (GO); and
  - (6) Limited Office (LO).
- (C) A commercial-residential development is prohibited when the property is:
- (1) zoned "V"; or
  - (2) subject to a regulating plan that does not allow residential uses on the property.
- (D) Standards.
- (1) A commercial-residential development is not subject to certain dimensional standards applicable in the base zoning district. These standards include:
    - (a) minimum site area requirements (if applicable);
    - (b) minimum street side yard setback and interior yard setback; and

## WORKING DRAFT SUBJECT TO CHANGE

- (c) except when the right-of-way is less than 60 feet in width, the minimum front yard setback for a building with three or more stories in height shall be 30 feet from the centerline of the street to ensure adequate Fire Department access.
- ~~[(2) Except as provided in Subsection (D)(3), the minimum off-street parking requirement for a commercial residential development is 60 percent of that prescribed by Appendix A (Tables of Off-Street Parking and Loading Requirements). This reduction may not combined with any other parking reduction, except as provided in the Corridor Overlay (COR) District.]~~
- ~~[(3) The minimum off-street parking requirement for a commercial residential development is 25 percent of that prescribed by Appendix A (Tables of Off-Street Parking and Loading Requirements) if the commercial residential development is located along a light rail line.]~~
- (2[4]) A building that is constructed on the edge of the commercial-residential development and that edge faces a transit corridor shall include a ground floor commercial use.
- (3[5]) A building that is adjacent to an urban family residence (SF-5) or more restrictive zoning district must comply with Table A (*Commercial-Residential Developments - Neighborhood Design Standards*).
- (4[6]) Except as provided in Subsection (D)(5[7]), a commercial-residential development must comply with the height restrictions applicable to the base zoning district.
- (5[7]) A commercial-residential development that includes commercial uses on the ground floor may exceed the height restrictions applicable to the base zoning district by five feet provided the ground floor uses are not part of a live/work unit.
- (6[8]) A commercial-residential development may exceed the base zoning district's floor area ratio (FAR) as follows:
- (a) The maximum FAR for a corridor site zoned CS, CS-1, GR, or GO is the base zoning district FAR multiplied by two.
  - (b) The maximum FAR for a corridor site zoned LR or LO is the base zoning district FAR multiplied by 1.5.
- (7[9]) A commercial-residential development that is not zoned LR or LO may exceed maximum building coverage.
- (E) Within a commercial-residential development, short-term rental (STR) use may not:
- (1) occur in an affordable dwelling unit; or
  - (2) exceed 15 percent of the dwelling units.
- (F) Other Density Bonus Programs.
- (1) If a commercial-residential development is also eligible to utilize a separate density bonus program that grants density bonuses for the provision of on-site affordable dwelling units or for the payment of a fee-in-lieu for affordable housing, then the commercial-residential development may comply with the least restrictive site development requirements if all affordable dwelling units are provided on-site.
  - (2) Except as provided in Subsection (F)(3), the total number of affordable dwelling units provided on-site must equal or exceed the number of on-site affordable dwelling units



## WORKING DRAFT SUBJECT TO CHANGE

---

required by the Residential in Commercial Development Program plus the number of on-site units required by the other density bonus program.

- (3) If a commercial-residential development utilizes Section 25-2-769.06 (*Affordable Housing Bonuses*), the total number of affordable dwelling units provided on-site must equal or exceed the number of on-site affordable dwelling units required by the Residential in Commercial Development Program.

Source: Ord. No. 20221201-055 , Pt. 2, 12-12-22.

### Division 3. Exceptions.

NO CHANGES TO DIVISION 3.

## ARTICLE 3. ADDITIONAL REQUIREMENTS FOR CERTAIN DISTRICTS.

### Division 1. Residential Districts.

NO CHANGES TO DIVISION 1.

### Division 2. Commercial Districts.

NO CHANGES TO DIVISION 2.

### Division 3. Industrial Districts.

NO CHANGES TO DIVISION 3.

### Division 4. Special Purpose Districts.

NO CHANGES TO DIVISION 4.

### Division 5. Combining and Overlay Districts.

NO CHANGES TO DIVISION 5.

### Division 6. Waterfront Overlay District Requirements for Town Lake Park.

NO CHANGES TO DIVISION 6.

### Division 7. Waterfront Overlay District and Subdistrict Uses.

NO CHANGES TO DIVISION 7.

TITLE 25. - LAND DEVELOPMENT.  
CHAPTER 25-2. - ZONING.  
Division 8. Waterfront Overlay District and Subdistrict Development Regulations.

## Division 8. Waterfront Overlay District and Subdistrict Development Regulations.

NO CHANGES TO DIVISION 8.

## Division 9. University Neighborhood Overlay District Requirements.

NO CHANGES TO DIVISION 9.

## Division 10. Transit Oriented Development District Regulations.

### Subpart A. General Provisions.

NO CHANGES TO SUBPART A.

### Subpart B. Initial District Regulations.

#### § 25-2-766.14 PARKING REGULATIONS.

- (A) For a building with a front yard setback of 15 feet or less, parking is prohibited in the area between the front lot line and the building. The director of the Neighborhood Planning and Zoning Department may modify this requirement if the director determines that:
  - (1) the modification is required to protect a historic structure or a tree designated as significant by the city arborist; or
  - (2) the modification allows an alternative development design that is compatible with and supportive of public transit and a pedestrian-oriented environment and that complies with the TOD district principles and best practices established by administrative rule.
- (B) For a rear parking lot on a site larger than three acres, the parking lot must be designed to permit future driveway and sidewalk connections with adjacent non-residential property. The director may waive this requirement if the director determines:
  - (1) the connections are impractical because of site constraints;
  - (2) the connections are inappropriate because of traffic safety issues; or
  - (3) the site's land use is incompatible with the land use of the adjacent property.

~~[(C) Parking requirements are prescribed by Section 25-6-611 (Parking Requirements for a Transit Oriented Development District).]~~

Source: Ord. 20050519-008; Ord. 20061005-052; Ord. 20061116-015; Ord. 20061214-080.

**WORKING DRAFT SUBJECT TO CHANGE**

---

**Subpart C. Station Area Plan.**

NO CHANGES TO SUBPART C.

**Division 11. North Burnet/Gateway District Regulations.**

NO CHANGES TO DIVISION 11.

**Division 12. East Riverside Corridor District Requirements.**

NO CHANGES TO DIVISION 12.

**Division 13. Corridor Overlay**

NO CHANGES TO DIVISION 13.

**ARTICLE 4. ADDITIONAL REQUIREMENTS FOR CERTAIN USES.****Division 1. Residential Uses.****Subpart A. Requirements for Specific Uses.****§ 25-2-772 SINGLE-FAMILY ATTACHED RESIDENTIAL USE.**

- (A) For a single-family attached residential use, the base zoning district regulations are superseded by the requirements of this section.
- (B) For a single-family residential use:
  - (1) minimum site area is 7,000 square feet;
  - (2) minimum lot area is 3,000 square feet; and
  - (3) minimum lot width, for a distance of 25 feet measured from the front property line, is:
    - (a) 25 feet; or
    - (b) on a cul-de-sac or curved street, 20 feet.
- (C) A lot may not contain more than one dwelling unit.
- (D) A site must contain two attached dwelling units.
- (E) Building coverage may not exceed 40 percent of the site.
- (F) Impervious cover may not exceed 45 percent of the site.

## WORKING DRAFT SUBJECT TO CHANGE

- (G) For a dwelling unit with fewer than six bedrooms, ~~[at least two parking spaces are required. A driveway may be included as one of the required parking spaces.]~~ [N]ot more than two parking spaces may be located in the front yard.
- (H) For a dwelling unit with six or more bedrooms, ~~[at least one parking space for each bedroom is required. A driveway may be included as one or more of the required parking spaces, but not more than one parking space may be located behind another parking space.]~~ [N]ot more than four parking spaces may be located in the front yard.
- (I) A fence is prohibited along the common lot line between attached single-family residential units for a distance of 25 feet measured from the front lot line.
- (J) A single-family attached residential use is prohibited on property that is subject to a deed restriction that limits use of the property to single-family detached dwellings or that requires a minimum lot size that is larger than the minimum lot size required by this section.

Source: Section 13-2-253; Ord. 990225-70; Ord. 031211-11.

### § 25-2-773 DUPLEX RESIDENTIAL USE.

- (A) For a duplex residential use, the base zoning district regulations are superseded by the requirements of this section.
- (B) For a duplex residential use:
  - (1) minimum lot area is 7,000 square feet;
  - (2) minimum lot width is 50 feet;
  - (3) maximum building cover is 40 percent;
  - (4) maximum impervious cover is 45 percent; and
  - (5) maximum building height is the lesser of:
    - (a) 30 feet; or
    - (b) two stories, except that an attic or basement does not count as a story for purposes of this subsection if it satisfies the requirements for an exemption from gross floor area under Subsections 3.3.2 and 3.4.6 of Subchapter F (*Residential Design and Compatibility Standards*).

~~[(C) Not more than one required parking space may be located behind another required parking space.]~~

[(D)] The two dwelling units are subject to the following requirements:

- (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.

## WORKING DRAFT SUBJECT TO CHANGE

- (3) At least one of the two units must have a front porch that faces the front street 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 street and an entry to the dwelling unit.
- (4) The two units may not be separated by a breezeway, carport, or other open building element.

Source: Section 13-2-254; Ord. 990225-70; Ord. 000309-39; Ord. 030605-49; Ord. 031120-44; Ord. 031211-11; Ord. 20060216-043; Ord. 20060309-058; Ord. 20060622-022; Ord. 20060928-022; Ord. 20080618-093.

### § 25-2-780 MULTIFAMILY RESIDENTIAL USE.

- (A) A multifamily use with 10 or more dwelling units in a building constructed after the effective date of this ordinance must comply with the open space requirements of Chapter 25-2, Subchapter E, Section 2.7 (*Private Common Open Space and Pedestrian Amenities*) except as provided by this subsection.
  - (1) Compliance with the open space requirements in Chapter 25-2, Subchapter E, Section 2.7 (*Private Common Open Space and Pedestrian Amenities*) is not required if the development is:
    - (a) located in:
      - (i) the University Neighborhood Overlay and the applicant elects to comply with Subchapter C, Article 3, Division 9 (*University Neighborhood Overlay District*) of this chapter; or
      - (ii) the central business district (CBD); or
      - (iii) the downtown mixed use (DMU) district; or
    - (b) certified under a local, state, or federal affordable housing program and located within  $\frac{1}{4}$  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.
  - (2) In evaluating safe pedestrian travel distances under Paragraph (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.
- (B) A multifamily use with less than 10 dwelling units must provide private personal open space in accordance with the requirements of this subsection.
  - (1) The open space must be a minimum of five percent of the gross site area of the property.
  - (2) An area of private personal open space at ground level must contain at least 100 square feet and may not be less than 10 feet across in each direction.
  - (3) An area of private personal open space above ground level must contain at least 50 square feet and may not be less than five feet across in each direction.
  - (4) The requirements of this subsection do not apply to a multifamily use located within a development that meets the requirements in Subsection (A)(1) of this section.

## WORKING DRAFT SUBJECT TO CHANGE

- (C) This subsection applies to a multifamily use that is located in a transit-oriented development district or on a core transit corridor or future core transit corridor and that complies with the requirements in Subsection (C)(3).
- (1) The following site area and parking requirements apply to a dwelling unit that contains 500 square feet or less.
    - (a) the minimum site area requirement is zero;  
~~[(b) the minimum off street parking requirement is .25;]~~ and  
**(b[e])** parking is to be leased separately.
  - (2) For a three-bedroom unit the minimum site area requirement is zero.
  - (3) The site area and parking requirements in Subsection (C)(1) and the site area requirements in Subsection (C)(2) apply if the use meets the affordability requirements of this subsection.
    - (a) For owner-occupied units, ten percent of the units 500 square feet or less, or three-bedroom units, shall be reserved as affordable for ownership and occupancy by households earning no more than 80 percent of the current Annual Median Family Income for the City of Austin Metropolitan Statistical Area, for not less than 99 years from the date the first certificate of occupancy is issued for ownership and occupancy.
    - (b) For rental units, ten percent of the units 500 square feet or less, or three-bedroom units, shall be reserved as affordable for occupancy by households earning no more than 50 percent of the current Annual Median Family Income for the City of Austin Metropolitan Statistical Area, for not less than 40 years from the date the first certificate of occupancy is issued.
  - (4) Notwithstanding the requirements stated in Subsection (C)(3), at least one unit must be reserved as affordable.

Source: Ord. 20111215-096; Ord. 20111215-096; Ord. No. 20141211-228, Pt. 1, 12-22-14.

### Subpart B. Requirements for a Bed and Breakfast Use.

NO CHANGES TO SUBPART B.

### Subpart C. Requirements for Short-Term Rental Uses.

NO CHANGES TO SUBPART C.

## Division 2. Commercial Uses.

### § 25-2-807 SPECIAL USE IN HISTORIC DISTRICT.

- (A) This section applies to a site if:

## WORKING DRAFT SUBJECT TO CHANGE

---

- (1) the structure and land are zoned as a historic landmark (H) or historic area (HD) combining district;
  - (2) the property is owned and operated by a non-profit entity;
  - (3) the property is directly accessible from a street 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 uses occupy at least 50 percent of the gross floor area; and
  - (8) 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) If not otherwise permitted in the base district, the following are conditional uses on a site described in Subsection (A):
- (1) administrative and business offices;
  - (2) general retail sales (convenience);
  - (3) indoor entertainment;
  - (4) restaurant (limited) without drive-in service; and
  - (5) cultural services.

Source: Sections 13-2-1 and 13-2-234; Ord. 990225-70; Ord. 000309-39; Ord. 031211-11; Ord. 031211-41; Ord. 041202-16.

### § 25-2-818 MOBILE RETAIL ESTABLISHMENTS.

- (A) Definitions. In this section:
- (1) MOBILE RETAIL ESTABLISHMENT means 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.
  - (2) OPERATOR means a person who operates a mobile retail establishment.
  - (3) RIGHT-OF-WAY means a public roadway and property dedicated or reserved for public pedestrian or vehicular travel.
  - (4) SOUND EQUIPMENT has the meaning established in Section 9-2-1 (*Definitions*) of the City Code.
- (B) Applicability. This section does not apply to a mobile food establishment defined in Section 25-2-812 (*Mobile Food Establishments*) of the City Code 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.
- (C) Time Limit. A mobile retail establishment may not remain at the same location for more than 180 consecutive days.



## WORKING DRAFT SUBJECT TO CHANGE

---

(D) Required Approvals.

- (1) A person may not operate a mobile retail establishment until the director of the Planning and Development Review Department approves the establishment.
- (2) The director of the Planning and Development Review Department shall approve an establishment 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 and use permit;
  - (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 director of the Planning and Development Review Department to enforce this section.
- (3) A site plan, site plan exemption, or temporary use permit is not required for the operation of a mobile food establishment.

(E) Items and Services to be Sold. An operator may only sell non-food retail items or services. Mobile retail establishments may only sell items or services permitted under a general retail sales (convenience) use, pet services use, and personal services use. All sales items and supplies must be stored within the mobile unit.

(F) Zoning. A mobile retail establishment shall comply with the regulations in this section.

- (1) A mobile retail establishment is permitted in all commercial and industrial zoning districts except in a neighborhood office (NO), limited office (LO), or general office (GO) zoning district.
- (2) Unless located in a central business district (CBD) zoning district, a mobile retail establishment may not be located less than fifty feet from a lot with a building that contains both a residential and commercial use.
- (3) A mobile retail establishment may not be less than fifty feet from property:
  - (a) in an SF-5 or more restrictive district; or
  - (b) on which a residential use permitted in an SF-5 or more restrictive district is located.
- (4) A person may not operate a mobile retail establishment between the hours of 11:00 p.m. and 6:00 a.m.

**WORKING DRAFT SUBJECT TO CHANGE**

---

- (5) A mobile retail establishment may not be located less than twenty feet from a general retail sales (convenience) use, general retail sales (general) use, pet services use, or personal services use.
- (6) A drive-in service is not permitted.
- (7) Exterior lighting must be hooded or shielded so that the light source is not directly visible to a residential use.
- (8) A mobile retail establishment may not be located within the right-of-way unless the mobile retail establishment obtains and possesses the permission required under Sections 14-8-2 (*Permit Required; Waiver of Deadlines*) and 14-9-21 (*Street Vendor License Authorized*) of the City Code.
- (9) A mobile retail establishment may not occupy or impede required [accessible spaces or bicycle](#) parking for another use.
- (G) Noise Level. The noise level of mechanical equipment or outside sound equipment used in association with a mobile retail establishment may not exceed seventy decibels when measured at the property line that is across the street from or abutting a residential use.
- (H) 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) may not project more than six inches from the exterior of the mobile retail establishment;
  - (3) may not use a flashing light source; and
  - (4) may not use an LED message board.
- (I) 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.
- (J) Utilities. A permanent water or wastewater connection is prohibited. Electrical service may be provided only by a temporary service or other connection provided by an electric utility or by an onboard generator.
- (K) Waste and Disposal. An operator must dispose of all waste generated by the mobile retail establishment in accordance with City Code regulations.
- (L) Mobility. An operator must demonstrate that the vehicle or trailer is readily moveable if requested by the directors of the Planning and Development Review Department or the Code Compliance Department.
- (M) Operations. An operator may not place sales items, equipment, or supplies that are part of its operations outside of the permitted unit and must conduct all of its operational activities within the mobile retail establishment.
- (N) Bad Actor.
  - (1) The director may revoke an approved application granted under this section if an operator provides false information on an application or commits repeated violations of applicable law.

## WORKING DRAFT SUBJECT TO CHANGE

---

- (2) In determining whether to revoke an approved application, the 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 director's decision to revoke an approved application to the Planning Commission.
  - (4) An operator must file an appeal under this section with the director no later than the 20th day following the date of the director's decision. The appeal must be on a form approved by the director.
  - (5) After notice and public hearing, the Planning Commission shall either uphold or overturn the decision of the director. In making its decision, the Planning Commission shall consider the criteria contained within this Subsection (N). The Planning Commission's decision shall be final on this matter.
- (O) Compliance Required; Offense. An operator shall comply with this section. A violation of this section is a Class C misdemeanor.

Source: Ord. No. 20140626-145, Pt. 1, 7-7-14 .

### Division 3. Civic Uses.

#### § 25-2-831 COLLEGE OR UNIVERSITY.

- (A) This section applies to a college and university facilities use.
- (B) A site must be located on a street that has a paved width of at least 40 feet from the site to where it connects with another street that has a paved width of at least 40 feet.
- (C) If more than one dwelling unit is located on the site, the dwelling units must comply with the requirements of this title that are applicable to residential uses.

~~[(D) The director shall determine parking and loading requirements. All parking spaces must be located on-site.]~~

Source: Section 13-2-264; Ord. 990225-70; Ord. 031211-11.

### Division 4. Other Uses.

#### § 25-2-865 LIGHT MANUFACTURING USE.

- (A) This section applies to the following uses and zoning districts, where the principal use of the property is a brewery:
  - (1) light manufacturing use with industrial park (IP) zoning district;
  - (2) light manufacturing use with major industry (MI) zoning district;
  - (3) light manufacturing use with limited industrial service (LI) zoning district;
  - (4) light manufacturing use with North Burnet/Gateway (NBG) zoning district; or

## WORKING DRAFT SUBJECT TO CHANGE

- (5) limited warehousing and distribution use within North Burnet/ Gateway (NBG) zoning district.
- (B) The sale of beer or ale produced on-site for on-site consumption:
  - (1) is a permitted use, if the brewery is at least 540 feet from any single-family residential use, as measured from lot line to lot line;
  - (2) is a conditional use, if the brewery is less than 540 feet from any single-family residential use, as measured from lot line to lot line; and
  - (3) except as provided in Subsections (C), (D), and (E) of this section, shall not exceed 33 percent or 5,000 square feet of the total floor area of the principal developed use, whichever is less.
- (C) Beer and ale sold on-site may be consumed during a brewery 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.
- (D) Beer and ale 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 brewery is located in Airport Overlay zones AO-1, AO-2 or AO-3.
- (E) During the Conditional Use Permitting Process the Council on appeal or Planning Commission may increase the square footage allowed under Subsection B(3).

~~[(F) On-site parking is required according to Schedule A of Appendix A (TABLES OF OFF STREET PARKING AND LOADING REQUIREMENTS).]~~

Source: Ord. 20140417-082, Pt. 1, 4-28-14.

### ARTICLE 5. ACCESSORY USES.

#### § 25-2-897 ACCESSORY USES FOR A PRINCIPAL CIVIC USE.

For a principal civic 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 an SF-6 or more restrictive zoning district may not exceed the former minimum parking requirements included in Appendix A (Tables of Off-Street Loading Requirements and Former Off-Street Parking Requirements) of Chapter 25-6; and
- (6) a columbarium that:
  - (a) is affiliated with a religious assembly use;

## WORKING DRAFT SUBJECT TO CHANGE

---

- (b) occupies not more than 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.

Source: Section 13-2-306; Ord. 990225-70; Ord. 031211-11.

### § 25-2-900 HOME OCCUPATIONS.

- (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.
- (B) A home occupation must be conducted entirely within the dwelling unit or one accessory garage.
- (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].
- (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.
- (E) A home occupation may not generate more than three vehicle trips each day of customer-related vehicular traffic.
- (F) The sale of merchandise directly to a customer on the premises is prohibited.
- (G) Equipment or materials associated with the home occupation must not be visible from locations off the premises.
- (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.
- (I) Parking a commercial vehicle on the premises or on a street adjacent to residentially zoned property is prohibited.
- (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.
- (K) The following are prohibited as home occupations:
  - (1) animal hospitals, animal breeding;
  - (2) clinics, hospitals;
  - (3) hospital services;
  - (4) contractors yards;
  - (5) dance studios;
  - (6) scrap and salvage services;

## WORKING DRAFT SUBJECT TO CHANGE

---

- (7) massage parlors other than those employing massage therapists licensed by the state;
- (8) restaurants;
- (9) cocktail lounges;
- (10) rental outlets;
- (11) equipment sales;
- (12) adult oriented businesses;
- (13) recycling centers;
- (14) drop-off recycling collection facilities;
- (15) an activity requiring an H-occupancy under Chapter 25-12, Article 1 (*Uniform Building Code*);
- (16) automotive repair services; and
- (17) businesses involving the repair of any type of internal combustion engine, including equipment repair services.

Source: Section 13-2-260; Ord. 990225-70; Ord. 990520-38; Ord. 031211-11; Ord. 20090827-032.

### *ARTICLE 6. TEMPORARY USES.*

#### **§ 25-2-924 CONDITIONS OF APPROVAL.**

The building official may condition the approval of a temporary use on compliance with additional requirements that the building official determines are necessary to ensure land use compatibility and minimize adverse effects on nearby uses, including requirements for hours of operation, frequency of use, parking [design](#), traffic circulation, screening, enclosure, site restoration, and cleanup.

Source: Section 13-2-322(b); Ord. 990225-70; Ord. 031211-11.

### *ARTICLE 7. NONCONFORMING USES.*

#### **§ 25-2-947 NONCONFORMING USE REGULATION GROUPS.**

- (A) A Group "A" nonconforming use must comply with the regulations described in this subsection.
  - (1) Except as provided in Subsections (B)(1) and (2), a Group "A" nonconforming use must comply with Group "B" nonconforming use regulations.
  - (2) A person shall discontinue a nonconforming use not later than 10 years after the date the use becomes nonconforming, if the use occurs:
    - (a) outside a structure; or
    - (b) in a structure valued at less than \$10,000.
  - (3) Maintenance or improvement of a structure is limited to that required by law to comply with minimum health and safety requirements. The value of an improvement described in this paragraph may not be used in determining the value of a structure.

## WORKING DRAFT SUBJECT TO CHANGE

---

- (B) A Group "B" nonconforming use must comply with the regulations described in this subsection.
- (1) A person may continue a nonconforming use and maintain an associated structure, except the person may not:
    - (a) increase the floor space or site area of a nonresidential use; or
    - (b) make a change that increases the amount of required accessible spaces~~[off-street parking]~~.
  - (2) A person may improve, enlarge, or structurally alter a structure if the cost does not exceed 20 percent of the value of the structure before the improvement.
  - (3) An improvement required by law to meet minimum health and safety requirements, or an improvement to a portion of a structure used solely for a conforming use may not be used in determining valuations under Subsection (B).
- (C) A Group "C" nonconforming use must comply with the regulations described in this subsection.
- (1) A person may continue a nonconforming use and maintain an associated structure.
  - (2) A person may expand the portion of a structure or site that is used for a nonconforming use, except:
    - (a) an expansion of the portion of the site must be on the same lot and may occur only one time; and
    - (b) an expansion may not increase the amount of~~[required]~~ off-street parking that was required prior to November 2, 2023, 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.
  - (3) If a structure is used for a nonconforming conditional use that the Land Use Commission has not approved, a person may annually expend not more than 20 percent of the value of the structure to improve, enlarge, or structurally alter the structure.
- (D) A Group "D" nonconforming use must comply with the regulations described in this subsection.
- (1) A Group "D" nonconforming use must comply with Group "C" nonconforming use regulations.
  - (2) A nonconforming conditional use approved by the Land Use Commission may be replaced by a similar nonconforming conditional use if the Land Use Commission:
    - (a) reviews traffic generation, noise, hours of operation, number of employees, and other appropriate performance measures;
    - (b) determines that the replacement use will not more adversely affect surrounding uses than does the original use; and
    - (c) approves the replacement use.
- (E) Except as provided in Subsections (A)(3) and (B)(3), the value of a structure is the value established by the tax appraisal district.

Source: Sections 13-1-333 and 13-2-344; Ord. 990225-70; Ord. 010607-8; Ord. 031211-11.



TITLE 25. - LAND DEVELOPMENT.  
CHAPTER 25-2. - ZONING.  
ARTICLE 8. NONCOMPLYING STRUCTURES.

---

*ARTICLE 8. NONCOMPLYING STRUCTURES.*

NO CHANGES TO ARTICLE 8.

*ARTICLE 9. LANDSCAPING.*

NO CHANGES TO ARTICLE 9.

*ARTICLE 10. COMPATIBILITY STANDARDS.*

**Division 1. General Provisions.**

**§ 25-2-1052 EXCEPTIONS.**

- (A) This article does not apply to:
- (1) construction for a residential use that is permitted in an urban family residence (SF-5) or more restrictive zoning district and that complies with SF-5 or more restrictive zoning district site development regulations;
  - (2) a structural alteration that does not increase the square footage, area, or height of a building; or
  - (3) a change of use that does not increase the amount of required accessible spaces~~[off-street parking]~~.
- (B) This article does not apply if property that triggers the compatibility standards is located in an SF-5 or more restrictive zoning district and is:
- (1) in the 100-year floodplain, in a rural residence (RR) zoning district, and not developed with a single-family dwelling;
  - (2) a buffer zone established before March 1, 1984;
  - (3) a right-of-way, utility easement, or railroad line that is not located on property protected by this article; or
  - (4) developed with a use not permitted in an SF-5 or more restrictive zoning district, if the use fronts on:
    - (a) an arterial street defined by the Transportation Plan; or
    - (b) an industrial street with a right-of-way of at least 80 feet.
- (C) For a property that contains a structure in which a use permitted in an SF-6 or less restrictive district is located and a structure in which a use permitted in an SF-5 or more restrictive use is

## WORKING DRAFT SUBJECT TO CHANGE

---

located, this article does not apply to that portion of the property that is closer to the structure containing the use permitted in an SF-5 or more restrictive district.

- (D) This article does not apply to a passive use, including a park and hike and bike trail, in the 100-year flood plain if:
- (1) the requirements of Chapter 25-8 (*Environment*) are met; and
  - (2) The use is within an easement dedicated to the City, if applicable.
- (E) For an area used or developed as a residential infill or neighborhood urban center special use in a neighborhood plan combining district, this article applies only to the property along the perimeter of the area.

Source: Sections 13-2-731(b), (c) and (e) and 13-2-737; Ord. 990225-70; Ord. 000406-81; Ord. 031211-11; Ord. 041202-16; Ord. 20050519-008; Ord. 20061130-064; Ord. 20090212-070; Ord. 20131017-046; Ord. No. 20160922-080, Pt. 1, 10-3-16.

### Division 2. Development Standards.

NO CHANGES TO DIVISION 2.

### Division 3. Waivers.

NO CHANGES TO DIVISION 3.

### *ARTICLE 11. HILL COUNTRY ROADWAY REQUIREMENTS.*

NO CHANGES TO ARTICLE 11.

### *ARTICLE 12. RESERVED.*

### *ARTICLE 13. DOCKS, BULKHEADS, AND SHORELINE ACCESS.*

NO CHANGES TO ARTICLE 13.

### *ARTICLE 14. MOBILE HOMES AND TOURIST OR TRAILER CAMPS.*

### Division 1. Mobile Homes.

#### § 25-2-1205 SITE DEVELOPMENT REGULATIONS FOR MOBILE HOME PARKS.

A mobile home park must comply with the following requirements:

- (1) A park must have a minimum site area of 90,000 square feet and contain a minimum of 20 mobile home spaces.

## WORKING DRAFT SUBJECT TO CHANGE

---

- (2) A park must provide a minimum of 4,500 square feet of site area for each dwelling unit.
- (3) A mobile home must have a minimum street yard of at least 25 feet in length, and minimum interior yard at least 15 feet in length. A mobile home space may not be placed in a street yard.
- (4) A park must provide direct access to a public street with a right-of-way at least 60 feet wide.
- (5) A 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.
- (6) A mobile 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 mobile home into and out of the space.
- (7) ~~[At least one parking space must be located on each mobile home space. A required off-street parking space that is not located on a mobile home space may be located in a common parking area. Common parking areas shall be located throughout the park to provide reasonable and convenient access to all mobile home spaces.]~~ If provided, all off-street parking spaces shall be located on a mobile home space or in a common parking area.
- (8) A mobile home and an attached accessory structure must be located at a distance of at least 10 feet from another mobile home or other structure.
- (9) A mobile 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.
- (10) Except where the boundary of the park abuts a public right of way or the boundary of the park abuts another mobile home development, a barrier that is at least six feet high shall be erected and maintained along all boundaries of the park.
- (11) A mobile home chassis may not rest more than three feet above the ground elevation at the low end, measured at 90 degrees to the frame.
- (12) Except for necessary driveways and walkways providing access to the park, a required street yard shall be landscaped.
- (13) A park must provide pedestrian access to and from each mobile 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.
- (14) A 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 mobile home space. Open space that is not located on a mobile 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 mobile home space.
- (15) The maximum height of a structure shall be 35 feet.
- (16) A mobile home park may consist of recreational vehicles if the mobile home park contains five or more manufactured homes. The provisions of Subsections (C), (D), (F), (G), and (I) of Section 25-2-1265 (*Technical Requirements*) apply to this section.

**WORKING DRAFT SUBJECT TO CHANGE**

---

(17) For purposes of meeting the five or more manufactured homes threshold in Subsection (16) above and tenant relocation requirements, recreational vehicles may be counted as manufactured homes if the mobile home space is providing a stay for thirty days or longer.

(18) All residences in Mobile Home (MH) zoning must provide a stay for 30 days or longer.

Source: Section 13-2-931; Ord. 990225-70; Ord. 031120-44; Ord. 031211-11; Ord. No. 20190808-092, Pt. 1, 8-19-19.

**Division 2. Tourist or Trailer Camps.**

NO CHANGES TO DIVISION 2.

***SUBCHAPTER D. NEIGHBORHOOD PLAN COMBINING DISTRICTS.******ARTICLE 1. GENERAL PROVISIONS.***

NO CHANGES TO ARTICLE 1.

***ARTICLE 2. URBAN HOME SPECIAL USE.***

NO CHANGES TO ARTICLE 2.

***ARTICLE 3. COTTAGE SPECIAL USE.***

NO CHANGES TO ARTICLE 3.

***ARTICLE 4. SECONDARY APARTMENT SPECIAL USE.***

NO CHANGES TO ARTICLE 4.

***ARTICLE 5. CORNER STORE SPECIAL USE.***

NO CHANGES TO ARTICLE 5.

***ARTICLE 6. NEIGHBORHOOD MIXED USE BUILDING SPECIAL USE.*****§ 25-2-1504 NEIGHBORHOOD MIXED USE BUILDING REGULATIONS.**

(A) For a neighborhood mixed use building special use:

- (1) the maximum site area is one acre;
- (2) the minimum lot size is 5,750 square feet;

## WORKING DRAFT SUBJECT TO CHANGE

---

- (3) the minimum lot width is 50 feet;
- (4) the minimum street side yard setback is 10 feet;
- (5) the minimum front yard setback is:
  - (a) 5 feet; or
  - (b) for a LO or LR district, 10 feet; and
- (6) the maximum front yard setback is:
  - (a) 10 feet; or
  - (b) for a LO or LR district, 15 feet.
- (B) For a neighborhood mixed use building special use adjacent to a roadway with not more than two lanes, the building height may not exceed 40 feet.
- (C) The building facade of a neighborhood mixed use building:
  - (1) may not extend horizontally in an unbroken line for more than 30 feet;
  - (2) must include windows, balconies, porches, stoops, or similar architectural features;
  - (3) must have awnings along at least 50 percent of the length of the ground floor facade; and
  - (4) at least 50 percent of the wall area of the ground floor facade must consist of doors or windows with a visible light transmittance rating of 0.6 or higher.
- (D) This subsection prescribes parking requirements.
  - ~~[(1) For the commercial portion of a neighborhood mixed use building, one vehicle parking space for each 500 square feet of gross floor area is required.]~~
  - ~~[(2) For the residential portion of a neighborhood mixed use building, the parking requirements of Chapter 25-6, Appendix A, Schedule A apply.]~~
  - ~~[1]~~(3) Parking in front of a neighborhood mixed use building, other than on a street, is prohibited.
  - ~~[2]~~(4) At least 50 percent of the parking must be located to the rear of the building.
- (E) Exterior lighting:
  - (1) must be shielded so that the light source is not directly visible across the source property line; and
  - (2) may not exceed 0.4-foot candles across the source property line.
- (F) A street yard of 1,000 square feet or less is not required to be landscaped, and a parking area with 12 or fewer parking spaces is not required to have landscaped islands, peninsulas, or medians.
- (G) A neighborhood mixed use building may not include a drive through facility.

Source: Ord. 000406-81; Ord. 030424-57; Ord. 031211-11.

TITLE 25. - LAND DEVELOPMENT.  
CHAPTER 25-2. - ZONING.  
ARTICLE 7. RESIDENTIAL INFILL AND NEIGHBORHOOD URBAN CENTER SPECIAL USES.

---

**ARTICLE 7. RESIDENTIAL INFILL AND NEIGHBORHOOD URBAN CENTER SPECIAL USES.**

**Division 1. Development Plan.**

NO CHANGES TO DIVISION 1.

**Division 2. Residential Infill Special Use.**

NO CHANGES TO DIVISION 2.

**Division 3. Neighborhood Urban Center Special Use.**

**§ 25-2-1556 MULTIFAMILY AND CONDOMINIUM REGULATIONS.**

- (A) For a multifamily residential use, including a condominium use:
- (1) the minimum lot size is 3,500 square feet;
  - (2) the minimum lot width is 50 feet;
  - (3) the maximum height is 60 feet;
  - (4) the maximum front setback is 10 feet;
  - (5) the minimum front setback is five feet;
  - (6) the minimum street side yard setback is 10 feet;
  - (7) the minimum interior side yard setback is five feet;
  - (8) the minimum rear yard setback is 10 feet;
  - (9) the maximum building coverage is 70 percent;
  - (10) the maximum impervious coverage is 80 percent; and
  - (11) the maximum building footprint is 5,000 square feet.
- (B) One hundred square feet of private open space is required for each multifamily dwelling.
- (C) Two hundred square feet of private open space is required for each condominium dwelling.
- (D) Parking is not permitted in a front yard.

~~[(E) A multifamily residential use, including a condominium use, must provide one parking space for the first bedroom of a dwelling unit and 0.5 parking space for each additional bedroom. One parking space is required for an efficiency dwelling unit.]~~

Source: Ord. 000406-81; Ord. 030424-57; Ord. 031211-11.

## **Division 4. Additional Development Requirements.**

### ~~§ 25-2-1566 COMMERCIAL USE PARKING REQUIREMENTS.~~

~~For a commercial use, one parking space for each 500 square feet of gross floor area is required.~~

~~Source: Ord. 000406-81; Ord. 031211-11.]~~

## **ARTICLE 8. ADDITIONAL REQUIREMENTS FOR CERTAIN DISTRICTS.**

### **SUBCHAPTER E: DESIGN STANDARDS AND MIXED USE.**

#### **How this Subchapter is organized:**

*This Subchapter is divided into five Articles.*

*Article 1 includes General Provisions that should be reviewed for all development and redevelopment projects. Most importantly, a chart summarizes the applicability of the various standards based on roadway types and development types.*

*To allow flexibility in administering this Subchapter, this Article includes a "minor modification" provision that allows for City staff to approve small deviations from otherwise applicable standards in order to protect natural or historic features or to address unique site conditions.*

*The Article also encourages creativity and innovative design by allowing an applicant to propose an alternative approach to meeting the standards of the Subchapter through the "alternative equivalent compliance" provision.*

*Article 2 includes Site Development Standards intended to ensure that buildings relate appropriately to surrounding developments and streets, promote efficient pedestrian and vehicle circulation, and provide ~~[adequate]~~ parking in safe and appropriate locations, while creating a unique and identifiable image for development in Austin. In particular, standards in this Article address the following:*

*Relationship of buildings to streets and walkways (based on roadway type);*

*Connectivity (based on roadway type);*

~~*[Parking reductions;]*~~

*Exterior lighting;*

*Screening of equipment and utilities; and*

*Private common open space and pedestrian amenities.*

*Article 3 includes Building Design Standards intended to address the physical appearance of buildings subject to this Subchapter. Included are:*

*General requirements for glazing and shading to ensure that building facades are pedestrian-friendly; and*



## WORKING DRAFT SUBJECT TO CHANGE

*Additional options to improve building design. An applicant may choose which of these options to meet from a flexible, point-based menu. All buildings subject to this section must reach a minimum number of points, with additional points required for certain building types (e.g., buildings with trademarked design features, large buildings or long facades, and buildings using a large percentage of certain building materials.)*

*Article 4 includes standards and incentives for Mixed Use development. This Article includes descriptions and standards for the Mixed Use Combining District and the Vertical Mixed Use Overlay District. This Article also includes standards and incentives for the development of Vertical Mixed Use (VMU) buildings.*

*Article 5 includes Definitions for terms used in this Subchapter.*

### ARTICLE 1: GENERAL PROVISIONS.

NO CHANGES TO ARTICLE 1.

### ARTICLE 2: SITE DEVELOPMENT STANDARDS.

#### § 2.3. CONNECTIVITY BETWEEN SITES.

##### 2.3.1. Improvements to Encourage Pedestrian, Bicycle, and Vehicular Connectivity.

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

Standard	Applies if the Principal Street Is:	Applies to the Following:
<b>2.3.1. Improvements to Encourage Pedestrian, Bicycle, and Vehicular Connectivity</b>	All roadway types	<ul style="list-style-type: none"> <li>- Projects with a net site area of three acres or more in all nonresidential zoning districts</li> <li>- Projects with a net site area of less than three acres that have parking between the building and the principal street in all zoning districts</li> </ul>

B. Standards.

1. **Vehicular and Pedestrian Connections Between Sites.** All sites or developments subject to this section shall:
  - 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. (See Figure 31.)

## WORKING DRAFT SUBJECT TO CHANGE

(See Figure 31 set forth in Exhibit A attached to Ord. 20130606-088; Example of a pedestrian/bicycle connection from sidewalk to building entrance.)

2. **Additional Measures to Improve Connectivity.** All sites or developments subject to this section shall select and comply with at least two of the options in Table B below. However, if a site or development provides surface parking that amounts to more than 125 percent of the parking previously required in Appendix A (*Tables of Off-Street [Parking and] Loading Requirements and Former Off-Street Parking Requirements*), the site or development must select and comply with at least three of the options in Table B below.

NO CHANGES MADE TO TABLE B.

Source: Ord. 20060831-068; Ord. 20130606-088; Ord. 20131017-046.

### *ARTICLE 3: BUILDING DESIGN STANDARDS.*

NO CHANGES TO ARTICLE 3.

### *ARTICLE 4: MIXED USE.*

#### **§ 4.3. VERTICAL MIXED-USE BUILDINGS.**

##### **4.3.3. Standards.**

A VMU building shall meet the following requirements:

- A. **Pre-Application Conference.** Prior to filing any application for a development that will contain a VMU building, the developer shall request in writing a pre-application conference with the Director. The purpose of a pre-application conference is to provide an opportunity for an informal evaluation of the applicant's proposal and to familiarize the applicant and the city staff with the applicable provisions of this Subchapter such as the VMU affordability requirements, and other issues that may affect the applicant's proposal (e.g., accessibility requirements). The informal evaluation of the Director and staff provided at the conference are not binding upon the applicant or the city, but are intended to serve as a guide to the applicant in making the application.
- B. **Mix of Uses.** A use on the ground floor must be different from a use on an upper floor. The second floor may be designed to have the same use as the ground floor so long as there is at least one more floor above the second floor that has a different use from the first two floors. At least one of the floors shall contain residential dwelling units. (See Figure 46.)

(See Figure 46 set forth in Exhibit A attached to Ord. 20130606-088; Examples (not a comprehensive list) of use mixes that would meet these requirements.)

- C. **Pedestrian-Oriented Commercial Spaces.** Along at least 75 percent of the building frontage along the principal street, the building must be designed for commercial uses in ground-floor

## WORKING DRAFT SUBJECT TO CHANGE

---

spaces that meet the following standards. A lobby serving another use in the VMU building shall not count as a pedestrian-oriented commercial space for purposes of this section.

1. **Dimensional Requirements.** Each ground-floor commercial space must have: (See Figure 47.)

(See Figure 47 set forth in Exhibit A attached to Ord. 20130606-088; Pedestrian-Oriented Commercial Spaces.)

- a. A customer entrance that opens directly onto the sidewalk;
- b. A depth of not less than 24 feet;
- c. A height of not less than 12 feet, measured from the finished floor to the bottom of the structural members of the ceiling; and
- d. A front facade that meets the glazing requirements of Section 3.2.2. (See Figure 39.)

(See Figure 39 set forth in Exhibit A attached to Ord. 20130606-088; Glazing and facade relief requirements.)

2. **Ground-Floor Commercial Uses Allowed.** Any commercial uses allowed in the base zoning district may be allowed at the ground-floor level in VMU buildings. In addition, in office districts the following additional uses may be allowed, except as provided in Section 4.3.5.:

- a. Consumer convenience services;
- b. Food sales;
- c. General retail sales (convenience or general);
- d. Restaurant (limited or general) without drive-in service.

- D. **Compatibility and Neighborhood Standards.** Except as provided in this section, all VMU buildings are subject to the compatibility standards of Chapter 25-2, Article 10 if applicable.

1. The height limitations imposed by Sections 25-2-1062 (*Height Limitations and Setbacks for Small Sites*) and 25-2-1063 (*Height Limitations and Setbacks for Large Sites*) apply only to a VMU building or portion of a VMU building that is located:
  - a. within 100 feet from a property zoned urban family residence (SF-5) or more restrictive; or
  - b. within 100 feet from a property that contains a use permitted in a SF-5 or more restrictive zoning district is located; and
  - c. on a site that is located along a light rail line.
2. A VMU building that is located on a site that is adjacent to an urban family residence (SF-5) or more restrictive zoning district, or is adjacent to a property which contains a use permitted in an SF-5 or more restrictive zoning district, other than a dwelling permitted by Section 25-2-894 (*Accessory Uses for a Principal Commercial Use*) must comply with the following Table D (*Neighborhood Design Standards*).

## WORKING DRAFT SUBJECT TO CHANGE

(See Figure 47 set forth in Exhibit A attached to Ord. 20130606-088; Pedestrian-Oriented Commercial Spaces.)

NO CHANGES MADE TO TABLE D.

### E. Height ~~and~~[,] Dimensional ~~[and Parking]~~ Requirements.

1. VMU building height.
  - a. A VMU1 building is subject to the height restrictions as provided in other sections of this Code.
  - b. A VMU2 building may exceed the maximum building height in the base zoning district by a maximum of 30 feet, subject to the compatibility standards of Section 4.3.3.D.
2. Except as provided in Section 4.3.5., a VMU building that meets the affordability requirements in subsection F. below is not subject to certain dimensional standards applicable in the base zoning district. These standards include the following:
  - a. Minimum site area requirements (if applicable);
  - b. Maximum floor area ratio;
  - c. Maximum building coverage;
  - d. Minimum street side yard setback and interior yard setback; and
  - e. Minimum front yard setback; provided, however, that if the right-of-way is less than 60 feet in width, the minimum front yard setback for buildings three or more stories in height shall be 30 feet from the centerline of the street to ensure adequate Fire Department access.

#### ~~[3. Parking.~~

- ~~a. Except as provided in Section 4.3.3.E.3.b., for all uses in a VMU building, the minimum off-street parking requirement shall be 60 percent of that prescribed by Appendix A (Tables of Off-Street Parking and Loading Requirements). This reduction may not be used in combination with any other parking reduction. Only the parking requirements for commercial uses are subject to modification through the opt-in/opt-out process in Section 4.3.5.~~
- ~~b. For all uses in a VMU building, the minimum off-street parking requirement shall be 25 percent of that prescribed by Appendix A (Tables of Off-Street Parking and Loading Requirements) and may be used in combination with other parking reductions if the VMU building is located on a site that is located along a light rail line.]~~

- F. **Exemption and Bonus Requirements.** To be eligible for the dimensional ~~[or parking]~~ standards exemption~~[s]~~, or building height bonus if applicable, in Subsection E of this section, the residential units in a VMU building shall meet the following requirements, which shall run

## WORKING DRAFT SUBJECT TO CHANGE

---

with the land. This ordinance does not amend or repeal graphics or pictures that are used to illustrate various code requirements in the published version of Chapter 25-2, Subchapter E (*Design Standards and Mixed Use*).

### 1. **Affordability Requirements for Owner-Occupied Units.**

- a. A building qualifies as a VMU1 building when a minimum of 10 percent of the residential units within the building are reserved as affordable, for at least 99 years from the date of initial sale, for ownership and occupancy by households earning 80 percent or less of the current Austin-Round Rock Metropolitan Statistical Area Medium Family Income as determined by the Director of the Housing and Planning Department.
- b. A building qualifies as a VMU2 building when a minimum of 12 percent of the residential units within the building are reserved as affordable, for at least 99 years from the date of initial sale, for ownership and occupancy by households earning 80 percent or less of the current Austin-Round Rock Metropolitan Statistical Area Medium Family Income as determined by the Director of the Housing and Planning Department.
- c. The City in its sole discretion may elect to subsidize additional for-sale residential units in the building, at an affordability level consistent with criteria and procedures established by the Director of the Housing and Planning Department.

### 2. **Affordability Requirements for Rental Units.**

- a. A building qualifies as a VMU1 building when a minimum of 10 percent of the residential units within the building are reserved as affordable, for at least 40 years from the date of issuance of the certificate of occupancy, for lease and occupancy by households earning 60 percent or less of the current Austin-Round Rock Metropolitan Statistical Area Medium Family Income as determined by the Director of the Housing and Planning Department.
- b. For a site located along a light rail line, a building qualifies as a VMU2 building:
  - (i) When a minimum of 15 percent of the residential units within the building are reserved as affordable, for at least 40 years from the date of issuance of the certificate of occupancy, for lease and occupancy by households earning 60 percent or less of the current Austin-Round Rock Metropolitan Statistical Area Medium Family Income as determined by the Director of the Housing and Planning Department; or
  - (ii) When a minimum of 12 percent of the residential units within a VMU building are reserved as affordable, for at least 40 years from the date of issuance of the certificate of occupancy, for lease and occupancy by households earning 50 percent or less of the current Austin-Round Rock Metropolitan Statistical Area Medium Family Income as determined by the Director of the Housing and Planning Department.
- c. For a site that is not located along a light rail line, a building qualifies as a VMU2 building:

## WORKING DRAFT SUBJECT TO CHANGE

---

- (i) When a minimum of 12 percent of the residential units within the building are reserved as affordable, for at least 40 years from the date of issuance of the certificate of occupancy, for lease and occupancy by households earning 60 percent or less of the current Austin-Round Rock Metropolitan Statistical Area Medium Family Income as determined by the Director of the Housing and Planning Department; or
    - (ii) When a minimum of 10 percent of the residential units within a VMU building are reserved as affordable, for at least 40 years from the date of issuance of the certificate of occupancy, for lease and occupancy by households earning 50 percent or less of the current Austin-Round Rock Metropolitan Statistical Area Medium Family Income as determined by the Director of the Housing and Planning Department.
  - d. As part of the one-time opt-in/opt-out process described in Section 4.3.5., an applicable neighborhood association or neighborhood planning team may request that the affordable rental units be available for renters earning a lower percentage of the annual median family income, to as low as 60 percent of the median family income. VMU projects that file zoning or site plan applications after the effective date of the first interim VMU ordinance and prior to September 1, 2006, will not be subject to this neighborhood affordability customization; and instead shall set aside affordable rental units as required by subsection 2.a. above or provide for affordable units as otherwise agreed to by an applicable neighborhood prior to September 1, 2006, provided that VMU projects are allowed on the applicable site following the completion of the opt-in/opt-out process.
  - e. The city may elect to subsidize additional residential units in the building for rental purposes for residents at any level of affordability pursuant to criteria and procedures established by the Director of the Housing and Planning Department.
- 3. Affordability Definition.**
- a. For purposes of this subsection, a unit is affordable for purchase when the unit is sold to an income-eligible household for an amount not to exceed the corresponding sales prices published annually by the Director of the Housing and Planning Department; and
  - b. When determining the maximum affordable sales price, the Director of Housing and Planning Department may include an assumption that a homeowner will be required to pay an ownership association fee.
  - c. For purposes of this subsection, a unit is affordable when the unit is leased to an income-eligible household for an amount not to exceed the corresponding rental prices published annually by the Director of the Housing and Planning Department.
- 4. Certification.**
- a. In this section, director means the Director of the Housing and Planning Department.

## WORKING DRAFT SUBJECT TO CHANGE

---

- b. The director is responsible for certifying whether a proposed development meets the exemption and bonus requirements.
- c. The applicant shall submit an application to the director demonstrating the proposed development meets the exemption and bonus requirements.
- d. Before the director may certify the proposed development, the applicant shall execute:
  - (i) an agreement to preserve the minimum exemption and bonus requirements for the VMU building; and
  - (ii) a document for recording in the real property records providing notice of or preserves the exemption and bonus requirements for the VMU building.
- e. The form of the document described in Section 4.3.3.F.4.d. must be approved by the city attorney.
- f. If the director certifies a proposed development under this section, the accountable official is authorized to process a development application for a VMU building.
- g. The applicant for a housing development shall pay all fees, provide documentation, and fulfill any pre-occupancy requirements prior to the issuance of a certificate of occupancy for the VMU building.

### 5. General Provisions.

- a. In this section, the director means the Director of the Housing and Planning Department.
- b. The agreement required in Section 4.3.3.F.4.d. must, at a minimum:
  - (i) Prohibit discrimination on the basis of an individual's source of income as defined in Section 5-1-13 (*Definitions*);
  - (ii) Require dispersion of affordable units throughout the residential units;
  - (iii) Require equal access and use of on-site amenities, common areas, and parking facilities;
  - (iv) Require shared access routes for affordable units and market-rate units;
  - (v) Require that affordable units include interior components that are functionally equivalent to market-rate units; and
  - (vi) Require the applicant to incorporate lease provisions related to a tenant's right to organize that are consistent with 24 C.F.R. 245.100, the lease addendum required as a condition to receive City of Austin Housing Finance Corporation funds, or City Code requirement.
- c. Unless otherwise approved by the director, the bedroom count for affordable units shall be comparable to the bedroom count for market rate units. At the discretion of the director, two- bedroom or three-bedroom affordable units may count as



## WORKING DRAFT SUBJECT TO CHANGE

---

two or three, one-bedroom (efficiency) affordable units. If the number of units required in this section include less than a whole unit, the unit number is rounded up to the nearest whole unit.

- d. Affordable rental units locations may be rotated within the building, provided that the total number of required affordable units remains in compliance with the affordability requirements for the affordability period.
- e. Simultaneous Availability of Affordable Units.
  - (i) In a single-phase housing development, affordable units must be available for occupancy concurrently with the market-rate units.
  - (ii) For a multi-phase housing development, an applicant must submit a development phasing plan that demonstrates how the market rate units and the affordable units will be made available concurrently. This plan must be included as an attachment to the agreement described in Section 4.3.3.F.4.d.
- f. An applicant for a VMU building shall prepare and follow an affirmative marketing and outreach plan for the duration the affordable period, in a form consistent with the U.S. Department of Housing and Urban Development regulations and approved by the Director of the Housing and Planning Department.
- g. An affordable unit may not be used as a Type 2 or Type 3 short-term rental (STR).

**6. Affordability Post-Construction Compliance and Penalty.**

- a. In this section, director means the Director of the Housing and Planning Department.
- b. For a rental development, the owner of a VMU building with affordable for lease units shall provide the director with information that allows the director to verify compliance with the affordability requirements. The information shall be provided on an annual basis and on a form approved by the director.
- c. If, for any reason, the director is unable to confirm the VMU building affordability requirements were met during any 12-month period, the preceding 12 months may not be used to satisfy the VMU building affordability period.
- d. For an ownership affordable unit, each homebuyer at the time of purchase shall execute a resale restriction agreement in a form approved by the city attorney for recording in the real property records.
- e. A person commits an offense if the person fails to comply with the requirement in Subsection (b). A culpable mental state is not required, and need not be proved. A person commits a separate offense for each day the person fails to provide the documentation. Each offense is punishable by a fine not to exceed \$500.

- 7. **Fee for Upper-Level Nonresidential Space.** The developers of VMU buildings that contain nonresidential uses above the ground-floor shall pay a fee as set by the City Council for all climate-controlled nonresidential space above the ground floor. At the same time that it sets the amount of the fee, the City Council shall also identify a means



## WORKING DRAFT SUBJECT TO CHANGE

---

by which fees paid pursuant to this section shall be reserved only for expenditure within the area of the City from which they were collected.

8. **Monitoring and Enforcement.** The City shall develop procedures to monitor and enforce this section.
- G. **Mixed Use Buildings Other than VMU.** If a building that otherwise meets the standards for VMU buildings may be developed using the site development standards of the underlying zoning category, and without the use of the dimensional standard waivers ~~[or parking reductions]~~ of Section 4.3.3.E., then that building need not comply with the standards (including affordability) that otherwise apply to VMU buildings.

### **4.3.5. Individual Neighborhood Consideration of VMU Requirements ("Opt-in/Opt-out Process").**

- A. **Purpose.** The purpose of this subsection is to establish a one-time process, which will begin following the adoption of this Subchapter, whereby individual neighborhoods may consider certain development characteristics of VMU buildings within their boundaries and communicate their preferences to the City Council. No property is eligible for an exemption from the dimensional standards (of Section 4.3.3.E.2.) ~~[or for the parking reduction (of Section 4.3.3.E.3.)]~~ or for the additional ground-floor uses otherwise authorized by Section 4.3.3.C.2. until the conclusion of the opt-in and opt-out processes described in this section.
- B. **Procedure.**
  1. **Initiation.** Upon the adoption date of this Subchapter, the Director shall identify neighborhood areas and notify each neighborhood planning team that the VMU neighborhood consideration process shall be initiated. If there is no neighborhood planning team, the applicable neighborhood associations in a neighborhood shall work together to develop an opt-in/opt-out application for the purposes of this section.
  2. **Application.** Each neighborhood planning team or neighborhood association shall review the VMU standards in Section 4.3.3. The planning team or applicable neighborhood association may, no later than 90 days after receiving written notice from the Director of this Subchapter's adoption, submit an opt-in/optout application to the City Manager concerning any of the items listed in subsection C. below. The planning team or neighborhood association may amend a timely filed application not later than August 9, 2007.
  3. **Planning Commission Recommendation.** The City Manager shall forward any opt-in/opt-out applications received to the Planning Commission, which shall review and make recommendations on all such applications to the City Council.
  4. **City Council Decision.** After considering the Planning Commission's recommendations, the Council may by ordinance approve, approve with conditions, or deny each opt-in/optout request. The Council may concurrently amend the appropriate neighborhood plan. The neighborhood plan amendment process does not apply to the amendment.
  5. **Effect of Approval.** Following completion of this one-time opt-in/opt-out process:
    - a. The director shall indicate on the zoning map with map code "V" each property receiving an exemption from the dimensional standards under Section 4.3.3.E.2, ~~[a parking reduction under Section 4.3.3.E.3,]~~ additional ground floor commercial

## WORKING DRAFT SUBJECT TO CHANGE

---

uses under Section 4.3.3.C.2, or a reduction in the median family income for affordable rental housing under Section 4.3.3.F.2.b. The "V" shall include properties receiving the exemption under Section 4.3.5.B.4.. pursuant to Council action on an opt-out application, or under Section 4.3.5.C.1.b. if no application has been filed.

- b. Any subsequent amendments to the VMU standards in a neighborhood shall require amendment of the applicable neighborhood plan and neighborhood plan combining district.
- c. Any property owner or neighborhood association may submit an application to change the VMU rules on a specific property or properties by amending the applicable neighborhood plan and neighborhood plan combining district to opt-in to the exemption from the dimensional standards of Section 4.3.3.E.2 ~~[and/or for the parking reduction of Section 4.3.3.E.3]~~ and/or the additional ground-floor uses identified by Section 4.3.3.C.2.
- d. Any property owner may file a zoning application for Vertical Mixed Use (V) or Mixed Use (MU) combining district, regardless of whether a neighborhood plan combining district has been adopted.

**C. Types of Opt-in/Opt-Out Applications.** Only the following types of opt-in/opt-out applications may be submitted:

**1. VMU Overlay District: Opt-out.**

- a. A neighborhood with properties in the VMU overlay district may request that the neighborhood "opt-out" of the dimensional ~~[and/or parking]~~ standards exemptions in Section 4.3.3.E.2. ~~[and 3.]~~, and/or the ground-floor commercial uses allowed in Section 4.3.3.C.2. for some or all of the properties within the VMU overlay district. If such an opt-out application is submitted and approved, the applicable standards shall not apply to affected VMU buildings within that neighborhood; instead, such buildings shall be required to comply with all dimensional ~~[and/or parking]~~ and/or use standards applicable to the base zoning district. Such buildings also shall comply with the applicable minimum site area requirements in the MU combining district; see Section 4.2.1.D.6.
- b. If no opt-out application is submitted on a property, or an opt-out application is submitted and denied, the dimensional ~~[and parking]~~ standard exemptions in Section 4.3.3.E.2. ~~[and 3.]~~ and the ground-floor commercial use provisions in Section 4.3.3.C.2. shall apply to all VMU buildings on that property.

**2. MU-Designated Properties: Opt-in.**

- a. A neighborhood with properties with the MU zoning designation may request to "opt-in" to the dimensional ~~[and/or parking]~~ standards exemptions in Section 4.3.3.E.2. ~~[and 3.]~~, and/or the ground floor commercial uses allowed in Section 4.3.3.C.2. for some or all of the properties with the MU zoning designation. If such an opt-in application is submitted and approved, the dimensional ~~[and/or parking]~~ and/or use standards shall apply to VMU buildings on sites with the MU zoning designation within the applicable neighborhood boundaries.

## WORKING DRAFT SUBJECT TO CHANGE

- b. If no opt-in application is submitted for a property, or an opt-in application is submitted and denied, VMU buildings on a property designated MU shall comply with all dimensional ~~[and parking]~~ and use standards applicable to the base zoning district and the MU combining district.
3. **Properties Not in VMU Overlay District and without MU Designation: Opt-in to VMU.** Any neighborhood that desires to allow VMU buildings within its boundaries on commercially zoned properties that are not otherwise eligible for VMU buildings under this Subchapter may submit an "opt-in" application to allow such development. The application shall specify the properties on which the neighborhood wishes to allow VMU buildings, whether the ground-floor commercial listed in Section 4.3.3.C.2. should be allowed, and whether the dimensional standard exemptions of Section 4.3.3.E.2. and 3. should apply.
4. **All Properties that Allow VMU Buildings: Affordability Standards.** Also as part of the opt-in/opt-out process, for each neighborhood in which VMU buildings are allowed, the neighborhood association or neighborhood planning team may request that the affordable rental units be available for renters earning a lower percentage of the area median family income, to as low as 60 percent of the median family income, pursuant to Section 4.3.3.F.2.b.
5. **VMU Overlay District: Residential Opt-in.** A neighborhood that desires to allow VMU buildings within its boundaries on property in a VMU overlay district that is used exclusively for residential use and that is not designated as a MU combining district may submit an application to allow the development. The application shall specify the properties on which the neighborhood wishes to allow VMU buildings, whether ground-floor commercial listed in Section 4.3.3.C.2 should be allowed, and whether the dimensional ~~[and parking]~~ standards of Section 4.3.3.E.2 ~~[and 3]~~ should apply.
6. **Removal from the VMU Overlay District.** A neighborhood may request that the Council amend the boundaries of the VMU overlay district to remove a property from the overlay district.

Source: Ord. 20060831-068; Ord. 20070215-071; Ord. 20070621-027; Ord. 20070726-133; Ord. 20071129-098; Ord. 20090611-074; Ord. 20100408-049; Ord. 20130606-088; Ord. No. 20220609-080, Pts. 1—3, 6-20-22.

### ARTICLE 5: DEFINITIONS.

NO CHANGES TO ARTICLE 5.

## SUBCHAPTER F: RESIDENTIAL DESIGN AND COMPATIBILITY STANDARDS.

### ARTICLE 1: GENERAL PROVISIONS.

NO CHANGES TO ARTICLE 1.

## WORKING DRAFT SUBJECT TO CHANGE

---

### ARTICLE 2: DEVELOPMENT STANDARDS.

NO CHANGES TO ARTICLE 2.

### ARTICLE 3: DEFINITIONS AND MEASUREMENT.

#### § 3.3. GROSS FLOOR AREA.

In this Subchapter, GROSS FLOOR AREA has the meaning assigned by Section 25-1-21 (Definitions), with the following modifications:

##### 3.3.2.

Subject to the limitations in paragraph C below, the following parking areas and structures are excluded from gross floor area for purposes of this Subchapter:

- A. Up to 450 square feet of:
  - 1. A detached rear parking area that is separated from the principal structure by not less than 10 feet;
  - 2. A rear parking area that is 10 feet or more from the principal structure, provided that the parking area is either:
    - a. detached from the principal structure; or
    - b. attached by a covered breezeway that is completely open on all sides, with a walkway not exceeding 6 feet in width and a roof not exceeding 8 feet in width; or
  - 3. A parking area that is open on two or more sides, if:
    - i. it does not have habitable space above it; and
    - ii. the open sides are clear and unobstructed for at least 80% of the area measured below the top of the wall plate to the finished floor of the carport.
- B. Up to 200 square feet of:
  - 1. An attached parking area if it used to meet the minimum [accessible spaces](#)~~[parking]~~ requirement; or
  - 2. A garage that is less than 10 feet from the rear of the principal structure, provided that the garage is either:
    - a. detached from the principal structure; or
    - b. attached by a covered breezeway that is completely open on all sides, with a walkway not exceeding 6 feet in width and a roof not exceeding 8 feet in width.
- C. An applicant may receive only one 450-square foot exemption per site under paragraph A. An applicant who receives a 450-square foot exemption may receive an additional 200-foot

TITLE 25. - LAND DEVELOPMENT.  
CHAPTER 25-3. -TRADITIONAL NEIGHBORHOOD DISTRICT.

exemption for the same site under paragraph B, but only for an attached parking area used to meet the minimum accessible spaces~~[-parking]~~ requirement~~[s]~~.

## CHAPTER 25-3. TRADITIONAL NEIGHBORHOOD DISTRICT.

### **ARTICLE 1. GENERAL PROVISIONS.**

NO CHANGES TO ARTICLE 1.

### **ARTICLE 2. ZONING.**

NO CHANGES TO ARTICLE 2.

### **ARTICLE 3. SUBDIVISION.**

NO CHANGES TO ARTICLE 3.

### **ARTICLE 4. GENERAL DEVELOPMENT STANDARDS.**

#### **§ 25-3-83 PARKING.**

(A) The following parking regulations apply in a traditional neighborhood district:

- (1) A parking lot or garage may not be adjacent to a square or adjacent to or opposite a street intersection.
- (2) A parking lot shall be located at the rear or side of a building. If located at the side, screening shall be provided at the lot line by landscaping or decorative walls or fences.
- (3) Compact parking spaces are prohibited.
- (4) There is no off-street loading requirement for a building with less than 10,000 square feet of gross building area. The director shall determine the location, number, and dimensions of the off-street loading for a larger building.
- (5) Except as approved by the director, parking in alleys is prohibited.
- (6) There are no minimum parking requirements for motor vehicles, except for accessible parking. The required minimum number of accessible spaces is determined by the requirements of Section 25-6-471 (Off-Street Parking) and Section 25-6-474 (Parking Facilities for Persons with Disabilities).~~[Minimum parking requirements are as follows:~~

## WORKING DRAFT SUBJECT TO CHANGE

---

- ~~(a) Except as otherwise provided in this subsection, a commercial use must provide one parking space for every 500 square feet of gross building area.~~
  - ~~(b) A commercial use parking lot or garage must provide not less than one bicycle parking space for every 10 motor vehicle parking spaces.~~
  - ~~(c) A condominium, multi-family, group residential, or retirement housing use must provide one parking space for the first bedroom of a dwelling unit and 0.5 parking space for each additional bedroom.~~
  - ~~(d) A townhouse, single-family residential, duplex, group home, or family home use must provide two parking spaces for each dwelling unit.~~
  - ~~(e) A convalescent services or congregate living use must provide one parking space for every four beds.~~
  - ~~(f) A daycare services, primary educational facilities, or secondary educational facilities use must provide one parking space for each employee.~~
  - ~~(g) The director shall determine the parking requirement for any use not listed in this subsection.]~~
- (7) A commercial use parking lot or garage must provide not less than one bicycle parking space for every 10 motor vehicle parking spaces.
- (B) ~~[The following parking regulations apply] [i]n a Neighborhood Center Area,[:] not more than 125 percent of the parking previously required in Appendix A in Chapter 25-6 (*Transportation*) may be provided on-site.~~
- ~~[(1) The required parking for a use may be located anywhere in the Neighborhood Center Area. Community parking facilities are encouraged.~~
- ~~(2) Not more than 125 percent of the required parking for a use may be provided on-site.~~
- ~~(3) A commercial or a multi-family use may apply adjacent on-street parking toward the minimum parking requirements.]~~
- ~~[(C) In a Mixed Residential Area or Neighborhood Edge Area, the required parking for a use must be provided on-site.~~
- ~~(D) The director shall determine the parking requirements for a Workshop Area or Employment Center Area.]~~

Source: Section 13-9-53; Ord. 990225-70; Ord. 031211-11.

### **ARTICLE 5. NEIGHBORHOOD CENTER AREA DEVELOPMENT STANDARDS.**

NO CHANGES TO ARTICLE 5.

### **ARTICLE 6. MIXED RESIDENTIAL AREA DEVELOPMENT STANDARDS.**

NO CHANGES TO ARTICLE 6.

***ARTICLE 7. NEIGHBORHOOD EDGE AREA DEVELOPMENT STANDARDS.***

NO CHANGES TO ARTICLE 7.

***ARTICLE 8. WORKSHOP AREA AND EMPLOYMENT CENTER AREA DEVELOPMENT STANDARDS.***

NO CHANGES TO ARTICLE 8.

***ARTICLE 9. BUILDING AND CONSTRUCTION PERMITS.***

NO CHANGES TO ARTICLE 9.

**CHAPTER 25-4. SUBDIVISION.*****ARTICLE 1. SUBDIVISION COMPLIANCE.***

NO CHANGES TO ARTICLE 1.

***ARTICLE 2. SUBDIVISION PROCEDURE.***

NO CHANGES TO ARTICLE 2.

***ARTICLE 3. PLATTING REQUIREMENTS.******Division 1. Property Markers, Easements, and Alleys.***

NO CHANGES TO DIVISION 1.

***Division 2. Streets.***

NO CHANGES TO DIVISION 2.

**WORKING DRAFT SUBJECT TO CHANGE**

---

*Division 3. Lots.*

NO CHANGES TO DIVISION 3.

*Division 4. Utilities.*

NO CHANGES TO DIVISION 4.

*Division 5. Parkland Dedication.*

NO CHANGES TO DIVISION 5.

*Division 6. Special Subdivisions.***§ 25-4-232 SMALL LOT SUBDIVISIONS.**

- (A) 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 centralized sewer systems.
- (C) A small lot subdivision must 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) Minimum front yard setback is 15 feet.
  - (4) Minimum street side yard setback is ten feet.
  - (5) A lot may have one zero lot line.
  - (6) The combined side yard setbacks of a lot may be not less than seven feet.



## WORKING DRAFT SUBJECT TO CHANGE

- (7) Except for a patio or patio cover, the minimum distance between structures on adjoining lots is seven feet. The minimum distance between a patio or patio cover and the roof line of a structure on an adjoining lot is six feet.
  - (8) The wall of a structure built adjacent to a zero lot line or within three feet of a common side lot line must be solid and opaque and may not contain an opening.
  - (9) Minimum rear yard setback is five feet, excluding drainage easements.
  - (10) Minimum setback is ten feet between a rear access easement and a building or fence.
  - (11) Maximum building coverage is 55 percent.
  - (12) Maximum impervious cover is 65 percent.
  - (13) Maximum building height is 35 feet.
  - (14) A lot may have not more than one dwelling unit.
  - ~~(15) Two off-street parking spaces are required for each dwelling unit.~~
  - ~~(15[16])~~ A maintenance easement is required in the dominant side yard of a lot.
  - ~~(16[17])~~ A use easement is required in the subordinate side yard of a lot.
  - ~~(17[18])~~ A lot that is less than 50 feet wide and that fronts on a collector street must have a paved alley or paved private access easement along the rear property line.
  - ~~(18[19])~~ Minimum pavement width of a private access easement is 25 feet. In the extraterritorial jurisdiction, the minimum pavement width is 25 feet or the width required by the county, whichever is greater.
  - ~~(19[20])~~ A lot may not front on an arterial street.
  - ~~(20[21])~~ Underground utility service to all lots is required.
  - ~~(21[22])~~ 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 must contain the following:
- (1) a statement that the subdivision is developed under this section and incorporating the requirements of this section by reference;
  - (2) a description of the requirements of Subsections (C)(1) through (14) and an imposition of those requirements as a restriction running with the land; and
  - (3) a restriction of the use of the property to:
    - (a) one-family dwellings except mobile homes;
    - (b) accessory uses permitted in an SF-3 district;
    - (c) parks, playgrounds, open space, and common areas providing recreational amenities to the subdivision; and

## WORKING DRAFT SUBJECT TO CHANGE

---

- (d) growing agricultural crops;
- (4) provisions for the maintenance easements and use easements required by this section; and
- (5) provisions obligating the adjoining property owner or the homeowners' association to maintain common areas and access easements.

Source: Section 13-2-435; Ord. 990225-70; Ord. 000511-109; Ord. 030731-53; Ord. 031211-11.

### § 25-4-233 SINGLE-FAMILY ATTACHED RESIDENTIAL SUBDIVISION.

- (A) This section applies to a subdivision with single-family attached residential lots.
- (B) A subdivision with single-family attached residential lots is permitted on:
  - (1) unplatted land;
  - (2) a platted duplex lot that is vacant; or
  - (3) a platted lot developed with a duplex on or before March 1, 1987, if the duplex complies with current regulations.
- (C) Single-family attached residential lots may be created only in multiples of two lots per site, and each lot must be served by public water and sewage systems.
- (D) A lot may be subject to, or benefitted by, private utility easements.
- (E) A lot must comply with the following requirements:
  - (1) Minimum site area is 7,000 square feet.
  - (2) Minimum lot area is 3,000 square feet.
  - (3) 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.
  - (4) A lot may have not more than one dwelling unit.
  - (5) Maximum height is 35 feet.
  - (6) Minimum front yard setback is 25 feet.
  - (7) Minimum street side yard setback is 15 feet.
  - (8) Minimum interior side yard setback is five feet, except between attached units.
  - (9) Minimum rear yard setback is 10 feet.
  - (10) Maximum building coverage is 40 percent.
  - (11) Maximum impervious coverage is 45 percent.
  - ~~[(12) At least two off-street parking spaces are required for a dwelling. The driveway may count as one of the spaces.]~~

TITLE 25. - LAND DEVELOPMENT.  
CHAPTER 25-5. SITE PLANS.

---

- (F) 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 must:
- (1) require that development and use of the lots comply with this title;
  - (2) require that construction of a dwelling unit comply with Chapter 25-12, Article 1 (Uniform Building Code), Article 4 (Electrical Code), Article 5 (Uniform Mechanical Code), Article 6 (Uniform Plumbing Code), and Article 7 (Uniform Fire Code).
- (G) This subsection applies to the sale of a single-family attached residential lot.
- (1) A seller shall deliver to the purchaser:
    - (a) a copy of the document described in Subsection (F); and
    - (b) a notice stating that the property will be conveyed under the terms of the document, and that the purchaser is advised to consult an attorney concerning the purchaser's rights and obligations under the document.
  - (2) A purchaser may terminate the sale contract without penalty:
    - (a) within five days of the purchaser's receipt of the document and notice under Subsection (G)(1); or
    - (b) at any time before closing, if the seller does not deliver the document and notice.

Source: Section 13-2-436; Ord. 990225-70; Ord. 031211-11.

## **CHAPTER 25-5. SITE PLANS.**

### **ARTICLE 1. SITE PLANS GENERALLY.**

#### *Division 1. Site Plan Requirement and Notice.*

#### **§ 25-5-2 SITE PLAN EXEMPTIONS.**

- (A) The director shall determine whether a project is exempt under this section from the site plan requirement of Section 25-5-1 (*Site Plan Required*). The director may require an applicant to submit information necessary to make a determination under this section or to revise a previously approved site plan under Section 25-5-61 (*Revisions To Released Site Plans*).

## WORKING DRAFT SUBJECT TO CHANGE

---

- (B) A site plan is not required for the following development:
- (1) construction or alteration of a single-family residential, single-family attached residential, duplex residential, two-family residential, or secondary apartment special use structure, or an accessory structure, if:
    - (a) not more than one principal residential structure is constructed on a legal lot or tract; and
    - (b) 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;
  - (2) removal of a tree not protected by this title;
  - (3) interior alteration of an existing building that does not increase the square footage, area, or height of the building;
  - (4) construction of a fence that does not obstruct the flow of water;
  - (5) clearing an area up to 15 feet wide for surveying and testing, unless a tree more than eight inches in diameter is to be removed;
  - (6) restoration of a damaged building that begins within 12 months of the date of the damage;
  - (7) relocation or demolition of a structure or foundation covering not more than 10,000 square feet of site area under a City demolition permit, if trees larger than eight inches in diameter are not disturbed and the site is not cleared;
  - (8) development in the extraterritorial jurisdiction that is exempt from all water quality requirements of this title; or
  - (9) placement of a commercial portable building on existing impervious cover if the building does not impede or divert drainage and the site complies with the landscaping requirements of this title; and
  - (10) construction or alteration of a townhouse in the Mueller Planned Unit Development or the area identified in Section 1.2.5.B (Conflicting Provisions) of the Regulating Plan for the Lamar Blvd./Justin Lane Transit Oriented Development.
- (C) Except for a change of use to an adult oriented business, a site plan is not required for a change of use if the new use complies with the off-street [accessible spaces \[parking\]](#) requirement[s] of this title.
- (D) Except for an adult oriented business, a site plan is not required for construction that complies with the requirements of this subsection.
- (1) The construction may not exceed 1,000 square feet, and the limits of construction may not exceed 3,000 square feet, except for the following:
    - (a) enclosure of an existing staircase or porch;
    - (b) a carport for fewer than ten cars placed over existing parking spaces;
    - (c) a wooden ground level deck up to 5,000 square feet in size that is for open space use;

## WORKING DRAFT SUBJECT TO CHANGE

---

- (d) replacement of a roof that does not increase the building height by more than six feet;
  - (e) remodeling of an exterior facade if construction is limited to the addition of columns or awnings for windows or entrance ways;
  - (f) a canopy over an existing gas pump or paved driveway;
  - (g) a sidewalk constructed on existing impervious cover;
  - (h) replacement of up to 3,000 square feet of building or parking area lost through condemnation, if the director determines that there is an insignificant effect on drainage or a waterway; or
  - (i) modification of up to 3,000 square feet of a building or impervious cover on a developed site if the modification provides accessible facilities for persons with disabilities.
- (2) The construction may not increase the extent to which the development is noncomplying.
  - (3) The construction may not be for a new drive-in service or additional lanes for an existing drive-in service, unless the director determines that it will have an insignificant effect on traffic circulation and surrounding land uses.
  - (4) A tree larger than eight inches in diameter may not be removed.
  - (5) The construction may not be located in the 100-year flood plain, unless the director determines that it would have an insignificant effect on the waterway.
- (E) A site plan is not required for minor site development, minor construction, or a change of use that the director determines is similar to that described in Subsections (B), (C), and (D) of this section.
  - (F) A site plan is not required for the construction of subdivision infrastructure in accordance with approved subdivision construction plans.
  - (G) The exemptions provided by Subsections (C) and (D) do not apply to a bed and breakfast residential use established after October 1, 1994.
  - (H) The exemptions provided by this section do not apply to a telecommunications tower described in Subsection 25-2-839(F) or (G) (Telecommunication Towers).
  - (I) A site plan is not required for development of a site solely for a community garden use if the director determines that the overall plan does not exceed the exceptions described in subsections (B), (C) or (D).
  - (J) The exemptions provided by this section do not apply to the construction of a dock, bulkhead, or shoreline access as described in Chapter 25-2, Subchapter C, Article 13 (*Docks Bulkheads, and Shoreline Access*), but a site plan is not required for the repair, maintenance, or modification of existing structures or improvements if the applicable requirements of this subsection are met.
    - (1) A site plan is not required for simple re-decking of a dock.
    - (2) A site plan is not required to modify a dock, or to maintain or repair a dock or shoreline access, if:
      - (a) the dock or shoreline access was legally constructed; and
      - (b) the work proposed does not:

## WORKING DRAFT SUBJECT TO CHANGE

---

- (i) require a variance or other approval from a city board or commission;
  - (ii) increase the existing footprint of the dock or shoreline access;
  - (iii) add, change, or replace structural components, including load bearing beams or walls, piers, pilings; or
  - (iv) add new walls.
- (3) A site plan is not required to repair a bulkhead if:
- (a) the bulkhead was legally constructed;
  - (b) the repair does not exceed 25% of the bulkhead or portion of a bulkhead existing on a lot or tract; and
  - (c) no repair to the bulkhead was done without a site plan in the previous three years.
- (K) An exemption under this section does not waive applicable requirements for obtaining a building permit and may not include modifications to a non-complying structure, including repair or maintenance, except as provided under Chapter 25-2, Subchapter C, Article 8 (*Noncomplying Structures*).

Source: Section 13-1-603; Ord. 990225-70; Ord. 990520-38; Ord. 000302-36; Ord. 000831-65; Ord. 031120-40; Ord. 031211-11; Ord. 20101209-075; Ord. 20110210-018; Ord. 20130328-032; Ord. No. 20140626-112, Pt. 15, 7-7-14; Ord. No. 20160623-090, Pt. 6, 7-4-16.

### *Division 3. Approval, Release, and Construction.*

NO CHANGES TO DIVISION 3.

### *Division 4. Revision, Extension, and Replacement.*

NO CHANGES TO DIVISION 4.

### *Division 5. Expiration.*

NO CHANGES TO DIVISION 5.

## **ARTICLE 2. ADMINISTRATIVE SITE PLANS.**

NO CHANGES TO ARTICLE 2.

## **ARTICLE 3. LAND USE COMMISSION APPROVED SITE PLANS.**

**WORKING DRAFT SUBJECT TO CHANGE**

---

**§ 25-5-145 EVALUATION OF CONDITIONAL USE SITE PLAN.**

- (A) The Land Use Commission shall determine whether the proposed development or use of a conditional use site plan complies with the requirements of this section.
- (B) A conditional use site plan must:
- (1) comply with the requirements of this title;
  - (2) comply with the objectives and purposes of the zoning district;
  - (3) have building height, bulk, scale, setback, open space, landscaping, drainage, access, traffic circulation, and use that is compatible with the use of an abutting site;
  - (4) provide adequate and convenient off-street [parking and] loading facilities;
  - (5) reasonably protect persons and property from erosion, flood, fire, noise, glare, and similar adverse effects; and
  - (6) for a conditional use located within the East Austin Overlay district, comply with the goals and objectives of a neighborhood plan adopted by the city council for the area in which the use is proposed.
- (C) A conditional use site plan may not:
- (1) more adversely affect an adjoining site than would a permitted use;
  - (2) adversely affect the safety or convenience of vehicular or pedestrian circulation, including reasonably anticipated traffic and uses in the area;
  - (3) adversely affect an adjacent property or traffic control through the location, lighting, or type of a sign; or
  - (4) for a large retail use described in Section 25-2-815 (Large Retail Uses), adversely affect the future redevelopment of the site.
- (D) A site plan may not adversely affect the public health, safety, or welfare, or materially injure property. If the Land Use Commission determines that a site plan has an adverse effect or causes a material injury under this subsection, the Land Use Commission shall identify the adverse effect or material injury.

Source: Section 13-1-663(a); Ord. 990225-70; Ord. 990520-70; Ord. 010607-8; Ord. 031211-11; Ord. 20070215-072; Ord. 20110804-008.

## **CHAPTER 25-6. TRANSPORTATION.**

### **ARTICLE 1. GENERAL PROVISIONS.**

NO CHANGES TO ARTICLE 1.

### **ARTICLE 2. TRANSPORTATION IMPROVEMENTS AND RIGHT-OF-WAY DEDICATION.**

NO CHANGES TO ARTICLE 2.

### **ARTICLE 3. TRAFFIC IMPACT ANALYSIS AND MITIGATION.**

NO CHANGES TO ARTICLE 3.

### **ARTICLE 4. STREET DESIGN.**

NO CHANGES TO ARTICLE 4.

### **ARTICLE 5. DRIVEWAY, SIDEWALK, AND RIGHT-OF-WAY CONSTRUCTION.**

NO CHANGES TO ARTICLE 5.

### **ARTICLE 6. ACCESS TO MAJOR ROADWAYS AND IN CERTAIN WATERSHEDS.**

NO CHANGES TO ARTICLE 6.

### **ARTICLE 7. OFF-STREET PARKING AND LOADING.**

#### *Division 1. General Regulations.*

#### **§ 25-6-471 OFF-STREET PARKING ~~[FACILITY REQUIRED]~~.**

- (A) This section applies to all uses and to specific Regulating Plans, Transit Oriented Development areas (TODs), and Neighborhood Conservation Combining Districts (NCCDs) that incorporate this chapter by reference. Except as provided in Subsection (B), off-street motor vehicle parking is not



## WORKING DRAFT SUBJECT TO CHANGE

required. A planned unit development (PUD) that includes specific off-site parking requirements controls over this article.~~[for:~~

- ~~(1) a new building;~~
- ~~(2) a new use;~~
- ~~(3) an addition to or enlargement of an existing building or use; or~~
- ~~(4) a change of occupancy or operation that increases the number of needed parking spaces above the existing spaces.]~~

(B) A minimum of one on-site accessible space is required. The minimum number of accessible spaces is calculated by taking 100 percent of the parking previously required for the use under Appendix A (Tables of Off-Street Loading Requirements and Former Off-Street Parking Requirements) and using that result to determine the number of accessible parking spaces required under the Building Code. [Except as provided in Subsection (C), additional parking facilities required under this section are required only for the addition, enlargement, or change, and not for the entire building or use.]

(C) If an applicant provides an off-street parking facility for a building or use, accessible spaces must be provided on-site.~~[An addition, enlargement, or change in use for a cocktail lounge or a restaurant with a late-hours permit is required to meet parking facility requirements for the entire building or use.]~~

(D) If an applicant provides only accessible spaces for a use:

- (1) Accessible spaces may be located on- or off-site, within 250 feet of the use, and must be on an accessible route.
- (2) An off-site or on-street accessible space that is located within 250 feet of a use may be counted towards the number of required accessible spaces under Paragraph (B).
- (3) The director may waive or reduce the number of accessible spaces required if no accessible spaces can be provided consistent with the requirements of Paragraph (D)(1).

~~[Except as provided by Section 25-6-501 (Off-Site Parking Allowed), a parking facility required under this article must be located on the same site as the use for which the facility is required.]~~

~~[(E) If an applicant provides more parking spaces for a use than prescribed under this article or under an approved site plan, the excess spaces may be considered for another use under Section 25-6-501 (Off-Site Parking Allowed).]~~

~~[(E)(F) [Except as provided in Section 25-6-476(8) (Parking for Mixed Use Developments),] T[t]he accessible space parking [facility] requirement for a site with more than one use or for adjacent sites served by a common parking facility is the cumulative total of spaces required for each site or use.~~

~~[(G) A parking facility is not required for an accessory use.]~~

~~[(H) A parking facility, circulation area, or queue line constructed or substantially reconstructed after January 1, 1985, must comply with the design standards prescribed in Division 4 (Design and Construction Standards For Parking And Loading Facilities), the Transportation Criteria Manual, and the landscape standards prescribed in Chapter 25-2, Subchapter C, Article 9 (Landscaping).]~~

~~[(F)(I)] In this section:~~

## WORKING DRAFT SUBJECT TO CHANGE

- ~~[(1) ACCESSIBLE SPACE means a parking space for an individual with a disability that complies with the Americans with Disabilities Act (ADA) and Fair Housing Act Amendments (FHAA), as appropriate;]~~
- ~~[(2) CORRIDOR DEVELOPMENT means a development that includes 15 percent or less short-term rental (STR) uses and is subject to Division 13 (Corridor Overlay) of Chapter 25-2, Subchapter C; and]~~
- ~~[(3)] QUALIFYING DEVELOPMENT means a development certified under Section 25-1-724 (Certification) and participating in the Affordability Unlocked Bonus Program.~~
- ~~(G)(J)~~ A qualifying development is not required to comply with Appendix A of Chapter 25-6 (Transportation) but must comply with this section.
- (1) ~~[If the parking provided by a qualifying development with more than two units is fewer parking spaces than required in Appendix A (Tables of Off-Street Parking and Loading Requirements),]~~ ~~the~~ ~~minimum number of required off-street accessible spaces is the greater of:~~
- ~~(a) one accessible parking space;~~
  - ~~(b) the number of accessible spaces required under the Building Code based on 100 percent of the parking previously required for the use under Appendix A (Tables of Off-Street [Parking and] Loading Requirements and Former Off-Street Parking Requirements); or~~
  - ~~(c) the number of accessible spaces required under the ADA or the FHAA, as appropriate.~~
- (2) An accessible space must be adjacent to the site and on an accessible route.
- (3) An accessible parking space must comply with design, accessibility, and location requirements imposed by the ADA and the FFHA, as appropriate.
- (4) Accessible parking detailed in Subsection ~~(G)(J)~~(1) must be provided off-street except insofar as on-street or off-site parking is allowed elsewhere in this title.
- ~~[(K) This subsection applies to a corridor development that includes at least one residential use and is located more than 300 feet from a private or public primary or secondary educational facility.~~
- ~~(1) A term defined by Section 25-2-769.02 (Definitions) has the same meaning in this subsection.~~
- ~~(2) A corridor development must provide accessible spaces as set forth in Subsection (J).~~
- ~~(3) The required off-street parking for a corridor development that is located on a larger corridor is 25 percent of the parking required for the use under Appendix A (Tables of Off-Street Parking and Loading Requirements).~~
- ~~(4) The required off-street parking for a corridor development that is located on a medium corridor is 50 percent of the parking required for the use under Appendix A (Tables of Off-Street Parking and Loading Requirements).~~
- ~~(5) Except as provided in Subsection (L), the required off-street parking for a corridor development that is located on a light rail line is 25 percent of the parking required for the use under Appendix A (Tables of Off-Street Parking and Loading Requirements).]~~

## WORKING DRAFT SUBJECT TO CHANGE

~~[(L)] This subsection applies to a corridor development that is located on a light rail line and consists of at least 75 percent residential uses.~~

~~(1) A term defined by Section 25-2-769.02 (Definitions) has the same meaning in this subsection.~~

~~(2) A corridor development subject to this subsection must provide accessible spaces as set forth in Subsection (J).~~

~~(3) A corridor development subject to this subsection is not required to provide required off-street parking.]~~

Source: Section 13-5-96(a), (c), (d), (f) and (g); Ord. 990225-70; Ord. 031211-11; Ord. No. 20190509-027 , Pt. 5, 5-20-19; Ord. No. 20221201-056 , Pt. 4, 12-12-22.

### § 25-6-472 PARKING FACILITY STANDARDS.

- (A) Except as provided in Section 25-6-473 (*Modification Of Parking Requirement*), a parking facility for a use must comply with the requirements in Section 25-6-471 (*Off-Street Parking*) and Appendix A (*Tables of Off-Street [Parking and] Loading Requirements and Former Off-Street Parking Requirements*), as applicable.
- (B) A parking 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 temporary parking of passenger automobiles, motor vehicles, or light trucks not exceeding one ton in capacity.
- (C) A parking facility requirement is based on gross floor area of a building or use served by the facility. For the purpose of calculating parking requirements, gross floor area does not include enclosed or covered areas used for off-street parking or loading, bicycle storage rooms or shower facilities.
- (D) The parking facility requirement for a general retail service use in a shopping center is based on the gross floor area of the entire shopping center, including portions not used for a general retail use. The parking requirement for a use in a shopping center other than a general retail service use is based on the rate for the use.
- (E) Except in the central business district (CBD) or a downtown mixed use (DMU) zoning district, an outdoor seating area for a restaurant (general) or a cocktail lounge use must be included with the gross floor area to determine the parking requirement.
- (F) If a calculation under Appendix A (*Tables of Off-Street [Parking and] Loading Requirements and Former Off-Street Parking Requirements*) results in a fractional requirement, a fraction of 0.5 or greater is rounded to the next larger whole number.
- (G) If a parking facility requirement is based on seating or capacity, occupancy is determined as prescribed in Chapter 25-12 (*Uniform Building Code*).
- (H) Head-in parking is prohibited in a townhouse and condominium residential (SF-6) or less restrictive zoning district.

~~[(I)] A person may not:~~

## WORKING DRAFT SUBJECT TO CHANGE

- ~~— (1) — reduce the parking spaces to a number less than the number of spaces prescribed in Appendix A (Tables of Off-Street Parking and Loading Requirements); or~~
- ~~— (2) — alter the design or function of a parking space in a manner that violates Appendix A (Tables of Off-Street Parking and Loading Requirements).]~~

Source: Sections 13-5-96(b), (e) and (h) and 13-5-97(a), (b), (c), (d) and (h); Ord. 990225-70; Ord. 031120-44; Ord. 031211-11; Ord. 20130523-104.

### § 25-6-473 MODIFICATION OF PARKING REQUIREMENT.

- (A) The director may modify the number of queue spaces required by Appendix A (*Tables of Off-Street ~~[Parking and]~~ Loading Requirements and Former Off-Street Parking Requirements*) and may establish queue space requirements for drive-in services not listed in Appendix A (*Tables of Off-Street ~~[Parking and]~~ Loading Requirements and Former Off-Street Parking Requirements*).
- ~~[(B) The director may reduce the parking space requirement triggered by a site plan or site plan revision application filed to relocate a facility as a direct result of right-of-way condemnation if the director determines that a reduction:~~
- ~~(1) — is reasonable given the present and anticipated future traffic volumes generated by the use of the site or the use of a nearby site; and~~
  - ~~(2) — will not:~~
    - ~~(a) — result in parking or loading on a public street that interferes with the free flow of traffic; or~~
    - ~~(b) — create a safety hazard.]~~
- ~~[(B)(C)]~~ The director may reduce the parking space requirement for an existing developed site or for a site covered by a released, unexpired site plan on March 11, 1996 if the director determines that a reduction of the parking requirement is necessary to comply with the Americans With Disabilities Act accessibility standards or the Uniform Building Code accessibility standards.
- ~~[(C)(D)]~~ The director may ~~[not]~~ reduce a parking space requirement as needed to be consistent with the elimination of the minimum number of motor vehicle parking space requirements, except those related to accessible spaces [under Subsection[s] (B) and (C) to less than 80 percent of the standard parking requirement].
- ~~[(E) A reduction in a parking space requirement granted under Subsection (B) runs with the use to which it pertains and does not run with the land.]~~

Source: Section 13-5-97(f), (g) and (i); Ord. 990225-70; Ord. 031120-44; Ord. 031211-11.

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

- (A) A site must have:
- (1) a parking facility that is accessible to a person with disabilities;
  - (2) routes of travel that connect the accessible elements of the site; and

- (3) the number of accessible parking spaces required by the Uniform Building Code that is based on a calculation that uses 100 percent of the parking spaces previously required for the use under Appendix A (Tables of Off-Street Loading Requirements and Former Off-Street Parking Requirements).
- (B) A minimum of one on-site accessible space is required on an accessible route. If no driveway is provided, a minimum of one on-street or off-site accessible space is required on an accessible route per Section 25-6-471(D)(2). Sites that do not have dedicated motor vehicle parking spaces and no driveway access to, from, or through the site are exempt from providing on-site accessible spaces.
- (C[B]) A person may appeal the requirements of this section to the Board of Adjustment.
- (D[E]) A variance granted under Subsection (C[B]) applies only to the use for which the variance was granted and does not run with the land on which the use is located.
- (E[D]) A variance granted under Subsection (C[B]) must specify whether it includes bicycle parking and the amount of bicycle parking required. An applicant may also seek a waiver pursuant to Code Section § 25-6-477(F) (*Bicycle Parking*) to waive bicycle parking.

Source: Section 13-5-101; Ord. 990225-70; Ord. 031120-44; Ord. 031211-11; Ord. 20130523-104.

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

- (A) The bicycle parking requirement for a site with more than one use or for adjacent sites served by a common parking facility is the cumulative total of spaces required for each site or use, unless otherwise provided by this section. [This section applies to parking for motor vehicles and bicycles.]
- (B) A person may request an adjustment to the bicycle parking requirement for separate uses located on one site or for separate uses located on adjoining or nearby sites and served by a common parking facility.
- (C) To apply for an adjustment under this section, an applicant must submit to the director a site plan and transportation engineering report addressing the following:
- (1) the characteristics of each use and the differences in projected peak parking demand, including days or hours of operation;
  - (2) potential reduction in vehicle movements resulting from the multi-purpose use of the parking facility by employees, customers, or residents of the uses served;
  - (3) potential improvements in parking facility design, circulation, and access resulting from a joint parking facility;
  - (4) compliance with shared parking guidelines in the Transportation Criteria Manual; and
  - (5) detail the amount of bicycle parking to be provided.
- (D) In determining whether to approve an adjustment under Subsection (B), the director shall consider the factors included in Subsection (C).
- (E) A decision of the director under this section may be appealed to the Land Use Commission. The decision of the Land Use Commission may be appealed to the city council.

## WORKING DRAFT SUBJECT TO CHANGE

- (F) A parking space subject to adjustment under this section must be located in a parking facility that provides similar use availability for all uses that the parking facility is intended to serve.
- (G) The director shall determine the type and number of bicycle spaces required for a mixed-use development at the time that the director determines the bicycle parking requirement under this section, or at the time a request for an adjustment is made under this section.

Source: Sections 13-5-100 and 13-5-102(a)(2); Ord. 990225-70; Ord. 010607-8; Ord. 031120-44; Ord. 031211-11; Ord. 20130523-104.

### § 25-6-477 BICYCLE PARKING.

- (A) Off-street parking facilities for bicycles as prescribed in Appendix A (*Tables of Off-Street [Parking And] Loading Requirements and Former Off-Street Parking Requirements*) must be provided for each use on a site ~~[, and shall be calculated prior to any reductions approved under this article for motor vehicle parking].~~
- (B) Any addition or enlargement of an existing building or use or any change of occupancy or operation ~~[that increases the number of required motor vehicle parking spaces above the existing spaces on an existing site]~~ shall require a proportional increase in bicycle parking adhering to Appendix A, Part 2 (*Bicycles*) for the new use or expanded use or change in occupancy.
- (C) A required bicycle space must comply with the requirements of the Transportation Criteria Manual.
- (D) The location of an off-street bicycle parking facility shall comply with the following requirements:
  - (1) A minimum of 50% of all required bicycle parking shall be located within 50 feet of the principal building entrance which shall not be obscured from public view; and
  - (2) The remaining required bicycle parking may be located as follows:
    - a. in a secure location within 50 feet of other building entryways other than the principal building entrance;
    - b. at employee only entrances;
    - c. within a building; or
    - d. in a covered motor vehicle parking facility within 50 feet of a street level entrance.
  - (3) The closest bicycle parking facility must be no farther than the closest motor vehicle parking space, excluding accessible parking spaces.
- (E) A provision of this article that is applicable to off-street motor vehicle parking also applies to bicycle parking, unless the provision conflicts with this section.
- (F) The city manager may waive a requirement relating to the number or type of bicycle spaces or approve an alternate method of compliance after considering the characteristics of the use, the site, and the surrounding area. A waiver may not reduce the number of required bicycle spaces to less than two.

Source: Ord. 031120-44; Ord. 031211-11; Ord. 20060504-039; Ord. 20130523-104.



## WORKING DRAFT SUBJECT TO CHANGE

**§ 25-6-478 PARKING FACILITIES, CIRCULATION AREAS, AND QUEUE LINES AFTER JANUARY 1, 1985**~~[MOTOR VEHICLE REDUCTIONS GENERAL]~~. Repeal and replace in its entirety with the following:

A parking facility, circulation area, or queue line constructed or substantially reconstructed after January 1, 1985, must comply with the design standards prescribed in Division 4 (*Design and Construction Standards for Parking And Loading Facilities*), the Transportation Criteria Manual, and the landscape standards prescribed in Chapter 25-2, Subchapter C, Article 9 (*Landscaping*).

(A) ~~Except as provided in Subsection (B) of this section, the minimum off-street parking required within the area bound by the following roads is 80% of that established by Appendix A (*Table of Off-street parking and Loading Requirements*):~~

- ~~(1) Highway 183 from Burnet Road to Highway 71;~~
- ~~(2) Highway 71 from Highway 183 to Loop 1;~~
- ~~(3) Loop 1 from Highway 71 to Lake Austin Boulevard;~~
- ~~(4) Lake Austin Boulevard from Loop 1 to Exposition Boulevard;~~
- ~~(5) Exposition Boulevard from Lake Austin Boulevard to 38th Street;~~
- ~~(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) ~~The reduction provided in Subsection (A) does not apply:~~

- ~~(1) to property in a central business (CBD) district or an area with a TOD district or regulatory plan, 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*).~~

## WORKING DRAFT SUBJECT TO CHANGE

- ~~(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 approved under this article for motor vehicle parking.~~
- ~~(D) Except for development that does not require a site plan under Section 25-5-2 (*Site Plan Exemptions*), the required amount of motor vehicle parking is reduced by 10% in accordance with the following requirements:~~
- ~~(1) For buildings with up to 19,999 square feet of gross floor area, a minimum of one shower and changing facility available to both genders.~~
  - ~~(2) For buildings with 20,000 to 99,999 square feet of gross floor area, a minimum of one shower and changing facility available to each gender.~~
  - ~~(3) For buildings with 100,000 or more square feet of gross floor area, a minimum of two showers and changing facilities available to each gender.~~
- ~~(E) Except for development that does not require a site plan under Section 25-5-2 (*Site Plan Exemptions*), the minimum off-street parking requirement is reduced by the following amounts:~~
- ~~(1) One space for each on-street parking space located adjacent to the site on a public street, including spaces on Internal Circulation Routes that meet public street standards;~~
  - ~~(2) Up to 10 percent to 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. If the applicant provides more parking spaces than the minimum required, the additional parking spaces may not result in the removal of significant stands of trees or protected trees; and~~
  - ~~(3) Twenty (20) spaces for every car-sharing vehicle provided in a program that complies with the requirements prescribed by the Director by administrative rule.~~
- ~~(F) Reductions or waivers for parking requirements granted under this section may be combined with other applicable parking reductions in this chapter provided the total reduction for the site does not exceed 40%. Reductions or waivers in excess of 40% of the site's required parking is only permitted in conjunction with compliance of § 25-6-478(D) (*Motor Vehicle Reductions General*) and with the approval by the director with consultation with the director of Public Works.~~
- ~~(G) If the use of any land, building or structure that satisfies the minimum off-street motor vehicle parking and loading requirements with the inclusion of on-street spaces no longer meets the minimum off-street motor vehicle parking and loading requirements due to the removal of spaces by the City, then the use and site shall be deemed legally non-complying and may continue without requiring the addition of the equivalent number of parking or loading spaces reduced by the City.~~

~~Source: Ord. 031120-44; Ord. 031211-11; Ord. 040902-58; Ord. 20060831-068; Ord. 20130523-104; Ord. 20130829-105; Ord. No. 20141106-120, Pt. 1, 11-17-14.]~~

### *Division 2. Off-Site Parking.*



## WORKING DRAFT SUBJECT TO CHANGE

### ~~[§ 25-6-501 OFF-SITE PARKING.]~~

- ~~(A) The director may approve the location of all or a portion of the required or excess parking for a use on a site other than the site on which the use is located as provided in this section.~~
- ~~(B) Off-site accessory parking is a permitted use if:~~
- ~~(1) both the primary use and accessory parking are located in a general office (GO) or less restrictive zoning district;~~
  - ~~(2) the primary use is located in a general office (GO) or less restrictive zoning district and the accessory parking located on an existing surface parking lot in a limited office (LO) zoning district which is directly adjacent to the site of the primary use;~~
  - ~~(3) the primary use is a bed and breakfast residential use and the accessory parking is located in a general office (GO) or less restrictive zoning district; or~~
  - ~~(4) the off-site parking involves shared off-street parking between the following uses:~~
    - ~~(a) a religious assembly use and an existing public primary or secondary educational facility;~~
    - ~~or~~
    - ~~(b) two or more religious assembly uses that do not conduct services on the same day.~~
- ~~(C) Off-site accessory parking is a conditional use if the accessory parking is located in a limited office (LO) zoning district and the primary use is located in a general office (GO) or less restrictive zoning district.~~
- ~~(D) Landscaping required by Section 25-6-563 (Screening) is not required for a site plan filed solely for approval of shared or off-site parking on an existing parking lot.~~
- ~~(E) An off-site parking facility 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 facility serves. The distance measured:~~
- ~~(1) assumes that between adjacent intersections with traffic control signals, pedestrians cross at a marked crosswalk; and~~
  - ~~(2) does not cross private property unless access is authorized by the affected property owner.~~
- ~~(F) If the parking allowed under this division exceeds the maximum parking capacity allowed under this article for a use located in the central business district (CBD) or a downtown mixed use (DMU) zoning district, the standard parking requirement controls unless:~~
- ~~(1) the off-site parking is located in a district other than the CBD or a DMU zoning district; or~~
  - ~~(2) the Land Use Commission approves the excess parking based on a finding that:~~
    - ~~(a) the excess parking does not discourage mobility and accessibility by transit or the construction of appropriately located public parking facilities;~~
    - ~~(b) the excess parking is compatible with a historic district or structure; and~~
    - ~~(c) the access to the parking facility does not intrude on a pedestrian-oriented street frontage.~~

## WORKING DRAFT SUBJECT TO CHANGE

~~(G) Except as provided in Section 25-6-591 (*Parking Provisions for Development in the Central Business District (CBD) and the Downtown Mixed Use (DMU) Zoning District*), a required parking space for persons with disabilities may not be located in an off-site parking facility unless the director determines that existing conditions preclude on-site parking.~~

~~Source: Sections 13-5-99 (a), (b), and (c) and 13-5-106(a); Ord. 990225-70; Ord. 990520-38; Ord. 010607-8; Ord. 031211-11; Ord. 20130411-061; Ord. 20131017-081.]~~

### ~~{§ 25-6-502 APPLICATION AND APPROVAL.~~

~~(A) A person requesting an off-site parking facility must file a written application with the director. The application must include:~~

- ~~(1) a description of the location and number of existing and proposed off-site parking and loading spaces;~~
- ~~(2) a calculation of applicable minimum requirements;~~
- ~~(3) proof of ownership of the proposed off-site parking facility or a lease agreement between the owner of the proposed off-site parking facility and the owner of the use; and~~
- ~~(4) except for off-site accessory parking in the central business district (CBD) and downtown mixed use (DMU) zoning districts, a site plan indicating the location of the primary use and the off-site parking and the property address and legal description of both sites.~~

~~(B) An off-site parking facility agreement must include a provision that modification or termination of the agreement is not effective until notice has been given to the City.~~

~~(C) In determining whether to approve an application for off-site parking, the director may consider relevant factors, including:~~

- ~~(1) the location of the use and of the proposed off-site parking;~~
- ~~(2) the existing and potential parking demand created by other uses in the area;~~
- ~~(3) the characteristics of each use, including employee and customer parking demand, times of operation, and the projected convenience and frequency of the use of the off-site parking;~~
- ~~(4) safety, adequacy, and convenience of pedestrian access between the off-site parking and the use;~~
- ~~(5) traffic patterns on an adjacent street and proposed access to the off-site parking; and~~
- ~~(6) the impact of off-site parking on nearby property:~~
  - ~~(a) in an urban family residence (SF-5) or more restrictive zoning district; or~~
  - ~~(b) on which a use permitted in an SF-5 or more restrictive zoning district is located.~~

~~Source: Section 13-5-99 (a), (c), and (d); Ord. 990225-70; Ord. 031211-11; Ord. 20130411-061.]~~

### *Division 3. Off-Street Loading.*

## WORKING DRAFT SUBJECT TO CHANGE

---

### § 25-6-531 OFF-STREET LOADING FACILITY REQUIRED.

- (A) A person must provide an off-street loading facility for:
  - (1) a new building or for a new use established in an existing building; and
  - (2) an addition or enlargement of an existing use or a change of occupancy or operation that results in an additional loading space being required;
- (B) For an off-street loading facility in use on March 1, 1984, a person may not:
  - (1) reduce the capacity to less than the number of spaces prescribed by Appendix A (*Tables of Off-Street [Parking And] Loading Requirements and Former Off-Street Parking Requirements*); or
  - (2) alter the design or function in a manner that violates Appendix A (*Tables of Off-Street [Parking And] Loading Requirements and Former Off-Street Parking Requirements*).
- (C) A loading facility constructed or substantially reconstructed after January 1, 1985, must comply with the design standards prescribed in Division 4 (*Design and Construction Standards For Parking And Loading Facilities*) and the Transportation Criteria Manual.
- (D) A required 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.

Source: Section 13-5-103; Ord. 990225-70; Ord. 031211-11.

### § 25-6-532 OFF-STREET LOADING STANDARDS.

- (A) A person must provide an off-street loading facility for each use in a building or on a site as prescribed in Appendix A (*Tables of Off-Street [Parking And] Loading Requirements and Former Off-Street Parking Requirements*).
- (B) Multiple uses or occupancies located in a single building or on one site may be served by a common loading space if the director determines that the loading space can adequately serve each use.
- (C) For a common loading space, described under Subsection (B), the director shall apply Appendix A (*Tables of Off-Street [Parking And] Loading Requirements and Former Off-Street Parking Requirements*) to the combination of buildings and uses served by the loading space instead of to each individual building and use. The schedule applicable to the use with the greatest load requirement shall be used.
- (D) An off-street loading facility requirement is based on the gross floor area. The gross floor area does not include enclosed or covered areas used for off-street parking or loading.
- (E) In this section, each two square feet of exterior site area used for a commercial or industrial use equals one square foot enclosed floor area.

Source: Section 13-5-104; Ord. 990225-70; Ord. 031211-11.

TITLE 25. - LAND DEVELOPMENT.  
 CHAPTER 25-6. - TRANSPORTATION.  
 ARTICLE 7. - OFF-STREET PARKING AND LOADING.  
 Division 4. Design and Construction Standards for Parking and Loading Facilities.

*Division 4. Design and Construction Standards for Parking and Loading Facilities.*

NO CHANGES TO DIVISION 4.

*Division 5. Special Provisions for Property in the Central Business District (CBD), a  
 Downtown Mixed Use (DMU) Zoning District, and the Central Urban  
 Redevelopment (CURE) Combining District Area.*

**§ 25-6-591 PARKING PROVISIONS FOR DEVELOPMENT IN THE CENTRAL BUSINESS DISTRICT (CBD), THE  
 DOWNTOWN MIXED USE (DMU) DISTRICT, THE PUBLIC (P) ZONING DISTRICTS, AND THE  
 UNIVERSITY NEIGHBORHOOD OVERLAY (UNO) DISTRICT.**

- (A) The requirements of this section apply to the:
- (1) central business district (CBD);
  - (2) downtown mixed use (DMU) zoning district;
  - (3) public (P) zoning district within the area bounded by Martin Luther King, Jr., Boulevard; IH-35; Lady Bird Lake; and Lamar Boulevard; and
  - (4) university neighborhood overlay (UNO) district.
- (B) Off-street motor vehicle parking is not required within the central business district (CBD) or downtown mixed use (DMU) zoning districts except as provided by this subsection. For purposes of this subsection, off-street parking includes any parking that is designated to serve a use and is not located in a public right-of-way, regardless of whether the parking is onsite or offsite.

**Editor's note**—Amendments to division (B) of this section made by Ord. 20130523-104 did not take into account amendments previously made by Ord. 20130411-061. The amendments enacted by Ord. 20130523-104 have therefore been made only to other parts of the section that do not conflict with Ord. 20130411-061. Future legislation will correct the text if needed.

- (1) If off-street parking is provided, it must include parking for persons with disabilities as required by the Building Code and may not include fewer accessible spaces than would be required under Paragraph (2)(a) of this subsection.
- (2) Except for a use occupying a designated historic landmark or an existing building in a designated historic district, off-street motor vehicle parking for persons with disabilities must be provided for a use that occupies 6,000 square feet or more of floor space under the requirements of this paragraph.
  - (a) The following requirements apply if no parking is provided for a use, other than parking for persons with disabilities:

## WORKING DRAFT SUBJECT TO CHANGE

- (i) the minimum number of accessible parking spaces is calculated by taking 100[20] percent of the parking previously required for the use under Appendix A (Tables of Off-Street [Parking And] Loading Requirements and Former Off-Street Parking Requirements) and using that result to determine the number of accessible spaces required under the Building Code. The accessible spaces may be provided on- or off-site, within 250 feet of the use and must be on an accessible route.
- (ii) The director may waive or reduce the number of accessible spaces required under Paragraph (2)(a)(i) if the applicant pays a fee in-lieu to be used by the city to construct and maintain accessible parking in the vicinity of the use. The availability of this option is contingent on the establishment of a fee by separate ordinance and the adoption of a program by the director to administer the fee and establish eligibility criteria. A decision by the director that a use is ineligible for a fee in-lieu is final.
- (iii) The director may waive or reduce the number of accessible spaces required if no accessible spaces can be provided consistent with the requirements of Paragraph (2)(a)(i) and the use is ineligible for participation in the fee in-lieu program under Paragraph (2)(a)(ii).
- (iv) An off-site or on-street parking space designated for persons with disabilities that is located within 250 feet of a use may be counted towards the number of parking spaces the use is required to provide under Paragraph (2)(a)(i).
- (b) If any off-street parking is provided for a use, other than parking for persons with disabilities, then the use is subject to the requirements in Paragraph (1).
- (3) Except as provided in Subsection (C) of this section, the maximum motor vehicle parking facility allowed is 60 percent of the number of motor vehicle parking spaces previously required by Appendix A (Tables of Off-Street [Parking And] Loading Requirements and Former Off-Street Parking Requirements).
- (4) A minimum of two bicycle parking spaces is required, and the total amount of bicycle parking required is calculated by applying Appendix A to the proposed use.
- (5) Except as provided in Subsections (C) and (D) of this section, a parking garage must be separated from an adjacent street by a pedestrian-oriented use described in Section 25-2-691 (Waterfront Overlay (WO) District Uses) that fronts on the street at the ground level.
- (6) A curb cut for a garage access must have a width of 30 feet or less.
- (7) At the intersection of sidewalk and parking access lane, ten-degree cones of vision are required.
- (C) The maximum number of parking spaces allowed under Subsection (B)(3) of this section may be increased at the request of an applicant under the requirements of this subsection.
  - (1) The director shall approve an increase if all parking spaces are contained in a parking structure and the total number of spaces is less than 110 percent of the spaces calculated under Appendix A (Tables of Off-Street [Parking And] Loading Requirements and Former Off-Street Parking Requirements).

## WORKING DRAFT SUBJECT TO CHANGE

~~[(2) The director or the Land Use Commission may approve an increase equal to or greater than 110 percent of the number of spaces calculated under Appendix A (Tables of Off-Street Parking and Loading Requirements) if the criteria in Section 25-6-501(D)(2) (Off-Site Parking Allowed) are satisfied.]~~

~~(2)~~ Only if bicycle parking is also increased proportionately.

- (D) The Land Use Commission may waive the requirement of Subsection (B)(5) of this section during the site plan review process after determining that:
- (1) present and anticipated development in the area is not amenable to access by pedestrians;
  - (2) the requirement does not allow a reasonable use of the property; or
  - (3) other circumstances attributable to the property make compliance impractical.
- (E) If a waiver is granted under Subsection (D), an area for which the requirement is waived must be screened.

Source: Section 13-5-106 (a) and (b); Ord. 990225-70; Ord. 990603-108; Ord. 010607-8; Ord. 031120-44; Ord. 031211-11; Ord. 20111006-079; Ord. 20130411-061; Ord. 20130523-104; Ord. 20130829-105; Ord. No. 20191114-067 , Pt. 6, 11-25-19.

### **§ 25-6-592 LOADING FACILITY PROVISIONS FOR THE CENTRAL BUSINESS DISTRICT (CBD) AND A DOWNTOWN MIXED USE (DMU) AND PUBLIC (P) ZONING DISTRICTS.**

- (A) This section applies to a site zoned central business district (CBD) or downtown mixed use (DMU), and public (P) zoning district within the area bounded by Martin Luther King, Jr., Boulevard; IH-35; Lady Bird Lake; and Lamar Boulevard, except for:
- (1) a building with a gross floor area of not more than 10,000 square feet; or
  - (2) the renovation of an existing structure, if the director determines that there is not enough space on the site to comply with the requirements of this section.
- (B) The following must be located on-site in accordance with this section:
- (1) a trash receptacle location; and
  - (2) an off-street loading facility.
- (C) For a site that is adjacent to an alley:
- (1) the off-street loading facility and trash receptacle location must be accessible from the alley; and
  - (2) the use of the alley for loading or unloading is a permitted use.
- (D) For a site that is not adjacent to an alley:
- (1) a curb cut for an off-street loading facility or trash receptacle location may not exceed 30 feet in width;
  - (2) a vehicle may not use a public right-of-way to back into or out of an off-street loading facility or trash receptacle location; and

## WORKING DRAFT SUBJECT TO CHANGE

- (3) the off-street loading facility and trash receptacle location:
- (a) must be accessible from a street other than Congress Avenue or Sixth Street;
  - (b) may not be visible from a street, except at a curb cut; and
  - (c) must be at least 30 feet deep, measured from the front setback line or side setback line as applicable.
- (E) The Land Use Commission may waive a requirement of Subsection (C) or (D) after determining that:
- (1) waiving the requirement does not create a hazard to pedestrians or vehicles; and
  - (2) for a waiver of Subsection (D)(3)(b), the applicant has reduced the visibility of the off-street loading facility and trash location to the greatest extent possible.
- (F) The minimum number of loading spaces for development in the CBD or a DMU zoning district is listed on the schedule at the end of Section 25-6-592 (*Loading Facility Provisions for the Central Business District (CBD) and a Downtown Mixed Use (DMU) and Public (P) Zoning Districts*). For civic uses, the number of loading spaces required shall be determined by the Director. For all other uses not listed in the table contained at the end of Section 25-6-592, the requirements of Appendix A, Part 1 apply.
- (G) Multiple uses or occupancies located in a single building or on one site may be served by a common loading space, if the Director determines that the loading space can adequately serve each use.
- (H) The Director may modify the number and size of spaces required after reviewing documentation provided by the applicant concerning the demand for loading facilities for similar developments.

### SCHEDULE OF OFF-STREET LOADING REQUIREMENTS FOR CENTRAL AUSTIN

Sizes: (feet) 10 × 30 × 14

10 × 40 × 14

10 × 55 × 15

Use:	Gross Floor Area of Structure	Required Loading Space Per Square Foot of Floor Area
Financial services, business or professional office, meeting	0—10,000	0
	10,001—100,000	1 (10 × 30)
	100,001—200,000	1 (10 × 30) + 1 (10 × 40)
	200,001 or more	1 (10 × 30) + 1 (10 × 40) + additional spaces as required by the Director
Hotel, motel, meeting, convention, or exhibition halls	0—10,000	0
	10,001—150,000	1 (10 × 30)
	150,001—300,000	1 (10 × 30) + 1 (10 × 40)
	300,001—500,000	1 (10 × 30) + 1 (10 × 40) + 1 (10 × 55)
	500,001 or more	1 (10 × 30) + 1 (10 × 40) + 1 (10 × 55) + additional spaces as determined by the Director



## WORKING DRAFT SUBJECT TO CHANGE

---

Source: Section 13-5-106(c); Ord. 990225-70; Ord. 990603-108; Ord. 010607-8; Ord. 031211-11; Ord. 20130411-061; Ord. 20130926-082.

### ~~[§ 25-6-593 PROVISIONS FOR PROPERTY IN THE CENTRAL URBAN REDEVELOPMENT (CURE) COMBINING DISTRICT AREA.~~

- (A) ~~This section applies to property in the central urban redevelopment (CURE) area that is not in the central business district (CBD) or in a downtown mixed use (DMU) zoning district. The official map of the CURE combining district area is located in Chapter 25-2, Appendix F (*Central Urban Redevelopment (CURE) Combining District Boundaries*).~~
- (B) ~~A person must provide at least 50 percent of the parking spaces required by Appendix A (*Tables of Off-Street Parking and Loading Requirements*) for a use occupying a historic landmark or located in a historic district.~~
- (C) ~~A person must provide at least 80 percent of the parking spaces required by Appendix A (*Tables of Off-Street Parking and Loading Requirements*) for residential, civic, or commercial use.~~

Source: Section 13-5-106(d); Ord. 990225-70; Ord. 001130-110; Ord. 031211-11; Ord. 041202-16; Ord. No. 20180322-096, Pt. 2, 4-2-18.]

### *Division 6. Special Provisions for the University Neighborhood Overlay District.*

#### ~~[§ 25-6-601 PARKING REQUIREMENTS FOR UNIVERSITY NEIGHBORHOOD OVERLAY DISTRICT.~~

~~There are no minimum off-street requirements in the UNO district.~~

Source: Ord. 040902-58; Ord. No. 20191114-067, Pt. 7, 11-25-19.]

### *Division 7. Special Provisions for a Transit Oriented Development District.*

#### ~~[§ 25-6-611 PARKING REQUIREMENTS FOR A TRANSIT ORIENTED DEVELOPMENT DISTRICT.~~

- (A) ~~Except as provided in Subsection (B), in a transit-oriented development (TOD) district the minimum off-street parking requirement is 60 percent of that prescribed by Appendix A (*Tables of Off-Street Parking and Loading Requirements*).~~
- (B) ~~The parking requirements prescribed for property zoned central business district (CBD) apply to a downtown TOD district.]~~

Source: Ord. 20050519-008.

## **ARTICLE 8. ROAD UTILITY DISTRICTS.**

NO CHANGES TO ARTICLE 8.



TITLE 25. - LAND DEVELOPMENT.  
CHAPTER 25-6. - TRANSPORTATION.  
ARTICLE 9. STREET IMPACT FEES.

**ARTICLE 9. STREET IMPACT FEES.**

NO CHANGES TO ARTICLE 9.

**APPENDIX A. TABLES OF OFF-STREET [PARKING AND] LOADING REQUIREMENTS  
AND FORMER OFF-STREET PARKING REQUIREMENTS.**

**PART 1 - MOTOR VEHICLES**

Use Classification	Minimum Off-Street Parking Requirement*	Off-Street Loading Requirement
	<u>*This column is maintained and shown for purposes of calculating accessible spaces, bicycle parking spaces, and maximum parking spaces and for future reference as needed. No minimum number of parking spaces is required for any use.</u>	
<b>Residential Uses</b>		
Cottage special use Mobile home residential Single-family residential Small lot single-family residential Townhouse residential Urban home special use	2 spaces for each dwelling unit	None
Secondary apartment special use Two family residential	Principal unit: 2 spaces Secondary unit: If located greater than .25 miles from an activity corridor that is served by a bus or transit line - 1 space; if located less than or equal to .25 miles from an activity corridor that is served by a bus or transit line - 0 spaces. For purposes of this requirement, activity corridor is defined in the Imagine Austin Comprehensive Plan, as adopted by Ordinance No. 20120614-058.	None
Accessory apartment Condominium residential Multifamily residential	Efficiency dwelling unit: 1 space 1 bedroom dwelling unit: 1.5 spaces Dwelling unit larger than 1 bedroom: 1.5 spaces plus 0.5 space for each additional bedroom	None
Duplex residential Single-family attached residential -Standard -If larger than 4,000 sq. ft. or more than 6 bedrooms	4 spaces 4 spaces or 1 space for each bedroom, whichever is greater	None
Bed and breakfast residential	1 space plus 1 space for each rental unit	None
Group residential	1 space plus 1 space for each 2 lodgers or tenants	Schedule C

**WORKING DRAFT SUBJECT TO CHANGE**

Retirement Housing	80% of the parking otherwise required by this table for the residential use classification	Schedule C
<b>Commercial Uses</b>		
Agricultural sales and service	Schedule A	Schedule C
Art gallery	1 space for each 500 sq. ft.	None
Art workshop	Schedule B	None
Automotive rentals	Schedule A	Schedule B
Automotive repair service	1 space for each 275 sq. ft.	Schedule C
Automotive sales	Schedule A	Schedule C
Automotive washing		None
• Automatic (full service)	1 space for each 2 employees plus 6 queue spaces for each queue line	
• Manual (coin-operated)	3 queue spaces for each queue line	
Bail bond services	1 space for each 275 sq. ft.	None
Building maintenance services	Schedule A	Schedule C
Business support services		
Business and professional offices	1 space for each 275 sq. ft.	Schedule C
Business or trade school	Schedule B	Schedule B
Campground		
Carriage stable		
Cocktail lounge or dance hall		Schedule C
• <2,500 sq. ft.	1 space for each 100 sq. ft.	
• 2,500—10,000 sq. ft.	1 space for each 50 sq. ft.	
• <10,000 sq. ft.	1 space for each 25 sq. ft.	
Commercial blood plasma center	1 space for each 275 sq. ft.	Schedule C
Commercial off-street parking	None	None
Communication services	Schedule A	Schedule C
Construction sales and services		
Consumer convenience services	Schedule B	None
Consumer repair services	1 space for each 275 sq. ft.	Schedule C
Convenience storage	1 space for each 4,000 sq. ft.	Schedule B
Drop-off recycling collection facility	Schedule B	Schedule B
Electronic prototype assembly	1 space for each 275 sq. ft.	Schedule C
Electronic testing	1 space per 300 sq. ft.	Schedule G
Equipment repair services	Schedule A	Schedule C
Equipment sales		
Exterminating services	1 space for each 1,000 sq. ft.	Schedule C
Financial services		Schedule C
• Building	1 space for each 275 sq. ft.	
• Drive-in service	8 queue spaces for each service lane	
• ATM (drive-up)	2 queue spaces for each service lane	
• ATM (walk-up)	None	
Food preparation	Schedule A	Schedule C
Food sales	1 space for each 275 sq. ft.	Schedule C
Funeral services	1 space for each 5 persons capacity	Schedule B
Furniture or carpet store	1 space for each 500 sq. ft.	Schedule C

**WORKING DRAFT SUBJECT TO CHANGE**

General retail sales and services (convenience or general)	1 space for each 275 sq. ft.	Schedule C
Hotel-motel	1.1 spaces for each room	Schedule C
• Other uses within hotel-motel	If not an accessory use, 80% of the parking otherwise required by this table for the use	
Indoor entertainment		Schedule C
• Meeting hall	1 space for each 50 sq. ft.	
• Dance halls with liquor sales	See cocktail lounge	
• Theater (live or motion picture)	1 space for each 4 seats within auditorium	
Indoor sports and recreation (except billiard parlor or bowling alley)	1 space for each 500 sq. ft.	Schedule B
• Billiard Parlor	1 space for each 100 sq. ft.	
• Bowling Alley	1 space for each 275 sq. ft.	
Kennels	1 space for each 1,000 sq. ft.	Schedule B
Laundry services	Schedule A	Schedule C
Liquor sales	1 space for each 275 sq. ft.	Schedule C
Marina	0.7 spaces for each boat slip	None
Medical offices		Schedule C
• Free-standing medical clinic or office or a limited hospital facility	1 space for each 200 sq. ft.	
• Within a shopping center or mixed use building	1 space for each 275 sq. ft.	
Monument retail sales	Schedule A	Schedule C
Outdoor entertainment Outdoor sports and recreation	Schedule B	Schedule B
Pawn shop services Personal improvement services Personal services Pet services	1 space for each 275 sq. ft.	Schedule C
Pedicab storage & dispatch	Schedule B	Schedule B
Plant nursery Printing and publishing Recreational equipment maintenance and storage Recreational equipment sales	Schedule A	Schedule C
Regional shopping mall	1 space for each 275 sq. ft.	Schedule C
Research services Research assembly services Research testing services	1 space for each 275 sq. ft.	Schedule C
Research warehousing services	Schedule A	Schedule C
Restaurant		Schedule C
• ≤2,500 sq. ft.	1 space for each 100 sq. ft.	
• >2,500 sq. ft.	1 space for each 75 sq. ft.	
• If no customer service or dining area is provided	1 space for each 275 sq. ft.	
Drive-in service	8 queue spaces for each service lane	
Scrap and salvage services	Schedule A	Schedule C

## WORKING DRAFT SUBJECT TO CHANGE

Service station		Schedule B
• Fuel sales	See Transportation Criteria Manual Section 9.4.5	
• Lubrication service	1 parking space for each bay and 3 queue spaces for each bay	
Software development	1 space for each 275 sq. ft.	Schedule C
Special use historic	The parking required for the use by this table	Schedule B
Stables	Schedule B	Schedule B
Vehicle storage	None	None
Veterinary services	1 space for each 500 sq. ft.	Schedule B
<b>Industrial Uses</b>		
Basic industry	Schedule A	Schedule C
Custom manufacturing		
General warehousing and distribution		
Light manufacturing		
Limited warehousing and distribution		
Recycling center		
<b>Civic Uses</b>		
Administrative services	1 space for each 275 sq. ft.	Schedule C
<a href="#">Adult care services (commercial, general, or limited)</a>	<a href="#">1 space for each employee</a>	<a href="#">Schedule B</a>
Aviation facilities Camp Cemetery	Schedule B	Schedule B
Club or lodge	1 space for each 5 persons capacity	Schedule B
College and university facilities		Schedule B
• Dorm or other residence	1 space for each 2 residents	
• Gymnasium or classroom	1 space for each 500 sq. ft.	
• Administrative or office	1 space for each 275 sq. ft.	
Communication service facilities	Schedule A	Schedule C
Community events Community recreation (private or public)	Schedule B	Schedule B
Congregate living Convalescent services	1 space for each 4 beds, plus 1 space for each 2 employees (largest shift)	Schedule C
Convention center Counseling services	Schedule B	Schedule B
Cultural services	1 space for each 500 sq. ft.	Schedule B
<a href="#">Child[Day] care services (commercial, general, or limited)</a>	1 space for each employee	Schedule B
Detention facilities	Schedule B	Schedule B
Family home	2 spaces for each dwelling unit	None
Group home	Schedule B	None
Guidance services		Schedule B
• Residential	1 space for each 4 beds	
• Nonresidential	1 space for each 275 sq. ft.	

## WORKING DRAFT SUBJECT TO CHANGE

Hospital service (general)	1 space for each 4 beds, plus 1 space for each 2 employees (largest shift)	Schedule C
Hospital services (limited)	1 space for each 200 sq. ft.	Schedule C
Local utility services	Schedule B	Schedule B
Maintenance and service facilities Major utility facilities	Schedule A	Schedule B
Military installations Park and recreation services	Schedule B	Schedule B
Postal facilities	Schedule B	Schedule C
Public assembly	1 space for each 5 persons capacity	Schedule B
Public or private primary educational facilities	1.5 spaces for each staff member	Schedule B
Public or private secondary educational facilities	1.5 spaces for each staff member plus 1 space for each 3 students enrolled in 11th and 12th grades	Schedule B
Qualified community garden Railroad facilities	Schedule B	Schedule B
Religious assembly		Schedule B
• Within mixed use shopping center or building	1 space for each 275 sq. ft.	
• Stand-alone	Schedule B	
Residential treatment	1 space for each 4 residents	Schedule B
Safety services Telecommunication tower	Schedule B	Schedule B
Transitional housing	1 space for each 4 beds, plus 1 space for each 2 employees (largest shift)	Schedule C
Transportation terminals	Schedule B	Schedule B
<b>Agricultural Uses</b>		
Animal production Crop production	None	None
Community garden	Schedule B	None
Horticulture Support housing Urban farm	Schedule B	None

### SCHEDULE A

The minimum off-street parking requirement for a use is the sum of the parking requirements for the activities on the site, in accordance with the following table:

Activity	Requirement
Beer or ale sales for on-site consumption at a brewery	
<2,500 sq. ft.	1 space for each 275 sq. ft.
2,500—10,000 sq. ft.	1 space for each 100 sq. ft.
>10,000 sq. ft.	1 space for each 50 sq. ft.
Office or administrative activity	1 space for each 275 sq. ft.
Indoor sales, service, or display	1 space for each 500 sq. ft.
Outdoor sales, services, or display	1 space for each 750 sq. ft.

## WORKING DRAFT SUBJECT TO CHANGE

Indoor storage, warehousing, equipment servicing, or manufacturing	1 space for each 1,000 sq. ft.
Outdoor storage, equipment servicing, or manufacturing	1 space for each 2,000 sq. ft.
Commercial off-street parking requires one bike parking space for every 10 motor vehicle parking spaces.	

### SCHEDULE B

The director shall determine the ~~[minimum off-street motor vehicle parking requirement,]~~ minimum off-street bicycle parking requirement~~[,]~~ and minimum off-street loading requirement for a use that is subject to this schedule. In making a determination, the director shall consider the requirements applicable to similar uses, the location and characteristics of the use, and appropriate traffic engineering and planning data. A minimum of one bicycle parking space shall be provided for any use except Single-Family residential or Two-Family residential.

### SCHEDULE C Off-Street Loading Requirement

Square Feet of Floor Area	Minimum Number Of Off-Street Loading Spaces
0—10,000	0
10,001—75,000	1
75,001—150,000	2
150,001—300,000	3
Over 300,000	1 for each 100,000

### PART 2 - BICYCLES

Use Classification	Minimum Off-Street Parking Requirement
Residential uses other than condominium residential or multifamily residential	None
Commercial uses:	
Carriage stable	
Scrap and salvage services	
Stable	
Vehicle storage	
Industrial uses:	
Resource extraction	
Stockyards	
Civic uses:	
Detention facilities	
Local utility services	
Agricultural uses	
Commercial uses:	2 spaces
Agricultural sales and services	
Automotive rentals	
Automotive repair services	
Automotive sales	
Automotive washing	
Building maintenance services	

**WORKING DRAFT SUBJECT TO CHANGE**

Campground	
Commercial off-street parking	
Convenience storage	
Equipment repair services	
Equipment sales	
Exterminating services	
Civic uses:	
Aviation facilities	
Cemetery	
Convalescent services	
Residential uses:	5 spaces or 5% of the motor vehicle spaces required by this appendix, whichever is greater
Condominium residential	
Multifamily residential	
Commercial uses not listed above	
Industrial uses not listed above	
Civic uses not listed above	

Source: Section 13-5-107; Ord. 990225-70; Ord. 990520-38; Ord. 000511-109; Ord. 000831-65; Ord. 010426-48; Ord. 020627-234; Ord. 031120-44; Ord. 031211-11; Ord. 040617-Z-1; Ord. 20110210-018; Ord. 20121108-057; Ord. 20130523-104; Ord. 20140417-082, Pt. 2, 4-28-14; Ord. No. 20151119-080, Pt. 3, 11-30-15 .



**HOUSING &  
PLANNING**

## Affordability Impact Statement

### Eliminate Parking Requirements

Case number: C20-2023-010

Initiated by: Resolution No. 20230504-022

Date: September 27, 2023

#### Proposed Regulation

The proposed amendments to the Land Development Code would remove minimum parking requirements from Titles 25 and 30 and modify language that references minimum parking requirements in those sections.

#### Land Use/Zoning Impacts on Housing Costs

☒ Positive ☐ Negative ☐ Neutral

Parking spaces occupy the developable area of a given parcel and add to its impervious cover, reducing its capacity to provide housing units.

Eliminating parking minimums will allow home builders to build less parking where appropriate and use more of a property for housing units or other land uses required in residential projects, such as onsite detention ponds.

#### Impact on Development Cost

☒ Positive ☐ Negative ☐ Neutral

Minimum parking requirements increase development costs, particularly when parking is provided through aboveground or subterranean parking structures. The Transportation and Public Works department estimates the cost of parking spaces at \$5,000 - \$10,000 per space in surface lots and \$20,000 - \$60,000 per space in parking structures, depending on the type of parking structure and number of spaces. This expense is reflected in the cost of housing; analysis from the Austin Strategic Housing Blueprint estimates that requiring one additional parking space per unit increases rent by up to \$200/month and reduces the amount of units developers can build on a parcel.



	<p>Eliminating parking minimums will reduce these costs and give developers greater flexibility in choosing building typologies, as well as in choosing to provide rental or for-sale units.</p>
<p><b>Impact on Affordable Housing</b></p>	<p><input checked="" type="checkbox"/> Positive <input type="checkbox"/> Negative <input type="checkbox"/> Neutral</p> <p><b>Market-rate housing</b></p> <p>Eliminating parking minimums will lower the cost of building housing. Parking minimums lower developer profit, which they often recuperate through increased rent/sale price. In the absence of minimum parking requirements, developers can more easily achieve their desired profits and charge lower market rents when compared to current regulatory conditions.</p> <p><b>Income-restricted housing</b></p> <p>Eliminating parking minimums will also lower the cost of building income-restricted housing. This will result in a greater unit yield of income-restricted housing relative to what is possible under current conditions.</p> <p><b>Naturally Occurring Affordable Housing (NOAH)</b></p> <p>Code amendments that increase development capacity relative to current conditions can increase development pressure on naturally occurring affordable housing (NOAH). NOAH is housing without any government subsidies or interventions, affordable to low and moderate-income individuals and families due to market forces, location, age, or condition. The Austin Strategic Housing Blueprint identified both preservation and increasing supply as vital components of a holistic approach to affordable housing. Staff will continue monitoring the relationship between code amendments that will increase supply and Austin's stock of existing market-rate affordable housing.</p> <p><b>Note on development bonus programs</b></p>

	<p>Several incentive programs, including Affordability Unlocked, already provide relaxed parking requirements as a bonus. Parking is one bonus out of several in each of these programs. As a result, it is unlikely that these programs' usage rates withdraw as a result of the proposed code change. Incentive programs that do not offer parking reductions as a bonus will also benefit from the proposed code change.</p>
<p><b>City Policies Implemented</b> (e.g. <i>Imagine Austin, Housing Blueprint, SD23</i>)</p>	<p>The proposal aligns with the Parking section of the Austin Strategic Mobility Plan, the Austin Strategic Housing Blueprint (Comprehensive Parking Reform, Preserve and Create Ownership Options for Households at 80% to 120% MFI).</p>
<p><b>Other Policy Considerations</b></p>	<p>Black households have the lowest rates of automobile access in the United States. Consequently, parking minimums functionally require Black households to subsidize parking for other households. Eliminating parking minimums would mitigate this inequity in future development.</p> <p>Americans Disabled for Attendant Programs Today (ADAPT) reviewed the proposed code amendment and found that it would lead to no change or a positive change in the amount of accessible parking spaces required.</p>
<p>Manager's Signature <u>Marla Torrado</u></p>	