

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;

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

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

§ 25-2-121 PURPOSES OF INDUSTRIAL DISTRICT DESIGNATIONS

The purposes of the industrial district designation are to:

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

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

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

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

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

- 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,~~[or]~~ 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.
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PART 8. Subsection (B) of City Code Section 25-2-474 (*Required Findings*) is amended to read as follows:

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

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

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

(D) Standards.

(1) A commercial-residential development is not subject to certain dimensional standards applicable in the base zoning district. These standards include:

- (a) minimum site area requirements (if applicable);
- (b) minimum street side yard setback and interior yard setback; and
- (c) except when the right-of-way is less than 60 feet in width, the minimum front yard setback for a building with three or more stories in height shall be 30 feet from the centerline of the street to ensure adequate Fire Department access.

~~[(2) Except as provided in Subsection (D)(3), the minimum off-street parking requirement for a commercial-residential development is 60 percent of that prescribed by Appendix A (*Tables of Off-Street Parking and Loading Requirements*). This reduction may not combined with any other~~

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.
191
192
193
194

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

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

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

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

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

- (C) This subsection applies to a multifamily use that is located in a transit-oriented development district or on a core transit corridor or future core transit corridor and that complies with the requirements in Subsection (C)(3).
 - (1) The following site area and parking requirements apply to a dwelling unit that contains 500 square feet or less.
 - (a) the minimum site area requirement is zero; and
 - ~~[(b) the minimum off-street parking requirement is .25; and]~~
 - (b[e]) parking is to be leased separately.
 - (2) For a three-bedroom unit the minimum site area requirement is zero.
 - (3) The site area and parking requirements in Subsection (C)(1) and the site area requirements in Subsection (C)(2) apply if the use meets the affordability requirements of this subsection.

- 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
- 296 (a) in an SF-5 or more restrictive district; or
297
- 298 (b) on which a residential use permitted in an SF-5 or more restrictive
299 district is located.
300
- 301 (4) A person may not operate a mobile retail establishment between the
302 hours of 11:00 p.m. and 6:00 a.m.
303
- 304 (5) A mobile retail establishment may not be located less than twenty feet
305 from a general retail sales (convenience) use, general retail sales
306 (general) use, pet services use, or personal services use.
307
- 308 (6) A drive-in service is not permitted.
309
- 310 (7) Exterior lighting must be hooded or shielded so that the light source is
311 not directly visible to a residential use.

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

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

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

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

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

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

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

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

(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.

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

(A) This article does not apply to:

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

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

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

A mobile home park must comply with the following requirements:

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

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

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

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

(D) This subsection prescribes parking requirements.

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

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

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

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

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

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

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

How this Subchapter is organized:

This Subchapter is divided into five Articles.

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

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

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

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

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

Connectivity (based on roadway type);

[~~Parking reductions;~~]

Exterior lighting;

594 *Screening of equipment and utilities; and*

595
596
597 *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.)
- 634

- 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

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

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.G. of Article 4 (*Mixed Use*) of Subchapter E of City Code
695 Chapter 25-2 is amended to read as follows:

- 696
- 697 G. **Mixed Use Buildings Other than VMU.** If a building that otherwise meets the
698 standards for VMU buildings may be developed using the site development
699 standards of the underlying zoning category, and without the use of the
700 dimensional standard waivers [~~or parking reductions~~] of Section 4.3.3.E., then
701 that building need not comply with the standards (including affordability) that
702 otherwise apply to VMU buildings.

703

704 **PART 31.** Section 4.3.5. of Article 4 (*Mixed Use*) of Subchapter E of City Code Chapter
705 25-2 is amended to read as follows:

706

707 **4.3.5. Individual Neighborhood Consideration of VMU Requirements ("Opt-in/Opt-**
708 **out Process").**

- 709
- 710 A. **Purpose.** The purpose of this subsection is to establish a one-time process,
711 which will begin following the adoption of this Subchapter, whereby individual
712 neighborhoods may consider certain development characteristics of VMU
713 buildings within their boundaries and communicate their preferences to the City
714 Council. No property is eligible for an exemption from the dimensional
715 standards (of Section 4.3.3.E.2.) [~~or for the parking reduction (of Section~~

716 4.3.3.E.3.~)] or for the additional ground-floor uses otherwise authorized by
717 Section 4.3.3.C.2. until the conclusion of the opt-in and opt-out processes
718 described in this section.
719

720 **B. Procedure.**

- 721
- 722 1. **Initiation.** Upon the adoption date of this Subchapter, the Director shall
723 identify neighborhood areas and notify each neighborhood planning team
724 that the VMU neighborhood consideration process shall be initiated. If
725 there is no neighborhood planning team, the applicable neighborhood
726 associations in a neighborhood shall work together to develop an opt-
727 in/opt-out application for the purposes of this section.
728
 - 729 2. **Application.** Each neighborhood planning team or neighborhood
730 association shall review the VMU standards in Section 4.3.3. The
731 planning team or applicable neighborhood association may, no later than
732 90 days after receiving written notice from the Director of this
733 Subchapter's adoption, submit an opt-in/optout application to the City
734 Manager concerning any of the items listed in subsection C. below. The
735 planning team or neighborhood association may amend a timely filed
736 application not later than August 9, 2007.
737
 - 738 3. **Planning Commission Recommendation.** The City Manager shall
739 forward any opt-in/opt-out applications received to the Planning
740 Commission, which shall review and make recommendations on all such
741 applications to the City Council.
742
 - 743 4. **City Council Decision.** After considering the Planning Commission's
744 recommendations, the Council may by ordinance approve, approve with
745 conditions, or deny each opt-in/optout request. The Council may
746 concurrently amend the appropriate neighborhood plan. The
747 neighborhood plan amendment process does not apply to the amendment.
748
 - 749 5. **Effect of Approval.** Following completion of this one-time opt-in/opt-
750 out process:
751
 - 752 a. The director shall indicate on the zoning map with map code "V"
753 each property receiving an exemption from the dimensional
754 standards under Section 4.3.3.E.2, [~~a parking reduction under~~
755 ~~Section 4.3.3.E.3,~~] additional ground floor commercial uses under
756 Section 4.3.3.C.2, or a reduction in the median family income for

757 affordable rental housing under Section 4.3.3.F.2.b. The "V" shall
758 include properties receiving the exemption under Section
759 4.3.5.B.4. pursuant to Council action on an opt-out application, or
760 under Section 4.3.5.C.1.b. if no application has been filed.

- 761
- 762 b. Any subsequent amendments to the VMU standards in a
763 neighborhood shall require amendment of the applicable
764 neighborhood plan and neighborhood plan combining district.
- 765
- 766 c. Any property owner or neighborhood association may submit an
767 application to change the VMU rules on a specific property or
768 properties by amending the applicable neighborhood plan and
769 neighborhood plan combining district to opt-in to the exemption
770 from the dimensional standards of Section 4.3.3.E.2 [~~and/or for the~~
771 ~~parking reduction of Section 4.3.3.E.3~~] and/or the additional
772 ground-floor uses identified by Section 4.3.3.C.2.
- 773
- 774 d. Any property owner may file a zoning application for Vertical
775 Mixed Use (V) or Mixed Use (MU) combining district, regardless
776 of whether a neighborhood plan combining district has been
777 adopted.

778

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

781

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

- 783
- 784 a. A neighborhood with properties in the VMU overlay district may
785 request that the neighborhood "opt-out" of the dimensional [~~and/or~~
786 ~~parking~~] standards exemption[s] in Section 4.3.3.E.2. [~~and 3.~~],
787 and/or the ground-floor commercial uses allowed in Section
788 4.3.3.C.2. for some or all of the properties within the VMU overlay
789 district. If such an opt-out application is submitted and approved,
790 the applicable standards shall not apply to affected VMU buildings
791 within that neighborhood; instead, such buildings shall be required
792 to comply with all dimensional [~~and/or parking~~] and/or use
793 standards applicable to the base zoning district. Such buildings also
794 shall comply with the applicable minimum site area requirements
795 in the MU combining district; see Section 4.2.1.D.6.
- 796

- 797 b. If no opt-out application is submitted on a property, or an opt-out
798 application is submitted and denied, the dimensional [~~and parking~~]
799 standard exemption[s] in Section 4.3.3.E.2. [~~and 3.~~] and the
800 ground-floor commercial use provisions in Section 4.3.3.C.2. shall
801 apply to all VMU buildings on that property.
802

803 **2. MU-Designated Properties: Opt-in.**
804

- 805 a. A neighborhood with properties with the MU zoning designation
806 may request to "opt-in" to the dimensional [~~and/or parking~~]
807 standards exemption[s] in Section 4.3.3.E.2. [~~and 3.~~], and/or the
808 ground floor commercial uses allowed in Section 4.3.3.C.2. for
809 some or all of the properties with the MU zoning designation. If
810 such an opt-in application is submitted and approved, the
811 dimensional [~~and/or parking~~] and/or use standards shall apply to
812 VMU buildings on sites with the MU zoning designation within
813 the applicable neighborhood boundaries.
814
- 815 b. If no opt-in application is submitted for a property, or an opt-in
816 application is submitted and denied, VMU buildings on a property
817 designated MU shall comply with all dimensional [~~and parking~~]
818 and use standards applicable to the base zoning district and the MU
819 combining district.
820

821 **3. Properties Not in VMU Overlay District and without MU**
822 **Designation: Opt-in to VMU.** Any neighborhood that desires to allow
823 VMU buildings within its boundaries on commercially zoned properties
824 that are not otherwise eligible for VMU buildings under this Subchapter
825 may submit an "opt-in" application to allow such development. The
826 application shall specify the properties on which the neighborhood
827 wishes to allow VMU buildings, whether the ground-floor commercial
828 listed in Section 4.3.3.C.2. should be allowed, and whether the
829 dimensional standards exemption[s] of Section 4.3.3.E.2. [~~and 3.~~] should
830 apply.
831

832 **4. All Properties that Allow VMU Buildings: Affordability Standards.**
833 Also as part of the opt-in/opt-out process, for each neighborhood in
834 which VMU buildings are allowed, the neighborhood association or
835 neighborhood planning team may request that the affordable rental units
836 be available for renters earning a lower percentage of the area median

family income, to as low as 60 percent of the median family income, pursuant to Section 4.3.3.F.2.b.

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

PART 32. Section 3.3.2. of Article 3 (*Definitions and Measurement*) of Subchapter F of City Code Chapter 25-2 is amended to read as follows:

3.3.2.

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

- A. Up to 450 square feet of:
 1. A detached rear parking area that is separated from the principal structure by not less than 10 feet;
 2. A rear parking area that is 10 feet or more from the principal structure, provided that the parking area is either:
 - a. detached from the principal structure; or
 - b. attached by a covered breezeway that is completely open on all sides, with a walkway not exceeding 6 feet in width and a roof not exceeding 8 feet in width; or
 3. A parking area that is open on two or more sides, if:

- i. it does not have habitable space above it; and
- ii. the open sides are clear and unobstructed for at least 80% of the area measured below the top of the wall plate to the finished floor of the carport.

B. Up to 200 square feet of:

- 1. An attached parking area if it used to meet the minimum accessible spaces~~[parking]~~ requirement; or
- 2. A garage that is less than 10 feet from the rear of the principal structure, provided that the garage is either:
 - a. detached from the principal structure; or
 - b. attached by a covered breezeway that is completely open on all sides, with a walkway not exceeding 6 feet in width and a roof not exceeding 8 feet in width.

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

PART 33. City Code Section 25-3-83 (*Parking*) is amended to read as follows:

§ 25-3-83 PARKING

- (A) The following parking regulations apply in a traditional neighborhood district:
- (1) A parking lot or garage may not be adjacent to a square or adjacent to or opposite a street intersection.
 - (2) A parking lot shall be located at the rear or side of a building. If located at the side, screening shall be provided at the lot line by landscaping or decorative walls or fences.
 - (3) Compact parking spaces are prohibited.

- 919 (4) There is no off-street loading requirement for a building with less than
920 10,000 square feet of gross building area. The director shall determine
921 the location, number, and dimensions of the off-street loading for a larger
922 building.
- 923
- 924 (5) Except as approved by the director, parking in alleys is prohibited.
- 925
- 926 (6) There are no minimum parking requirements for motor vehicles, except
927 for accessible space parking. The required minimum number of
928 accessible spaces is determined by the requirements of Section 25-6-471
929 (Off-Street Parking) and Section 25-6-474 (Parking Facilities for
930 Persons with Disabilities).~~[Minimum parking requirements are as~~
931 ~~follows:~~
- 932
- 933 (a) ~~Except as otherwise provided in this subsection, a commercial use~~
934 ~~must provide one parking space for every 500 square feet of gross~~
935 ~~building area.~~
- 936
- 937 (b) ~~A commercial use parking lot or garage must provide not less than~~
938 ~~one bicycle parking space for every 10 motor vehicle parking~~
939 ~~spaces.~~
- 940
- 941 (c) ~~A condominium, multi-family, group residential, or retirement~~
942 ~~housing use must provide one parking space for the first bedroom~~
943 ~~of a dwelling unit and 0.5 parking space for each additional~~
944 ~~bedroom.~~
- 945
- 946 (d) ~~A townhouse, single-family residential, duplex, group home, or~~
947 ~~family home use must provide two parking spaces for each~~
948 ~~dwelling unit.~~
- 949
- 950 (e) ~~A convalescent services or congregate living use must provide one~~
951 ~~parking space for every four beds.~~
- 952
- 953 (f) ~~A daycare services, primary educational facilities, or secondary~~
954 ~~educational facilities use must provide one parking space for each~~
955 ~~employee.~~
- 956
- 957 (g) ~~The director shall determine the parking requirement for any use~~
958 ~~not listed in this subsection.]~~
- 959

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

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

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

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

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

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

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

PART 34. Subsection (C) of City Code Chapter 25-4-232 (*Small Lot Subdivisions*) is amended to read as follows:

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

(1) Minimum lot area is:

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

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

(2) Minimum lot width is:

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

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

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

(3) Minimum front yard setback is 15 feet.

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

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

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

(7) Except for a patio or patio cover, the minimum distance between structures on adjoining lots is seven feet. The minimum distance between a patio or patio cover and the roof line of a structure on an adjoining lot is six feet.

(8) The wall of a structure built adjacent to a zero lot line or within three feet of a common side lot line must be solid and opaque and may not contain an opening.

(9) Minimum rear yard setback is five feet, excluding drainage easements.

(10) Minimum setback is ten feet between a rear access easement and a building or fence.

(11) Maximum building coverage is 55 percent.

(12) Maximum impervious cover is 65 percent.

(13) Maximum building height is 35 feet.

(14) A lot may have not more than one dwelling unit.

~~[(15) Two off street parking spaces are required for each dwelling unit.]~~

~~(15)~~[(16)] A maintenance easement is required in the dominant side yard of a lot.

1042 (16[17]) A use easement is required in the subordinate side yard of a lot.

1043
1044 (17[18]) A lot that is less than 50 feet wide and that fronts on a collector street
1045 must have a paved alley or paved private access easement along the rear
1046 property line.

1047
1048 (18[19]) Minimum pavement width of a private access easement is 25 feet. In
1049 the extraterritorial jurisdiction, the minimum pavement width is 25 feet
1050 or the width required by the county, whichever is greater.

1051
1052 (19[20]) A lot may not front on an arterial street.

1053
1054 (20[21]) Underground utility service to all lots is required.

1055
1056 (21[22]) Maintenance of a common area or access easement is the responsibility
1057 of the adjoining property owner or the homeowners' association, in
1058 accordance with the required Declaration of Covenants, Easements, and
1059 Restrictions.

1060
1061 **PART 35.** Subsection (E) of City Code Section 25-4-233 (*Single-Family Attached*
1062 *Residential Subdivision*) is amended to read as follows:

1063
1064 (E) A lot must comply with the following requirements:

1065
1066 (1) Minimum site area is 7,000 square feet.

1067
1068 (2) Minimum lot area is 3,000 square feet.

1069
1070 (3) Minimum lot width is:

1071
1072 (a) 25 feet, except for a lot on a cul-de-sac or curved street; and

1073
1074 (b) 20 feet on a cul-de-sac or curved street.

1075
1076 (4) A lot may have not more than one dwelling unit.

1077
1078 (5) Maximum height is 35 feet.

1079
1080 (6) Minimum front yard setback is 25 feet.

1081
1082 (7) Minimum street side yard setback is 15 feet.

- 1083
- 1084 (8) Minimum interior side yard setback is five feet, except between attached
- 1085 units.
- 1086
- 1087 (9) Minimum rear yard setback is 10 feet.
- 1088
- 1089 (10) Maximum building coverage is 40 percent.
- 1090
- 1091 (11) Maximum impervious coverage is 45 percent.
- 1092
- 1093 ~~[(12) At least two off-street parking spaces are required for a dwelling. The~~
- 1094 ~~driveway may count as one of the spaces.]~~
- 1095

1096 **PART 36.** Subsection (C) of City Code Section 25-5-2 (*Site Plan Exemptions*) is amended

1097 to read as follows:

1098

- 1099 (C) Except for a change of use to an adult oriented business, a site plan is not
- 1100 required for a change of use if the new use complies with the off-street
- 1101 accessible space ~~[parking]~~ requirements of this title.
- 1102

1103 **PART 37.** Subsection (B) of City Code Section 25-5-145 (*Evaluation of Conditional Use*

1104 *Site Plan*) is amended to read as follows:

1105

- 1106 (B) A conditional use site plan must:
- 1107
- 1108 (1) comply with the requirements of this title;
- 1109
- 1110 (2) comply with the objectives and purposes of the zoning district;
- 1111
- 1112 (3) have building height, bulk, scale, setback, open space, landscaping,
- 1113 drainage, access, traffic circulation, and use that is compatible with the
- 1114 use of an abutting site;
- 1115
- 1116 (4) provide adequate and convenient off-street ~~[parking and]~~ loading
- 1117 facilities;
- 1118
- 1119 (5) reasonably protect persons and property from erosion, flood, fire, noise,
- 1120 glare, and similar adverse effects; and
- 1121

- 1122 (6) for a conditional use located within the East Austin Overlay district,
1123 comply with the goals and objectives of a neighborhood plan adopted by
1124 the city council for the area in which the use is proposed.
1125

1126 **PART 38.** City Code Section 25-6-471 (*Off-Street Parking Facility Required*) is amended
1127 to read as follows:
1128

1129 **§ 25-6-471 OFF-STREET PARKING [FACILITY REQUIRED]**
1130

- 1131 (A) Except as provided in Subsection (B), off-street motor vehicle parking is not
1132 required. This article shall govern over a conflicting provision of this title or
1133 other ordinance, unless the conflicting provision is less restrictive. This article
1134 applies to all uses and to specific regulating plans, Transit Oriented
1135 Development areas (TODs), and Neighborhood Conservation Combining
1136 Districts (NCCDs) that incorporate this chapter by reference. A planned unit
1137 development (PUD) that includes specific off-site parking requirements
1138 controls over this article. [An applicant must provide an off-street parking
1139 facility for:

1140 (1) ~~a new building;~~
1141

1142 (2) ~~a new use;~~
1143

1144 (3) ~~an addition to or enlargement of an existing building or use; or~~
1145

1146 (4) ~~a change of occupancy or operation that increases the number of needed~~
1147 ~~parking spaces above the existing spaces.]~~
1148

- 1149
1150 (B) A minimum of one on-site accessible space is required. The minimum number
1151 of accessible spaces is calculated by taking 100 percent of the parking
1152 previously required for the use under Appendix A (*Tables of Off-Street Loading*
1153 *Requirements and Former Off-Street Parking Requirements*) and using that
1154 result to determine the number of accessible parking spaces required under the
1155 Building Code. [Except as provided in Subsection (C), additional parking
1156 facilities required under this section are required only for the addition,
1157 enlargement, or change, and not for the entire building or use.]
1158

- 1159 (C) If an applicant provides an off-street parking facility for a building or use,
1160 accessible spaces must be provided on-site.[An addition, enlargement, or
1161 change in use for a cocktail lounge or a restaurant with a late hours permit is
1162 required to meet parking facility requirements for the entire building or use.]

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

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

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

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

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

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

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

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

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

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

~~[(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;]~~

1204 [(2) ~~CORRIDOR DEVELOPMENT~~ means a development that includes 15
1205 percent or less short-term rental (STR) uses and is subject to Division 13
1206 (~~Corridor Overlay~~) of Chapter 25-2, Subchapter C; and]

1207
1208 [(3)] QUALIFYING DEVELOPMENT means a development certified under
1209 Section 25-1-724 (*Certification*) and participating in the Affordability
1210 Unlocked Bonus Program.
1211

1212 (G[F]) A qualifying development is not required to comply with Appendix A of
1213 Chapter 25-6 (*Transportation*) but must comply with this section.
1214

1215 (1) ~~[If the parking provided by a qualifying development with more than two~~
1216 ~~units is fewer parking spaces than required in Appendix A (*Tables of Off-*~~
1217 ~~*Street Parking and Loading Requirements*),] T[t]he minimum number of~~
1218 ~~required off-street accessible spaces is the greater of:~~
1219

1220 (a) one accessible parking space;

1221
1222 (b) the number of accessible spaces required under the Building Code
1223 based on 100 percent of the parking previously required for use
1224 under Appendix A (*Tables of Off-Street [Parking and] Loading*
1225 *Requirements and Former Off-Street Parking Requirements*); or
1226

1227 (c) the number of accessible spaces required under the ADA or the
1228 FHAA, as appropriate.
1229

1230 (2) An accessible space must be adjacent to the site and on an accessible
1231 route.
1232

1233 (3) An accessible parking space must comply with design, accessibility, and
1234 location requirements imposed by the ADA and the FFHA, as
1235 appropriate.
1236

1237 (4) Accessible parking detailed in Subsection (G[F])(1) must be provided off-
1238 street except insofar as on-street or off-site parking is allowed elsewhere
1239 in this title.
1240

1241 ~~[(K) This subsection applies to a corridor development that includes at least one~~
1242 ~~residential use and is located more than 300 feet from a private or public~~
1243 ~~primary or secondary educational facility.~~
1244

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

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

(3) ~~The required off-street parking for a corridor development that is located on a larger corridor is 25 percent of the parking required for the use under Appendix A (*Tables of Off-Street Parking and Loading Requirements*).~~

(4) ~~The required off-street parking for a corridor development that is located on a medium corridor is 50 percent of the parking required for the use under Appendix A (*Tables of Off-Street Parking and Loading Requirements*).~~

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

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

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

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

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

PART 39. City Code Section 25-6-472 (*Parking Facility Standards*) is amended to read as follows:

§ 25-6-472 PARKING FACILITY STANDARDS

(A) Except as provided in Section 25-6-473 (*Modification Of Parking Requirement*), a parking facility for a use must comply with the requirements in Section 25-6-471 (*Off-Street Parking*) and Appendix A (*Tables of Off-Street*

1285 [Parking and] Loading Requirements and Former Off-Street Parking
1286 Requirements), as applicable.

1287
1288 (B) A parking facility must:

- 1289
1290 (1) be maintained for the duration of the use or existence of the building
1291 requiring the facility; and
1292
1293 (2) be used exclusively for the temporary parking of passenger automobiles,
1294 motor vehicles, or light trucks not exceeding one ton in capacity.
1295

1296 (C) A parking facility requirement is based on gross floor area of a building or use
1297 served by the facility. For the purpose of calculating parking requirements,
1298 gross floor area does not include enclosed or covered areas used for off-street
1299 parking or loading, bicycle storage rooms or shower facilities.
1300

1301 (D) The parking facility requirement for a general retail service use in a shopping
1302 center is based on the gross floor area of the entire shopping center, including
1303 portions not used for a general retail use. The parking requirement for a use in a
1304 shopping center other than a general retail service use is based on the rate for
1305 the use.
1306

1307 (E) Except in the central business district (CBD) or a downtown mixed use (DMU)
1308 zoning district, an outdoor seating area for a restaurant (general) or a cocktail
1309 lounge use must be included with the gross floor area to determine the parking
1310 requirement.
1311

1312 (F) If a calculation under Appendix A (*Tables of Off-Street [Parking and] Loading*
1313 *Requirements and Former Off-Street Parking Requirements*) results in a
1314 fractional requirement, a fraction of 0.5 or greater is rounded to the next larger
1315 whole number.
1316

1317 (G) If a parking facility requirement is based on seating or capacity, occupancy is
1318 determined as prescribed in Chapter 25-12 (*Uniform Building Code*).
1319

1320 (H) Head-in parking is prohibited in a townhouse and condominium residential (SF-
1321 6) or less restrictive zoning district.
1322

1323 ~~[(I) A person may not:~~
1324

- (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).]~~

PART 40. City Code Section 25-6-473 (*Modification of Parking Requirement*) is amended to read as follows:

§ 25-6-473 MODIFICATION OF PARKING REQUIREMENT

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

Subsections (B) and (C) to less than 80 percent of the standard parking requirement].

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

PART 41. City Code Section 25-6-474 (*Parking Facilities for Persons with Disabilities*) is amended to read as follows:

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

(A) A site must have:

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

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

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

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

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

PART 42. City Code Section 25-6-476 (*Parking for Mixed Use Developments*) is amended to read as follows:

§ 25-6-476 BICYCLE PARKING FOR MIXED USE DEVELOPMENTS

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

- 1447 (F) A parking space subject to adjustment under this section must be located in a
1448 parking facility that provides similar use availability for all uses that the parking
1449 facility is intended to serve.
- 1450
- 1451 (G) The director shall determine the type and number of bicycle spaces required for
1452 a mixed-use development at the time that the director determines the bicycle
1453 parking requirement under this section, or at the time a request for an
1454 adjustment is made under this section.
- 1455

1456 **PART 43.** City Code Section 25-6-477 (*Bicycle Parking*) is amended to read as follows:

1457

1458 **§ 25-6-477 BICYCLE PARKING**

1459

- 1460 (A) Off-street parking facilities for bicycles as prescribed in Appendix A (*Tables of*
1461 *Off-Street [Parking And] Loading Requirements and Former Off-Street Parking*
1462 *Requirements*) must be provided for each use on a site~~[, and shall be calculated~~
1463 ~~prior to any reductions approved under this article for motor vehicle parking]~~.
- 1464
- 1465 (B) Any addition or enlargement of an existing building or use or any change of
1466 occupancy or operation ~~[that increases the number of required motor vehicle~~
1467 ~~parking spaces above the existing spaces on an existing site]~~ shall require a
1468 proportional increase in bicycle parking adhering to Appendix A, Part 2
1469 (*Bicycles*) for the new use or expanded use or change in occupancy.
- 1470
- 1471 (C) A required bicycle space must comply with the requirements of the
1472 Transportation Criteria Manual.
- 1473
- 1474 (D) The location of an off-street bicycle parking facility shall comply with the
1475 following requirements:
- 1476
- 1477 (1) A minimum of 50% of all required bicycle parking shall be located
1478 within 50 feet of the principal building entrance which shall not be
1479 obscured from public view; and
- 1480
- 1481 (a) in a secure location within 50 feet of other building entryways
1482 other than the principal building entrance;
- 1483
- 1484 (b) at employee only entrances;
- 1485
- 1486 (c) within a building; or
- 1487

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

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

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

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

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

PART 44. City Code Section 25-6-478 (*Motor Vehicle Reductions General*) is repealed and replaced with a new Section 25-6-478 to read as follows:

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

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

PART 45. City Code Section 25-6-501 (*Off-Site Parking*) is repealed and reserved.

PART 46. City Code Section 25-6-502 (*Application and Approval*) is repealed and reserved.

PART 47. Subsection (B) of City Code Section 25-6-531 (*Off-Street Loading Facility Required*) is amended to read as follows:

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

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

- 1529 (2) alter the design or function in a manner that violates Appendix A (*Tables*
1530 *of Off-Street [~~Parking And~~] Loading Requirements and Former Off-*
1531 *Street Parking Requirements*).
1532

1533 **PART 48.** City Code Section 25-6-532 (*Off-Street Loading Standards*) is amended to read
1534 as follows:
1535

- 1536 (A) A person must provide an off-street loading facility for each use in a building or
1537 on a site as prescribed in Appendix A (*Tables of Off-Street [~~Parking And~~]*
1538 *Loading Requirements and Former Off-Street Parking Requirements*).
1539
- 1540 (B) Multiple uses or occupancies located in a single building or on one site may be
1541 served by a common loading space if the director determines that the loading
1542 space can adequately serve each use.
1543
- 1544 (C) For a common loading space, described under Subsection (B), the director shall
1545 apply Appendix A (*Tables of Off-Street [~~Parking And~~] Loading Requirements*
1546 *and Former Off-Street Parking Requirements*) to the combination of buildings
1547 and uses served by the loading space instead of to each individual building and
1548 use. The schedule applicable to the use with the greatest load requirement shall
1549 be used.
1550
- 1551 (D) An off-street loading facility requirement is based on the gross floor area. The
1552 gross floor area does not include enclosed or covered areas used for off-street
1553 parking or loading.
1554
- 1555 (E) In this section, each two square feet of exterior site area used for a commercial
1556 or industrial use equals one square foot enclosed floor area.
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PART 49. City Code Section 25-6-591 (*Parking Provisions for Development in the Central Business District (CBD), the Downtown Mixed Use (DMU) District, the Public (P) Zoning Districts, and the University Neighborhood Overlay (UNO) District*) is amended to read as follows:

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

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

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

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

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

- (1) If off-street parking is provided, it must include parking for persons with disabilities as required by the Building Code and may not include fewer accessible spaces than would be required under Paragraph (2)(a) of this subsection.
- (2) Except for a use occupying a designated historic landmark or an existing building in a designated historic district, off-street motor vehicle parking for persons with disabilities must be provided for a use that occupies

1610 6,000 square feet or more of floor space under the requirements of this
1611 paragraph.

1613 (a) The following requirements apply if no parking is provided for a
1614 use, other than parking for persons with disabilities:

1616 (i) the minimum number of accessible parking spaces is
1617 calculated by taking 100[20] percent of the parking previously
1618 required for the use under Appendix A (*Tables of Off-Street*
1619 *[Parking And] Loading Requirements and Former Off-Street*
1620 *Parking Requirements*) and using that result to determine the
1621 number of accessible spaces required under the Building
1622 Code. The accessible spaces may be provided on- or off-site,
1623 within 250 feet of the use and must be on an accessible route.

1625 (ii) The director may waive or reduce the number of accessible
1626 spaces required under Paragraph (2)(a)(i) if the applicant pays
1627 a fee in-lieu to be used by the city to construct and maintain
1628 accessible parking in the vicinity of the use. The availability
1629 of this option is contingent on the establishment of a fee by
1630 separate ordinance and the adoption of a program by the
1631 director to administer the fee and establish eligibility criteria.
1632 A decision by the director that a use is ineligible for a fee in-
1633 lieu is final.

1635 (iii) The director may waive or reduce the number of accessible
1636 spaces required if no accessible spaces can be provided
1637 consistent with the requirements of Paragraph (2)(a)(i) and the
1638 use is ineligible for participation in the fee in-lieu program
1639 under Paragraph (2)(a)(ii).

1641 (iv) An off-site or on-street parking space designated for persons
1642 with disabilities that is located within 250 feet of a use may be
1643 counted towards the number of parking spaces the use is
1644 required to provide under Paragraph (2)(a)(i).

1646 (b) If any off-street parking is provided for a use, other than parking for
1647 persons with disabilities, then the use is subject to the requirements
1648 in Paragraph (1).
1649

1650 (3) Except as provided in Subsection (C) of this section, the maximum motor
1651 vehicle parking facility allowed is 60 percent of the number of motor
1652 vehicle parking spaces previously required by Appendix A (*Tables of*
1653 *Off-Street [Parking And] Loading Requirements and Former Off-Street*
1654 *Parking Requirements*).

1655
1656 (4) A minimum of two bicycle parking spaces is required, and the total
1657 amount of bicycle parking required is calculated by applying Appendix A
1658 to the proposed use.

1659
1660 (5) Except as provided in Subsections (C) and (D) of this section, a parking
1661 garage must be separated from an adjacent street by a pedestrian-oriented
1662 use described in Section 25-2-691 (*Waterfront Overlay (WO) District*
1663 *Uses*) that fronts on the street at the ground level.

1664
1665 (6) A curb cut for a garage access must have a width of 30 feet or less.

1666
1667 (7) At the intersection of sidewalk and parking access lane, ten-degree cones
1668 of vision are required.

1669
1670 (C) The maximum number of parking spaces allowed under Subsection (B)(3) of
1671 this section may be increased at the request of an applicant under the
1672 requirements of this subsection.

1673
1674 (1) The director shall approve an increase if all parking spaces are contained
1675 in a parking structure and the total number of spaces is less than 110
1676 percent of the spaces calculated under Appendix A (*Tables of Off-Street*
1677 *[Parking And] Loading Requirements and Former Off-Street Parking*
1678 *Requirements*).

1679
1680 [~~(2) The director or the Land Use Commission may approve an increase equal~~
1681 ~~to or greater than 110 percent of the number of spaces calculated under~~
1682 ~~Appendix A (*Tables of Off Street Parking and Loading Requirements*) if~~
1683 ~~the criteria in Section 25-6-501(D)(2) (*Off-Site Parking Allowed*) are~~
1684 ~~satisfied.]~~

1685
1686 (2[3]) Only if bicycle parking is also increased proportionately.

1687
1688 (D) The Land Use Commission may waive the requirement of Subsection (B)(5) of
1689 this section during the site plan review process after determining that:
1690

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

PART 50. City Code Section 25-6-593 (*Provisions for Property in the Central Urban Redevelopment (CURE) Combining District Area*) is repealed and reserved.

PART 51. City Code Section 25-6-601 (*Parking Requirements for University Neighborhood Overlay District*) is repealed and reserved.

PART 52. City Code Section 25-6-611 (*Parking Requirements for a Transit Oriented Development District*) is repealed and reserved.

PART 53. 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 54. This ordinance takes effect on _____, 2023.

PASSED AND APPROVED

ssss

_____, 2023

Kirk Watson
Mayor

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