

1.3.3. Standards Applicable During Building Permit Review

The standards contained in the following sections of this Document shall be applied in the normal review process for building permits as set forth in Chapter 25-11 of the Austin Code:

- A.** Section 4.6, Exterior Lighting (for fixtures affixed to buildings);
- B.** Section 4.7, Screening of Equipment and Utilities (for fixtures affixed to buildings);
- C.** Section 4.8, Sign Regulations; and
- D.** Article 5, Building Design Standards.

In addition to meeting the review criteria specified in Chapter 25-11, each building permit application shall evidence compliance with the standards listed above.

1.3.4. Exemption from Preliminary Plan Requirements

LDC §25-4-62 – Expiration of Approved Preliminary Plan is modified as set forth in this Section 1.3.4

- A. This section applies to a Preliminary Plan consisting of 50 acres or more, including existing unexpired Preliminary Plan consisting of 50 acres or more.
- B. Except as provided in Subsection (C), the expiration date of an approved Preliminary Plan is 10 years.
- C. The director of the Development Services Department may extend an approved Preliminary Plan so that the Preliminary Plan expires at 15 years instead of 10 years.

1.4. ALTERNATIVE EQUIVALENT COMPLIANCE

1.4.1. Purpose and Scope

To encourage creative and original design, and to accommodate projects where the particular site conditions or the proposed use prevent strict compliance with this Document, alternative equivalent compliance allows development to occur in a manner that meets the intent of this Document, yet through an alternative design that does not strictly adhere to the Document's standards. The procedure is intended to be used for relief from a specific design standard or standards, and it is not a general waiver of regulations.

1.4.2. Applicability

The alternative equivalent compliance procedure shall be available only for the following sections of this Document:

- A.** Section 3.3 - Sidewalk Standards;
- B.** Section 3.4 - On-Street Parking;
- C.** Section 3.5 Connectivity and Circulation;
- D.** Section 4.3 - Relationship of Buildings to Streets and Walkways;
- E.** Section 4.4 - Off-Street Vehicular and Bicycle Parking;
- F.** Section 4.5 - Drive-through Facility Standards;
- G.** Section 4.6 - Exterior Lighting;
- H.** Section 4.7 - Screening of Equipment and Utilities;
- I.** Section 4.8 - Sign Regulations;

J. Section 4.9 - Private Common Open Space and Pedestrian Amenities; and

K. Article 5 - Building Design Standards.

1.4.3. Procedure

The applicant may select at his or her discretion whether to seek an informal recommendation or a formal approval on a proposal for alternative compliance.

A. Option One: Informal Recommendation

1. Pre-Application Conference Required

If an applicant desires only an informal response and recommendation as to a proposal for alternative compliance, he or she shall request and attend a pre-application conference prior to submitting the site plan and/or building permit application for the development. At the conference, the applicant shall provide a written summary of the project and the proposed alternative compliance, and the Director, in coordination with the Urban Design Division of the Neighborhood Planning and Zoning Department, shall offer an informal, non-binding response and recommendation regarding the appropriateness of the proposed alternative. Based on that response, the applicant may prepare a site plan and/or building permit application that proposes alternative compliance, and such application shall include sufficient explanation and justification, in both written and graphic form, for the alternative compliance requested.

2. Decision-Making Responsibility

Final approval of any alternative compliance proposed under this section shall be the responsibility of the decision-making body responsible for deciding upon the application. The final decision-making body for site plans is the either the Director or the appropriate Land Use Commission, as specified in Chapter 25-5, and the building official for building permits.

B. Option Two: Formal Decision

1. Pre-Application Conference

If an applicant desires formal approval of a proposal for alternative compliance, he or she shall request and attend a pre-application conference prior to submitting the site plan and/or building permit application for the development.

2. Alternative Compliance Concept Plan Required

At least ten days prior to the pre-application conference, the applicant shall submit an alternative compliance concept plan application to the Director, which shall include:

- a.** A written description of and justification for the proposed alternative method of compliance, specifically addressing the criteria in Subsection 1.4.4; and
- b.** A concept plan that describes and illustrates, in written and graphic format, the intended locations and quantities of proposed buildings on the site, the layout of proposed vehicle and pedestrian access and circulation systems, and areas designated to meet requirements for open space, parking, on-site amenities,