

ORDINANCE NO. _____

**AN ORDINANCE AMENDING CITY CODE TITLE 25 TO ELIMINATE
MINIMUM MOTOR VEHICLE PARKING SPACE REQUIREMENTS EXCEPT
FOR ACCESSIBLE SPACE PARKING.**

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

PART 1. City Code Section 25-1-21 (*Definitions*) is amended to add a new definition of “Accessible Space” to read as follows and to renumber the remaining definitions accordingly:

§ 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.

PART 2. City Code Section 25-2-91 (*Purposes of Commercial Districts Designations*) is amended to read as follows:

§ 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;
- (4) encourage high standards of site planning, architecture, and landscape design for office and commercial development in the City;

- 40 (5) facilitate the planning for and provision of infrastructure improvements to meet
41 traffic, commercial, and public service needs generated by the residents of
42 Austin; and
43
44 (6) promote energy conservation.
45

46 **PART 3.** City Code Section 25-2-121 (*Purposes of Industrial District Designations*) is
47 amended to read as follows:
48

49 **§ 25-2-121 PURPOSES OF INDUSTRIAL DISTRICT DESIGNATIONS**
50

51 The purposes of the industrial district designation are to:
52

- 53 (1) reserve areas for industrial use and protect the uses from intrusion by dwellings
54 and other incompatible uses;
55
56 (2) protect residential, commercial, and nuisance-free nonhazardous industrial uses
57 from the adverse effects of certain industrial uses;
58
59 (3) ensure adequate access and off-street [~~parking and~~] loading and minimize traffic
60 congestion and other adverse effects on nearby land uses; and
61
62 (4) facilitate the planning for and provision of infrastructure improvements to meet
63 traffic, commercial, and public service needs generated by the residents of the
64 City.
65

66 **PART 4.** Subsection (A) of City Code Section 25-2-181 (*Corridor Overlay (COR)*
67 *District Purpose and Boundaries*) is amended to read as follows:
68

- 69 (A) The purpose of the corridor overlay (COR) district is to increase housing
70 capacity and support transit investments on certain roadways by relaxing
71 compatibility regulations [~~and reducing parking minimums~~].
72

73 **PART 5.** Subsection (A)(3) of City Code Section 25-2-312 (*Cure Combining District*
74 *Regulations*) is amended to read as follows:
75

- 76 (A) A regulation established by a CURE combining district may modify:
77 (1) permitted or conditional uses authorized in the base district;
78

- 79 (2) except for Subchapter C, Article 10 (*Compatibility Standards*), the site
80 development regulations applicable in the base district; or
81
82 (3) off-street parking design regulations, ~~off-street~~ loading regulations,
83 sign regulations, or landscaping or screening regulations applicable in the
84 base district.
85

86 **PART 6.** Subsection (B) of City Code Section 25-2-356 (*Historic Area Combining*
87 *District Ordinance*) is amended to read as follows:
88

89 (B) Supplemental standards:

- 90
91 (1) may modify regulations relating to building setbacks, building height,
92 compatibility, landscaping, parking design, or signs;
93 (2) may prescribe regulations relating to design, scale, or architectural
94 character of, or materials for:
95 (a) the exterior of a contributing structure or a new structure; and
96 (b) public facilities, including street lighting, street furniture, signs,
97 landscaping, utility facilities, sidewalks, and streets; and
98 (3) must be consistent with the historic design standards and be based on the
99 features and characteristics of the district.
100

101 **PART 7.** Subsection (B) of City Code Section 25-2-441 (*Planned Development Areas*
102 *Generally*) is amended to read as follows:
103

104 (B) Regulations established by a PDA combining district may modify:

- 105 (1) permitted or conditional uses authorized in the base district;
106 (2) except for Subchapter C, Article 10 (*Compatibility Standards*), the site
107 development regulations applicable in the base district; or
108 (3) off-street parking design or loading regulations, sign regulations, or
109 landscaping or screening regulations applicable in the base district.
110
111
112
113
114

115 **PART 8.** Subsection (B) of City Code Section 25-2-474 (*Required Findings*) is amended
116 to read as follows:

117
118 (B) The Board may grant a variance from a loading facility or off-street parking
119 design requirements if, in addition to the findings required by Subsection (A),
120 the Board determines that:

- 121
- 122 (1) current or anticipated traffic volume generated by the use of the property
123 or a nearby property does not reasonably require strict compliance with
124 and enforcement of the requirement from which a variance is requested;
125
 - 126 (2) development under the variance does not result in parking or loading on
127 public streets that interferes with the free flow of traffic on the streets;
128 and
 - 129 (3) development under the variance does not create a safety hazard or any
130 other condition that is inconsistent with the objectives of the Code.
131

132
133 **PART 9.** Subsection (D) of Section 25-2-519 (*Commercial-Residential Development*) is
134 amended to read as follows:

135
136 (D) Standards.

- 137
- 138 (1) A commercial-residential development is not subject to certain
139 dimensional standards applicable in the base zoning district. These
140 standards include:
 - 141 (a) minimum site area requirements (if applicable);
 - 142 (b) minimum street side yard setback and interior yard setback; and
 - 143 (c) except when the right-of-way is less than 60 feet in width, the
144 minimum front yard setback for a building with three or more
145 stories in height shall be 30 feet from the centerline of the street to
146 ensure adequate Fire Department access.
 - 147
148
149
150
151 ~~[(2) Except as provided in Subsection (D)(3), the minimum off-street parking~~
152 ~~requirement for a commercial-residential development is 60 percent of~~
153 ~~that prescribed by Appendix A (*Tables of Off-Street Parking and*~~
154 ~~*Loading Requirements*). This reduction may not combined with any other~~

155 parking reduction, except as provided in the Corridor Overlay (COR)
156 District.]

157
158 [~~3~~] The minimum off-street parking requirement for a commercial-
159 residential development is ~~25~~ percent of that prescribed by Appendix A
160 (~~Tables of Off-Street Parking and Loading Requirements~~) if the
161 commercial residential development is located along a light rail line.]

162
163 (2[4]) A building that is constructed on the edge of the commercial-residential
164 development and that edge faces a transit corridor shall include a ground
165 floor commercial use.

166
167 (3[5]) A building that is adjacent to an urban family residence (SF-5) or more
168 restrictive zoning district must comply with Table A (*Commercial-*
169 *Residential Developments - Neighborhood Design Standards*).

170
171 (4[6]) Except as provided in Subsection (D)(5[7]), a commercial-residential
172 development must comply with the height restrictions applicable to the
173 base zoning district.

174
175 (5[7]) A commercial-residential development that includes commercial uses on
176 the ground floor may exceed the height restrictions applicable to the base
177 zoning district by five feet provided the ground floor uses are not part of
178 a live/work unit.

179
180 (6[8]) A commercial-residential development may exceed the base zoning
181 district's floor area ratio (FAR) as follows:

182
183 (a) The maximum FAR for a corridor site zoned CS, CS-1, GR, or GO
184 is the base zoning district FAR multiplied by two.

185
186 (b) The maximum FAR for a corridor site zoned LR or LO is the base
187 zoning district FAR multiplied by 1.5.

188
189 (7[9]) A commercial-residential development that is not zoned LR or LO may
190 exceed maximum building coverage.

195 **PART 10.** City Code Section 25-2-766.14 (*Parking Regulations*) is amended to repeal
196 Subsection (C).

197
198 **PART 11.** Subsections (G) and (H) of City Code Section 25-2-772 (*Single-Family*
199 *Attached Residential Use*) are amended to read as follows:

200
201 (G) For a dwelling unit with fewer than six bedrooms, ~~[at least two parking spaces~~
202 ~~are required. A driveway may be included as one of the required parking~~
203 ~~spaces.]~~ n[N]ot more than two parking spaces may be located in the front yard.

204
205 (H) For a dwelling unit with six or more bedrooms, ~~[at least one parking space for~~
206 ~~each bedroom is required. A driveway may be included as one or more of the~~
207 ~~required parking spaces, but not more than one parking space may be located~~
208 ~~behind another parking space.]~~ n[N]ot more than four parking spaces may be
209 located in the front yard.

210
211 **PART 12.** City Code Section 25-2-773 (*Duplex Residential Use*) is amended to repeal
212 Subsection (C) and to re-letter the remaining subsections accordingly.

213
214 **PART 13.** Subsection (C) of City Code Section 25-2-780 (*Multifamily Residential Use*) is
215 amended to read as follows:

216
217 (C) This subsection applies to a multifamily use that is located in a transit-oriented
218 development district or on a core transit corridor or future core transit corridor
219 and that complies with the requirements in Subsection (C)(3).

220
221 (1) The following site area and parking requirements apply to a dwelling unit
222 that contains 500 square feet or less.

223
224 (a) the minimum site area requirement is zero; and
225 ~~[(b) the minimum off-street parking requirement is .25; and]~~

226
227 ~~[~~(e)] parking is to be leased separately.

228
229 (2) For a three-bedroom unit the minimum site area requirement is zero.

230
231 (3) The site area and parking requirements in Subsection (C)(1) and the site
232 area requirements in Subsection (C)(2) apply if the use meets the
233 affordability requirements of this subsection.

235 (a) For owner-occupied units, ten percent of the units 500 square feet
236 or less, or three-bedroom units, shall be reserved as affordable for
237 ownership and occupancy by households earning no more than 80
238 percent of the current Annual Median Family Income for the City
239 of Austin Metropolitan Statistical Area, for not less than 99 years
240 from the date the first certificate of occupancy is issued for
241 ownership and occupancy.

242
243 (b) For rental units, ten percent of the units 500 square feet or less, or
244 three-bedroom units, shall be reserved as affordable for occupancy
245 by households earning no more than 50 percent of the current
246 Annual Median Family Income for the City of Austin Metropolitan
247 Statistical Area, for not less than 40 years from the date the first
248 certificate of occupancy is issued.

249
250 (4) Notwithstanding the requirements stated in Subsection (C)(3), at least
251 one unit must be reserved as affordable.

252
253 **PART 14.** Subsection (A) of City Code Section 25-2-807 (*Special Use in Historic*
254 *District*) is amended to read as follows:

255
256 (A) This section applies to a site if:

- 257
258 (1) the structure and land are zoned as a historic landmark (H) or historic
259 area (HD) combining district;
260
261 (2) the property is owned and operated by a non-profit entity;
262
263 (3) the property is directly accessible from a street with at least 40 feet of
264 paving;
265
266 (4) the site has at least one acre of contiguous land area;
267
268 (5) at least 80 percent of the [required] parking is on site;
269
270 (6) a single commercial use does not occupy more than 25 percent of the
271 gross floor area;
272
273 (7) civic uses occupy at least 50 percent of the gross floor area; and
274

- 275 (8) the property owner does not discriminate on the basis of race, color,
276 religion, sex, national origin, sexual orientation, age, or physical
277 disability in leasing the property.
278

279 **PART 15.** Subsection (F) of City Code Section 25-2-818 (*Mobile Retail Establishments*)
280 is amended to read as follows:
281

282 (F) Zoning. A mobile retail establishment shall comply with the regulations in this
283 section.
284

- 285 (1) A mobile retail establishment is permitted in all commercial and
286 industrial zoning districts except in a neighborhood office (NO), limited
287 office (LO), or general office (GO) zoning district.
288
- 289 (2) Unless located in a central business district (CBD) zoning district, a
290 mobile retail establishment may not be located less than fifty feet from a
291 lot with a building that contains both a residential and commercial use.
292
- 293 (3) A mobile retail establishment may not be less than fifty feet from
294 property:
295 (a) in an SF-5 or more restrictive district; or
296 (b) on which a residential use permitted in an SF-5 or more restrictive
297 district is located.
298
- 299 (4) A person may not operate a mobile retail establishment between the
300 hours of 11:00 p.m. and 6:00 a.m.
301
- 302 (5) A mobile retail establishment may not be located less than twenty feet
303 from a general retail sales (convenience) use, general retail sales
304 (general) use, pet services use, or personal services use.
305
- 306 (6) A drive-in service is not permitted.
307
- 308 (7) Exterior lighting must be hooded or shielded so that the light source is
309 not directly visible to a residential use.
310
311

312 (8) A mobile retail establishment may not be located within the right-of-way
313 unless the mobile retail establishment obtains and possesses the
314 permission required under Sections 14-8-2 (Permit Required; Waiver of
315 Deadlines) and 14-9-21 (Street Vendor License Authorized) of the City
316 Code.

317
318 (9) A mobile retail establishment may not occupy or impede required
319 accessible spaces or bicycle parking for another use.

320
321 **PART 16.** City Code Section 25-2-831 (*College or University*) is amended to repeal
322 Subsection (D).

323
324 **PART 17.** City Code Section 25-2-865 (*Light Manufacturing Use*) is amended to repeal
325 Subsection (F).

326
327 **PART 18.** City Code Section 25-2-897 (*Accessory Uses for a Principal Civic Use*) is
328 amended to read as follows:

329
330 **§ 25-2-897 ACCESSORY USES FOR A PRINCIPAL CIVIC USE**

331
332 For a principal civic use, the following are accessory uses:

- 333
334 (1) a dwelling unit that is occupied only by a family that has at least one
335 member employed on-site for security, maintenance, management,
336 supervision, or personal service;
- 337
338 (2) refreshment stands and convenience food or beverage sales that serve a
339 public assembly use;
- 340
341 (3) cafeterias, dining halls, and similar food services that are primarily for
342 the convenience of employees, residents, clients, patients, or visitors;
- 343
344 (4) gift shops, newsstands, and similar commercial activities primarily for
345 the convenience of employees, residents, clients, patients, or visitors;
- 346
347 (5) parking facilities, except a facility located in an SF-6 or more restrictive
348 zoning district may not exceed the former minimum parking
349 requirements included in Appendix A (*Tables of Off-Street Loading*
350 *Requirements and Former Off-Street Parking Requirements*) to Chapter
351 *25-6 (Transportation)*; and

352 (6) a columbarium that:

- 353
- 354 (a) is affiliated with a religious assembly use;
- 355
- 356 (b) occupies not more than 10 percent of the site area or 10,000 square
- 357 feet, whichever is less;
- 358
- 359 (c) is oriented to the interior to the site; and
- 360
- 361 (d) is not visible from public rights-of-way.
- 362

363 **PART 19.** Subsection (C) of City Code Section 25-2-900 (*Home Occupations*) is

364 amended to read as follows:

365

- 366 (C) Participation in a home occupation is limited to occupants of the dwelling unit,
- 367 except that one person who is not an occupant may participate in a medical,
- 368 professional, administrative, or business office [~~if off-street parking is provided~~
- 369 ~~for that person~~].
- 370

371 **PART 20.** City Code Section 25-2-924 (*Conditions of Approval*) is amended to read as

372 follows:

373

374 **§ 25-2-924 CONDITIONS OF APPROVAL**

375

376 The building official may condition the approval of a temporary use on compliance with

377 additional requirements that the building official determines are necessary to ensure land

378 use compatibility and minimize adverse effects on nearby uses, including requirements for

379 hours of operation, frequency of use, parking design, traffic circulation, screening,

380 enclosure, site restoration, and cleanup.

381

382 **PART 21.** Subsections (B) and (C) of City Code Section 25-2-947 (*Nonconforming Use*

383 *Regulation Groups*) are amended to read as follows:

384

- 385 (B) A Group "B" nonconforming use must comply with the regulations described in
- 386 this subsection.
- 387
- 388 (1) A person may continue a nonconforming use and maintain an associated
- 389 structure, except the person may not:
- 390
- 391 (a) increase the floor space or site area of a nonresidential use; or
- 392

393
394
395
396
397
398
399
400
401
402
403
404
405
406
407
408
409
410
411
412
413
414
415
416
417
418
419
420
421
422
423
424
425
426
427
428
429
430
431
432

(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 13, 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.

433 **PART 22.** Subsection (A) of City Code Section 25-2-1052 (*Exceptions*) is amended to
434 read as follows:
435

436 (A) This article does not apply to:

- 437
- 438 (1) construction for a residential use that is permitted in an urban family
439 residence (SF-5) or more restrictive zoning district and that complies
440 with SF-5 or more restrictive zoning district site development
441 regulations;
 - 442 (2) a structural alteration that does not increase the square footage, area, or
443 height of a building; or
 - 444 (3) a change of use that does not increase the amount of required accessible
445 spaces~~[off-street parking]~~.
446
447
448

449 **PART 23.** City Code Section 25-2-1205 (*Site Development Regulations for Mobile Home*
450 *Parks*) is amended to read as follows:
451

452 **§ 25-2-1205 SITE DEVELOPMENT REGULATIONS FOR MOBILE HOME**
453 **PARKS**
454

455 A mobile home park must comply with the following requirements:
456

- 457 (1) A park must have a minimum site area of 90,000 square feet and contain
458 a minimum of 20 mobile home spaces.
- 459 (2) A park must provide a minimum of 4,500 square feet of site area for each
460 dwelling unit.
461
- 462 (3) A mobile home must have a minimum street yard of at least 25 feet in
463 length, and minimum interior yard at least 15 feet in length. A mobile
464 home space may not be placed in a street yard.
465
- 466 (4) A park must provide direct access to a public street with a right-of-way at
467 least 60 feet wide.
468
- 469 (5) A park must provide private, paved internal streets at least 30 feet wide
470 for interior vehicular circulation. An internal street must be continuous
471 and connect with other internal streets or with public streets, or provide a
472

473 paved cul-de-sac having a diameter of at least 80 feet. An internal street
474 ending in a cul-de-sac may not exceed 400 feet in length.
475

- 476 (6) A mobile home space must contain a minimum area of 2,500 square feet
477 that is adjacent to an internal street designed to provide adequate space
478 for moving a mobile home into and out of the space.
479
- 480 (7) If provided, all off-street parking spaces shall be located on a mobile
481 home space or in a common parking area. [At least one parking space
482 must be located on each mobile home space. A required off-street
483 parking space that is not located on a mobile home space may be located
484 in a common parking area. Common parking areas shall be located
485 throughout the park to provide reasonable and convenient access to all
486 mobile home spaces.]
487
- 488 (8) A mobile home and an attached accessory structure must be located at a
489 distance of at least 10 feet from another mobile home or other structure.
490
- 491 (9) A mobile home stand must be separated from the pavement of an internal
492 street, common parking area, or other common areas by a minimum
493 distance of 10 feet.
494
- 495 (10) Except where the boundary of the park abuts a public right of way or the
496 boundary of the park abuts another mobile home development, a barrier
497 that is at least six feet high shall be erected and maintained along all
498 boundaries of the park.
499
- 500 (11) A mobile home chassis may not rest more than three feet above the
501 ground elevation at the low end, measured at 90 degrees to the frame.
502
- 503 (12) Except for necessary driveways and walkways providing access to the
504 park, a required street yard shall be landscaped.
505
- 506 (13) A park must provide pedestrian access to and from each mobile home
507 space and all common facilities. A walkway that is designed separately
508 from internal streets or parking areas must have a minimum paved width
509 of two feet.
510
511
512

- 513 (14) A park must contain a minimum of 300 square feet of open space for
514 each dwelling unit, with at least 150 square feet being located on each
515 mobile home space. Open space that is not located on a mobile home
516 space may be located in common open space areas distributed throughout
517 the park in a manner that provides reasonable and convenient access to
518 each mobile home space.
- 519
- 520 (15) The maximum height of a structure shall be 35 feet.
- 521
- 522 (16) A mobile home park may consist of recreational vehicles if the mobile
523 home park contains five or more manufactured homes. The provisions of
524 Subsections (C), (D), (F), (G), and (I) of Section 25-2-1265 (*Technical*
525 *Requirements*) apply to this section.
- 526
- 527 (17) For purposes of meeting the five or more manufactured homes threshold
528 in Subsection (16) above and tenant relocation requirements, recreational
529 vehicles may be counted as manufactured homes if the mobile home
530 space is providing a stay for thirty days or longer.
- 531
- 532 (18) All residences in Mobile Home (MH) zoning must provide a stay for 30
533 days or longer.
- 534

535 **PART 24.** Subsection (D) of City Code Section 25-2-1504 (*Neighborhood Mixed Use*
536 *Building Regulations*) is amended to read as follows:

537

538 (D) This subsection prescribes parking requirements.

539

540 ~~[(1) For the commercial portion of a neighborhood mixed use building, one~~
541 ~~vehicle parking space for each 500 square feet of gross floor area is~~
542 ~~required.]~~

543

544 ~~(2) For the residential portion of a neighborhood mixed use building, the~~
545 ~~parking requirements of Chapter 25-6, Appendix A, Schedule A apply.]~~

546

547 (1[3]) Parking in front of a neighborhood mixed use building, other than on a
548 street, is prohibited.

549

550 (2[4]) At least 50 percent of any parking that is provided must be located to the
551 rear of the building.

552

553 **PART 25.** Subsection (E) of City Code Section 25-2-1556 (*Multifamily and Condominium*
554 *Regulations*) is repealed.

555
556 **PART 26.** City Code Section 25-2-1566 (*Commercial Use Parking Requirements*) is
557 repealed and reserved.

558
559 **PART 27.** “How this Subchapter is organized:” in the editor’s note to Subchapter E
560 (*Design Standards and Mixed Use*) of City Code Chapter 25-2 is amended to read as
561 follows:

562
563 ***How this Subchapter is organized:***

564
565 *This Subchapter is divided into five Articles.*

566
567 *Article 1 includes General Provisions that should be reviewed for all*
568 *development and redevelopment projects. Most importantly, a chart summarizes the*
569 *applicability of the various standards based on roadway types and development*
570 *types.*

571
572 *To allow flexibility in administering this Subchapter, this Article includes a*
573 *"minor modification" provision that allows for City staff to approve small deviations*
574 *from otherwise applicable standards in order to protect natural or historic features*
575 *or to address unique site conditions.*

576
577 *The Article also encourages creativity and innovative design by allowing an*
578 *applicant to propose an alternative approach to meeting the standards of the*
579 *Subchapter through the "alternative equivalent compliance" provision.*

580
581 *Article 2 includes Site Development Standards intended to ensure that buildings*
582 *relate appropriately to surrounding developments and streets, promote efficient*
583 *pedestrian and vehicle circulation, and provide [~~adequate~~] parking in safe and*
584 *appropriate locations, while creating a unique and identifiable image for*
585 *development in Austin. In particular, standards in this Article address the following:*

586
587 *Relationship of buildings to streets and walkways (based on roadway type);*

588
589 *Connectivity (based on roadway type);*

590
591 *[~~Parking reductions;~~]*

592
593 *Exterior lighting;*

594 *Screening of equipment and utilities; and*

596 *Private common open space and pedestrian amenities.*

598
599 *Article 3 includes Building Design Standards intended to address the physical*
600 *appearance of buildings subject to this Subchapter. Included are:*
601 *General requirements for glazing and shading to ensure that building facades are*
602 *pedestrian-friendly; and*

603
604 *Additional options to improve building design. An applicant may choose which*
605 *of these options to meet from a flexible, point-based menu. All buildings subject to*
606 *this section must reach a minimum number of points, with additional points required*
607 *for certain building types (e.g., buildings with trademarked design features, large*
608 *buildings or long facades, and buildings using a large percentage of certain*
609 *building materials.)*

610
611 *Article 4 includes standards and incentives for Mixed Use development. This*
612 *Article includes descriptions and standards for the Mixed-Use Combining District*
613 *and the Vertical Mixed Use Overlay District. This Article also includes standards*
614 *and incentives for the development of Vertical Mixed Use (VMU) buildings.*

615
616 *Article 5 includes Definitions for terms used in this Subchapter.*

617
618 **PART 28.** Subsection 2.3.1.B.2. of Article 2 (*Site Development Standards*) of Subchapter
619 E of City Code Chapter 25-2 is amended to read as follows:

620
621 **B. Standards.**

622
623 1. **Vehicular and Pedestrian Connections Between Sites.** All sites or
624 developments subject to this section shall:

625
626 a. Provide private drive or public street connections to existing
627 private drives or public streets on adjacent sites, or stub-outs if
628 connections are not feasible; and

629
630 b. Where a public street is adjacent to the property line, provide direct
631 pedestrian and bicycle access from that street to a customer
632 entrance. The pedestrian and bicycle access points must be fully
633 accessible during operating hours. (See Figure 31.)

- 635 2. **Additional Measures to Improve Connectivity.** All sites or
636 developments subject to this section shall select and comply with at least
637 two of the options in Table B below. However, if a site or development
638 provides surface parking that amounts to more than 125 percent of the
639 parking previously required in Appendix A (*Tables of Off-Street*
640 *[Parking and] Loading Requirements and Former Off-Street Parking*
641 *Requirements*) to Chapter 25-6 (*Transportation*), the site or development
642 must select and comply with at least three of the options in Table B
643 below.

644
645 **PART 29.** Subsection 4.3.3.E. of Article 4 (*Mixed Use*) of Subchapter E of City Code
646 Chapter 25-2 is amended to read as follows:

647
648 E. **Height and[,] Dimensional [~~and Parking~~] Requirements.**

- 649 1. VMU building height.
- 650 a. A VMU1 building is subject to the height restrictions as provided
651 in other sections of this Code.
- 652 b. A VMU2 building may exceed the maximum building height in the
653 base zoning district by a maximum of 30 feet, subject to the
654 compatibility standards of Section 4.3.3.D.
- 655 2. Except as provided in Section 4.3.5., a VMU building that meets the
656 affordability requirements in subsection F. below is not subject to certain
657 dimensional standards applicable in the base zoning district. These
658 standards include the following:
- 659 a. Minimum site area requirements (if applicable);
- 660 b. Maximum floor area ratio;
- 661 c. Maximum building coverage;
- 662 d. Minimum street side yard setback and interior yard setback; and
- 663 e. Minimum front yard setback; provided, however, that if the right-
664 of-way is less than 60 feet in width, the minimum front yard
665 setback for buildings three or more stories in height shall be 30 feet
666
667
668
669
670
671
672
673
674

675 from the centerline of the street to ensure adequate Fire
676 Department access.

677 ~~[3. Parking.~~

- 679
- 680 a. ~~Except as provided in Section 4.3.3.E.3.b., for all uses in a VMU~~
681 ~~building, the minimum off-street parking requirement shall be 60~~
682 ~~percent of that prescribed by Appendix A (*Tables of Off-Street*~~
683 ~~*Parking and Loading Requirements*). This reduction may not be~~
684 ~~used in combination with any other parking reduction. Only the~~
685 ~~parking requirements for commercial uses are subject to~~
686 ~~modification through the opt-in/opt-out process in Section 4.3.5.~~
- 687
- 688 b. ~~For all uses in a VMU building, the minimum off-street parking~~
689 ~~requirement shall be 25 percent of that prescribed by Appendix A~~
690 ~~(*Tables of Off-Street Parking and Loading Requirements*) and may~~
691 ~~be used in combination with other parking reductions if the VMU~~
692 ~~building is located on a site that is located along a light rail line.]~~

693

694 **PART 30.** Subsection 4.3.3.F. of Article 4 (*Mixed Use*) of Subchapter E of City Code
695 Chapter 25-2 is amended to read as follows:

696

697 F. **Exemption and Bonus Requirements.** To be eligible for the dimensional [~~or~~
698 ~~parking~~] standards exemption[s], or building height bonus if applicable, in
699 Subsection E of this section, the residential units in a VMU building shall meet
700 the following requirements, which shall run with the land. This ordinance does
701 not amend or repeal graphics or pictures that are used to illustrate various code
702 requirements in the published version of Chapter 25-2, Subchapter E (*Design*
703 *Standards and Mixed Use*).

704

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

- 706
- 707 a. A building qualifies as a VMU1 building when a minimum of 10
708 percent of the residential units within the building are reserved as
709 affordable, for at least 99 years from the date of initial sale, for
710 ownership and occupancy by households earning 80 percent or less
711 of the current Austin-Round Rock Metropolitan Statistical Area
712 Medium Family Income as determined by the Director of the
713 Housing and Planning Department.

- 714 b. A building qualifies as a VMU2 building when a minimum of 12
715 percent of the residential units within the building are reserved as
716 affordable, for at least 99 years from the date of initial sale, for
717 ownership and occupancy by households earning 80 percent or less
718 of the current Austin-Round Rock Metropolitan Statistical Area
719 Medium Family Income as determined by the Director of the
720 Housing and Planning Department.
721
- 722 c. The City in its sole discretion may elect to subsidize additional for-
723 sale residential units in the building, at an affordability level
724 consistent with criteria and procedures established by the Director of
725 the Housing and Planning Department.
726

727 **2. Affordability Requirements for Rental Units.**
728

- 729 a. A building qualifies as a VMU1 building when a minimum of 10
730 percent of the residential units within the building are reserved as
731 affordable, for at least 40 years from the date of issuance of the
732 certificate of occupancy, for lease and occupancy by households
733 earning 60 percent or less of the current Austin-Round Rock
734 Metropolitan Statistical Area Medium Family Income as determined
735 by the Director of the Housing and Planning Department.
736
- 737 b. For a site located along a light rail line, a building qualifies as a
738 VMU2 building:
739
- 740 (i) When a minimum of 15 percent of the residential units within
741 the building are reserved as affordable, for at least 40 years
742 from the date of issuance of the certificate of occupancy, for
743 lease and occupancy by households earning 60 percent or less
744 of the current Austin-Round Rock Metropolitan Statistical
745 Area Medium Family Income as determined by the Director
746 of the Housing and Planning Department; or
747
- 748 (ii) When a minimum of 12 percent of the residential units within
749 a VMU building are reserved as affordable, for at least 40
750 years from the date of issuance of the certificate of
751 occupancy, for lease and occupancy by households earning 50
752 percent or less of the current Austin-Round Rock
753 Metropolitan Statistical Area Medium Family Income as

754 determined by the Director of the Housing and Planning
755 Department.

756
757 c. For a site that is not located along a light rail line, a building
758 qualifies as a VMU2 building:

759
760 (i) When a minimum of 12 percent of the residential units within
761 the building are reserved as affordable, for at least 40 years
762 from the date of issuance of the certificate of occupancy, for
763 lease and occupancy by households earning 60 percent or less
764 of the current Austin-Round Rock Metropolitan Statistical
765 Area Medium Family Income as determined by the Director
766 of the Housing and Planning Department; or

767
768 (ii) When a minimum of 10 percent of the residential units within
769 a VMU building are reserved as affordable, for at least 40
770 years from the date of issuance of the certificate of
771 occupancy, for lease and occupancy by households earning 50
772 percent or less of the current Austin-Round Rock
773 Metropolitan Statistical Area Medium Family Income as
774 determined by the Director of the Housing and Planning
775 Department.

776
777 d. As part of the one-time opt-in/opt-out process described in Section
778 4.3.5., an applicable neighborhood association or neighborhood
779 planning team may request that the affordable rental units be
780 available for renters earning a lower percentage of the annual
781 median family income, to as low as 60 percent of the median family
782 income. VMU projects that file zoning or site plan applications after
783 the effective date of the first interim VMU ordinance and prior to
784 September 1, 2006, will not be subject to this neighborhood
785 affordability customization; and instead shall set aside affordable
786 rental units as required by subsection 2.a. above or provide for
787 affordable units as otherwise agreed to by an applicable
788 neighborhood prior to September 1, 2006, provided that VMU
789 projects are allowed on the applicable site following the completion
790 of the opt-in/opt-out process.

791
792 e. The city may elect to subsidize additional residential units in the
793 building for rental purposes for residents at any level of affordability

794 pursuant to criteria and procedures established by the Director of the
795 Housing and Planning Department.
796

797 **3. Affordability Definition.**

- 798
- 799 a. For purposes of this subsection, a unit is affordable for purchase
800 when the unit is sold to an income-eligible household for an amount
801 not to exceed the corresponding sales prices published annually by
802 the Director of the Housing and Planning Department; and
803
- 804 b. When determining the maximum affordable sales price, the Director
805 of Housing and Planning Department may include an assumption
806 that a homeowner will be required to pay an ownership association
807 fee.
808
- 809 c. For purposes of this subsection, a unit is affordable when the unit is
810 leased to an income-eligible household for an amount not to exceed
811 the corresponding rental prices published annually by the Director of
812 the Housing and Planning Department.
813

814 **4. Certification.**

- 815
- 816 a. In this section, director means the Director of the Housing and
817 Planning Department.
818
- 819 b. The director is responsible for certifying whether a proposed
820 development meets the exemption and bonus requirements.
821
- 822 c. The applicant shall submit an application to the director
823 demonstrating the proposed development meets the exemption and
824 bonus requirements.
825
- 826 d. Before the director may certify the proposed development, the
827 applicant shall execute:
828
- 829 (i) an agreement to preserve the minimum exemption and bonus
830 requirements for the VMU building; and

831 (ii) a document for recording in the real property records providing
832 notice of or preserves the exemption and bonus requirements
833 for the VMU building.

834
835 e. The form of the document described in Section 4.3.3.F.4.d. must be
836 approved by the city attorney.

837
838 f. If the director certifies a proposed development under this section,
839 the accountable official is authorized to process a development
840 application for a VMU building.

841
842 g. The applicant for a housing development shall pay all fees, provide
843 documentation, and fulfill any pre-occupancy requirements prior to
844 the issuance of a certificate of occupancy for the VMU building.

845
846 **5. General Provisions.**

847
848 a. In this section, the director means the Director of the Housing and
849 Planning Department.

850
851 b. The agreement required in Section 4.3.3.F.4.d. must, at a minimum:

852
853 (i) Prohibit discrimination on the basis of an individual's source
854 of income as defined in Section 5-1-13 (*Definitions*);

855
856 (ii) Require dispersion of affordable units throughout the
857 residential units;

858
859 (iii) Require equal access and use of on-site amenities, common
860 areas, and parking facilities;

861
862 (iv) Require shared access routes for affordable units and market-
863 rate units;

864
865 (v) Require that affordable units include interior components that
866 are functionally equivalent to market-rate units; and

867
868 (vi) Require the applicant to incorporate lease provisions related
869 to a tenant's right to organize that are consistent with 24

870 C.F.R. 245.100, the lease addendum required as a condition to
871 receive City of Austin Housing Finance Corporation funds, or
872 City Code requirement.
873

- 874 c. Unless otherwise approved by the director, the bedroom count for
875 affordable units shall be comparable to the bedroom count for
876 market rate units. At the discretion of the director, two- bedroom or
877 three-bedroom affordable units may count as two or three, one-
878 bedroom (efficiency) affordable units. If the number of units
879 required in this section include less than a whole unit, the unit
880 number is rounded up to the nearest whole unit.
881
- 882 d. Affordable rental units locations may be rotated within the building,
883 provided that the total number of required affordable units remains
884 in compliance with the affordability requirements for the
885 affordability period.
886
- 887 e. Simultaneous Availability of Affordable Units.
888
- 889 (i) In a single-phase housing development, affordable units must
890 be available for occupancy concurrently with the market-rate
891 units.
892
- 893 (ii) For a multi-phase housing development, an applicant must
894 submit a development phasing plan that demonstrates how the
895 market rate units and the affordable units will be made
896 available concurrently. This plan must be included as an
897 attachment to the agreement described in Section 4.3.3.F.4.d.
898
- 899 f. An applicant for a VMU building shall prepare and follow an
900 affirmative marketing and outreach plan for the duration the
901 affordable period, in a form consistent with the U.S. Department of
902 Housing and Urban Development regulations and approved by the
903 Director of the Housing and Planning Department.
904
- 905 g. An affordable unit may not be used as a Type 2 or Type 3 short-term
906 rental (STR).
907
908

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

- 910
- 911 a. In this section, director means the Director of the Housing and
- 912 Planning Department.
- 913
- 914 b. For a rental development, the owner of a VMU building with
- 915 affordable for lease units shall provide the director with information
- 916 that allows the director to verify compliance with the affordability
- 917 requirements. The information shall be provided on an annual basis
- 918 and on a form approved by the director.
- 919
- 920 c. If, for any reason, the director is unable to confirm the VMU
- 921 building affordability requirements were met during any 12-month
- 922 period, the preceding 12 months may not be used to satisfy the
- 923 VMU building affordability period.
- 924
- 925 d. For an ownership affordable unit, each homebuyer at the time of
- 926 purchase shall execute a resale restriction agreement in a form
- 927 approved by the city attorney for recording in the real property
- 928 records.
- 929
- 930 e. A person commits an offense if the person fails to comply with the
- 931 requirement in Subsection (b). A culpable mental state is not
- 932 required, and need not be proved. A person commits a separate
- 933 offense for each day the person fails to provide the documentation.
- 934 Each offense is punishable by a fine not to exceed \$500.
- 935

936 **7. Fee for Upper-Level Nonresidential Space.** The developers of VMU

937 buildings that contain nonresidential uses above the ground-floor shall pay

938 a fee as set by the City Council for all climate-controlled nonresidential

939 space above the ground floor. At the same time that it sets the amount of

940 the fee, the City Council shall also identify a means by which fees paid

941 pursuant to this section shall be reserved only for expenditure within the

942 area of the City from which they were collected.

943

944 **8. Monitoring and Enforcement.** The City shall develop procedures to

945 monitor and enforce this section.

946

947

948 **PART 31.** Subsection 4.3.3.G. of Article 4 (*Mixed Use*) of Subchapter E of City Code
949 Chapter 25-2 is amended to read as follows:

- 950
951 G. **Mixed Use Buildings Other than VMU.** If a building that otherwise meets the
952 standards for VMU buildings may be developed using the site development
953 standards of the underlying zoning category, and without the use of the
954 dimensional standard waivers [~~or parking reductions~~] of Section 4.3.3.E., then
955 that building need not comply with the standards (including affordability) that
956 otherwise apply to VMU buildings.

957
958 **PART 32.** Section 4.3.5. of Article 4 (*Mixed Use*) of Subchapter E of City Code Chapter
959 25-2 is amended to read as follows:

960
961 **4.3.5. Individual Neighborhood Consideration of VMU Requirements ("Opt-in/Opt-
962 out Process").**

- 963
964 A. **Purpose.** The purpose of this subsection is to establish a one-time process,
965 which will begin following the adoption of this Subchapter, whereby individual
966 neighborhoods may consider certain development characteristics of VMU
967 buildings within their boundaries and communicate their preferences to the City
968 Council. No property is eligible for an exemption from the dimensional
969 standards (of Section 4.3.3.E.2.) [~~or for the parking reduction (of Section~~
970 ~~4.3.3.E.3.)~~] or for the additional ground-floor uses otherwise authorized by
971 Section 4.3.3.C.2. until the conclusion of the opt-in and opt-out processes
972 described in this section.

973
974 B. **Procedure.**

- 975
976 1. **Initiation.** Upon the adoption date of this Subchapter, the Director shall
977 identify neighborhood areas and notify each neighborhood planning team
978 that the VMU neighborhood consideration process shall be initiated. If
979 there is no neighborhood planning team, the applicable neighborhood
980 associations in a neighborhood shall work together to develop an opt-
981 in/opt-out application for the purposes of this section.
- 982
983 2. **Application.** Each neighborhood planning team or neighborhood
984 association shall review the VMU standards in Section 4.3.3. The
985 planning team or applicable neighborhood association may, no later than
986 90 days after receiving written notice from the Director of this
987 Subchapter's adoption, submit an opt-in/optout application to the City
988 Manager concerning any of the items listed in subsection C. below. The

989 planning team or neighborhood association may amend a timely filed
990 application not later than August 9, 2007.

- 991
- 992 3. **Planning Commission Recommendation.** The City Manager shall
993 forward any opt-in/opt-out applications received to the Planning
994 Commission, which shall review and make recommendations on all such
995 applications to the City Council.
- 996
- 997 4. **City Council Decision.** After considering the Planning Commission's
998 recommendations, the Council may by ordinance approve, approve with
999 conditions, or deny each opt-in/optout request. The Council may
1000 concurrently amend the appropriate neighborhood plan. The
1001 neighborhood plan amendment process does not apply to the amendment.
- 1002
- 1003 5. **Effect of Approval.** Following completion of this one-time opt-in/opt-
1004 out process:
- 1005
- 1006 a. The director shall indicate on the zoning map with map code "V"
1007 each property receiving an exemption from the dimensional
1008 standards under Section 4.3.3.E.2, [~~a parking reduction under~~
1009 ~~Section 4.3.3.E.3,~~] additional ground floor commercial uses under
1010 Section 4.3.3.C.2, or a reduction in the median family income for
1011 affordable rental housing under Section 4.3.3.F.2.b. The "V" shall
1012 include properties receiving the exemption under Section
1013 4.3.5.B.4. pursuant to Council action on an opt-out application, or
1014 under Section 4.3.5.C.1.b. if no application has been filed.
- 1015
- 1016 b. Any subsequent amendments to the VMU standards in a
1017 neighborhood shall require amendment of the applicable
1018 neighborhood plan and neighborhood plan combining district.
- 1019
- 1020 c. Any property owner or neighborhood association may submit an
1021 application to change the VMU rules on a specific property or
1022 properties by amending the applicable neighborhood plan and
1023 neighborhood plan combining district to opt-in to the exemption
1024 from the dimensional standards of Section 4.3.3.E.2 [~~and/or for the~~
1025 ~~parking reduction of Section 4.3.3.E.3]~~ and/or the additional
1026 ground-floor uses identified by Section 4.3.3.C.2.
- 1027
- 1028

- 1029 d. Any property owner may file a zoning application for Vertical
1030 Mixed Use (V) or Mixed Use (MU) combining district, regardless
1031 of whether a neighborhood plan combining district has been
1032 adopted.

1033
1034 C. **Types of Opt-in/Opt-Out Applications.** Only the following types of opt-
1035 in/opt-out applications may be submitted:

1036
1037 1. **VMU Overlay District: Opt-out.**

- 1038
1039 a. A neighborhood with properties in the VMU overlay district may
1040 request that the neighborhood "opt-out" of the dimensional [~~and/or~~
1041 ~~parking~~] standards exemption[s] in Section 4.3.3.E.2. [~~and 3.~~],
1042 and/or the ground-floor commercial uses allowed in Section
1043 4.3.3.C.2. for some or all of the properties within the VMU overlay
1044 district. If such an opt-out application is submitted and approved,
1045 the applicable standards shall not apply to affected VMU buildings
1046 within that neighborhood; instead, such buildings shall be required
1047 to comply with all dimensional [~~and/or parking~~] and/or use
1048 standards applicable to the base zoning district. Such buildings also
1049 shall comply with the applicable minimum site area requirements
1050 in the MU combining district; see Section 4.2.1.D.6.
- 1051
1052 b. If no opt-out application is submitted on a property, or an opt-out
1053 application is submitted and denied, the dimensional [~~and parking~~]
1054 standard exemption[s] in Section 4.3.3.E.2. [~~and 3.~~] and the
1055 ground-floor commercial use provisions in Section 4.3.3.C.2. shall
1056 apply to all VMU buildings on that property.

1057
1058 2. **MU-Designated Properties: Opt-in.**

- 1059
1060 a. A neighborhood with properties with the MU zoning designation
1061 may request to "opt-in" to the dimensional [~~and/or parking~~]
1062 standards exemption[s] in Section 4.3.3.E.2. [~~and 3.~~], and/or the
1063 ground floor commercial uses allowed in Section 4.3.3.C.2. for
1064 some or all of the properties with the MU zoning designation. If
1065 such an opt-in application is submitted and approved, the
1066 dimensional [~~and/or parking~~] and/or use standards shall apply to
1067 VMU buildings on sites with the MU zoning designation within
1068 the applicable neighborhood boundaries.
- 1069

1070 b. If no opt-in application is submitted for a property, or an opt-in
1071 application is submitted and denied, VMU buildings on a property
1072 designated MU shall comply with all dimensional [~~and parking~~]
1073 and use standards applicable to the base zoning district and the MU
1074 combining district.
1075

1076 3. **Properties Not in VMU Overlay District and without MU**

1077 **Designation: Opt-in to VMU.** Any neighborhood that desires to allow
1078 VMU buildings within its boundaries on commercially zoned properties
1079 that are not otherwise eligible for VMU buildings under this Subchapter
1080 may submit an "opt-in" application to allow such development. The
1081 application shall specify the properties on which the neighborhood
1082 wishes to allow VMU buildings, whether the ground-floor commercial
1083 listed in Section 4.3.3.C.2. should be allowed, and whether the
1084 dimensional standards exemption[s] of Section 4.3.3.E.2. [~~and 3.~~] should
1085 apply.
1086

1087 4. **All Properties that Allow VMU Buildings: Affordability Standards.**

1088 Also as part of the opt-in/opt-out process, for each neighborhood in
1089 which VMU buildings are allowed, the neighborhood association or
1090 neighborhood planning team may request that the affordable rental units
1091 be available for renters earning a lower percentage of the area median
1092 family income, to as low as 60 percent of the median family income,
1093 pursuant to Section 4.3.3.F.2.b.
1094

1095 5. **VMU Overlay District: Residential Opt-in.** A neighbor[-]hood that
1096 desires to allow VMU buildings within its boundaries on property in a
1097 VMU overlay district that is used exclusively for residential use and that
1098 is not designated as a MU combining district may submit an application
1099 to allow the development. The application shall specify the properties on
1100 which the neighborhood wishes to allow VMU buildings, whether
1101 ground-floor commercial listed in Section 4.3.3.C.2 should be allowed,
1102 and whether the dimensional [~~and parking~~] standards of Section 4.3.3.E.2
1103 [~~and 3~~] should apply.
1104

1105 6. **Removal from the VMU Overlay District.** A neighborhood may
1106 request that the Council amend the boundaries of the VMU overlay
1107 district to remove a property from the overlay district.
1108
1109

1110 **PART 33.** Section 3.3.2. of Article 3 (*Definitions and Measurement*) of Subchapter F of
1111 City Code Chapter 25-2 is amended to read as follows:
1112

1113 **3.3.2.**
1114

1115 Subject to the limitations in paragraph C below, the following parking areas and structures
1116 are excluded from gross floor area for purposes of this Subchapter:
1117

1118 A. Up to 450 square feet of:
1119

- 1120 1. A detached rear parking area that is separated from the principal structure
1121 by not less than 10 feet;
1122
- 1123 2. A rear parking area that is 10 feet or more from the principal structure,
1124 provided that the parking area is either:
1125
 - 1126 a. detached from the principal structure; or
1127
 - 1128 b. attached by a covered breezeway that is completely open on all
1129 sides, with a walkway not exceeding 6 feet in width and a roof not
1130 exceeding 8 feet in width; or
1131
- 1132 3. A parking area that is open on two or more sides, if:
1133
 - 1134 i. it does not have habitable space above it; and
1135
 - 1136 ii. the open sides are clear and unobstructed for at least 80% of the
1137 area measured below the top of the wall plate to the finished floor
1138 of the carport.
1139

1140 B. Up to 200 square feet of:
1141

- 1142 1. An attached parking area if it used to meet the minimum accessible
1143 spaces[parking] requirement; or
1144
- 1145 2. A garage that is less than 10 feet from the rear of the principal structure,
1146 provided that the garage is either:
1147
 - 1148 a. detached from the principal structure; or
1149

- 1150 b. attached by a covered breezeway that is completely open on all
1151 sides, with a walkway not exceeding 6 feet in width and a roof not
1152 exceeding 8 feet in width.

- 1153
1154 C. An applicant may receive only one 450-square foot exemption per site under
1155 paragraph A. An applicant who receives a 450-square foot exemption may
1156 receive an additional 200-foot exemption for the same site under paragraph B,
1157 but only for an attached parking area used to meet the minimum accessible
1158 spaces~~[parking]~~ requirement[s].

1159
1160 **PART 34.** City Code Section 25-3-83 (*Parking*) is amended to read as follows:

1161
1162 **§ 25-3-83 PARKING**

- 1163
1164 (A) The following parking regulations apply in a traditional neighborhood district:
- 1165
1166 (1) A parking lot or garage may not be adjacent to a square or adjacent to or
1167 opposite a street intersection.
 - 1168
1169 (2) A parking lot shall be located at the rear or side of a building. If located
1170 at the side, screening shall be provided at the lot line by landscaping or
1171 decorative walls or fences.
 - 1172
1173 (3) Compact parking spaces are prohibited.
 - 1174
1175 (4) There is no off-street loading requirement for a building with less than
1176 10,000 square feet of gross building area. The director shall determine
1177 the location, number, and dimensions of the off-street loading for a larger
1178 building.
 - 1179
1180 (5) Except as approved by the director, parking in alleys is prohibited.
 - 1181
1182 (6) There are no minimum parking requirements for motor vehicles, except
1183 for accessible space parking. The required minimum number of
1184 accessible spaces is determined by the requirements of Section 25-6-471
1185 (Off-Street Parking) and Section 25-6-474 (Parking Facilities for
1186 Persons with Disabilities).~~Minimum parking requirements are as~~
1187 ~~follows:~~
- 1188

- 1189 (a) ~~Except as otherwise provided in this subsection, a commercial use~~
1190 ~~must provide one parking space for every 500 square feet of gross~~
1191 ~~building area.~~
- 1192
- 1193 (b) ~~A commercial use parking lot or garage must provide not less than~~
1194 ~~one bicycle parking space for every 10 motor vehicle parking~~
1195 ~~spaces.~~
- 1196
- 1197 (c) ~~A condominium, multi family, group residential, or retirement~~
1198 ~~housing use must provide one parking space for the first bedroom~~
1199 ~~of a dwelling unit and 0.5 parking space for each additional~~
1200 ~~bedroom.~~
- 1201
- 1202 (d) ~~A townhouse, single family residential, duplex, group home, or~~
1203 ~~family home use must provide two parking spaces for each~~
1204 ~~dwelling unit.~~
- 1205
- 1206 (e) ~~A convalescent services or congregate living use must provide one~~
1207 ~~parking space for every four beds.~~
- 1208
- 1209 (f) ~~A daycare services, primary educational facilities, or secondary~~
1210 ~~educational facilities use must provide one parking space for each~~
1211 ~~employee.~~
- 1212
- 1213 (g) ~~The director shall determine the parking requirement for any use~~
1214 ~~not listed in this subsection.]~~

1215

1216 (7) A commercial use parking lot or garage must provide not less than one
1217 bicycle parking space for every 10 motor vehicle parking spaces.

1218

1219 (B) [The following parking regulations apply] I[i]n a Neighborhood Center Area, [i]
1220 not more than 125 percent of the parking previously required in Appendix A
1221 (Tables of Off-Street Loading Requirements and Former Off-Street Parking
1222 Requirements) to Chapter 25-6 (Transportation) may be provided on-site.

1223

1224 [(1) ~~The required parking for a use may be located anywhere in the~~
1225 ~~Neighborhood Center Area. Community parking facilities are~~
1226 ~~encouraged.~~

1227

1228 [(2) ~~Not more than 125 percent of the required parking for a use may be~~
1229 ~~provided on-site.~~

1230
1231 ~~(3) A commercial or a multi-family use may apply adjacent on-street parking~~
1232 ~~toward the minimum parking requirements.]~~
1233

1234 ~~[(C) In a Mixed Residential Area or Neighborhood Edge Area, the required parking~~
1235 ~~for a use must be provided on-site.]~~
1236

1237 ~~[(D) The director shall determine the parking requirements for a Workshop Area or~~
1238 ~~Employment Center Area.]~~
1239

1240 **PART 35.** Subsection (C) of City Code Chapter 25-4-232 (*Small Lot Subdivisions*) is
1241 amended to read as follows:

1242
1243 (C) A small lot subdivision must comply with the following requirements:

1244 (1) Minimum lot area is:

1245 (a) 3,600 square feet, except for a corner lot; and

1246 (b) 4,500 square feet for a corner lot.
1247

1248 (2) Minimum lot width is:

1249 (a) 40 feet for an interior lot, or 35 feet if access to the lot is provided
1250 by a joint access driveway at the front of the lot or by a paved alley
1251 or paved private access easement at the rear of the lot;

1252 (b) 50 feet for a corner lot, or 45 feet if access to the lot is provided by
1253 a joint access driveway at the front of the lot or by a paved alley or
1254 paved private access easement at the rear of the lot; and

1255 (c) 40 feet for a lot on a cul-de-sac or curved street, except it may be
1256 33 feet at the front lot line.
1257

1258 (3) Minimum front yard setback is 15 feet.

1259 (4) Minimum street side yard setback is ten feet.

1260 (5) A lot may have one zero lot line.

1261 (6) The combined side yard setbacks of a lot may be not less than seven feet.
1262
1263

- 1271
- 1272 (7) Except for a patio or patio cover, the minimum distance between
- 1273 structures on adjoining lots is seven feet. The minimum distance between
- 1274 a patio or patio cover and the roof line of a structure on an adjoining lot is
- 1275 six feet.
- 1276
- 1277 (8) The wall of a structure built adjacent to a zero lot line or within three feet
- 1278 of a common side lot line must be solid and opaque and may not contain
- 1279 an opening.
- 1280
- 1281 (9) Minimum rear yard setback is five feet, excluding drainage easements.
- 1282
- 1283 (10) Minimum setback is ten feet between a rear access easement and a
- 1284 building or fence.
- 1285
- 1286 (11) Maximum building coverage is 55 percent.
- 1287
- 1288 (12) Maximum impervious cover is 65 percent.
- 1289
- 1290 (13) Maximum building height is 35 feet.
- 1291
- 1292 (14) A lot may have not more than one dwelling unit.
- 1293
- 1294 [~~(15) Two off-street parking spaces are required for each dwelling unit.~~]
- 1295
- 1296 (15[16]) A maintenance easement is required in the dominant side yard of a lot.
- 1297
- 1298 (16[17]) A use easement is required in the subordinate side yard of a lot.
- 1299
- 1300 (17[18]) A lot that is less than 50 feet wide and that fronts on a collector street
- 1301 must have a paved alley or paved private access easement along the rear
- 1302 property line.
- 1303
- 1304 (18[19]) Minimum pavement width of a private access easement is 25 feet. In
- 1305 the extraterritorial jurisdiction, the minimum pavement width is 25 feet
- 1306 or the width required by the county, whichever is greater.
- 1307
- 1308 (19[20]) A lot may not front on an arterial street.
- 1309
- 1310 (20[21]) Underground utility service to all lots is required.
- 1311

1312 (21[22]) Maintenance of a common area or access easement is the responsibility
1313 of the adjoining property owner or the homeowners' association, in
1314 accordance with the required Declaration of Covenants, Easements, and
1315 Restrictions.
1316

1317 **PART 36.** Subsection (E) of City Code Section 25-4-233 (*Single-Family Attached*
1318 *Residential Subdivision*) is amended to read as follows:
1319

1320 (E) A lot must comply with the following requirements:
1321

- 1322 (1) Minimum site area is 7,000 square feet.
- 1323
- 1324 (2) Minimum lot area is 3,000 square feet.
- 1325
- 1326 (3) Minimum lot width is:
 - 1327 (a) 25 feet, except for a lot on a cul-de-sac or curved street; and
 - 1328 (b) 20 feet on a cul-de-sac or curved street.
- 1329
- 1330 (4) A lot may have not more than one dwelling unit.
- 1331
- 1332 (5) Maximum height is 35 feet.
- 1333
- 1334 (6) Minimum front yard setback is 25 feet.
- 1335
- 1336 (7) Minimum street side yard setback is 15 feet.
- 1337
- 1338 (8) Minimum interior side yard setback is five feet, except between attached
1339 units.
- 1340
- 1341 (9) Minimum rear yard setback is 10 feet.
- 1342
- 1343 (10) Maximum building coverage is 40 percent.
- 1344
- 1345 (11) Maximum impervious coverage is 45 percent.
- 1346
- 1347
- 1348
- 1349 ~~[(12) At least two off street parking spaces are required for a dwelling. The~~
1350 ~~driveway may count as one of the spaces.]~~
1351

1352 **PART 37.** Subsection (C) of City Code Section 25-5-2 (*Site Plan Exemptions*) is amended
1353 to read as follows:

- 1354
1355 (C) Except for a change of use to an adult oriented business, a site plan is not
1356 required for a change of use if the new use complies with the off-street
1357 accessible space [parking] requirements of this title.
1358

1359 **PART 38.** Subsection (B) of City Code Section 25-5-145 (*Evaluation of Conditional Use*
1360 *Site Plan*) is amended to read as follows:

- 1361 (B) A conditional use site plan must:
- 1362 (1) comply with the requirements of this title;
 - 1363 (2) comply with the objectives and purposes of the zoning district;
 - 1364 (3) have building height, bulk, scale, setback, open space, landscaping,
1365 drainage, access, traffic circulation, and use that is compatible with the
1366 use of an abutting site;
 - 1367 (4) provide adequate and convenient off-street [~~parking and~~] loading
1368 facilities;
 - 1369 (5) reasonably protect persons and property from erosion, flood, fire, noise,
1370 glare, and similar adverse effects; and
1371
 - 1372 (6) for a conditional use located within the East Austin Overlay district,
1373 comply with the goals and objectives of a neighborhood plan adopted by
1374 the city council for the area in which the use is proposed.
1375
1376
1377
1378
1379
1380

1381 **PART 39.** City Code Section 25-6-471 (*Off-Street Parking Facility Required*) is amended
1382 to read as follows:
1383

1384 **§ 25-6-471 OFF-STREET PARKING [~~FACILITY REQUIRED~~]**

- 1385 (A) Except as provided in Subsection (B), off-street motor vehicle parking is not
1386 required. This article shall govern over a conflicting provision of this title or
1387 other ordinance, unless the conflicting provision is less restrictive. This article
1388 applies to all uses and to specific regulating plans, Transit Oriented
1389 Development areas (TODs), and Neighborhood Conservation Combining
1390 Districts (NCCDs) that incorporate this chapter by reference. A planned unit
1391
1392

1393 development (PUD) that includes specific off-site parking requirements
1394 controls over this article. [An applicant must provide an off-street parking
1395 facility for:

1396
1397 (1) ~~— a new building;~~

1398
1399 (2) ~~— a new use;~~

1400
1401 (3) ~~— an addition to or enlargement of an existing building or use; or~~

1402
1403 (4) ~~— a change of occupancy or operation that increases the number of needed~~
1404 ~~parking spaces above the existing spaces.]~~

1405
1406 (B) A minimum of one on-site accessible space is required. The minimum number
1407 of accessible spaces is calculated by taking 100 percent of the parking
1408 previously required for the use under Appendix A (*Tables of Off-Street Loading*
1409 *Requirements and Former Off-Street Parking Requirements*) and using that
1410 result to determine the number of accessible parking spaces required under the
1411 Building Code. [Except as provided in Subsection (C), additional parking
1412 facilities required under this section are required only for the addition,
1413 enlargement, or change, and not for the entire building or use.]

1414
1415 (C) If an applicant provides an off-street parking facility for a building or use,
1416 accessible spaces must be provided on-site.[An addition, enlargement, or
1417 change in use for a cocktail lounge or a restaurant with a late hours permit is
1418 required to meet parking facility requirements for the entire building or use.]

1419
1420 (D) If an applicant provides only accessible spaces for a use:

1421
1422 (1) Accessible spaces may be located on- or off-site, within 250 feet of the
1423 use, and must be on an accessible route.

1424
1425 (2) An off-site or on-street accessible space that is located within 250 feet of
1426 a use may be counted towards the number of required accessible spaces
1427 under Subsection (B).

1428
1429 (3) The director may waive or reduce the number of accessible spaces
1430 required if no accessible spaces can be provided consistent with the
1431 requirements of Paragraph (D)(1).

1433 [~~Except as provided by Section 25-6-501 (Off-Site Parking Allowed), a parking~~
1434 ~~facility required under this article must be located on the same site as the use for~~
1435 ~~which the facility is required.]~~
1436

1437 [~~(E) If an applicant provides more parking spaces for a use than prescribed under~~
1438 ~~this article or under an approved site plan, the excess spaces may be considered~~
1439 ~~for another use under Section 25-6-501 (Off-Site Parking Allowed).]~~
1440

1441 [~~(E)(F) Except as provided in Section 25-6-478 (Parking for Mixed Use~~
1442 ~~Developments),] T[t]he accessible space parking [facility] requirement for a site
1443 with more than one use or for adjacent sites served by a common parking
1444 facility is the cumulative total of spaces required for each site or use.
1445~~

1446 [~~(G) A parking facility is not required for an accessory use.]~~
1447

1448 [~~(H) A parking facility, circulation area, or queue line constructed or substantially~~
1449 ~~reconstructed after January 1, 1985, must comply with the design standards~~
1450 ~~prescribed in Division 4 (Design and Construction Standards For Parking And~~
1451 ~~Loading Facilities), the Transportation Criteria Manual, and the landscape~~
1452 ~~standards prescribed in Chapter 25-2, Subchapter C, Article 9 (Landscaping).]~~
1453

1454 [~~(F)(I) In this section:~~
1455

1456 [~~(1) ACCESSIBLE SPACE means a parking space for an individual with a~~
1457 ~~disability that complies with the Americans with Disabilities Act (ADA)~~
1458 ~~and Fair Housing Act Amendments (FHAA), as appropriate;]~~
1459

1460 [~~(2) CORRIDOR DEVELOPMENT means a development that includes 15~~
1461 ~~percent or less short-term rental (STR) uses and is subject to Division 13~~
1462 ~~(Corridor Overlay) of Chapter 25-2, Subchapter C; and]~~
1463

1464 [~~(3) QUALIFYING DEVELOPMENT means a development certified under~~
1465 ~~Section 25-1-724 (Certification) and participating in the Affordability~~
1466 ~~Unlocked Bonus Program.~~
1467

1468 [~~(G)(J) A qualifying development is not required to comply with Appendix A of~~
1469 ~~Chapter 25-6 (Transportation) but must comply with this section.~~
1470

1471 (1) [~~If the parking provided by a qualifying development with more than two~~
1472 ~~units is fewer parking spaces than required in Appendix A (Tables of Off-~~

1473 *Street Parking and Loading Requirements*);] T[t]he minimum number of
1474 required off-street accessible spaces is the greater of:

- 1475
- 1476 (a) one accessible parking space;
- 1477
- 1478 (b) the number of accessible spaces required under the Building Code
1479 based on 100 percent of the parking previously required for use
1480 under Appendix A (*Tables of Off-Street [Parking and] Loading*
1481 *Requirements and Former Off-Street Parking Requirements*); or
- 1482
- 1483 (c) the number of accessible spaces required under the ADA or the
1484 FHAA, as appropriate.
- 1485
- 1486 (2) An accessible space must be adjacent to the site and on an accessible
1487 route.
- 1488
- 1489 (3) An accessible parking space must comply with design, accessibility, and
1490 location requirements imposed by the ADA and the FFHA, as
1491 appropriate.
- 1492
- 1493 (4) Accessible parking detailed in Subsection (G[F])(1) must be provided off-
1494 street except insofar as on-street or off-site parking is allowed elsewhere
1495 in this title.

1496

1497 [~~(K)~~] ~~This subsection applies to a corridor development that includes at least one~~
1498 ~~residential use and is located more than 300 feet from a private or public~~
1499 ~~primary or secondary educational facility.~~

- 1500
- 1501 [~~(1)~~] ~~A term defined by Section 25-2-769.02 (*Definitions*) has the same~~
1502 ~~meaning in this subsection.~~
- 1503
- 1504 [~~(2)~~] ~~A corridor development must provide accessible spaces as set forth in~~
1505 ~~Subsection (J).~~
- 1506
- 1507 [~~(3)~~] ~~The required off-street parking for a corridor development that is located~~
1508 ~~on a larger corridor is 25 percent of the parking required for the use under~~
1509 ~~Appendix A (*Tables of Off-Street Parking and Loading Requirements*).~~
- 1510
- 1511 [~~(4)~~] ~~The required off-street parking for a corridor development that is located~~
1512 ~~on a medium corridor is 50 percent of the parking required for the use~~

1513 under Appendix A (*Tables of Off-Street Parking and Loading*
1514 *Requirements*).

1515
1516 (5) — Except as provided in Subsection (L), the required off-street parking for a
1517 corridor development that is located on a light rail line is 25 percent of
1518 the parking required for the use under Appendix A (*Tables of Off-Street*
1519 *Parking and Loading Requirements*).]

1520
1521 [~~(L)~~ — This subsection applies to a corridor development that is located on a light rail
1522 line and consists of at least 75 percent residential uses.

1523
1524 (1) — A term defined by Section 25-2-769.02 (*Definitions*) has the same
1525 meaning in this subsection.

1526
1527 (2) — A corridor development subject to this subsection must provide
1528 accessible spaces as set forth in Subsection (J).

1529
1530 (3) — A corridor development subject to this subsection is not required to
1531 provide required off-street parking.]

1532
1533 **PART 40.** City Code Section 25-6-472 (*Parking Facility Standards*) is amended to read as
1534 follows:

1535
1536 **§ 25-6-472 PARKING FACILITY STANDARDS**

1537
1538 (A) Except as provided in Section 25-6-473 (*Modification Of Parking*
1539 *Requirement*), a parking facility for a use must comply with the requirements in
1540 Section 25-6-471 (*Off-Street Parking*) and Appendix A (*Tables of Off-Street*
1541 *[Parking and] Loading Requirements and Former Off-Street Parking*
1542 *Requirements*), as applicable.

1543
1544 (B) A parking facility must:

1545
1546 (1) be maintained for the duration of the use or existence of the building
1547 requiring the facility; and

1548
1549 (2) be used exclusively for the temporary parking of passenger automobiles,
1550 motor vehicles, or light trucks not exceeding one ton in capacity.

1551
1552 (C) A parking facility requirement is based on gross floor area of a building or use
1553 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:~~

~~(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).]~~

1594 **PART 41.** City Code Section 25-6-473 (*Modification of Parking Requirement*) is
1595 amended to read as follows:

1596
1597 **§ 25-6-473 MODIFICATION OF PARKING REQUIREMENT**

1598
1599 (A) The director may modify the number of queue spaces required by Appendix A
1600 (*Tables of Off-Street [~~Parking and~~] Loading Requirements and Former Off-*
1601 *Street Parking Requirements*) and may establish queue space requirements for
1602 drive-in services not listed in Appendix A (*Tables of Off-Street [~~Parking and~~]*
1603 *Loading Requirements and Former Off-Street Parking Requirements*).

1604
1605 [~~(B)~~] ~~The director may reduce the parking space requirement triggered by a site plan~~
1606 ~~or site plan revision application filed to relocate a facility as a direct result of~~
1607 ~~right-of-way condemnation if the director determines that a reduction:~~

1608
1609 (1) ~~is reasonable given the present and anticipated future traffic volumes~~
1610 ~~generated by the use of the site or the use of a nearby site; and~~

1611
1612 (2) ~~will not:~~

1613
1614 (a) ~~result in parking or loading on a public street that interferes with~~
1615 ~~the free flow of traffic; or~~

1616
1617 (b) ~~create a safety hazard.]~~

1618
1619 ~~(B)~~(C) The director may reduce the parking space requirement for an existing
1620 developed site or for a site covered by a released, unexpired site plan on March
1621 11, 1996, if the director determines that a reduction of the parking requirement
1622 is necessary to comply with the Americans With Disabilities Act accessibility
1623 standards or the Uniform Building Code accessibility standards.

1624
1625 ~~(C)~~(D) The director may [~~not~~] reduce a parking space requirement as needed to be
1626 consistent with the elimination of the minimum number of motor vehicle
1627 parking space requirements, except those related to accessible spaces [~~under~~
1628 ~~Subsections (B) and (C) to less than 80 percent of the standard parking~~
1629 ~~requirement].~~

1630
1631 ~~(E)~~ ~~A reduction in a parking space requirement granted under Subsection (B) runs~~
1632 ~~with the use to which it pertains and does not run with the land.]~~

1634 **PART 42.** City Code Section 25-6-474 (*Parking Facilities for Persons with Disabilities*)
1635 is amended to read as follows:

1636
1637 **§ 25-6-474 PARKING FACILITIES FOR PERSONS WITH DISABILITIES**

1638 (A) A site must have:

- 1639 (1) a parking facility that is accessible to a person with disabilities;
1640
1641 (2) routes of travel that connect the accessible elements of the site; and
1642
1643 (3) the number of accessible parking spaces required by the Uniform
1644 Building Code that is based on a calculation that uses 100 percent of the
1645 parking spaces previously required for the use under Appendix A (*Tables*
1646 *of Off-Street Loading Requirements and Former Off-Street Parking*
1647 *Requirements*).
1648
1649

1650
1651 (B) A minimum of one on-site accessible space is required on an accessible route. If
1652 no driveway is provided, a minimum of one on-street or off-site accessible
1653 space is required on an accessible route per Subsection 25-6-471(D)(2). Sites
1654 that do not have dedicated motor vehicle parking spaces and no driveway
1655 access to, from, or through the site are exempt from providing on-site accessible
1656 spaces.

1657
1658 (~~C~~[B]) A person may appeal the requirements of this section to the Board of
1659 Adjustment.

1660
1661 (~~D~~[E]) A variance granted under Subsection (~~C~~[B]) applies only to the use for which
1662 the variance was granted and does not run with the land on which the use is
1663 located.

1664
1665 (~~E~~[D]) A variance granted under Subsection (~~C~~[B]) must specify whether it includes
1666 bicycle parking and the amount of bicycle parking required. An applicant may
1667 also seek a waiver pursuant to Subsection (F) of Code Section § 25-6-477[~~(F)~~]
1668 (*Bicycle Parking*) to waive bicycle parking.
1669

1674 **PART 43.** City Code Section 25-6-476 (*Parking for Mixed Use Developments*) is
1675 amended to read as follows:
1676

1677 **§ 25-6-476 BICYCLE PARKING FOR MIXED USE DEVELOPMENTS**
1678

- 1679 (A) The bicycle parking requirement for a site with more than one use or for
1680 adjacent sites served by a common parking facility is the cumulative total of
1681 spaces required for each site or use, unless otherwise provided by this section.
1682 [~~This section applies to parking for motor vehicles and bicycles.~~]
1683
- 1684 (B) A person may request an adjustment to the bicycle parking requirement for
1685 separate uses located on one site or for separate uses located on adjoining or
1686 nearby sites and served by a common parking facility.
1687
- 1688 (C) To apply for an adjustment under this section, an applicant must submit to the
1689 director a site plan and transportation engineering report addressing the
1690 following:
1691
- 1692 (1) the characteristics of each use and the differences in projected peak
1693 parking demand, including days or hours of operation;
 - 1694
 - 1695 (2) potential reduction in vehicle movements resulting from the multi-
1696 purpose use of the parking facility by employees, customers, or residents
1697 of the uses served;
 - 1698
 - 1699 (3) potential improvements in parking facility design, circulation, and access
1700 resulting from a joint parking facility;
 - 1701
 - 1702 (4) compliance with shared parking guidelines in the Transportation Criteria
1703 Manual; and
 - 1704
 - 1705 (5) detail the amount of bicycle parking to be provided.
1706
- 1707 (D) In determining whether to approve an adjustment under Subsection (B), the
1708 director shall consider the factors included in Subsection (C).
1709
- 1710 (E) A decision of the director under this section may be appealed to the Land Use
1711 Commission. The decision of the Land Use Commission may be appealed to the
1712 city council.
1713

- 1714 (F) A parking space subject to adjustment under this section must be located in a
1715 parking facility that provides similar use availability for all uses that the parking
1716 facility is intended to serve.
- 1717
- 1718 (G) The director shall determine the type and number of bicycle spaces required for
1719 a mixed-use development at the time that the director determines the bicycle
1720 parking requirement under this section, or at the time a request for an
1721 adjustment is made under this section.
- 1722

1723 **PART 44.** City Code Section 25-6-477 (*Bicycle Parking*) is amended to read as follows:

1724

1725 **§ 25-6-477 BICYCLE PARKING**

1726

- 1727 (A) Off-street parking facilities for bicycles as prescribed in Appendix A (*Tables of*
1728 *Off-Street [~~Parking And~~] Loading Requirements and Former Off-Street Parking*
1729 *Requirements*) must be provided for each use on a site~~[, and shall be calculated~~
1730 ~~prior to any reductions approved under this article for motor vehicle parking]~~.
- 1731
- 1732 (B) Any addition or enlargement of an existing building or use or any change of
1733 occupancy or operation ~~[that increases the number of required motor vehicle~~
1734 ~~parking spaces above the existing spaces on an existing site]~~ shall require a
1735 proportional increase in bicycle parking adhering to Appendix A, Part 2
1736 (*Bicycles*) for the new use or expanded use or change in occupancy.
- 1737
- 1738 (C) A required bicycle space must comply with the requirements of the
1739 Transportation Criteria Manual.
- 1740
- 1741 (D) The location of an off-street bicycle parking facility shall comply with the
1742 following requirements:
- 1743
- 1744 (1) A minimum of 50% of all required bicycle parking shall be located
1745 within 50 feet of the principal building entrance which shall not be
1746 obscured from public view; and
- 1747
- 1748 (a) in a secure location within 50 feet of other building entryways
1749 other than the principal building entrance;
- 1750
- 1751 (b) at employee only entrances;
- 1752
- 1753 (c) within a building; or
- 1754

1755 (d) in a covered motor vehicle parking facility within 50 feet of a
1756 street level entrance.

1757
1758 (2) The remaining required bicycle parking may be located as follows:

1759
1760 (3) The closest bicycle parking facility must be no farther than the closest
1761 motor vehicle parking space, excluding accessible parking spaces.

1762
1763 (E) A provision of this article that is applicable to off-street motor vehicle parking
1764 also applies to bicycle parking, unless the provision conflicts with this section.

1765
1766 (F) The city manager may waive a requirement relating to the number or type of
1767 bicycle spaces or approve an alternate method of compliance after considering
1768 the characteristics of the use, the site, and the surrounding area. A waiver may
1769 not reduce the number of required bicycle spaces to less than two.

1770
1771 **PART 45.** City Code Section 25-6-478 (*Motor Vehicle Reductions General*) is repealed
1772 and replaced with a new Section 25-6-478 to read as follows:

1773
1774 **§ 25-6-478 PARKING FACILITIES, CIRCULATION AREAS, AND QUEUE**
1775 **LINES AFTER JANUARY 1, 1985**

1776
1777 A parking facility, circulation area, or queue line constructed or substantially reconstructed
1778 after January 1, 1985, must comply with the design standards prescribed in Division 4
1779 (*Design and Construction Standards for Parking And Loading Facilities*), the
1780 Transportation Criteria Manual, and the landscape standards prescribed in Chapter 25-2,
1781 Subchapter C, Article 9 (*Landscaping*).

1782
1783 **PART 46.** City Code Section 25-6-501 (*Off-Site Parking*) is repealed and reserved.

1784
1785 **PART 47.** City Code Section 25-6-502 (*Application and Approval*) is repealed and
1786 reserved.

1787
1788 **PART 48.** Subsection (B) of City Code Section 25-6-531 (*Off-Street Loading Facility*
1789 *Required*) is amended to read as follows:

1790
1791 (B) For an off-street loading facility in use on March 1, 1984, a person may not:

1792
1793 (1) reduce the capacity to less than the number of spaces prescribed by
1794 Appendix A (*Tables of Off-Street [~~Parking And~~] Loading Requirements*
1795 *and Former Off-Street Parking Requirements*); or

- 1796 (2) alter the design or function in a manner that violates Appendix A (*Tables*
1797 *of Off-Street [~~Parking And~~] Loading Requirements and Former Off-*
1798 *Street Parking Requirements*).
1799

1800 **PART 49.** City Code Section 25-6-532 (*Off-Street Loading Standards*) is amended to read
1801 as follows:
1802

- 1803 (A) A person must provide an off-street loading facility for each use in a building or
1804 on a site as prescribed in Appendix A (*Tables of Off-Street [~~Parking And~~*
1805 *Loading Requirements and Former Off-Street Parking Requirements*).
1806
1807 (B) Multiple uses or occupancies located in a single building or on one site may be
1808 served by a common loading space if the director determines that the loading
1809 space can adequately serve each use.
1810
1811 (C) For a common loading space, described under Subsection (B), the director shall
1812 apply Appendix A (*Tables of Off-Street [~~Parking And~~] Loading Requirements*
1813 *and Former Off-Street Parking Requirements*) to the combination of buildings
1814 and uses served by the loading space instead of to each individual building and
1815 use. The schedule applicable to the use with the greatest load requirement shall
1816 be used.
1817
1818 (D) An off-street loading facility requirement is based on the gross floor area. The
1819 gross floor area does not include enclosed or covered areas used for off-street
1820 parking or loading.
1821
1822 (E) In this section, each two square feet of exterior site area used for a commercial
1823 or industrial use equals one square foot enclosed floor area.
1824

1825 **PART 50.** City Code Section 25-6-591 (*Parking Provisions for Development in the*
1826 *Central Business District (CBD), the Downtown Mixed Use (DMU) District, the Public (P)*
1827 *Zoning Districts, and the University Neighborhood Overlay (UNO) District*) is amended to
1828 read as follows:
1829

1830 **§ 25-6-591 PARKING PROVISIONS FOR DEVELOPMENT IN THE CENTRAL**
1831 **BUSINESS DISTRICT (CBD), THE DOWNTOWN MIXED USE (DMU)**
1832 **DISTRICT, THE PUBLIC (P) ZONING DISTRICTS, AND THE UNIVERSITY**
1833 **NEIGHBORHOOD OVERLAY (UNO) DISTRICT**
1834

- 1835 (A) The requirements of this section apply to the:
1836

- 1837 (1) central business district (CBD);
1838
1839 (2) downtown mixed use (DMU) zoning district;
1840
1841 (3) public (p) zoning district within the area bounded by Martin Luther King,
1842 Jr., Boulevard; IH-35; Lady Bird Lake; and Lamar Boulevard; and
1843
1844 (4) university neighborhood overlay (UNO) district.
1845

- 1846 (B) Off-street motor vehicle parking is not required within the central business
1847 district (CBD) or downtown mixed use (DMU) zoning districts except as
1848 provided by this subsection. For purposes of this subsection, off-street parking
1849 includes any parking that is designated to serve a use and is not located in a
1850 public right-of-way, regardless of whether the parking is onsite or offsite.
1851

1852 Editor's note—Amendments to division (B) of this section made by Ord.
1853 20130523-104 did not take into account amendments previously made by Ord.
1854 20130411-061. The amendments enacted by Ord. 20130523-104 have therefore
1855 been made only to other parts of the section that do not conflict with Ord.
1856 20130411-061. Future legislation will correct the text if needed.
1857

- 1858 (1) If off-street parking is provided, it must include parking for persons with
1859 disabilities as required by the Building Code and may not include fewer
1860 accessible spaces than would be required under Paragraph (2)(a) of this
1861 subsection.
1862
1863 (2) Except for a use occupying a designated historic landmark or an existing
1864 building in a designated historic district, off-street motor vehicle parking
1865 for persons with disabilities must be provided for a use that occupies
1866 6,000 square feet or more of floor space under the requirements of this
1867 paragraph.
1868
1869 (a) The following requirements apply if no parking is provided for a
1870 use, other than parking for persons with disabilities:
1871
1872 (i) the minimum number of accessible parking spaces is
1873 calculated by taking 100[20] percent of the parking previously
1874 required for the use under Appendix A (*Tables of Off-Street*
1875 *[Parking And] Loading Requirements and Former Off-Street*
1876 *Parking Requirements*) and using that result to determine the
1877 number of accessible spaces required under the Building

1878 Code. The accessible spaces may be provided on- or off-site,
1879 within 250 feet of the use and must be on an accessible route.

1880
1881 (ii) The director may waive or reduce the number of accessible
1882 spaces required under Paragraph (2)(a)(i) if the applicant pays
1883 a fee in-lieu to be used by the city to construct and maintain
1884 accessible parking in the vicinity of the use. The availability
1885 of this option is contingent on the establishment of a fee by
1886 separate ordinance and the adoption of a program by the
1887 director to administer the fee and establish eligibility criteria.
1888 A decision by the director that a use is ineligible for a fee in-
1889 lieu is final.

1890
1891 (iii) The director may waive or reduce the number of accessible
1892 spaces required if no accessible spaces can be provided
1893 consistent with the requirements of Paragraph (2)(a)(i) and the
1894 use is ineligible for participation in the fee in-lieu program
1895 under Paragraph (2)(a)(ii).

1896
1897 (iv) An off-site or on-street parking space designated for persons
1898 with disabilities that is located within 250 feet of a use may be
1899 counted towards the number of parking spaces the use is
1900 required to provide under Paragraph (2)(a)(i).

1901
1902 (b) If any off-street parking is provided for a use, other than parking for
1903 persons with disabilities, then the use is subject to the requirements
1904 in Paragraph (1).

1905
1906 (3) Except as provided in Subsection (C) of this section, the maximum motor
1907 vehicle parking facility allowed is 60 percent of the number of motor
1908 vehicle parking spaces previously required by Appendix A (*Tables of*
1909 *Off-Street [Parking And] Loading Requirements and Former Off-Street*
1910 *Parking Requirements*).

1911
1912 (4) A minimum of two bicycle parking spaces is required, and the total
1913 amount of bicycle parking required is calculated by applying Appendix A
1914 to the proposed use.

1915
1916 (5) Except as provided in Subsections (C) and (D) of this section, a parking
1917 garage must be separated from an adjacent street by a pedestrian-oriented

1918 use described in Section 25-2-691 (*Waterfront Overlay (WO) District*
1919 *Uses*) that fronts on the street at the ground level.

1920
1921 (6) A curb cut for a garage access must have a width of 30 feet or less.

1922
1923 (7) At the intersection of sidewalk and parking access lane, ten-degree cones
1924 of vision are required.

1925
1926 (C) The maximum number of parking spaces allowed under Subsection (B)(3) of
1927 this section may be increased at the request of an applicant under the
1928 requirements of this subsection.

1929
1930 (1) The director shall approve an increase if all parking spaces are contained
1931 in a parking structure and the total number of spaces is less than 110
1932 percent of the spaces calculated under Appendix A (*Tables of Off-Street*
1933 *[Parking And] Loading Requirements and Former Off-Street Parking*
1934 *Requirements*).

1935
1936 [~~2~~]—The director or the Land Use Commission may approve an increase equal
1937 to or greater than 110 percent of the number of spaces calculated under
1938 Appendix A (*Tables of Off-Street Parking and Loading Requirements*) if
1939 the criteria in Section 25-6-501(D)(2) (*Off-Site Parking Allowed*) are
1940 satisfied.]

1941
1942 [~~2~~3] Only if bicycle parking is also increased proportionately.

1943
1944 (D) The Land Use Commission may waive the requirement of Subsection (B)(5) of
1945 this section during the site plan review process after determining that:

1946
1947 (E) If a waiver is granted under Subsection (D), an area for which the requirement
1948 is waived must be screened.

1949
1950 **PART 51.** City Code Section 25-6-593 (*Provisions for Property in the Central Urban*
1951 *Redevelopment (CURE) Combining District Area*) is repealed and reserved.

1952
1953 **PART 52.** City Code Section 25-6-601 (*Parking Requirements for University*
1954 *Neighborhood Overlay District*) is repealed and reserved.

1955
1956 **PART 53.** City Code Section 25-6-611 (*Parking Requirements for a Transit Oriented*
1957 *Development District*) is repealed and reserved.

1959
1960
1961
1962
1963
1964
1965
1966
1967
1968
1969
1970
1971
1972
1973
1974
1975
1976
1977

PART 54. Appendix A (*Tables of Off-Street Parking and Loading Requirements*) to Chapter 25-6 (*Transportation*) is amended as shown in Exhibit “A” and incorporated in this ordinance.

PART 55. This ordinance takes effect on _____, 2023.

PASSED AND APPROVED

_____ §
_____ §
_____ § _____, 2023

Kirk Watson
Mayor

APPROVED: _____ **ATTEST:** _____
Anne L. Morgan Myrna Rios
City Attorney City Clerk

