

ORDINANCE NO.

**AN ORDINANCE AMENDING CHAPTER 25-2 OF THE CITY CODE TO
CREATE A NEW ZONING DISTRICT AND NEW DENSITY BONUS
PROGRAM DISTRICT RELATING TO EQUITABLE-TRANSIT ORIENTED
DEVELOPMENT AND REZONING AND CHANGING THE ZONING MAP TO
INCLUDE EQUITABLE TRANSIT-ORIENTED DEVELOPMENT (ETOD)
COMBINING DISTRICT AND DENSITY BONUS ETOD (DBETOD)
COMBINING DISTRICT TO THE BASE ZONING DISTRICT FOR PROPERTY
WITHIN A CERTAIN DISTANCE ALONG NORTH LAMAR BOULEVARD,
GUADALUPE STREET, SOUTH CONGRESS AVENUE, AND LOCATED
SOUTH OF U.S. HWY 183 AND NORTH OF LIGHTSEY ROAD/WOODWARD
STREET.**

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

PART 1. Subsection (F) of City Code Section 25-2-32 (*Zoning Districts and Map Codes*) is amended to delete “corridor overlay” and to add a new combining district that reads as follows:

(F) Combining districts and map codes are as follows:

(22) Equitable Transit-Oriented DevelopmentETOD

(23) density bonus ETOD DBETOD

PART 2. Division 6, Article 2, Subchapter A of City Code Chapter 25-2 (Zoning) is amended to add a new Section 25-2-182 to read:

**§ 25-2-182 EQUITABLE TRANSIT-ORIENTED DEVELOPMENT (ETOD)
COMBINING DISTRICT PURPOSE AND BOUNDARIES.**

(A) The purpose of the Equitable Transit-Oriented Development (ETOD) combining district is to enhance transit-supportive uses, encourage more intentional and equitable land stewardship with increased bicycle, pedestrian, and transit connectivity, housing options and opportunities, public realm activation, and new economic opportunities near public transit.

(B) The boundaries of the ETOD district are identified in **Exhibit “A”** (*ETOD Boundaries*) and shall be incorporated into Chapter 25-2 (Appendix G).

PART 3. Division 6, Article 3, Subchapter C of City Code Chapter 25-2 (Zoning) is amended to add a new Section 25-2-653 to read:

**§ 25-2-653 EQUITABLE TRANSIT-ORIENTED DEVELOPMENT (ETOD)
COMBINING DISTRICT REGULATIONS.**

(A) This section applies to a property with ETOD zoning.

(B) This section governs over a conflicting provision of this title or other ordinance unless the conflicting provision is more restrictive.

(C) An ETOD combining district may not be combined with any of the following zoning districts:

Lake Austin residence (LA)

rural residence (RR)

single-family residence large lot (SF-1)

single-family residence standard lot (SF-2)

family residence (SF-3)

single-family residence small lot (SF-4A)

single-family residence condominium site (SF-4B)

urban family residence (SF-5)

townhouse and condominium residence (SF-6)

mobile home residence (MH)

development reserve (DR)

aviation services (AV)

planned unit development (PUD)

public (P)

transit oriented development (TOD)

planned development area (PDA)

South Central Waterfront (SCW)

(D) The following uses are prohibited uses on a property with ETOD zoning:

COMMERCIAL USES:

Automotive Sales
Agricultural Sale and Services
Automotive Rentals
Automotive Repair Services
Building Maintenance Services
Campground
Carriage Stable
Convenience Storage
Drop-off Recycling Collection Facility
Electronic Prototype Assembly
Electronic Testing
Equipment Repair Services
Equipment Sales
Exterminating Services
Funeral Services
Marina
Recreational Equipment Maintenance & Storage
Recreational Equipment Sales
Research Assembly Services
Research Testing Services
Research Warehousing Services
Scrap and Salvage
Service Station
Stables
Vehicle Storage

INDUSTRIAL USES:

Basic Industry
General Warehousing and
Distribution
Limited Warehousing and
Distribution
Recycling Center
Resource Extraction

AGRICULTURAL USES:

Animal Production
Crop Production
Horticulture
Indoor Crop Production

(E) A use described in this subsection is a conditional use on a property if the use is permitted by the zoning that applies to the property.

COMMERCIAL USES:

Alternative Financial Services

INDUSTRIAL USES:

Automotive Washing
Bail Bond Services
Commercial Blood Plasma Center
Commercial Off-Street Parking
Communications Services
Construction Sales and Services
Electric Vehicle Charging
Kennels
Monument Retail Sales
Off-Site Accessory Parking
Pawn Shop Services
Pedicab Storage and Dispatch
Special Use Historic

Custom Manufacturing
Light Manufacturing

PART 4. Section 25-2-181 (*Density Bonus Combining District Purpose*) of City Code is amended to add a new Subsection (C) to read:

§ 25-2-181 DENSITY BONUS COMBINING DISTRICT PURPOSE.

- (A) Density bonus (DB) combining districts authorize a particular property to participate in a voluntary density bonus or incentive program that provides modifications to development regulations or other regulatory-related benefits in exchange for community benefits.
- (B) DB90 Combining District allows residential uses on sites with certain commercial base zoning districts, modifies compatibility requirements, and grants additional height in exchange for income-restricted housing.
- (C) DBETOD Combining District allows residential uses, preserves certain existing residential and non-residential uses, modifies compatibility standards and site development regulations, and grants additional building height in exchange for income-restricted housing.

PART 5. Division 6, Article 3, Subchapter C of City Code Chapter 25-2 (*Zoning*) is amended to add a new Section 25-2-654 to read:

§ 25-2-654 DENSITY BONUS ETOD (DBETOD) COMBINING DISTRICT REGULATIONS.

- (A) This section applies to a property with DBETOD zoning.

- (B) This section governs over a conflicting provision of this title or other ordinance unless the conflicting provision is less restrictive.
- (C) To utilize the regulations described in Subsection (G) and (H), the site's zoning must include DBETOD and applicant must comply with Subsections (E) and (F).
- (D) Density bonus ETOD (DBETOD) combining district may only be combined with Equitable Transit-Oriented Development (ETOD) combining district.
- (E) Affordability Requirements – Dwelling Units.
- (1) Affordability Minimums - Ownership Units. If an applicant develops dwelling units for sale, this subdivision applies.
- (a) A development must provide a minimum of 12 percent of the residential units as affordable for ownership and occupancy by households earning 80 percent or less of the current Austin-Round Rock Metropolitan Statistical Area Median Family Income as determined by the Director of the Housing Department.
- (b) An applicant for a proposed owner-occupied housing development may elect to meet the affordability requirement without providing income-restricted units onsite by paying a fee in-lieu to the Housing Trust Fund. At a minimum the fee-in-lieu shall be equivalent to the required percentage of the total residential units, including the mix of bedrooms required, at the rate set in the fee schedule at the time of final site plan submission.
- (2) Affordability Minimums - Rental Units. If an applicant develops dwelling units for lease, this subdivision applies.
- (a) A minimum of 15 percent of the residential units as affordable for lease and occupancy by households earning 60 percent or less of the current Austin-Round Rock Metropolitan Statistical Area Median Family Income as determined by the Housing Director; or
- (b) A minimum of 12 percent of the residential units as affordable for lease and occupancy by households earning 50 percent or less of the current Austin-Round Rock Metropolitan Statistical Area Median Family Income as determined by the Housing Director.

(F) Existing Non-Residential Spaces.

(1) In this subsection,

- (a) CREATIVE SPACE means a use described in Chapter 25-2 (*Zoning*) that allows one or more of the following occupancies:
 - (i) art gallery;
 - (ii) art workshop;
 - (iii) performance venue; or
 - (iv) theater.
- (b) EXISTING NON-RESIDENTIAL SPACE means a:
 - (i) adult care services use (general or limited) that has operated for a minimum of 12 continuous months
 - (ii) childcare services use (general or limited) that has operated for a minimum of 12 continuous months;
 - (iv) cocktail lounge use that has operated for a minimum of 12 continuous months;
 - (ii) counseling services use that has operated for a minimum of 10 consecutive years with a gross floor area of 5,000 square feet or less;
 - (iii) creative space use that has operated for a minimum of 12 continuous months;
 - (iv) food sales use that has operated for a minimum of 12 continuous months with a gross floor area of 40,000 square feet or less;
 - (v) medical office use that has operated for a minimum of 10 consecutive years with a gross floor area of 5,000 square feet or less;

- (vi) personal improvement services use that has operated for a minimum of 12 continuous months; or
- (vii) small format use that has operated for a minimum of five continuous years with a gross floor area of 10,000 square feet or less.
- (c) SMALL FORMAT USE means a use described in Chapter 25-2 (*Zoning*) that allows one or more of the following occupancies:
 - (i) custom manufacturing;
 - (ii) general retail sales;
 - (iii) personal services;
 - (iv) pet services;
 - (v) restaurant (general or limited); or
 - (vi) veterinary services.
- (2) If a site includes an existing non-residential use, the proposed development must replace each existing non-residential space for a period of 10 years with a space that is comparable in size.
- (3) This subsection establishes an existing non-residential use subject to Division 2 (*Redevelopment Requirements*), Article 2 of City Code Chapter 4-18.
- (4) A non-conforming use is not discontinued if the non-conforming use qualifies as an existing non-residential space and is required to be replaced under this subsection.
- (G) Development Standards and Mixed Use.
 - (1) The following uses are permitted on a property with DBETOD zoning:
 - (a) uses that are permitted in the zoning that applies to the property;
 - (b) a use not prohibited by ETOD combining district; and

(c) residential uses.

(2) A development must comply with Article 2 (*Site Development Standards*) and Article 3 (*Building Design Standards*) in Subchapter E (*Design Standards and Mixed Use*) of Chapter 25-2 except when those provisions conflict with this section.

(3) Except as modified by this section, a site with a residential base zoning district shall follow development standards applicable to the site's residential base zoning district and the residential use.

(4) Mix of Uses

(a) This subdivision does not apply to a property with a residential base zoning district.

(b) In this subdivision, PRINCIPAL STREET has the same meaning as principal street in and is applied consistent with Article 5 (*Definitions*) of Subchapter E (*Design Standards and Mixed Use*).

(c) Pedestrian-Oriented Commercial Spaces. When a site abuts a principal street, 75 percent of the ground floor of the building must contain one or more commercial uses and must comply with the dimensional requirements found in Section 4.3.3.C in Subchapter E (*Design Standards and Mixed Use*) of this chapter.

(d) If a building includes a mix of uses, a non-residential use:

(i) may not be located above a residential use; and

(ii) may not be located on or above the third story of the building.

(e) An on-site amenity is a residential use when provided solely for use by the occupant, or the occupant's guests.

(f) The ordinance zoning or rezoning a site as DBETOD may modify the requirements in Subdivision (4)(c).

(5) A building may exceed the maximum building height in the base zoning district by a maximum of 60 feet except that no building may exceed 120 feet in height.

- (6) A site is not required to comply with the base zoning district's:
- (a) minimum site area requirements (if applicable);
 - (b) maximum floor area ratio;
 - (c) maximum building coverage
 - (d) maximum number of stories;
 - (e) minimum street side yard setback and interior yard setback; and
 - (f) 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.
- (7) Section 1.4 (*Minor Modifications*) and Section 1.5 (*Alternative Equivalent Compliance*) in Subchapter E (*Design Standards and Mixed Use*) of this chapter apply to a site developed under this section.

(H) Compatibility Requirements.

- (1) A building is not required to comply with Article 10 (*Compatibility Standards*), Subchapter C.
- (2) In this subsection,
- (a) TRIGGERING PROPERTY means a site:
 - (i) with at least one dwelling unit but less than four dwelling units; and;
 - (ii) is zoned Urban Family Residence (SF-5) or more restrictive; and
 - (b) STRUCTURE includes a portion of a structure.
- (3) A structure that is located less than 50 feet from a triggering property may not exceed 90 feet.
- (4) Compatibility Buffer. A compatibility buffer is required along a site's

property line that is shared with a triggering property.

(a) The minimum width of a compatibility buffer is 25 feet.

(b) A compatibility buffer must comply with Section 25-8-700
(*Minimum Requirements for a Compatibility Buffer*).

(5) Exterior lighting must be hooded or shielded so that the light source is not visible from the site's property line that is shared with a triggering property.

(6) Mechanical equipment may not produce sound in excess of 70 decibels measured at the site's property line that is shared with a triggering property.

(7) A concrete slab used for a refuse receptacle may not be placed within 15 feet of triggering property.

(8) Except for a multi-use trail, an on-site amenity that is available only to residents and occupants of the site and their guests may not be located within 25 feet of a triggering property.

(9) Screening Requirements. Except when visible from or through a pedestrian or bicycle access point, the following objects may not be visible at the site's property line that is shared with a triggering property and shall be screened:

(a) vehicle lights from vehicles that use or are parked on a parking lot or in a parking structure located on the site;

(b) mechanical equipment;

(c) outdoor storage;

(d) refuse receptacles and collection areas; or

(e) common areas for amenities, including outdoor decks, patios, or pools.

(10) The screening required in Subdivision (9) may not impede pedestrian or bicycle access points.

- (I) To preserve reserved dwelling units and existing non-residential spaces, an applicant must comply with Article 2 (*Density Bonus and Incentive Programs*) of Chapter 4-18 before applying for a building permit or site plan that relies on the regulations described in Subsections (G) and (H).

PART 6. The zoning map established by Section 25-2-191 of the City Code is amended to include equitable transit-oriented development (ETOD) combining district and density bonus ETOD (DBETOD) to the base district as indicated in the Zoning Table for the property described in Zoning Case No. C14-2023-004, on file at the Planning Department, as follows:

Approximately 1,118 acres, being all of the property generally identified in the maps attached as **Exhibit “B-1”** through **Exhibit “B-13”** incorporated into this ordinance (the "Identified Properties")

Zoning Table:

From (Existing Zoning)	To (ETOD-DBETOD Zoning)
CBD	CBD-ETOD-DBETOD
CBD-CURE	CBD-CURE-ETOD-DBETOD
CBD-H	CBD-H-ETOD-DBETOD
CS	CS-ETOD-DBETOD
CS-1	CS-1-ETOD-DBETOD
CS-1-CO-NP	CS-1-ETOD-DBETOD-CO-NP
CS-1-H-NCCD-NP	CS-1-H-ETOD-DBETOD-NCCD-NP
CS-1-MU-CO-NP	CS-1-MU-ETOD-DBETOD-CO-NP
CS-1-MU-NCCD-NP	CS-1-MU-ETOD-DBETOD-NCCD-NP
CS-1-MU-V-CO-NP	CS-1-MU-V-ETOD-DBETOD-CO-NP
CS-1-MU-V-NCCD-NP	CS-1-MU-V-ETOD-DBETOD-NCCD-NP
CS-1-MU-V-NP	CS-1-MU-V-ETOD-DBETOD-NP
CS-1-NCCD-NP	CS-1-ETOD-DBETOD-NCCD-NP
CS-1-NP	CS-1-ETOD-DBETOD-NP
CS-1-V	CS-1-V-ETOD-DBETOD
CS-1-V-CO-NCCD-NP	CS-1-V-ETOD-DBETOD-CO-NCCD-NP
CS-1-V-CO-NP	CS-1-V-ETOD-DBETOD-CO-NP
CS-1-V-H-CO-NCCD-NP	CS-1-V-H-ETOD-DBETOD-CO-NCCD-NP
CS-1-V-MU-CO-NP	CS-1-V-MU-ETOD-DBETOD-CO-NP

CS-1-V-NCCD-NP	CS-1-V-ETOD-DBETOD-NCCD-NP
CS-1-V-NP	CS-1-V-ETOD-DBETOD-NP
CS-CO	CS-ETOD-DBETOD-CO
CS-CO-NCCD-NP	CS-ETOD-DBETOD-CO-NCCD-NP
CS-CO-NP	CS-ETOD-DBETOD-CO-NP
CS-CO-V-NP	CS-V-ETOD-DBETOD-CO-NP
CS-H-CO-NP	CS-H-ETOD-DBETOD-CO-NP
CS-HD-NCCD-NP	CS-HD-ETOD-DBETOD-NCCD-NP
CS-H-HD-NCCD-NP	CS-H-HD-ETOD-DBETOD-NCCD-NP
CS-MU-CO	CS-MU-ETOD-DBETOD-CO
CS-MU-CO-NP	CS-MU-ETOD-DBETOD-CO-NP
CS-MU-H-CO-NP	CS-MU-H-ETOD-DBETOD-CO-NP
CS-MU-NCCD-NP	CS-MU-ETOD-DBETOD-NCCD-NP
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CS-MU-V-NP	CS-MU-V-ETOD-DBETOD-NP
CS-NCCD-NP	CS-ETOD-DBETOD-NCCD-NP
CS-NP	CS-ETOD-DBETOD-NP
CS-V	CS-V-ETOD-DBETOD
CS-V-CO-NP	CS-V-ETOD-DBETOD-CO-NP
CS-V-NCCD-NP	CS-V-ETOD-DBETOD-NCCD-NP
CS-V-NP	CS-V-ETOD-DBETOD-NP
DMU	DMU-ETOD-DBETOD
DMU-CO	DMU-ETOD-DBETOD-CO
DMU-H	DMU-H-ETOD-DBETOD
DMU-H-CO	DMU-H-ETOD-DBETOD-CO
GO	GO-ETOD-DBETOD
GO-CO-NP	GO-ETOD-DBETOD-CO-NP
GO-H	GO-H-ETOD-DBETOD
GO-H-NCCD-NP	GO-H-ETOD-DBETOD-NCCD-NP
GO-MU	GO-MU-ETOD-DBETOD
GO-MU-CO	GO-MU-ETOD-DBETOD-CO
GO-MU-CO-NP	GO-MU-ETOD-DBETOD-CO-NP
GO-MU-H	GO-MU-H-ETOD-DBETOD

GO-MU-H-CO	GO-MU-H-ETOD-DBETOD-CO
GO-MU-NP	GO-MU-ETOD-DBETOD-NP
GO-MU-V-NP	GO-MU-V-ETOD-DBETOD-NP
GO-NCCD-NP	GO-ETOD-DBETOD-NCCD-NP
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GR-CO-NP	GR-ETOD-DBETOD-CO-NP
GR-HD-H-NCCD-NP	GR-HD-H-ETOD-DBETOD-NCCD-NP
GR-HD-NCCD-NP	GR-HD-ETOD-DBETOD-NCCD-NP

GR-MU-CO-NP	GR-MU-ETOD-DBETOD-CO-NP
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GR-MU-V-CO-NP	GR-MU-V-ETOD-DBETOD-CO-NP
GR-MU-V-NP	GR-MU-V-ETOD-DBETOD-NP
GR-NCCD-NP	GR-ETOD-DBETOD-NCCD-NP
GR-NP	GR-ETOD-DBETOD-NP
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GR-V-CO-NCCD-NP	GR-V-ETOD-DBETOD-CO-NCCD-NP
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LO	LO-ETOD-DBETOD
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LO-H	LO-H-ETOD-DBETOD
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LO-H-NCCD-NP	LO-H-ETOD-DBETOD-NCCD-NP
LO-H-NP	LO-H-ETOD-DBETOD-NP
LO-MU	LO-MU-ETOD-DBETOD

LO-MU-CO	LO-MU-ETOD-DBETOD-CO
LO-MU-CO-NP	LO-MU-ETOD-DBETOD-CO-NP
LO-MU-NP	LO-MU-ETOD-DBETOD-NP
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LO-NCCD-NP	LO-ETOD-DBETOD-NCCD-NP
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LO-V-CO	LO-V-ETOD-DBETOD-CO
LO-V-HD-NCCD-NP	LO-V-HD-ETOD-DBETOD-NCCD-NP
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LO-V-NP	LO-V-ETOD-DBETOD-NP
LR	LR-ETOD-DBETOD
LR-CO	LR-ETOD-DBETOD-CO
LR-CO-NP	LR-ETOD-DBETOD-CO-NP
LR-H	LR-H-ETOD-DBETOD
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LR-MU-HD-NCCD-NP	LR-MU-HD-ETOD-DBETOD-NCCD-NP
LR-MU-NP	LR-MU-ETOD-DBETOD-NP
LR-MU-V-HD-NCCD-NP	LR-MU-V-HD-ETOD-DBETOD-NCCD-NP
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LR-NP	LR-ETOD-DBETOD-NP
LR-V	LR-V-ETOD-DBETOD
LR-V-CO-NP	LR-V-ETOD-DBETOD-CO-NP
MF-1-CO-NP	MF-1-ETOD-DBETOD-CO-NP
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MF-1-NCCD	MF-1-ETOD-DBETOD-NCCD
MF-1-NCCD-NP	MF-1-ETOD-DBETOD-NCCD-NP
MF-1-NP	MF-1-ETOD-DBETOD-NP
MF-2	MF-2-ETOD-DBETOD
MF-2-CO-NP	MF-2-ETOD-DBETOD-CO-NP
MF-2-HD-NCCD-NP	MF-2-HD-ETOD-DBETOD-NCCD-NP

MF-2-H-HD-NCCD-NP	MF-2-H-HD-ETOD-DBETOD-NCCD-NP
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MF-2-NP	MF-2-ETOD-DBETOD-NP
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MF-4-H	MF-4-H-ETOD-DBETOD
MF-4-HD-NCCD-NP	MF-4-HD-ETOD-DBETOD-NCCD-NP
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MF-5	MF-5-ETOD-DBETOD
MF-5-H	MF-5-H-ETOD-DBETOD
MF-5-NCCD-NP	MF-5-ETOD-DBETOD-NCCD-NP
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MF-6-CO	MF-6-ETOD-DBETOD-CO
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MF-6-NCCD-NP	MF-6-ETOD-DBETOD-NCCD-NP
NO-H-CO	NO-H-ETOD-DBETOD-CO
NO-H-HD-NCCD-NP	NO-H-HD-ETOD-DBETOD-NCCD-NP
NO-H-NCCD-NP	NO-H-ETOD-DBETOD-NCCD-NP
NO-MU	NO-MU-ETOD-DBETOD
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NO-MU-NP	NO-MU-ETOD-DBETOD-NP
NO-MU-V-NP	NO-MU-V-ETOD-DBETOD-NP
NO-NCCD-NP	NO-ETOD-DBETOD-NCCD-NP
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NO-V-NCCD-NP	NO-V-ETOD-DBETOD-NCCD-NP

EXHIBIT "A"

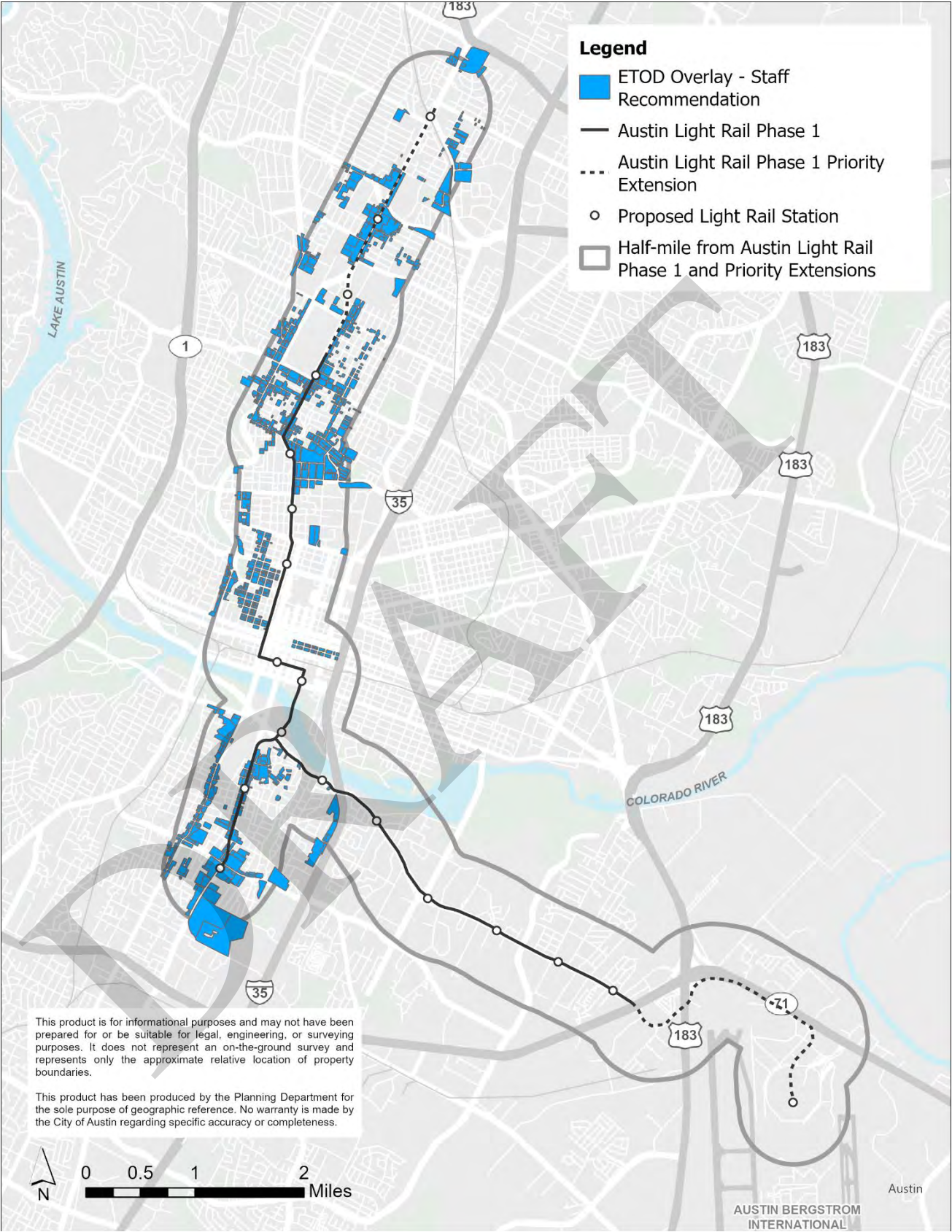


Figure 1: Parcels Proposed for Rezoning into the ETOD and DBETOD Combining Districts



CASE#: C20-2023-004

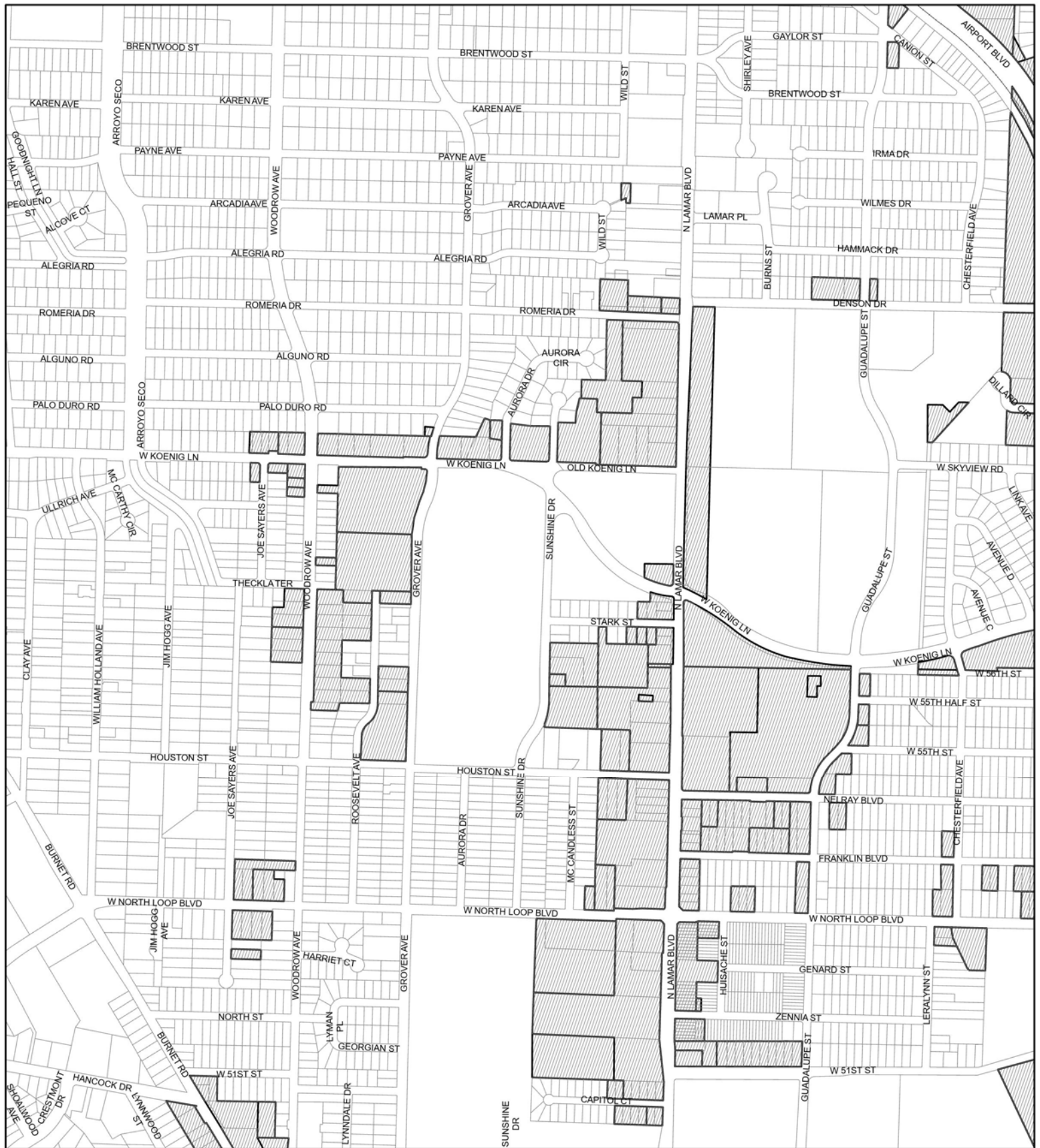
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0 250 500 Feet



SUBJECT TRACT

CODE AMENDMENT AND REZONING

CASE#: C20-2023-004

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EXHIBIT "B-3"



SUBJECT TRACT

CODE AMENDMENT AND REZONING

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SUBJECT TRACT

CODE AMENDMENT AND REZONING

CASE#: C20-2023-004

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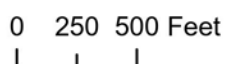


0 250 500 Feet





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SUBJECT TRACT

CODE AMENDMENT AND REZONING

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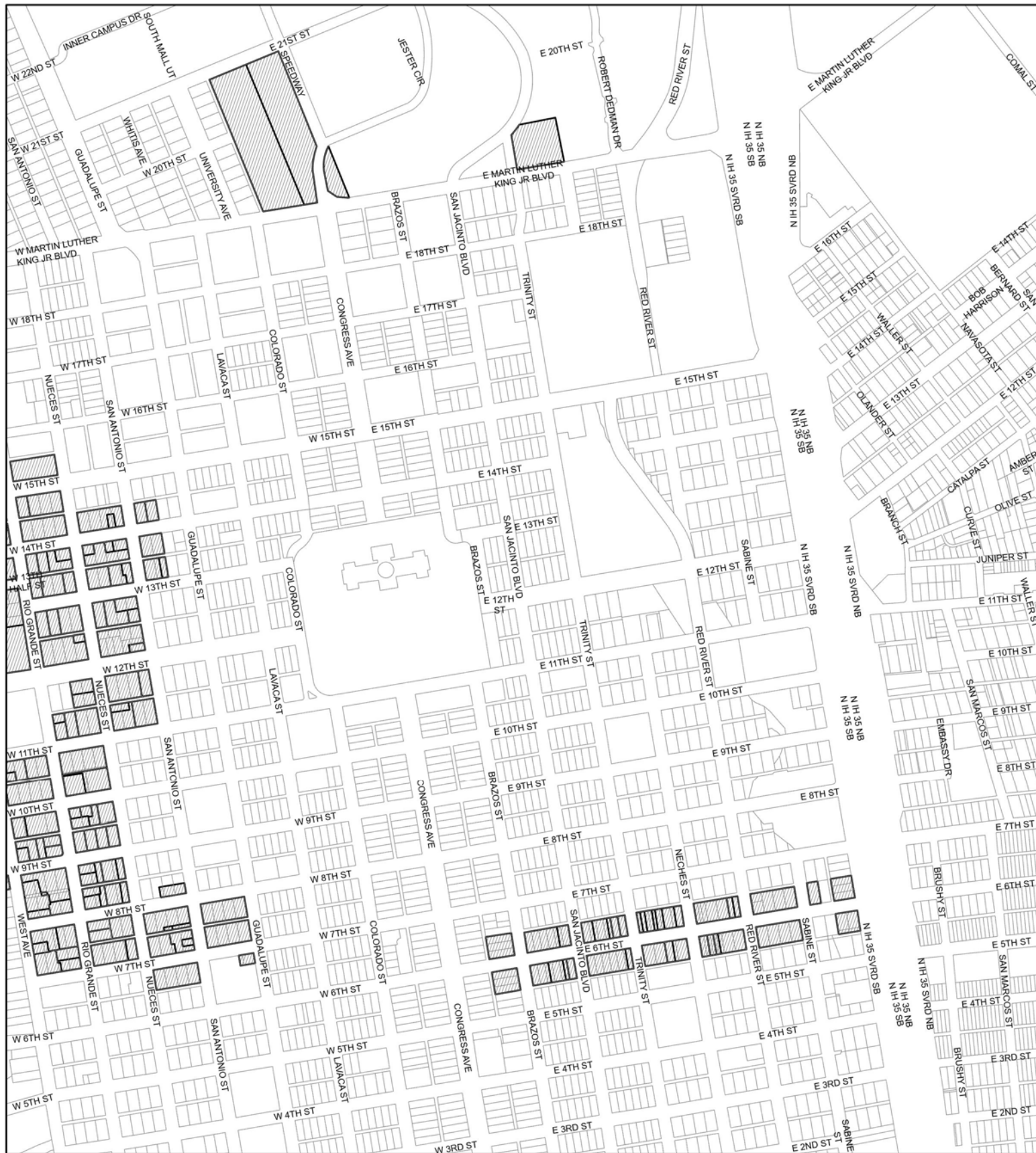


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