

A RECOMMENDATION TO ALLOW SOME COMMERCIAL USES IN RESIDENTIAL ZONES

WHEREAS current City of Austin land use separates residential homes from commercial uses, making it difficult for individuals to access services without the use of an automobile; and

WHEREAS single family homes are traditionally an attractive option for families, including members that may not own or be able to drive; and

WHEREAS a majority of Austin’s residential neighborhoods were built after 1960 and therefore were not designed on a walkable, grid pattern; and

WHEREAS some of Austin’s most beloved, central neighborhoods (i.e., Clarksville, Hyde Park, Crestview, Bouldin) offer historic and replicable examples of how a mix of housing types and commercial uses can be compatible with neighborhood life and encourage walkability; and

WHEREAS auto-centric development patterns don’t support the same kind of social interactions, neighborhood cohesion or safety via “eyes on the street” that walkable neighborhoods do; and

WHEREAS the City of Austin’s Strategic Mobility Plan has identified a 50/50 mode split goal by 2039 and many personal trips are within 2.5 miles of the home, which is beyond the reach of walking; and

WHEREAS walking or riding a bicycle on major arterial roads is an uncomfortable or unsafe option for many residents – particularly the young, those living with disabilities, and older adults; and

WHEREAS many residents cannot access medical, counseling, pet, convenience or personal improvement services – services that support aging in place – without the support of a driver at personal expense or the support of social services; and

WHEREAS many parts of the city of Austin include grocery store deserts, transit deserts and medical services deserts – with no current hospital operating east of IH-35; and

WHEREAS we eliminated parking minimums across the city of Austin in order to, among other goals, allow more affordable housing to be within walking distance to small scale commercial businesses; and

WHEREAS the Imagine Austin Plan included several stated livability objectives, including:

- Promote a compact and connected city,
- Development occurring in connected and pedestrian-friendly patterns supporting transit and urban lifestyles and reducing sprawl, while protecting and enhancing neighborhoods,
- Development occurring across the city in a manner friendly to families with children, seniors, and individuals with disabilities,
- Austin’s unique character and local businesses being recognized as a vital part of our community,

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- Clear guidelines supporting both quality development and preservation that sustain and improve Austin’s character and provide certainty for residents and the business community,
- Austin’s diverse population being active and healthy, with access to locally-grown, nourishing foods, and affordable healthcare; and

WHEREAS drive-thru services are not a good fit for residential neighborhoods due to the noise pollution and increased automobile traffic they bring. And for the purposes of this proposal, “drive-thru services” are defined as any business operation that provides goods or services to customers while they remain in their vehicles, including, but not limited to, ordering, payment, or product/service delivery mechanisms accessible via a drive-thru lane or window; and

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WHEREAS the City of Austin has already approved “Day Care Services (General)”, “Day Care Services (Limited)”; “Adult Care Services (General)”, “Adult Care Services (Limited)”, “Child Care Services (General)”, and “Child Care Services (Limited)” to the list of allowable uses in all SF zoning categories; and

THEREFORE BE IT RESOLVED that the following commercial uses be added to the list of ALLOWABLE uses in all ~~SF and~~ MF zoning categories, all zoning categories using a PDA Combining District, and CONDITIONAL uses in all SF zoning categories; as long as they a) mitigate new automotive trips by employing transportation demand management (TDM) techniques outlined in the transportation criteria manual (TCM), and b) agree to an inspection every 3 years to confirm that the business is in compliance with its TDM plan or lose their Certificate of Occupancy until they are in compliance:

1. Counseling Services
2. Guidance Services
3. Medical Offices – —not exceeding 5,000 sq/ft of gross floor space
4. Consumer Repair Services;
5. Food Sales;
6. General Retail Sales (Convenience);
7. Personal Improvement Services
8. Personal Services
9. Pet Services
10. Restaurant (Limited)

THEREFORE BE IT FURTHER RESOLVED that the following uses be added to the list of CONDITIONAL uses in all SF and all MF zoning categories:

1. Art Gallery;
2. Consumer Convenience Services;
3. Restaurant (General),

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THEREFORE BE IT FURTHER RESOLVED that a) City of Austin staff develop transportation demand management (TDM) standards for businesses operating within this proposal to mitigate new automotive trips, and b) business operators agree to an inspection every 3 years to confirm that the business is in compliance with its TDM plan or lose its Certificate of Occupancy until it is in compliance.

THEREFORE BE IT FURTHER RESOLVED that all businesses operating within the jurisdiction of the city of Austin, shall conform to all applicable city, county, state, and federal requirements, rules, regulations, and laws, including but not limited to the acquisition and maintenance of all necessary licenses, permits, and certifications required to legally conduct business operations. This provision is distinct and separate from zoning approvals, which determine allowable uses of property and do not substitute for compliance with other regulatory requirements.

THEREFORE BE IT FURTHER RESOLVED that drive-thru services are expressly prohibited for all businesses operating in SF and MF zones as described in this proposal. This prohibition applies to, but is not limited to, restaurants, banks, pharmacies, and any other commercial establishments utilizing drive-thru operations as part of their service model. All new and existing businesses within SF and MF zones shall comply with this prohibition. Non-conforming uses established prior to the effective date of this resolution shall be subject to review for potential relocation, discontinuation, or modification in accordance with applicable laws and regulations.

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